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I. HISTORIANS / JOURNALISTS / ARCHIVISTS

1. CHANDA, NAYAN

NATURE AND CONTENT OF TESTIMONY

1. The Witness will testify to the existence of an armed conflict between Cambodia and Vietnam (16-18 & 144-145). His testimony will be relevant to Count 2 of the Indictment. The Witness' testimony shall include, but not necessarily be limited to, the facts described below.

BACKGROUND OF WITNESS

2. The Witness was able to observe the development of the conflict between Cambodia and Vietnam in the mid- to late-1970s, and was in a position to interview key regional leaders throughout that period. The Witness spent nearly thirty years as a correspondent, editor and editor-at-large for the *Far Eastern Economic Review* where, among other things, he reported extensively on Southeast Asia. In 1989-90 Chanda was a Senior Fellow at the Carnegie Endowment for International Peace in Washington. From 1990-1992 Chanda was editor of the *Asian Wall Street Journal Weekly*, published from New York. He is currently Director of Publications at Yale University's Center for the Study of Globalization.
3. He has written extensively about Asian politics, security and foreign policy. He is the author of *Brother Enemy: The War after the War*,¹ and *Bound Together: How Traders, Preachers, Adventurers and Warriors Shaped Globalization* and is the co-author of a number of books, including *Soldiers and Stability in Southeast Asia*, *The Political Economy of Foreign Policy In Southeast Asia*, *The International Relations of Asia*, *The Age of Terror: America and the World after September 11*, and *Images of a Journey: India in Diaspora*.

ARMED CONFLICT

4. The Witness will testify that the war between Cambodia and Vietnam was motivated by Cambodia's fear that Vietnam intended to try and "swallow" Cambodia and Vietnam's fear that China wanted to create a pro-Chinese satellite country on Vietnam's south-western border.² The conflict was also driven by disagreements over the location of the maritime border between the two countries and control of islands off the Cambodian coast.³ China supported Cambodia because it feared that the Soviet Union was

¹ Nayan CHANDA, *Brother Enemy: The War after the War* (Collier Books, New York 1986), ERN 00192169-00192666 (ENG), 00191296-00191815 (KHM), Case File No. 001/D91/I/Annex 74 [hereafter *Brother Enemy*]. References in this document will be to the English version of the book.

² *Brother Enemy* at ERN 00192190-00192191, 00192216-00192217.

³ *Brother Enemy* at ERN 00192217-00192218.

supporting Vietnam in an attempt to create a pro-Soviet satellite on China's southern border.⁴ The Soviet Union supported Vietnam partly out of rivalry with China but also to acquire facilities that would allow it to project military power in the Pacific.⁵

5. Within weeks of the fall of Phnom Penh in April 1975, the new government of Cambodia sent troops to take control of coastal islands that the regime claimed.⁶ Vietnamese and Cambodian forces clashed over control of these islands in the Gulf of Thailand.⁷
6. On May 4, 1975, Cambodian forces attacked Koh Tral (Phu Qoc in Vietnamese).⁸ Six days later they also attacked Koh Krachack Ses.⁹ Two weeks later, the Vietnamese counter-attacked, killing many Cambodian soldiers and taking about 300 prisoners.¹⁰
7. A by-product of the conflict between Vietnam and Cambodia over control of the coastal islands was the seizure of the container ship *Mayaguez* on 12 May 1975 and the ensuing battle between US and Cambodian forces.¹¹
8. In June 1975, Vietnamese forces mounted a combined air and sea assault on Puolo Wai, eventually seizing the island from Cambodian forces.¹² Vietnamese forces withdrew from the island on 10 August 1975.¹³
9. Following the withdrawal of Vietnamese troops from Puolo Wai, thousands of Vietnamese men, women and children were driven out of Cambodia and into the Mekong delta in southern Vietnam.¹⁴ The Witness later learned that within the first five months after the collapse of the Lon Nol regime, more than 150,000 poor Vietnamese "flooded" into Dong Thap, An Giang, and Tay Ninh provinces in Vietnam.¹⁵
10. Sometime in late March 1977, Pol Pot decided that the pretence of normalcy in the relationship with Vietnam could be dropped and that the time had come to begin a campaign to physically exterminate all ethnic Vietnamese still remaining in Cambodia and to go on the offensive in attacking Vietnam.¹⁶ In preparation for armed conflict, army units in Cambodia's Eastern Zone were taken off their production duty to be combat-ready.¹⁷

⁴ *Brother Enemy* at ERN 00192191, 00192208.

⁵ *Brother Enemy* at ERN 00192192, 00192208.

⁶ *Brother Enemy* at ERN 00192196.

⁷ *Brother Enemy* at ERN 00192190.

⁸ *Brother Enemy* at ERN 00192128.

⁹ *Brother Enemy* at ERN 00192128.

¹⁰ *Brother Enemy* at ERN 00192128.

¹¹ *Brother Enemy* at ERN 00192194-00192195.

¹² *Brother Enemy* at ERN 00192199.

¹³ *Brother Enemy* at ERN 00192200.

¹⁴ *Brother Enemy* at ERN 00192201.

¹⁵ *Brother Enemy* at ERN 00192201.

¹⁶ *Brother Enemy* at ERN 00192271.

¹⁷ *Brother Enemy* at ERN 00192272.

11. The elimination of ethnic Vietnamese in Cambodia and the purge of suspected pro-Hanoi elements within Cambodia, which began in April 1977, culminated in large-scale Khmer Rouge attacks on the Vietnamese border.¹⁸
12. On the night of April 30, 1977, the Khmer Rouge launched a major attack on Vietnam.¹⁹ The attackers targeted a string of villages and townships in An Giang Province in the Mekong Delta, killing civilians and burning houses.²⁰ The Vietnamese retaliated with aerial bombing.²¹
13. On June 7, 1977, the Vietnamese Foreign Ministry gave a letter to So Kheang, the Democratic Kampuchean ambassador in Hanoi, proposing high-level talks to settle the border problem and put an end to the “bloody incidents” – a reference to the Khmer Rouge attacks on Tinh Bien and other parts of An Giang Province.²²
14. On September 24, 1977, Khmer Rouge attackers struck inside Tay Ninh Province, killing hundreds of civilians.²³
15. This attack, launched by divisions three and four of Cambodia’s Eastern Zone on the eve of Pol Pot’s first official trip to China, was aimed at impressing on China the seriousness of Cambodia’s determination to fight Vietnam.²⁴
16. On September 27, 1977, Sandor Gyori, a Hungarian journalist, visited Tay Ninh Province. In house after house, he saw bloated, rotting bodies of men, women, and children lay strewn about. Some were beheaded, some had their bellies ripped open, some were missing limbs, others eyes.²⁵
17. In March 1978, the Witness visited Tay Ninh City. In place after place along the border, he saw abandoned paddy fields and hundreds of graves. Survivors told unprompted stories of atrocities.²⁶ In Tan Lap village, north of Tay Ninh City and just a few miles from the Cambodian border, the Witness spoke with Nguyen Thi Cu. With the exception of a brother injured in the attack, all seven other members of her family had been killed. She, like her brother, survived by hiding under a pile of bodies.²⁷
18. After months of planning, the Vietnamese Army launched an important, but unpublicized, military operation against Cambodia, in October 1977.²⁸

¹⁸ *Brother Enemy* at ERN 00192371.

¹⁹ *Brother Enemy* at ERN 00192276.

²⁰ *Brother Enemy* at ERN 00192272.

²¹ *Brother Enemy* at ERN 00192276.

²² *Brother Enemy* at ERN 00192276.

²³ *Brother Enemy* at ERN 00192378.

²⁴ *Brother Enemy* at ERN 00192380.

²⁵ *Brother Enemy* at ERN 00192379.

²⁶ *Brother Enemy* at ERN 00192405.

²⁷ *Brother Enemy* at ERN 00192405.

²⁸ *Brother Enemy* at ERN 00192381.

19. In late December 1977, a sizable force of the Vietnamese infantry and artillery, including the elite Ninth Infantry Division, launched a massive attack on Cambodia from half a dozen points along the border, with two principal prongs heading toward the capital.²⁹
20. On December 30, 1977, the Khmer Rouge publicly denounced Vietnam for “aggression.”³⁰
21. On January 1, 1978, Prince Norodom Sihanouk listened to the news from Radio Phnom Penh. Democratic Kampuchea had decided to suspend diplomatic relations with Vietnam because of its “large-scale, unwarranted aggression.”³¹
22. On January 5, 1978, Prince Norodom Sihanouk met with Pol Pot who painted an optimistic picture of the war against the Vietnamese. “Within two months we will wipe out the Vietnamese,” he said.³²
23. In March 1978, Vietnam publicly acknowledged its conflict with Cambodia. Vietnamese vice-foreign minister Vo Dong Giang confirmed the conflict that went back over two decades – a deep division between the Vietnamese party and the Pol Pot faction in the Cambodian party.³³
24. In March 1978, An Phu village near Chau Doc came under Khmer Rouge mortar and ground attack.³⁴ In Ha Tien, another corner of the border, combat was also in progress to drive away Khmer attackers.³⁵
25. Soon after this attack, the Witness visited Ha Tien. In a clearing, a dozen men were digging graves. Next to a completely gutted house lay fifteen bodies. Some of the staves with which they had been beaten to death still lay around. A few bodies were headless; some were disembowelled and covered with flies.³⁶
26. Survivors Nguyen Van Hoan and his wife recalled the events at Ha Tien. They awakened in the early hours of March 14, 1978, to the Khmer shouts of “Chone! Chone!” (Enter! Enter!) and the screams of villagers. They fled to a nearby forested hill. From his perch on the hill, Hoan saw the Khmer Rouge hauling away bags of rice and other belongings of the villagers.³⁷

²⁹ *Brother Enemy* at ERN 00192391.

³⁰ *Brother Enemy* at ERN 00192380.

³¹ *Brother Enemy* at ERN 00192482.

³² *Brother Enemy* at ERN 00192488.

³³ *Brother Enemy* at ERN 00192245.

³⁴ *Brother Enemy* at ERN 00192406.

³⁵ *Brother Enemy* at ERN 00192407.

³⁶ *Brother Enemy* at ERN 00192408.

³⁷ *Brother Enemy* at ERN 00192409.

27. Looking at a hut in Ha Tien, the Witness saw a Khmer slogan scrawled in charcoal on a door: Ti nih srok young (This is our country).³⁸
28. In June 1978, Vietnam began its unpublicized aerial bombing of Cambodia, flying as many as thirty sorties a day.³⁹
29. In early September 1978, the Vietnamese launched another tank-led operation inside Cambodia.⁴⁰
30. Beginning in October 1978, Vietnamese units occupied stretches of Cambodian territory along the border. In mid-November, the Vietnamese army launched a big operation in Cambodia's Kratie Province along Route 13. The bloody battle ended with near decimation of a Khmer Rouge division and secured the area for use as a "liberated zone." Later that month, Le Duc Tho and General Dong Van Cong, deputy commander of the Seventh Military Region, came to supervise the launch of the Cambodian resistance organization and the installation of a forward headquarters for the Vietnamese army.⁴¹
31. In December 1978, the opening shot of the military campaign was fired from the Central Highlands township of Ban Me Thuot. Columns of Vietnamese T-54 tanks and trucks laden with troops began to rumble down Route 14 leading toward Cambodia. Within five days, the Vietnamese forces had routed the Khmer Rouge garrison and captured the province capital, Kratie.⁴²
32. By January 1, 1979, Vietnamese forces advancing from Laos along the Mekong captured the second provincial capital, Stung Treng.⁴³
33. Meanwhile, Vietnamese divisions from the Seventh and Ninth Military Regions, under the overall command of General Le Duc Anh, began a massive push along Route 1 and Route 7, both leading toward the Mekong River. For nearly a week before beginning the tank-led push, the Vietnamese air force mounted an intense bombing attack on Khmer Rouge positions. The Khmer Rouge troops were decimated by a combination of artillery fire and aerial bombing after being picked up by spotter aircraft.⁴⁴
34. The ground assault in the Fishhook area was one of the heaviest battles fought in the campaign. Fighting raged for two days as the Vietnamese tried to go across a defense perimeter along irrigation canals and minefields. Once that hurdle was crossed, the Vietnamese moved swiftly up to the Mekong River opposite the provincial capital of Kompong Cham.⁴⁵

³⁸ *Brother Enemy* at ERN 00192409.

³⁹ *Brother Enemy* at ERN 00192503.

⁴⁰ *Brother Enemy* at ERN 00192440.

⁴¹ *Brother Enemy* at ERN 00192524.

⁴² *Brother Enemy* at ERN 00192526.

⁴³ *Brother Enemy* at ERN 00192527.

⁴⁴ *Brother Enemy* at ERN 00192527.

⁴⁵ *Brother Enemy* at ERN 00192527, 00192528.

35. The two other big battles of the operation were fought at Neak Luong, the Mekong ferry town on Route 1, and at Tani (Takeo Province) on Route 3, leading to the coast.⁴⁶
36. By January 4, the Vietnamese had gained total control of the east bank of the Mekong, compromising seven provinces.⁴⁷
37. After a day of lull, the final order came from the Politburo on the night of January 4: “Go for Phnom Penh.” On January 6, the Vietnamese units crossed the Mekong at Neak Luong and north of Kompong Cham. Soon nine of Vietnam’s twelve divisions, accompanied by three regiments of front soldiers, would close in on Phnom Penh from the southeast and the north. By the morning of January 7, Vietnamese artillery started hitting the outskirts of Phnom Penh.⁴⁸
38. In just two weeks Vietnam had overrun its Socialist neighbour and driven out of power China’s only ally in Southeast Asia.⁴⁹

PRIOR STATEMENTS

39. The Witness has given no prior statements to the Co-Prosecutor’s knowledge.

OTHER RELEVANT DOCUMENTS

40. The following documents, amongst others, are relevant to this Witeness’s evidence:

- 1) *Brother Enemy: The War after the War* (Collier Books, New York 1986), ERN 00192169-00192666 (ENG), 00191296-00191815 (KHM), Case File No. 001/D91/I/Annex 74

⁴⁶ *Brother Enemy* at ERN 00192528.

⁴⁷ *Brother Enemy* at ERN 00192528.

⁴⁸ *Brother Enemy* at ERN 00192528.

⁴⁹ *Brother Enemy* at ERN 00192503.

2. CHANDLER, DAVID

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) and the persecution of detainees (141-142). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. This Witness is currently Emeritus Professor of History at Monash University after an academic career spanning more than 40 years. He is widely-recognised as one of the world's foremost scholars on the DK regime and its documentation. He is fluent in both written and spoken Khmer. The Witness is the author, among other books, of *A History of Cambodia*, *The Tragedy of Cambodian History: Politics, War and Revolution since 1945*, *Facing the Cambodian Past*, *Brother Number One: A Political Biography of Pol Pot*, and *Voices from S-21: Terror and History in Pol Pot's Secret Prison*, and he is co-author of *Pol Pot Plans the Future: Confidential Leadership Documents from Democratic Kampuchea, 1976-1977*, *Revolution and Its Aftermath in Kampuchea*, and *The Khmers*.
3. In researching his book, *Voices from S-21: Terror and History in Pol Pot's Secret Prison* ("Voices from S-21"), the Witness analysed the entire S-21 archive, including more than 4,000 "confessions" held by the Tuol Sleng Museum. He also conducted extensive interviews with former S-21 staff and prisoners, archivists and other DK witnesses. *Voices from S-21* is part of the casefile (ERN 00192667-00192932 (ENG)) and is translated into all three official languages of the ECCC. During the judicial investigation, DUCH confirmed that he has read *Voices from S-21*, and acknowledges that it is "a systematic and thorough analysis of all relevant documents."⁵⁰

ARMED CONFLICT

4. The Witness provides evidence that documents reveal that the Vietnamese launched a military offensive against DK territory in Svay Rieng province in October 1977, that the DK broke off diplomatic relations with Vietnam in early January 1978 and that POL Pot spoke on DK radio of "all-out war" against the Vietnamese.⁵¹ The Witness provides evidence that "enemies" arrested and imprisoned at S-21 were "overwhelmingly accused of collusion with Vietnam"⁵² and that purges of the East Zone were directed at removing all

⁵⁰ DUCH's written comments are attached to his OCIJ interrogation of 5 May 2008, D72, at ERN 00204292-00204300, ERN 00204282-00204300 (ENG).

⁵¹ CHANDLER, David *Voices from S-21* page 71 at ERN 00192750, ERN 00192667-00192932 (ENG).

⁵² CHANDLER, David *Voices from S-21* page 71 at ERN 00192750, ERN 00192667-00192932 (ENG).

those who were suspected to have aided the Vietnamese.⁵³ The Witness provides evidence as to the increasing intensity of fighting with Vietnam and of the purges of the East Zone throughout 1978.⁵⁴ The Witness will say that in April 1978 so many victims of these purges were brought into S-21 “that some of the trucks bearing prisoners had to be turned away,” suggesting that such prisoners were “taken off to be killed without any interrogation.”⁵⁵

DK STRUCTURE & POLICY

5. The Witness provides evidence that S-21 cadre worked under the surveillance of the Party Centre and, as S-21 was considered an independent regiment, were subject to military discipline.⁵⁶ The Witness provides evidence that S-21’s mission “was to protect the Party Centre” which it did “in part by killing all the prisoners and in part by altering their autobiographies to align them with the requirements and suspicions of the Party.”⁵⁷ Additionally, the Witness provides evidence that the documents reveal how “control over biographies, inmates and the personnel working at S-21 was absolute and followed a complex ‘discipline’ ... that enabled the keepers to dominate the kept and to preside over their refashioning.”⁵⁸
6. The Witness provides evidence about the different stages of the purges ordered by the Party Centre. Initially targeting civilian and military officials of the previous regime, the purges became increasingly focused upon members of the CPK.⁵⁹ The Witness provides evidence how the purges were also targeted at diplomats and intellectuals, including high-ranking Party members KOY Thuon, HU Nim, SEUA Vasi alias DEUAN, SIET Chhae alias TUM and KEO Meas who were all arrested, forced to “confess” and executed at S-21.⁶⁰

ROLE OF ACCUSED

7. The Witness provides evidence as to how the documents reveal that **DUCH** was a “strict, fastidious, totally dedicated” teacher, that he knew what he was doing at S-21 and chose to do it.⁶¹ The Witness provides evidence as to how he was told by Francois BIZOT that during his captivity at M-13 he had formed the view that **DUCH** “believed Cambodians of differing viewpoints to be traitors and liars” and that **DUCH** “personally beat prisoners who would not tell the truth.”

⁵³ CHANDLER, David *Voices from S-21* page 72 at ERN 00192751, ERN 00192667-00192932 (ENG).

⁵⁴ CHANDLER, David *Voices from S-21* pages 72-4 at ERN 00192751-00192753, ERN 00192667-00192932 (ENG).

⁵⁵ CHANDLER, David *Voices from S-21* pages 72-3 at ERN 00192751-00192752, ERN 00192667-00192932 (ENG).

⁵⁶ CHANDLER, David *Voices from S-21* page 14 at ERN 001926930, ERN 00192667-00192932 (ENG).

⁵⁷ CHANDLER, David *Voices from S-21* pages 14-15 at ERN 001926930-001926931, ERN 00192667-00192932 (ENG).

⁵⁸ CHANDLER, David *Voices from S-21* page 15 at ERN 001926931, ERN 00192667-00192932 (ENG).

⁵⁹ CHANDLER, David *Voices from S-21* pages 45-49, 54-60, 68-70, 74-76 at ERN 00192724-00192728, 00192733-00192739, 00192747-00192749, 00192753-00192755, ERN 00192667-00192932 (ENG).

⁶⁰ CHANDLER, David *Voices from S-21* pages 60-68 at ERN 00192739-00192748, ERN 00192667-00192932 (ENG).

⁶¹ CHANDLER, David *Voices from S-21* page 154 at ERN 00192847, ERN 00192667-00192932 (ENG).

8. The Witness provides evidence that the documents reveal how, as the man “in charge” of S-21, **DUCH** worked hard to control every aspect of its operations, and “drove himself and his subordinates very hard”.⁶²
9. The Witness provides evidence that the earliest document from S-21 he had examined that was annotated by **DUCH** was dated October 1975.⁶³ In total, the Witness estimates that **DUCH**’s annotations appear on hundreds of confessions and that **DUCH** personally summarised dozens of “confessions.”⁶⁴ In such summaries, **DUCH** would point out the links he perceived with other “confessions” and suggest fresh lines of enquiry, the most elaborate analysis of which a document entitled “The Last Plan” written in 1978 in which **DUCH** attempted to synthesise two years of “confessions” into an elaborate conspiracy.⁶⁵ The Witness provides evidence that the documents disclose how **DUCH** was “obsessed” with the American CIA and how he authorised a translation into Khmer of a global directory of CIA agents published in English in East Berlin in the 1960s.⁶⁶
10. The Witness provides evidence that in the early days of S-21, **DUCH** had convened a meeting to instruct his staff that prisoners could be beaten and that this should not be considered cruel.⁶⁷ Later S-21 documents contain written orders by **DUCH** to his subordinates to inflict torture, even severe torture, and that a number of “viciously-worded” memoranda to the prisoners themselves.⁶⁸ The Witness provides evidence as to how some of the prisoners wrote pleas for mercy for the senior leaders of the CPK, but that it appeared that **DUCH** did not transmit them to his superiors.⁶⁹ The Witness provides evidence as to how **DUCH** and his subordinates “inflicted enormous quantities of suffering on the prisoners coolly, systematically and without remorse.”⁷⁰

ESTABLISHMENT, DURATION & OPERATION

11. The Witness provides evidence as to how secrecy was a key component of S-21’s work. Secrecy at S-21 was maintained by a combination of measures, including by clearing the neighbourhood and keeping outsiders away from the compound, by forbidding contact between different units, by imposing rules to prevent staff even from looking into open windows at the “enemies,” by isolating the most important prisoners and ultimately by killing all the prisoners.⁷¹

⁶² CHANDLER, David *Voices from S-21* page 22 at ERN 00192701, ERN 00192667-00192932 (ENG).

⁶³ CHANDLER, David *Voices from S-21* page 22 at ERN 00192701, ERN 00192667-00192932 (ENG).

⁶⁴ CHANDLER, David *Voices from S-21* page 22 at ERN 00192701, ERN 00192667-00192932 (ENG).

⁶⁵ CHANDLER, David *Voices from S-21* page 22 at ERN 00192701, ERN 00192667-00192932 (ENG).

⁶⁶ CHANDLER, David *Voices from S-21* page 191, footnote 55 at ERN 00192884, ERN 00192667-00192932 (ENG).

⁶⁷ CHANDLER, David *Voices from S-21* pages 152-153 [new] at ERN 00192845-00192846, ERN 00192667-00192932 (ENG).

⁶⁸ CHANDLER, David *Voices from S-21* pages 58, 67 and 132 at ERN 00192737, 00192746 and 00192825, ERN 00192667-00192932 (ENG).

⁶⁹ CHANDLER, David *Voices from S-21* page 66 at ERN 00192745, ERN 00192667-00192932 (ENG).

⁷⁰ CHANDLER, David *Voices from S-21* page 154 at ERN 00192847, ERN 00192667-00192932 (ENG).

⁷¹ CHANDLER, David *Voices from S-21* pages 16-17 at ERN 00192695-00192696, ERN 00192667-00192932 (ENG).

12. The Witness provides evidence about the documentation at S-21 in general and the reasons it was so extensive.⁷² The Witness will be able to give evidence about what the documents show of the development over time of operations at S-21.

AUTHORITY STRUCTURE

13. The Witness provides evidence that **DUCH** was the “commandant” of the prison.⁷³ **DUCH** was assisted by his deputy **KHIM** Vat, alias **HOR**, as well as other senior subordinates **PENG**, **MAM** Nai and **HIM** Huy.⁷⁴ The Witness provides evidence that the documents clearly reveal that **HOR** reported to **DUCH**.⁷⁵ Discipline at S-21 was extremely strict and was “based on the memorization of rules [and how] it induced reverence for authority and unquestioning obedience.”⁷⁶

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

14. The Witness provides evidence that no one was ever released from S-21.⁷⁷ He provides evidence about what the documents reveal of prisoner numbers at S-21 and how they fluctuated. The Witness says that the “prudent” estimate of the total number of prisoners executed at S-21 is 14,000, and the maximum capacity at any one time was around 1,500.⁷⁸ The fluctuating prisoner numbers correspond with significant events in the DK regime, in particular the purges of the East Zone in 1978.⁷⁹ The Witness is also able to testify about the type and background of the prisoners and how long they were “kept” before being “smashed”.⁸⁰
15. The Witness provides evidence that “S-21’s mission and the duties of people working there were not spelled out in law...[and] DK had no legal code and no judicial system.”⁸¹ Additionally, the Witness provides evidence as to how petty, so-called “offences” to which the prisoners were forced to “confess” were ratcheted up to the level of “treason” by ascribing treasonous motives to everything the prisoners had done.⁸²

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

16. The Witness provides evidence in general about the poor food rations, isolation and strict discipline regime for the prisoners.⁸³

⁷² CHANDLER, David *Voices from S-21* pages 49-51 at ERN 00192728, ERN 00192667-00192932 (ENG).

⁷³ CHANDLER, David *Voices from S-21* page 20 at ERN 00192699, ERN 00192667-00192932 (ENG).

⁷⁴ CHANDLER, David *Voices from S-21* pages 23-27 at ERN 00192702-00192706, ERN 00192667-00192932 (ENG).

⁷⁵ CHANDLER, David *Voices from S-21* page 23 at ERN 00192702, ERN 00192667-00192932 (ENG).

⁷⁶ CHANDLER, David *Voices from S-21* page 18 at ERN 00192697, ERN 00192667-00192932 (ENG).

⁷⁷ CHANDLER, David *Voices from S-21* page 15 at ERN 00192694, ERN 00192667-00192932 (ENG).

⁷⁸ CHANDLER, David *Voices from S-21* pages 35-36 at ERN 00192714-00192715, ERN 00192667-00192932 (ENG).

⁷⁹ CHANDLER, David *Voices from S-21* page 36 at ERN 00192715, ERN 00192667-00192932 (ENG).

⁸⁰ CHANDLER, David *Voices from S-21* page 38 at ERN 00192717, ERN 00192667-00192932 (ENG).

⁸¹ CHANDLER, David *Voices from S-21* page 15 at ERN 00192694, ERN 00192667-00192932 (ENG).

⁸² CHANDLER, David *Voices from S-21* page 103 at ERN 00192796, ERN 00192667-00192932 (ENG).

⁸³ CHANDLER, David *Voices from S-21* pages 38-39 at ERN 00192717, ERN 00192667-00192932 (ENG).

INTERROGATION

17. The Witness provides evidence as to how prisoners “had not been accused because they were guilty; they were guilty because they had been accused,”⁸⁴ and how the prisoners had no idea what crimes they had committed. The Witness provides evidence about the role of the interrogators at S-21, who the Witness describes “were expected to coax and terrify the prisoners until they produced a document that coincided with the Party’s ‘knowledge’ of their ‘crimes’ and the Party’s readings of its oscillating history.”⁸⁵ The Witness describes the way in which prisoners were forced to “confess” their “strings” of traitors, which served both to retrospectively justify their arrest and also to identify or legitimise the arrest of others, to create “the impression of a vast, nationwide conspiracy [which was] exactly what DUCH and his superiors had in mind.”⁸⁶ The Witness provides evidence about the methods of interrogation, in particular the need to balance torture against psychological techniques, and how these were taught at S-21.⁸⁷ The Witness provides evidence about the documentary records of the interrogations, including how “data sheets” in several cases were annotated “Of no interest. Discard.”⁸⁸
18. The Witness provides evidence about the basic content and structure of the “confessions” at S-21 and how this evolved over time. Most “confessions” would involve four sections: the prisoner’s life story; a history of his “treasonous activities”; a projected set of plans for further sabotage; and finally a list of “strings” of traitors.⁸⁹
19. The Witness provides evidence that the “elaborate format [of the confessions] ... suggest that DUCH and his colleagues were proud of their thoroughness, modernity and sophistication. They wanted S-21 to be considered a model interrogation centre and saw themselves as professional security experts.”⁹⁰

TORTURE & INHUMANE TREATMENT

20. The Witness provides evidence that the prisoners at S-21 were systematically dehumanized by the conditions in which they were kept. Such dehumanization was one factor which “encouraged widespread violence” at S-21.⁹¹ The Witness’s expert opinion having extensively studied the archives is that “innumerable random cruelties and hundreds of instances of torture went unrecorded” at S-21.⁹²

⁸⁴ CHANDLER, David *Voices from S-21* page 77 at ERN 00192756, ERN 00192667-00192932 (ENG).

⁸⁵ CHANDLER, David *Voices from S-21* pages 79-80 at ERN 00192772-00192773, ERN 00192667-00192932 (ENG).

⁸⁶ CHANDLER, David *Voices from S-21* pages 80-81 at ERN 00192773-00192774, ERN 00192667-00192932 (ENG).

⁸⁷ CHANDLER, David *Voices from S-21* pages 82-87 at ERN 00192775-00192780, ERN 00192667-00192932 (ENG).

⁸⁸ CHANDLER, David *Voices from S-21* page 87 at ERN 00192780, ERN 00192667-00192932 (ENG).

⁸⁹ CHANDLER, David *Voices from S-21* pages 88-90 at ERN 00192781-00192783, ERN 00192667-00192932 (ENG).

⁹⁰ CHANDLER, David *Voices from S-21* page 89 at ERN 00192782, ERN 00192667-00192932 (ENG).

⁹¹ CHANDLER, David *Voices from S-21* page 82 at ERN 00192775, ERN 00192667-00192932 (ENG).

⁹² CHANDLER, David *Voices from S-21* page 113 at ERN 00192806, ERN 00192667-00192932 (ENG).

21. The Witness provides evidence that the documents reveal that torture was applied “within a graduated, supposedly rational process” that most of the torture was “purposive and constrained” and that it “usually required the permission of superiors, which was sometimes withheld.”⁹³ The Witness provides evidence about the strikingly detached way in which torture and acts of extreme cruelty were described in the documents.⁹⁴ Any limitations imposed on the extent of torture were imposed not out of respect for the victims, or because torture was unpleasant, but rather because the Party line required torture to be inflicted in conjunction with “doing politics” in order to obtain the appropriate responses. The Witness provides evidence as to how “the welfare of the prisoner was never a consideration unless they died before confessing.”⁹⁵ Should prisoners die of torture before they had completed their “confession” the interrogators themselves would be suspected of sabotage. Although there was a fine line between too little and too much torture, interrogators “usually erred in the direction of excess, which was seldom punished, rather than discretion, which was never rewarded.”⁹⁶ The Witness provides evidence that there are no refusals to inflict torture mentioned in the S-21 archive.⁹⁷
22. The Witness provides evidence as to how as time went on the interrogations became swifter and the “confessions” shorter.⁹⁸ The Witness has compiled a list of the different methods of torture described in the documents and by the witnesses he interviewed.⁹⁹ Methods of interrogation and torture were taught at the study sessions organised for S-21 staff, and **DUCH** himself annotated the documents to order his subordinates to use torture to extract a particular point of detail in an ongoing “confession.”¹⁰⁰ Prisoners were often forced to pay homage to an image of a dog, which was one of the techniques used to undermine and de-humanize those prisoners who still considered themselves “revolutionaries.”¹⁰¹

EXTERMINATION, MURDER & WILFUL KILLING

23. Witness says that the “prudent” estimate of the total number of prisoners executed at S-21 is 14,000¹⁰² and the number of daily executions conducted at Cheung Ek varied from a few dozen to over three hundred.¹⁰³ The Witness provides evidence that there are no refusals to execute a prisoner mentioned in the S-21 archive.¹⁰⁴

⁹³ CHANDLER, David *Voices from S-21* page 113 at ERN 00192806, ERN 00192667-00192932 (ENG).

⁹⁴ CHANDLER, David *Voices from S-21* page 113 at ERN 00192806, ERN 00192667-00192932 (ENG).

⁹⁵ CHANDLER, David *Voices from S-21* page 114 at ERN 00192807, ERN 00192667-00192932 (ENG).

⁹⁶ CHANDLER, David *Voices from S-21* page 115-6 at ERN 00192808-00192809, ERN 00192667-00192932 (ENG).

⁹⁷ CHANDLER, David *Voices from S-21* page 141 at ERN 00192834, ERN 00192667-00192932 (ENG).

⁹⁸ CHANDLER, David *Voices from S-21* page 128 at ERN 00192821, ERN 00192667-00192932 (ENG).

⁹⁹ CHANDLER, David *Voices from S-21* page 130 at ERN 00192823, ERN 00192667-00192932 (ENG).

¹⁰⁰ CHANDLER, David *Voices from S-21* pages 132, 133-137 at ERN 00192825, 00192826-00192830, ERN 00192667-00192932 (ENG).

¹⁰¹ CHANDLER, David *Voices from S-21* pages 132-134 at ERN 00192825-00192827, ERN 00192667-00192932 (ENG).

¹⁰² CHANDLER, David *Voices from S-21* pages 35-36 at ERN 00192714-00192715, ERN 00192667-00192932 (ENG).

¹⁰³ CHANDLER, David *Voices from S-21* page 140 at ERN 00192833, ERN 00192667-00192932 (ENG).

¹⁰⁴ CHANDLER, David *Voices from S-21* page 141 at ERN 00192834, ERN 00192667-00192932 (ENG).

ADDITIONAL MATTERS

24. The Witness provides evidence about the initial discovery by the Vietnamese of S-21 in January 1979,¹⁰⁵ how the Tuol Sleng Museum was set up, how it has developed and how the archives have been preserved.¹⁰⁶ The Witness will also be able to provide evidence upon the nature of the collection of S-21 documents as a whole, including whether there are any gaps in the archive and how this affects the statistics and other conclusions to be drawn from the documents.

PRIOR STATEMENTS

25. The Witness has given seven prior statements to the Co-Prosecutors' knowledge.
- (1) David CHANDLER Statement in the film *Pol Pot et les Khmers Rouges* by ARTE, undated, D69, ERN V 00172512.
 - (2) David CHANDLER Statement in the film *Inside Pol Pot's Secret Prison* by Bill BRUMMEL dated 2002, D69, ERN V 00172525
 - (3) David CHANDLER Statement in the film *Khmer Rouge History of Genocide* by Pierr-Andre BOUTANG dated 2001 D69, ERN V 00172506
 - (4) David CHANDLER book entitled *The Tragedy of Cambodian History* dated 1991, D91, ERN 00193067-00193488
 - (5) David CHANDLER book entitled *Brother Number One: A Political Biography of Pol Pot* dated 1999, IS Annex C, ERN 00182074-00182084
 - (6) David CHANDLER "Strategies for Survival in Kampuchea" in *Current History*, dated April 1983, D56, S 00034698-00034703
 - (7) David CHANDLER book entitled *Voices from S-21: Terror and History in Pol Pot's Secret Prison* dated 1999, IS Annex C, D91/I, ERN 00192667-00192932

OTHER RELEVANT DOCUMENTS

26. The following documents, amongst others, are also relevant to this Witness's evidence :
- (1) The Witness will be able to testify to the entirety of S-21's archive, but his analysis is summarised in his book, *Voices from S-21* Introductory Submission Annex C, D91/I (ERN 00192667-00192932 (ENG)).
 - (2) The Witness has also analysed various S-21 documents in: David CHANDLER, Ben KIERNAN and CHANTHOU Boua book entitled *Pol Pot Plans the Future*:

¹⁰⁵ CHANDLER, David *Voices from S-21* page 2 at ERN 00192681, ERN 00192667-00192932 (ENG).

¹⁰⁶ CHANDLER, David *Voices from S-21* pages 3-13 at ERN 00192682-00192692, ERN 00192667-00192932 (ENG).

Case File No. 01/18-07-2007-ECCC/TC

Confidential Documents from Democratic Kampuchea dated 1988, IS Annex C,
ERN 00103989-00104170

3. CHEY SOPHEARA

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence about the original documents, materials and other items recovered from in and around S-21 and the *Tuol Sleng* area. His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The witness, 24 years old on 17 April 1975, is a Cambodian male and was born on 24 October 1950. He started work at what became known as the Tuol Sleng Museum in May 1979,¹⁰⁷ and has worked there ever since. The witness is currently Deputy Chairman of the Museum Directorate, responsible for the Tuol Sleng Museum of Genocidal Crimes, in the Ministry of Culture and Fine Arts.¹⁰⁸

SUMMARY OF EVIDENCE

3. When the Witness started working at *Tuol Sleng* he was in Building D. He worked with other staff in compiling lists of documents that they had collected from the houses surrounding the prison, mostly from the east, outside the present-day fence of the museum.¹⁰⁹ The confession of KE Kim Huot was amongst such documents.¹¹⁰ ING Pech, a former prisoner at S-21, subsequently joined the museum staff and later in 1979 became the its Chairman.¹¹¹ The Witness provides evidence that once the documents had been brought into the museum, they were never removed and were under the control of the document custodians. Researchers too were under the control of assigned personnel.¹¹²
4. The Witness provides evidence that the documents are stored in Building B, originally in glass cabinets until 1992, after which time Cornell University made boxes for them and they were stored in rows on the shelves. In 2000, the museum borrowed safes from the Documentation Centre of Cambodia and a number of documents, including the confession of KE Kim Huot, were stored inside to protect them from fire.¹¹³
5. The Witness provides evidence that the photographic film has been stored in the *Tuol Sleng* museum throughout, apart from during the printing of the photographs, which was

¹⁰⁷ CHEY Sopheara OCIJ statement dated 25 March 2008, D 83/1, at ERN 00188803, ERN 00188801-00188804.

¹⁰⁸ CHEY Sopheara OCIJ statement dated 25 March 2008, D 83/1, at ERN 00188802, ERN 00188801-00188804.

¹⁰⁹ CHEY Sopheara OCIJ statement dated 25 March 2008, D 83/1, at ERN 00188802, ERN 00188801-00188804.

¹¹⁰ CHEY Sopheara OCIJ statement dated 25 March 2008, D 83/1, at ERN 00188803, ERN 00188801-00188804.

¹¹¹ CHEY Sopheara OCIJ statement dated 25 March 2008, D 83/1, at ERN 00188803, ERN 00188801-00188804.

¹¹² CHEY Sopheara OCIJ statement dated 25 March 2008, D 83/1, at ERN 00188803, ERN 00188801-00188804.

¹¹³ CHEY Sopheara OCIJ statement dated 25 March 2008, D 83/1, at ERN 00188803, ERN 00188801-00188804.

conducted under the supervision of museum personnel at the Ministry of Propaganda, Culture and Information.¹¹⁴ The film had been catalogued by ING Pech.

PRIOR STATEMENTS

6. The Witness has given three prior statements to the Co-Prosecutors' knowledge:
 - (1) CHEY Sopheara OCIJ statement dated 25 March 2008, D 83/1, ERN 00188801-00188804 (ENG).
 - (2) CHEY Sopheara statement in Cambodia's TV5 programme *Day of Hatred* dated 2002, D69, ERN V 00172526 (KHM).
 - (3) CHEY Sopheara interviewed by Peter Maguire, dated 3 February 2000, D61/I, ERN 00002558-00002569 (ENG).

OTHER RELEVANT DOCUMENTS

7. The Witness will refer to relevant documents at trial.

¹¹⁴ CHEY Sopheara OCIJ statement dated 25 March 2008, D 83/1, at ERN 00188804, ERN 00188801-00188804.

4. DUNLOP, Nic

NATURE AND CONTENT OF TESTIMONY

1. Regarding S-21, this Witness provides evidence to the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) and the persecution of detainees (141-142). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. This Witness is a freelance photojournalist based in Bangkok. He has had a long-standing interest in Cambodia and its revolution. He “re-discovered” **DUCH** in 1999, after his whereabouts had been unknown for more than two decades, when he recognised him in a village in western Cambodia. He is the author of *The Lost Executioner: A Story of the Khmer Rouge*, a biography of **DUCH**. In researching this book, he interviewed **DUCH** and his family, as well as many people who have met **DUCH**, and analysed the Tuol Sleng archives.
3. Sections of *The Lost Executioner* are in the casefile.¹¹⁵ During the judicial investigation, **DUCH** confirmed that he has read *The Lost Executioner*. He states that part of what the Witness writes is accurate, part is inaccurate.¹¹⁶
4. The Witness will also be able to give evidence about the circumstances surrounding the interviews of **DUCH** conducted by the UNHCHR in May and June 1999.

ROLE OF ACCUSED

5. The Witness will give biographical information on **DUCH**, including his birthplace, early life, his family, schooling and further education, and his joining the communist revolution.¹¹⁷ The Witness provides evidence to the times during **DUCH**’s life that he was not in contact with his own family.¹¹⁸ The Witness provides evidence that he interviewed HAM In, a survivor of M-13,¹¹⁹ who described **DUCH**’s role during 1973 when HAM In was a prisoner there. HAM In, now deceased, told the Witness that he was interrogated by **DUCH**, who told him that he would be freed if he agreed to spy on his fellow prisoners.¹²⁰ HAM In also told the Witness of the poor conditions of detention, the practices of torture and the killings, including a mass execution over two days of 200 prisoners and the

¹¹⁵ Introductory Submission Annex C, ERN 00078697-00078699 (ENG).

¹¹⁶ **DUCH**’s written comments are attached to his OCIJ interrogation of 27 March 2008, D63, at ERN 00194554-00194555, ERN 00194545-00194555 (ENG).

¹¹⁷ Nic DUNLOP *The Lost Executioner* pages 29-31, 33-36, 46-53, 54-65

¹¹⁸ Nic DUNLOP *The Lost Executioner*: including for five years immediately after the Lon Nol *coup d’etat* (page 79);

¹¹⁹ Nic DUNLOP *The Lost Executioner* pages 84-89

¹²⁰ Nic DUNLOP *The Lost Executioner* page 88.

execution of a hundred remaining prisoners in April 1975.¹²¹ The Witness provides evidence that he interviewed CHAN Voeun who told him that at M-13 **DUCH** personally killed “a lot” of people, and that he, CHAN Voeun, had personally witnessed **DUCH** shoot a prisoner to death.¹²²

6. The Witness provides evidence that **DUCH** and his men from M-13 “helped clear the capital of the soldiers of the defeated Lon Nol government,”¹²³ before visiting his home town for one night, accompanied by armed bodyguards.¹²⁴ The Witness provides evidence that **DUCH** visited his former school from where he took a book entitled *La Torture* by Alec Mellor, detailing the emergence of torture in modern France. This book was later kept in the room used for the interrogation of foreigners at S-21.¹²⁵
7. S-21 interrogator PRAK Khan told the Witness how **DUCH** would observe the interrogations, would take the confessions to read and would return them with annotations for further interrogation.¹²⁶
8. The Witness provides evidence of **DUCH**’s work *The Last Joint Plan* written in 1978 as a compilation and summary of thousands of confessions, described by the Witness as “for the most part...an outline of coups against the Organisation.”¹²⁷ The Witness also describes his analysis of the confession of KE Kim Huot, **DUCH**’s former teacher, who was arrested and violently tortured and whose own “treachery” against the revolution was recorded by **DUCH** in *The Last Joint Plan*.¹²⁸
9. The Witness provides evidence that after the fall of the regime, **DUCH** “was still close to the leadership” of the DK, and speculates that “he must have had the protection of someone in the party, most likely his former boss SON Sen.”¹²⁹ The Witness provides evidence that he interviewed Pastor Christopher Lapel, to whom **DUCH** turned when he converted to Christianity.¹³⁰
10. The Witness provides evidence of the circumstances in early 1999 in which he twice met with **DUCH** (who was working as a missionary) in *Ta Sanh* village, *Samlaut* district.¹³¹ Subsequently, in April 1999 the Witness together with Nate THAYER conducted an interview with **DUCH** in which he freely confessed to his former role in the DK regime at S-21.¹³²

¹²¹ Nic DUNLOP *The Lost Executioner* pages 88-89.
¹²² Nic DUNLOP *The Lost Executioner* pages 284-285.
¹²³ Nic DUNLOP *The Lost Executioner* page 100.
¹²⁴ Nic DUNLOP *The Lost Executioner* page 101.
¹²⁵ Nic DUNLOP *The Lost Executioner* page 104.
¹²⁶ Nic DUNLOP *The Lost Executioner* page 145.
¹²⁷ Nic DUNLOP *The Lost Executioner* pages 171-176.
¹²⁸ Nic DUNLOP *The Lost Executioner* page 173-174.
¹²⁹ Nic DUNLOP *The Lost Executioner* page 199.
¹³⁰ Nic DUNLOP *The Lost Executioner* pages 249-250, 303-306.
¹³¹ Nic DUNLOP *The Lost Executioner* pages 267-269.
¹³² Nic DUNLOP *The Lost Executioner* pages 270-278.

ESTABLISHMENT, DURATION & OPERATION

11. The Witness provides evidence that he interviewed Ho Van Tay, a journalist, who was one of the first people to discover S-21 on 7 January 1979 when the Vietnamese drove the Khmer Rouge from Phnom Penh.¹³³ Van Tay described to the Witness in detail the freshly-killed bodies, the instruments of torture, the piles of documents and the manner in which it appeared the facility had been evacuated.¹³⁴ The Witness provides evidence that he interviewed a number of people in the locality of M-13, including the former prisoner HAM In, and was shown a second M-13 site known as *Trapeang Chrab*.¹³⁵
12. The Witness provides evidence of the manner in which S-21 had been turned into the Tuol Sleng museum when he visited for the first time in 1989.¹³⁶
13. The Witness provides evidence that he interviewed the former S-21 photographer, NHEM En.¹³⁷
14. The Witness provides evidence that he interviewed householders in the *Tuol Sleng* area who described to him the human remains they discovered upon their return to the area after 1979.¹³⁸

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

15. The Witness provides evidence that he interviewed the Civil Party, CHUM Mey, who described in detail his experiences of being imprisoned, interrogated and tortured in S-21.¹³⁹ The Witness also refers to the S-21 prisoner list dated 6 November 1978 bearing CHUM Mey's name, beside which was handwritten "keep for a while."¹⁴⁰

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

16. The Witness provides evidence that he interviewed the Civil Party, CHUM Mey, who described in detail his experiences of being imprisoned, interrogated and tortured in S-21.¹⁴¹

INTERROGATION

17. The Witness provides evidence that he studied an S-21 document entitled "The Interrogators' Manual,"¹⁴² and amongst other documents a written exchange between **DUCH** and an unnamed prisoner, the latter pleading for his life, the former replying "my

¹³³ Nic DUNLOP *The Lost Executioner* pages 16-18.

¹³⁴ Nic DUNLOP *The Lost Executioner* pages 16-18.

¹³⁵ Nic DUNLOP *The Lost Executioner* pages 84-88 and 91-92. This is supported by video footage taken by the Vietnamese when the discovered S-21, as displayed in the film by James GERRAND *Cambodia-Kampuchea* (at time stamp 00:21:21-00:22:38, ERN V 00172621-00172621).

¹³⁶ Nic DUNLOP *The Lost Executioner* pages 18-24.

¹³⁷ Nic DUNLOP *The Lost Executioner* pages 152-164, 168-170.

¹³⁸ Nic DUNLOP *The Lost Executioner* pages 298-299.

¹³⁹ Nic DUNLOP *The Lost Executioner* page 117-124.

¹⁴⁰ Nic DUNLOP *The Lost Executioner* page 122.

¹⁴¹ Nic DUNLOP *The Lost Executioner* page 117-124.

¹⁴² Nic DUNLOP *The Lost Executioner* pages 125-128.

understanding is that you haven't been straight with the Party.”¹⁴³ The Witness provides evidence that he interviewed the Civil Party, CHUM Mey, who described in detail his experiences of being imprisoned, interrogated and tortured in S-21.¹⁴⁴ The Witness provides evidence that he interviewed the former S-21 interrogator PRAK Khan, who described the interrogations at S-21.¹⁴⁵ PRAK Khan told the Witness how **DUCH** would observe the interrogations, would take the confessions to read and would return them with annotations for further interrogation.¹⁴⁶ The Witness provides evidence that **DUCH** had ensured that all references to him in the confessions had been erased before they were sent to the senior leaders.¹⁴⁷

TORTURE & INHUMANE TREATMENT

18. The Witness provides evidence that he interviewed the Civil Party, CHUM Mey, who described in detail his experiences of being imprisoned, interrogated and tortured in S-21.¹⁴⁸ The Witness provides evidence that the former S-21 interrogator PRAK Khan described the torture at S-21,¹⁴⁹ and how **DUCH** personally would conduct torture through electrocution and, how on one occasion he beat an interrogator who had made a mistake.¹⁵⁰

EXTERMINATION, MURDER & WILFUL KILLING

19. The Witness provides evidence that he interviewed CHAN Voeun who told him that at M-13 **DUCH** personally killed “a lot” of people, and that he, CHAN Voeun, had personally witnessed **DUCH** shoot a prisoner to death.¹⁵¹

ADDITIONAL MATTERS

20. The Witness provides evidence about the nature of the collection of S-21 documents at the Tuol Sleng Museum.

PRIOR STATEMENTS

21. The Witness has given no prior statements to the Co-Prosecutors' knowledge.

OTHER RELEVANT DOCUMENTS

22. The following document, amongst others, is also relevant to this Witness's evidence:

- (1) **DUNLOP, Nic** *The Lost Executioner* Introductory Submission Annex C, ERN 00078697-00078699 (ENG)

¹⁴³ Nic DUNLOP *The Lost Executioner* page 126.

¹⁴⁴ Nic DUNLOP *The Lost Executioner* page 117-124.

¹⁴⁵ Nic DUNLOP *The Lost Executioner* pages 128-137, 145-6. The Witness also showed PRAK Khan the confession of NAI Nan, a young nurse from the P-98 hospital. PRAK Khan admitted that he had concocted the entire text (page 135 of *The Lost Executioner*).

¹⁴⁶ Nic DUNLOP *The Lost Executioner* page 145.

¹⁴⁷ Nic DUNLOP *The Lost Executioner* page 198.

¹⁴⁸ Nic DUNLOP *The Lost Executioner* page 117-124.

¹⁴⁹ Nic DUNLOP *The Lost Executioner* pages 128-137, 145-6. The Witness also showed PRAK Khan the confession of NAI Nan, a young nurse from the P-98 hospital. PRAK Khan admitted that he had concocted the entire text (page 135 of *The Lost Executioner*).

¹⁵⁰ Nic DUNLOP *The Lost Executioner* page 146.

¹⁵¹ Nic DUNLOP *The Lost Executioner* pages 284-285.

5. ETCHESON, CRAIG

NATURE AND CONTENT OF TESTIMONY

Evidence Summary in Progress

6. KA SUNBAUNAT**NATURE AND CONTENT OF TESTIMONY**

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. This Witness is a professor of psychiatry and Dean of the medical faculty of the University for Health Sciences in Phnom Penh. Together with Dr Francoise Sironi-Guilbard, he produced an expert psychologist report on **DUCH**, dated 31 March 2008, which is part of the casefile.

PRIOR STATEMENTS

3. The Witness has given one prior statement to the Co-Prosecutors' knowledge
 - (1) Psychological Assessment Report on KAING Guek Eav, alias **DUCH**, dated 31 March 2008, B1/IV, ERN 00177506-00177576 (FRE), ERN 00211082-00211151 (ENG).

OTHER RELEVANT DOCUMENTS

The Witness will refer to relevant documents at trial.

7. SIRONI-GUILBARD FRANCOISE**NATURE AND CONTENT OF TESTIMONY**

1. This witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161). Her testimony is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. This Witness is a French psychologist based at Université Paris 8. Together with Dr KA Sunbaunat, she produced an expert psychologist report on **DUCH**, dated 31 March 2008, which is part of the casefile.

PRIOR STATEMENTS

3. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
 - (1) Psychological Assessment Report on KAING Guek Eav, alias **DUCH**, dated 31 March 2008, B1/IV, ERN 00177506-00177576 (FRE), ERN 00211082-00211151 (ENG).

OTHER RELEVANT DOCUMENTS

The Witness will refer to relevant documents at trial.

II. S-21 VICTIMS

8. VANN NATH

NATURE AND CONTENT OF TESTIMONY

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 29 years old on 17 April 1975, is a Cambodian male, born on 5 April 1946.¹⁵² Prior to 17 April 1975, the Witness worked as a painter in Battambang province. On 20 December 1977, he was arrested by cooperative militiaman. He was initially detained, tortured and interrogated at Wat Kandal Pagoda, but on 7 January 1978 he was taken to S-21,¹⁵³ where he was imprisoned until the end of the regime. He was spared immediate execution because of his skills as an artist.¹⁵⁴ The Witness went back to S-21 in August 1979 and was asked to help set up the Tuol Sleng Museum; before the opening of the museum on 7 January 1980 he painted numerous colour paintings which still hang there today.¹⁵⁵

ROLE OF ACCUSED

3. The Witness provides evidence that **DUCH**, also known as “the East Brother,” was the overall Chairman of S-21,¹⁵⁶ who “truly knew everything and controlled every activity, including giving orders, corrections, the application of torture, because he was the senior Chairman.”¹⁵⁷ **DUCH** came to the prison “almost every day” but the Witness did not see

¹⁵² VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163736, ERN 00163735-00163755 (ENG).

¹⁵³ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163737, ERN 00163735-00163755 (ENG); VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146810 ERN 00146810-6812 (ENG).

¹⁵⁴ VANN Nath ECCC-OCII Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166563, ERN 00166561-00166570 (ENG).

¹⁵⁵ Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 100-102 (ENG); 12 Paintings by VANN Nath, dated 1979-1980, **IS Annex C**, ERN P 0000022-0000033.

¹⁵⁶ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG).

¹⁵⁷ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163741, ERN 00163735-00163755 (ENG).

him walking anywhere other than the painting site.¹⁵⁸ **DUCH** often came to see him and would tell him he was the chief of S-21.¹⁵⁹ Whenever **DUCH** arrived at the prison, everyone paid him respect.¹⁶⁰ On one occasion, interrogators had come to watch him paint and that **DUCH** spoke to them in his presence. **DUCH** asked the interrogators about the responses of the prisoners, and ordered them to question aggressively.¹⁶¹ The Witness also heard **DUCH** order another cadre to get on with his work, which made the cadre frightened and pale-faced.¹⁶² The Witness provides evidence that **DUCH** made immediate decisions on who lived and who died.¹⁶³

4. The Witness provides evidence that when they first met at the prison, **DUCH** asked him whether he was a half-blood Chinese, and how long he had been painting, before ordering him to paint a portrait of Pol Pot from a photograph.¹⁶⁴ When **DUCH** came to watch him painting he (**DUCH**) “laughed loudly” and was happy.¹⁶⁵
5. The Witness provides evidence of an incident in which BOU Meng was brought back to the artists’ studio in chains and badly wounded. **DUCH** ordered BOU Meng to prostrate himself before the Witness, insulted him and kicked him in the head, knocking BOU Meng to the floor. **DUCH** then added “I can’t stand to see his face,” stating that BOU Meng “was no use anymore” and that it was “better to use him to make fertiliser” whilst laughing cruelly. The Witness suggested that BOU Meng should be given one last chance, with **DUCH** saying that if BOU Meng failed, he (Nath) would receive the punishment.¹⁶⁶
6. The Witness provides evidence that when he left S-21 on 12 noon on 7 January 1979 he saw **DUCH**, CHAN and a number of armed soldiers on the corner of street 360.¹⁶⁷

¹⁵⁸ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG); in an earlier statement, the Witness said that **DUCH** came in 3 or 4 times a day to comment on paintings: Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 61 (ENG).

¹⁵⁹ VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG)

¹⁶⁰ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG); Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 48, 49 (ENG).

¹⁶¹ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG).

¹⁶² VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG).

¹⁶³ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739-00163740, ERN 00163735-00163755 (ENG) – in particular in relation to an incident with BOU Meng when **DUCH** asked the other painters and sculptors if BOU Meng could be of any further use

¹⁶⁴ VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146812, ERN 00146810-6812 (ENG).

¹⁶⁵ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG); in an earlier statement, the Witness said that **DUCH** brought people “not of low rank” to watch him paint: Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 76 (ENG).

¹⁶⁶ Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 68-70 (ENG).

¹⁶⁷ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163741, ERN 00163735-00163755 (ENG); Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 89 (ENG).

ESTABLISHMENT, DURATION & OPERATION

7. The Witness provides evidence that he was detained at S-21 for one year from January 1978 to January 1979. He was transported to S-21 in a convoy of two trucks; in his truck there were three rows of six prisoners shackled together; there was one driver, one person with the lists and two guards.¹⁶⁸ The truck stopped on street 360, he was walked into S-21 and interrogated to provide his summary biography.¹⁶⁹ The prisoners were then blindfolded again, roped together by the neck, photographed, and led to their cells. The Witness was taken to the upper floor of Building D and shackled together with twenty others in a line.¹⁷⁰
8. The Witness provides evidence that he learned that “minor level” prisoners were kept in upstairs cells but that “senior level” prisoners were kept in small one-person cells downstairs.¹⁷¹ The wives of male prisoners were placed in Building C on the second floor in large cells, but the individual female prisoners were placed in small cells downstairs.¹⁷² When the Witness returned to Tuol Sleng “in November or December 1979,” he saw prisoner regulations written on a chalk board, but as he had not personally been interrogated he had not previously been aware of any regulations.¹⁷³
9. The Witness provides evidence that buildings to the south of Building A between streets 350 and 360 were also used for detaining and interrogating prisoners.¹⁷⁴ He heard guards describing new cells in Building A as the “special prison,” which was used for high-ranking prisoners.¹⁷⁵ The Witness learned after 1979 that to the rear and to the west of S-21 were carpentry, metalsmith, vehicle repairs sites, the pig pen, the cooking site for the prisoners and the laundry.¹⁷⁶

¹⁶⁸ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163737, ERN 00163735-00163755 (ENG); Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 36 (ENG).

¹⁶⁹ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163737, ERN 00163735-00163755 (ENG).

¹⁷⁰ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163737, ERN 00163735-00163755 (ENG); VANN Nath ECCC-OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198001, ERN 00197998-00198008 (ENG); Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 41 (ENG).

¹⁷¹ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163738, ERN 00163735-00163755 (ENG).

¹⁷² VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG).

¹⁷³ VANN Nath ECCC-OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198001, ERN 00197998-00198008 (ENG); in an earlier statement he said that he had seen these regulations in the communal cell in which he was first imprisoned at S-21: VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163738, ERN 00163735-00163755 (ENG); the Witness has also previously said that a guard ordered one of the prisoners to read the regulations out aloud: Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 41 (ENG).

¹⁷⁴ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG).

¹⁷⁵ Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 86 (ENG).

¹⁷⁶ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG).

10. The Witness provides evidence that a month¹⁷⁷ after he entered S-21 he was removed to a confined room under close scrutiny and told to paint pictures. As he was painting pictures, he was able to witness prisoners being brought in and prisoners being taken out.¹⁷⁸
11. The Witness can identify a typed S-21 prisoner list bearing his name, with an annotation in red from **DUCH** “keep for a while.”¹⁷⁹
12. The Witness estimates that there was “not less than ten thousand” prisoners at S-21.¹⁸⁰

AUTHORITY STRUCTURE

13. The Witness provides evidence that **DUCH**, also known as “the East Brother”, was the overall Chairman of S-21, while Hor (“the West Brother”) was the Military Deputy.¹⁸¹ MAM Nai alias Chan was Deputy Chairman for interrogation, PON was under MAM Nai, HIM Huy was a Company Chairman for transporting people outside, PENG was with HIM Huy, who took people to be killed and SUOS Thy was in charge of the lists. He learned of all this when he was making paintings.¹⁸² PRAK Khan was an interrogator and NHEM Ein was the photographer.¹⁸³

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

14. The Witness provides evidence that in the truck that transported him to S-21 there was one female and two child prisoners.¹⁸⁴ When he first arrived at S-21, the four buildings were full of prisoners.¹⁸⁵ The wives of male prisoners were placed in Building C on the second floor in large cells, but the individual female prisoners were placed in small cells

¹⁷⁷ The Witness has also said that he arrived in the painting room on 5 February 1978: VANN Nath ECCC-OCIJ Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198001, ERN 00197998-00198008 (ENG); VANN Nath ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166563, ERN 00166561-00166570 (ENG).

¹⁷⁸ VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG).

¹⁷⁹ VANN Nath statement in RITHY Panh’s film *S-21: The Khmer Rouge Killing Machine* at time-stamp 00:21:00 to 00:21:50; VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG); in an earlier statement, the Witness states that the list was an execution list, signed by SUOS Thy with a note on the top “Request PENG to destroy” and also signed by **DUCH** dates 16 February 1978: Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 107 (ENG).

¹⁸⁰ VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146812, ERN 00146810-6812 (ENG).

¹⁸¹ VANN Nath ECCC OCIJ Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG); VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146812, ERN 00146810-6812 (ENG).

¹⁸² VANN Nath ECCC OCIJ Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG). The Witness has also previously stated that PENG was **DUCH**’s bodyguard and “the most feared” guard of all: Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 61-2 (ENG).

¹⁸³ VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG).

¹⁸⁴ VANN Nath ECCC OCIJ Statement dated 8 January 2008, D28/9 at ERN 00163737, ERN 00163735-00163755 (ENG).

¹⁸⁵ VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG)

downstairs.¹⁸⁶ The Witness saw foreign prisoners, who were held separately in small cells;¹⁸⁷ in July 1978 he saw two “possibly American” prisoners, in December 1978 two “possibly Australian” prisoners and, on one day, about seven or eight Vietnamese soldiers in uniform.¹⁸⁸ In mid 1978 there was a large influx of prisoners from the East Zone; he saw hundreds of prisoners, who appeared to be soldiers, brought into the prison every day, although they were not kept for more than a day or two. The prison gradually became quieter in August and September; the S-21 prison guards themselves were also arrested and imprisoned.¹⁸⁹

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

15. The Witness provides evidence that after being photographed, he was placed in a common detention room with his legs bound, with 50 other prisoners.¹⁹⁰ He was given only thin porridge to eat twice a day, at 8am and 8pm and drinking water was scarce.¹⁹¹ Prisoners were washed once every four days by guards using a hose sprayed from the doorway of the cell.¹⁹² His health severely deteriorated throughout the month he was detained in this communal cell, and although medics provided basic treatment to the sick, “many” prisoners died during the night.¹⁹³

INTERROGATION

16. The Witness provides evidence that most interrogations took place outside of S-21’s fence,¹⁹⁴ but that in Building A, where there was one cell for one prisoner, interrogations “probably” also took place there.¹⁹⁵ Building A was used for interrogation in December 1978, as the majority of prisoners had been taken away and the place was quiet.¹⁹⁶ From February to September 1978 ten to fifteen prisoners, each individually escorted by an

¹⁸⁶ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG).

¹⁸⁷ VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG)

¹⁸⁸ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG); VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG).

¹⁸⁹ Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 79, 83 (ENG).

¹⁹⁰ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163737, ERN 00163735-00163755 (ENG); VANN Nath Statement on CBC News Website, dated 27 October 2002. No ERN, not yet in the casefile (ENG).

¹⁹¹ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163738, ERN 00163735-00163755 (ENG); VANN Nath Statement on CBC News Website, dated 27 October 2002. No ERN, not yet in the casefile (ENG).

¹⁹² Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 46 (ENG); VANN Nath Statement on CBC News Website, dated 27 October 2002. No ERN, not yet in the casefile (ENG).

¹⁹³ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163738, ERN 00163735-00163755 (ENG); Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 46 (ENG); VANN Nath Statement on CBC News Website, dated 27 October 2002. No ERN, not yet in the casefile (ENG).

¹⁹⁴ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG).

¹⁹⁵ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163738, ERN 00163735-00163755 (ENG).

¹⁹⁶ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG).

interrogator, were taken to interrogation every day, but after this date the number dropped.¹⁹⁷ Prisoners were interrogated three times a day, from 7-11am, 2-5pm and 7-11pm.¹⁹⁸ He heard the shouts of interrogators who accused the prisoners of being CIA or KGB agents.¹⁹⁹

TORTURE & INHUMANE TREATMENT

17. The Witness provides evidence that he heard the screams of prisoners “coming from all directions” at S-21, including the screams of children.²⁰⁰ He sometimes saw prisoners with wounds on their back.²⁰¹ He saw a prisoner being hung upside down and dropped into a water jar with a rope,²⁰² and other prisoners told him they were tortured: PHA Tha Chan was placed in a refrigerator and ING Pech had his nails pulled out.²⁰³ On one occasion, an interrogator asked him for a packet of cement and later the Witness saw a prisoner being walked away with cement all over his face.²⁰⁴ The Witness provides evidence that he saw BOU Meng return from a time away from the artists’ studio in chains, bloody wounds all over his body.²⁰⁵

EXTERMINATION, MURDER & WILFUL KILLING

18. The Witness provides evidence that he never saw **DUCH** killing anyone, nor did he see anyone being killed.²⁰⁶ However, whilst being detained in the communal cell, eight to nine prisoners died during one month and the bodies were taken out at night.²⁰⁷ He also witnessed a female prisoner commit suicide by jumping to her death.²⁰⁸ The Witness

¹⁹⁷ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG). Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 48, 49 (ENG).

¹⁹⁸ Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 61 (ENG).

¹⁹⁹ Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 59 (ENG).

²⁰⁰ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG); Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 53, 65 (ENG).

²⁰¹ VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG)

²⁰² VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG); VANN Nath ECCC-OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198001, ERN 00197998-00198008 (ENG); VANN Nath ECCC-OCII Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166566, ERN 00166561-00166570 (ENG).

²⁰³ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG); VANN Nath ECCC-OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198005, ERN 00197998-00198008 (ENG).

²⁰⁴ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG); VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG).

²⁰⁵ Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, p. 67 (ENG).

²⁰⁶ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163741, ERN 00163735-00163755 (ENG). Although earlier the Witness had said that between October and November, “all prisoners were sent for execution”: VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, at ERN 00146811, ERN 00146810-6812 (ENG).

²⁰⁷ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163738, ERN 00163735-00163755 (ENG).

²⁰⁸ VANN Nath ECCC OCII Statement dated 8 January 2008, D28/9 at ERN 00163739, ERN 00163735-00163755 (ENG).

learned after 1979 that prisoners were buried near the S-21 buildings.²⁰⁹ The Witness provides evidence that when he returned to S-21 on 14 January 1979 to collect his clothes, he smelled a rotten odour and he saw dead bodies, but he did not know how they died.²¹⁰

PRIOR STATEMENTS

19. The Witness has given eighteen prior statements to the Co-Prosecutors' knowledge :

- (1) VANN Nath ECCC-OCP Statement, dated 14 August 2006, D2.11, ERN 00146810-6812 (ENG).
- (2) VANN Nath ECCC OCIJ Statement dated 8 January 2008, D28/9, ERN 00163735-00163755 (ENG).
- (3) VANN Nath ECCC-OCIJ Report on Reconstruction dated 27 February 2008, D48/2, ERN 00197998-00198008 (ENG).
- (4) VANN Nath ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, ERN 00166561-00166570 (ENG).
- (5) Book by VANN Nath entitled *A Cambodian Prison Portrait* dated 1998, IS Annex C, ERN 00106023-00106055 (ENG).
- (6) VANN Nath Statement on CBC News Website, dated 27 October 2002. No ERN, not yet in the casefile <http://www.cbc.ca/sunday/cambodia/story.html> Accessed 31 October 2008 (ENG).
- (7) VANN Nath Statement in *S-21: The Khmer Rouge Killing Machine*, film by Rithy Panh dated 2002, D69, ERN V 00172620.
- (8) VANN Nath Statement in the film *Pol Pot et les Khmer Rouges* by ARTE, undated, D69, ERN V 00172512.
- (9) VANN Nath Statement in the film by DC-Cam and the US State Department, dated 2004, D69, ERN V 00172588.
- (10) VANN Nath Statement in the film *Cambodia Report* by Phil Rees, undated, D69, ERN V 00172527.
- (11) VANN Nath Statement in the film *Mit den Moerden Leben: Das Erbe der Roten Khmer* dated July 2000, D69, ERN V 00172511.

²⁰⁹ VANN Nath ECCC OCIJ Statement dated 8 January 2008, D28/9 at ERN 00163740, ERN 00163735-00163755 (ENG).

²¹⁰ VANN Nath ECCC OCIJ Statement dated 8 January 2008, D28/9 at ERN 00163741, ERN 00163735-00163755 (ENG).

- (12) VANN Nath Statement in the film *Die Angkar* by H&S Filmproduktion, dated 1981, D92/I, ERN V 00172442.
- (13) VANN Nath Statement in the film *Inside Pol Pot's Secret Prison* by Bill BRUMMEL, dated 2002, ERN V 00172525.
- (14) VANN Nath Statement in NHK News Report, undated, D69, ERN V 00172582.
- (15) VANN Nath Statement in the film *The Khmer Rouge Rice Fields*, D69, ERN V 00172604.
- (16) VANN Nath Statement in the film *HIM Huy and VANN Nath* dated 2000, D69, ERN V 00172485.
- (17) VANN Nath Statement in the film *Bophana: Une tragedie Cambodgienne* by RITHY Panh dated 1996, D69, ERN V 00172595.
- (18) VANN Nath Statement in the film *Fragile Hopes from the Killing Fields* by Tiara DELGADO, D69, ERN V 00172547.

OTHER RELEVANT DOCUMENTS

20. The following documents, amongst others, are also relevant to this Witness's evidence:

- (1) 14 Paintings by VANN Nath, attached to VANN Nath, ECCC-OCIJ Witness Statement dated 8 January 2008, D28/9 at ERN 00163742-00163755 (ENG).
- (2) 12 Paintings by VANN Nath, dated 1979-1980, D69, ERN P 0000022-0000033.
- (3) S-21 Prisoner list, with an annotation in red from **DUCH** "keep for a while" seen in RITHY Panh's film *S-21: The Khmer Rouge Killing Machine* at time-stamp 00:21:00 to 00:21:50
- (4) S-21 "Mug shot" Photograph of VANN Nath, dated 7 January 1978, on the back cover of VANN Nath *A Cambodian Prison Portrait*.

III. S-21 GUARD OR STAFF

9. CHEAM SOEUR (CHIEM SOEU)

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, about 18 years old on 17 April 1975, is a Cambodian male, born in 1957.²¹¹ In 1973, he was taken from his parents' house to join the Khmer Rouge in their fight against Lon Nol's soldiers.²¹² In 1974, he was transferred to the district army and one year later he was sent to a unit in district 75 to farm.²¹³ After the Khmer Rouge seized power, the Witness undertook further military training and agricultural work before being sent to work at S-21 in 1976 or 1977.²¹⁴ The Witness worked as an exterior guard at S-21 until the Vietnamese invasion.²¹⁵ After 1979 he "confessed" and was sent for re-education.²¹⁶

ARMED CONFLICT

3. The Witness provides evidence that after April 1975 he was trained with 100 or 200 other people from Kampong Chhnang province by Division 703 cadre. The trainees were split into different groups; he was later told by CHAN that one group was sent to fight against the Vietnamese.²¹⁷ The Witness provides evidence that the Vietnamese attacked Cambodia in 1976.²¹⁸ In January 1979 whilst working at S-21, the Witness heard shots from the *Neak Leung* area of Phnom Penh, all the leaders had run away and no-one came to tell the

²¹¹ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225100, ERN 00225099-00225118 (ENG).

²¹² CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225101, ERN 00225099-00225118 (ENG).

²¹³ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225102, ERN 00225099-00225118 (ENG).

²¹⁴ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225102, 00225104, ERN 00225099-00225118 (ENG).

²¹⁵ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225106 ERN 00225099-00225118 (ENG).

²¹⁶ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225117, ERN 00225099-00225118 (ENG).

²¹⁷ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225103, ERN 00225099-00225118 (ENG).

²¹⁸ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225103, ERN 00225099-00225118 (ENG).

others.²¹⁹ The Witness learned that after the Vietnamese invasion, PENG, the former chief of the guard unit, was killed by the Vietnamese to the east of Thmat Pornng village.²²⁰

ROLE OF ACCUSED

4. The Witness provides evidence that PENG told him that **DUCH** was in charge of S-21.²²¹ **DUCH** “was so strong” and that everybody was afraid of him – he believed that if he committed the smallest of mistakes he would be imprisoned.²²² The Witness believes only **DUCH** would have been able to order the arrest of Hong, an external guard unit team chief.²²³ The Witness states that PENG told him that **DUCH** had set up a plan to put people in jail if an enemy escaped.²²⁴
5. **DUCH** and HOR called meetings of the defence unit, training them about politics and giving instructions to avoid the escape of enemies.²²⁵ **DUCH** spoke about the Vietnamese enemies, told the guards not to sleep while working and warned them that if they could not “build” themselves they would be arrested.²²⁶

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that he was an external guard at S-21 from 1976 or 1977 to 1979.²²⁷ There were three cordons of guards around S-21, and that he worked in the outermost one.²²⁸ There were twelve guards to a group, those in his group all slept together in a house and guarded at the same location close to *Tuol Tum Poug* on a corner, and were tasked to protect S-21 from enemies and to prevent the escape of prisoners.²²⁹ The external guards ate at different times from the internal guards, and the canteen was located to the south of S-21.²³⁰

²¹⁹ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225117, ERN 00225099-00225118 (ENG).

²²⁰ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225116, ERN 00225099-00225118 (ENG).

²²¹ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225105, ERN 00225099-00225118 (ENG).

²²² CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225110, ERN 00225099-00225118 (ENG).

²²³ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00162750, ERN 00162742-00162756 (FRE).

²²⁴ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225114, ERN 00225099-00225118 (ENG).

²²⁵ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225108, ERN 00225099-00225118 (ENG).

²²⁶ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225108, ERN 00225099-00225118 (ENG).

²²⁷ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225105, ERN 00225099-00225118 (ENG).

²²⁸ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225107, ERN 00225099-00225118 (ENG).

²²⁹ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225106, ERN 00225099-00225118 (ENG).

²³⁰ “La cuisine se trouvait au sud de Tuol Slaeng”: CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00162752, ERN 00162742-00162756 (FRE). The English translation reads “There were chefs at the West of Tuol Sleng”: CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225114, ERN 00225099-00225118 (ENG).

AUTHORITY STRUCTURE

7. The Witness provides evidence that PENG told him that **DUCH** was the chief of S-21.²³¹ The Witness knew that HOR was close to the leaders at S-21,²³² CHAN was in charge of “separating tasks,”²³³ HIM Huy was in charge of the prisoners’ transportation,²³⁴ PENG was the chief of the exterior guards,²³⁵ and Hong was the Witness’s team leader.²³⁶

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

8. The Witness provides evidence that he saw prisoners being transported into S-21 by truck, but that as the trucks were covered he didn’t know how many there were. He knew that some trucks came from Kompong Chhnang; generally, the guards were not permitted to know the origin of the trucks, “except transportation from the Eastern direction.”²³⁷ The Witness provides evidence that he only saw Cambodian prisoners,²³⁸ but that he once saw a fair-skinned prisoner being burned alive by S-21 guards.²³⁹ The Witness stated that when the guards broke the disciplinary rules they were considered to be enemies or Vietnamese and were arrested.²⁴⁰ Hong, the chief of his group, was arrested and imprisoned at S-21 because he had talked about stealing jackfruit.²⁴¹

EXTERMINATION, MURDER & WILFUL KILLING

9. The Witness provides evidence that he learned that people were taken to Choeng Ek to be executed.²⁴² In 1977 or 1978 whilst he was standing guard near to Wat *Tuol Tum Poug*, he witnessed a foreign prisoner (“very tall with red hair”) being burned alive at the corner of the street. He saw three guards lead the prisoner to the road, they made him sit down and whilst he was still alive they “put tyres on his body.” The Witness believes the guards

²³¹ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225105, ERN 00225099-00225118 (ENG).

²³² CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225108, ERN 00225099-00225118 (ENG).

²³³ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225117, ERN 00225099-00225118 (ENG).

²³⁴ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225108, ERN 00225099-00225118 (ENG).

²³⁵ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225105, ERN 00225099-00225118 (ENG).

²³⁶ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225110, ERN 00225099-00225118 (ENG).

²³⁷ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225107, ERN 00225099-00225118 (ENG).

²³⁸ “Actually, I never saw Yuon [Vietnamese], except Khmer”: CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225109, ERN 00225099-00225118 (ENG); the French translation appears to be more accurate: “Je n’ai jamais vu de Vietnamiens mais seulement des cambodgiens”: CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00162749, ERN 00162742-00162756 (FRE)

²³⁹ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225112, ERN 00225099-00225118 (ENG).

²⁴⁰ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225109, ERN 00225099-00225118 (ENG).

²⁴¹ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225109, ERN 00225099-00225118 (ENG).

²⁴² CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225113, ERN 00225099-00225118 (ENG).

poured gasoline on the car tyres and burned the prisoner alive; he was too afraid to watch, but when he returned to the scene the prisoner was “already burned.”²⁴³

PRIOR STATEMENTS

10. The Witness has given three prior statements to the Co-Prosecutors’ knowledge:
- (1) CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, ERN 00225099-00225118 (ENG).
 - (2) CHEAM Soeur Statement in the film *Shadow of the Past* by Express TV, undated, D69, ERN V 00172520.
 - (3) CHEAM Soeur DC-Cam Interview dated 10 May 2005, ERN 00088876-00088909 (KHM).

OTHER RELEVANT DOCUMENTS

11. The Witness will refer to relevant documents at trial.

²⁴³ CHEAM Soeur OCIJ Statement dated 23 October 2007, D22/12, at ERN 00225112, ERN 00225099-00225118 (ENG).

10. CHES KHIEU, ALIAS PEOU

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 12 years old on 17 April 1975, is a Cambodian male born in 1963.²⁴⁴ He provides evidence that he joined a Khmer Rouge children's unit²⁴⁵ and after April 1975 spent almost a year at a military training and manual labour facility in Boeung Tumpun, Phnom Penh, having been received there by CHAN.²⁴⁶ In 1976, the Witness and other children in his unit were sent to work at S-21, where he spent 3 months as a guard.²⁴⁷ He was then transferred to a work site because his cousin, another S-21 staff member, had been arrested and killed.²⁴⁸ He remained at the work site until the fall of the regime.

ARMED CONFLICT

3. The Witness provides evidence that he heard the sounds of fighting and saw people fleeing at the time of the fall of the regime.²⁴⁹

DK STRUCTURE & POLICY

4. The Witness provides evidence that S-21 rules prohibited contact with any person outside the unit, and that anyone who asked "would be smashed."²⁵⁰ HOR gave instruction on the party's policies: they were warned that not to fall asleep on duty, and also that if a prisoner

²⁴⁴ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163642-00163643, ERN 00163642-00163648 (ENG).

²⁴⁵ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163643, ERN 00163642-00163648 (ENG).

²⁴⁶ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163644, ERN 00163642-00163648 (ENG).

²⁴⁷ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁴⁸ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163647, ERN 00163642-00163648 (ENG).

²⁴⁹ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163648, ERN 00163642-00163648 (ENG).

²⁵⁰ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163647, ERN 00163642-00163648 (ENG).

escaped or died, it was S-21 policy that the responsible guard would take the place of the prisoner.²⁵¹

ROLE OF ACCUSED

5. The Witness provides evidence that he could see from the building where he worked that **DUCH** visited S-21 twice a week in 1976, although the Witness did not know the reason for these visits.²⁵² He saw **DUCH** twice at “anniversaries,” accompanied by bodyguards.²⁵³

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that he worked as a guard at S-21 in 1976 for three months and lived in a house to the west of the prison, outside the fence.²⁵⁴ For about three weeks he learned his duties from adult guards, but then guarded the “light prisoners” on the upper floor of Building D of S-21 on his own.²⁵⁵ The Witness provides evidence that he only knew the names of the prisoners in the room he was guarding, and not the names of prisoners on the lists.²⁵⁶ The Witness provides evidence that there were four guard shifts in total, two during the day and two at night. There was a defence unit, including an interior defence unit, an interrogation unit and an arrest unit.²⁵⁷ Prisoners were interrogated in a building to the east of the current entrance of S-21; when they were taken out of their cell, they were checked off on a prisoner list, and returned at night by the interrogator.²⁵⁸ The Witness provides evidence that in 1976 when he worked at S-21 only a “small” number of prisoners were “disappeared”, but that he learned that after he had left “a lot” were disappeared.²⁵⁹

AUTHORITY STRUCTURE

7. The Witness provides evidence that HUY organized the guards, inspected the the cells and checked whether the prisoners’ food was sufficient. If it was found to be insufficient, the guards would be brought for “refashioning.”²⁶⁰ The Witness provides evidence that he saw

²⁵¹ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163646, ERN 00163642-00163648 (ENG).

²⁵² CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁵³ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁵⁴ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁵⁵ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG); CHES Khieu Statement in *The Ghosts of S-21* by Brook LARMER in *Newsweek*, August 13, 2001, at page 1, no ERN, not yet in casefile.

²⁵⁶ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁵⁷ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645-00163646, ERN 00163642-00163648 (ENG).

²⁵⁸ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163646, ERN 00163642-00163648 (ENG).

²⁵⁹ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163647, ERN 00163642-00163648 (ENG).

²⁶⁰ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

HUY and his subordinates taking prisoners out and bringing prisoners in.²⁶¹ HUY's superior was HOR.²⁶² The Witness provides evidence that THY was in charge of the military and prisoner lists²⁶³ and that Chroek alias Pheap was in the interrogation and typing unit.²⁶⁴

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

8. The Witness provides evidence that S-21 prisoners came from "mobile brigades, ministries, offices, factories and the armed forces."²⁶⁵ He provides evidence that he saw prisoners walking into S-21 blindfolded, and those he guarded were always shackled.²⁶⁶ He provides evidence that prisoners were "considered as dogs and cats."²⁶⁷

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

9. The Witness provides evidence that prisoners were always shackled in cells, without pillows, mosquito nets or blankets.²⁶⁸ There were strict rules for prisoners; they were required to ask the guards for drinking water and for permission to defecate and/or urinate in ammunition cases given to them.²⁶⁹ The cells were only cleaned if there was a smell of urine, and the prisoners were bathed, twice a day,²⁷⁰ by the guards spraying them with water.²⁷¹ The food given to the prisoners was the same as for S-21 staff but prisoners' meals were "poorer".²⁷²

INTERROGATION

10. The Witness provides evidence that interrogation took place to the east of the current entrance to the Tuol Sleng Museum. When prisoners were taken away for interrogation, their names were checked off on a list, but as this Witness was illiterate he would ask the

²⁶¹ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁶² CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁶³ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁶⁴ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163646, ERN 00163642-00163648 (ENG).

²⁶⁵ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁶⁶ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁶⁷ CHES Khieu Statement in *Inside Pol Pot's Secret Prison*, film by Bill BRUMMEL, D69, ERN V 00172525, at time stamp 00:20:10 to 00:20:47.

²⁶⁸ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163643, ERN 00163642-00163648 (ENG).

²⁶⁹ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163643, ERN 00163642-00163648 (ENG); the Witness has previously admitted that sometimes he beat prisoners who didn't follow his orders: CHES Khieu Statement in *The Ghosts of S-21* by Brook LARMER in *Newsweek*, August 13, 2001, at page 2, no ERN, not yet in casefile

²⁷⁰ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163648, ERN 00163642-00163648 (ENG).

²⁷¹ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁷² CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163643, ERN 00163642-00163648 (ENG).

prisoner to read the list and tell him the names. In the evening, the prisoners would be returned to their cells by the interrogator.²⁷³

TORTURE & INHUMANE TREATMENT

11. The Witness provides evidence that when prisoners returned from interrogation they had bruises on their faces and cuts on their backs.²⁷⁴ The prisoners told him that they were still beaten even when they had answered all the questions, as the interrogators were afraid that the prisoners were concealing things.²⁷⁵ The Witness does not know if beatings were official policy or the individual decision of the interrogators.²⁷⁶

EXTERMINATION, MURDER & WILFUL KILLING

12. The Witness provides evidence that after completion of the interrogations, prisoners were “brought out” and he never saw them return.²⁷⁷ The Witness provides evidence that in 1976 when he worked at S-21 only a “small” number of prisoners were “disappeared”, but that he learned that after he had left “a lot” were disappeared.²⁷⁸ The Witness provides evidence that he saw the chief of his guard group, Hong, being arrested by HUY and his subordinates. He later learned that Hong had been arrested and killed because his brother had been a Lon Nol soldier.²⁷⁹ The Witness provides evidence that his cousin, Moeung, in the Economics unit of S-21 was also arrested and killed.²⁸⁰

PRIOR STATEMENTS

13. The Witness has given five prior statements to the Co-Prosecutors’ knowledge:
 - (1) CHES Khieu OCIJ Statement, 28 November 2007, ERN 00163642-00163648 (ENG), 00163636-00163641 (KHM), Document D28/2.
 - (2) CHES Khieu Statement in an article entitled “Former S-21 Comrades Reunite and Recall Their Past Experiences” by HUY Vannak in DC-Cam’s *Searching for the Truth* magazine, Number 31, July 2002, D5/2, ERN 00104911-00104912 (ENG).

²⁷³ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163646, ERN 00163642-00163648 (ENG).

²⁷⁴ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163648, ERN 00163642-00163648 (ENG).

²⁷⁵ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163648, ERN 00163642-00163648 (ENG).

²⁷⁶ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163648, ERN 00163642-00163648 (ENG).

²⁷⁷ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163648, ERN 00163642-00163648 (ENG).

²⁷⁸ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163647, ERN 00163642-00163648 (ENG).

²⁷⁹ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

²⁸⁰ CHES Khieu OCIJ Statement, 28 November 2007, Document D28/2 at ERN 00163645, ERN 00163642-00163648 (ENG).

- (3) CHES Khieu Statement in *The Ghosts of S-21* by Brook LARMER in *Newsweek*, August 13, 2001. No ERN. Not yet in casefile. <http://www.newsweek.com/id/76783/output/print> Accessed 31 October 2008 (ENG)
- (4) CHES Khieu Statement in *Inside Pol Pot's Secret Prison*, film by Bill BRUMMEL, D69, ERN V 00172525.
- (5) CHES Khieu Statement in the film *S-21: The Khmer Rouge Killing Machine* by Rithy Panh dated 2002, D69, ERN V 00172620.

OTHER RELEVANT DOCUMENTS

12. The Witness will refer to relevant documents at trial.

11. CHHUN PHÁL

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the DK structure and policy (10-15 & 32-35). Regarding S-21, the Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, about 15 years old on 17 April 1975, is a Cambodian male and was born in 1962. The Witness provides evidence that he was removed with other children from his village by the subdistrict chief in June 1975, and was eventually taken to study military tactics with Division 703 under TUY.²⁸¹ After working the rice fields for some months, he was sent to work at S-21.²⁸² From 1976 until December 1978, he worked as both an exterior and interior guard at S-21.²⁸³ Around December 1978 he was sent to farm rice at Cheung Ek, during which time he was also asked to dig grave pits and on one occasion to bury freshly-killed corpses.²⁸⁴ He remained at Cheung Ek until the Vietnamese invasion.

DK STRUCTURE & POLICY

3. The Witness provides evidence that he went to meetings at a political school, where unnamed speakers talked about attacking the Yuon (Vietnamese) and CIA enemies “boring from within.” He also heard that Lon Nol soldiers were enemies, and heard about plans to build dams and dig canals.²⁸⁵ The Witness provides evidence that he wrote his “biography” whilst at S-21, but that he concealed the fact that the husband of one of his older sisters had been arrested during the Lon Nol era because he learned that a person with whom he, the Witness, had worked was later arrested because of “involvement” in his biography.²⁸⁶ The Witness heard that “17 April people who were intellectuals and Lon Nol soldiers” had been arrested and brought to S-21.²⁸⁷

²⁸¹ CHHUN Phal, ECCC OCIJ Statement dated 15 January 2008, D28/15, at ERN 00163812, ERN 00163811-00163815 (ENG).

²⁸² CHHUN Phal, ECCC OCIJ Statement dated 15 January 2008, D28/15, at ERN 00163812, ERN 00163811-00163815 (ENG).

²⁸³ CHHUN Phal, ECCC OCIJ Statement dated 15 January 2008, D28/15, at ERN 00163813-00163814, ERN 00163811-00163815 (ENG).

²⁸⁴ CHHUN Phal, ECCC OCIJ Statement dated 15 January 2008, D28/15, at ERN 00163815, ERN 00163811-00163815 (ENG).

²⁸⁵ CHHUN Phal, ECCC OCIJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

²⁸⁶ CHHUN Phal, ECCC OCIJ Statement dated 15 January 2008, D28/15, at ERN 00163815, ERN 00163811-00163815 (ENG).

²⁸⁷ CHHUN Phal, ECCC OCIJ Statement dated 15 January 2008, D28/15, at ERN 00163815, ERN 00163811-00163815 (ENG).

ROLE OF ACCUSED

4. The Witness provides evidence that **DUCH** was “a/the senior person” and that he never saw anyone senior to **DUCH** enter S-21.²⁸⁸ **DUCH** entered S-21 when the prisoner trucks arrived, and that “after it was all over with” he saw **DUCH** come back out.²⁸⁹ The Witness knew that **DUCH** supervised the interrogators, and assumes therefore that had **DUCH** not given permission, the interrogators would not have dared to beat the prisoners.²⁹⁰ When **DUCH** came to S-21 he mostly went to the middle building, although sometimes he went to other buildings.²⁹¹ The only time **DUCH** spoke to the Witness was to say ‘Guard, be careful, and don’t fall asleep.’²⁹²

ESTABLISHMENT, DURATION & OPERATION

5. The Witness provides evidence that he arrived at S-21 in early 1976 and worked there until late 1978 in both the interior and exterior guard unit, at which time he was transferred to Cheung Ek for one month until the Vietnamese invasion.²⁹³
6. As an exterior guard he knew that there were four guard teams, twelve people to a team, and they all slept in houses to the south and west of S-21.²⁹⁴ The trucks used to transport prisoners in and out of the prison were stationed at S-21 itself and had S-21 registration plates. The same team took the prisoners in and out.²⁹⁵ The unit conducting arrests was somehow separate, bringing the prisoners to S-21 in vehicles.²⁹⁶
7. The Witness provides evidence that as an interior guard in the “middle building” he knew that when prisoners entered S-21 their names were recorded,²⁹⁷ and the rules when guarding the prisoners was to take care they didn’t hang themselves, not to be careless, to look after the locks and keys and to tell the prisoners not to move.²⁹⁸ Team leaders would

²⁸⁸ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

²⁸⁹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

²⁹⁰ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

²⁹¹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163815, ERN 00163811-00163815 (ENG).

²⁹² CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163815, ERN 00163811-00163815 (ENG).

²⁹³ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163815, ERN 00163811-00163815 (ENG). Note that the Witness did not mention in an earlier statement that he had worked at Cheung Ek: CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185283 of the English summary ERN 00185281-00185283.

²⁹⁴ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

²⁹⁵ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

²⁹⁶ CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185283 of the English summary ERN 00185281-00185283.

²⁹⁷ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

²⁹⁸ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813-00163814, ERN 00163811-00163815 (ENG).

scold guards who hit prisoners and say that they had done “political damage” because the prisoners had to be kept for interrogation and “getting documents.”²⁹⁹ There were four guard shifts, each guard performing two alternating shifts day and night.³⁰⁰

8. The Witness provides evidence that there were twelve interrogators in a team; the team leader “arranged the locking and unlocking and giving the prisoners to the interrogators.”³⁰¹ When the interrogators came to get the prisoners, they had lists of names to give to the team leader of the guards.³⁰²
9. The Witness provides evidence that whilst he was at Cheung Ek he saw four wheel drive trucks bearing S-21 registration plates.³⁰³
10. The Witness provides evidence that the magazine *Democratic Kampuchea* was distributed for the guards to read, and that it “talked about the construction of democratic socialism.”³⁰⁴

AUTHORITY STRUCTURE

11. The Witness provides evidence that **DUCH** was “a/the senior person” at S-21,³⁰⁵ and that when he first arrived at S-21 in 1976 his superiors were HOR and PENG.³⁰⁶ HOR conducted political study sessions.³⁰⁷ The Witness saw PENG the most frequently, who performed “walking inspections” every few days.³⁰⁸ The Witness saw CHAN at S-21,³⁰⁹ and that HUY was responsible for the transportation of prisoners in and out of the prison.³¹⁰ The Witness’s team chairman was named Kon, Thet was the chairman of team four, and both were arrested.³¹¹

²⁹⁹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³⁰⁰ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³⁰¹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³⁰² CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³⁰³ CHHUN Phal ECCC OCJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197994, ERN 00197993-00197997 (ENG).

³⁰⁴ CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185283 of the English summary ERN 00185281-00185283.

³⁰⁵ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

³⁰⁶ CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185281 of the English summary ERN 00185281-00185283.

³⁰⁷ CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185283 of the English summary ERN 00185281-00185283.

³⁰⁸ CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185283 of the English summary ERN 00185281-00185283.

³⁰⁹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³¹⁰ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

³¹¹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

12. Only very rarely did all the S-21 staff meet. Normally, the office chairman would only convene meetings with team chairman, who would then pass on the plan to team members, who had no authority to decide anything on their own.³¹²

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

13. The Witness provides evidence that whilst he was guarding the walls he saw trucks transporting prisoners in and out of S-21, “sometimes frequently, sometimes not” but that he did not know where the prisoners came from nor was he told in advance when the trucks would be coming.³¹³ He saw both male and female prisoners at S-21; Vietnamese prisoners, who were held in one-person cells, came in “approximately 1978” (although one Khmer-speaking Vietnamese prisoner told the Witness that he was a fisherman and not a soldier); and he also saw western prisoners being brought in.³¹⁴ The Witness provides evidence that there were also a few Thai and Pnong prisoners at S-21.³¹⁵
14. “Senior” prisoners at the provincial level, including District Secretaries,³¹⁶ were held at the “special prison” located on the corner of street 360 and in front of S-21. There was a separate dining site for the special prisoners to the west of S-21, and a site for prisoners “whose sentences had been lightened.”³¹⁷ S-21 guards themselves were arrested and imprisoned, accused of treason when a prisoner committed suicide, or when the guards had beaten prisoners or they had “spoken inappropriately”.³¹⁸

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

15. The Witness provides evidence that there were different medics to treat the prisoners and for the staff, but they were all “ordinary medics,” rather than medical doctors, who cleaned wounds and treated fevers.³¹⁹ The Witness provides evidence that he did not know about the taking of blood,³²⁰ but that after 1979 he heard that female prisoners had been raped.³²¹

³¹² CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185283 of the English summary ERN 00185281-00185283.

³¹³ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

³¹⁴ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³¹⁵ CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185283 of the English summary ERN 00185281-00185283.

³¹⁶ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

³¹⁷ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³¹⁸ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

³¹⁹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³²⁰ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163815, ERN 00163811-00163815 (ENG).

³²¹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

The Witness provides evidence that he was responsible for hosing prisoners down where they were shackled in their cells.³²²

INTERROGATION

16. The Witness provides evidence that the interrogators “had the right and the job to beat and interrogate [prisoners] in order to get documents.”³²³ There were twelve interrogators in a team, and the team leader “arranged the locking and unlocking and giving the prisoners to the interrogators.”³²⁴ When the interrogators came to get the prisoners, they had lists of names to give to the team leader of the guards.³²⁵ Interrogation sometimes went on for a fortnight, with four or five interrogation sessions.³²⁶ Guards were allowed to talk to the prisoners, but only in such a way as to put them at ease in preparation for interrogation, and to inform them that if they cooperated with the interrogation, they would be allowed to return to cooperatives.³²⁷ Substantive questions were prohibited.³²⁸

TORTURE & INHUMANE TREATMENT

17. Interrogators “had the job and the right to beat and interrogate in order to get documents.” The Witness provides evidence that he regularly saw wounded prisoners return from interrogations bleeding and covered in sores.³²⁹ Sometimes prisoners returned in a stupor, having been subjected to electric shock.³³⁰

EXTERMINATION, MURDER & WILFUL KILLING

18. The Witness provides evidence that prisoners died at sites guarded by other people.³³¹
19. The Witness provides evidence that they had been told that prisoners taken out of S-21 were brought back to their home districts, and it was only after he went to work at Cheung Ek that he realised that they had in fact been taken away and killed at Cheung Ek itself.³³²

³²² CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163813, ERN 00163811-00163815 (ENG).

³²³ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³²⁴ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³²⁵ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³²⁶ CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185282 of the English summary ERN 00185281-00185283.

³²⁷ CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185282 of the English summary ERN 00185281-00185283.

³²⁸ CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185282 of the English summary ERN 00185281-00185283.

³²⁹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

³³⁰ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG); CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185282 of the English summary ERN 00185281-00185283.

³³¹ CHHUN Phal, ECCC OCJ Statement dated 15 January 2008, D28/15, at ERN 00163814, ERN 00163811-00163815 (ENG).

20. When he worked at Cheung Ek he was asked to dig grave pits, and one night he was asked to bury freshly killed corpses, both of which took place near Chinese graves. He also recognised two S-21 trucks.³³³ He never saw child victims at Cheung Ek.³³⁴

PRIOR STATEMENTS

21. The Witness has given four prior statements to the Co-Prosecutors' knowledge:
- (1) CHHUN Phal ECCC OCIJ Statement dated 15 January 2008, D28/15, ERN 00163811-00163815 (ENG).
 - (2) CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29 (English summary at ERN 00185281-00185283)
 - (3) CHHUN Phal ECCC OCIJ Report of Reconstruction dated 26 February 2008, D48/1, ERN 00197993-00197997 (ENG).
 - (4) CHHUN Phal ECCC OCIJ Written Record of Confrontation dated 28 February 2008, D52, ERN 00165434-00165440 (ENG).

OTHER RELEVANT DOCUMENTS

22. The Witness will refer to relevant documents at trial.

³³² CHHUN Phal, ECCC OCIJ Statement dated 15 January 2008, D28/15, at ERN 00163815, ERN 00163811-00163815 (ENG); CHHUN Phal DC-Cam Statement dated 8 July 2002, ERN 00056966-00057009 (KHM), Introductory Submission Document number 19.29, at ERN 00185282 of the English summary ERN 00185281-00185283.

³³³ CHHUN Phal, ECCC OCIJ Statement dated 15 January 2008, D28/15, at ERN 00163815, ERN 00163811-00163815 (ENG); the Witness has stated that he cannot remember how many bodies he buried, but that he dug the pits by day and buried the bodies at night: CHHUN Phal ECCC OCIJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197994, ERN 00197993-00197997 (ENG).

³³⁴ CHHUN Phal ECCC OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165438, ERN 00165434-00165440 (ENG).

12. HIM HUY

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 21 years old on 17 April 1975, is a Cambodian male born in an unknown month of 1954.³³⁵ The Witness joined the revolution when he was drafted into the 112th Battalion of the Special Zone army, later moving to the 143rd Battalion.³³⁶ After April 17th, his unit was sent to Prey Sar for farm work, where he stayed until early 1976 when he was transferred to S-21 to work as a guard.³³⁷ He gradually rose through the ranks to become chief of the guards at S-21, his predecessors having been successively purged.³³⁸ His responsibilities included managing the S-21 guard forces, receiving prisoners, escorting them from their cells³³⁹ and controlling the weapons warehouse.³⁴⁰ The Witness has also stated that he was head of the unit in charge of transferring prisoners from S-21 to Cheung Ek,³⁴¹ and has admitted personally killing prisoners on the instructions of **DUCH** and his other superiors.³⁴²

³³⁵ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161596, ERN 00161595-00161604 (ENG).

³³⁶ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161596-00161597, ERN 00161595-00161604 (ENG).

³³⁷ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161597, ERN 00161595-00161604 (ENG).

³³⁸ HIM Huy Peter Maguire Statement undated (transcript), at ERN 00104915, ERN 00104925-00194940 (ENG).

³³⁹ HIM Huy OCIJ Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198006, ERN 00197998-001978008 (ENG).

³⁴⁰ HIM Huy Craig Etcheson/Chhang Youk Statement dated 29 February 1996 (summary), at ERN 00104942, ERN 00104941-00104944 (ENG); HIM Huy Peter Maguire Statement undated (transcript), at ERN 00104916, ERN 00104913-00104924 (ENG).

³⁴¹ HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165437, 00165434-00165440 (ENG).

³⁴² The Witness admits to killing five prisoners: HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161594, ERN 00161587-00161695 (ENG); the Witness admitting killing five prisoners, one on the instruction of **DUCH**, four when HOR was there: HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165438-00165439, 00165434-00165440 (ENG); HIM Huy Interview by HUY Vannak, *Searching for the Truth* Magazine, July 2002 ERN 00104911-00104912; the Witness describes killing a prisoner in: HIM Huy Statement in *Time Short for Genocide Justice in Cambodia* by Justine Smith for the Daily Telegraph, dated 7 April 2007. No ERN. Not yet on the casefile (ENG); HIM Huy Statement in

ARMED CONFLICT

3. The Witness provides evidence that **DUCH** ordered him to arrest Vietnamese soldiers in the East Zone on the Svay Rieng battlefield in 1977 and 1978.³⁴³ Other Vietnamese soldiers arrested on the battlefield were “again and again” sent in to S-21 by other units.³⁴⁴ Each Vietnamese PoW was registered and had their photograph taken before being detained in small cells in the south and west sections of S-21. They were then interrogated for “about half a month”³⁴⁵ by CHAN’s team in a building outside S-21,³⁴⁶ before being executed upon the orders of DUCH, HOR and PENG in the south and west of S-21 (and never at Cheung Ek). Photographs were taken of their corpses.³⁴⁷

DK STRUCTURE & POLICY

4. The Witness provides evidence that Son Sen convened a meeting near **DUCH**’s house on 17 April 1977 to teach about enemies, particularly “CIA and Yuon agents.”³⁴⁸ The Witness was aware of security offices other than S-21, including a site at Pô Ban known as “Office 15,” where he went to collect prisoners, and another at Pô Tonle in Koh Thom District, where he went to effect the release of a Prey Sar cadre being held there.³⁴⁹ The Witness provides evidence that when he asked to be transferred away from S-21 to the front line, he was told that he “knew too much” so remained at S-21.³⁵⁰

ROLE OF ACCUSED

5. The Witness provides evidence that **DUCH** was chairman of S-21,³⁵¹ and that his area of control included Prey Sar.³⁵² He provides evidence that **DUCH** gave the orders for arrests, and was involved in the logistical planning for important arrests.³⁵³ The Witness provides evidence that sometimes **DUCH** “personally led the arrest,” but “only in Phnom Penh”

Khmer Rouge Victims and Executioners Seek Reconciliation by KER Munthi, Associated Press, dated 21 December 2005. No ERN, not yet on the casefile (ENG).

³⁴³ HIM Huy OCIJ Statement dated 14 March 2008, D76/I, at ERN 00189036, ERN 00189035-00189037 (ENG).

³⁴⁴ HIM Huy OCIJ Statement dated 14 March 2008, D76/I, at ERN 00189037, ERN 00189035-00189037 (ENG).

³⁴⁵ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161591, ERN 00161587-00161695 (ENG).

³⁴⁶ HIM Huy OCIJ Statement dated 14 March 2008, D76/I, at ERN 00189036, ERN 00189035-00189037 (ENG).

³⁴⁷ HIM Huy OCIJ Statement dated 14 March 2008, D76/I, at ERN 00189037, ERN 00189035-00189037 (ENG).

³⁴⁸ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161599, ERN 00161595-00161604 (ENG).

³⁴⁹ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161604, ERN 00161595-00161604 (ENG).

³⁵⁰ HIM Huy Statement in *Can Cambodia Get Justice?* by Bronwyn Sloan, *Deutsche Press Agentur*, dated April 13, 2006. No ERN, not yet on the Casefile (ENG)

³⁵¹ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161597, ERN 00161595-00161604 (ENG).

³⁵² HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161589, ERN 00161587-00161695 (ENG).

³⁵³ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161589, ERN 00161587-00161695 (ENG).

near the central market.³⁵⁴ He provides evidence that **DUCH** “gave the orders for all torture.”³⁵⁵ He provides evidence that **DUCH** “went to inspect the killing” at Cheung Ek, watching from the edge of a mass grave, and that **DUCH** instructed the executioners to cut the throats of the victims in addition to hitting them on the neck with a metal bar.³⁵⁶ He provides evidence that **DUCH** asked him to kill one person and visited Cheung Ek once or twice, coming on one occasion with Hor and his courier.³⁵⁷ The Witness provides evidence that study meetings were held at S-21 during which **DUCH** described the enemies of Angkar.³⁵⁸ **DUCH** also ordered the guards to tell the prisoners who were parents not to let their children make any noise whilst in detention at S-21.³⁵⁹ **DUCH** also ordered the arrests of S-21 cadres.³⁶⁰

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that many of the S-21 staff were from Division 703, and that the staff were divided into sections including interrogation, defence, economics and cooking.³⁶¹ Previously the Witness has also described a “Children’s Team.”³⁶² He provides evidence that he received prisoners, recorded their names, and then sent them to SUOS Thy.³⁶³
7. S-21 forces sometimes went out to collect prisoners, assigning two guards per arrestee; in 1977-1978 he was sent to arrest people in Battambang, Kandal, Svay Rieng, Takeo and Kampong Som Provinces, carrying with him an letter of authorization from **DUCH**, although the Witness is not sure exactly which of his superiors gave the order to make the arrests.³⁶⁴

³⁵⁴ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161590, ERN 00161587-00161695 (ENG); HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165440-00165441, 00165434-00165440 (ENG).

³⁵⁵ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161593, ERN 00161587-00161695 (ENG).

³⁵⁶ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161592, 00161594, ERN 00161587-00161695 (ENG); HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165438, 00165434-00165440 (ENG).

³⁵⁷ HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165438-00165440, 00165434-00165440 (ENG).

³⁵⁸ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161599, ERN 00161595-00161604 (ENG).

³⁵⁹ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161603, ERN 00161595-00161604 (ENG).

³⁶⁰ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161604, ERN 00161595-00161604 (ENG).

³⁶¹ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161597, ERN 00161595-00161604 (ENG).

³⁶² HIM Huy Craig Etcheson/Chhang Youk Statement dated 29 February 1996 (summary), at ERN 00104942, ERN 00104941-00104944 (ENG).

³⁶³ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161600, ERN 00161595-00161604 (ENG).

³⁶⁴ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161601, ERN 00161595-00161604 (ENG); HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161590, ERN 00161587-00161695 (ENG); HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165440, 00165434-00165440 (ENG); HIM Huy OCIJ Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198000, ERN 00197998-001978008 (ENG).

8. The Witness provides evidence that interrogators received prisoners from Chan, Pon and Thy, and took them to houses east of the Tuol Sleng compound.³⁶⁵ S-21 staff accused of minor offences, such as “not listening to instructions,” were sent to Prey Sar to farm rice, and that “anyone who made another mistake was taken back and put in S-21 prison.”³⁶⁶
9. The Witness provides evidence that guards and prisoners both lived in fear that every day would be their last.³⁶⁷ The Witness provides evidence as to how prisoners were originally executed and buried at S-21, and how “Cheung Ek originated in 1977.”³⁶⁸

AUTHORITY STRUCTURE

10. The Witness provides evidence that **DUCH** was the Chairman of S-21,³⁶⁹ Hor was the Deputy, and the “big leaders” of the interrogation section were Chan and Pon, the Chairman of the cooking section was Mēng, SUOS Thy was Chairman of the lists,³⁷⁰ and that Huy (Huy Sre) was in charge at Prey Sar.³⁷¹ Phal was also above him.³⁷² He provides evidence that **DUCH** “made the decisions. Hor did not dare to do anything.”³⁷³ However, he provides evidence that Hor requested the wooden house at Cheung Ek be built and also appointed HIM Huy’s team to transferring prisoners from S-21 to Cheung Ek.³⁷⁴ He provides evidence that Hor visited Cheung Ek several times.³⁷⁵
11. The Witness provides evidence that Pēng (the defense chairman), Bou (an interrogator) and Hor carried arrested Huy Sre at the house of Lon Nun; Huy Sre was subsequently replaced by Phâl.³⁷⁶

³⁶⁵ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161602, ERN 00161595-00161604 (ENG).

³⁶⁶ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161593, ERN 00161587-00161695 (ENG).

³⁶⁷ HIM Huy Statement in *Can Cambodia Get Justice?* by Bronwyn Sloan, *Deutsche Press Agentur*, dated April 13, 2006. No ERN, not yet on the Casefile (ENG)

³⁶⁸ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161592, ERN 00161587-00161695 (ENG); HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165437, 00165434-00165440 (ENG).

³⁶⁹ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161597-00161598, ERN 00161595-00161604 (ENG); HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165436, 00165434-00165440 (ENG).

³⁷⁰ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161598, ERN 00161595-00161604 (ENG).

³⁷¹ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161599, ERN 00161595-00161604 (ENG).

³⁷² HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165440, 00165434-00165440 (ENG).

³⁷³ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161599, ERN 00161595-00161604 (ENG).

³⁷⁴ HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165437, 00165434-00165440 (ENG).

³⁷⁵ HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165439, 00165434-00165440 (ENG).

³⁷⁶ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161589, ERN 00161587-00161695 (ENG).

12. S-21 had the authority to carry out arrests at the General Staff Logistics Office.³⁷⁷ **DUCH** “made the decisions” about who to kill and instructed Hor to give the orders to his team.³⁷⁸ He provides evidence that SON Sen “was in charge above Ta **DUCH**.”³⁷⁹ He provides evidence that MEAS Peng Kry, CHHUN Phal, and TAY Teng worked below him at S-21 and that he provided them with instructions. He specifically appointed TAY Teng’s group to meet and guard Cheung Ek prisoners.³⁸⁰ He made arrests with MEAS Peng Kry in Battambang in 1977 and with CHHUN Phal in Takeo in 1977-1978.³⁸¹

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

13. The Witness provides evidence that victims “came from everywhere,” and the types included “high-level cadres all the way down to ordinary people,” Lon Nol officials, and people from ministries and divisions.³⁸² He provides evidence that many prisoners were sent in from the North zone army accompanied by sealed envelopes addressed to **DUCH**.³⁸³ He provides evidence that “at least 10,000 to 20,000” people were killed at S-21.³⁸⁴ The Witness provides evidence that he never transported children to Cheung Ek.³⁸⁵

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

14. The Witness provides evidence that the food ration for S-21 prisoners was one scoop of gruel per person twice daily, and that prisoners were not unshackled to eat.³⁸⁶ When prisoners were sick, “they were treated on the spot there, regardless of how ill they were.”³⁸⁷ He provides evidence that he saw wounds on prisoners who were being returned from interrogation.³⁸⁸

³⁷⁷ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161589, ERN 00161587-00161695 (ENG).

³⁷⁸ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161592, ERN 00161587-00161695 (ENG).

³⁷⁹ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161591, ERN 00161587-00161695 (ENG).

³⁸⁰ HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165436-00165437, 00165434-00165440 (ENG).

³⁸¹ HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165440, 00165434-00165440 (ENG).

³⁸² HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161599-00161600, ERN 00161595-00161604 (ENG).

³⁸³ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161600, 00161602, ERN 00161595-00161604 (ENG).

³⁸⁴ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161594, ERN 00161587-00161695 (ENG).

³⁸⁵ HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165438, 00165434-00165440 (ENG).

³⁸⁶ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161602, ERN 00161595-00161604 (ENG).

³⁸⁷ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161602, ERN 00161595-00161604 (ENG).

³⁸⁸ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161590, ERN 00161587-00161695 (ENG).

INTERROGATION

15. The Witness provides evidence that CHAN and PON were the highest cadres in interrogation³⁸⁹ but he never saw DUCH interrogate.³⁹⁰ He provides evidence that he saw wounds on prisoners who were being returned from interrogation.³⁹¹ The Witness has also admitted to personally participating in interrogations and torture, despite not being authorised to do this as part of his ordinary duties.³⁹²

TORTURE & INHUMANE TREATMENT

16. The Witness provides evidence that DUCH “gave the orders for all torture.”³⁹³ He provides evidence that he saw wounds on prisoners who were being returned from interrogation.³⁹⁴

EXTERMINATION, MURDER & WILFUL KILLING

17. He provides evidence that DUCH was the person who made the decision to kill.³⁹⁵ The Witness provides evidence that Pēng took children and killed them inside the S-21 compound and “buried them approximately 100 meters North and behind the prison.”³⁹⁶ He provides evidence that cadres from Division 703 were killed “inside S-21 and they killed them at Cheung Ek too.”³⁹⁷ The Witness provides evidence that “There were never any releases. (They) entered and they were killed.”³⁹⁸ The Witness provides evidence that soldiers under his command killed Vietnamese prisoners “behind Tuol Sleng.”³⁹⁹
18. The Witness provides evidence in detail the process of taking prisoners from S-21, transporting them to Cheung Ek, and executing them.⁴⁰⁰ He provides evidence that the “assigned killing teams were Pēng’s team and Tēng’s team; each team had ten persons. I was in the team which arrested and received prisoners. This team sent prisoners to Cheung

³⁸⁹ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161598, ERN 00161595-00161604 (ENG).

³⁹⁰ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161590, ERN 00161587-00161695 (ENG).

³⁹¹ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161590, ERN 00161587-00161695 (ENG).

³⁹² HIM Huy OCIJ Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198004, ERN 00197998-001978008 (ENG).

³⁹³ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161593, ERN 00161587-00161695 (ENG).

³⁹⁴ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161590, ERN 00161587-00161695 (ENG).

³⁹⁵ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161592, ERN 00161587-00161695 (ENG).

³⁹⁶ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161603, ERN 00161595-00161604 (ENG).

³⁹⁷ HIM Huy OCIJ Statement dated 18 September 2007, D19/V, at ERN 00161604, ERN 00161595-00161604 (ENG).

³⁹⁸ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161591, ERN 00161587-00161695 (ENG).

³⁹⁹ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161591, ERN 00161587-00161695 (ENG).

⁴⁰⁰ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161592, ERN 00161587-00161695 (ENG).

Ek. They had this team do killings too.”⁴⁰¹ Tay Teng’s group also had to dig graves and guard prisoners as they arrived at the site.⁴⁰² The Witness provides evidence that there were 50-60 prisoners at any given time at Cheung Ek, and they would spent an hour in a wooden house on site before being executed.⁴⁰³ One by one, blindfolded and handcuffed prisoners were called out to the pits and were clubbed to death with metal bars, their throats slit with machetes.⁴⁰⁴ The Witness has testified that he personally killed prisoners at the request of **DUCH** and Hor,⁴⁰⁵ the order being “to hit [the prisoners] one time very hard with the pole...they would then faint and fall down into the pit [where their throats would be cut].”⁴⁰⁶

19. The Witness provides evidence that even after Cheung Ek was established as a killing site, there were still killings at the main S-21 site when the number was small and they were “major people.”⁴⁰⁷

PRIOR STATEMENTS

20. The Witness has given twenty-nine prior statements to the Co-Prosecutors’ knowledge:
- (1) HIM Huy OCIJ Statement dated 18 September 2007, ERN 00161595-00161604 (ENG), ERN 00148089-00148101 (FRE), ERN 00146643-00146653 (KHM), D19/V.
 - (2) HIM Huy OCIJ Statement dated 19 September 2007, ERN 00146635-00146642 (KHM), ERN 00148079-00148088 (FRE), ERN 00161587-00161695 (ENG), D19/VI.
 - (3) HIM Huy OCIJ Statement dated 18 January 2008, D51/2, at ERN 00164451, ERN 00164449-00164452 (ENG).

⁴⁰¹ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161594, ERN 00161587-00161695 (ENG).

⁴⁰² HIM Huy OCIJ Written Record of Confrontation (ENG) dated 28 February 2008, D52, at ERN 00165437, ERN 00165434-00165440 (ENG); HIM Huy OCIJ Statement 18 January 2008, D51/2, at ERN 00164451, ERN 00164449-00164452 (ENG).

⁴⁰³ HIM Huy OCIJ Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198000, ERN 00197998-001978008 (ENG).

⁴⁰⁴ HIM Huy Statement in *Time Short for Genocide Justice in Cambodia* by Justine Smith for the Daily Telegraph, dated 7 April 2007. No ERN. Not yet on the casefile. (ENG).

⁴⁰⁵ The Witness admits to killing five prisoners: HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161594, ERN 00161587-00161695 (ENG); the Witness admitting killing five prisoners, one on the instruction of **DUCH**, four when HOR was there: HIM Huy OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165438-00165439, 00165434-00165440 (ENG); HIM Huy Interview by HUY Vannak, *Searching for the Truth* Magazine, July 2002 ERN 00104911-00104912; the Witness describes killing a prisoner in: HIM Huy Statement in *Time Short for Genocide Justice in Cambodia* by Justine Smith for the Daily Telegraph, dated 7 April 2007. No ERN. Not yet on the casefile (ENG); HIM Huy Statement in *Khmer Rouge Victims and Executioners Seek Reconciliation* by KER Munthi, Associated Press, dated 21 December 2005. No ERN, not yet on the casefile (ENG).

⁴⁰⁶ HIM Huy Statement in the film *Inside Pol Pot’s Secret Prison* by Bill BRUMMEL dated 4 July 2000, D69 ERN V 00172525, time stamp 00:30:25 to 00:30:56.

⁴⁰⁷ HIM Huy OCIJ Statement dated 19 September 2007, D19/VI, at ERN 00161592, ERN 00161587-00161695 (ENG).

- (4) HIM Huy OCIJ Statement dated 14 March 2008, D76/I, ERN 00189035-00189037 (ENG).
- (5) HIM Huy ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, ERN 00197993-00197997 (ENG).
- (6) HIM Huy ECCC-OCIJ Report of Reconstruction dated 27 February 2008, D48/2, ERN 00197998-00198008 (ENG).
- (7) HIM Huy ECCC-OCIJ Written Record of Confrontation dated 28 February 2008, D52, ERN 00165434-00165440 (ENG).
- (8) HIM Huy ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, ERN 00166561-00166570 (ENG).
- (9) HIM Huy Craig Etcheson/Chhang Youk Statement dated 29 February 1996 (summary), ERN 00104941-00104944 (ENG),
- (10) HIM Huy Bunsou Sour/Kate Hill Statement dated 7 July 2006 (transcript), ERN 00087753-00087764 (ENG),
- (11) Him Huy autobiography dated 10 November 1977, No ERN (but in CaseMap) (ENG), ERN 00052499-00052506 (KHM)
- (12) HIM Huy Statement dated 2002 (partial OCP transcription of “S-21: The Killing Machine”), ERN 00078303-00078304 (ENG).
- (13) HIM Huy Statement given to Peter Maguire undated (transcript), ERN 00104913-00104924 (ENG),
- (14) HIM Huy Statement given to Peter Maguire undated (transcript), ERN 00104925-00194940 (ENG),
- (15) HIM Huy Statement *Phnom Penh Post* dated 22 January – 4 February 1999, ERN 00087797-00087799 (ENG).
- (16) HIM Huy Statement in the film *Him Huy and Vann Nath* dated 2000, D69, ERN V 00172485.
- (17) HIM Huy Statement in the film *Mit den Mördern leben: Das Erbe der Roten Khmer* dated July 2000, D69, ERN V 00172511.
- (18) HIM Huy Statement in the film *Inside Pol Pot's Secret Prison* by Bill BRUMMEL dated 4 July 2000, D69 ERN V 00172525.

- (19) HIM Huy Statement in the film *Cambodia Report* by Phil REES, undated, D69, ERN V 00172527.
- (20) HIM Huy Statement in the film *Bophana, Une tragedie Cambodgienne* by RITHY Panh dated 1996, D69, ERN V 00172595.
- (21) HIM Huy Statement in the film *Pol Pot, Journey to the Killing Fields* by TVK, undated, D69, ERN V 00172603.
- (22) HIM Huy Statement in the film *S-21: The Khmer Rouge Killing Machine* by Rithy Panh dated 2002, D69, ERN V 00172620.
- (23) HIM Huy Statement *Report on the Meeting With a Former KR Named Him Huy* by Tim Sar, dated 15 September 1990, D61/I, ERN 00171153 [new]-0000171154 (ENG).
- (24) HIM Huy Statement given to Ben Kiernan dated 14 July 1996, D61/I, ERN 00171147-00171152 (KHM).
- (25) HIM Huy Statement in an article entitled “Former S-21 Comrades Reunite and Recall Their Past Experiences” by HUY Vannak in DC-Cam’s *Searching for the Truth* magazine, Number 31, July 2002, D5/2, ERN 00104911-00104912 (ENG).
- (26) HIM Huy Statement in *Time Short for Genocide Justice in Cambodia* by Justine Smith for the Daily Telegraph, dated 7 April 2007. No ERN. Not yet on the casefile. <http://www.telegraph.co.uk/news/worldnews/1547994/Time-short-for-genocide-justice-in-Cambodia.html> Accessed 31 October 2008 (ENG).
- (27) HIM Huy Statement in *Khmer Rouge Victims and Executioners Seek Reconciliation* by KER Munthi, Associated Press, dated 21 December 2005. No ERN, not yet on the casefile. http://www.boston.com/news/world/asia/articles/2005/12/21/khmer_rouge_victims_and_executioners_seek_reconciliation/ Accessed 31 October 2008 (ENG).
- (28) HIM Huy Statement in *Can Cambodia Get Justice?* by Bronwyn Sloan, *Deutsche Press Agentur*, dated April 13, 2006. No ERN, not yet on the Casefile. <http://www.globalpolicy.org/intljustice/tribunals/cambodia/2006/0413dpa.htm> Accessed 31 October 2008 (ENG).
- (29) HIM Huy Statement in *Former Torturers Turn Accusers and Confront the Killing Fields* by Nick Meo for *The Times*, dated July 3, 2006. No ERN, not yet on the casefile, http://business.timesonline.co.uk/tol/business/law/public_law/article682269.ece Accessed 31 October 2008 (ENG).

OTHER RELEVANT DOCUMENTS

21. The following document, amongst others, is also relevant to this Witness's evidence:

- (1) S-21 Photograph of HIM Huy posing with a guard team (undated), Document D69, ERN P 00005254.

13. KOK SROS

NATURE AND CONTENT OF TESTIMONY

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 23 years old on 17 April 1975, is a Cambodian male born in an unknown month of 1953.⁴⁰⁸ He was conscripted into the 138th Battalion army in 1973 and took part in the invasion of Phnom Penh on 17 April 1975, supporting the Special Forces.⁴⁰⁹ After participating in the evacuation of Phnom Penh, he was assigned as a guard at the former *Police Judiciaire* prison near Phsar Thmei and also at the psychiatric hospital in Takhmao under the leadership of **DUCH**.⁴¹⁰ These two detention facilities were consolidated as S-21 at Tuol Sleng, to which the Witness was assigned some time in 1976.⁴¹¹ The Witness worked as an inside and outside guard at S-21; in mid-December 1978 he was transferred to work at Prey Sar.⁴¹²

ROLE OF ACCUSED

3. The Witness provides evidence that **DUCH** was the Chairman of S-21⁴¹³ and had also been the chief of the prisons at the psychiatric hospital at Takmao and the former *Police Judiciaire*.⁴¹⁴ **DUCH** lived at S-21 permanently⁴¹⁵ and was responsible for appointing the team chiefs,⁴¹⁶ teaching political classes,⁴¹⁷ and controlling the interrogation documents.⁴¹⁸

⁴⁰⁸ KOK Sros, ECCC OCJ Statement dated 3 April 2008 at ERN 00195396, D78/10, ERN 00195395-00195401; in an interview by Doug Niven dated 14-15 October 1997 at ERN 00164562, he said his birth date was in 1950.

⁴⁰⁹ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164562, 00164572, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴¹⁰ KOK Sros, ECCC OCJ Statement dated 3 April 2008 at ERN 00195397, D78/10, ERN 00195395-00195401.

⁴¹¹ KOK Sros, ECCC OCJ Statement dated 3 April 2008 at ERN 00195397, D78/10, ERN 00195395-00195401.

⁴¹² KOK Sros, ECCC OCJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401; in an earlier statement, the Witness said he remained at S-21 until the Vietnamese invasion: KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164562, 00164572, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴¹³ KOK Sros, ECCC OCJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴¹⁴ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164562, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴¹⁵ KOK Sros Interview by David Chandler dated 15 October 1997 at ERN 00164580, D59, Annex No. 15, ERN 00164577-00164582 (ENG).

⁴¹⁶ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164567, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴¹⁷ KOK Sros Interview by David Chandler dated 15 October 1997 at ERN 00164577, D59, Annex No. 15, ERN 00164577-00164582 (ENG).

The Witness will say that **DUCH** was the “overall commander of the work” including “ordering the killings.”⁴¹⁹

4. The Witness provides evidence that he saw **DUCH** enter the interrogation rooms outside the prison compound to watch and inspect the interrogations, but he never saw him torture, interrogate or kill prisoners.⁴²⁰ The Witness provides evidence that he saw **DUCH** enter the barracks to inspect and give work instructions.⁴²¹ He also came “frequently” to inspect the detention cells, giving specific instructions.⁴²² The Witness provides evidence that **DUCH** gave the orders for arrests at Prey Sar.⁴²³
5. The Witness provides evidence that **DUCH** ordered the imprisonment of S-21 staff “if cadres had involvements and tendencies,” whereas those who didn’t work well were first given instructions/guidance and would only be arrested if they failed to reform themselves.⁴²⁴
6. The Witness provides evidence that he heard that at the end of the regime, when S-21 was already quite empty, **DUCH** gave the order to kill the remaining prisoners and 10 imprisoned cadre.⁴²⁵

ESTABLISHMENT, DURATION & OPERATION

7. The Witness worked as a guard at the prisons of the psychiatric hospital in Takmao and the former *Police Judiciaire* near Phsar Thmei. Some of the inmates who “told the truth” were released,⁴²⁶ but once these prisons were consolidated as S-21 at Tuol Sleng, no inmate was allowed to leave alive.⁴²⁷
8. The Witness provides evidence that S-21 was inside the Tuol Svay Prey School and had four prisoner detention buildings. In front of the East entrance gate, there was an interrogation site, and next to that was **DUCH**’s house. The guard unit was outside on the northwest corner and the dining site of the guard unit was adjacent to the fence.⁴²⁸
9. The Witness provides evidence that there were already prisoners at S-21 when he started work there. He prepared the rooms and cells and built the fence along the prison.⁴²⁹

⁴¹⁸ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴¹⁹ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401. The witness repeats this similarly at ERN 00195399.

⁴²⁰ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195399, D78/10, ERN 00195395-00195401.

⁴²¹ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195399, D78/10, ERN 00195395-00195401.

⁴²² KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195399, D78/10, ERN 00195395-00195401.

⁴²³ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401.

⁴²⁴ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195399, D78/10, ERN 00195395-00195401.

⁴²⁵ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401.

⁴²⁶ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164566, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴²⁷ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164566, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴²⁸ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴²⁹ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195397, D78/10, ERN 00195395-00195401.

10. The Witness worked as a member of a 100-guard unit at S-21. Each guard was assigned to guard a five square metre area.⁴³⁰ Guards lived under strict conditions and were in constant fear for their lives; they were never allowed to leave the prison compound, nor were they allowed to have girlfriends or visitors.⁴³¹
11. Guards who fell asleep were sent to Prey Sar for “tempering” and if they failed to work hard enough, they were imprisoned in S-21.⁴³² Guards were also arrested and imprisoned at S-21 if they killed a prisoner before the interrogators had elicited a satisfactory confession, or if a prisoner escaped or committed suicide on their watch.⁴³³
12. The Witness provides evidence that about ten people from three companies of guards were arrested and imprisoned at S-21.⁴³⁴

AUTHORITY STRUCTURE

13. The Witness provides evidence that **DUCH** was the Chairman of S-21⁴³⁵ and had also been the chief of the psychiatric hospital at Takmao and the former *Police Judiciaire* prison.⁴³⁶ **HOR** was the Deputy Chairman.⁴³⁷ **CHAN** was one of **DUCH**’s advisors.⁴³⁸ **PENG** was the chairman of the guards⁴³⁹ and was the Witness’s immediate superior was Peng.
14. The taller **HUY** was in charge of Prey Sar, while the shorter **HUY** was in charge of interrogations⁴⁴⁰. The prisoners were very scared of the shorter **HUY** because he would personally torture them during interrogations if they did not answer the questions satisfactorily.⁴⁴¹ **HUY**’s group was also responsible for arresting prisoners and taking them away to Choeung Ek. The people assigned to do the killings at Cheung Ek were selected

⁴³⁰ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164563, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴³¹ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164568, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴³² KOK Sros Interview by David Chandler dated 15 October 1997 at ERN 00164581, D59, Annex No. 15, ERN 00164577-00164582 (ENG); this reason for arrest was confirmed by the witness: KOK Sros OCIJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401.

⁴³³ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164564, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴³⁴ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401; but in the David Chandler interview dated 15 October 1997 at ERN 00164580, he that so many guards were killed that of the 200 initial guards, only the Witness and one other man survived.

⁴³⁵ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴³⁶ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164562, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴³⁷ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401; the Witness also described that **HOR** was “really mean”: KOK Sros Interview by David Chandler dated 15 October 1997 at ERN 00164577-8, D59, Annex No. 15, ERN 00164577-00164582 (ENG).

⁴³⁸ KOK Sros Interview by David Chandler dated 15 October 1997 at ERN 00164577-8, D59, Annex No. 15, ERN 00164577-00164582 (ENG).

⁴³⁹ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401.

⁴⁴⁰ KOK Sros Interview by David Chandler dated 15 October 1997 at ERN 00164581, D59, Annex No. 15, ERN 00164577-00164582 (ENG).

⁴⁴¹ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164564, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

by HUY and PENG.⁴⁴² THY was responsible for keeping track of all the prisoners names and numbers.⁴⁴³

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

15. The Witness provides evidence that cadres told him that prisoners previously held at the *Police Giudiciare* and at the Psychiatric Hospital were sent to S-21.⁴⁴⁴
16. The Witness provides evidence that detainees were blindfolded and handcuffed and usually brought into S-21 in groups of 30 by covered 4x4 truck,⁴⁴⁵ packed so full that there was no place to sit.⁴⁴⁶ Upon arrival, prisoners were photographed and taken to the detention site.⁴⁴⁷ After the interrogations were over, the guards brought prisoners where “rows and rows” of them were shackled together.⁴⁴⁸
17. There were about 1,000 prisoners at S-21. When the prison reached capacity, the high profile prisoners such as the cadre and combatants were kept for interrogation, while the other prisoners were killed.⁴⁴⁹ Women, children and important prisoners were kept separate from the general population. Although children were usually not imprisoned at S-21, sometimes the children of “big guys” were detained.⁴⁵⁰ Khmer Rouge military were also arrested – when the chief of a group of soldiers committed a fault, the entire group was brought in, “even the innocent soldiers.”⁴⁵¹
18. The Witness provides evidence that he guarded prisoners outside and inside the S-21 compound.⁴⁵² He provides evidence that the prisoners were of mixed nationalities, who were detained separately, and saw Indians, Thais and Vietnamese, although he never saw Vietnamese soldiers.⁴⁵³ He provides evidence that he never saw any child prisoners.⁴⁵⁴
19. The Witness provides evidence that about ten guards were arrested and imprisoned at S-21 because they did not perform their work well,⁴⁵⁵ such as if they killed a prisoner before the

⁴⁴² KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164566, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁴³ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164565, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁴⁴ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195397, D78/10, ERN 00195395-00195401.

⁴⁴⁵ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195399, D78/10, ERN 00195395-00195401.

⁴⁴⁶ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164564, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁴⁷ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195399, D78/10, ERN 00195395-00195401.

⁴⁴⁸ KOK Sros Statement in Peter HERCOMBE's film *Pol Pot: The Killing Embrace* dated 2000, D69, ERN V 00172454 (ENG and KHM) at time stamp 00:41:46.

⁴⁴⁹ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164562-3, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁵⁰ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164569, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁵¹ KOK Sros Statement in Peter HERCOMBE's film *Pol Pot: The Killing Embrace* dated 2000, D69, ERN V 00172454 (ENG and KHM) at time stamp 00:39:30 to 00:40:26.

⁴⁵² KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴⁵³ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴⁵⁴ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴⁵⁵ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401.

interrogators had elicited a satisfactory confession, or if a prisoner escaped or committed suicide on their watch.⁴⁵⁶

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

20. The Witness provides evidence that when they were brought in, the prisoners were handcuffed, and their legs were shackled once they were placed in their cells.⁴⁵⁷
21. The Witness provides evidence that the prisoners did not have enough food.⁴⁵⁸ He provides evidence that the prisoners bathed once every two days from a water hose outside the cell.⁴⁵⁹ There were no medics to treat the prisoners' illnesses.⁴⁶⁰
22. The Witness provides evidence that he went to Prey Sar twice a year to work the rice fields.⁴⁶¹ The Witness provides evidence that the people being tempered at Prey Sar were both men and women and former soldiers.⁴⁶²

INTERROGATION

23. The prisoner provides evidence that HUY's group was responsible for the interrogations.⁴⁶³ As a guard, his only involvement with the interrogations was to hand over a prisoner to the interrogation unit when it was his turn. The interrogations took place in a building that was east of the Tuol Sleng compound.⁴⁶⁴ Interrogations were "very very cruel."⁴⁶⁵ The Witness often heard prisoners scream during the interrogations.⁴⁶⁶
24. The Witness provides evidence that he never directly saw any killings or interrogations.⁴⁶⁷ He provides evidence that he saw that the prisoners had marks after they were interrogated and brought back to their detention cells.⁴⁶⁸

TORTURE & INHUMANE TREATMENT

25. The Witness provides evidence that methods of torture included electrocution and the use of pincers "to pull away flesh."⁴⁶⁹ He saw prisoners returning from interrogations with

⁴⁵⁶ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164564, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁵⁷ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164564, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁵⁸ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴⁵⁹ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴⁶⁰ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴⁶¹ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401.

⁴⁶² KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401.

⁴⁶³ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164566, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁶⁴ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴⁶⁵ KOK Sros Statement in Peter HERCOMBE's film *Pol Pot: The Killing Embrace* dated 2000, D69, ERN V 00172454 (ENG and KHM) at time stamp 00:40:26 to 00:41:46.

⁴⁶⁶ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164563, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁶⁷ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195398, D78/10, ERN 00195395-00195401.

⁴⁶⁸ KOK Sros, ECCC OCIJ Statement dated 3 April 2008 at ERN 00195399, D78/10, ERN 00195395-00195401.

“marks.”⁴⁷⁰ The Witness provides evidence that HUY’s interrogation group tortured prisoners during interrogations. Often HUY personally tortured the prisoners.⁴⁷¹ The Witness provides evidence that he saw prisoners being electrocuted, and at other times he heard the screams of prisoners “please, not the pincers!” and the shouts of interrogators.⁴⁷²

EXTERMINATION, MURDER & WILFUL KILLING

26. The Witness provides evidence that a truck driver who took the prisoners to Boeng Cheung Ek told him that all the prisoners were interrogated and sent to be killed at Boeng Cheung Ek, under **DUCH**’s order.⁴⁷³ Important prisoners, few in number, were killed outside the S-21 fence, as were the Indian, Thai and Vietnamese prisoners.⁴⁷⁴
27. The Witness provides evidence that S-21 policy was to kill every prisoner and to release no-one. This applied even to inmates who had been arrested by mistake, because the cadre were afraid that people might find out what was going on at S-21.⁴⁷⁵ Larger groups of prisoners were all sent to Cheung Ek to be killed. Smaller groups were taken to a building on the western side of the Tuol Sleng compound to be killed. The guards did not shoot the prisoners, but rather beat them to death with a metal bar.⁴⁷⁶ The Witness provides evidence that he was present on three occasions when prisoners arrived with the prison already at full capacity. When this happened, the higher-ranking prisoners were singled out and kept for interrogation, while the other prisoners were taken to Choeung Ek to be killed.⁴⁷⁷ Huy, chief of Prey Sar, was also arrested and killed.⁴⁷⁸
28. When S-21 was abandoned in January 1979 in the face of the approaching Vietnamese, the remaining prisoners were killed.⁴⁷⁹

⁴⁶⁹ KOK Sros Statement in Peter HERCOMBE’s film *Pol Pot: The Killing Embrace* dated 2000, D69, ERN V 00172454 (ENG and KHM) at time stamp 00:40:26 to 00:41:46.

⁴⁷⁰ KOK Sros, ECCC OCII Statement dated 3 April 2008 at ERN 00195399, D78/10, ERN 00195395-00195401.

⁴⁷¹ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164564, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁷² KOK Sros Statement in Peter HERCOMBE’s film *Pol Pot: The Killing Embrace* dated 2000, D69, ERN V 00172454 (ENG and KHM) at time stamp 00:40:26 to 00:41:46.

⁴⁷³ KOK Sros, ECCC OCII Statement dated 3 April 2008, at ERN 00195399, D78/10, ERN 00195395-00195401.

⁴⁷⁴ KOK Sros, ECCC OCII Statement dated 3 April 2008, at ERN 00195399, D78/10, ERN 00195395-00195401.

⁴⁷⁵ KOK Sros Interview by David Chandler dated 15 October 1997 at ERN 00164579, D59, Annex No. 15, ERN 00164577-00164582 (ENG).

⁴⁷⁶ KOK Sros Interview by David Chandler dated 15 October 1997 at ERN 00164579, D59, Annex No. 15, ERN 00164577-00164582 (ENG).

⁴⁷⁷ KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164568, D59, Annex No. 16, ERN 00164562-00164576 (ENG).

⁴⁷⁸ KOK Sros, ECCC OCII Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401.

⁴⁷⁹ The Witness stated that the 100 remaining prisoners were killed at Cheung Ek: KOK Sros, ECCC OCII Statement dated 3 April 2008 at ERN 00195400, D78/10, ERN 00195395-00195401; in earlier statements, the Witness said that the guards killed the remaining prisoners at S-21: KOK Sros Interview by Doug Niven dated 14-15 October 1997 at ERN 00164572, D59, Annex No. 16, ERN 00164562-00164576 (ENG) and KOK Sros Interview by David Chandler dated 15 October 1997 at ERN 00164580, D59, Annex No. 15, ERN 00164577-00164582 (ENG).

PRIOR STATEMENTS

29. The Witness has given four prior statements to the Co-Prosecutors' knowledge:
- (1) KOK Sros Statement by Doug Niven dated 14-15 October 1997, D59, Annex No. 16, ERN 00164562-00164576 (ENG).
 - (2) KOK Sros Statement by David Chandler dated 15 October 1997, D59, Annex No. 15, ERN 00164577-00164582 (ENG).
 - (3) KOK Sros Statement in Peter HERCOMBE's film *Pol Pot: The Killing Embrace* dated 2000, D69, ERN V 00172454 (ENG and KHM) at time stamp 00:39:30-00:42:43
 - (4) KOK Sros OCIJ Statement dated 3 April 2008, D78/10, ERN 00195395-00195401 (ENG).

OTHER RELEVANT DOCUMENTS

30. The Witness will refer to relevant documents at trial.

14. KONG PHAI (KUNG PHAI)

NATURE AND CONTENT OF TESTIMONY

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 14 years old on 17 April 1975, was born on 4 May 1960. The Witness provides evidence that initially he was a KR militiaman, then in 1976 was sent to work at Prey Sar to plant rice,⁴⁸⁰ then in mid 1977 he was transferred to work as an exterior guard at S-21,⁴⁸¹ remaining there until the fall of Phnom Penh in 1979.⁴⁸²

ROLE OF ACCUSED

3. The Witness provides evidence that the “senior chairman” at S-21 was **DUCH**;⁴⁸³ his messenger was **CHHEN**.⁴⁸⁴ The Witness saw **DUCH** at S-21;⁴⁸⁵ whilst he was guarding, he saw **DUCH** coming to interrogate prisoners in the special prison.⁴⁸⁶
4. **DUCH** and **HOR** personally conducted interrogations of high-ranking or foreign prisoners⁴⁸⁷ and the witness recalls that **DUCH**, **HOR** and **CHAN** interrogated three American prisoners⁴⁸⁸ brought into S-21 in 1978. Specifically, he saw **DUCH** interrogating

⁴⁸⁰ KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146781-2, ERN 00146781-6785 (ENG).

⁴⁸¹ KONG Phai ECCC-OCJ Statement dated 27 December 2007, D28/1, at ERN 00163633, ERN 00163631-3635 (ENG).

⁴⁸² KONG Phai ECCC-OCJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG).

⁴⁸³ KONG Phai ECCC-OCJ Statement dated 27 December 2007, D28/1, at ERN 00163633, ERN 00163631-3635 (ENG).

⁴⁸⁴ KONG Phai ECCC-OCJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG); KUNG Phai, DC-Cam Statement dated 23 June 2003, at p.2 of ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

⁴⁸⁵ KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146782, ERN 00146781-6785 (ENG).

⁴⁸⁶ KONG Phai ECCC-OCJ Report of Reconstruction dated 27 February 2008, D48/2, at ERN 00198002, ERN 00197998-00198008 (ENG).

⁴⁸⁷ KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG); KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146784, ERN 00146781-6785 (ENG).

⁴⁸⁸ The Witness provides evidence that TUY conducted the initial interview of the Americans through interpreters, with **DUCH**, **CHAN** and **HOR** personally interrogating “because they wanted to find things out for themselves”: KUNG Phai, DC-Cam Statement dated 23 June 2003, at ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

one of these Americans, wearing only shorts, with long curly red hair down to his shoulders. Prior to **DUCH**'s interrogation, the prisoner had worn a t-shirt.⁴⁸⁹

5. It was **DUCH** who approved the selection of staff for S-21⁴⁹⁰ The Witness provides evidence that he twice attended training held by **DUCH** for S-21 staff, in which they were taught that "the youth are the Party's bamboo sprouts."⁴⁹¹ **DUCH** also taught that the prisoners were enemies, and if they did not answer they could be tortured.⁴⁹²
6. The Witness provides evidence that he believes **DUCH** arranged the killing of large numbers of prisoners at S-21 immediately before the Vietnamese invasion.⁴⁹³

ESTABLISHMENT, DURATION & OPERATION

7. The Witness provides evidence that there were two cordons of guards around S-21, and an execution ground to the west.⁴⁹⁴ Security at the prison was "really strict,"⁴⁹⁵ as was discipline: he saw a blackboard on the ground floor of the special prison, upon which were written the "Security Office Discipline" rules.⁴⁹⁶
8. Initially the Witness guarded the small prison which was "more important" than the main prison because it was for higher-ranking officials or foreign prisoners,⁴⁹⁷ including American and Vietnamese prisoners.⁴⁹⁸ S-21's arrest unit used Soviet and Chinese trucks to make arrests in the Zones.⁴⁹⁹

⁴⁸⁹ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG); KONG Phai ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166564, ERN 00166561-00166570 (ENG).

⁴⁹⁰ KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146782, ERN 00146781-6785 (ENG).

⁴⁹¹ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG); KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG).

⁴⁹² KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163635, ERN 00163631-3635 (ENG).

⁴⁹³ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163635, ERN 00163631-3635 (ENG).

⁴⁹⁴ KUNG Phai, DC-Cam Statement dated 23 June 2003, at ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

⁴⁹⁵ KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG).

⁴⁹⁶ KONG Phai ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166568, ERN 00166561-00166570 (ENG).

⁴⁹⁷ KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146782, ERN 00146781-6785 (ENG).

⁴⁹⁸ KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG); KUNG Phai, DC-Cam Statement dated 23 June 2003, at ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

⁴⁹⁹ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG).

9. Some time in 1978, the Witness guarded the southern entrance gate of the prison, although high-ranking prisoners and interrogators used the northern gate.⁵⁰⁰
10. The Witness provides evidence that several days before 7 January 1979, he was sent to guard at the entrance gate “as there were so many prisoners.” These prisoners were all killed, some at S-21 and some were transported to Cheung Ek, before the staff fled. The Witness provides evidence that he saw this killing with his own eyes.⁵⁰¹

AUTHORITY STRUCTURE

11. The Witness provides evidence that the “senior chairman” at S-21 was **DUCH**.⁵⁰² **HOR** was the Deputy and **CHAN** was the Party Member.⁵⁰³ **SRY/SRI** was the chairman of the guards,⁵⁰⁴ with **MAU** the chairman of the Witness’s specific guard unit.⁵⁰⁵ **HUY** and **PENG** were the Chairmen of the arrest unit.⁵⁰⁶ **CHAN** was the “member” of S-21, and responsible for dividing S-21 staff into smaller groups.⁵⁰⁷ The Witness provides evidence that those who personally killed the prisoners included **HUY**, **TRY** and **MAU**, with **TRY** also taking photographs.⁵⁰⁸

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

12. The Witness provides evidence that whilst guarding the outside walls of S-21, he saw prisoners being taken in and out,⁵⁰⁹ and sometimes he personally took prisoners, handcuffed and blindfolded, to be interrogated at “other places” to the east of his site.⁵¹⁰ The Witness provides evidence that soldiers from the east were detained in the southern building.⁵¹¹ In 1978 the Witness saw three American prisoners being brought into the

⁵⁰⁰ KONG Phai ECCC-OCP Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG).

⁵⁰¹ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163635, ERN 00163631-3635 (ENG); KONG Phai ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166564, ERN 00166561-00166570 (ENG).

⁵⁰² KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163633, ERN 00163631-3635 (ENG); the Witness has earlier stated that when they attended training they were told that S-21 was “headed by **DUCH** and **HOR** [was] his deputy”: KONG Phai ECCC-OCP Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146782, ERN 00146781-6785 (ENG).

⁵⁰³ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG).

⁵⁰⁴ KONG Phai ECCC-OCP Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146782, ERN 00146781-6785 (ENG).

⁵⁰⁵ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163633, ERN 00163631-3635 (ENG).

⁵⁰⁶ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG).

⁵⁰⁷ KONG Phai ECCC-OCP Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146782, ERN 00146781-6785 (ENG).

⁵⁰⁸ KUNG Phai, DC-Cam Statement dated 23 June 2003, at ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

⁵⁰⁹ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163633, ERN 00163631-3635 (ENG).

⁵¹⁰ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG).

⁵¹¹ KONG Phai ECCC-OCP Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG); KUNG Phai, DC-Cam Statement dated 25 February

southern entrance he was guarding; when he brought rice to one of them on the second floor he saw that they were held in different cells.⁵¹² The Americans had been captured from islands in the Gulf of Siam and were very well taken care of, getting food, water and cigarettes and not being beaten.⁵¹³ He was told by the guard on the next shift that “they had taken all three of them away” and did not re-appear.⁵¹⁴

13. The Witness provides evidence that he sometimes guarded the cells containing female Vietnamese prisoners, who he later learned had been prostitutes for the Vietnamese soldiers arrested by the Khmer Rouge. He also guarded one male Vietnamese soldier.⁵¹⁵

INTERROGATIONS

14. The Witness provides evidence that interrogation was conducted “to find out the lines” and the undercover activities, commonly accused of being CIA agents; the interrogation records were not made known to anyone.⁵¹⁶ Whilst guarding the outside walls of S-21, he opened the gate by “facial recognition” to the interrogators, one of whom was TUY.⁵¹⁷
15. **DUCH** and **HOR** personally conducted interrogations of high-ranking or foreign prisoners⁵¹⁸ and the witness recalls that **DUCH**, **HOR** and **CHAN** interrogated three American prisoners⁵¹⁹ brought into S-21 in 1978. Specifically, he saw **DUCH** interrogating one of these Americans, wearing only shorts, with long curly red hair down to his shoulders. Prior to **DUCH**’s interrogation, the prisoner had worn a t-shirt.⁵²⁰

2000, at ERN 000054619-00054629, ERN 00054619-4674 (KHM) (p.2 short english summary available under D61/I-00004, no ERN).

⁵¹² KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG).

⁵¹³ KUNG Phai, DC-Cam Statement dated 23 June 2003, at p.2 of ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

⁵¹⁴ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG).

⁵¹⁵ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG).

⁵¹⁶ KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG).

⁵¹⁷ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163633, ERN 00163631-3635 (ENG).

⁵¹⁸ KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG); KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146784, ERN 00146781-6785 (ENG).

⁵¹⁹ The Witness provides evidence that TUY conducted the initial interview of the Americans through interpreters, with **DUCH**, **CHAN** and **HOR** personally interrogating “because they wanted to find things out for themselves”: KUNG Phai, DC-Cam Statement dated 23 June 2003, at ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

⁵²⁰ KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, at ERN 00163634, ERN 00163631-3635 (ENG); KONG Phai ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166564, ERN 00166561-00166570 (ENG).

TORTURE & INHUMANE TREATMENT

16. The Witness provides evidence that whilst he was guarding the prisoners and bringing them food⁵²¹ he witnessed interrogators torturing them with rods,⁵²² whips and electric shocks⁵²³ and he saw bruises and ulcers all over their bodies.⁵²⁴ Prisoners had their toe-nails clamped, were ducked in an ice water bathtub⁵²⁵ and were also tied to wooden sticks and burned with spot-lights, eventually answering the questions when they could no longer stand the heat.⁵²⁶ He heard the screams of prisoners and saw medics come to treat the injured prisoners. The Witness provides evidence that “all of the interrogators tortured prisoners;”⁵²⁷ **DUCH** taught that the prisoners were enemies, and if they did not answer they could be tortured.⁵²⁸

EXTERMINATION, MURDER & WILFUL KILLING

17. The Witness provides evidence that the prisoners who had been interrogated were all executed. The Witness knew it because he was told during the training that all prisoners would eventually be killed.⁵²⁹ The Witness provides evidence that prisoners were usually taken out in big trucks, or on foot if there were only a few of them. The Witness did not know exactly where they took those prisoners to, but he knew for the fact that they were taken to a place where they would be executed because those prisoners were taken out only at night or early evening.⁵³⁰
18. The Witness provides evidence that he witnessed prisoner executions taking place within and around the S-21 compound. He saw a mass grave “as big as a pond” on the western part of the S-21 prison fence.⁵³¹ He witnessed prisoners being killed at an execution site 20

⁵²¹ KONG Phai ECCC-OCF Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG); KONG Phai ECCC-OCF Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG).

⁵²² KONG Phai ECCC-OCF Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG).

⁵²³ KONG Phai ECCC-OCF Statement dated 27 December 2007, D28/1, at ERN 00163635, ERN 00163631-3635 (ENG).

⁵²⁴ KONG Phai ECCC-OCF Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146784, ERN 00146781-6785 (ENG).

⁵²⁵ KONG Phai ECCC-OCF Report of Reconstruction dated 27 February 2008, D48/2, at ERN 00198002, ERN 00197998-00198008 (ENG); KONG Phai ECCC-OCF Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166565, ERN 00166561-00166570 (ENG).

⁵²⁶ KONG Phai ECCC-OCF Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG).

⁵²⁷ KONG Phai ECCC-OCF Statement dated 27 December 2007, D28/1, at ERN 00163635, ERN 00163631-3635 (ENG).

⁵²⁸ KONG Phai ECCC-OCF Statement dated 27 December 2007, D28/1, at ERN 00163635, ERN 00163631-3635 (ENG).

⁵²⁹ KONG Phai ECCC-OCF Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG).

⁵³⁰ KONG Phai ECCC-OCF Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG); KONG Phai, DC-Cam Statement dated 25 February 2000, at ERN 000054619-00054629, ERN 00054619-4674 (KHM) (*p.2 short english summary available under D61/I-00004, no ERN*).

⁵³¹ KONG Phai ECCC-OCF Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146783, ERN 00146781-6785 (ENG).

to 30 meters away from his house. In one incident, around midnight, the Witness heard a scream and saw a prisoner being beaten to death with an iron bar.

19. In another incident, around 9 or 10 pm the Witness saw prisoners being executed inside the S-21 compound. He saw a line of prisoners blind-folded, hands tied behind their back, who were all walked to the edge of a big grave and killed.⁵³²
20. The Witness provides evidence that those who personally killed the prisoners included HUY, TRY and MAU, with Tri also taking photographs. The directive from above was that high-ranking prisoners were taken away and executed as soon as their interrogations had concluded, without any further approval being needed.⁵³³ For minor prisoners, the execution unit often needed help from the guards to load them onto the trucks to be taken away for execution.⁵³⁴ Foreign prisoners were executed at a killing site for important prisoners, near S-21 itself. Such orders were issued by **DUCH** although he was not personally present at executions.
21. The Witness provides evidence that during the study sessions they were told that HOU Yuon and HU Nim had been executed in S-21 “for inciting unrest.”⁵³⁵
22. The Witness provides evidence that several days before 7 January 1979, large numbers of prisoners were killed, some at S-21 and some were transported to Cheung Ek, before the staff fled. The Witness saw this killing with his own eyes.⁵³⁶

PRIOR STATEMENTS

23. The Witness has given six prior statements to the Co-Prosecutors’ knowledge:
 - (1) KUNG Phai, DC-Cam Statement dated 25 February 2000, at ERN 000054619-00054629, ERN 00054619-4674 (KHM) (*short english summary available under D61/I-00004, no ERN*).

⁵³² KONG Phai ECCC-OCJ Statement dated 9 December 2006, Introductory Submission Document Number 23.5, at ERN 00146784, ERN 00146781-6785 (ENG); The Witness provides evidence that “Ta Si” [CHOU Chet, alias Si] of the West Zone was killed there: KUNG Phai, DC-Cam Statement dated 23 June 2003, at ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.3 of English summary (no ERN); KONG Phai ECCC-OCJ Report of Reconstruction dated 27 February 2008, D48/2, at ERN 00198002, ERN 00197998-00198008 (ENG).

⁵³³ KUNG Phai, DC-Cam Statement dated 23 June 2003, at ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

⁵³⁴ KUNG Phai, DC-Cam Statement dated 23 June 2003, at ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

⁵³⁵ KUNG Phai, DC-Cam Statement dated 23 June 2003, at p.2 of ERN 00054630-00054674, ERN 00054619-4674 (KHM) p.2 of English summary (no ERN).

⁵³⁶ KONG Phai ECCC-OCJ Statement dated 27 December 2007, D28/1, at ERN 00163635, ERN 00163631-3635 (ENG); KONG Phai ECCC-OCJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166564, ERN 00166561-00166570 (ENG).

- (2) KUNG Phai, DC-Cam Statements dated 25 February 2000 and 23 June 2003, at ERN 00054619-00054629, ERN 00054630-4674 (KHM) (*short english summary not yet disclosed, no ERN*).
- (3) KONG Phai ECCC-OCP Statement dated 9 December 2006, Introductory Submission Document Number 23.5, ERN 00146781-6785 (ENG), ERN 00078676-8682 (KHM).
- (4) KONG Phai ECCC-OCIJ Statement dated 27 December 2007, D28/1, ERN 00163631-3635 (ENG), ERN 00163626-3630 (KHM).
- (5) KONG Phai ECCC-OCIJ Report of Reconstruction dated 27 February 2008, D48/2, ERN 00197998-00198008 (ENG).
- (6) KONG Phai ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, ERN 00166561-00166570 (ENG).

OTHER RELEVANT DOCUMENTS

24. The Witness will refer to relevant documents at trial.

15. LACH MEAN

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 17 years old on 17 April 1975, is a Cambodian male born on 5 September 1957.⁵³⁷ The Witness was a soldier with the Khmer Rouge from 1973-74, and then in 1975 was taken with others by CHAN to Phnom Penh to work and study. The Witness provides evidence that he was later sent to guard at various locations including the *Police Judiciare* near *Phsar Thmei*, before being sent to work at S-21 some time in 1977. He started as a guard, then worked as a typist and then from mid-1978 he trained to be an interrogator, in which post he remained until the Vietnamese invasion.⁵³⁸ There are 15 surviving S-21 confessions in which the Witness is listed as the interrogator.

DK STRUCTURE & POLICY

3. The Witness provides evidence that SON Sen came to S-21 once every month or two to teach political studies.⁵³⁹ The policy at S-21 was that staff were not permitted to “encroach”⁵⁴⁰ on the work of others and that contact with other units was not allowed.⁵⁴¹

ROLE OF ACCUSED

4. The Witness provides evidence that “everyone said” **DUCH** was the Chairman of S-21.⁵⁴² **DUCH** frequently entered and left S-21 interrogation sites⁵⁴³ and every four or five days he

⁵³⁷ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162783, D22/13, ERN 00162782-00162793 (ENG).

⁵³⁸ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162785 D22/13, ERN 00162782-00162793 (ENG).

⁵³⁹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162791, D22/13, ERN 00162782-00162793 (ENG).

⁵⁴⁰ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 001627856, D22/13, ERN 00162782-00162793 (ENG).

⁵⁴¹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162792, D22/13, ERN 00162782-00162793 (ENG).

⁵⁴² LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162791, D22/13, ERN 00162782-00162793 (ENG).

⁵⁴³ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162791, D22/13, ERN 00162782-00162793 (ENG). In an earlier statement, the Witness stated that **DUCH** “never visited the interrogation place” LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146788, ERN 00146786-00146789 (ENG).

gave interrogation training, specifically on the “weak points” of prisoners, on how to deal with “unresponsive” prisoners⁵⁴⁴ and “explained about prisoners implicating some person.”⁵⁴⁵ The Witness sent a copy of prisoners “confessions” to **DUCH**.⁵⁴⁶ On one occasion the Witness telephoned **DUCH** when a prisoner had implicated VON Vet. Initially, **DUCH** told the Witness not to write this down, but later after **DUCH** had “checked” he (**DUCH**) called the Witness back and had him “write it back in again.”⁵⁴⁷

ESTABLISHMENT, DURATION & OPERATION

5. The Witness provides evidence that internal guards were instructed to prevent prisoners escaping or committing suicide.⁵⁴⁸ Guards worked in shifts from 5am to 11 am, followed by general work in and around S-21, then went back to guarding from 5pm to 12am, or 12am to 5am; different buildings were guarded by different guards and there could be no “encroaching” on the work of others.⁵⁴⁹ There were three large buildings: the South corner building held senior prisoners; the East building in the middle had large rooms for prisoners held in large iron shackles; and the middle building had small cells on the ground and middle floors.⁵⁵⁰ After arrival at S-21, the prisoners were photographed by En, Song, and Nith.⁵⁵¹ The Witness provides evidence that some S-21 cadres and interrogators were arrested. When they were “walked away” they were covered in blankets and were put in the south building.⁵⁵²

AUTHORITY STRUCTURE

6. The Witness provides evidence that “everyone said” **DUCH** was the Chairman of S-21.⁵⁵³ **HOR** was the deputy⁵⁵⁴ and **PON** was responsible for the interrogation of high-profile prisoners.⁵⁵⁵ Seng was the chairman of the Defence unit and Yem Yean alias Chrech, Ry, Rhat, Un, Reth, Phai were the members. The Interrogation unit (in order of rank)

⁵⁴⁴ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162791, D22/13, ERN 00162782-00162793 (ENG).

⁵⁴⁵ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 0016278592, D22/13, ERN 00162782-00162793 (ENG).

⁵⁴⁶ LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146788, ERN 00146786-00146789 (ENG).

⁵⁴⁷ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162792, D22/13, ERN 00162782-00162793 (ENG).

⁵⁴⁸ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162786, D22/13, ERN 00162782-00162793 (ENG).

⁵⁴⁹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162786, D22/13, ERN 00162782-00162793 (ENG).

⁵⁵⁰ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162786, D22/13, ERN 00162782-00162793 (ENG).

⁵⁵¹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162788, D22/13, ERN 00162782-00162793 (ENG).

⁵⁵² LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162792, D22/13, ERN 00162782-00162793 (ENG).

⁵⁵³ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162791, D22/13, ERN 00162782-00162793 (ENG).

⁵⁵⁴ LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146787, ERN 00146786-00146789 (ENG).

⁵⁵⁵ LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146788, ERN 00146786-00146789 (ENG).

comprised of Norn, Heng, Kak, Nan, Khith, Oeun, Seng, Reth, and Pheap alias Chrek. The senior interrogators were Chan and Pon, along with six to seven others whose names the Witness cannot remember.⁵⁵⁶ Thy and Lan were responsible for receiving prisoners, by day and by night.⁵⁵⁷

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

7. The Witness provides evidence that S-21 could accommodate “around 1,000” prisoners.⁵⁵⁸ He saw both male and female prisoners but no children.⁵⁵⁹ Male and female prisoners were separated into different cells, with some female prisoners being put into common cells.⁵⁶⁰ He can recall seeing Vietnamese (soldiers, he believes) and “two or three” American prisoners at S-21.⁵⁶¹ The Witness provides evidence that the chiefs of hospitals and managers of factories were imprisoned at S-21, and he saw “truckloads” of prisoners being driven in and out of S-21.⁵⁶² The Witness provides evidence that interrogators and guards themselves were arrested.⁵⁶³ Those in small cells were shackled by both legs unless they had gone through more than two interrogations when they were shackled by only one leg.⁵⁶⁴ Those prisoners whose interrogations had been completed and those prisoners for whom it was considered “not necessary” to interrogate were kept in common cells.⁵⁶⁵

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

8. The Witness provides evidence that prisoners were often held in small cells, and were almost always shackled by both legs.⁵⁶⁶ Prisoners usually wore only shorts, and a shirt during cold months, but women were allowed to dress “normally”.⁵⁶⁷ Prisoners slept on the tiled floor⁵⁶⁸ and relieved themselves in empty ammunition cases.⁵⁶⁹ The only time the

⁵⁵⁶ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162788-00162789, D22/13, ERN 00162782-00162793 (ENG).

⁵⁵⁷ LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146789, ERN 00146786-00146789 (ENG).

⁵⁵⁸ LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146789, ERN 00146786-00146789 (ENG).

⁵⁵⁹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162787-00162788, D22/13, ERN 00162782-00162793 (ENG).

⁵⁶⁰ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162786, D22/13, ERN 00162782-00162793 (ENG).

⁵⁶¹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162790, D22/13, ERN 00162782-00162793 (ENG).

⁵⁶² LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146788, ERN 00146786-00146789 (ENG).

⁵⁶³ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162792, D22/13, ERN 00162782-00162793 (ENG).

⁵⁶⁴ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162786, D22/13, ERN 00162782-00162793 (ENG).

⁵⁶⁵ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162786, D22/13, ERN 00162782-00162793 (ENG).

⁵⁶⁶ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162786, D22/13, ERN 00162782-00162793 (ENG).

⁵⁶⁷ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162787, D22/13, ERN 00162782-00162793 (ENG).

⁵⁶⁸ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162787, D22/13, ERN 00162782-00162793 (ENG).

prisoners were washed was when their cells were hosed down.⁵⁷⁰ Prisoners were fed rice mixed with soup twice daily.⁵⁷¹ The Witness provides evidence that prisoners died from diseases and dysentery.⁵⁷² The Witness provides evidence that he regularly heard prisoners scream and cry; some prisoners attempted to commit suicide; and on one occasion a prisoner seized a guard's weapon and killed himself.⁵⁷³ An interrogator named Touch drugged and raped a female prisoner, but she reported him and after he had unsuccessfully tried to commit suicide, he was arrested.⁵⁷⁴

INTERROGATION

9. Interrogations took place at a location outside of the prison wall on the way to **DUCH's** house or at different houses in front of the prison.⁵⁷⁵ There were three phases in the document-making: at first, prisoners wrote down their own response; later, they were typed; by the last month of the regime, interrogations were audio recorded "to monitor both the interrogators and the persons giving the responses."⁵⁷⁶
10. The Witness provides evidence of being trained to be an interrogator in late 1978 by **DUCH**, Kak, and either Phal or Pauch. Studying to be an interrogator normally entailed watching experienced interrogators at work in actual interrogations.⁵⁷⁷ The Witness provides evidence that he retained one copy of the "confession" and sent another to **DUCH**.⁵⁷⁸
11. Interrogation usually started with questions about their "histories of betrayal of the Party". The Witness provides evidence that initially he interrogated prisoners who were not so important or considered "weak types"⁵⁷⁹ but later when he became skilled he was assigned

⁵⁶⁹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162786, D22/13, ERN 00162782-00162793 (ENG).

⁵⁷⁰ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162787, D22/13, ERN 00162782-00162793 (ENG).

⁵⁷¹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162787, D22/13, ERN 00162782-00162793 (ENG).

⁵⁷² LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162787, D22/13, ERN 00162782-00162793 (ENG).

⁵⁷³ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162787, D22/13, ERN 00162782-00162793 (ENG).

⁵⁷⁴ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162792, D22/13, ERN 00162782-00162793 (ENG).

⁵⁷⁵ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162789-00162790, D22/13, ERN 00162782-00162793 (ENG).

⁵⁷⁶ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162790, D22/13, ERN 00162782-00162793 (ENG).

⁵⁷⁷ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162785, 00162789 D22/13, ERN 00162782-00162793 (ENG); in fact, an analysis by DC-Cam reveals that there are 15 surviving confessions bearing the Witness's name as the interrogator, between 13 February 1978 and 6 January 1979: DC-Cam analysis *Interrogators at Tuol Sleng Prison S-21 (1975-1979)* prepared by SER Sayana and LACK Voleak Kalyann, undated, no ERN, not yet in the casefile (KHM).

⁵⁷⁸ LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146788, ERN 00146786-00146789 (ENG). In an earlier statement, the Witness LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146788, ERN 00146786-00146789 (ENG).

⁵⁷⁹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162789, D22/13, ERN 00162782-00162793 (ENG).

important work: “sometimes [when] the older [interrogators] interrogated and got no response for two or three months, they assigned me to interrogate them in case I might get responses.”⁵⁸⁰ Most prisoners would admit “right away” to being a member of the CIA or the Vietnamese Working Party.⁵⁸¹

12. An analysis of the confessions conducted by the Documentation Centre of Cambodia has revealed that there are 15 surviving confessions bearing the Witness’s name as the interrogator, conducted between 13 February 1978 and 6 January 1979.⁵⁸²
13. The Witness provides evidence that PON and CHAN were responsible for the interrogation of high-profile prisoners.⁵⁸³

TORTURE & INHUMANE TREATMENT

14. The Witness provides evidence that **DUCH** assigned HOR to torture at S-21, but that the older interrogators also had the right to torture.⁵⁸⁴ The Witness provides evidence that when prisoners he was interrogating did not respond, he told HOR who would then beat them with a guava branch the Witness had brought for him.⁵⁸⁵ Although the Witness provides evidence that “great secrecy” was maintained in “doing torture,”⁵⁸⁶ he provides evidence that as well as being beaten, prisoners were electrocuted by attaching wires to their ears⁵⁸⁷ and were “probably” tortured by suffocation in plastic bags.⁵⁸⁸ The Witness provides evidence that he saw prisoners who had been tortured, “who had swollen up, who had back sores”.⁵⁸⁹

⁵⁸⁰ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162790, D22/13, ERN 00162782-00162793 (ENG).

⁵⁸¹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162790, D22/13, ERN 00162782-00162793 (ENG).

⁵⁸² DC-Cam analysis *Interrogators at Tuol Sleng Prison S-21 (1975-1979)* prepared by SER Sayana and LACK Voleak Kalyann, undated, no ERN, not yet in the casefile (KHM). This document has not yet been fully analysed by the Co-Prosecutors.

⁵⁸³ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162790, D22/13, ERN 00162782-00162793 (ENG); LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146788, ERN 00146786-00146789 (ENG).

⁵⁸⁴ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162789, D22/13, ERN 00162782-00162793 (ENG). However, the Witness had said in an earlier statement that he personally tortured prisoners “on the order of HOR”: LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146787, ERN 00146786-00146789 (ENG).

⁵⁸⁵ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162789, D22/13, ERN 00162782-00162793 (ENG); LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146788, ERN 00146786-00146789 (ENG).

⁵⁸⁶ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162790, D22/13, ERN 00162782-00162793 (ENG).

⁵⁸⁷ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162790, D22/13, ERN 00162782-00162793 (ENG).

⁵⁸⁸ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162791, D22/13, ERN 00162782-00162793 (ENG).

⁵⁸⁹ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162787, D22/13, ERN 00162782-00162793 (ENG).

EXTERMINATION, MURDER & WILFUL KILLING

15. The Witness provides evidence that although he never witnessed the killing of prisoners, he saw truckloads of prisoners being driven in and out of S-21,⁵⁹⁰ and when there were “too many” prisoners, some were “taken away.”⁵⁹¹ The Witness provides evidence that after they had made their “confessions” the prisoners “disappeared” and never returned, “perhaps executed.”⁵⁹² The Witness provides evidence that prisoners died of diseases and dysentery.⁵⁹³

PRIOR STATEMENTS

16. The Witness has given three prior statements to the Co-Prosecutors’ knowledge:
- (1) LACH Mean ECCC OCII Statement dated 24 October 2007, D22/13, ERN 00162782-00162793 (ENG), 00162794-00162796 (KHM).
 - (2) LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, ERN 00146786-00146789 (ENG).
 - (3) LACH Mean DC-Cam Interview dated 16 June 2002, D92/I, ERN 00057053-00057078

OTHER RELEVANT DOCUMENTS

17. The following document, amongst others, is also relevant to this Witness’s evidence :
- (1) DC-Cam analysis *Interrogators at Tuol Sleng Prison S-21 (1975-1979)* prepared by SER Sayana and LACK Voleak Kalyann, undated, no ERN, not yet in the casefile (KHM).

⁵⁹⁰ LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146788, ERN 00146786-00146789 (ENG).

⁵⁹¹ LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146789, ERN 00146786-00146789 (ENG).

⁵⁹² LACH Mean ECCC OCP Statement dated 7 December 2006, D2.6/4, at ERN 00146789, ERN 00146786-00146789 (ENG).

⁵⁹³ LACH Mean, ECCC OCII Statement dated 24 October 2007 at ERN 00162787, D22/13, ERN 00162782-00162793 (ENG).

16. MAK SITHIM

NATURE AND CONTENT OF TESTIMONY

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the interrogations (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

WITNESS IDENTIFICATION & BACKGROUND

2. The Witness, about 19 years old on 17 April 1975, is a Cambodian male, born in 1957.⁵⁹⁴ The Witness provides evidence that after the Khmer Rouge seized power he joined a children's unit. The unit was ordered to Phnom Penh, escorted by CHAN. After several years of agricultural work and lessons in military tactics, the Witness undertook medical training. In 1977, he was transferred to work in the medical team at S-21, where he remained until 1979.⁵⁹⁵

ROLE OF ACCUSED

3. The Witness provides evidence that **DUCH** was the "chairman supervising the whole unit"⁵⁹⁶ but that he only saw him during afternoon mealtimes at S-21.⁵⁹⁷

ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that there were defence, interrogation and arrest teams at S-21.⁵⁹⁸ Although he did not know the arrest team, he "saw the vehicles come."⁵⁹⁹ The Witness provides evidence that the medical unit was located in front of S-21, that Try was the chairman of the whole unit, Huor was chief of his particular team and other medics included PRUM Sokh (who after 1979 became **DUCH's** aide), Dan, Tha and another Try.⁶⁰⁰ The Medical chairman and medical unit met once a week.⁶⁰¹ He was told by Try

⁵⁹⁴ MAK Sithim ECCC OCJ Statement dated 30 November 2007, D28/8, at ERN 00191127, ERN 00191126-00191131 (ENG).

⁵⁹⁵ MAK Sithim ECCC OCJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁵⁹⁶ MAK Sithim ECCC OCJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

⁵⁹⁷ MAK Sithim ECCC OCJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁵⁹⁸ MAK Sithim ECCC OCJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

⁵⁹⁹ MAK Sithim ECCC OCJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

⁶⁰⁰ MAK Sithim ECCC OCJ Statement dated 30 November 2007, D28/8, at ERN 00191128-00191129, ERN 00191126-00191131 (ENG).

⁶⁰¹ MAK Sithim ECCC OCJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

and Huor that if the prisoners he was treating did not get well, he would be taken away and killed.⁶⁰² Medical chairman Try and Huor were themselves later arrested and imprisoned.⁶⁰³

5. The Witness provides evidence that he only treated prisoners in “three buildings” who returned injured from their interrogations, although he never went to treat prisoners whilst they were being interrogated: “the majority were placed on stretchers and brought right to the site.”⁶⁰⁴ The Witness provides evidence that interrogators told him to treat those prisoners whose interrogations had not yet finished; he was also told to treat prisoners if they were “important” people, and he treated “battalion/regimental chairmen” and their wives.⁶⁰⁵ The Witness provides evidence that in general the medications given to prisoners were ineffective.⁶⁰⁶
6. The Witness provides evidence that during study and self-criticism, “instructions” were given by the medical chairman and the chairmen of “units of 100” (companies) and “units of 50” (platoons).⁶⁰⁷

AUTHORITY STRUCTURE

7. The Witness provides evidence that **DUCH** was the “chairman supervising the whole unit.”⁶⁰⁸ Try was the chairman of the medical unit, Huor was chief of the Witness’s particular team⁶⁰⁹ and Hor was the chairman of the defence unit.⁶¹⁰

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

8. The Witness provides evidence that he never saw or treated Vietnamese prisoners, but he did see Chinese prisoners;⁶¹¹ there were also “important” prisoners and battalion and

⁶⁰² MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191131, ERN 00191126-00191131 (ENG).

⁶⁰³ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191128, ERN 00191126-00191131 (ENG).

⁶⁰⁴ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁶⁰⁵ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁶⁰⁶ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

⁶⁰⁷ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

⁶⁰⁸ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

⁶⁰⁹ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191128-00191129, ERN 00191126-00191131 (ENG).

⁶¹⁰ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

⁶¹¹ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

regimental commanders and their wives.⁶¹² Prisoners' wives and children were not shackled but were held in large cells.⁶¹³

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

9. The Witness provides evidence that one of the other medics, Huor, told him that blood-taking occurred at S-21. The Witness treated prisoners whose blood had been extracted, who were "very pale" – in total he saw "30-40" such prisoners,⁶¹⁴ although had not personally observe the extraction. The Witness provides evidence that whilst he did not know what happened to the blood⁶¹⁵ and specifically did not know about blood bags being sent to hospitals outside S-21,⁶¹⁶ he confirms that he saw 30-40 "bad" or "unused" blood bags that he described as having been discarded under a staircase⁶¹⁷ near to the house where he lived.⁶¹⁸

INTERROGATION

10. The Witness provides evidence that prisoners were brought for interrogation, and on their return they bore injuries from torture.⁶¹⁹ The Witness provides evidence that interrogators told him to treat those prisoners whose interrogations had not yet been finished.⁶²⁰

TORTURE & INHUMANE TREATMENT

11. The Witness provides evidence that some detainees returned from interrogations with serious injuries: some prisoners had open wounds on their backs, some had their nails pulled out⁶²¹ and others told him that they had been electrocuted.⁶²² Some prisoners died from their wounds.⁶²³ The Witness provides evidence that he treated prisoners whose blood

⁶¹² MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁶¹³ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

⁶¹⁴ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG); MAK Sithim ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, at ERN 00166567, 00166561-00166570, D54 (ENG).

⁶¹⁵ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁶¹⁶ MAK Sithim ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, at ERN 00166568, 00166561-00166570, D54 (ENG).

⁶¹⁷ MAK Sithim ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, at ERN 00166567, 00166561-00166570, D54 (ENG).

⁶¹⁸ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁶¹⁹ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁶²⁰ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁶²¹ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

⁶²² MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191130, ERN 00191126-00191131 (ENG).

⁶²³ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

had been extracted, who were “very pale” – in total he saw “30-40” such prisoners,⁶²⁴ although had not personally observe the extraction.

EXTERMINATION, MURDER & WILFUL KILLING

12. The Witness provides evidence that one, two or three prisoners died each day from their wounds, and that he removed the bodies and buried them along the buildings outside the prison walls.⁶²⁵

PRIOR STATEMENTS

13. The Witness has given three prior statements to the Co-Prosecutors’ knowledge:
 - (1) MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, ERN 00191126-00191131 (ENG)
 - (2) MAK Sithim ECCC-OCIJ Written Record of Confrontation dated 29 February 2008 00166561-00166570, D54 (ENG)
 - (3) MAK Sithim Statement in the film *S-21: The Khmer Rouge Killing Machine* by Rithy Panh dated 2002, D69, ERN V 00172620.

OTHER RELEVANT DOCUMENTS

14. The Witness will refer to relevant documents at trial.

⁶²⁴ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG); MAK Sithim ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, at ERN 00166567, 00166561-00166570, D54 (ENG).

⁶²⁵ MAK Sithim ECCC OCIJ Statement dated 30 November 2007, D28/8, at ERN 00191129, ERN 00191126-00191131 (ENG).

17. MAM NAI (ALIAS CHAN)

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). The Witness provides evidence of the establishment, duration and operation of M-13, and the Accused's role within it. His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 42 years old on 17 April 1975, is a Cambodian male and was born in 1933. Prior to 1975, the Witness was a teacher who joined the Communist revolution in the mid to late 1960s.⁶²⁶ During his imprisonment for being a communist, the Witness met **DUCH** and later worked with him as an interrogator at security office M-13 in the early 1970s.⁶²⁷ After the fall of Phnom Penh in 1975, the Witness along with **DUCH** and the prisoners from M-13 were transferred to Phnom Penh, specifically the old *Police Judiciaire* near *Phsar Thmei*.⁶²⁸ The Witness later worked with **DUCH** throughout the entire duration of S-21.⁶²⁹ There are 111 surviving S-21 confessions in which the Witness is listed as the interrogator.
3. The Witness provides evidence that in the latter part of 1975, he was an interrogator of "low-level prisoners" at S-21, including Vietnamese military prisoners after he learned Vietnamese.⁶³⁰ He was one of a few full Communist Party Members who worked at S-21 along with **DUCH**, Hor, Huy, and Phal.⁶³¹ The Witness provides evidence that he

⁶²⁶ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162810-00162812, ERN 00162809-0162820 (ENG).

⁶²⁷ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162814-00162816, 00162819, ERN 00162809-0162820 (ENG).

⁶²⁸ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN00162906-00162908, ERN 00162905-00162934 (ENG).

⁶²⁹ The earliest surviving S-21 document bearing MAM Nai's signature is dated 2 March 1976: MAM Nai alias Chan, handwritten self-criticism notes, ERN 00002694-00002694; the latest surviving S-21 document bearing MAM Nai's signature is dated 26 December 1978: TRUONG Van Thuong, DANG Van Con, NGO Chin and VINH Chinh Confessions ERN 00066317-00066321 IS Annex C.

⁶³⁰ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN00162907-00162909, ERN 00162905-00162934 (ENG).

⁶³¹ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN00162924, ERN 00162905-00162934 (ENG).

conducted interrogations up until two or three days before the Vietnamese invasion,⁶³² when he fled Phnom Penh.⁶³³

ARMED CONFLICT

4. The Witness provides evidence to the fighting between Cambodia and Vietnam, from the 1960s until the Vietnamese invasion of Phnom Penh in 1979. **DUCH** tasked him with the interrogation of Vietnamese soldiers “captured on the battlefield,” specifically in relation to the “military situation”, which included extracting information about “their units, ranks, and which battlefields they had been on, the locations of their guns, and their personnel strength.”⁶³⁴ The Witness provides evidence that the Vietnamese conflict started as early as 1973, and Vietnamese PoWs were sent to S-21 beginning when “the Yuon attacked along the border.”⁶³⁵ As the Vietnamese were closing in on Phnom Penh, the Witness was “outside” S-21 “planning attacks on the Yuon.”⁶³⁶

DK STRUCTURE & POLICY

5. The Witness provides evidence that the Central Committee exclusively comprised of Khieu Samphan, Nuon Chea, and Pol Pot. The Central Committee created the policy, theory, and beliefs of the DK regime and the country, decided who was arrested and sent to S-21 and confirmed the contents of interrogations taken at S-21; the Central Committee was **DUCH**’s sole supervisor at S-21.⁶³⁷ DK policy stipulated that only “full rights members” could introduce others to the Party.⁶³⁸ The Central Committee implemented the theory of seeking out and “smashing” internal enemies as well as the “Yuon”.⁶³⁹ The policy for personnel at S-21 was to mind your own business and not to ask questions about what other sections were doing.⁶⁴⁰

⁶³² MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN00162932, ERN 00162905-00162934 (ENG).

⁶³³ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN00162909, ERN 00162905-00162934 (ENG).

⁶³⁴ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162917-00162919, ERN 00162905-00162934 (ENG).

⁶³⁵ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162920, ERN 00162905-00162934 (ENG).

⁶³⁶ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162932, ERN 00162905-00162934 (ENG).

⁶³⁷ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162910-00162912, 00162918, 00162930-00162931, 00162933, ERN 00162905-00162934 (ENG).

⁶³⁸ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162911, ERN 00162905-00162934 (ENG).

⁶³⁹ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162930, ERN 00162905-00162934 (ENG). The Witness had written in a notebook describing the need to “screen out” internal enemies and traitors (25 July 1978 entry) and discussing the need to find the “Yuon” (25 July 1978 entry): MAM Nai alias Chan, S-21 Notebook dated 16 January 1978 to 25 July 1978, Introductory Submission Annex C document 14.3, ERN 00077661-00078056 (KHM).

⁶⁴⁰ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162909, ERN 00162905-00162934 (ENG).

ROLE OF ACCUSED

6. The Witness provides evidence that prior to S-21 **DUCH** was the chairman of security office M-13⁶⁴¹ who “managed the entire security unit” and who was also an interrogator.⁶⁴²
7. The Witness provides evidence that **DUCH** was the chairman of S-21,⁶⁴³ who “supervised S-21 all the time [and who] never went outside to work.”⁶⁴⁴ The Witness provides evidence that when he first arrived in Phnom Penh, **DUCH** was the chairman of the prison at the former *Police Judiciare* near *Phsar Thmei*, later being transferred to S-21.⁶⁴⁵ In the very beginning, Nath was the Chairman at S-21 and **DUCH** was his deputy; only after Nath left to be chairman at the *Police Judiciare* prison did **DUCH** himself become chairman of S-21.⁶⁴⁶
8. The Witness provides evidence that **DUCH** organized sections of personnel and implemented internal policy at S-21.⁶⁴⁷ In general, **DUCH** gave instructions and orders to trusted advisors who would disseminate those instructions and orders to S-21 personnel; only rarely would **DUCH** directly give instructions and orders to lower cadre.⁶⁴⁸ **DUCH** “taught politics, situational views, the political lines, agricultural production, (and) countering the Yuon.”⁶⁴⁹ The Witness confirmed that “**DUCH** kn(e)w everything at S-21 and ma(d)e all the decisions at S-21.⁶⁵⁰ **DUCH** was the one who would authorize the activity of S-21 personnel, and was responsible for promotion or discipline.”⁶⁵¹
9. The Witness provides evidence that **DUCH** selected prisoners for interrogation⁶⁵² and would observe interrogations as they occurred, but would leave during them as well.⁶⁵³

⁶⁴¹ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162817, ERN 00162809-0162820 (ENG).

⁶⁴² MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162818, ERN 00162809-0162820 (ENG).

⁶⁴³ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162908-00162909, 00162911, ERN 00162905-00162934 (ENG).

⁶⁴⁴ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164393, ERN 00164390-00164394 (ENG).

⁶⁴⁵ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162907, ERN 00162905-00162934 (ENG).

⁶⁴⁶ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162907-00162908, ERN 00162905-00162934 (ENG).

⁶⁴⁷ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162909, 00162911, ERN 00162905-00162934 (ENG).

⁶⁴⁸ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162933, ERN 00162905-00162934 (ENG).

⁶⁴⁹ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG). The Witness had written in a notebook that “Comrade D” (presumably **DUCH**) had given instruction on 10 February 1978: MAM Nai alias Chan, S-21 Notebook dated 16 January 1978 to 25 July 1978, Introductory Submission Annex C document 14.3, ERN 00077661-00078056 (KHM).

⁶⁵⁰ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162933, ERN 00162905-00162934 (ENG).

⁶⁵¹ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162911-00162912, 00162932, ERN 00162905-00162934 (ENG).

⁶⁵² MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162914, ERN 00162905-00162934 (ENG).

However, the Witness has also stated that “(w)hen I interrogated, **DUCH** came and questioned me.”⁶⁵⁴ **DUCH** was the first level of review of all interrogation records.⁶⁵⁵

10. The Witness provides evidence that **DUCH** supervised the defense unit.⁶⁵⁶

ESTABLISHMENT, DURATION & OPERATION

11. **DUCH**’s previous post was chairman of M-13, which was a security site that “detain(ed) and interrogate(d) people.”⁶⁵⁷ The prisoners at M-13 were sent there for interrogation by “(m)ilitary units, districts units, women’s units” in the Zone from which M-13 was located.⁶⁵⁸
12. The Witness provides evidence that S-21, previously a school, operated between 1975 and 1979.⁶⁵⁹ The S-21 compound was situated with Monivong Boulevard to the east, and the small street of Watt Mahamontrei on the west side.⁶⁶⁰ Prisoners were brought to S-21 in trucks,⁶⁶¹ and on their arrival they were catalogued and photographed.⁶⁶²
13. S-21 had detention sites and interrogations sites, with detention taking place in the main school buildings and interrogations conducted in surrounding houses.⁶⁶³ Regular interrogation houses were to the east of the prison, in front of the entrance to S-21 between streets 105, 360, 113 and 310.⁶⁶⁴ The interrogation houses to the south of the prison between streets 360, 143 and 350 were used to interrogate special prisoners.⁶⁶⁵

⁶⁵³ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162919, ERN 00162905-00162934 (ENG).

⁶⁵⁴ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164393, ERN 00164390-00164394 (ENG).

⁶⁵⁵ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162914, ERN 00162905-00162934 (ENG).

⁶⁵⁶ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162908, ERN 00162905-00162934 (ENG).

⁶⁵⁷ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162816, ERN 00162809-0162820 (ENG).

⁶⁵⁸ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162817, ERN 00162809-0162820 (ENG).

⁶⁵⁹ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162907, ERN 00162905-00162934 (ENG).

⁶⁶⁰ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162929, ERN 00162905-00162934 (ENG).

⁶⁶¹ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG).

⁶⁶² MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG).

⁶⁶³ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162928, ERN 00162905-00162934 (ENG).

⁶⁶⁴ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164391, ERN 00164390-00164394 (ENG).

⁶⁶⁵ The Witness has said that only important prisoners were sent to S-21: MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164393, ERN 00164390-00164394 (ENG); in an earlier, statement, the Witness said that S-21 was not a “special prison,” but was similar to other security centers in

14. S-21 was divided into a defence section supervised by HOR, which was responsible for moving the prisoners around the S-21 facility, two interrogation sections, and a rice field section which HUY supervised.⁶⁶⁶ The two interrogation sections were divided into a special and a general unit, with the special unit interrogating prisoners of important or high status and rank (for instance, VON Vet and KOY Thuon⁶⁶⁷), and the general unit interrogating low ranking prisoners, in particular, combatants.⁶⁶⁸
15. The Witness will be able to demonstrate on a map the locations of **DUCH**'s house, his own house, the interrogation houses, the cooking and communal dining site, the prisoners' reception site, and the political study site.⁶⁶⁹

AUTHORITY STRUCTURE

16. The Witness provides evidence that the whole S-21 operation was supervised by the Central Committee, which was "above" **DUCH**;⁶⁷⁰ the power to authorize arrests, whether inside or outside S-21, was solely controlled by the Central Committee: **DUCH** could propose an arrest, but the Central Committee had to approve it.⁶⁷¹ Interrogation reports were sent to the Central Committee by **DUCH** for review and instruction.⁶⁷² **DUCH** and the Central Committee communicated mainly through telephone.⁶⁷³ The Witness says that he never saw any members of the Central Committee visit S-21.⁶⁷⁴
17. The leadership committee of S-21 was **DUCH**, the chairman who "controlled everything", Hor as lead supervisor of the defence unit, Huy as the lead supervisor of the rice field unit, and Pon as the lead interrogator and head of the special interrogation unit.⁶⁷⁵ The closest advisors to **DUCH** were Hor and Pon.⁶⁷⁶ In general, **DUCH** gave instructions and orders to

other zones across Cambodia: MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162929, ERN 00162905-00162934 (ENG).

⁶⁶⁶ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162908, ERN 00162905-00162934 (ENG).

⁶⁶⁷ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164391, ERN 00164390-00164394 (ENG).

⁶⁶⁸ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162908, ERN 00162905-00162934 (ENG).

⁶⁶⁹ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164391-00164392, ERN 00164390-00164394 (ENG).

⁶⁷⁰ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162910, ERN 00162905-00162934 (ENG).

⁶⁷¹ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162909, 00162912-00162913, 00162926, ERN 00162905-00162934 (ENG).

⁶⁷² MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162915, 00162921-00162922, 00162927 ERN 00162905-00162934 (ENG).

⁶⁷³ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162911, ERN 00162905-00162934 (ENG).

⁶⁷⁴ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162911, ERN 00162905-00162934 (ENG).

⁶⁷⁵ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162908, 00162928 ERN 00162905-00162934 (ENG).

⁶⁷⁶ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162925, ERN 00162905-00162934 (ENG).

trusted advisors who would disseminate those instructions and orders to S-21 personnel, and rarely would **DUCH** directly give instructions and orders to lower cadre.⁶⁷⁷ **DUCH**'s messenger was Chhen.⁶⁷⁸ The Witness believes that S-21 personnel were primarily made up of staff from Nath's Division 703 and **DUCH**'s men from Amleang and M-13.⁶⁷⁹

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

18. The Witness provides evidence that at M-13 the prisoners were "soldiers, people, revolutionaries that who worked in the district, wherever."⁶⁸⁰ He did not see any foreigners in detention at M-13.⁶⁸¹
19. The Witness provides evidence that sometimes the bases brought the prisoners in to S-21, but sometimes S-21 went to get them.⁶⁸²
20. The Witness provides evidence that at S-21, he interrogated many Vietnamese military prisoners of war, but "less than 50."⁶⁸³ None of the Vietnamese prisoners were civilians.⁶⁸⁴ The Witness does not recall any foreigners, and remembers some members of FULRO who were initially detained but later released, because they were allies.⁶⁸⁵ The Witness provides evidence that he heard that CIA and KGB were being detained at S-21.⁶⁸⁶ The Witness claimed that he "never knew" there were prisoners from Western countries.⁶⁸⁷
21. The Witness's name or signature appears on at least 22 surviving S-21 prisoner lists.⁶⁸⁸

⁶⁷⁷ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162933, ERN 00162905-00162934 (ENG).

⁶⁷⁸ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162925, ERN 00162905-00162934 (ENG).

⁶⁷⁹ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162910, ERN 00162905-00162934 (ENG).

⁶⁸⁰ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162816, ERN 00162809-0162820 (ENG).

⁶⁸¹ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162819, ERN 00162809-0162820 (ENG).

⁶⁸² MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164393, ERN 00164390-00164394 (ENG).

⁶⁸³ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162917-00162920, ERN 00162905-00162934 (ENG).

⁶⁸⁴ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG).

⁶⁸⁵ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162920-00162921, ERN 00162905-00162934 (ENG).

⁶⁸⁶ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162931, ERN 00162905-00162934 (ENG).

⁶⁸⁷ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG). In fact, the Witness's signature appears on the confessions of at least two Western prisoners: James William CLARK Confession 23-May-1978 at ERN 00007051, ERN 00006979-00007051 IS Annex C (ENG/KHM) and Ronald K DEAN Confession 21-Nov-1978 to 05-Jan-1979 at ERN 00007243, ERN 00007138-00007244 IS Annex C (ENG/KHM).

⁶⁸⁸ Dated between 23 January 1977 and 31 October 1977: see the exhibit list at the end of this summary.

INTERROGATION

22. The Witness provides evidence that **DUCH** conducted interrogations at M-13,⁶⁸⁹ the documentation and records being sent to the Zone Chairman, VON Vet.⁶⁹⁰ The methods of interrogation previously used at M-13 were also used at S-21.⁶⁹¹
23. The Witness provides evidence that everyone at S-21 had to be interrogated;⁶⁹² interrogation was required “to find traitor networks.”⁶⁹³ Prisoners were brought to S-21 because they had committed either a minor, moderate, or serious offence, and that interrogations were only to “confirm” those mistakes. The Witness states that the interrogations were “probably” based upon instructions from those above **DUCH**.⁶⁹⁴
24. **DUCH** selected which prisoners were to be interrogated.⁶⁹⁵ He was “an industrious person who liked to read;” the Witness states that **DUCH** looked at all the confessions, which he read every day at his house.⁶⁹⁶ **DUCH** called the Witness over a recorded telephone line, telephoning “once or twice” about each prisoner.⁶⁹⁷ In special cases when the Party Centre had telephoned **DUCH**, **DUCH** telephoned the Witness to have him question on some specific points.⁶⁹⁸ The Witness provides evidence that **DUCH** came and questioned him after he had interrogated.⁶⁹⁹

⁶⁸⁹ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162818, ERN 00162809-0162820 (ENG).

⁶⁹⁰ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162818, ERN 00162809-0162820 (ENG).

⁶⁹¹ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162910, ERN 00162905-00162934 (ENG).

⁶⁹² MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162915-00162916, 00162929 ERN 00162905-00162934 (ENG).

⁶⁹³ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164393, ERN 00164390-00164394 (ENG); The Witness had written in a notebook describing the need to “screen out” internal enemies and traitors (25 July 1978 entry): MAM Nai alias Chan, S-21 Notebook dated 16 January 1978 to 25 July 1978, Introductory Submission Annex C document 14.3, ERN 00077661-00078056 (KHM).

⁶⁹⁴ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162910, ERN 00162905-00162934 (ENG).

⁶⁹⁵ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162914, ERN 00162905-00162934 (ENG).

⁶⁹⁶ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164393, ERN 00164390-00164394 (ENG).

⁶⁹⁷ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392-00164393, ERN 00164390-00164394 (ENG); the Witness confirms that **DUCH** explained that this was to prevent communication between interrogators: MAM Nai ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166569, 00166561-00166570, (ENG).

⁶⁹⁸ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392-00164393, ERN 00164390-00164394 (ENG). This contradicts the Witness’ earlier statements that **DUCH** did not make him interrogate on specific points: MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162918, ERN 00162905-00162934 (ENG).

⁶⁹⁹ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164393, ERN 00164390-00164394 (ENG). The witness has also said that he never witnessed **DUCH** ever teaching interrogation techniques. MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162911, ERN 00162905-00162934 (ENG).

25. Prisoners were brought by the guards to the interrogation sites during the day, and taken back after interrogation finished at night.⁷⁰⁰ Prisoners were shackled in the interrogation rooms and there were ammunition boxes for relieving themselves; special prisoners were interrogated where they were detained.⁷⁰¹
26. The Witness claims that the terms “hot” or “cold” interrogation was never used, nor were there any interrogation teams.⁷⁰² He claimed that the interrogators were never called to meetings; **DUCH** only called him personally, instructing him to conduct “chewing” interrogations, which the Witness describes is the process of asking the same question over and over again.⁷⁰³ The Witness claims that the confessions he obtained were only three or four pages per prisoner.⁷⁰⁴
27. The Witness provides evidence that once the interrogations were finished, he would immediately give all documentation to **DUCH** by the Witness, who would analyze them to determine if the interrogation of the target was satisfactorily “sufficient”, “proper”, and “fully complete” enough to be sent to the Central Committee. **DUCH** would make annotations to re-interrogate where necessary.⁷⁰⁵
28. **DUCH** would only give instructions about particular prisoners after he had read the “confessions” first.⁷⁰⁶ If re-interrogation was required, the interrogators were not given the prior interrogation documentation to work from, but were to interrogate anew.⁷⁰⁷ All “confessions” and interrogation documentation was eventually sent by **DUCH** to the “upper echelon”.⁷⁰⁸ The interrogation process of any single prisoner could take up to two months.⁷⁰⁹ As for the interrogation of Vietnamese soldiers, some confessions regarding the military situation were recorded and broadcast over the radio.⁷¹⁰

⁷⁰⁰ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162914, 00162917, ERN 00162905-00162934 (ENG).

⁷⁰¹ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG).

⁷⁰² MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162917, ERN 00162905-00162934 (ENG).

⁷⁰³ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162915-00162916, 00162919 ERN 00162905-00162934 (ENG).

⁷⁰⁴ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG).

⁷⁰⁵ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162914-00162915, 00162921 ERN 00162905-00162934 (ENG).

⁷⁰⁶ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162915, ERN 00162905-00162934 (ENG).

⁷⁰⁷ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162914, ERN 00162905-00162934 (ENG).

⁷⁰⁸ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162915, ERN 00162905-00162934 (ENG).

⁷⁰⁹ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG).

⁷¹⁰ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162917-00162918, ERN 00162905-00162934 (ENG).

29. The Witness provides evidence that he never saw **DUCH** participate in interrogations, and he would attend the Witness' interrogation of Vietnamese soldiers for brief periods of time only.⁷¹¹
30. When he was interrogating Vietnamese prisoners, the Witness used a prisoner named PHA Than Chan, from Hanoi, to interpret.⁷¹²
31. An analysis of the confessions conducted by the Documentation Centre of Cambodia has revealed that there are 111 surviving confessions bearing the Witness's name as the interrogator, between 12 November 1976 and 4 January 1979.⁷¹³

TORTURE & INHUMANE TREATMENT

32. The Witness provides evidence that at M-13 "some" torture was used, and the only torture instruments he saw there was whips.⁷¹⁴
33. The Witness provides evidence that he had no knowledge of torture being used at S-21.⁷¹⁵ The Witness does not remember being one of five persons alleged to have interrogated and beaten BOU Meng,⁷¹⁶ and denies PRAK Khan's allegation that together with **DUCH** and others he tortured a woman.⁷¹⁷

EXTERMINATION, MURDER & WILFUL KILLING

34. The Witness provides evidence that he did not know about the fate of any prisoners at S-21.⁷¹⁸ With regard to interrogations of Vietnamese prisoners, the Witness states that "(w)hen the interrogations were finished they did not bring them back to us."⁷¹⁹ The Witness claims that he knows nothing about burial sites at S-21, and he "never smelled an

⁷¹¹ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162919, ERN 00162905-00162934 (ENG).

⁷¹² MAM Nai ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166565, 00166561-00166570, (ENG).

⁷¹³ DC-Cam analysis *Interrogators at Tuol Sleng Prison S-21 (1975-1979)* prepared by SER Sayana and LACK Voleak Kalyann, undated, no ERN, not yet in the casefile (KHM); six of these confessions bearing the Witness's signature and/or annotation, dated between 20 December 1977 and 26 December 1978, are referred to in the exhibit list for this Witness.

⁷¹⁴ MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, at ERN 00162818-00162820, ERN 00162809-00162820 (ENG).

⁷¹⁵ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162915-00162919, ERN 00162905-00162934 (ENG).

⁷¹⁶ MAM Nai ECCC-OCIJ Report of Reconstruction dated 27 February 2008, D48/2, at ERN 00198004, ERN 00197998-00198008 (ENG).

⁷¹⁷ MAM Nai ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166565, 00166561-00166570, (ENG).

⁷¹⁸ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162921, ERN 00162905-00162934 (ENG).

⁷¹⁹ MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, at ERN 00162917, ERN 00162905-00162934 (ENG).

odor of decay”.⁷²⁰ The Witness provides evidence that HOR was responsible for disposing of prisoners who died while at S-21.⁷²¹

PRIOR STATEMENTS

35. The Witness has given five prior statements to the Co-Prosecutors’ knowledge:

- (1) MAM Nai ECCC-OCIJ Statement dated 26 October 2007, D22/14, ERN 00162809-0162820 (ENG).
- (2) MAM Nai ECCC-OCIJ Statement dated 7 November 2007, D22/16, ERN 00162905-00162934 (ENG).
- (3) MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, ERN 00164390-00164394 (ENG).
- (4) MAM Nai ECCC-OCIJ Report of Reconstruction dated 27 February 2008, D48/2, ERN 00197998-00198008 (ENG).
- (5) MAM Nai ECCC-OCIJ Written Record of Confrontation dated 29 February 2008, D54, ERN 00166561-00166570 (ENG).

OTHER RELEVANT DOCUMENTS

36. The following documents, amongst others, are also relevant to this Witness’s evidence :

- (1) DC-Cam analysis *Interrogators at Tuol Sleng Prison S-21 (1975-1979)* prepared by SER Sayana and LACK Voleak Kalyann, undated, no ERN, not yet in the casefile (KHM).
- (2) MAM Nai alias Chan Report 1 January 1977, listing the workplan for the first three months of 1977 at S-21. Includes recommendations for more efficient interrogation; MAM Nai is assigned to "grasp hold of new and remaining prisoners", D64 ERN 00079150-00079155, (KHM).
- (3) MAM Nai alias Chan Prisoner List 23-Jan-1977. Includes Chan’s report describing cross-checking of intake of prisoners, D57, ERN 00002277-00002278 (KHM).
- (4) MAM Nai alias Chan Prisoner List 20-May-1977. Includes Chan’s report on 34 prisoners taken into S-21 from Regiment 152, D57, ERN 00088740-00088742 (KHM).

⁷²⁰ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG).

⁷²¹ MAM Nai ECCC-OCIJ Statement dated 14 February 2008, D50/2, at ERN 00164392, ERN 00164390-00164394 (ENG).

- (5) MAM Nai alias Chan Prisoner List 21-May-1977 Entitled Chan's report on 13 prisoners taken into S-21, D57, ERN 00088738-00088739 (KHM).
- (6) MAM Nai alias Chan Prisoner List 22-May-1977 S-21 Prisoner List entitled Chan's report on 18 prisoners taken into S-21 ERN 00088736-00088737 D57 (KHM).
- (7) MAM Nai alias Chan Prisoner List 24-May-1977 S-21 Report entitled "Respected Brother" lists names of 6 persons from Division 502 who were sent to S-21 ERN 00161879-00161879 (KHM).
- (8) MAM Nai alias Chan Prisoner List 25-May-1977 Report on prisoners taken from Regiment 152 and Division 164, signed by Chan. ERN 00088735-00088735 D57 (KHM).
- (9) MAM Nai alias Chan Prisoner List 27-May-1977 S-21 Prisoner List by CHAN Chan's report on prisoner Suon Mok aka Dum, from the Ministry of Commerce, taken into S-21. ERN 00072578-00072578 IS Annex C (KHM).
- (10) MAM Nai alias Chan Prisoner List 28-May-1977 Chan's report on 3 prisoners taken into S-21. ERN 00088734-00088734 D57 (KHM).
- (11) MAM Nai alias Chan Prisoner List 28-May-1977 S-21 Prisoner List by CHAN List of 30 prisoners. ERN 00072579-00072581 IS Annex C (KHM).
- (12) MAM Nai alias Chan Prisoner List 31-May-1977 Chan's report on prisoners taken into S-21. ERN 00088733-00088733 D57 (KHM).
- (13) KAING Guek Eav Report 01-Jun-1977 S-21 Report to KANG Keck Iev from KRIN at the Kampong Som Port regarding an arrestee sent to S-21. DUCH notes on the left margin: "Brother Chan, [please] lead the "Cool Interrogation". ERN 00002419-00002419 (KHM).
- (14) MAM Nai alias Chan Prisoner List 02-Jun-1977 Chan's report on prisoners. ERN 00088731-00088732. D57 (KHM).
- (15) MAM Nai alias Chan Prisoner List 02-Jun-1977 S-21 Prisoner List by CHAN Lists names of 58 prisoners. ERN 00072572-00072577 IS Annex C (KHM).
- (16) MAM Nai alias Chan Prisoner List 08-Aug-1977 Chan's report of prisoners entering S-21. ERN 00002442-00002444 D57 (KHM).
- (17) MAM Nai alias Chan Prisoner List 09-Aug-1977 Chan's report of prisoners entering S-21. ERN 00002445-00002446 D57 (KHM).

- (18) MAM Nai alias Chan Prisoner List 11-Aug-1977 to 09-Nov-1977 Chan's report to DUCH of prisoners entering S-21. ERN 00173333-00173454 D32/V-Annex 05 (KHM).
- (19) MAM Nai alias Chan Prisoner List 12-Aug-1977. ERN 00052569-00052812, 00173333-1733454 D57, D32/V Annex 05 (KHM).
- (20) MAM Nai alias Chan Prisoner List 06-Oct-1977 Chan's report to "brother" of prisoners entering S-21. ERN 00088706-00088708 D57 (KHM).
- (21) MAM Nai alias Chan Prisoner List 11-Oct-1977 Chan's report to "brother" of prisoners entering S-21. ERN 00088702-00088702 D57 (KHM).
- (22) MAM Nai alias Chan Prisoner List 12-Oct-1977 Chan's report to "brother" of prisoners entering S-21. ERN 00072559-00072561 IS Annex C (KHM).
- (23) MAM Nai alias Chan Prisoner List 13-Oct-1977 Chan's report to "brother" of prisoners entering S-21. ERN 00088703-00088705 D57 (KHM).
- (24) MAM Nai alias Chan Prisoner List 15-Oct-1977 Chan's report of prisoners entering S-21. ERN 00040218-00040219 IS Annex C (KHM).
- (25) MAM Nai alias Chan Prisoner List 31-Oct-1977 Chan's report of prisoners entering S-21. ERN 00002458-00002459 D57 (KHM).
- (26) MAM Nai alias Chan Notebook 17-Dec-1977 "Study at the office, Date 17-12-1977" ERN 00076152-00076284 (KHM).
- (27) VAN Piny Confession 20-Dec-1977. MAM Nai alias Chan's annotation on ERN 00026177 (dated 21 Nov 1977) ERN 00026082-00026190 IS Annex C (KHM).
- (28) MAM Nai alias Chan S-21 Notebook dated 16 January 1978 to 25 July 1978, Introductory Submission Annex C document 14.3 ERN 00077661-00078056 (KHM).
- (29) James William CLARK Confession 23-May-1978 MAM Nai annotation/signature on ERN 00007051. ERN 00006979-00007051 IS Annex C (ENG/KHM).
- (30) LE Wang Yeu Confession 26-Jun-1978 MAM Nai alias Chan annotation/signature on ERN 00052956. ERN 00052949-00052958 IS Annex C (KHM).
- (31) Ronald K DEAN Confession 21-Nov-1978 to 05-Jan-1979 MAM Nai alias Chan annotation/signature on ERN 00007243 ERN 00007138-00007244 IS Annex C (ENG/KHM).

- (32) NGO Anh Tuan Confession 14-Dec-1978 conducted by MAM Nai alias Chan and bearing his annotation/signature on ERN 00066316. ERN 00066314-00066316 IS Annex C (KHM).
- (33) TRUONG Van Thuong, DANG Van Con, NGO Chin and VINH Chinh Confessions 26-Dec-1978 The interrogations were conducted by MAM Nai alias Chan and bears his annotation/signature on ERN 00066321. ERN 00066317-00066321 IS Annex C (KHM).
- (34) CHANDLER, David *Voices from S-21*, ERN 00192667-00192932. ERN 00192758 shows a photograph taken in 1976 at S-21 in which the Witness poses with **DUCH** together with their families.
- (35) MAM Nai alias Chan, 02-Mar-1976. Handwritten self-criticism notes, signed by MAM Nai, ERN 00002694-00002694 (KHM). *Not yet in Casefile*

18. MEAS PENG KRI

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the DK structure and policy (10-15 & 32-35). Regarding S-21, the Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148) and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]).
2. Regarding S-24, Prey Sar, the Witness provides evidence of the establishment, duration and operation of the re-education camp (20 & 30), the authority structure (22) and the inhumane treatment of detainees (72-78). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

3. The Witness, 20 years old on 17 April 1975, is a Cambodian male and was born in 1955.⁷²² In 1973 he became a Khmer Rouge soldier in the District 18 (Koh Thom) army,⁷²³ and was then sent to the 12th Division of the Special Zone army.⁷²⁴ Following the fall of Phnom Penh he was selected to study driving for the 703rd Division in Phnom Penh,⁷²⁵ then under NAT he became the municipal courier for the General Staff.⁷²⁶ He was sent to work as a driver for S-21 in approximately 1976, but he overturned a vehicle on 5 August 1977⁷²⁷ and was sent for tempering to Prey Sar, where he remained until the fall of the regime.⁷²⁸

DK STRUCTURE & POLICY

4. The Witness provides evidence that whilst he was working as a municipal courier, he saw a DK film which showed the situation in the countryside as a life of plenty, which he accepted as the truth, but as he was never allowed to visit home he had no real news of the situation.⁷²⁹ He also attended a three-day political training conference at the National

⁷²² MEAS Peng Kri, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163705, D28/7, ERN 00163704-00163708 (ENG).

⁷²³ MEAS Peng Kri, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163705, D28/7, ERN 00163704-00163708 (ENG).

⁷²⁴ MEAS Peng Kri, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163705, D28/7, ERN 00163704-00163708 (ENG).

⁷²⁵ MEAS Peng Kri, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163705, D28/7, ERN 00163704-00163708 (ENG).

⁷²⁶ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182404, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷²⁷ The Witness's "short biography" states that he entered his then-current office (S-24) on 5 August 1977: MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182403, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷²⁸ MEAS Peng Kri, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163706, 00163708, D28/7, ERN 00163704-00163708 (ENG).

⁷²⁹ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182404, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

Stadium at which SON Sen gave education.⁷³⁰ The Witness provides evidence that he worked at Prey Sar with a unit of women, but that it was well known that the “system” was that anyone who took a wrong step, such as having a relationship with a woman, would be killed.⁷³¹

ROLE OF ACCUSED

5. The Witness provides evidence that he never drove **DUCH** anywhere and he only met him when they were called to studies or meetings south of **DUCH**'s house.⁷³² The Witness said he had attended only one political study session at S-21, convened by **DUCH**, who presented documents and called on those present to strengthen their unit of organization and be loyal to the revolution.⁷³³

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that everything was very compartmentalised at S-21; his own unit ate separately from the other units, and he knew nothing of their work.⁷³⁴ One political study session was convened by **DUCH**, but more frequent “lifestyle sessions” were convened by “short” **HUY**.⁷³⁵
7. The Witness provides evidence that most of the prisoners he transported into S-21⁷³⁶ were from divisions and were picked up in the Chinese Hospital area.⁷³⁷ Together with **HIM Huy** he had also transported prisoners from the Independence Monument and from Battambang to S-21; these prisoners had already been arrested and were blindfolded with their hands tied behind their backs.⁷³⁸ Once he had reached the entrance of S-21, guards took the prisoners inside.⁷³⁹

⁷³⁰ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182404, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷³¹ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182406, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷³² MEAS Peng Kri, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163707, D28/7, ERN 00163704-00163708 (ENG).

⁷³³ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182405, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷³⁴ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182405, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷³⁵ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182405, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷³⁶ MEAS Peng Kri, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163706, D28/7, ERN 00163704-00163708 (ENG).

⁷³⁷ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182404, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷³⁸ Meas Peng Kri, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163706, D28/7, ERN 00163704-00163708 (ENG).

⁷³⁹ Meas Peng Kri, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163706, D28/7, ERN 00163704-00163708 (ENG).

8. Initially, the Witness drove to Cheung Ek to deliver wood for the building of a wooden house at the site,⁷⁴⁰ but later “once or twice” drove the prisoners out of S-21 to Cheung Ek, which was at night.⁷⁴¹ He was instructed to be vigilant.⁷⁴² He drove a Land Rover, with a covered cabin, at any one time transporting four to six prisoners, all of whom were emaciated, and they were escorted by a guard. The prisoners were blindfolded, their arms tied behind their backs, and were “dragged down” from the truck by the team waiting at Cheung Ek to receive them.⁷⁴³ The prisoners were taken to the wooden house,⁷⁴⁴ and the Witness and the guard drove straight back to S-21, without waiting until the prisoners had been killed.⁷⁴⁵
9. The Witness was sent to Prey Sar for reeducation⁷⁴⁶ in 1977 because he had fallen asleep at the wheel and overturned his vehicle on a trip from Battambang to Takeo. He was not executed for such a “mistake” because HIM Huy had vouched for him.⁷⁴⁷ He remained at Prey Sar until Phnom Penh fell in 1979.⁷⁴⁸
10. Work at Prey Sar was done “according to very strict plans” – from 4-11am, then after lunch until 6pm, with occasional additional work at night. Meals were insufficient and medics treated the many sick people there.⁷⁴⁹ He also stated that he never saw **DUCH** at Prey Sar and that **HUY** was in charge.⁷⁵⁰

AUTHORITY STRUCTURE

11. The Witness stated that he knew the S-21 Chairman **DUCH** and also “Ho”.⁷⁵¹ HIM Huy was his superior and gave him instructions.⁷⁵² **HUY** (Sre) was in charge at Prey Sar.⁷⁵³

⁷⁴⁰ MEAS Peng Kri ECCC OCJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197994, ERN 00197993-00197997 (ENG); MEAS Peng Kri ECCC OCJ Written Record of Confrontation dated 28 February 2008 at ERN 00165436, 00165440, D52, ERN 00165434-00165440 (ENG).

⁷⁴¹ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163706, D28/7, ERN 00163704-00163708 (ENG).

⁷⁴² MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163707, D28/7, ERN 00163704-00163708 (ENG).

⁷⁴³ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163707, D28/7, ERN 00163704-00163708 (ENG).

⁷⁴⁴ MEAS Peng Kri ECCC OCJ Written Record of Confrontation dated 28 February 2008 at ERN 00165436-00165437, D52, ERN 00165434-00165440 (ENG).

⁷⁴⁵ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163707, D28/7, ERN 00163704-00163708 (ENG).

⁷⁴⁶ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163707, D28/7, ERN 00163704-00163708 (ENG); MEAS Peng Kri ECCC OCJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197994, ERN 00197993-00197997 (ENG).

⁷⁴⁷ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182405, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷⁴⁸ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 ERN 00163708, ERN 00163704-00163708 (ENG).

⁷⁴⁹ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163708, D28/7, ERN 00163704-00163708 (ENG).

⁷⁵⁰ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163708, D28/7, ERN 00163704-00163708 (ENG).

⁷⁵¹ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182404, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

12. The Witness provides evidence that most of the prisoners he transported into S-21⁷⁵⁴ were from divisions and were picked up in the Chinese Hospital area.⁷⁵⁵ Once he had reached the entrance of S-21, guards took the prisoners inside.⁷⁵⁶
13. The Witness provides evidence that he never saw children at Cheung Ek.⁷⁵⁷

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

14. The Witness provides evidence that the prisoners that he transported were all emaciated.⁷⁵⁸
15. Work at Prey Sar was done “according to very strict plans” – from 4-11am, then after lunch until 6pm, with occasional additional work at night. Meals were insufficient and medics treated the many sick people there.⁷⁵⁹

EXTERMINATION, MURDER & WILFUL KILLING

16. The Witness provides evidence that he knew that no one ever escaped from S-21, and that prisoners “disappeared.”⁷⁶⁰ The Witness provides evidence that when he transported prisoners from Tuol Sleng to Cheung Ek, he did not wait there for the prisoners to be killed.⁷⁶¹ At S-24, people “disappeared” after having been called to meetings, but the assumption was that they were killed.⁷⁶²

PRIOR STATEMENTS

17. The Witness has given six prior statements to the Co-Prosecutors’ knowledge:
- (1) MEAS Peng Kri, DC-Cam Statement, dated 31 January 2002, Introductory Submission document number 19.112, ERN 00056824-00056837 (KHM) (ENG summary at ERN 00184203-00184206).

⁷⁵² MEAS Peng Kri ECCC OCJ Written Record of Confrontation dated 28 February 2008 at ERN 00165436, 00165437, 00165440, D52, ERN 00165434-00165440 (ENG).

⁷⁵³ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163708, D28/7, ERN 00163704-00163708 (ENG).

⁷⁵⁴ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163706, D28/7, ERN 00163704-00163708 (ENG).

⁷⁵⁵ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182404, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷⁵⁶ Meas Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163706, D28/7, ERN 00163704-00163708 (ENG).

⁷⁵⁷ MEAS Peng Kri ECCC OCJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197995, ERN 00197993-00197997 (ENG).

⁷⁵⁸ Meas Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163707, D28/7, ERN 00163704-00163708 (ENG).

⁷⁵⁹ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 at ERN 00163708, D28/7, ERN 00163704-00163708 (ENG).

⁷⁶⁰ MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182405, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

⁷⁶¹ MEAS Peng Kri, ECCC OCJ Statement dated 29 November 2007 p.4, ERN 00163704-00163708 (ENG).

⁷⁶² MEAS Peng Kri, DC-Cam Statements, dated 31 January 2002 / 22 February 2003, ENG summary at ERN 00182405, ERN 00184203-00184206, Introductory Submission document number 19.112 (ENG).

- (2) MEAS Peng Kri, DC-Cam Statement, dated 22 February 2003, Introductory Submission document number 19.112, ERN 00051752-00051808 (KHM) (ENG summary at ERN 00184203-00184206)
- (3) Meas Peng Kri, ECCC OCIJ Statement dated 29 November 2007, D28/7, ERN 00163704-00163708 (ENG).
- (4) MEAS Peng Kri ECCC OCIJ Written Record of Confrontation dated 28 February 2008, D52, ERN 00165434-00165440 (ENG).
- (5) MEAS Peng Kri ECCC OCIJ Report of Reconstruction dated 26 February 2008, D48/1, ERN 00197993-00197997 (ENG).
- (6) MEAS Peng Kri Statement in the film *S-21: The Khmer Rouge Killing Machine* by Rithy Panh dated 2002, D69, ERN V 00172620.

OTHER RELEVANT DOCUMENTS

18. The Witness will refer to relevant documents at trial.

19. NHEM EN

NATURE AND CONTENT OF TESTIMONY

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 15 years old on 17 April 1975, is a Cambodian male, born on 9 November 1959. Together with other children from his subdistrict, he was recruited by the Khmer Rouge and sent to Kampong Chhnang, then to Phnom Penh and then under Nath and Pin of Division 703.⁷⁶³ He was sent to for six months for China for photography training, where he met Nath.⁷⁶⁴ When he returned to Cambodia he became the photographer for the Office of General Staff, taking photographs of meetings and official visits.⁷⁶⁵ He was transferred to work as a photographer at S-21 in early 1977, and worked there until the fall of the regime.⁷⁶⁶

ROLE OF ACCUSED

3. The Witness first met **DUCH** at the Monicvong hospital near *Phsar Thmei* in 1976.⁷⁶⁷ The Witness states that **DUCH** was “the biggest leader” in S-21, in charge of overall tasks,⁷⁶⁸ who “knew everything...the issues of the country, of the secret agents, KGB, CIA and everything were all sent to him alone.”⁷⁶⁹ The Witness also states that during a meeting with **DUCH** he heard Son Sen say that “S-21 was the important soul of the nation.”⁷⁷⁰

⁷⁶³ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162853-00162854, D22/15, ERN 00162852-00162871 (ENG).

⁷⁶⁴ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162856, D22/15, ERN 00162852-00162871 (ENG).

⁷⁶⁵ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162858, D22/15, ERN 00162852-00162871 (ENG).

⁷⁶⁶ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162860, D22/15, ERN 00162852-00162871 (ENG).

⁷⁶⁷ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171155, ERN 00171155-00171358 (ENG).

⁷⁶⁸ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162867, D22/15, ERN 00162852-00162871 (ENG); NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171160, ERN 00171155-00171358 (ENG).

⁷⁶⁹ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171227, ERN 00171155-00171358 (ENG).

⁷⁷⁰ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162865, D22/15, ERN 00162852-00162871 (ENG).

4. **DUCH** sent reports to Pol Pot and Nuon Chea,⁷⁷¹ from whom, together with Son Sen and “officials at all the big ministries” he received his orders – according to the Witness, **DUCH** did not do the work of his own free will, and could not avoid killing people.⁷⁷²
5. The Witness says that **DUCH** “rarely” came to watch whilst the photographs were being taken of the new prisoners,⁷⁷³ but that he would bring the photographs to **DUCH** personally, who liked him and gave him a Rolex watch as a present.⁷⁷⁴
6. The Witness provides evidence that he once saw **DUCH** interrogate a prisoner in 1977,⁷⁷⁵ but was aware that **DUCH** was sometimes involved in the interrogations of the “important prisoners” once or twice a month, such as zone and regional chiefs and army commanders.⁷⁷⁶ **DUCH** would walk around, monitoring the interrogations at S-21,⁷⁷⁷ and would “hate anybody who didn’t do the interrogation correctly or who didn’t fulfil the assignments.”⁷⁷⁸ The Witness provides evidence that he saw **DUCH** beating one interrogator with a big stick when he had failed to get clear answers from a Vietnamese PoW.⁷⁷⁹ This interrogator was later executed at S-21.⁷⁸⁰ Executing S-21 staff was decided by **DUCH** alone without requesting permission from the senior leaders.⁷⁸¹
7. The Witness provides evidence that he left S-21 together with **DUCH** at 2pm on 7 January 1979, and that **DUCH** gave the order to kill the remaining prisoners.⁷⁸²

ESTABLISHMENT, DURATION & OPERATION

8. The Witness provides evidence that he worked at S-21 from 1977 to 1979.

⁷⁷¹ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162865, D22/15, ERN 00162852-00162871 (ENG).

⁷⁷² NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171202, ERN 00171155-00171358 (ENG).

⁷⁷³ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162866, D22/15, ERN 00162852-00162871 (ENG).

⁷⁷⁴ NHEM En Statement in *Out From Behind a Camera at a Khmer Torture House* by Seth Mydans, dated 26 October 2007 (ENG).

⁷⁷⁵ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162868, D22/15, 00162852-00162871 (ENG). The Witness also stated that he saw **DUCH** beating this person in front of S-21 (same page).

⁷⁷⁶ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171174, ERN 00171155-00171358 (ENG); in an earlier statement, the Witness stated that **DUCH** interrogated prisoners “in special cases”: NHEM En International statement dated 12 March 1997 at ERN 0078259, IS Annex C, 19.125, ERN 00078247-00078264 (ENG).

⁷⁷⁷ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171204, ERN 00171155-00171358 (ENG).

⁷⁷⁸ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171186, ERN 00171155-00171358 (ENG).

⁷⁷⁹ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171211, ERN 00171155-00171358 (ENG).

⁷⁸⁰ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171214, ERN 00171155-00171358 (ENG).

⁷⁸¹ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171229, ERN 00171155-00171358 (ENG).

⁷⁸² NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171172, ERN 00171155-00171358 (ENG). In this interview, Nic DUNLOP told the Witness that “**DUCH** said he killed the last prisoners himself”: ERN 00171173.

9. The photography unit consisted of six people including Sreang (the team leader⁷⁸³), Song, Nit, Sâm, Ty and himself.⁷⁸⁴ They arrived at S-21 at 6.30am to eat communally; work started at 7am when they photographed newly-arrived prisoners; they took a break at 11am and worked until 5pm. When they returned home, they developed the negatives and printed the pictures they had just taken.⁷⁸⁵
10. The Witness provides evidence that he was contacted by a telephone in the photography room to announce the arrival of the prisoners, who would enter the room blindfolded.⁷⁸⁶ The prisoners asked the Witness why they had been arrested, but he simply ignored their questions.⁷⁸⁷
11. The place where the Witness developed the negatives of the photographs he took of the prisoners was near **DUCH's** house in front of the Ministry of Planning.⁷⁸⁸ The Witness states that he was not allowed inside the compound of S-21.⁷⁸⁹

AUTHORITY STRUCTURE

12. The Witness provides evidence that **DUCH** was primarily given orders by Son Sen, which the Witness explains he discovered when he attended a meeting to “learn about Angkar line”.⁷⁹⁰ He states that “**DUCH's** decision and Son Sen’s order were alike; they were like a current (which ran forth and back). In conclusion, these two men were the same. If **DUCH** didn’t make a report, Son Sen, Pol Pot and Nuon Chea could not know anything...**DUCH** was the one who made a decision on who would be killed. He was the one who gave the green light to Son Sen and Pol Pot.”⁷⁹¹ The Witness heard **DUCH** saying that he sent documents to Brother Number One and Brother Number Two (Pol Pot and Nuon Chea). He states that Son Sen received **DUCH's** reports and that he (Son Sen) visited the S-21 once a week,⁷⁹² up to the time the Vietnamese arrived.⁷⁹³ He also states that Son Sen and **DUCH**

⁷⁸³ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162861, D22/15, ERN 00162852-00162871 (ENG).

⁷⁸⁴ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162865, D22/15, 00162852-00162871 (ENG).

⁷⁸⁵ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162860-61, D22/15, 00162852-00162871 (ENG).

⁷⁸⁶ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162862, D22/15, ERN 00162852-00162871 (ENG).

⁷⁸⁷ NHEM En Statement in *Out From Behind a Camera at a Khmer Torture House* by Seth Mydans, dated 26 October 2007 (ENG).

⁷⁸⁸ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162862, D22/15, 00162852-00162871 (ENG). In an earlier statement, the Witness said that he took the photographs to **DUCH** personally: NHEM En Statement in *Out From Behind a Camera at a Khmer Torture House* by Seth Mydans, dated 26 October 2007 (ENG).

⁷⁸⁹ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162863, D22/15, 00162852-00162871 (ENG).

⁷⁹⁰ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162864, D22/15, 00162852-00162871 (ENG).

⁷⁹¹ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162864, D22/15, ERN 00162852-00162871 (ENG).

⁷⁹² NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162864, D22/15, ERN 00162852-00162871 (ENG); NHEM En Statement in *Cambodian Photographer Recalls Victims of Khmer Rouge Regime* by Robin McDowell for the Associated Press, undated. No ERN, not yet on the casefile (ENG).

gave him assignments on a daily basis, and that “his order was very firm and I must not make a mistake”.⁷⁹⁴

13. The Witness provides evidence that **DUCH** was the chief of S-21 in charge of overall tasks and that Hor was deputy in charge of military, while Chan was the member in charge of translation.⁷⁹⁵ Sry belonged to a Special Defence Unit. The composition of the three leading cadres—**DUCH**, Hor and Chan—was called the “Committee of S-21”.⁷⁹⁶ **CHAN** whose “order was firm,” was directly in charge of the photography unit.⁷⁹⁷
14. The Witness states that all the photos and documents were sent to Pol Pot through **DUCH**: “All the documents made at S-21 were sent to Ta **DUCH**. Ta **DUCH** gave them to Son Sen, who gave them to Nuon Chea, and to Pol Pot.”⁷⁹⁸ The Witness states that Pang (a “special agent of Pol Pot”⁷⁹⁹) and Noeun (the “City Messenger”, who was close to Son Sen⁸⁰⁰) came in a jeep to **DUCH**’s house to “pick up documents for Pol Pot”.⁸⁰¹

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

15. The Witness provides evidence that most prisoners were brought in to S-21 by truck and they arrived blindfolded, but some arrived by car; sometimes prisoners arrived by S-21 trucks, sometimes by trucks from the various zones.⁸⁰²
16. In 1977, the number of S-21 prisoners increased arriving 24 hours a day, but by 1978 this had slowed to “one or two” a day.⁸⁰³ The Witness states that each prisoner was given a tag marked with a number and the date, and the list of prisoners was given to Thy.⁸⁰⁴

⁷⁹³ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162865, D22/15, ERN 00162852-00162871 (ENG).

⁷⁹⁴ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162861, D22/15, ERN 00162852-00162871 (ENG); NHEM En International statement dated 12 March 1997 at ERN 0078252, IS Annex C, 19.125, ERN 00078247-00078264 (ENG).

⁷⁹⁵ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162867, D22/15, ERN 00162852-00162871 (ENG).

⁷⁹⁶ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162867, D22/15, ERN 00162852-00162871 (ENG).

⁷⁹⁷ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162868, D22/15, ERN 00162852-00162871 (ENG).

⁷⁹⁸ NHEM En International statement dated 12 March 1997 at ERN 0078253, IS Annex C, 19.125, ERN 00078247-00078264 (ENG).

⁷⁹⁹ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162857, D22/15, 00162852-00162871 (ENG).

⁸⁰⁰ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162857, D22/15, 00162852-00162871 (ENG).

⁸⁰¹ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162870, D22/15, ERN 00162852-00162871 (ENG).

⁸⁰² NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162862, D22/15, ERN 00162852-00162871 (ENG).

⁸⁰³ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162865, D22/15, ERN 00162852-00162871 (ENG).

⁸⁰⁴ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162863, D22/15, ERN 00162852-00162871 (ENG).

17. The Witness estimates that 10,000 were detained at S-21.⁸⁰⁵ The Witness states that he also photographed about 20 Vietnamese prisoners (of war) during the period when the “Vietnamese attacked and came in Cambodia in areas along the borders”.⁸⁰⁶ In 1977 he took the pictures of two westerners who had been arrested at sea.⁸⁰⁷

INTERROGATION

18. The Witness provides evidence that there were “about ten” interrogation places around the area of S-21.⁸⁰⁸ He states that he once saw **DUCH** interrogate a prisoner in 1977,⁸⁰⁹ but was aware that **DUCH** was sometimes involved in the interrogations of the “important prisoners” once or twice a month, such as zone and regional chiefs and army commanders.⁸¹⁰ **DUCH** would walk around, monitoring the interrogations at S-21,⁸¹¹ and would “hate anybody who didn’t do the interrogation correctly or who didn’t fulfil the assignments.”⁸¹² The Witness provides evidence that he saw **DUCH** beating one interrogator with a big stick when he had failed to get clear answers from a Vietnamese PoW.⁸¹³ This interrogator was later executed at S-21.⁸¹⁴

TORTURE & INHUMANE TREATMENT

19. The Witness provides evidence that he saw prisoners who had been tortured by electrocution, that he knew that prisoners’ nails were pulled out, and that there were constant cries and screams.⁸¹⁵ The Witness provides evidence that **DUCH** beat a prisoner with a rattan stick. The Witness states that he saw **DUCH** committing such physical

⁸⁰⁵ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162869, D22/15, ERN 00162852-00162871 (ENG).

⁸⁰⁶ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162865, D22/15, ERN 00162852-00162871 (ENG).

⁸⁰⁷ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162865, D22/15, 00162852-00162871 (ENG).

⁸⁰⁸ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162870, D22/15, 00162852-00162871 (ENG).

⁸⁰⁹ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162868, D22/15, 00162852-00162871 (ENG). In an earlier statement, the Witness stated that **DUCH** interrogated prisoners “in special cases”: NHEM En International statement dated 12 March 1997 at ERN 0078259, IS Annex C, 19.125, ERN 00078247-00078264 (ENG).

⁸¹⁰ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171174, ERN 00171155-00171358 (ENG).

⁸¹¹ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171204, ERN 00171155-00171358 (ENG).

⁸¹² NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171186, ERN 00171155-00171358 (ENG).

⁸¹³ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171211, ERN 00171155-00171358 (ENG).

⁸¹⁴ NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, at ERN 00171214, ERN 00171155-00171358 (ENG).

⁸¹⁵ NHEM En Statement in *Cambodia Genocide: Memories from Tuol Sleng Prison* by Peter Maguire, undated. No ERN, not yet in casefile (ENG); NHEM En Statement in *Cambodian Photographer Recalls Victims of Khmer Rouge Regime* by Robin McDowell for the Associated Press, undated. No ERN, not yet on the casefile (ENG).

violence in front of S-21 adjacent to his workplace.⁸¹⁶ He states that the 'white guys' captured from Kampong Som were tortured exactly like other prisoners.⁸¹⁷

EXTERMINATION, MURDER & WILFUL KILLING

20. The Witness provides evidence that he saw prisoners being taken away in trucks. Later he learned that they were taken to Cheung Ek where they were executed.⁸¹⁸ He states that **DUCH** often ordered the special unit to take photographs of dead prisoners to confirm their death.⁸¹⁹ Photographs of important prisoners, both before and after execution, were sent to Son Sen and Pol Pot as proof that they had been killed.⁸²⁰
21. The Witness provides evidence that among 400 staff from his hometown, 150 disappeared.⁸²¹ The Witness provides evidence that a guard was executed because he fell asleep while he was on night duty and that a cook was also killed because he was accused of poisoning for failing to properly wash vegetables which smelled of pesticide.⁸²²

PRIOR STATEMENTS

22. The Witness has given sixteen prior statements to the Co-Prosecutors' knowledge:
 - (1) NHEM En ECCC OCIJ Statement dated 1 November 2007, D22/15, ERN 00162833-00162851 (KHM), ERN 00162852-00162871 (ENG).
 - (2) NHEM En Statement in *The Lost Executioner – A Story of the Khmer Rouge* by Nic DUNLOP dated 2005, at pages 152-170.
 - (3) NHEM En Statement in *Voices from S-21 – Terror and History in Pol Pot's Secret Prison* by David CHANDLER dated 1999, at pages 25, 27-28, 30, 36, 90, 99, 128, 139.
 - (4) NHEM En Statement in Nic DUNLOP *The Lost Executioner* pages 152-164, 168-170. No ERN, not yet in casefile (ENG).
 - (5) NHEM En Statement in *Cambodia Genocide: Memories from Tuol Sleng Prison* by Peter Maguire, undated. No ERN, not yet in casefile <http://www.fathom.com/feature/35706/> Accessed 31 October 2008 (ENG).

⁸¹⁶ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162868, D22/15, 00162852-00162871 (ENG).

⁸¹⁷ NHEM En International statement dated 12 March 1997 at ERN 0078257, IS Annex C, 19.125, ERN 00078247-00078264 (ENG).

⁸¹⁸ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162869, D22/15, ERN 00162852-00162871 (ENG).

⁸¹⁹ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162863, D22/15, ERN 00162852-00162871 (ENG).

⁸²⁰ NHEM En Statement in *Cambodian Photographer Recalls Victims of Khmer Rouge Regime* by Robin McDowell for the Associated Press, undated. No ERN, not yet on the casefile (ENG).

⁸²¹ NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162862, D22/15, ERN 00162852-00162871 (ENG).

⁸²² NHEM En ECCC OCIJ Statement dated 1 November 2007 at ERN 00162861, D22/15, ERN 00162852-00162871 (ENG).

- (6) NHEM En Statement in *Cambodian Photographer Recalls Victims of Khmer Rouge Regime* by Robin McDowell for the Associated Press, undated. No ERN, not yet on the casefile <http://www.thefreelibrary.com/CAMBODIAN+PHOTOGRAPHER+RECALLS+VICTIMS+OF+KHMER+ROUGE+REGIME-a083855361> Accessed 31 October 2008 (ENG).
- (7) NHEM En Statement in *Chilling Start to Khmer Rouge Tribunal* by Thomas Bell for the *Daily Telegraph* dated 3 November 2007. No ERN, not yet on the casefile <http://www.telegraph.co.uk/news/worldnews/1568068/Chilling-start-to-Khmer-Rouge-tribunal.html> Accessed 31 October 2008 (ENG).
- (8) NHEM En Statement in *Out From Behind a Camera at a Khmer Torture House* by Seth Mydans, dated 26 October 2007 <http://www.nytimes.com/2007/10/26/world/asia/27cambo.html> Accessed 31 October 2008 (ENG).
- (9) NHEM En Statement interviewed by Doug Niven and Peter Maguire, dated 12 March 1997, IS Annex C, 19.125, ERN 00078247-00078264 (ENG).
- (10) NHEM En Statement interviewed by Peter Maguire, dated 3 February 2000, D61/I, ERN 00002558-00002569 (ENG).
- (11) NHEM En Statement interviewed by Nic DUNLOP, dated 25 January 2001 and 20 December 2002 D61/I, ERN 00171155-00171358 (ENG).
- (12) NHEM En International statement dated 12 March 1997, IS Annex C, 19.125, ERN 00078247-00078264 (ENG)
- (13) NHEM En Statement in *Pol Pot et les Khmers Rouges* film by ARTE, undated, D69, ERN V 00172512.
- (14) NHEM En Statement in *Pol Pot, Journey to the Killing Fields* film by TVK, undated, D69, ERN V 00172603.
- (15) NHEM En Statement in *Khmer Rouge History of Genocide* film by Pierre-Andre BOUTANG dated 2001, D69, ERN V 00172506.
- (16) NHEM En Statement in the film *Inside Pol Pot's Secret Prison* by Bill BRUMMEL dated 4 July 2000, D69, ERN V 00172525.

OTHER RELEVANT DOCUMENTS

23. The Witness will refer to relevant documents at trial.

20. NHEP HAU

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness is 55 years old, is a Cambodian male, and was born in 1953. The Witness went to school until he reached Class 8 and then worked to help his parents until 1974. In 1974 he was “forced...into Pol Pot’s revolution.”⁸²³ He tried to flee but was arrested and imprisoned for five months before he was liberated from prison by his younger brother who was one of Ta Nath’s soldiers.⁸²⁴ After that he was taken to Prey Sva Village, Kandal Steung and was in the unit called 112th in Economics.⁸²⁵ He went to work as a prison guard at S-21 in March 1977 where he remained until the fall of the regime.⁸²⁶

ARMED CONFLICT

3. The Witness provides evidence that when fleeing Phnom Penh he and other S-21 staff were fired upon by the Vietnamese.⁸²⁷

ROLE OF ACCUSED

4. The Witness provides evidence that **DUCH** was the “big Chairman” at S-21. **DUCH** often came to meet HOR but, the Witness states, “did not come to the building.”⁸²⁸
5. **DUCH** called the guards to instruction meetings near to his house, at which he spoke fervently about the revolution and the importance of proper guarding.⁸²⁹ “**DUCH’s** law”

⁸²³ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162695, D22/10, ERN 00162693-00162705 (ENG).

⁸²⁴ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162695, D22/10, ERN 00162693-00162705 (ENG).

⁸²⁵ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162695, D22/10, ERN 00162693-00162705 (ENG).

⁸²⁶ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162695, D22/10, ERN 00162693-00162705 (ENG).

⁸²⁷ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162704, D22/10, ERN 00162693-00162705 (ENG).

⁸²⁸ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162699, D22/10, ERN 00162693-00162705 (ENG).

⁸²⁹ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162700, D22/10, ERN 00162693-00162705 (ENG).

was that people only knew about their own work.⁸³⁰ **DUCH** brought his own forces into S-21 in addition to NATH's, and **DUCH** prohibited contact with any of NATH's forces.⁸³¹ The interrogators who collected prisoners before interrogations "were all **DUCH**'s people."⁸³²

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that the guards were divided according to whether they guarded inside or outside.⁸³³ The inside guards were divided into ten teams.⁸³⁴ The guard teams worked in shifts and relieved one another during the day.⁸³⁵ The Witness was responsible for guarding the North Building on the right hand side (identified by the Witness as Building C).⁸³⁶ Prisoners who had been interrogated and prisoners who were awaiting interrogation were kept on separate floors.⁸³⁷

AUTHORITY STRUCTURE

7. The Witness provides evidence that **DUCH** was the "big Chairman" of S-21, Hor was his Deputy, and that Huy at Prey Sar was a Member.⁸³⁸ The Witness stated that all of the interrogators who came to get the prisoners from their cells were "all **DUCH**'s people."⁸³⁹ The Witness knew the names Pauch, Thai, Phau, Sreng, Eng, Sry who were all inside guards; Huy, Man and Srim were on the outside team who made the arrests and took prisoners out, and they were based at the sewer ditch to the West.⁸⁴⁰ The Witness's younger brother, PENG, also worked at S-21, but later died.⁸⁴¹ The Witness knew the name CHAN.⁸⁴²

⁸³⁰ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162700, D22/10, ERN 00162693-00162705 (ENG).

⁸³¹ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162701, D22/10, ERN 00162693-00162705 (ENG).

⁸³² NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162699, D22/10, ERN 00162693-00162705 (ENG).

⁸³³ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162696, D22/10, ERN 00162693-00162705 (ENG).

⁸³⁴ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162696, D22/10, ERN 00162693-00162705 (ENG).

⁸³⁵ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162696, D22/10, ERN 00162693-00162705 (ENG).

⁸³⁶ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162696, D22/10, ERN 00162693-00162705 (ENG).

⁸³⁷ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162697, D22/10, ERN 00162693-00162705 (ENG).

⁸³⁸ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162699, D22/10, ERN 00162693-00162705 (ENG).

⁸³⁹ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162699, D22/10, ERN 00162693-00162705 (ENG).

⁸⁴⁰ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162699, D22/10, ERN 00162693-00162705 (ENG).

⁸⁴¹ NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162700, D22/10, ERN 00162693-00162705 (ENG).

⁸⁴² NHEP Hau ECCC OCII Statement dated 19 October 2007 at ERN 00162700, D22/10, ERN 00162693-00162705 (ENG).

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

8. The Witness provides evidence that he guarded cells with women and children and that the men were kept separate. The Witness noted that the site he guarded had about eighty prisoners,⁸⁴³ but there were no foreign prisoners in his building.⁸⁴⁴

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

9. The Witness provides evidence that the prisoners relieved themselves in an ammunition case;⁸⁴⁵ they were skinny because they did not have sufficient food and had been tortured,⁸⁴⁶ and that they also did not have sufficient clothing because it had often been torn during torture.⁸⁴⁷ Prisoners were hosed down twice a day, and bathed in the same place they slept.⁸⁴⁸

INTERROGATION

10. The Witness provides evidence that the interrogators would come to the cells that were guarded by the prison guards and take the prisoners to a separate place to be interrogated.⁸⁴⁹ The Witness provides evidence that prisoners who had been interrogated were taken upstairs following the interrogation, and there was a possibility that they would be interrogated again.⁸⁵⁰

TORTURE & INHUMANE TREATMENT

11. The Witness provides evidence that “one hundred percent of the prisoners had been tortured.”⁸⁵¹ The Witness provides evidence that he spoke with multiple prisoners who had been severely tortured and beaten.⁸⁵² He also heard the prisoners wailing.⁸⁵³ The prisoners

⁸⁴³ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162701, D22/10, ERN 00162693-00162705 (ENG).

⁸⁴⁴ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162701, D22/10, ERN 00162693-00162705 (ENG).

⁸⁴⁵ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162697, D22/10, ERN 00162693-00162705 (ENG).

⁸⁴⁶ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162703, D22/10, ERN 00162693-00162705 (ENG).

⁸⁴⁷ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162703, D22/10, ERN 00162693-00162705 (ENG).

⁸⁴⁸ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162703, D22/10, ERN 00162693-00162705 (ENG).

⁸⁴⁹ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162699, D22/10, ERN 00162693-00162705 (ENG).

⁸⁵⁰ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162697, D22/10, ERN 00162693-00162705 (ENG).

⁸⁵¹ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162703, D22/10, ERN 00162693-00162705 (ENG).

⁸⁵² NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162698, D22/10, ERN 00162693-00162705 (ENG).

⁸⁵³ NHEP Hau ECCC OCJ Statement dated 19 October 2007 at ERN 00162699, D22/10, ERN 00162693-00162705 (ENG).

were skinny, resulting from inadequate food and torture;⁸⁵⁴ he saw whip marks on their bodies, and often they had been beaten so severely that their shirts were torn to shreds.⁸⁵⁵

EXTERMINATION, MURDER & WILFUL KILLING

12. The Witness stated that at the fall of Phnom Penh, HUY's group took all the prisoners away in trucks but he did not know where they were taken. After about ten days, all the prisoners were gone. The prisoners in Building A were all killed in their cells by the guards before they fled.⁸⁵⁶

PRIOR STATEMENTS

13. The Witness has given four prior statements to the Co-Prosecutors's knowledge:
 - (1) NHEP Ho DC-Cam Statement dated 11 August 2003, IS Annex C, 19.126, ERN 00052075-00052093 (KHM) (ENG summary ERN 00183932-00183934)
 - (2) NHEP Ho S-21 biography, undated, IS Annex C, 19.126, ERN 00051618-00051633 (KHM) (ENG summary ERN 00183932-00183934).
 - (3) NHEP Hau ECCC OCIJ Statement dated 19 October 2007, D22/10, ERN 00162693-00162705 (ENG).
 - (4) NHEP Hau Statement in an article entitled "Former S-21 Comrades Reunite and Recall Their Past Experiences" by HUY Vannak in DC-Cam's *Searching for the Truth* magazine, Number 31, July 2002, D5/2, ERN 00104911-00104912 (ENG).

OTHER RELEVANT DOCUMENTS

14. The Witness will refer to relevant documents at trial.

⁸⁵⁴ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162702-03, D22/10, ERN 00162693-00162705 (ENG).

⁸⁵⁵ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162703, D22/10, ERN 00162693-00162705 (ENG).

⁸⁵⁶ NHEP Hau ECCC OCIJ Statement dated 19 October 2007 at ERN 00162704, D22/10, ERN 00162693-00162705 (ENG).

21. PESS Matt (Pes Math)

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and the DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147) and the enslavement, great suffering and inhumane acts, (62-71, 135, 143 & 148) the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, approximately 15 years old on 17 April 1975, is a Cambodian male and was born in 1960. After the Khmer Rouge took power, he was “rounded up” with other children, including MAKK Sithim with whom he had been to school, and brought to Phnom Penh. In late 1975 he studied at the “Military Technical School 703,”⁸⁵⁷ in mid 1976 his group was selected to guard prisoners at the psychiatric hospital at Takhmao; and in late 1976 he started to work at S-21, where he worked as an internal and external guard until the fall of Phnom Penh in 1979.⁸⁵⁸

ARMED CONFLICT

3. The Witness provides evidence that his fellow guards told him about the war between Cambodia and Vietnam and about the arrests of Vietnamese from the Prey Veng and Svay Rieng borders. He also heard of the war and arrests of Vietnamese from the radio playing in the dining room, although **DUCH** never mentioned the war in the meetings.⁸⁵⁹ The Witness provides evidence that in 1977-1978 he saw a few Vietnamese prisoners at S-21 wearing military uniforms. They were in shackles; and a few days later he saw that they were wounded so presumed they had been beaten and tortured. They later disappeared. The Witness also saw a few Vietnamese women in civilian clothing.⁸⁶⁰ Vietnamese and Cambodian prisoners were treated in the same way.⁸⁶¹

DK STRUCTURE AND POLICY

4. The Witness provides evidence that there was a political school to the west of the prison, attended by many people, at which **DUCH** also participated, where they learned about

⁸⁵⁷ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195708, D76/2, ERN 00195706-00195710 (ENG).

⁸⁵⁸ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195708, D76/2, ERN 00195706-00195710 (ENG).

⁸⁵⁹ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁶⁰ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁶¹ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

having a “strong standpoint” and not conspiring with the Vietnamese.⁸⁶² In one meeting, the Witness’s team leader taught that they should inform on anyone who were “activists” or who talked to strangers, an order which had come from the upper echelon; later, two of his superiors, NY and POUCH, were charged as traitors.⁸⁶³ The Witness provides evidence that he saw the team and group chiefs reading *The Revolutionary Flag*, although he never read it himself.⁸⁶⁴

ROLE OF ACCUSED

5. The Witness provides evidence that the only time he met **DUCH** was during a training session at which **DUCH** spoke, conducted at the political school west of the prison.⁸⁶⁵ Otherwise, the Witness only saw **DUCH** from afar driving in his jeep.⁸⁶⁶ The Witness provides evidence that he never saw **DUCH** assign any work directly inside the prison or when the prisoners were removed.⁸⁶⁷ The Witness provides evidence that **DUCH** never said anything about the war with Vietnam at the meetings.⁸⁶⁸

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that he was on guard duty near the clinic in front of S-21 where MAKK Sithim worked as a medic, cleaning wounds.⁸⁶⁹ Although he never personally saw blood taking or experiments on humans, the Witness was told by his fellow guards that blood was taken for transfusions for the wounded, and blood was preserved at a place called *Srak Srong*.⁸⁷⁰
7. The Witness provides evidence that he received his assignments from his team leader HENG. There was a meeting once a week, introduced by PENG, at which the Witness was educated and learned about politics.⁸⁷¹ There was also a political school to the west of the prison, attended by many people, at which **DUCH** also participated, where they learned about having a “strong standpoint” and not conspiring with the Vietnamese.⁸⁷²

⁸⁶² PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁶³ PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁶⁴ PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195710, D76/2, ERN 00195706-00195710 (ENG).

⁸⁶⁵ PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁶⁶ PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195710, D76/2, ERN 00195706-00195710 (ENG).

⁸⁶⁷ PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195710, D76/2, ERN 00195706-00195710 (ENG).

⁸⁶⁸ PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁶⁹ PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195710, D76/2, ERN 00195706-00195710 (ENG).

⁸⁷⁰ PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁷¹ PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195708, D76/2, ERN 00195706-00195710 (ENG).

⁸⁷² PESS Math, ECCC OCJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

AUTHORITY STRUCTURE

8. The Witness provides evidence that **DUCH**, MAM Nai alias **CHAN** and **HOR** were the chief, deputy chief and member, respectively and were “very close to one another.”⁸⁷³ **HENG** was the Witness’s team leader, and above **HENG** there was **NY**, **POUCH**, **PENG**, **HOR** and then **CHAN** and **DUCH**.⁸⁷⁴
9. The Witness provides evidence that they were told by his team leader to inform about anyone who were activists and who talked to strangers.⁸⁷⁵ The Witness provides evidence that he believed that this order had been issued by the “upper echelon.”⁸⁷⁶

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

10. The Witness provides evidence that although he never saw foreign prisoners⁸⁷⁷ he saw a few Vietnamese in military uniforms and female Vietnamese in civilian clothing.⁸⁷⁸ The Witness provides evidence that two of his superiors, **Ny** and **Pouch**, were accused as “enemies” and charged as traitors, never to be seen again.⁸⁷⁹

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

11. The Witness provides evidence that although he never personally saw blood taking or experiments on humans, the Witness was told by his fellow guards that blood was taken for transfusions for the wounded, and blood was preserved at a place called *Srak Srong*, to the east of S-21.⁸⁸⁰

TORTURE & INHUMANE TREATMENT

12. The Witness provides evidence that he saw a few Vietnamese in shackles and they were wounded so he presumed they had been beaten and tortured.⁸⁸¹

EXTERMINATION, MURDER & WILFUL KILLING

13. The Witness provides evidence that he never saw prisoners who disappeared ever return.⁸⁸² The Witness provides evidence that he never saw any prisoners killed in groups before the fall of Phnom Penh in 1979.⁸⁸³

⁸⁷³ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195708, D76/2, ERN 00195706-00195710 (ENG).

⁸⁷⁴ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195708, D76/2, ERN 00195706-00195710 (ENG).

⁸⁷⁵ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁷⁶ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁷⁷ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195710, D76/2, ERN 00195706-00195710 (ENG).

⁸⁷⁸ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁷⁹ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 001957098, D76/2, ERN 00195706-00195710 (ENG).

⁸⁸⁰ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁸¹ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

PRIOR STATEMENTS

14. The Witness has given one prior statement to the Co-Prosecutors' knowledge:

- (1) PESS Math, OCIJ Statement dated 18 March 2008, D76/2, ERN 00195706-00195710 (ENG).

OTHER RELEVANT DOCUMENTS

15. The Witness will refer to relevant documents at trial.

⁸⁸² PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195709, D76/2, ERN 00195706-00195710 (ENG).

⁸⁸³ PESS Math, ECCC OCIJ Statement dated 18 March 2008 at ERN 00195710, D76/2, ERN 00195706-00195710 (ENG).

22. PRAK KHAN

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145), the widespread or systematic nature of the attack on the civilian population (10-18 & 131-133), and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 24 years old on 17 April 1975, is a Cambodian male born on 7 January 1951.⁸⁸⁴ The Witness initially joined the revolution in response to the calls from Prince Sihanouk, becoming a sub-district militiaman from 1973, and later a combatant in an artillery unit of Division 703. He was assigned to S-21 in late 1975, beginning as an outside guard.⁸⁸⁵ After three or four months in that role, he was moved to the inside where he became an interrogator with the "Chewing Group."⁸⁸⁶ He remained an S-21 interrogator until 7 January 1979. There are 56 surviving S-21 confessions in which the Witness is listed as the interrogator.

ARMED CONFLICT

3. The Witness provides evidence that Pol Pot launched attacks against Vietnam, that the conflict with Vietnam began as early as May 1975, that Vietnamese prisoners of war were brought to S-21 from 1977 through 1979 for interrogation, and that he heard confessions by Vietnamese soldiers broadcast on the radio every day.⁸⁸⁷ The wounded from the war were transported to Phnom Penh, and required a lot of blood for transfusion, which was extracted from the prisoners at S-21.⁸⁸⁸

⁸⁸⁴ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161569, D19/VII, ERN 00161568-00161586 (ENG).

⁸⁸⁵ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161571, D19/VII, ERN 00161568-00161586 (ENG).

⁸⁸⁶ PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146791, IS Annex C, 23.8, ERN 00146790-00146796 (ENG).

⁸⁸⁷ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 001615672, D19/VII, ERN 00161568-00161586 (ENG); PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161553-5, 00161559, 00161560, 00161566, D19/VIII, ERN 00161552-00161567 (ENG).

⁸⁸⁸ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161559, D19/VIII, ERN 00161552-00161567 (ENG).

WIDESPREAD OR SYSTEMATIC

4. The Witness provides evidence that the prisoners were brought to S-21 from all over the country.⁸⁸⁹

DK STRUCTURE & POLICY

5. The Witness provides evidence that **DUCH** and SON Sen taught courses on theory and politics once or twice a year.⁸⁹⁰

ROLE OF ACCUSED

6. The Witness provides evidence that when he joined the interrogation unit he learned that **DUCH** was the Chairman of S-21⁸⁹¹ and that he controlled the interrogation operations.⁸⁹² **DUCH** toured the grounds of S-21, armed with a pistol.⁸⁹³ There was a special unit to guard **DUCH**'s house.⁸⁹⁴
7. The Witness provides evidence that **DUCH** convened training sessions at his house "every week or two" for S-21 staff in which he personally instructed interrogators in the theory and practice of torture techniques.⁸⁹⁵ Before interrogations commenced, **DUCH** gave instructions, sometimes in person, sometimes by telephone.⁸⁹⁶ As well as personally conducting some interrogations,⁸⁹⁷ **DUCH** sometimes intervened in the Witness's interrogations, questioning for half an hour and then leaving.⁸⁹⁸ The Witness provides

⁸⁸⁹ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161580, D19/VII, ERN 00161568-00161586 (ENG).

⁸⁹⁰ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161574, D19/VII, ERN 00161568-00161586 (ENG).

⁸⁹¹ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161572, D19/VII, ERN 00161568-00161586 (ENG); in an earlier statement, the Witness stated that he knew **DUCH** was the "chief" when he arrived at S-21: PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146790, IS Annex C, 23.8, ERN 00146790-00146796 (ENG).

⁸⁹² PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161577, D19/VII, ERN 00161568-00161586 (ENG); PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146790, IS Annex C, 23.8, ERN 00146790-00146796 (ENG).

⁸⁹³ PRAK Khan ECCC OCIJ Statement dated 29 February 2008 at ERN 00166564 (making reference to the film "Behind the gate", D54/I), D54, ERN 00166561-00166570 (ENG).

⁸⁹⁴ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161578, D19/VII, ERN 00161568-00161586 (ENG).

⁸⁹⁵ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161573-75, D19/VII, ERN 00161568-00161586 (ENG); PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161554, 00161559, D19/VIII, ERN 00161552-00161567 (ENG); PRAK Khan ECCC OCIJ Confrontation dated 29 February 2008 at ERN 00166568, D54, ERN 00166561-00166570 (ENG); PRAK Khan, in OCIJ Report on Reconstruction (Tuol Sleng) dated 27 February 2008 at ERN 00198007, D48/2, ERN 00197998-00198008 (ENG).

⁸⁹⁶ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161577, D19/VII, ERN 00161568-00161586 (ENG).

⁸⁹⁷ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161558, D19/VIII, ERN 00161552-00161567 (ENG); PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146792, IS Annex C, 23.8, ERN 00146790-00146796 (ENG); PRAK Khan ECCC OCIJ Written record of confrontation dated 29 February 2008 at ERN 00166564 (making reference to the film "Behind the gate", D54/I) and ERN 00166565, D54, ERN 00166561-00166570 (ENG).

⁸⁹⁸ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161580, D19/VII, ERN 00161568-00161586 (ENG).

evidence that **DUCH** regularly went around every interrogation site, at some point questioning on particular points, at other times striking “a blow or two.”⁸⁹⁹ The Witness saw **DUCH** interrogate an Australian and an American, one of whom was David SCOTT whom **DUCH** kicked; together with CHAN, **DUCH** interrogated foreigners publicly because no-one could understand.⁹⁰⁰

8. **DUCH** personally issued orders to carry out torture, sometimes verbally and sometimes in writing.⁹⁰¹ These orders had to be carried out meticulously.⁹⁰² The Witness provides evidence that **DUCH** personally tortured prisoners by beating and electrocution.⁹⁰³ In one particular incident, the Witness saw **DUCH** with CHAN, TIT, DEK Bou, MENG and PON repeatedly torturing a woman when she did not provide **DUCH** with “important information.”⁹⁰⁴ The witness saw **DUCH** and the others laughing whilst they were torturing.⁹⁰⁵ The Witness believes that **DUCH** also knew that the responses in the confessions were probably untrue but did not care because “the man was crazed with war and mistreating people.”⁹⁰⁶
9. The Witness provides evidence that **DUCH** imposed draconian discipline on his own staff. Failure to obey orders resulted in disappearance, which “meant imprisonment and finally death.”⁹⁰⁷

ESTABLISHMENT, DURATION & OPERATION

10. The Witness provides evidence that S-21 was in operation from at least late 1975, that it was moved to the Tuol Sleng facility from the former *Police Judiciaire* headquarters on Street 51, and that **DUCH**’s intimates frequently referred to their prior experiences with him at M-13 in the Special Zone during the war against the Lon Nol regime.⁹⁰⁸ The

⁸⁹⁹ PRAK Khan ECCC OCJ Statement dated 25 September 2007 at ERN 00161557, 00161558, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁰⁰ PRAK Khan ECCC OCJ Statement dated 25 September 2007 at ERN 00161555, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁰¹ PRAK Khan ECCC OCJ Statement dated 25 September 2007 at ERN 00161553, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁰² PRAK Khan ECCC OCJ Confrontation dated 29 February 2008 at ERN 00166564 (making reference to the film “Behind the gate”, D54/I), D54, ERN 00166561-00166570 (ENG).

⁹⁰³ PRAK Khan ECCC OCJ Statement dated 21 September 2007 at ERN 00161580, D19/VII, ERN 00161568-00161586 (ENG); PRAK Khan ECCC OCJ Statement dated 25 September 2007 at ERN 00161558, D19/VIII, ERN 00161552-00161567 (ENG); PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146792, IS Annex C, 23.8, ERN 00146790-00146796 (ENG); PRAK Khan ECCC OCJ Statement dated 29 February 2008 at ERN 00166564 (making reference to the film “Behind the gate”, D54/I) and ERN 00166565, D54, ERN 00166561-00166570 (ENG).

⁹⁰⁴ PRAK Khan ECCC OCJ Statement dated 25 September 2007 at ERN 00161558, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁰⁵ PRAK Khan ECCC OCJ Confrontation dated 29 February 2008 at ERN 00166564 (making reference to the film “Behind the gate”, D54/I), D54, ERN 00166561-00166570 (ENG).

⁹⁰⁶ PRAK Khan ECCC OCJ Statement dated 21 September 2007 at ERN 00161585, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁰⁷ PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146793, IS Annex C, 23.8, ERN 00146790-00146796 (ENG).

⁹⁰⁸ PRAK Khan ECCC OCJ Statement dated 25 September 2007 at ERN 00161555, 00161559, 00161562, D19/VIII, ERN 00161552-00161567 (ENG).

Witness provides evidence that the S-21 compound went far beyond the present-day museum, West of Wat Mohamantrei, South of Wat Tuol Tumpoung, East of Monivong.⁹⁰⁹

11. The Witness provides evidence that S-21's external defence section worked in two shifts, from 12 noon to 12 midnight.⁹¹⁰ There were around a 1000 guards at S-21.⁹¹¹ The Witness provides evidence that whilst working as an external guard he saw S-21 vehicles go out to collect prisoners, under the control of the "lower level chairmen" HIM Huy and DEK Bou.⁹¹² The Witness provides evidence that high-ranking prisoners were detained in Building A and in a two or three storey house to the East, supervised by **DUCH** and PENG. Buildings, B, C and D were simply supervised by PENG.⁹¹³
12. When S-21 defence and interrogation cadre from Division 703 were purged, they were replaced by **DUCH**'s forces from the West, who were all children of 13-15 years old.⁹¹⁴
13. The Witness provides evidence that on 6 January 1979 the gates of S-21 were shut and all the prisoners were "purged and transported out." On 7 January, the remaining prisoners in Building A "were all smashed."⁹¹⁵

AUTHORITY STRUCTURE

14. The Witness provides evidence that **DUCH** was in overall command of S-21, that **DUCH** took orders from a higher echelon, and he frequently mentioned Saloth Sar (Brother Number One) and **NUON Chea** (Brother Number Two).⁹¹⁶ HOR was Deputy Chairman, responsible for security, defence and economics; HIM Huy was Defence Chairman, in charge of arresting prisoners and sending them to Cheung Ek, and also responsible for the outside buildings;⁹¹⁷ and MAM Nai alias Chan, one of **DUCH**'s close associates,⁹¹⁸ was in charge of documents and the interrogation of foreigners.⁹¹⁹ PENG was responsible for all

⁹⁰⁹ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161579, D19/VII, ERN 00161568-00161586 (ENG).

⁹¹⁰ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161572, D19/VII, ERN 00161568-00161586 (ENG).

⁹¹¹ PRAK Khan ECCC OCIJ Confrontation dated 29 February 2008 at ERN 00166564 (making reference to the film "Behind the gate", D54/I), D54, ERN 00166561-00166570 (ENG).

⁹¹² PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161573, D19/VII, ERN 00161568-00161586 (ENG).

⁹¹³ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161578, D19/VII, ERN 00161568-00161586 (ENG).

⁹¹⁴ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161579, D19/VII, ERN 00161568-00161586 (ENG); PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161560, D19/VIII, ERN 00161552-00161567 (ENG).

⁹¹⁵ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161565, D19/VIII, ERN 00161552-00161567 (ENG).

⁹¹⁶ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161562, D19/VIII, ERN 00161552-00161567 (ENG).

⁹¹⁷ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161577, D19/VII, ERN 00161568-00161586 (ENG).

⁹¹⁸ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161578, D19/VII, ERN 00161568-00161586 (ENG).

⁹¹⁹ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161577, D19/VII, ERN 00161568-00161586 (ENG).

four buildings at S-21,⁹²⁰ TIT was **DUCH**'s "right hand" and was a supervisor in interrogation, PON and MENG were interrogators who had formerly been professors⁹²¹ and SUOS Thy recorded the names of the prisoners at S-21.⁹²² TRY was the Chairman of the medics.⁹²³

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

15. The Witness provides evidence that the total number of prisoners was "more than 10,000."⁹²⁴ Prisoner types included males and females, adults and children, soldiers and civilians, Cambodians, Americans, Australians, Vietnamese, and S-21 cadres.⁹²⁵ S-21 was a "nationwide" prison, to which all provinces sent prisoners; the Witness particularly recalls prisoners being sent in from Battambang.⁹²⁶ The Witness also recalls a pregnant prisoner who was interrogated at S-21 who later gave birth to a boy in the prison.⁹²⁷ Some prisoners committed suicide by stabbing themselves with pens or broken glass, by burning themselves with lanterns or by jumping out of buildings.⁹²⁸

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

16. The Witness provides evidence that when prisoners were moved, they were shackled, cuffed, and blindfolded, with their arms tied behind their backs.⁹²⁹ The Witness could tell when a prisoner had been previously interrogated because of the marks on their back, and that after torture prisoners' backs and nails would rot.⁹³⁰ Medics would clean and close wounds inflicted during torture.⁹³¹ Food for prisoners was rice porridge with a little banana

⁹²⁰ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161578, D19/VII, ERN 00161568-00161586 (ENG).

⁹²¹ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161580, D19/VII, ERN 00161568-00161586 (ENG).

⁹²² PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161582, D19/VII, ERN 00161568-00161586 (ENG).

⁹²³ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161560, D19/VIII, ERN 00161552-00161567 (ENG).

⁹²⁴ PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146793, IS Annex C, 23.8, ERN 00146790-00146796 (ENG).

⁹²⁵ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161585, D19/VII, ERN 00161568-00161586 (ENG); PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161553, 00161562, D19/VIII, ERN 00161552-00161567 (ENG).

⁹²⁶ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161580, D19/VII, ERN 00161568-00161586 (ENG).

⁹²⁷ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161558, D19/VIII, ERN 00161552-00161567 (ENG).

⁹²⁸ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161558, D19/VIII, ERN 00161552-00161567 (ENG).

⁹²⁹ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161582, D19/VII, ERN 00161568-00161586 (ENG).

⁹³⁰ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161583, D19/VII, ERN 00161568-00161586 (ENG).

⁹³¹ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161559, D19/VIII, ERN 00161552-00161567 (ENG).

tree, one ladle each, and the Witness observed that there were 12 people in each cell.⁹³² The witness provides evidence that prisoners were typically held in huge cells.⁹³³

17. The Witness provides evidence that he only knew of one rape by the S-21 staff on prisoners, which took place in the interrogation room adjacent to the one in which the Witness was working. It was discovered that an interrogator named Touch had been “immoral” with a female prisoner and he was arrested and later killed.⁹³⁴

INTERROGATION

18. The Witness provides evidence that there were three interrogation teams at S-21, the “Cool Group” (no torture), the “Hot Group” (torture), and the “Chewing Group” (continuous torture).⁹³⁵ Interrogation sites for all three teams were outside the main compound in the surrounding neighbourhood.⁹³⁶ Interrogation times were normally 7-11 in the morning, 2-5 in the afternoon, and 7-11 at night.⁹³⁷
19. The Witness provides evidence that he was given the name of prisoners to interrogate, on orders from the “upper echelon”, by **DUCH**’s messenger **CHHEN**, or **CHAN**. The Witness gave the name to **SUOS** Thy, who checked his records to determine which building the prisoner to be interrogated was in. **SUOS** Thy gave the Witness the number of the cell, who then gave it to the defence unit who unlocked the cell and brought the prisoner to the Witness. The prisoners, handcuffed and blindfolded, were walked to the interrogation room by the Witness, who locked their leg shackle to the table and removed the handcuffs.⁹³⁸ When the interrogation was finished, the Witness sent the completed documents to **DUCH** or **CHAN**, who would order re-interrogation, drawing circles around particular passages of the confession if they required further questioning on specific traitorous activities or links.⁹³⁹ The Witness provides evidence that he can recognise **DUCH**’s handwriting and signature.⁹⁴⁰ It was **DUCH** or Chan who would decide when an interrogation was complete;⁹⁴¹ four to ten days later, the prisoners were “taken outside and disappeared”.⁹⁴²

⁹³² PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146792-3, IS Annex C, 23.8, ERN 00146790-00146796 (ENG).

⁹³³ PRAK Khan, in OCJ Report on Reconstruction (Tuol Sleng) dated 27 February 2008 at ERN 00198004, D48/2, ERN 00197998-00198008 (ENG).

⁹³⁴ PRAK Khan ECCC OCJ Statement dated 25 September 2007 at ERN 00161555, D19/VIII, ERN 00161552-00161567 (ENG).

⁹³⁵ PRAK Khan ECCC OCJ Statement dated 21 September 2007 at ERN 00161576, D19/VII, ERN 00161568-00161586 (ENG).

⁹³⁶ PRAK Khan ECCC OCJ Statement dated 21 September 2007 at ERN 00161581, D19/VII, ERN 00161568-00161586 (ENG).

⁹³⁷ PRAK Khan ECCC OCJ Statement dated 21 September 2007 at ERN 00161584, D19/VII, ERN 00161568-00161586 (ENG).

⁹³⁸ PRAK Khan ECCC OCJ Statement dated 21 September 2007 at ERN 00161582, D19/VII, ERN 00161568-00161586 (ENG).

⁹³⁹ PRAK Khan ECCC OCJ Statement dated 21 September 2007 at ERN 00161585, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁴⁰ PRAK Khan ECCC OCJ Statement dated 25 September 2007 at ERN 00161563, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁴¹ PRAK Khan ECCC OCJ Statement dated 21 September 2007 at ERN 00161583, D19/VII, ERN 00161568-00161586 (ENG).

and an interrogation report was made within a month.⁹⁴³ The Witness provides evidence how **DUCH** would observe the interrogations, would take the confessions to read and would return them with annotations for further interrogation.⁹⁴⁴ **DUCH** regularly came to the interrogator's premises.⁹⁴⁵ Another group of senior interrogators was reserved for special cases, and included Pon, MAM Nai, MENG, TIT, and **DUCH** himself.⁹⁴⁶ Major/senior DK leaders were interrogated by this group inside the main compound, in Building A.⁹⁴⁷

20. When the prisoners arrived at S-21, initially the interrogations consisted simply of "doing politics." If there were no "results" **DUCH** or CHAN ordered the interrogators to question more deeply and if there was still no response they were ordered to use torture.⁹⁴⁸ The purpose of interrogation was "to get responses to use to further research their networks."⁹⁴⁹
21. Ordinarily, one interrogator questioned one prisoner.⁹⁵⁰ Prisoners who were literate and healthy would write their own confession; otherwise, the interrogator would write the confession for the prisoner.⁹⁵¹ The Witness estimates that about half of the prisoners at S-21 underwent interrogation.⁹⁵² Persons who were implicated in a confession would later be arrested and brought to S-21 for interrogation.⁹⁵³ If prisoners fainted due to severe torture, a nurse would come to restore their health provisionally and interrogation would then continue.⁹⁵⁴

⁹⁴² PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161583, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁴³ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161583, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁴⁴ Nic DUNLOP *The Lost Executioner* page 145.

⁹⁴⁵ PRAK Khan ECCC OCIJ Confrontation dated 29 February 2008 at ERN 00166564 (making reference to the film "Behind the gate", D54/I), D54, ERN 00166561-00166570 (ENG).

⁹⁴⁶ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161580, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁴⁷ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161581, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁴⁸ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161574, D19/VII, ERN 00161568-00161586 (ENG); see also PRAK Khan Statement *Inside Pol Pot's Secret Prison* by Bill BRUMMEL dated 4 July 2000, D69, ERN V 00172525 at time stamp 00:25:31 to 00:25:54.

⁹⁴⁹ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161576, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁵⁰ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161582, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁵¹ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161582, 00161585, D19/VII, ERN 00161568-00161586 (ENG). For one prisoner, a young female nurse named NAI Nan from the P-98 hospital, the Witness stated he interrogated her 17-18 times because she was not articulate: PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161585, D19/VII, ERN 00161568-00161586 (ENG). However, in an earlier statement he admitted to having completely invented her confession because he had feelings for her: Nic DUNLOP *The Lost Executioner* pages 132-137.

⁹⁵² PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161584, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁵³ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161585, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁵⁴ PRAK Khan ECCC OCIJ Confrontation dated 29 February 2008 at ERN 00166564 (making reference to the film "Behind the gate", D54/I), D54, ERN 00166561-00166570 (ENG).

22. The Witness provides evidence that **DUCH** designated the rules for interrogation.⁹⁵⁵ These were posted on the walls of S-21 or written on chalkboards, and usually shown to the prisoners during interrogations.⁹⁵⁶ The Witness learned the art of interrogation “on the job,”⁹⁵⁷ and through training sessions organized by **DUCH**.⁹⁵⁸
23. An analysis conducted by DC-Cam reveals that there are 56 surviving confessions bearing the Witness’s name as interrogator.⁹⁵⁹ Of those he interrogated, forty-two were Khmer, five were Phnong ethnicity, two were Chinese, one was Muslim and one was Vietnamese.⁹⁶⁰ The Witness provides evidence that sometimes he interrogated people for three months, up to a hundred pages.⁹⁶¹ The Witness provides evidence that he now accepts that the prisoners’ responses “were more false than true”⁹⁶² and believes that **DUCH** was of the same opinion but that he did not care because he was “crazed with war and mistreating people.”⁹⁶³

TORTURE & INHUMANE TREATMENT

24. The Witness provides evidence that, whenever there was permission from **DUCH** and the upper echelon,⁹⁶⁴ he and his fellow interrogators in the Chewing Group and the Hot Group employed methods of torture including beating and kicking, whipping with tree branches, electrocution, putting needles under nails, piercing and removal of nails, suffocation with a rubber bag, immersion in water, the use of animal traps, and forced eating of excrement.⁹⁶⁵

⁹⁵⁵ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161574, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁵⁶ PRAK Khan, in OCIJ Report on Reconstruction (Tuol Sleng) dated 11 April 2008 at ERN 00198007, D48/2, ERN 00197998-00198008 (ENG).

⁹⁵⁷ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161573, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁵⁸ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161573-75, D19/VII, ERN 00161568-00161586 (ENG); PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161554, 00161559, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁵⁹ DC-Cam analysis *Interrogators at Tuol Sleng Prison S-21 (1975-1979)* prepared by SER Sayana and LACK Voleak Kalyann, undated, no ERN, not yet in the casefile (KHM); of these, fifty-one designate his position as “interrogator”, he interrogated five people in 1976, ten in 1977 (additionally re-writing another prisoner’s confession), 35 in 1978 (also including one re-write) and one prisoner on 4 January 1979, before he fled to Thailand: PRAK Khan DC-Cam Statement (undated) entitled *Prak Khan and Interrogation at S-21* by Osman YSA, D61/I, at ERN 00002586, ERN 00002586-00002599 (KHM) (page 1 of the English summary).

⁹⁶⁰ PRAK Khan DC-Cam Statement (undated) entitled *Prak Khan and Interrogation at S-21* by Osman YSA, D61/I, at ERN 00002586, ERN 00002586-00002599 (KHM) (page 1 of the English summary).

⁹⁶¹ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161585, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁶² PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161584, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁶³ PRAK Khan ECCC OCIJ Statement dated 21 September 2007 at ERN 00161585, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁶⁴ This permission was sometimes given by **DUCH** in person, sometimes on the telephone: PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161553, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁶⁵ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161554, 00161557, D19/VIII, ERN 00161552-00161567 (ENG); PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146791, IS Annex C, 23.8, ERN 00146790-00146796 (ENG).

Different instruments of torture will be identified by the Witness, who denies having seen an immersion basin.⁹⁶⁶

25. Khmer Rouge soldiers wounded in the war with Vietnam in 1977-1978 were transported to Phnom Penh, and required a lot of blood for transfusion. This was extracted from the prisoners at S-21 and sent to the 17 April and Monivong Hospitals.⁹⁶⁷ The Witness provides evidence that the blood-taking took place in the medical centre outside the prison, in a structure on the corner of streets 113 and 330, which was just next to his house.⁹⁶⁸ The Witness stood and watched from the upstairs of his house⁹⁶⁹ as blood was taken from 20-30 healthy prisoners at a time, four or five bags from each, leaving the prisoners “unconscious and gasping” before they were put into a pile, a scene the Witness described as “terrifying.”⁹⁷⁰ One day he saw a vehicle full of prisoners “whose blood had been taken, not yet dead, very weak and expiring.”⁹⁷¹ The Witness estimates that no fewer than 1,000 people were killed in this way, from 1976 until the end of the regime.⁹⁷² “Vouchers” for blood drained from S-21 prisoners exist in the Tuol Sleng archive.⁹⁷³ He did not see **DUCH** at the blood-taking, but assumes that, as Chairman, if **DUCH** had not ordered it no-one would have dared to do it.⁹⁷⁴
26. **DUCH** called all the interrogators for meetings to discuss the issue of not torturing the prisoners so severely that they died, which he described as “allowing the enemy to conduct sabotage.”⁹⁷⁵

⁹⁶⁶ PRAK Khan, in OCIJ Report on Reconstruction (Tuol Sleng) dated 27 February 2008, at ERN 00198006, D48/2, ERN 00197998-00198008 (ENG).

⁹⁶⁷ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161559, D19/VIII, ERN 00161552-00161567 (ENG); the Witness provides evidence that he was told this by the medics: PRAK Khan OCIJ Written Record of Confrontation dated 29 February 2008, D54, at ERN 00166567, ERN 00166561-00166570 (ENG).

⁹⁶⁸ PRAK Khan, in OCIJ Report on Reconstruction (Tuol Sleng) dated 27 February 2008, at ERN 00198006, D48/2, ERN 00197998-00198008 (ENG).

⁹⁶⁹ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161560, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁷⁰ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161560, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁷¹ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161559, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁷² PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161560, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁷³ PRAK Khan discusses the blood-taking in the Documentary Film by RITHY Panh, “S-21, The Khmer Rouge Killing Machine” time mark 1:08:42-01:10:27, ERN V 00172620-00172620. He states that blood was pumped from the prisoners until there was “nothing left” and he then helped to bury the corpses. Blood was extracted dependant on the demand from the major hospitals.

⁹⁷⁴ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161560, D19/VIII, ERN 00161552-00161567 (ENG); see also PRAK Khan Statement *Inside Pol Pot’s Secret Prison* by Bill BRUMMEL dated 4 July 2000, D69, ERN V 00172525 at time stamp 00:26:17 to 00:27:23.

⁹⁷⁵ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161554, D19/VIII, ERN 00161552-00161567 (ENG).

EXTERMINATION, MURDER & WILFUL KILLING

27. The Witness provides evidence that “no less than several thousand” prisoners were killed at S-21,⁹⁷⁶ of which “no fewer than 300” were his fellow S-21 staff from Division 703.⁹⁷⁷ The Witness provides evidence that he was the only survivor in his entire interrogation team of 12 people, the rest having been purged.⁹⁷⁸
28. The Witness provides evidence that he saw his immediate superior execute young Vietnamese children by throwing them from a second story window onto concrete below, and that he believes this practice occurred regularly.⁹⁷⁹ He provides evidence that no fewer than a thousand prisoners were killed by draining their blood.⁹⁸⁰ He provides evidence that CHEAM Soeur (an outside guard) told him that an American and an Australian were executed by being burned to death in the road at Tuol Tumpoung.⁹⁸¹
29. Killings took place south of the detention center, and behind Building D.⁹⁸² The Witness provides evidence that an S-21 document (ERN 00007270) has a notation in **DUCH**’s handwriting reading “propose questioning four and killing the others.”⁹⁸³ He provides evidence that PENG collected prisoners from the cells when it was time for them to be taken for execution,⁹⁸⁴ and that HIM Huy “sent them to Choeung Ek” to be killed.⁹⁸⁵ The Witness provides evidence that on 6 January 1979 the gates of S-21 were shut and all the prisoners were “purged and transported out.” On 7 January, the remaining prisoners in Building A “were all smashed.”⁹⁸⁶

⁹⁷⁶ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161564, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁷⁷ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161562, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁷⁸ PRAK Khan ECCC OCII Confrontation dated 29 February 2008 at ERN 00166564 (making reference to the film “Behind the gate”, D54/I), D54, ERN 00166561-00166570 (ENG).

⁹⁷⁹ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161563, D19/VIII, ERN 00161552-00161567 (ENG); PRAK Khan, in OCII Report on Reconstruction (Tuol Sleng) dated 27 February 2008, at ERN 00198006, D48/2, ERN 00197998-00198008 (ENG).

⁹⁸⁰ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161559-00161562, D19/VIII, ERN 00161552-00161567 (ENG); PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146791-2, IS Annex C, 23.8, ERN 00146790-00146796 (ENG); PRAK Khan ECCC OCII Confrontation dated 29 February 2008 (transcript) at ERN 00166566, D54, ERN 00166561-00166570 (ENG), ERN 00166588-00166599 (KHM).

⁹⁸¹ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161556, D19/VIII, ERN 00161552-00161567 (ENG); PRAK Khan ECCC OCP Statement dated 12 October 2006 at ERN 00146793, IS Annex C, 23.8, ERN 00146790-00146796 (ENG).

⁹⁸² PRAK Khan, in OCII Report on Reconstruction (Tuol Sleng) dated 27 February 2008, at ERN 00198006, D48/2, ERN 00197998-00198008 (ENG).

⁹⁸³ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161564, D19/VIII, ERN 00161552-00161567 (ENG).

⁹⁸⁴ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161578, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁸⁵ PRAK Khan ECCC OCII Statement dated 21 September 2007 at ERN 00161577, D19/VII, ERN 00161568-00161586 (ENG).

⁹⁸⁶ PRAK Khan ECCC OCII Statement dated 25 September 2007 at ERN 00161565, D19/VIII, ERN 00161552-00161567 (ENG).

PRIOR STATEMENTS

30. The Witness has given thirteen prior statements to the Co-Prosecutors' knowledge:

- (1) PRAK Khan OCP Statement dated 12-13 October 2006, IS Annex C, 23.8, ERN 00146790-00146796 (ENG), ERN 00147732-00147738 (FR), ERN 00078625-00078639 (KHM).
- (2) PRAK Khan OCIJ Statement dated 21 September 2007, D19/VII, ERN 00161568-00161586 (ENG), ERN 00146613-00146634 (KHM).
- (3) PRAK Khan OCIJ Statement dated 25 September 2007, D19/VIII, ERN 00161552-00161567 (ENG), ERN 00146593-00146612 (KHM).
- (4) PRAK Khan OCIJ Written Record of Confrontation dated 29 February 2008, D54, ERN 00166561-00166570 (ENG).
- (5) PRAK Khan OCIJ Report on Reconstruction (Tuol Sleng) dated 11 April 2008, D48/2, ERN 00197998-00198008 (ENG), ERN 00181347-00181356 (FR), ERN 00181328-00181346 (KHM).
- (6) PRAK Khan DC-Cam Statement (undated) entitled *Prak Khan and Interrogation at S-21* by Osman YSA, D61/I, ERN 00002586-00002599 (KHM) (English translation does not yet have an ERN and is not yet on the Case File).
- (7) PRAK Khan Statement in DUNLOP, Nic *The Lost Executioner* Introductory Submission Annex C, ERN 00078697-00078699 (ENG).
- (8) PRAK Khan Statement in *Shadow of the Past* film by Express TV, undated, D69, ERN V 00172520.
- (9) PRAK Khan Statement *Inside Pol Pot's Secret Prison* by Bill BRUMMEL dated 4 July 2000, D69, ERN V 00172525.
- (10) PRAK Khan Statement in *Cambodia Report* by Phil REES, undated, D69, ERN V 00172527.
- (11) PRAK Khan Statement in *S-21, The Khmer Rouge Killing Machine* by Rithy Panh, dated 2002, D69, ERN V 00172620 (KHM)
- (12) PRAK Khan Statement in *Derrière le portail (Behind the Gate)* by Jean Baronnet, dated 2004, D54/I, ERN V 00178355-00178355 (KHM/FRE).
- (13) PRAK Khan Statement in an article entitled "Former S-21 Comrades Reunite and Recall Their Past Experiences" by HUY Vannak in DC-Cam's *Searching for the Truth* magazine, Number 31, July 2002, D5/2, ERN 00104911-00104912 (ENG).

OTHER RELEVANT DOCUMENTS

31. The Witness mentions several specific instruments used in torture, including needles, electric wires, pliers, and rubber bags.⁹⁸⁷ The pliers are still extant at the Tuol Sleng Museum. The following documents, amongst others, are also relevant to this Witness's evidence:
- (1) DC-Cam analysis *Interrogators at Tuol Sleng Prison S-21 (1975-1979)* prepared by SER Sayana and LACK Voleak Kalyann, undated, no ERN, not yet in the casefile (KHM).
 - (2) According to the DC-Cam article entitled *Prak Khan and Interrogation at S-21* by Osman YSA, undated, D61/I, ERN 00002586-00002599 (KHM) (English translation does not yet have an ERN and is not yet on the Case File) the following confessions on the case file bear PRAK Khan's hand-writing:
 - (i) THOU Hay S-21 Confession dated 11 February 1978, D32/IV-Annex 01, ERN 00174122-00174126 (KHM)
 - (ii) EM Min S-21 Confession dated 3 May 1977, D32/IV-Annex 34, ERN 00174063-00174064 (KHM)
 - (iii) ENG Meng Heang S-21 Confession dated 6 February 1977, D32/IV-Annex 69, ERN 00174575-00174578 (KHM).

⁹⁸⁷ PRAK Khan ECCC OCIJ Statement dated 25 September 2007 at ERN 00161554, D19/VIII, ERN 00161552-00161567 (ENG).

23. SAOM MET

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, about 19 years old on 17 April 1975, is a Cambodian male, born in 1956.⁹⁸⁸ He was conscripted by the Khmer Rouge army and fought against Lon Nol soldiers. After April 1975, he was sent to study for eight months at the Takhmao technical school. The Witness was then appointed to guard prisoners at a General Staff site at Dăm Phēng, near to the Monivong Hospital in Phnom Penh, which he did from 1976 until early 1977, when he was assigned to S-21.⁹⁸⁹ At S-21 he worked in the special unit guarding “important” prisoners, senior people from division and zone level.⁹⁹⁰ The Witness remained in this role until late 1978. Because his elder brother had been arrested and sent to S-21, the Witness was transferred to Prey Sar in late 1978, where he remained until the Vietnamese invasion.⁹⁹¹

ARMED CONFLICT

3. The Witness provides evidence of being a member of the liberation forces, who were originally mixed with the Viet Cong. The Witness provides evidence that these forces later split with the DK forces emerging as a distinct entity.⁹⁹² The Witness provides evidence that he remained at Prey Sar “until the Vietnamese came.”⁹⁹³

⁹⁸⁸ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163659, D28/3, ERN 00163658-00163666 (ENG).

⁹⁸⁹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163660, D28/3, ERN 00163658-00163666 (ENG).

⁹⁹⁰ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

⁹⁹¹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163665, D28/3, ERN 00163658-00163666 (ENG).

⁹⁹² SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185233, 00185233-00185236 (summary English translation).

⁹⁹³ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163666, D28/3, ERN 00163658-00163666 (ENG).

ROLE OF ACCUSED

4. The Witness provides evidence that **DUCH** was the chairman of S-21, who “gave the orders” and decided who entered and who left.⁹⁹⁴ The Witness provides evidence that he worked as a guard under the direct supervision of **DUCH**.⁹⁹⁵ **DUCH** conducted interrogations personally, particularly of important prisoners,⁹⁹⁶ and tortured detainees.⁹⁹⁷ **DUCH** kicked prisoners if he felt they had not revealed enough information during interrogation.⁹⁹⁸ The Witness will also describe a specific instance where he saw **DUCH** beating a detainee with a piece of rattan,⁹⁹⁹ a common form of interrogation at S-21.¹⁰⁰⁰
5. The Witness provides evidence that he saw **DUCH** at Prey Sar and that he heard **DUCH** came there frequently.¹⁰⁰¹

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that he worked as a guard at S-21 from early 1976 to late 1978. When he first arrived at S-21, the Witness worked for General Staff Security Centre at Monivong Hospital under the supervision of Ta Nat, **DUCH** and Hor, with **DUCH**’s role approximating that of a deputy.¹⁰⁰² **DUCH** took over S-21 after it moved locations. The Witness notes that guards were never allowed to interrogate prisoners themselves.¹⁰⁰³
7. The Witness provides evidence of the conditions at Prey Sar, where he was sent to work the rice paddy.¹⁰⁰⁴ The Witness provides evidence that Prey Sar was primarily meant for “light sentence prisoners.”¹⁰⁰⁵

⁹⁹⁴ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163666, D28/3, ERN 00163658-00163666 (ENG).

⁹⁹⁵ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163660, D28/3, ERN 00163658-00163666 (ENG).

⁹⁹⁶ SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185234, 00185233-00185236 (summary English translation).

⁹⁹⁷ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG).

⁹⁹⁸ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG); SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185235, 00185233-00185236 (summary English translation).

⁹⁹⁹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁰⁰ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁰¹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163666, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁰² SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163660, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁰³ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁰⁴ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163665, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁰⁵ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163665, D28/3, ERN 00163658-00163666 (ENG).

AUTHORITY STRUCTURE

8. The Witness provides evidence that **DUCH** was chief of S-21,¹⁰⁰⁶ and that his responsibilities included the general performance of S-21 and interrogation.¹⁰⁰⁷ Hor was the deputy chairman of S-21;¹⁰⁰⁸ Him Huy and Sry were in charge of the Witness's own guard unit at S-21.¹⁰⁰⁹ THY was the person who recorded lists of prisoners who entered and departed.¹⁰¹⁰ The Witness's unit was in charge of guarding outside the building where they kept prisoners. Both Pon and CHAN came to Prey Sar; Pon was an interrogator.¹⁰¹¹
9. The Witness also identifies a different Huy as chairman of Prey Sar, but notes that Huy was removed before he got there.¹⁰¹²

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

10. The Witness provides evidence that he believes most detainees at S-21 were "revolutionary army troops" as opposed to members of the "old society",¹⁰¹³ and that the number of troops arrested and brought to S-21 increased in 1978.¹⁰¹⁴ Women, including important women, were also detained at S-21,¹⁰¹⁵ although the Witness never guarded them.¹⁰¹⁶ He mainly guarded "senior" officials including people at the division and the zone level.¹⁰¹⁷ He knew of the arrest of Nath, Chairman Division 703, but that he did not guard him.¹⁰¹⁸ New prisoners continually arrived to replace those that had been taken away.¹⁰¹⁹ Whilst he did

¹⁰⁰⁶ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163666, D28/3, ERN 00163658-00163666 (ENG); SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185234, 00185233-00185236 (summary English translation).

¹⁰⁰⁷ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG); SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185234, 00185233-00185236 (summary English translation).

¹⁰⁰⁸ SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185234, 00185233-00185236 (summary English translation).

¹⁰⁰⁹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163660, D28/3, ERN 00163658-00163666 (ENG); SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185234, 00185233-00185236 (summary English translation).

¹⁰¹⁰ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

¹⁰¹¹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163666, D28/3, ERN 00163658-00163666 (ENG).

¹⁰¹² SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185236, 00185233-00185236 (summary English translation).

¹⁰¹³ SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185235, 00185233-00185236 (summary English translation).

¹⁰¹⁴ SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185235, 00185233-00185236 (summary English translation).

¹⁰¹⁵ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

¹⁰¹⁶ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

¹⁰¹⁷ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

¹⁰¹⁸ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

¹⁰¹⁹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG).

not see any foreigners at S-21, he heard from other guards that there were some Vietnamese detainees.¹⁰²⁰ The Witness also notes that some S-21 cadre also disappeared and presumes they were imprisoned.¹⁰²¹

11. The Witness provides evidence that guards relieved each other at meal times and when the shifts changed; the new guard was first required to search the prisoner for prohibited items. S-21 rules ordered the guards to be vigilant, not to fall asleep and not to talk to prisoners.¹⁰²²
12. The Witness provides evidence that the detainees at Prey Sar were all from the 703rd Division, classed as light offenders and included some women.¹⁰²³

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

13. The Witness provides evidence of the living quarters of the detainees. The Witness provides evidence that detainees were stripped to their shorts, slept on old mats and were shackled by their ankles to a bar connected to a chain.¹⁰²⁴ The Witness provides evidence of the poor rations of food received by prisoners at S-21, which consisted of two meals of rice and soup.¹⁰²⁵ Some detainees could not eat as they had been tortured so heavily.¹⁰²⁶ Sick detainees were treated by medics.¹⁰²⁷ Detainees were given water when thirsty and allowed to defecate in a pot, but that they were not allowed to leave their rooms to do so.¹⁰²⁸ Detainees were often not allowed to wash themselves for between “four to ten” days in a row,¹⁰²⁹ and that they consequently “stank.”¹⁰³⁰ The prisoners were only allowed to

¹⁰²⁰ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163664, D28/3, ERN 00163658-00163666 (ENG).

¹⁰²¹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163664, D28/3, ERN 00163658-00163666 (ENG).

¹⁰²² SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

¹⁰²³ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163665, D28/3, ERN 00163658-00163666 (ENG).

¹⁰²⁴ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

¹⁰²⁵ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163664, D28/3, ERN 00163658-00163666 (ENG).

¹⁰²⁶ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163664, D28/3, ERN 00163658-00163666 (ENG).

¹⁰²⁷ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

¹⁰²⁸ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

¹⁰²⁹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

¹⁰³⁰ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163664, D28/3, ERN 00163658-00163666 (ENG).

bathe shackled.¹⁰³¹ The Witness provides evidence of specific instances of detainees at S-21 attempting to commit suicide.¹⁰³²

14. The Witness provides evidence of the poor living conditions at Prey Sar, which included being forced to work very hard and getting an insufficient food ration.¹⁰³³

INTERROGATION

15. The Witness observed interrogations as a guard standing outside the rooms.¹⁰³⁴ Prisoners were interrogated many times, with breaks of a few days in between interrogations,¹⁰³⁵ after a month they were taken away to be killed.¹⁰³⁶ The Witness will identify Tuy, Nan and Chhñ as interrogators and notes that important people were mainly interrogated by people from Kampong Chhnang.¹⁰³⁷ **DUCH** would also join in where the prisoner was unclear. In one incident, **DUCH** kicked and threatened a prisoner.¹⁰³⁸

TORTURE & INHUMANE TREATMENT

16. The Witness saw a variety of torture methods used at S-21, including beating detainees with a piece of rattan, pulling out finger and toe nails, sticking a needle in their fingernails, or suffocating them with a bag.¹⁰³⁹ Interrogators would sometimes make detainees strip off their clothes and use equipment to shock their genitals or ears.¹⁰⁴⁰ Interrogators tortured detainees through making their living conditions unbearable. This included taking away their bedding, clothes, pouring water on them and fanning them to make them cold.¹⁰⁴¹ The Witness provides evidence that he heard prisoners screaming and begging the interrogators to stop torturing them.¹⁰⁴² The Witness notes that medical attention for prisoners injured

¹⁰³¹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163664, D28/3, ERN 00163658-00163666 (ENG).

¹⁰³² SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163664, D28/3, ERN 00163658-00163666 (ENG).

¹⁰³³ SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185236, 00185233-00185236 (summary English translation); SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163665, D28/3, ERN 00163658-00163666 (ENG).

¹⁰³⁴ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163661, D28/3, ERN 00163658-00163666 (ENG).

¹⁰³⁵ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

¹⁰³⁶ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG).

¹⁰³⁷ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163665, D28/3, ERN 00163658-00163666 (ENG).

¹⁰³⁸ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG).

¹⁰³⁹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁴⁰ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁴¹ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁴² SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

during interrogation only extended to the use of iodine to treat wounds. Detainees who fell unconscious during shock torture were not helped.¹⁰⁴³

EXTERMINATION, MURDER & WILFUL KILLING

17. The Witness provides evidence that detainees were “taken away” from S-21 every day and every night. Prisoners who were taken away never came back,¹⁰⁴⁴ and new prisoners were brought in to S-21 to replace the old ones.¹⁰⁴⁵ Sry and Thy were responsible for organising prisoners to be taken away.¹⁰⁴⁶ The Witness provides evidence that he heard executed foreigners, specifically Americans, were burnt near S-21.¹⁰⁴⁷
18. The Witness provides evidence that detainees were also taken away from Prey Sar and never returned.¹⁰⁴⁸

PRIOR STATEMENTS

19. The Witness has given three prior statements to the Co-Prosecutors’ knowledge:
 - (1) SAOM Met ECCC OCIJ Statement dated 28 November 2007, D28/3, ERN 00163658-00163666 (ENG).
 - (2) SAOM Met DC-Cam Statements dated variously, IS Annex C, Doc. No. 19.167, ERN 00051644-00051656 (25 January 2003), 00051657-00051678 (31 January 2002), 00051679-00051711 (25 January 2003), 00051712-00051751 (13 September 2004) (KHM) (Summary ENG translation ERN 00185233-00185236).
 - (3) SAOM Met ECCC OCIJ Written record of Confrontation 29 February 2008, D54, ERN 00166561-00166570(ENG).

OTHER RELEVANT DOCUMENTS

20. The Witness will refer to relevant documents at trial.

¹⁰⁴³ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁴⁴ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163662, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁴⁵ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁴⁶ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163663, D28/3, ERN 00163658-00163666 (ENG).

¹⁰⁴⁷ SAOM Met DC-Cam Statement dated 25 January 2003, IS Annex C, Annex No. 19.167, ERN 00185235, 00185233-00185236 (summary English translation).

¹⁰⁴⁸ SAOM Met ECCC OCIJ Statement dated 28 November 2007 at 00163665, D28/3, ERN 00163658-00163666 (ENG).

24. SEK DAN

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and to DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) and the persecution of detainees (141-142). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, about 14 years old on 17 April 1975, is a Cambodian male, born in 1961.¹⁰⁴⁹ Prior to 17 April 1975, the Witness was living at his family home in Trapeang Krabao Village in Tik Phos district, Kampong Chhnang Province. In around May of that year he was transported to near Steung Prek Thnaot to study military techniques for three months. Following his training the Witness was sent to work the rice fields and build dikes at various work sites around Phnom Penh. In around early 1978 the Witness was sent to S-21 to work as a child medic and worked there for nearly a year until the end of the regime in January 1979.¹⁰⁵⁰

ARMED CONFLICT

3. The Witness provides evidence that there were Vietnamese prisoners detained at S-21; he provides evidence that he heard the sound of artillery in 1979 as he fled.¹⁰⁵¹

DK STRUCTURE & POLICY

4. The Witness will identify **DUCH** as the “most senior leader at S-21”.¹⁰⁵² Whilst the Witness was studying military techniques in the first months of the regime, the Witness became familiar with ‘smashing enemies’, as well as the plan to produce three tons of rice per hectare.¹⁰⁵³ The Witness provides evidence of being moved from his region in 1975 as part of a systematic and large scale forced movement of people.¹⁰⁵⁴ At S-21 the Witness

¹⁰⁴⁹ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163821, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁵⁰ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁵¹ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁵² SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁵³ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163821-00163822, D28/16 ERN 00163820-00163824 (ENG).

¹⁰⁵⁴ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163821, D28/16, ERN 00163820-00163824 (ENG).

was aware that if a person was criticised for a mistake three times without reforming themselves, then they were considered to be an enemy and likely arrested.¹⁰⁵⁵ The Witness provides evidence of one instance where a person complaining about conditions was deemed an enemy of the communist revolution, arrested then disappeared.¹⁰⁵⁶ The Witness never heard of any plans to close markets, pagodas or schools.¹⁰⁵⁷ The Witness attended “self-criticism” meetings; being criticised three times for a mistake (such as not “respecting working hours”) without being reformed would result in being arrested as an enemy.¹⁰⁵⁸

ROLE OF ACCUSED

5. As a child medic for prisoners and staff at S-21 the Witness provides evidence that the most senior leader at S-21 was **DUCH**.¹⁰⁵⁹ The Witness provides evidence that **DUCH** authorized interrogators to use violent methods during torture.¹⁰⁶⁰

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that he arrived at S-21 in early 1978 as a child medic.¹⁰⁶¹ His role was to distribute medicine to prisoners in the cells. The house for the medics was to the east, north of the current entrance street (the corner of 310 or 320 or 330 and 113).¹⁰⁶² The Witness treated prisoners who had been subjected to interrogation and torture. He knew that those who died at S-21 were taken and buried by the adult medics near the buildings and the walls surrounding S-21. He can attest to the fact that from his house he could smell the odour of rotting corpses.¹⁰⁶³

AUTHORITY STRUCTURE

7. The Witness provides evidence that **DUCH** was the chief of S-21 and was responsible for decisions regarding the interrogations and torture. The Witness provides evidence that **HUY** was responsible for the arrests.¹⁰⁶⁴ The Witness provides evidence that **DUCH** knew about and had authorised the interrogators to use torture.¹⁰⁶⁵ The Witness’s supervisor Pao was arrested for giving a fatal injection; his replacement, Yeun, himself committed suicide

¹⁰⁵⁵ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG)

¹⁰⁵⁶ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁵⁷ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁵⁸ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁵⁹ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁶⁰ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824.

¹⁰⁶¹ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁶² SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁶³ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁶⁴ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁶⁵ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

for fear of also being arrested.¹⁰⁶⁶ The Witness provides evidence that by the time of the Vietnamese invasion, only the child medics remained at S-21 as all of the adult medics had been arrested and killed.¹⁰⁶⁷

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

8. The Witness provides evidence that there were different types of prisoners and that the high level prisoners were separated.¹⁰⁶⁸ He did not see any female prisoners or children.¹⁰⁶⁹ The Witness saw Vietnamese military and civilian prisoners being brought into S-21.¹⁰⁷⁰

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

9. The Witness provides evidence that the medical treatment was provided with the aim of keeping the prisoners alive so that they could be further interrogated. Further, the majority of prisoners always had wounds; sores all over their backs and arms; their heads were often split open; their nails were missing and there was often blood.¹⁰⁷¹ The Witness provides evidence that he heard from the people who worked with him that blood was taken from prisoners and given to a hospital outside S-21. The Witness provides evidence that once or twice a month he saw a white ambulance arrive, but he does not know if it was for prisoners or blood.¹⁰⁷² The Witness never heard of female prisoners being raped.¹⁰⁷³

INTERROGATION

10. The Witness provides evidence that prisoners were regularly interrogated whilst at S-21. Prisoners told the Witness that they were beaten by their interrogators.¹⁰⁷⁴ The Witness provides evidence that the violent interrogations were authorised by **DUCH**,¹⁰⁷⁵ and that if an interrogator had made a mistake his death would be ordered by **DUCH**.¹⁰⁷⁶ The Witness

¹⁰⁶⁶ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁶⁷ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁶⁸ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁶⁹ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁷⁰ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁷¹ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁷² SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁷³ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁷⁴ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁷⁵ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁷⁶ SEK Dan ECCC OCII Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

provides evidence that Vietnamese prisoners were tortured in the same way as all other prisoners.¹⁰⁷⁷

TORTURE & INHUMANE TREATMENT

11. The Witness provides evidence that the prisoners were violently tortured during their interrogations as they often had wounds to the body and head and missing fingernails.¹⁰⁷⁸ The Witness has knowledge that the torture was so severe that some prisoners died as a result.¹⁰⁷⁹ The Vietnamese prisoners were tortured just like the others.¹⁰⁸⁰ The Witness provides evidence that the majority of prisoners had wounds.¹⁰⁸¹

EXTERMINATION, MURDER & WILFUL KILLING

12. The Witness provides evidence that prisoners were taken away in trucks, apparently to be killed.¹⁰⁸² He knew that those who died at S-21 were taken and buried by the adult medics near the buildings and the walls surrounding S-21. Further, the Witness saw the prisoners who had been interrogated being transported away in truckloads.¹⁰⁸³ Other workers at S-21 knew that the prisoners had been taken and killed.¹⁰⁸⁴ The Witness provides evidence that prisoners died from torture as well as lack of food.¹⁰⁸⁵ The Witness provides evidence during his time at S-21 all adult medics were arrested and killed and that only child medics remained.¹⁰⁸⁶

PRIOR STATEMENTS

13. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
 - (1) SEK Dan ECCC OCIJ Statement dated 16th January 2008, D28/16, 00163820-00163824 (ENG).

OTHER RELEVANT DOCUMENTS

14. The Witness will refer to relevant documents at trial.

¹⁰⁷⁷ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁷⁸ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁷⁹ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁸⁰ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁸¹ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁸² SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁸³ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁸⁴ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁸⁵ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163823, D28/16, ERN 00163820-00163824 (ENG).

¹⁰⁸⁶ SEK Dan ECCC OCIJ Statement dated 16 January 2008 at 00163822, D28/16, ERN 00163820-00163824 (ENG).

25. SUOS THY

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145), the widespread or systematic nature of the attack on the civilian population (10-18 & 131-133), and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) and the persecution of detainees (141-142). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 23 years old on 17 April 1975, is a Cambodian male, born on 4 April 1952, in Kandal province.¹⁰⁸⁷ The Witness moved to Phnom Penh to study, but in 1971¹⁰⁸⁸ returned to his home village and joined the Khmer Rouge revolution as a soldier in the Special Zone army. In 1973 he was injured, and became a military medic in charge of the lists and rosters.¹⁰⁸⁹ In late 1975, the Witness was taken to Phnom Penh by HOR to work on the prisoner lists at S-21, first when it was located at the *Police Judiciaire* near *Phsar Thmei* under NATH, and later at Tuol Sleng from early 1976 when it was controlled by **DUCH**.¹⁰⁹⁰ The Witness remained in this post until the end of the regime. The Witness spent five years in detention under the Vietnamese between 1983 and 1988, accused of being one of the senior figures at S-21.¹⁰⁹¹

ARMED CONFLICT

3. The Witness provides evidence that Vietnamese soldiers were brought to S-21 as prisoners.¹⁰⁹²

WIDESPREAD OR SYSTEMATIC ATTACKS

¹⁰⁸⁷ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162609, D22/9, ERN 00162608-00162622 (ENG).

¹⁰⁸⁸ The Witness's S-21 biography says that he joined the revolution on 3 August 1971: SUOS Thy S-21 Biography dated 1977, D61/I-Annex, ERN 00051642 (KHM).

¹⁰⁸⁹ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162610, D22/9, ERN 00162608-00162622 (ENG).

¹⁰⁹⁰ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162611, 00162612, D22/9, ERN 00162608-00162622 (ENG).

¹⁰⁹¹ SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185880 of the ENG summary (ERN 00185877-00185880).

¹⁰⁹² SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162614, D22/9, ERN 00162608-00162622 (ENG).

4. The Witness provides evidence that prisoners were sent to S-21 “from every corner of the country.”¹⁰⁹³

DK STRUCTURE & POLICY

5. The Witness provides evidence that Son Sen appeared once at S-21 to open a meeting, introduced as a “commanding officer.”¹⁰⁹⁴ He never saw Pol Pot, KHIEU Samphan or IENG Sary at S-21, having only heard about those names and their positions on the radio.¹⁰⁹⁵

ROLE OF ACCUSED

6. The Witness provides evidence that **DUCH** was the chairman of S-21,¹⁰⁹⁶ and was “in general charge.”¹⁰⁹⁷ The Witness provides evidence that he “did not see **DUCH** come [to S-21] much,”¹⁰⁹⁸ but that he convened annual political study sessions,¹⁰⁹⁹ close to his (**DUCH**’s) house.¹¹⁰⁰
7. Interrogations took place “near **DUCH** [’s house]” were controlled¹¹⁰¹ and conducted at his request, and whether prisoners were “removed” or were to remain was also **DUCH**’s decision.¹¹⁰² The Witness provides evidence that “in removing people from the detention office, **DUCH** commanded HOR.”¹¹⁰³ **DUCH** alone¹¹⁰⁴ had the authority to annotate prisoner lists indicating which prisoners were to be “smashed.”¹¹⁰⁵ Lists of important

¹⁰⁹³ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146798, ISDN 23.9, ERN 000146797-000146802 (ENG); SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185878 of the ENG summary (ERN 00185877-00185880).

¹⁰⁹⁴ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146799, ISDN 23.9, ERN 000146797-000146802 (ENG).

¹⁰⁹⁵ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146799, ISDN 23.9, ERN 000146797-000146802 (ENG).

¹⁰⁹⁶ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162612, D22/9, ERN 00162608-00162622 (ENG).

¹⁰⁹⁷ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162616, D22/9, ERN 00162608-00162622 (ENG).

¹⁰⁹⁸ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162622, D22/9, ERN 00162608-00162622 (ENG).

¹⁰⁹⁹ SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185879 of the ENG summary (ERN 00185877-00185880).

¹¹⁰⁰ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146799, ISDN 23.9, ERN 000146797-000146802 (ENG).

¹¹⁰¹ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162616, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁰² SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146798, ISDN 23.9, ERN 000146797-000146802 (ENG).

¹¹⁰³ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162616, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁰⁴ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162621, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁰⁵ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162616, D22/9, ERN 00162608-00162622 (ENG); SUOS Thy Statement in *Cambodia: 25 Years After the Khmer Rouge* by Ker Munthit for the Associated Press, 6 January 2004. No ERN, not on the case file (ENG).

prisoners who had fallen sick were sent straight to **DUCH**,¹¹⁰⁶ and for those prisoners from whom blood was to be taken, the medics contacted **HOR** who “made the requests through **DUCH**.”¹¹⁰⁷

8. **DUCH** already knew about the arrival of non-Vietnamese foreign prisoners, who were taken straight to detention without being processed in the same way as the other prisoners.¹¹⁰⁸

ESTABLISHMENT, DURATION & OPERATION

9. The Witness provides evidence that he worked at S-21 for virtually its entire duration from late 1975 to 1979. When he first arrived at S-21, the Witness worked at the prison located at the former *Police Judiciare* under the supervision of Ta Nath. In early 1976, **DUCH** worked closely with Ta Nath at *Police Judiciare* for two months. **DUCH** became the chief of S-21 after S-21 was moved from *Police Judiciare* to Tuol Sleng and Ta Nath was transferred to the General Staff Office.¹¹⁰⁹
10. The Witness provides evidence that S-21 comprised three main units, namely S-21 Ka for the interrogation unit under supervision of **DUCH**; S-21 Kha for the guard unit under the supervision of Him Huy; and S-21 Khho for the rice farming unit in Prey Sar under the supervision of Huy Sre.¹¹¹⁰ S-21 also had three trucks,¹¹¹¹ and there were about 100 people in the security guard unit,¹¹¹² organized in 18 groups.¹¹¹³ The Witness provides evidence that he recalls the names of two medics, TRY and RIN, although all but one medic, a child, were arrested and killed.¹¹¹⁴ He also remembers two photographers, SRIENG and SONG, but he had never heard of NHEM En. The photographers were originally under the control of MENG in interrogation before the latter was arrested.¹¹¹⁵

¹¹⁰⁶ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162618, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁰⁷ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162619, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁰⁸ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162614, 00162614, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁰⁹ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162611, 00162612, D22/9, ERN 00162608-00162622 (ENG).

¹¹¹⁰ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162612, D22/9, ERN 00162608-00162622 (ENG).

¹¹¹¹ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146798, ISDN 23.9, ERN 000146797-000146802 (ENG).

¹¹¹² SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146799, ISDN 23.9, ERN 000146797-000146802 (ENG).

¹¹¹³ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162612, D22/9, ERN 00162608-00162622 (ENG).

¹¹¹⁴ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162619, D22/9, ERN 00162608-00162622 (ENG).

¹¹¹⁵ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162615, D22/9, ERN 00162608-00162622 (ENG).

11. The Witness provides evidence that he shared an office with HOR,¹¹¹⁶ in the middle of the S-21 compound, from where he could observe new prisoners being brought in to S-21. The detainees arrived blindfolded and handcuffed in trucks which stopped at the entrance of Building E.¹¹¹⁷ They were taken straight in to be registered by the Witness who compiled their summary biographies, before being photographed and led to their cells by the guards.¹¹¹⁸ The Witness also went to Buildings C and D, noted the cell number for each prisoner and passed the details on to the interrogators.¹¹¹⁹
12. Foreigner and “important” prisoners were taken straight to the special prison without being processed in this way by the Witness.¹¹²⁰ Lists of the important prisoners were made by HOR.¹¹²¹ Prisoners’ children were not recorded.¹¹²²
13. The Witness provides evidence that he made daily reports, which were sent to HOR by 7am. These daily reports contained details of prisoners who had been “removed” at night, or those who had fallen sick.¹¹²³ Lists of important prisoners who had fallen sick were sent straight to **DUCH**.¹¹²⁴
14. The Witness will explain how the execution lists were created. **DUCH** would annotate the lists, indicating which particular prisoners should be “smashed.” These lists were then sent to HOR, who brought them to the Witness. The Witness extracted the names to make a general execution list, ensured that the total numbers tallied, and recorded the cell and building number.¹¹²⁵ The Witness also included in the general execution list the names of prisoners whose blood had been taken by the medics,¹¹²⁶ although the Witness states that HOR only asked him to include such prisoners twice.¹¹²⁷ The Witness sent the execution

¹¹¹⁶ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162613, D22/9, ERN 00162608-00162622 (ENG).

¹¹¹⁷ SUOS Thy ECCC OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198000, ERN 00197998-001978008 (ENG).

¹¹¹⁸ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162612, 00162614, D22/9, ERN 00162608-00162622 (ENG).

¹¹¹⁹ SUOS Thy ECCC OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198000, ERN 00197998-001978008 (ENG).

¹¹²⁰ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162618, D22/9, ERN 00162608-00162622 (ENG); the Witness has also said that Building A contained prominent or special prisoners: SUOS Thy ECCC OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198002, ERN 00197998-001978008 (ENG).

¹¹²¹ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162615, D22/9, ERN 00162608-00162622 (ENG);

¹¹²² SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162614, D22/9, ERN 00162608-00162622 (ENG).

¹¹²³ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162618, D22/9, ERN 00162608-00162622 (ENG).

¹¹²⁴ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162619, D22/9, ERN 00162608-00162622 (ENG).

¹¹²⁵ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162617-00162618, D22/9, ERN 00162608-00162622 (ENG).

¹¹²⁶ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162619, D22/9, ERN 00162608-00162622 (ENG).

¹¹²⁷ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162620, D22/9, ERN 00162608-00162622 (ENG).

list to HOR who forwarded it to HUY, PENG and SRY to remove the prisoners from their cells. Before the prisoners were put onto the trucks and taken to Cheung Ek,¹¹²⁸ the Witness made a final name-check at the prison gate. He also made a duplicate execution list for HOR who sent it on to DUCH.¹¹²⁹

AUTHORITY STRUCTURE

15. The Witness provides evidence that DUCH was the chairman of S-21, HOR was deputy chairman and HUY Sre was the member.¹¹³⁰ The Witness provides evidence that “in removing people from the detention office, DUCH commanded HOR,”¹¹³¹ but that HOR ordered HUY, PENG and SRY to remove the prisoners from their cells and to take them to Cheung Ek.¹¹³² HOR also ordered PENG to take away the children, presumably to be killed.¹¹³³ The guards were under the supervision of HIM Huy, and were organized in 18 groups.¹¹³⁴ He provides evidence that Son Sen appeared at S-21 once to open a meeting, and was introduced as “a commanding officer.”¹¹³⁵

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

16. The Witness provides evidence that when S-21 was located in the *Police Judiciare*, some prisoners were released¹¹³⁶ but that later prisoners came from within the revolutionary ranks and were all executed.¹¹³⁷ Between 10 and 100 persons at any one time were taken from the prison to be killed.¹¹³⁸ The Witness saw many Vietnamese people¹¹³⁹ (male and female, civilians and soldiers) as well as ordinary Khmers, 17 April People, low- and high-ranking Khmer Rouge officials, and Khmer Rouge soldiers imprisoned at S-21. Among the thousands of prisoners were wives and children of detainees who were also brought in S-21

¹¹²⁸ SUOS Thy ECCC OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198006, ERN 00197998-001978008 (ENG).

¹¹²⁹ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162617-00162618, D22/9, ERN 00162608-00162622 (ENG).

¹¹³⁰ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162612, D22/9, ERN 00162608-00162622 (ENG).

¹¹³¹ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162616, D22/9, ERN 00162608-00162622 (ENG).

¹¹³² SUOS Thy ECCC OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198006, ERN 00197998-001978008 (ENG).

¹¹³³ SUOS Thy ECCC OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198006-00198007, ERN 00197998-001978008 (ENG).

¹¹³⁴ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162612, D22/9, ERN 00162608-00162622 (ENG).

¹¹³⁵ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146799, ISDN 23.9, ERN 000146797-000146802 (ENG); SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185878 of the ENG summary (ERN 00185877-00185880).

¹¹³⁶ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146798, ISDN 23.9, ERN 000146797-000146802 (ENG); in an earlier statement, the Witness said that in 1976 “most” of the prisoners were 17 April people and were later “released to the paddyfields”; SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185879 of the ENG summary (ERN 00185877-00185880).

¹¹³⁷ SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185879 of the ENG summary (ERN 00185877-00185880).

¹¹³⁸ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146799, ISDN 23.9, ERN 000146797-000146802 (ENG).

¹¹³⁹ SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185880 of the ENG summary (ERN 00185877-00185880).

for being associated with enemies of the party;¹¹⁴⁰ the children were separated from their parents and killed by PENG on the instructions of HOR.¹¹⁴¹ He provides evidence that he only saw one Western prisoner, a white male brought from Kampong Som.¹¹⁴²

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

17. The Witness provides evidence of poor food rations and the inhumane living conditions of prisoners at S-21, and explains that many prisoners became sick and died either from excessive torture or from lack of proper nutrition.¹¹⁴³ There were several mass detention cells which held prisoners in conditions as depicted in the painting by VANN Nath.¹¹⁴⁴

INTERROGATION

18. The Witness provides evidence that **DUCH**, **CHAN**, **PON** and **TUY** were responsible for interrogation,¹¹⁴⁵ which was conducted at special sites outside of the main S-21 compound,¹¹⁴⁶ in houses along Monivong Boulevard.¹¹⁴⁷ The interrogators would ask the Witness for the cell number of the prisoners to be interrogated; they would then go to the cells to retrieve the prisoners themselves.¹¹⁴⁸ The Witness provides evidence that **DUCH** controlled interrogations, and that **DUCH** decided when the interrogation of a prisoner was complete.¹¹⁴⁹ He provides evidence that the right to torture was reserved for the interrogation unit.¹¹⁵⁰ The Witness provides evidence that interrogation began in the morning and lasted until 11 am, then resumed between 1 and 2 pm lasting until evening, and, if necessary, continued at night.¹¹⁵¹

¹¹⁴⁰ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162614, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁴¹ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146799, ISDN 23.9, ERN 000146797-000146802 (ENG).

¹¹⁴² SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146799, ISDN 23.9, ERN 000146797-000146802 (ENG); in an earlier statement, the witness said that there were "a few" European and American prisoners: SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185880 of the ENG summary (ERN 00185877-00185880).

¹¹⁴³ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162620, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁴⁴ SUOS Thy ECCC OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198004, ERN 00197998-001978008 (ENG).

¹¹⁴⁵ SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185878 of the ENG summary (ERN 00185877-00185880).

¹¹⁴⁶ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162615, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁴⁷ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146798, ISDN 23.9, ERN 000146797-000146802 (ENG).

¹¹⁴⁸ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162615, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁴⁹ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162616, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁵⁰ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162620, D22/9, ERN 00162608-00162622 (ENG).

¹¹⁵¹ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146798, ISDN 23.9, ERN 000146797-000146802 (ENG).

TORTURE & INHUMANE TREATMENT

19. The Witness provides evidence that the prisoners were “very skinny because of inadequate nutrition” – some died because of starvation and others were “tortured to the point of death.”¹¹⁵² When prisoners returned from interrogation, it was evident to him that they had been tortured.¹¹⁵³

EXTERMINATION, MURDER & WILFUL KILLING

20. The Witness provides evidence that “being arrested meant being killed.”¹¹⁵⁴ Some prisoners died because of starvation and others were “tortured to the point of death.”¹¹⁵⁵ Under the authority of HOR and DUCH, medics would extract the blood of some prisoners, which “meant those prisoners had [already] died.”¹¹⁵⁶ Children detained at S-21 were “removed” two or three days after their arrival, the Witness presumes to be killed.¹¹⁵⁷ The Witness provides evidence that when S-21 was located in the *Police Judiciare*, some prisoners were released¹¹⁵⁸ but that later all prisoners were executed.¹¹⁵⁹ The Witness estimates that no less than 100 S-21 cadre were arrested and killed.¹¹⁶⁰ The Witness provides evidence that every day and night prisoners were taken away in trucks.¹¹⁶¹ Prisoners were cuffed and blindfolded and put in truck without knowing that they were actually being sent to be killed.¹¹⁶²

PRIOR STATEMENTS

21. The Witness has given ten prior statements to the Co-Prosecutors’ knowledge:

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- ¹¹⁵² SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162619-00162620, D22/9, ERN 00162608-00162622 (ENG).
- ¹¹⁵³ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162620, D22/9, ERN 00162608-00162622 (ENG).
- ¹¹⁵⁴ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162619, D22/9, ERN 00162608-00162622 (ENG).
- ¹¹⁵⁵ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162619-00162620, D22/9, ERN 00162608-00162622 (ENG).
- ¹¹⁵⁶ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162619, D22/9, ERN 00162608-00162622 (ENG).
- ¹¹⁵⁷ SUOS Thy ECCC OCII Report on Reconstruction dated 27 February 2008, D48/2, at ERN 00198006-00198007, ERN 00197998-001978008 (ENG).
- ¹¹⁵⁸ SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146798, ISDN 23.9, ERN 000146797-000146802 (ENG); in an earlier statement, the Witness said that in 1976 “most” of the prisoners were 17 April people and were later “released to the paddyfields”: SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185879 of the ENG summary (ERN 00185877-00185880).
- ¹¹⁵⁹ SUOS Thy DC-Cam Statement dated 25 August 2003, D61/I-Annex, at ERN 00185879 of the ENG summary (ERN 00185877-00185880).
- ¹¹⁶⁰ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162622, D22/9, ERN 00162608-00162622 (ENG).
- ¹¹⁶¹ SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162618, D22/9, ERN 00162608-00162622 (ENG). In an earlier statement, the Witness testified that prisoners were not sent for killing every day, but rather the execution schedule depended upon DUCH’s orders: SUOS Thy ECCC OCP Statement dated 2 October 2006 at ERN 00146799, ISDN 23.9, ERN 000146797-000146802 (ENG).
- ¹¹⁶² SUOS Thy ECCC OCII Statement dated 18 October 2007 at ERN 00162618, D22/9, ERN 00162608-00162622 (ENG).

- (1) SUOS Thy ECCC OCIJ Statement dated 18 October 2007, D22/9, ERN 00162608-00162622 (ENG), 00164415-00164428 (FRE) and 00162594-00162607 (KHM).
- (2) SUOS Thy ECCC OCIJ Report on Reconstruction dated 27 February 2008, D48/2, ERN 00197998-001978008 (ENG), 00181347-00181356 (FRE), 00181328-00181346-KH (KHM).
- (3) SUOS Thy ECCC OCIJ Written record of Confrontation dated 29 February 2008, D54, ERN 00166561-000166570 (ENG), 00166571-00155580 (FRE) and 00166588-00166599 (KHM).
- (4) SUOS Thy ECCC OCP Statement dated 2 October 2006, ISDN 23.9, ERN 000146797-000146802 (ENG) and 0078972-0078985 (KHM).
- (5) SUOS Thy DC-Cam Statements dated 25 August 2003 and 20 October 2004, D61/I-Annex, ERN 00051974-00052009, 00052010-00052038 (KHM); ENG summary (ERN 00185877-00185880).
- (6) SUOS Thy Statement in an article entitled "Former S-21 Comrades Reunite and Recall Their Past Experiences" by HUY Vannak in DC-Cam's *Searching for the Truth* magazine, Number 31, July 2002, D5/2, ERN 00104911-00104912 (ENG).
- (7) SUOS Thy Statement in *Cambodia: 25 Years After the Khmer Rouge* by Ker Munthit for the Associated Press, 6 January 2004. No ERN, not on the case file: <http://community.seattletimes.nwsources.com/archive/?date=20040106&slug=cambodia06> Accessed 31 October 2008 (ENG).
- (8) SUOS Thy Statement in S-21, The Khmer Rouge Killing Machine by Rithy Panh, dated 2002, D69 ERN V 00172620.
- (9) SUOS Thy Statement in the film *Inside Pol Pot's Secret Prison* by Bill BRUMMEL, dated 4 July 2000, D69, V 00172525.
- (10) SUOS Thy Statement in the film *Cambodia* by Channel 4 News (UK), dated 1998, D69, ERN V 00172404.

OTHER RELEVANT DOCUMENTS

22. The following documents, amongst others, are also relevant to this Witness's evidence:

- (1) SUOS Thy S-21 Biography dated 1977, D61/I-Annex, ERN 00051642 (KHM).
- (2) S-21 Prisoner List dated 1978, D57, ERN 00008079-00008081 (KHM)
- (3) S-21 Prisoner List dated 6 January 1978, IS Annex C 16.81, ERN 00087046-00087047 (KHM)

- (4) S-21 Prisoner List dated 23 January 1978, D57, ERN 00087048-00087049 (KHM)
- (5) S-21 Prisoner List dated 23 January 1978, D57, ERN 00087050-00087050 (KHM)
- (6) S-21 Prisoner List dated 28 April 1978, D57, ERN 00087036-00087041 (KHM)
- (7) S-21 Prisoner List dated 24 May 1978, IS Annex C 16.136, ERN 00021269-00021274 (KHM).
- (8) S-21 Prisoner List dated 2 June 1978, IS Annex C 16.145, ERN 00079359-00079360 (KHM)
- (9) S-21 Prisoner List dated 2 June 1978, IS Annex C 16.146, ERN 00021149-00021149 (KHM)
- (10) S-21 Prisoner List dated 9 June 1978, D57, ERN 00086964-00086968 (KHM)
- (11) S-21 Prisoner List dated 17 June 1978, D57, ERN 00086969-00086971 (KHM)
- (12) S-21 Prisoner List dated 30 June 1978, D57, ERN 00021178-00021180 (KHM)
- (13) S-21 Prisoner List dated 11 July 1978, D57, ERN 00021136-00021136 (KHM)
- (14) S-21 Prisoner List dated 28 July 1978, IS Annex C, 16.151, ERN 00021184-00021201 (KHM)
- (15) S-21 Prisoner List dated 3 September 1978, D57, ERN 00087014-00087015 (KHM)

26. TAY Teng

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) and the persecution of detainees (141-142). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, about 17 years old on 17 April 1975, is a Cambodian male, born in 1958.¹¹⁶³ In 1973 he joined the Khmer Rouge army, assigned to Division 12. After 17 April 1975, the Witness farmed rice until he was transferred to work at S-21 in early 1978.¹¹⁶⁴ The Witness provides evidence that he guarded the outside of the main prison, as well as a station 200 to 300 meters east of the prison. The Witness provides evidence that later in 1978 he was transferred to work at Cheung Ek with the rest of his team to dig pits and guard prisoners.¹¹⁶⁵ The Witness has also admitted to personally killing prisoners at Cheung Ek.¹¹⁶⁶ Two months before the fall of the regime, the Witness was sent to Prey Sar because his cousin, chairman of a regiment in Division 703, had been arrested.¹¹⁶⁷

DK STRUCTURE & POLICY

3. The Witness provides evidence that his cousin was the chairman of a regiment in Division 703.¹¹⁶⁸ The Witness provides evidence that “instructional” meetings were held once in a while, not for the entire S-21 staff, but for the sections, at which they were told to be vigilant and not to let prisoners escape.¹¹⁶⁹ At Prey Sar there were “instructional meetings” for each group after dinner, educating the prisoners “to try and work hard.”¹¹⁷⁰

¹¹⁶³ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163781, ERN 00163780-00163784 (ENG).

¹¹⁶⁴ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, ERN 00163780-00163784 (ENG).

¹¹⁶⁵ TAY Teng, ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197996, 00197993-00197997 (ENG).

¹¹⁶⁶ TAY Teng, ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197996, 00197993-00197997 (ENG).

¹¹⁶⁷ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00163783, ERN 00164405-00164409 (ENG).

¹¹⁶⁸ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00163783, ERN 00164405-00164409 (ENG).

¹¹⁶⁹ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, 00163784, ERN 00163780-00163784 (ENG).

¹¹⁷⁰ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163784, ERN 00163780-00163784 (ENG).

ROLE OF ACCUSED

4. The Witness provides evidence that **DUCH** was the chairman of S-21.¹¹⁷¹ The Witness provides evidence that he saw **DUCH** walk in to the prison, and sometimes he drove a motorbike.¹¹⁷² At a political education meeting, **DUCH** announced that the Witness's cousin, Uk Tem had been arrested.¹¹⁷³

ESTABLISHMENT, DURATION & OPERATION

5. The Witness provides evidence that when he worked at S-21, he farmed rice by day and at night they guarded in 2 hour shifts; other teams guarded during the day; and his team stayed in a house to the east of the sewage canal.¹¹⁷⁴ "Instructional" meetings were held once in a while, not for the entire S-21 staff, but for the sections, at which they were told to be vigilant and not to let prisoners escape.¹¹⁷⁵
6. The Witness provides evidence that he saw trucks coming in and going out of S-21, and he later learned that they contained prisoners.¹¹⁷⁶ The Witness provides evidence that S-21 staff were also arrested, but none from his team.¹¹⁷⁷ The Witness provides evidence that when he worked at Cheung Ek he saw truckloads of prisoners arriving from S-21; SRIM was the driver, accompanied by HUY and his team.¹¹⁷⁸ The Witness provides evidence that there was no-one else at Cheung Ek, just his team of ten people.¹¹⁷⁹
7. The Witness provides evidence that Prey Sar was a tempering site for people allegedly involved with "moral issues" and "political tendency" where prisoners farmed rice, built dikes, and dug canals.¹¹⁸⁰ HUY was the chairman of Prey Sar. The Witness provides evidence that at Prey Sar he worked from dawn til 12 noon, then after lunch until 5 or 6pm,

¹¹⁷¹ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, ERN 00163780-00163784 (ENG).

¹¹⁷² TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163783, ERN 00163780-00163784 (ENG); however, at the confrontation hearing the Witness said that "he was not clear" about knowing **DUCH**: TAY Teng ECCC-OCIJ Written Record of Confrontation dated 28 February 2008, D52, at ERN 00165436 (ENG).

¹¹⁷³ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163783, ERN 00163780-00163784 (ENG).

¹¹⁷⁴ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, ERN 00163780-00163784 (ENG).

¹¹⁷⁵ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, 00163784, ERN 00163780-00163784 (ENG).

¹¹⁷⁶ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, ERN 00163780-00163784 (ENG).

¹¹⁷⁷ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163783, ERN 00163780-00163784 (ENG).

¹¹⁷⁸ TAY Teng ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, ERN 00164407, ERN 00197993-00197997 (ENG).

¹¹⁷⁹ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164406, ERN 00164405-00164409 (ENG).

¹¹⁸⁰ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163784, ERN 00163780-00163784 (ENG).

and then attended meetings in the evening. There was insufficient food, and the site was strictly guarded at night.¹¹⁸¹

AUTHORITY STRUCTURE

8. The Witness provides evidence that **DUCH** was the chairman of S-21 and that Hor was his deputy.¹¹⁸² While he did not know what **DUCH** looked like, he saw Hor at Cheung Ek on two occasions.¹¹⁸³ **HIM Huy** was the chairman of the Witness's team; he arrived with the prisoner transportations and also instructed the Witness's team on digging pits.¹¹⁸⁴ The Witness lived with another team chairman named Try whilst at S-21.¹¹⁸⁵ Another cadre named Huy is described as the chairman of Prey Sar.¹¹⁸⁶ The Witness provides evidence that Nang sent him to work at S-21.¹¹⁸⁷ The Witness also stated that Srim drove trucks of prisoners from S-21 to Cheung Ek and that Sarim and his team led prisoners at Cheung Ek to be killed. The Witness provides evidence that Chhuon was a member of his team at Cheung Ek.¹¹⁸⁸ The Witness also knew MEAS Peng Kry.¹¹⁸⁹

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

9. The Witness provides evidence that prisoners at Prey Sar had been allegedly involved in "moral issues" and "political tendencies" such as relatives who were former Lon Nol soldiers. There were about 200 people living there, including both men and women, divided up into groups of 20 to 25.¹¹⁹⁰ The Witness provides evidence that he never saw children at Cheung Ek.¹¹⁹¹

¹¹⁸¹ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163784, ERN 00163780-00163784 (ENG).

¹¹⁸² TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, ERN 00163780-00163784 (ENG).

¹¹⁸³ TAY Teng OCIJ statement dated 19 February 2008, D50/3, at ERN 00164407, ERN 00164405-00164409 (ENG); TAY Teng ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197996, ERN 00197993-00197997 (ENG).

¹¹⁸⁴ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, ERN 00163780-00163784 (ENG); TAY Teng ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197996, ERN 00197993-00197997 (ENG).

¹¹⁸⁵ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, ERN 00163780-00163784 (ENG).

¹¹⁸⁶ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, ERN 00163780-00163784 (ENG).

¹¹⁸⁷ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163782, ERN 00163780-00163784 (ENG).

¹¹⁸⁸ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164407, ERN 00164405-00164409 (ENG).

¹¹⁸⁹ TAY Teng ECCC-OCIJ Written Record of Confrontation, dated 28 February 2008, D52, at ERN 00165436, ERN 00165434-00165440 (ENG).

¹¹⁹⁰ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163784, ERN 00163780-00163784 (ENG).

¹¹⁹¹ TAY Teng ECCC-OCIJ Written Record of Confrontation, dated 28 February 2008, D52, at ERN 00165438, ERN 00165434-00165440 (ENG).

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

10. The Witness provides evidence that he saw prisoners handcuffed and blindfolded.¹¹⁹² The Witness also stated that as a prisoner in Prey Sar, he was forced to work from dawn until 6 p.m and was given insufficient food rations.¹¹⁹³

INTERROGATION

11. The Witness provides evidence that he knew that prisoners were interrogated in houses outside the prison compound, and saw them being walked to and from the interrogations, blindfolded with hands cuffed behind their backs.¹¹⁹⁴

TORTURE & INHUMANE TREATMENT

12. The Witness provides evidence that although he never saw prisoners being tortured, he heard them scream with pain at the houses outside the prison compound where they were being interrogated.¹¹⁹⁵ He also says that he knew that prisoners were beaten and administered electrical shocks.¹¹⁹⁶ The Witness provides evidence that he never saw anyone tortured at Prey Sar.¹¹⁹⁷

EXTERMINATION, MURDER & WILFUL KILLING

13. The Witness provides evidence that prisoners were executed at Cheung Ek¹¹⁹⁸ and that together with other members of his group, he personally carried out some of these executions, although it was not “an habitual task.”¹¹⁹⁹ The Witness provides evidence that he never saw any children killed, only men and women, and that he never saw any foreign prisoners of war.¹²⁰⁰ HUY instructed him and his team to dig pits, three metres square and two metres deep, which they did during the day, each pit taking about two or three days to complete.¹²⁰¹

¹¹⁹² TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163783, ERN 00163780-00163784 (ENG).

¹¹⁹³ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163784, ERN 00163780-00163784 (ENG).

¹¹⁹⁴ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163783, ERN 00163780-00163784 (ENG).

¹¹⁹⁵ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163783, ERN 00163780-00163784 (ENG).

¹¹⁹⁶ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163783, ERN 00163780-00163784 (ENG).

¹¹⁹⁷ TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163784, ERN 00163780-00163784 (ENG).

¹¹⁹⁸ TAY Teng, ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197996, 00197993-00197997 (ENG); In earlier statements, the Witness said, variously, that he did not know where or how the prisoners were killed or that he only “learned” from a team member that prisoners were taken to Cheung Ek to be executed: TAY Teng ECCC-OCIJ statement dated 17 January 2008, D28/12, at ERN 00163783, ERN 00163780-00163784 (ENG).

¹¹⁹⁹ TAY Teng, ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197996, 00197993-00197997 (ENG).

¹²⁰⁰ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164408, ERN 00164405-00164409 (ENG).

¹²⁰¹ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164406, ERN 00164405-00164409 (ENG).

14. The Witness provides evidence that prisoners were transported to Cheung Ek approximately two or three times a month,¹²⁰² arriving at 7pm in trucks from S-21 driven by Srim and accompanied by HUY. The Witness provides evidence that he received prisoners upon their arrival at Cheung Ek, 20 to 30 at a time, and that he had a list to record those who arrived and those who were sent for execution “so as to make sure none of them were lost.”¹²⁰³ Upon arrival, prisoners were taken from the trucks handcuffed and blindfolded and put in a wooden house next to an electric generator.¹²⁰⁴ The Witness provides evidence that the prisoners were led to pits illuminated by kerosene lamps, told to sit a metre from the edge of the pit, two or three sitting beside one another, and struck on the base of their necks with a water pipe; their handcuffs were removed once the prisoners had fallen, and palm knives were used to “finish” them.¹²⁰⁵
15. The Witness provides evidence that his team guarded against prisoners escaping; he never heard prisoners scream, just the sound of falling blows; and his team covered up the pits with dirt after the killings.¹²⁰⁶ The Witness provides evidence that he could see blood at the edge of the pits; each pit generally had more than ten bodies, with normally one or two pits used every time there was killing.¹²⁰⁷ He estimates that in general there were twenty to thirty pits and did not recall there being any fresh graves before he arrived.¹²⁰⁸

PRIOR STATEMENTS

16. The Witness has given four prior statements to the Co-Prosecutors’ knowledge:
- (1) TAY Teng ECCC-OCIJ Statement dated 17 January 2008, D28/12, ERN 00163780-00163784 (ENG)
 - (2) TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, ERN 00164405-00164409 (ENG)
 - (3) TAY Teng ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, ERN 00197993-00197997 (ENG)
 - (4) TAY Teng ECCC-OCIJ Written Record of Confrontation dated 28 February 2008, D52, ERN 00165434-00165440 (ENG)

¹²⁰² TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164408, ERN 00164405-00164409 (ENG).

¹²⁰³ TAY Teng, ECCC-OCIJ Report of Reconstruction dated 26 February 2008, D48/1, at ERN 00197995, 00197993-00197997 (ENG).

¹²⁰⁴ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164407, ERN 00164405-00164409 (ENG).

¹²⁰⁵ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164407, ERN 00164405-00164409 (ENG).

¹²⁰⁶ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164407, ERN 00164405-00164409 (ENG).

¹²⁰⁷ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164407, ERN 00164405-00164409 (ENG).

¹²⁰⁸ TAY Teng ECCC-OCIJ Statement dated 19 February 2008, D50/3, at ERN 00164409, ERN 00164405-00164409 (ENG).

OTHER RELEVANT DOCUMENTS

17. The Witness will refer to relevant documents at trial.

IV. OTHER DK FACT WITNESSES

27. CHEK SAM (ALIAS SOM SAMOL)

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence to the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, 18 years old on 17 April 1975, is a Cambodian male born on 25 July 1957.¹²⁰⁹ The Witness provides evidence that he was the messenger for the Ministry of Foreign Affairs from 1976 until the end of the regime, speaking with and personally delivering letters and documents to **DUCH** at his home.¹²¹⁰ He also saw **DUCH** attend weekly meetings with the senior leaders at the Ministry of Foreign Affairs.¹²¹¹ The Witness provides evidence that in 1977 he worked at the Cambodian-Vietnamese border for two months where he saw DK troops invade Vietnamese territory and arrest Vietnamese soldiers and civilians.¹²¹² The Witness provides evidence that he attended **DUCH**'s wedding.¹²¹³

ARMED CONFLICT

3. The Witness provides evidence that in 1977 he worked at the Cambodian-Vietnamese border for two months where he saw DK troops invade Vietnamese territory and arrest Vietnamese soldiers and civilians.¹²¹⁴ The Witness provides evidence that at pre-battle meetings, commanders instructed their troops to kill every Vietnamese they found "to wipe

¹²⁰⁹ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG).

¹²¹⁰ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG); CHEK Sâm, DC-Cam Statement dated 12 July 2002, IS Annex C Doc. No. 19.20, ERN 00054752-54814 (KHM), at ERN 00184118 of the short English summary, 00184117-00184119.

¹²¹¹ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²¹² SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²¹³ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209208, ERN 00209205-00209208, Document D78/6 (ENG).

¹²¹⁴ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

them out completely.”¹²¹⁵ The Witness provides evidence that DK soldiers from divisions commanded by Lvey and Nath arrested around 40 people, mostly Vietnamese soldiers in blue uniforms, along with some women and civilians.¹²¹⁶ THANN, PENG and HOR from CHHEN’s team all took these Vietnamese prisoners to S-21 in vehicles bearing S-21 number plates.¹²¹⁷ The Witness provides evidence that he saw a telegramme with the orders of the upper echelon to shoot the Vietnamese captured in the war at night, with only high ranking people exempted.¹²¹⁸

ROLE OF ACCUSED

4. The Witness provides evidence that he personally delivered a letter from the Ministry of Foreign Affairs to **DUCH** at S-21 containing the words: “To Comrade **DUCH**, chief of Office S-21”.¹²¹⁹ **DUCH**’s house was located outside the S-21 fence in front of a tall residence popularly known as “Srah Srang.”¹²²⁰ The Witness provides evidence that in return **DUCH** wrote “having received letter number...”.¹²²¹ **DUCH** asked the Witness not to tell anyone about bringing him letters, and if he did, **DUCH** would tell IENG Sary to have him arrested.¹²²²
5. The Witness provides evidence that once a week **DUCH**’s courier CHHEN brought documents from S-21 to the Ministry of Foreign Affairs.¹²²³ Most were handwritten documents of prisoner confessions.¹²²⁴ When the Witness asked CHHEN about the documents, he replied that he brought such documents for “Uncle” to review.¹²²⁵

¹²¹⁵ CHEK Sâm, DC-Cam Statement dated 12 July 2002, IS Annex C Doc. No. 19.20, ERN 00054752-54814 (KHM), at ERN 00184118 of the short English summary, 00184117-00184119; the Witness also states that frontline troops were “ordered to send all captured Vietnamese to Duch, although some... were killed on the spot” (ERN 00184118)

¹²¹⁶ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²¹⁷ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²¹⁸ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²¹⁹ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG).

¹²²⁰ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG).

¹²²¹ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG).

¹²²² SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG); CHEK Sâm, DC-Cam Statement dated 12 July 2002, IS Annex C Doc. No. 19.20, ERN 00054752-54814 (KHM), at ERN 00184118 of the short English summary, 00184117-00184119.

¹²²³ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG).

¹²²⁴ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG).

¹²²⁵ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG).

6. The Witness provides evidence that in 1976 he saw PENG coming from S-21 to arrest people living around him.¹²²⁶
7. The Witness provides evidence that from 1977 to 1979, the he saw **DUCH** participate in weekly meetings at the Ministry of Foreign Affairs with IENG Sary, POL Pot, SON Sen, NUON Chea, and TA Mok.¹²²⁷ Sometimes **DUCH** only came to see SON Sen or TA Mok and chiefs of other sectors.¹²²⁸ **DUCH** always held document folders, which were the same as the documents **CHHEN** brought by motorcycle.¹²²⁹ The Witness believes these documents to be confessions.¹²³⁰
8. The Witness provides evidence that he attended **DUCH**'s wedding.¹²³¹ The participants were SON Sen, NUON Chea, and IENG Thirith.¹²³² The Witness believed **DUCH** to be an important person since many high ranking people attended the wedding.¹²³³ The Witness believed that those in attendance all knew about S-21 and **DUCH**'s work, since **DUCH** was open about it.¹²³⁴
9. The Witness provides evidence that **DUCH** was satisfied with his work.¹²³⁵ Whenever the Witness met **DUCH** he always smiled and worked actively.¹²³⁶ Sometimes **DUCH** would ask the Witness to return to his place early so that **DUCH** would not lose time in a long conversation.¹²³⁷ Most of the time, **DUCH** rode his CL motorcycle and also sometimes he drove a Jeep.¹²³⁸

¹²²⁶ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²²⁷ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG); CHEK Sâm, DC-Cam Statement dated 12 July 2002, IS Annex C Doc. No. 19.20, ERN 00054752-54814 (KHM), at ERN 00184118 of the short English summary, 00184117-00184119.

¹²²⁸ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²²⁹ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²³⁰ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²³¹ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209208, ERN 00209205-00209208, Document D78/6 (ENG); CHEK Sâm, DC-Cam Statement dated 12 July 2002, IS Annex C Doc. No. 19.20, ERN 00054752-54814 (KHM), at ERN 00184118 of the short English summary, 00184117-00184119.

¹²³² SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209208, ERN 00209205-00209208, Document D78/6 (ENG).

¹²³³ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209208, ERN 00209205-00209208, Document D78/6 (ENG).

¹²³⁴ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209208, ERN 00209205-00209208, Document D78/6 (ENG).

¹²³⁵ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209208, ERN 00209205-00209208, Document D78/6 (ENG).

¹²³⁶ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209208, ERN 00209205-00209208, Document D78/6 (ENG).

¹²³⁷ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209208, ERN 00209205-00209208, Document D78/6 (ENG).

¹²³⁸ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209208, ERN 00209205-00209208, Document D78/6 (ENG).

ESTABLISHMENT, DURATION & OPERATION

10. The Witness provides evidence that he became aware of S-21 in 1976 when he saw PENG coming from S-21 to arrest people living around him.¹²³⁹
11. The Witness provides evidence that from 1977 to 1979, the he saw **DUCH** participate in weekly meetings at the Ministry of Foreign Affairs with IENG Sary, POL Pot, SON Sen, NUON Chea, and TA Mok.¹²⁴⁰
12. The Witness provides evidence that S-21 staff THANN, PENG and HOR from CHHEN's team all took Vietnamese prisoners from the battlefield to S-21.¹²⁴¹

AUTHORITY STRUCTURE

13. The Witness provides evidence that he personally delivered a letter from the Ministry of Foreign Affairs to **DUCH** at S-21 containing the words: "To Comrade **DUCH**, chief of Office S-21".¹²⁴² THANN, PENG and HOR from CHHEN's team were responsible for taking Vietnamese prisoners from the battlefield to S-21.¹²⁴³

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

14. The Witness provides evidence that in 1976 PENG came from S-21 to arrest people living around him.¹²⁴⁴ Two members of Division 310 were arrested because their leader had already been arrested.¹²⁴⁵
15. The Witness provides evidence that in 1977 Vietnamese soldiers, women and civilians were arrested and sent to S-21.¹²⁴⁶

EXTERMINATION, MURDER & WILFUL KILLING

16. The Witness provides evidence that he saw a telegramme with the orders of the upper echelon to shoot the Vietnamese captured in the war at night, with only high ranking people exempted.¹²⁴⁷

¹²³⁹ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²⁴⁰ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²⁴¹ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²⁴² SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209206, ERN 00209205-00209208, Document D78/6 (ENG).

¹²⁴³ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²⁴⁴ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²⁴⁵ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²⁴⁶ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

¹²⁴⁷ SOM Samol ECCC-OCIJ Statement dated 1 April 2008, at ERN 00209207, ERN 00209205-00209208, Document D78/6 (ENG).

PRIOR STATEMENTS

17. The Witness has given two prior statements to the Co-Prosecutors' knowledge:

- (1) CHEK Sâm, DC-Cam Statement dated 12 July 2002, IS Annex C Doc. No. 19.20, ERN 00054752-54814 (KHM), short English summary, 00184117-00184119.
- (2) SAOM Sam Ol, ECCC OCIJ Statement dated 1 April 2008, D78/6, ERN 00186772-00186775 (KHM), 00209205-00209208 (ENG).

OTHER RELEVANT DOCUMENTS

18. The Witness will refer to relevant documents at trial.

V. S-24 DETAINEES

28. BOU THON

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the widespread or systematic nature of the attack on the civilian population (10-18 & 131-133), and DK structure and policy (10-15 & 32-35). Regarding S-24, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) and the persecution of detainees (141-142). Her testimony is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, about 29 years old on 17 April 1975, is a Cambodian female, born in 1946. The Witness provides evidence that prior to 17 April 1975, her husband drove tuk-tuks (remorques) in Phnom Penh; he was later sent to work for the Ministry of Energy, but he was arrested in 1977. The Witness provides evidence that she was herself arrested and taken to Anlung Korng, part of Prey Sar.¹²⁴⁸ In 1979, the Witness fled to Amleang as one of **DUCH's** prisoners.¹²⁴⁹

WIDESPREAD OR SYSTEMATIC ATTACKS

3. The Witness provides evidence of purges of April 17th persons and individuals connected with traitorous links, as it is for these associations she believes her husband was arrested.¹²⁵⁰ The Witness also indicated that her husband's arrest may have also been influenced by his ministry position, as the whole ministry network was arrested, and his connection with the north zone as part of the north zone purges.¹²⁵¹ The Witness can also testify towards the forcible transfer and systematic attacks that occurred during the

¹²⁴⁸ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG); BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111 (ENG summary); at ERN 00054528, ERN 00054505- 00054571(KHM) [Introductory Submission Document Number 19.12].

¹²⁴⁹ BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111 (ENG summary); at ERN 00054568, and at ERN 00054555, ERN 00054505- 00054571(KHM) [Introductory Submission Document Number 19.12].

¹²⁵⁰ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁵¹ BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111 (ENG summary); at ERN 00054557, ERN 00054505- 00054571(KHM) [Introductory Submission Document Number 19.12].

evacuation of Phnom Penh, seeing many swollen corpses when she returned to the city after it has been evacuated.¹²⁵²

DK STRUCTURE & POLICY

4. The Witness provides evidence of the DK policy of arresting spouses and children of individuals who had already been arrested, as she was sent to Prey Sar after the arrest of her husband. She can also testify to the DK policy of making those suspected of being traitors provide detailed biographies.¹²⁵³

ROLE OF ACCUSED

5. The Witness only encountered **DUCH** when they were fleeing in 1979.¹²⁵⁴ The Witness provides evidence that she knew that he was the chairman of S-21.¹²⁵⁵

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that she was sent to Prey Sar sometime in August 1977 and remained there until 1979 when the Vietnamese reached Phnom Penh.¹²⁵⁶ When she arrived, a half-figure portrait photo was taken of her.¹²⁵⁷ The Witness provides evidence that prisoners worked in the rice fields, fished, grew vegetables¹²⁵⁸ and attended meetings where they were warned not to steal anything to eat.¹²⁵⁹

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

7. The Witness provides evidence that most of the detainees at Prey Sar were family members of people who had been arrested, including children.¹²⁶⁰ There were hundreds of male and

¹²⁵² BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163761, ERN 00163760-00163763, Document D28/10 (ENG); BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111(ENG summary); at ERN 00054511, ERN 00054505-00054571(KHM) [Introductory Submission Document Number 19.12].

¹²⁵³ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG); BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111(ENG summary); at ERN 00054530, ERN 00054505-00054571(KHM) [Introductory Submission Document Number 19.12].

¹²⁵⁴ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁵⁵ BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111 (ENG summary); at ERN 00056567, ERN 00054505-00054571 (KHM) [Introductory Submission Document Number 19.12].

¹²⁵⁶ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG); BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111 (ENG summary); at ERN 0005659, and at ERN 00054566, ERN 00054505-00054571 (KHM) [Introductory Submission Document Number 19.12].

¹²⁵⁷ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁵⁸ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁵⁹ BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111 (ENG summary); at ERN 00056562, ERN 00054505-00054571 (KHM) [Introductory Submission Document Number 19.12].

¹²⁶⁰ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG); BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111 (ENG summary); at ERN 00056505, ERN 00054505-00054571 (KHM) [Introductory Submission Document Number 19.12].

female prisoners from numerous sites.¹²⁶¹ The Witness provides evidence that she never saw any prisoners who were not Cambodian.¹²⁶²

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

8. The Witness provides evidence that work was difficult, with prisoners having to wake up at 6am and work to 5am, with only one hour of rest.¹²⁶³ Prisoners slept in rows in long houses and were fed little, receiving a bowl of gruel at 11 and a plate of rice at dinner and not getting to eat the crops they had grown themselves.¹²⁶⁴ The Witness provides evidence that she never saw anyone die from illness.¹²⁶⁵

TORTURE & INHUMANE TREATMENT

9. The Witness provides evidence as to how she was hit for picking up a banana, retaining a scar from this incident.¹²⁶⁶ According to a previous DC-Cam statement, this was part of a larger policy where prisoners were beaten for making the slightest mistake.¹²⁶⁷

EXTERMINATION, MURDER & WILFUL KILLING

10. The Witness provides evidence that people disappeared in the night after having their names called. She also witnessed people being transported away from Prey Sar in trucks, never to be seen again.¹²⁶⁸ The Witness provides evidence of having visited Cheung Ek after 7 January 1979, and she saw strips of cloth and a reddish-haired child; she came to believe that those people who disappeared had been killed there.¹²⁶⁹

PRIOR STATEMENTS

11. The Witness has given two prior statements to Co-Prosecutors' knowledge:

- (1) BOU Thon En ECCC-OCIJ Statement dated 11 January 2008, ERN 00163760-00163763, Document D28/10 (ENG);

¹²⁶¹ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁶² BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163763, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁶³ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163763, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁶⁴ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163763, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁶⁵ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁶⁶ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163763, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁶⁷ BOU Thon DC-Cam Statement dated 5 December 2002, at ERN 00184111 (ENG summary); at ERN 00056562, ERN 00054505-00054571 (KHM) [Introductory Submission Document Number 19.12].

¹²⁶⁸ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163762, ERN 00163760-00163763, Document D28/10 (ENG).

¹²⁶⁹ BOU Thon En ECCC-OCIJ Statement dated 11 January 2008 at ERN 00163763, ERN 00163760-00163763, Document D28/10 (ENG).

- (2) BOU Thon DC-Cam Statement dated 5 December 2002, ERN 00054505-00054571 (KHM), ERN 00184111 (ENG Summary) Introductory Submission Document Number 19.12.

OTHER RELEVANT DOCUMENTS

12. The following document, amongst others, is also relevant to this Witness's evidence:

- (1) BOU Thon biography dated 5 December 2002 ERN 00184111 (KHM) (no English summary) Introductory Submission Document Number 19.12

29. PHACH SIEK (ALIAS THACH SIEK)

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-24, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). Her testimony is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

2. The Witness, approximately 20 years of age on 17 April 1975,¹²⁷⁰ is a Cambodian female, born in about 1955. Prior to 17 April 1975, the Witness was a member of the Sihanouk's National United Front. She was then part of a women's special forces battalion that fought in Kampung Cham, Siem Reap and helped to capture Phnom Penh. After 17 April 1975, her division was responsible for the Voat Phnum and Tuol Kok areas. Then, she was transferred to the work at the military hospital in the old Ang Duong clinic. The Witness was arrested and sent to Prey Sar on 18 March 1977.¹²⁷¹ The Witness was detained at Prey Sar until the DK regime fell in January 1979.

ARMED CONFLICT

3. The Witness was a member of two military groups; the Sihanouk National United Front and a Division 1 which was solely made up of women.¹²⁷² The second group was part of the Khmer Rouge that 'liberated' Phnom Penh in April 1975.¹²⁷³

DK STRUCTURE & POLICY

4. The Witness provides evidence of the leading 'troika' of her women's division.¹²⁷⁴ She can also attest to the policies of the CPK, namely the purges and disappearances of 'traitors', and the forced labour at Prey Sar.¹²⁷⁵

¹²⁷⁰ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195388, ERN 00195387-00195394, Document D78/5 (ENG).

¹²⁷¹ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195389, ERN 00195387-00195394, Document D78/5 (ENG).

¹²⁷² THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.1 of English summary (no ERN).

¹²⁷³ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹²⁷⁴ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹²⁷⁵ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

ROLE OF ACCUSED

5. The Witness provides evidence that **DUCH** came to a meeting at Prey Sar in 1978 and announced that he was the Chairman of Tuol Sleng and Prey Sar prisons.¹²⁷⁶ In this meeting, he allowed the prisoners to express their opinions and discussed how the East and North Zone soldiers were traitors and joining the Yuon.¹²⁷⁷ He said that he had regretted killing the good comrades, when it was their leaders who were the traitors.¹²⁷⁸
6. **DUCH** also came to Prey Sar on the 5th of January 1979 to tell those survivors to get ready to flee up into the Aural Hills.¹²⁷⁹ The Witness saw **DUCH** visit on other occasions, but that it was the cadre at S-24 who whipped, severely beat and otherwise tortured inmates.¹²⁸⁰ The Witness provides evidence that Duch ordered 25 people to be arrested taken to be killed, including her, but in fact she was one of six persons released.¹²⁸¹

ESTABLISHMENT, DURATION & OPERATION

The Witness worked at Prey Sar.¹²⁸² She did not have any knowledge of S-21 in particular, but was aware of the high position of **DUCH**, as he had visited Prey Sar occasionally.¹²⁸³

Comrade Pong and Soeung were the Chairman and Deputy Chairman in charge of married prisoners.¹²⁸⁴ Prey Sar was a square that measured 4x4 kilometres with no fence, but inside there was a place for rice farming and office buildings.¹²⁸⁵ Prisoners lived in individual houses which were locked at night.¹²⁸⁶ There were units for married and old women and others for unmarried women.¹²⁸⁷

AUTHORITY STRUCTURE

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- ¹²⁷⁶ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195391, ERN 00195387-00195394, Document D78/5 (ENG).
- ¹²⁷⁷ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195391, ERN 00195387-00195394, Document D78/5 (ENG); THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).
- ¹²⁷⁸ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195391, ERN 00195387-00195394, Document D78/5 (ENG).
- ¹²⁷⁹ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).
- ¹²⁸⁰ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).
- ¹²⁸¹ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195392, ERN 00195387-00195394, Document D78/5 (ENG).
- ¹²⁸² PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).
- ¹²⁸³ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).
- ¹²⁸⁴ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).
- ¹²⁸⁵ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).
- ¹²⁸⁶ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).
- ¹²⁸⁷ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).

7. The Witness provides evidence that **DUCH** visited S-24 (Prey Sar) occasionally and had a very high position of power.¹²⁸⁸ The Witness provides evidence that Thy was in overall charge of Prey Sar and Phal was the Deputy.¹²⁸⁹

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

8. The Witness provides evidence that she heard the sounds of trucks coming into Prey Sar and gathering prisoners and taking them somewhere else, but she does not know where.¹²⁹⁰ She provides evidence that she never saw any prisoner released.¹²⁹¹
9. The Witness provides evidence that there were 500 to 600 prisoners at Prey Sar, both male and female.¹²⁹² The Witness provides evidence that many at Prey Sar had come from the combatant forces, as they had been seen to be traitors.¹²⁹³ Traitorous acts included expressing sympathy for purge victims or being seen to have 'gone over' to the Vietnamese.¹²⁹⁴ April 17 people were prisoners at Prey Sar as well, but the Witness provides evidence that she never saw foreigners, such as the Vietnamese.¹²⁹⁵ The Witness provides evidence that Pong held a meeting to say that S-21 was the prison for holding those who had betrayed the nation and for prisoners of high rank from regimental level cadres, division commanders and Zone leaders, whereas Prey Sar was for prisoners who were subordinates.¹²⁹⁶
10. The Witness provides evidence that she was arrested without being given a reason.¹²⁹⁷ When she arrived at Prey Sar she learned that she had been arrested for being a traitor and collaborating with the Yuon.¹²⁹⁸ She was never interrogated or put in chains.¹²⁹⁹

¹²⁸⁸ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹²⁸⁹ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).

¹²⁹⁰ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195391, ERN 00195387-00195394, Document D78/5 (ENG).

¹²⁹¹ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195391, ERN 00195387-00195394, Document D78/5 (ENG).

¹²⁹² PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG); THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹²⁹³ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹²⁹⁴ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹²⁹⁵ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).

¹²⁹⁶ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).

¹²⁹⁷ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195392, ERN 00195387-00195394, Document D78/5 (ENG).

¹²⁹⁸ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195392, ERN 00195387-00195394, Document D78/5 (ENG).

¹²⁹⁹ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195392, ERN 00195387-00195394, Document D78/5 (ENG).

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

11. The Witness provides evidence that work at Prey Sar began at 2a.m. until noon.¹³⁰⁰ There was a lunch break where the prisoners ate two scoops of gruel, and then they went back to work from 1:30p.m. until 5:30p.m.¹³⁰¹ There was another break for more gruel, and then they continued to work until 10p.m.¹³⁰² The witness provides evidence that their food rations were insufficient and when prisoners were sick, they received two or three pills with no injections.¹³⁰³ At Prey Sar, prisoners were not permitted to speak to one another, they were forbidden to move around freely, and they were guarded day and night.¹³⁰⁴
12. Cubic metres of dirt were moved by the prisoners. Harvesting was done in the dark, sitting down in the water. If a single clump of rice was left, the punishment was a reduction in rations.¹³⁰⁵ Eventually the Witness was assigned relatively light work, weaving mats. Workers were whipped, beaten and otherwise tortured.¹³⁰⁶ At night they were locked up; some workers were held in the old society prison and some nearby to the prison.¹³⁰⁷
13. The Witness provides evidence that if prisoners committed an offence, they were punished by being withheld gruel and by being beaten.¹³⁰⁸ There was also a cell for administering electric shocks in order to interrogate prisoners as well.¹³⁰⁹ Offences included picking up and eating crabs, snails, ripe sugar palm and ripe wood apple.¹³¹⁰
14. The Witness provides evidence that the work at Prey Sar was working the rice fields, putting up paddy dikes, digging canals, and mixing fertilizer.¹³¹¹

¹³⁰⁰ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG); THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹³⁰¹ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).

¹³⁰² PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).

¹³⁰³ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).

¹³⁰⁴ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195392, ERN 00195387-00195394, Document D78/5 (ENG).

¹³⁰⁵ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹³⁰⁶ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹³⁰⁷ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹³⁰⁸ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195391, ERN 00195387-00195394, Document D78/5 (ENG).

¹³⁰⁹ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195391, ERN 00195387-00195394, Document D78/5 (ENG).

¹³¹⁰ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195391, ERN 00195387-00195394, Document D78/5 (ENG).

¹³¹¹ PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195390, ERN 00195387-00195394, Document D78/5 (ENG).

TORTURE & INHUMANE TREATMENT

15. The Witness provides evidence that she never saw anyone be tortured or beaten with her own eyes.¹³¹²

EXTERMINATION, MURDER & WILFUL KILLING

16. The Witness provides evidence that many people disappeared from Prey Sar, but she did not know where these people were taken or whether they were being killed or not.¹³¹³ In 1978 the Witness was sure that when workers were being taken out, they were being taken to be executed.¹³¹⁴

PRIOR STATEMENTS

17. The Witness has given two prior statements to the Co-Prosecutors' knowledge:
- (1) THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), English summary (no ERN).
 - (2) PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, ERN 00195387-00195394, Document D78/5 (ENG).

OTHER RELEVANT DOCUMENTS

18. The Witness will refer to relevant documents at trial.

¹³¹² PHACH Siek ECCC-OCIJ Statement dated 1 April 2008, at ERN 00195391, ERN 00195387-00195394,n Document D78/5 (ENG). However, the Witness claimed earlier that the workers were whipped, beaten and otherwise tortured by cadre at Prey Sar: THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹³¹³ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

¹³¹⁴ THACH Siek DC-Cam Statement dated 25 November 2002, ERN 00055071-00055087 (KHM), p.2 of English summary (no ERN).

30. UK BUNSENG

NATURE AND CONTENT OF TESTIMONY

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25) and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]).
2. Regarding Prey Sar, the establishment, duration and operation (30), the imprisonment, unlawful confinement, lack of fair trial (72-78), the enslavement, great suffering, and inhumane acts (106, 135). Her testimony is relevant to Counts 1, 2 and 3 of the Indictment.

BACKGROUND OF WITNESS

3. The Witness, 19 years of age on 17 April 1975, is a Cambodian male born on 4 April 1955.¹³¹⁵ The Witness provides evidence that he was a soldier with the Khmer Rouge and entered Phnom Penh with a large group from Sector 25.¹³¹⁶ Because of a “bad personal history” and family relatives, the Witness was sent to several tempering sites for political indoctrination, including Boeng Cheung Ek and a place near Prey Sar.¹³¹⁷ The Witness provides evidence that at Cheung Ek he dug canals and put up dams.¹³¹⁸ The Witness provides evidence that he remained at S-24 until it fell in 1979.¹³¹⁹

ROLE OF ACCUSED

4. The Witness provides evidence that he participated in political studies conducted by **DUCH** at S-21 in 1978.¹³²⁰ At one of the sessions, it was announced that **DUCH** was the superior of HUY Sre, who was directly in charge of Prey Sar.¹³²¹ The political studies, conducted by **DUCH** and Son Sen, included instructions regarding the activities of internal enemies and foreign countries.¹³²²
5. After the fall of Phnom Penh in 1979 and an encounter with Ta Mok in the jungle at Amleang, the witness met **DUCH** in the Kravanh Mountains (Pursat Province) and stayed

¹³¹⁵ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, ERN 00189046-0018952, Document D78/7 (ENG).

¹³¹⁶ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, ERN 00189046-0018952, Document D78/7 (ENG).

¹³¹⁷ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, ERN 00189046-0018952, Document D78/7 (ENG).

¹³¹⁸ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, ERN 00189046-0018952, Document D78/7 (ENG).

¹³¹⁹ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, ERN 00189046-0018952, Document D78/7 (ENG).

¹³²⁰ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, 00189050, ERN 00189046-0018952, Document D78/7 (ENG).

¹³²¹ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189050, ERN 00189046-0018952, Document D78/7 (ENG).

¹³²² UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189051, ERN 00189046-0018952, Document D78/7 (ENG).

with him for some time.¹³²³ The witness emphasizes that **DUCH** at that time still had subordinates which followed his orders. These subordinates were instructed by **DUCH** to torture and kill seven “prisoners”.¹³²⁴ **DUCH** was aware that these orders were being carried out because he stayed nearby the torture site.¹³²⁵

6. On the personality of **DUCH**, the witness confirmed that **DUCH** was a “pleasant and friendly person, but firm”.¹³²⁶ If **DUCH** gave an order, it had to be respected and implemented.¹³²⁷

ESTABLISHMENT, DURATION & OPERATION

7. The Witness provides evidence that Prey Sar was a tempering site.¹³²⁸ The Witness provides evidence that Prey Sar and Boeng Cheung Ek (located east of the killing fields) were subordinate to S-21.¹³²⁹ During his time at Boeng Cheung Ek, the witness says he has been photographed by S-21 staff.¹³³⁰ The Witness provides evidence that the Regiment at Boeng Cheung Ek reported monthly to **DUCH**.¹³³¹ The Witness provides evidence that he heard that people were taken away from Boeng Cheung Ek at night to S-21 by truck.¹³³² The witness describes how people with trucks came from S-21, “called out names for people to come down from their houses, and they blindfolded them. Those arrested and taken away never returned.”¹³³³
8. The Witness provides evidence that hundreds of soldiers were taken in by truck from the East Zone.¹³³⁴ This happened many times.¹³³⁵ The Witness was told that they just stayed

¹³²³ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189050, ERN 00189046-0018952, Document D78/7 (ENG).

¹³²⁴ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189051, ERN 00189046-0018952, Document D78/7 (ENG).

¹³²⁵ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189051, ERN 00189046-0018952, Document D78/7 (ENG).

¹³²⁶ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189051, ERN 00189046-0018952, Document D78/7 (ENG).

¹³²⁷ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189051, ERN 00189046-0018952, Document D78/7 (ENG).

¹³²⁸ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189049, ERN 00189046-0018952, Document D78/7 (ENG).

¹³²⁹ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048-00189049, ERN 00189046-0018952, Document D78/7 (ENG).

¹³³⁰ UK Bunseng OCIJ Statement dated 2 April 2008, D 78/7, at ERN 00189049, ERN 00189046-00189052. The witness also describes how he found his picture in the Tuol Sleng Museum in 1985.

¹³³¹ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189049, ERN 00189046-0018952, Document D78/7 (ENG).

¹³³² UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189049, ERN 00189046-0018952, Document D78/7 (ENG).

¹³³³ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189049, ERN 00189046-0018952, Document D78/7 (ENG).

¹³³⁴ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189050, ERN 00189046-0018952, Document D78/7 (ENG).

¹³³⁵ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189050, ERN 00189046-0018952, Document D78/7 (ENG).

one night at Prey Sar and were then sent to S-21 proper.¹³³⁶ The Witness provides evidence that at S-24, the work was divided into three levels: a land clearing team, a plowing team, and a domestic animal minding team.

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

9. The Witness provides evidence that he saw people frequently arrested at Boeng Cheung Ek.¹³³⁷
10. The Witness provides evidence that people being tempered at Boeng Cheung Ek could not leave the designated area out of fear that they would be seen.¹³³⁸

AUTHORITY STRUCTURE

11. The Witness provides evidence that HUY Sre, the chief of Prey Sar, and his group was responsible to **DUCH**.¹³³⁹ For example, Watt Kdol was destroyed by Huy, under the direction of **DUCH**.¹³⁴⁰

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

12. The witness provides evidence that at Boeng Cheung Ek the food was irregular, just three scoops of gruel if the tempering was strong. Work was from 3am until 11am, 2pm until 5pm and 7pm until 12 midnight.¹³⁴¹

TORTURE & INHUMANE TREATMENT

12. The Witness provides evidence that in the Kravanh Mountains, where he met **DUCH** after fleeing from the Vietnamese, **DUCH** ordered the arrest and interrogation of 6 prisoners and one child.¹³⁴² The Witness provides evidence that he saw one prisoner tortured by stuffing a flaming torch in his mouth and cutting his throat.¹³⁴³

¹³³⁶ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189050, ERN 00189046-0018952, Document D78/7 (ENG).

¹³³⁷ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189049, ERN 00189046-0018952, Document D78/7 (ENG).

¹³³⁸ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189049, ERN 00189046-0018952, Document D78/7 (ENG).

¹³³⁹ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048-00189049, ERN 00189046-0018952, Document D78/7 (ENG).

¹³⁴⁰ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, ERN 00189046-0018952, Document D78/7 (ENG).

¹³⁴¹ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189049, ERN 00189046-0018952, Document D78/7 (ENG).

¹³⁴² UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189051, ERN 00189046-0018952, Document D78/7 (ENG).

¹³⁴³ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189051, ERN 00189046-0018952, Document D78/7 (ENG).

EXTERMINATION, MURDER & WILFUL KILLING

13. The Witness provides evidence that those who did not temper themselves well at Prey Sar were sent to S-21 and never returned.¹³⁴⁴ The Witness provides evidence that S-21 was a killing site.¹³⁴⁵
14. The Witness provides evidence that those who returned from the Kampong Chhnang airfield worksite were sent to S-21 and killed.¹³⁴⁶
15. The Witness provides evidence that he heard that Huy was arrested, sent to S-21 and then killed there.¹³⁴⁷

PRIOR STATEMENTS

16. The Witness has given two prior statements to the Co-Prosecutors' knowledge:
 - (1) UK Bunseng ECCC-OCIJ Statement dated 2 April 2008, ERN 00189046-0018952, Document D78/7 (ENG).
 - (2) UK Bunseng DC-Cam Statement dated 14 March 2003, not part of the Case File (OCIJ investigators used this statement in their interview, see page 2 of OCIJ Statement).

OTHER RELEVANT DOCUMENTS

17. The Witness will refer to relevant documents at trial.

¹³⁴⁴ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, ERN 00189046-0018952, Document D78/7 (ENG).

¹³⁴⁵ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, ERN 00189046-0018952, Document D78/7 (ENG).

¹³⁴⁶ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189048, ERN 00189046-0018952, Document D78/7 (ENG).

¹³⁴⁷ UK Bunseng ECCC-OCIJ Statement dated 2 April 2008 at ERN 00189050, ERN 00189046-0018952, Document D78/7 (ENG).

VI. M-13 WITNESSES

31. CHAN KHAN

NATURE AND CONTENT OF TESTIMONY

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding M-13, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) and the persecution of detainees (141-142). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The Witness' testimony shall include, but not necessarily be limited to, the facts described below.

BACKGROUND OF WITNESS

2. The Witness, about 18 years old on 17 April 1975, is a Cambodian male, born in about 1957.¹³⁴⁸ In 1973 the Witness was sent by a village chief to the commune and then to work as a guard at Security Office M-13 until the Khmer Rouge seized power in 1975. After this, as he did not possess a good biography, he was sent to a mobile unit instead of being sent to S-21 with other cadres.¹³⁴⁹

ROLE OF ACCUSED

3. The Witness provides evidence that **DUCH** was chief of M-13. He ordered guards to bring out the prisoners for interrogation; he conducted interrogations personally;¹³⁵⁰ and he warned the guards to shoot any prisoners immediately if they tried to escape.¹³⁵¹ The Witness has said that he saw **DUCH** shoot and kill prisoners at M-13.¹³⁵² The Witness provides evidence that he believed all killings at M-13 required **DUCH's** authorization, and that **DUCH** issued orders for prisoners to be "smashed."¹³⁵³ The Witness provides evidence

¹³⁴⁸ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195542, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186760, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁴⁹ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195545, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁵⁰ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁵¹ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁵² CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231905, ERN 00231893-00231911 (ENG). However, in CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG) [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM)] CHAN Khan claimed he never saw DUCH shooting anyone.

¹³⁵³ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN00231906, ERN 00231893-00231911 (ENG); CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

that **DUCH** was “a man of his word” and therefore someone to be afraid of. He was “enthusiastically devoted to work,” and at meetings would tell the guards to keep secret the work and executions at M-13; he carried a K-54 pistol in his waistband, he smoked and he laughed.¹³⁵⁴

ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that when he arrived at M-13 in 1973, the prisoners were already there.¹³⁵⁵ There were between ten and twenty security guards, selected from various places.¹³⁵⁶ The prison was surrounded by corrugated iron sheets.¹³⁵⁷ In 1973, holes were dug in the ground in which to put prisoners.¹³⁵⁸ The Witness provides evidence that the guards were told that if they allowed prisoners to escape, they would be shot; one guard, **CHAN** Voeun, was on duty when a prisoner ran away and to avoid the consequences managed to escape.¹³⁵⁹ The Witness provides evidence that prisoners brought in or out were recorded in a record book.¹³⁶⁰ He provides evidence that **Donn** and **Chhen** were messengers for **DUCH** and team leaders in Office 13.¹³⁶¹ After the Khmer Rouge seized power, all prisoners at M-13 were released to their villages, which was the only time the Witness saw prisoners being arrested. Some M-13 cadres moved to Phnom Penh. Some were sent to the mobile unit or to other security offices.¹³⁶²

AUTHORITY STRUCTURE

5. The Witness provides evidence that **DUCH** was the chief of M-13; **CHAN** was deputy chief; and **PON**, **PHAL**, and **MEAS** were high ranking officials.¹³⁶³ **DUCH**, **CHAN** and

¹³⁵⁴ **CHAN** Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195545, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁵⁵ **CHAN** Khan DC-Cam Statement dated 30 April 2003, D59, at ERN00231896, ERN 00231893-00231911 (ENG); **CHAN** Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195543, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186761, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁵⁶ **CHAN** Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195543, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁵⁷ **CHAN** Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁵⁸ **CHAN** Khan DC-Cam Statement dated 30 April 2003, D59, at ERN00231896, ERN 00231893-00231911 (ENG).

¹³⁵⁹ **CHAN** Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁶⁰ **CHAN** Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231904, ERN 00231893-00231911 (ENG).

¹³⁶¹ **CHAN** Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195543, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186762, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁶² **CHAN** Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195545, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]; **CHAN** Khan DC-Cam Statement dated 30 April 2003, D59, at ERN00231907, ERN 00231893-00231911 (ENG).

¹³⁶³ **CHAN** Khan DC-Cam Statement dated 30 April 2003, D59, at ERN00231902, ERN 00231893-00231911 (ENG); **CHAN** Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195543, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186762, ERN 00186760-00186764, Document D78/4, (KHM).]

other high ranking official were all interrogators.¹³⁶⁴ Younger guards were only allowed to guard prisoners inside and adult guards would guard prisoners working outside the prison site.¹³⁶⁵

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

6. The Witness provides evidence that prisoners included male, female and young children, of villagers, Khmer Rouge cadres, Khmer Rouge soldiers, Lon Nol soldiers or cadres from Hanoi.¹³⁶⁶ They were brought in every day and classified as serious or mild prisoners.¹³⁶⁷ Generally, prisoners were kept in holes dug in the ground – there were two to three holes that could contain 70-80 prisoners each.¹³⁶⁸ The majority of prisoners were executed, some died of starvation and a few who were related to senior cadres were released at night “usually ‘on the sly’.”¹³⁶⁹

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

7. The Witness provides evidence that serious prisoners, such as Khmer Republic soldiers and Khmer Rouge soldiers, were shackled and kept in holes about three meters deep. There was a bamboo ladder designed for prisoners to climb up and down and removed after each use.¹³⁷⁰ During a flood in 1974, many prisoners were killed because they were chained up in the detention pits.¹³⁷¹ Prisoners were taken to bathe in the Chrab pond once a day; prisoners relieved themselves in bamboo containers and human waste was disposed of twice a day.¹³⁷² To prevent prisoners from committing suicide, guards were ordered to keep

¹³⁶⁴ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN00231902, ERN 00231893-00231911 (ENG); CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195543, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186762, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁶⁵ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231897, ERN 00231893-00231911 (ENG).

¹³⁶⁶ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN00231904, ERN 00231893-00231911 (ENG); CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186762, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁶⁷ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231904, ERN 00231893-00231911 (ENG).

¹³⁶⁸ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231901, ERN 00231893-00231911 (ENG); CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, Not Found, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186761, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁶⁹ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195545, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁷⁰ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231901, 00231904, ERN 00231893-00231911 (ENG); CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186762-00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁷¹ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231900-00231901, ERN 00231893-00231911 (ENG). CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, Not Found, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁷² CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG).

scarves and iron bars away from them.¹³⁷³ Serious prisoners were shackled to a long metal bar.¹³⁷⁴ Whilst working during the day, serious prisoners still had chains on their neck and were watched by armed guards.¹³⁷⁵ Prisoners received little food. They received thin rice porridge while the guards had rice mixed with potato and soup.¹³⁷⁶ A number of prisoners died from malnutrition.¹³⁷⁷

INTERROGATION

8. The Witness provides evidence that interrogation was conducted either by **DUCH**, high ranking officials, or by an interrogation team according to the prisoner's status.¹³⁷⁸ The interrogations took place far away, north of the Chrab pond.¹³⁷⁹ The Witness provides evidence that he saw the names of prisoners who were being interrogated written on lists.¹³⁸⁰ Interrogations by **DUCH** took place at his house near the prison.¹³⁸¹ **DUCH** ordered security guards to bring prisoners out for interrogation. After interrogation, prisoners were often swollen and stained with blood or never returned.¹³⁸²

TORTURE & INHUMANE TREATMENT

9. The Witness provides evidence that he saw bamboo sticks used for torture and heard screams of prisoners being interrogated and beaten.¹³⁸³ The Witness provides evidence that he saw, prisoners swollen and stained with blood upon their return from interrogation; sometimes they never returned.¹³⁸⁴ If prisoners escaped, guards could shoot them.¹³⁸⁵ The

¹³⁷³ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁷⁴ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231900, ERN 00231893-00231911 (ENG); CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁷⁵ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231898, ERN 00231893-00231911 (ENG).

¹³⁷⁶ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁷⁷ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁷⁸ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231903, ERN 00231893-00231911 (ENG).

¹³⁷⁹ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁸⁰ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195543, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁸¹ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231901, ERN 00231893-00231911 (ENG).

¹³⁸² CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁸³ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁸⁴ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁸⁵ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231910, ERN 00231893-00231911 (ENG); CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195543, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186762, ERN 00186760-00186764, Document D78/4, (KHM).]

Witness provides evidence that the Khmer Rouge at the prison wanted to scare the other prisoners: he saw four or five posts to which prisoners were tied and shot.¹³⁸⁶ Guards who let prisoners escape were imprisoned and tortured as well, such as VOEUN who received torture from **DUCH**.¹³⁸⁷

EXTERMINATION, MURDER & WILFUL KILLING

10. The majority of prisoners were executed although some died of starvation.¹³⁸⁸ The Witness provides evidence that after completing interrogation, some prisoners were executed by guards or by interrogators themselves after their file was completed and read by **DUCH**, with **DUCH** ordering the killing.¹³⁸⁹ At the eastern part of the prison, there were four or five posts to which prisoners were tied and then shot.¹³⁹⁰ Prisoners were also taken into the forest where they were killed by a blow to the back of the head with a large bamboo stick.¹³⁹¹
11. The Witness saw **DUCH** kill prisoners in front of him and ordered others to carry the bodies away.¹³⁹² The Witness also saw **DUCH** order his cadres to kill prisoners.¹³⁹³ Guards who made mistakes would also be detained.¹³⁹⁴ During guard duty, the Witness saw bodies or graves of prisoners that were executed at the killing sites.¹³⁹⁵

PRIOR STATEMENTS

12. The Witness has given two prior statements to the Co-Prosecutors' knowledge:
 - (1) CHAN Khan DC-Cam Statement dated 30 April 2003, D59, ERN 00231893-00231911 (ENG), 00002174-00002194(KHM)

¹³⁸⁶ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁸⁷ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231910, ERN 00231893-00231911 (ENG); CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195543-00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186762, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁸⁸ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195545, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁸⁹ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231906, ERN 00231893-00231911 (ENG).

¹³⁹⁰ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG). [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM).]

¹³⁹¹ CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195545, ERN 00195541-00195545, Document D78/4, (ENG).

¹³⁹² CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231905, ERN 00231893-00231911 (ENG); However, in CHAN Khan ECCC-OCIJ Statement dated 31 March 2008, at ERN 00195544, ERN 00195541-00195545, Document D78/4, (ENG) [at ERN 00186763, ERN 00186760-00186764, Document D78/4, (KHM)], CHAN Khan claimed he never saw **DUCH** shooting anyone.

¹³⁹³ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231906, ERN 00231893-00231911 (ENG).

¹³⁹⁴ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231906, ERN 00231893-00231911 (ENG).

¹³⁹⁵ CHAN Khan DC-Cam Statement dated 30 April 2003, D59, at ERN 00231911, ERN 00231893-00231911 (ENG).

- (2) CHAN Khan ECCC OCJ Statement dated 31 March 2008, D78/4, ERN 00195541-00195545 (ENG) 00186760-00186764 (KHM)

OTHER RELEVANT DOCUMENTS

13. The Witness will refer to relevant documents at trial.

32. CHAN VOEUN

NATURE AND CONTENT OF TESTIMONY

1. Regarding M-13, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) and the persecution of detainees (141-142). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The Witness' testimony shall include, but not necessarily be limited to, the facts described below.

BACKGROUND OF WITNESS

2. The Witness, about 22 years old on 17 April 1975, is a Cambodian male, born in 1953.¹³⁹⁶ He joined the Khmer Rouge revolution in 1970.¹³⁹⁷ The Witness provides evidence that in approximately 1974 he was sent to work as a guard at Security Office M-13.¹³⁹⁸ In late 1974, he released three prisoners and was arrested, but was able to escape.¹³⁹⁹

ROLE OF ACCUSED

3. The Witness provides evidence that **DUCH** was the chief of M-13,¹⁴⁰⁰ who had the authority to interrogate, to order and commit torture, to order and commit executions and to order release of the prisoners.¹⁴⁰¹ The Witness provides evidence that “**DUCH** was a very mean and vicious person” – beside beatings, he tortured prisoners by having them suspended from a tree and burning them with a flaming torch, also burning the breasts of female prisoners.¹⁴⁰² **DUCH** also ordered that prisoners who refused to answer questions would be denied food and water – The Witness provides evidence that he saw two people die as a result of this.¹⁴⁰³ The Witness provides evidence that he saw **DUCH** shooting prisoners to death – in one incident he used a pistol to kill a prisoner tied to a tree; in another incident he used an AK-47; and there was also a third incident when he used a

¹³⁹⁶ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194712, ERN 00194711-00194716, Document D78/1, (ENG).

¹³⁹⁷ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194712, ERN 00194711-00194716, Document D78/1, (ENG).

¹³⁹⁸ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194712, ERN 00194711-00194716, Document D78/1, (ENG).

¹³⁹⁹ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194715, ERN 00194711-00194716, Document D78/1, (ENG).

¹⁴⁰⁰ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG).

¹⁴⁰¹ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG).

¹⁴⁰² CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, 00194715 ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴⁰³ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194715, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

pistol.¹⁴⁰⁴ The Witness provides evidence that sometimes when **DUCH** tortured prisoners he seemed to be laughing “like he had gone crazy in doing the torturing.”¹⁴⁰⁵

ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that M-13 was located at *Trapeang Chrap*, and that he worked there in 1974,¹⁴⁰⁶ with two teams, the guard team and the interrogation team.¹⁴⁰⁷ The Witness worked at M-13 with 13-15 people, among them a cook, guards, interrogators and three medics.¹⁴⁰⁸ There was a bamboo fence around the detention site, and there were buildings for the guards outside the prison.¹⁴⁰⁹ Inside the prison there were three pits, four metres square and two metres deep, in which “serious offence” prisoners were held, whilst either side there were buildings for “light offence” prisoners. The “light offence” prisoners were taken to work outside the prison, whereas the “serious offence” prisoners remained constantly detained in the pits.¹⁴¹⁰ The Witness provides evidence that the large pits only held five to six prisoners, the large building to the east held ten prisoners and the small building to the west held about six or seven prisoners.¹⁴¹¹ The interrogation unit was divided into various sections belonging to **DUCH**, Chan, Pon and Phâl.¹⁴¹² Some light offence prisoners were released after interrogation.¹⁴¹³

AUTHORITY STRUCTURE

5. The Witness provides evidence that **DUCH** was the chairman of M-13, **CHAN** the deputy and Meas was the Member; Pon was an interrogator.¹⁴¹⁴ All were interrogators including **DUCH** himself.¹⁴¹⁵ The Witness provides evidence that guards were organized in groups.

¹⁴⁰⁴ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).] However, the witness earlier stated that he only saw **DUCH** shoot one person: CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001987, 00001999, ERN 00001983-00002005, Document D59/I-00002 (KHM).

¹⁴⁰⁵ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴⁰⁶ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194715, ERN 00194711-00194716, Document D78/1, (ENG).

¹⁴⁰⁷ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001990, ERN 00001983-00002005, Document D59/I-00002 (KHM).

¹⁴⁰⁸ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG) [at ERN 00186743, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴⁰⁹ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴¹⁰ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴¹¹ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴¹² CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001995, ERN 00001983-00002005, Document D59/I-00002 (KHM).

¹⁴¹³ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194715, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴¹⁴ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186743, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴¹⁵ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186743, ERN 00186741-00186746, Document D78/1, (KHM).]

Most of the defence guards were children.¹⁴¹⁶ The guards named Soeung, Chev, Nin and Khân were in charge of managing executions under the orders from **DUCH**.¹⁴¹⁷ **DUCH** gave orders to guards to bring prisoners for interrogation.¹⁴¹⁸ Only **DUCH** could torture prisoners or give an order to release prisoners.¹⁴¹⁹ The Witness stated that the work at M-13 was all done under the authority of **DUCH**.¹⁴²⁰

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

6. The Witness provides evidence that there were three pits, four metres square and two metres deep, in which “serious offence” prisoners were held, whilst either side there were buildings for “light offence” prisoners.¹⁴²¹ The Witness provides evidence that there were male and female, adult and child prisoners.¹⁴²² The Witness provides evidence that sometimes he saw detainees in large numbers or sometimes in small numbers, including children.¹⁴²³ Those prisoners were villagers who lived in Amleang subdistrict.¹⁴²⁴ The Witness said that he never saw Lon Nol soldiers being detained.¹⁴²⁵

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

7. The Witness provides evidence that serious offence prisoners were held in the pits with their legs shackled day and night.¹⁴²⁶ For prisoners who did not answer during interrogation, **DUCH** ordered the deprivation of food and water, some of whom died from such treatment.¹⁴²⁷ Prisoners ordinarily received two meals a day of thin gruel.¹⁴²⁸ The Witness provides evidence that after becoming a prisoner, he was shackled in a bamboo

¹⁴¹⁶ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00002000, ERN 00001983-00002005, Document D59/I-00002 (KHM).

¹⁴¹⁷ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00002001, ERN 00001983-00002005, Document D59/I-00002 (KHM).

¹⁴¹⁸ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴¹⁹ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714-0019715, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴²⁰ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194715, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186745, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴²¹ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴²² CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴²³ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001998, ERN 00001983-00002005, Document D59/I-00002 (KHM). CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186743, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴²⁴ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186743, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴²⁵ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186743, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴²⁶ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186743, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴²⁷ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194715, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186745, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴²⁸ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194715, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186745, ERN 00186741-00186746, Document D78/1, (KHM).]

prison after being stripped of his clothes, chained to a tree by his neck, and then ordered to dig earth by **DUCH**.¹⁴²⁹ During the rainy season, flooding of the pits killed many detainees.¹⁴³⁰

INTERROGATION

8. The Witness provides evidence that interrogations were carried out by **DUCH**, **CHAN**, **MEAS** and **PON**, although it was **DUCH** who authorised the interrogations, who would record the responses in books, and who would later analyse the responses.¹⁴³¹ If the prisoners had not answered, **CHAN** and **MEAS** would report to **DUCH**, who would then interrogate and torture the prisoners himself.¹⁴³² The interrogations took place inside the prison fence.¹⁴³³

TORTURE & INHUMANE TREATMENT

9. The Witness provides evidence that torture took place on a daily basis, both day and night. No prisoners could escape torture.¹⁴³⁴ The Witness provides evidence that “**DUCH** was a very mean and vicious person” – beside beatings, he tortured prisoners by having them suspended from a tree and burning them with a flaming torch, also burning the breasts of female prisoners.¹⁴³⁵ The Witness provides evidence that sometimes when **DUCH** tortured prisoners he seemed to be laughing “like he had gone crazy in doing the torturing.”¹⁴³⁶

EXTERMINATION, MURDER & WILFUL KILLING

10. The Witness provides evidence that **DUCH** shot and killed three prisoners when he did not receive satisfactory answers during interrogation.¹⁴³⁷ One prisoner was tied to a post and

¹⁴²⁹ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001985, ERN 00001994, ERN 00001983-00002005, Document D59/I-00002 (KHM); CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194715, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186745, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴³⁰ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194713, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186743, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴³¹ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴³² CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴³³ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴³⁴ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001999, ERN 00001983-00002005, Document D59/I-00002 (KHM). In CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186745, ERN 00186741-00186746, Document D78/1, (KHM)], Witness stated that prisoners were all tortured; except few light offence prisoners who were not tortured.

¹⁴³⁵ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, 00194715 ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴³⁶ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴³⁷ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001987, ERN 00001983-00002005, Document D59/I-00002 (KHM). CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

then shot three times.¹⁴³⁸ The Witness has no knowledge of how killings of other prisoners were carried out.¹⁴³⁹ The Witness provides evidence that on one occasion when he went hunting with a few “light offenders” he saw an execution site within the Detention Centre premises, where he saw dead bodies which he had never known before.¹⁴⁴⁰ The Witness provides evidence that he saw **DUCH** kill Pon, because Pon let a prisoner escape while being taken for interrogation.¹⁴⁴¹ The Witness was interviewed by Nic DUNLOP and told him that at M-13 **DUCH** personally killed “a lot” of people, and that he, CHAN Voeun, had personally witnessed **DUCH** shoot a prisoner to death.¹⁴⁴²

PRIOR STATEMENTS

11. The Witness has given three prior statements to the Co-Prosecutors’ knowledge:

- (1) CHAN Voeun DC-Cam Statement dated 30 April 2003, D59/I-00002, ERN 00001983-00002005 (KHM).
- (2) CHAN Voeun ECCC OCIJ Statement dated 27 March 2008, D78/1, ERN 00194711-00194716 (ENG), 00186741-00186746(KHM).
- (3) CHAN Voeun in Nic DUNLOP *The Lost Executioner* pages 284-285

OTHER RELEVANT DOCUMENTS

12. The Witness will refer to relevant documents at trial.

¹⁴³⁸ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001999, ERN 00001983-00002005, Document D59/I-00002 (KHM). CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194714, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186744, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴³⁹ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001999, ERN 00001983-00002005, Document D59/I-00002 (KHM). CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, Not Found, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186745, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴⁴⁰ CHAN Voeun DC-Cam Statement dated 30 April 2003, at ERN 00001991, ERN 00001983-00002005, Document D59/I-00002 (KHM).

¹⁴⁴¹ CHAN Voeun ECCC-OCIJ Statement dated 27 March 2008, at 00194715, ERN 00194711-00194716, Document D78/1, (ENG). [at ERN 00186745, ERN 00186741-00186746, Document D78/1, (KHM).]

¹⁴⁴² Nic DUNLOP *The Lost Executioner* pages 284-285.

33. UCH SORN (UCH SAN)

NATURE AND CONTENT OF TESTIMONY

1. Regarding M-13, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) and the persecution of detainees (141-142). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The Witness' testimony shall include, but not necessarily be limited to, the facts described below.

BACKGROUND OF WITNESS

2. The Witness, around 39 years old on 17 April 1975, is a Cambodian male born in 1936.¹⁴⁴³ In 1973, he was arrested and sent to M-13, in the Special Zone near *Amlaing*.¹⁴⁴⁴ After some time, he was made a worker at the prison, in charge of digging holes to bury the dead prisoners.¹⁴⁴⁵

ROLE OF ACCUSED

3. The Witness provides evidence that **DUCH** was the "big chief" in M-13.¹⁴⁴⁶ The Witness provides evidence that he saw **DUCH** carrying a pistol when he walked out of the prison.¹⁴⁴⁷ The Witness provides evidence that he saw **DUCH** having meetings with other office chiefs.¹⁴⁴⁸
4. The Witness provides evidence that **DUCH** selected which guard would interrogate which prisoner. **DUCH** visited the detention pits and shackled prisoners and occasionally participated in beatings and torture. The Witness provides evidence that on one occasion, he saw **DUCH** whipping a prisoner and laughing when the beating was continued by a guard, with the prisoner convulsed with pain on the ground.¹⁴⁴⁹ The Witness provides evidence that he saw **CHAN** shoot prisoners to death, and believed that if **DUCH** had not

¹⁴⁴³ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195531, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁴⁴ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195531, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁴⁵ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195531, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁴⁶ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁴⁷ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁴⁸ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁴⁹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

ordered these killings it would not have happened.¹⁴⁵⁰ The Witness provides evidence that without orders from **DUCH**, “no one dared to do anything”.¹⁴⁵¹

5. When speaking to nearby villagers, **DUCH** declared that “M-13 is a life and death site, where there is no [judicial] prosecution and no one can escape.”¹⁴⁵²

ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that M-13 was located in the forest at a secret location in *Amlaing*.¹⁴⁵³ When he was arrested and brought to M-13 he was shackled for three days and then ordered to dig a three metre deep hole to detain prisoners. He saw five to six small huts containing 100-200 shackled prisoners.¹⁴⁵⁴ At night, the Witness slept in the detention hole with other prisoners. New prisoners arrived every day.¹⁴⁵⁵ In total, the Witness will say that more than 10,000 prisoners died at M-13.¹⁴⁵⁶ The Witness provides evidence that young people from poor families in the district performed “simple work” at M-13.¹⁴⁵⁷

AUTHORITY STRUCTURE

7. The Witness states that **DUCH** was the “big chief” in M-13 **CHAN** was the deputy and **PON** or **MEAS** was the Member and **MEAS** and **MAN** were in charge of interrogating soldiers.¹⁴⁵⁸ The Witness provides evidence that without orders from **DUCH**, “no one dared to do anything”.¹⁴⁵⁹ This also applied to **MAM Nai** alias **CHAN**, who at least twice shot prisoners to death.¹⁴⁶⁰ The Witness also believes that **DUCH** assigned the interrogators to specific prisoners.¹⁴⁶¹

¹⁴⁵⁰ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁵¹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁵² UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁵³ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195531, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁵⁴ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁵⁵ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁵⁶ This figure is from the French translation “*plus de dix milles morts*”, at ERN 00195537, which appears more realistic than that given in the English translation of “several hundred thousand of people [sic]”: UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁵⁷ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁵⁸ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁵⁹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁶⁰ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁶¹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

8. The Witness declares that he was told by **DUCH** that after the liberation of Phnom Penh by the Khmer Rouge, the Witness should become a prison chief there.¹⁴⁶² Shortly after, **DUCH** changed his mind and informed the Witness of his new duty to work the rice fields near Amleang.¹⁴⁶³

IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

9. The Witness provides evidence that prisoners were detained in small huts and also in three-metre deep pits in the ground.¹⁴⁶⁴ He saw five to six small huts containing 100-200 shackled prisoners.¹⁴⁶⁵ New prisoners arrived every day, and came from both nearby and distant communes.¹⁴⁶⁶ The Witness provides evidence that more than 10,000 prisoners died at M-13, many from hunger.¹⁴⁶⁷ The Witness provides evidence that at M-13, the prisoners were mostly civilians, male and female.¹⁴⁶⁸ Sometimes the Witness saw all the family members, including children and grandchildren.¹⁴⁶⁹ Most of the prisoners were accused of spying on the Khmer Rouge for Lon Nol.¹⁴⁷⁰
10. The Witness provides evidence that **DUCH** told villagers that if a small conflict occurred, “just have the disputed people educated in the village; solve the problem at the village level; do not send them to Office M-13, because Office M-13 is a life and death site, where there is no [judicial] prosecution and no one can escape.”¹⁴⁷¹

ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

11. The Witness provides evidence that when he arrived at M-13, he was ankle-cuffed and tied up, while his companions were tied with hammock cords.¹⁴⁷² They were placed in a hut for three days.¹⁴⁷³ The Witness saw five or six small huts at M-13, containing 100 to 200

¹⁴⁶² UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁶³ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁶⁴ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195531-00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁶⁵ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁶⁶ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁶⁷ This figure is from the French translation “*plus de dix milles morts*”, at ERN 00195537, which appears more realistic than that given in the English translation of “several hundred thousand of people [sic]”: UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁶⁸ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁶⁹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁷⁰ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁷¹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁷² UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195531, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁷³ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195531, ERN 00195530-00195534, Document D78/2, (ENG).

prisoners, most of whom were ankle-cuffed.¹⁴⁷⁴ After the three days, the Witness was unshackled and told to dig prison holes and bury dead bodies.¹⁴⁷⁵ He worked on this for seven months.¹⁴⁷⁶ The number of graves was countless.¹⁴⁷⁷ Each day about twenty to thirty prisoners were buried. At least five to six prisoners died a day.¹⁴⁷⁸

12. At night, the Witness slept in the hole, on the soil with no mat.¹⁴⁷⁹ The prisoners who were there longer had “rotten wounds.”¹⁴⁸⁰ Prisoners were fed “one paddle of porridge” twice a day.¹⁴⁸¹ Many died of hunger; one day about ten to twenty people died of hunger; the Witness provides evidence that the reason why prisoners were given insufficient food was “to crush them all.”¹⁴⁸² The Witness believes that the prisoners were given little to eat, not because M-13 lacked rice, but because the prisoners all had “life and death conflicts [with Angkar].”¹⁴⁸³
13. The Witness provides evidence that he never saw medical staff or medicines at M-13 when prisoners were sick.¹⁴⁸⁴

INTERROGATION

14. The Witness provides evidence that at M-13, he saw one prisoner taken to interrogation chained by his neck and legs.¹⁴⁸⁵ When the prisoner was brought back from interrogation, he fell down and died.¹⁴⁸⁶ Some prisoners, while being interrogated, were immersed in Chrab pond near M-13.¹⁴⁸⁷ One day, the Witness saw a man from his village taken out for

¹⁴⁷⁴ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195531-00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁷⁵ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁷⁶ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁷⁷ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁷⁸ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁷⁹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁸⁰ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁸¹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁸² UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁸³ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁸⁴ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁸⁵ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁸⁶ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁸⁷ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

interrogation.¹⁴⁸⁸ When he returned, there were wounds on his body and his face was unrecognizable.¹⁴⁸⁹ When this man attempted to run away, the guards shot him to death.¹⁴⁹⁰

TORTURE & INHUMANE TREATMENT

15. The Witness provides evidence that on one occasion, he saw **DUCH** whipping a prisoner and laughing when the beating was continued by a guard, with the prisoner convulsed with pain on the ground.¹⁴⁹¹
16. The Witness provides evidence that he saw a guard at M-13 beat a man and woman.¹⁴⁹² The guard used a hoe to hit them on their necks.¹⁴⁹³ When the woman did not die immediately, the guard buried her alive.¹⁴⁹⁴
17. The Witness provides evidence that he saw various types of punishments being used on prisoners at M-13.¹⁴⁹⁵ He saw pliers used to remove fingernails and pins and bamboo trunks used to pierce fingers.¹⁴⁹⁶ He saw prisoners with their hands tied and their ankles cuffed immersed in the Chrab pond.¹⁴⁹⁷

EXTERMINATION, MURDER & WILFUL KILLING

18. The Witness provides evidence that **DUCH** declared that M-13 was “a life and death site, where there is no [judicial] prosecution and no one can escape.”¹⁴⁹⁸ The Witness provides evidence that more than 10,000 prisoners died at M-13.¹⁴⁹⁹ Many died of hunger; one day about ten to twenty people died of hunger; the Witness provides evidence that the reason

¹⁴⁸⁸ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁸⁹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹⁰ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹¹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹² UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹³ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹⁴ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹⁵ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹⁶ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹⁷ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹⁸ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁴⁹⁹ This figure is from the French translation “*plus de dix milles morts*”, at ERN 00195537, which appears more realistic than that given in the English translation of “several hundred thousand of people [sic]”: UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

why prisoners were given insufficient food was “to crush them all.”¹⁵⁰⁰ His own work including burying dead bodies.¹⁵⁰¹ The Witness provides evidence that he saw CHAN shoot prisoners to death, and believed that if DUCH had not ordered these killings it would not have happened.¹⁵⁰²

PRIOR STATEMENTS

19. The Witness has given one prior statement to the Co-Prosecutors’ knowledge :

- (1) UCH Sorn, OCIJ Statement dated 28 March 2008, D78/2, ERN 00195530-00195534 (ENG).

OTHER RELEVANT DOCUMENTS

20. The Witness will refer to relevant documents at trial.

¹⁵⁰⁰ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁵⁰¹ UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195532, ERN 00195530-00195534, Document D78/2, (ENG).

¹⁵⁰² UCH Sorn, ECCC-OCIJ Statement dated 28 March 2008, at ERN 00195533, ERN 00195530-00195534, Document D78/2, (ENG).