



Challenges to Witness's Credibility Continue

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Prak Khan, a former interrogator at Tuol Sleng prison (S-21), returned to the witness stand today and continued to provide details about the operations of the prison, which was run by the Accused Person, Kaing Guek Eav (alias Duch).

The Co-Prosecutors seemed to recognize that the witness's credibility may have been damaged by inconsistent statements given the day before. They used their time to clarify details of Prak's testimony. Co-Prosecutor Tan Senarong began by introducing a map of S-21 and asking the witness to show the court specific locations mentioned yesterday, including where interrogations took place, where blood was drawn from prisoners, and where he saw a baby executed by a superior officer. At one point, Co-Prosecutor William Smith introduced a series of film clips from the documentary "S-21: The Khmer Rouge Killing Machine", which highlighted an interview Prak Khan had given previously about his experiences at S-21. To help direct the witness's testimony, Smith played each clip and then asked Prak if his past statements were accurate. This tactic proved beneficial, as the prosecution was able to develop a more consistent understanding of Prak's testimony. However, it seemed unclear whether Prak actually remembered the events he testified to or whether he was confirming the statements to avoid appearing untruthful.

After the Co-Prosecutors finished, Civil Party Lawyers began a line of questioning that attempted to portray Duch as a leader who maintained absolute control over the actions of his subordinates. In response to their questions, Prak discussed how he was only allowed access to the dining hall, prison, and interrogation rooms at S-21 because of Duch's strict rules limiting the staff to the areas where they worked. Prak also said that, in the three days prior to the Vietnamese entering Phnom Penh in January 1979, the interrogators did not receive any orders from Duch and therefore spent their days "sitting around doing nothing".

However, Civil Party Lawyer Martine Jacquin may have undermined the prosecution's efforts when she chose to use her time with the witness to question Duch instead. When asked about Prak's statements, Duch attacked the witness, saying that some of the details were "fabricated". President Nil Nonn then stepped in and warned Duch not to "pressure the witness" and to "behave properly".

In the second half of the day's proceedings, the defense counsel sought to diminish the witness's credibility by attacking Prak's basis of knowledge concerning his testimony. In response to questions from Defense Council Francois Roux, the witness admitted that some of the details in his testimony came from watching previous

witnesses testify at Duch's trial. Additionally, Prak admitted that he had been hospitalized from 1978 until the Vietnamese liberation in 1979, and, therefore had not personally witnessed anything at S-21 during that time.

The defense used the remainder of its time to refute the notion that S-21 staff strictly adhered to Duch's orders. Roux introduced another S-21 interrogator's notes from one of Duch's training sessions that stated interrogators should rely on "political pressure" first and only use torture as a secondary measure. Roux then contrasted this with statements made by the witness that indicated torture was the primary method of interrogation used by the staff. In response, the witness confirmed that Duch in fact had instructed guards to rely first on "political pressure" and propaganda.

Procedural Dispute Interrupts the Trial Chamber

When the defense concluded, the court introduced the next witness, former S-21 prison guard Kork Sras. In response to questions from President Nil Nonn and Judge Thou Mony, Kork briefly outlined his experiences during the Khmer Rouge period. Kork explained that he first joined the revolution in 1973 as a member of Division 12. After the Khmer Rouge took control of Phnom Penh, he was moved to Ta Kamao prison and later transferred to S-21 to work as a guard.

Kork's testimony, however, was suspended when Co-Prosecutor William Smith and Civil Party Lawyer Silke Studzinsky both made requests to the court concerning the procedures for questioning witnesses. Smith addressed the issue of whether parties to the court could question the accused in the middle of questioning a witness and argued that such procedures allow for the accused to intimidate and undermine the witness. Smith's request was in response to the decision allowing Civil Party Lawyer Martine Jacquin to question Duch in the middle of Prak Khan's testimony earlier in the day. Smith requested that the court alter their procedures to prevent such practices in the future. In response, the defense argued the prosecution was "afraid of an interactive dialogue".

After the prosecution's request, Studzinsky addressed the limited time allotted to civil parties for questioning and requested that the civil parties be able to submit any questions they are unable to ask a witness to the judges, who could then consider whether such questions should be put to the witness. The defense strongly objected, with Roux accusing Studzinsky of attempting to circumvent the judges' decision to limit the civil parties' time.

The court agreed to consider both requests and issue decisions on Monday, July 27, 2009.