

ANNEXURE A

A. SUMMARY OF WITNESS' ACCOUNTS

Chan Voeun

The 56-year-old villager Mr. Chan Voeun, previously known as by his pseudonym KW-31, was the first witness to appear before the Chamber this week. Chan Voeun claimed to be former staff of M-13. He testified on the detention conditions, interrogation methods, and executions at M-13, as well as Duch's character.

A large part of the witness' testimony did not correspond to Duch's statements about the events. Specifically, the witness testified that he personally saw Duch interrogating and torturing detainees, applying torture techniques including the burning of a female detainee's breasts with a torch, which the Accused had previously denied.¹ He also claimed to have seen Duch personally shooting (and executing) detainees on three separate occasions. When confronted with this testimony, Duch firmly denied those allegations and maintained his previous statements. He was visibly irritated by the testimony, which he called "a mixture of facts and fiction", and declared that "I can't accept this testimony". According to Duch, Chan Voeun was neither a staff nor detainee in M-13. Duch stated that "I met Chan Voeun only in this Court."

Notably, Chan Voeun showed inconsistencies in his own testimony, and there were also discrepancies between his testimony today and his statements made before the Co-Investigation Judges. Both Duch and the Chamber noticed this. Duch tried to point them out when giving the chance to comment on the witness' testimony. While reminding Duch that he was not supposed to do so at that particular point, the Chamber later openly asserted that there were inconsistencies. To verify the testimony, the Chamber ordered Chan Voeun's statements in the investigation stage to be read out, and asked the witness to either confirm or modify his previous statement whenever there was any discrepancy.

By questioning the witness with factual details, Prosecuting Attorney Alex Bates tried to demonstrate that the witness was indeed a staff at M-13, and that he personally saw the events happen. On the other hand, Roux mainly questioned the contested incidents, casting further doubts on the credibility of the witness and the veracity of his testimony.

Chan Khorn

Mr. Chan Khorn, a former guard at M-13, was the last witness to testify about M-13. In an apparently more comfortable manner than the previous day, he continued his testimony upon questioning by the Chamber and the parties on Tuesday. The witness, who was 13 or 14 years old at the time, addressed the flooding at M-13 in 1973. He stated that most prisoners had been saved, but four or five of them had drowned. This contradicted Duch's previous claims that no prisoners died during this flood.

With regards to the detainees' population composition, Chan Khorn initially said that there had not been any children in M-13. However, upon Judge Lavergne's confronting him with his statement before the OCIJ, he conceded that there were some.

The witness furthermore expounded upon his recruitment to M-13 and the end of his service there. Chan Khorn described how initially he had been told by the village chief to be a soldier; but instead was sent to work as a guard at M-13 in late 1973 or early 1974. He seemed to assert this was intentional, because he did not like the job and because his grandfather, who had served as a former military official in Sihanouk's army, was imprisoned at M-13. Duch then sent Khorn to work in the rice fields with other guards and prisoners at Oudong.

Upon a request to confirm the recruitment process by the Prosecution, the Accused corroborated the witness' account; he would select amongst the youth in the surrounding "base villages" whom he considered as fulfilling the criteria he had set. He then submitted this list to his superiors and they would pass the order of recruitment through the existing hierarchy to the local authority. Through further questioning the Accused conceded that the villagers did not have many choices at their disposal: any youth under 18 could only become either members of militias or office staff. With regards to the support of the "base villages" to the Khmer Rouge, Duch said the policy of smashing shifted from spies to villagers considered as "capitalists" in 1973. This eroded support from nearby villages for the revolution.

The witness also testified to the medical care at M-13. He described staff as "having not much knowledge on medicine" and noted medical provisions were scarce. Thus, although treatment was to be provided for ill guards and prisoners alike, many prisoners died because of lack of health care. The witness also noted that prisoners were not treated for injuries due to interrogation - which affirmed Duch's earlier statement that prisoners were to be kept alive only to enable further interrogation.

Chan Khorn's testimony before the Court, albeit different from his statement before the OCIJ, supported to a certain extent Duch's assertions that he never committed killings himself. (Chan Khorn stated that he had never seen Duch shooting or executing prisoners). As other witnesses before him, he described Duch as very strict, always acted according to the party's principle and the superiors' orders. Chan Khorn also mentioned that during his time at M-13, he himself was very frightened of the revolution's orders: in response to a question from Francois Roux he made it clear that he 'had no choice, but to work at M-13, or he would lose his life'.

B. DUCH'S TESTIMONY ON THE ESTABLISHMENT OF S-21

On Wednesday afternoon, the Chamber announced the end of discussion on M13 and the start of the proceedings on the first substantive topic of the trial, namely the establishment of S21 and Ta Khmouv Prison.

The President summoned Duch to the dock to begin the questioning of the Accused on S-21. Duch started by explaining the period after his service at M-13 ended, starting from 24 April 1975. At that time, he, along with four other people from M-13 were invited to attend training by the Party in Phnom Penh. The training lasted for half a month and subsequently, upon Son Sen's order, he stayed at Phnom Penh Train Station. According to the Accused Person, Phnom Penh train station was designated for cadres awaiting assignment orders from Pol Pot. Duch stated that prior to his assignment, Nat, the Supervisor of Ta Khmouv Prison, brought him to visit the 'Security Center'. In September or October, Duch claimed that Nat brought him to a villa on Street 431 and told him to receive prisoners from Ta Khmouv to be interrogated. This, he claimed, was the start of S-21. Thus, Ta Khmouv was called the principal prison and S-21 was an interrogation center. Prisoners at the Ta Khmouv prison were transferred to S-21 to be interrogated and smashed.

Initial Assignment. Initially Duch was assigned as the Deputy Chairman of S-21, with Nat as the Chairman. However, in March 1976 Nat left the position and he was promoted by Son Sen into chairmanship of the Interrogation Center.

S-21 Ordered By Son Sen. Duch asserted that S-21's establishment was ordered by Son Sen, at the time the seventh highest person in the Party. The letter S stood for preserving peace/security (Santebal) and the number 21 was his "communication number". The closure of Ta Khmouv, according to Duch, was upon order by Son Sen, who stated that the location was 'demanded by the Social Affairs Division'. After ordering his subordinate, Hor, to clean the place from the bones buried there, he and Nat organized Ponhea Yat High School as the new prison. Duch explained that S-21 was under the control of Son Sen and later, Nuon Chea, during the time Son Sen was in the frontline. The purpose of S-21 was to 'imprison, to torture, and to "smash"' the prisoners. As previously stated by the Accused Person, the term 'smash' is an euphemism for 'kill'.

Location of S-21. During its existence, S-21 moved between a number of locations: first it was on the corner of Street 163 and 360 (Location 'A' on a map used during court proceedings). Then it moved to PJ (*Police Giudiciare*) prison, by Nat. Duch claimed he was never consulted with the decision regarding the premises, but he deduced that the re-positioning was because it was difficult to manage the prisoners and interrogation at Location A since it was a residential building. The Security Center returned to Location A, according to Duch because the Superiors determined it to be done. In March 1976 he was appointed as the Chairman of S-21 and shortly after, Duch requested to his Superior to allow the relocation of the Center to Ponhea Yat High School, with the same reasoning he had deduced as Nat's when he first had moved it to PJ. His request was granted.

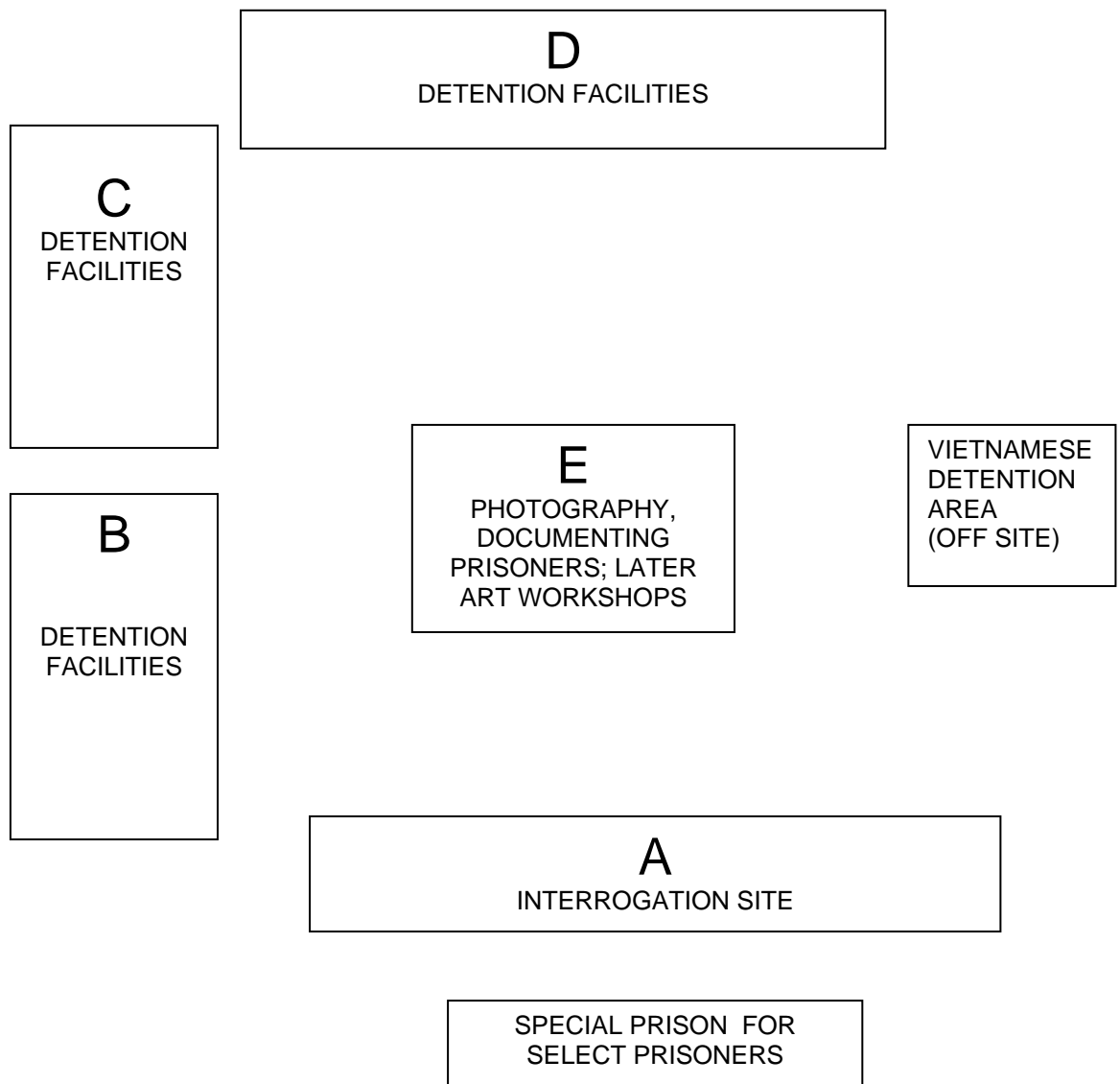
Duch arranged the utilization of the buildings in the Ponhea Yat High School complex as well as the surrounding area. He explained that there were five buildings there, marked A-E in the map displayed in the courtroom. Building A, was utilized as the interrogation site, while B, C, D were assigned as the detention facilities, and E was the designated place for taking the photograph of the detainees and making list of documents as well as archiving. Later on, it was further designation for painting and sculpting workshops. Duch explained that aside from the High School complex, the adjacent Tuol Suay Prei Elementary School was also utilized as a workshop. Building A was not the only interrogation site however. Duch also pointed out that there was a specific place assigned for the interrogation of key persons to the South of Building A and another one for Vietnamese detainees at the East of the complex. Most notably, Duch claimed that although he had ordered the construction of individual cells in the buildings assigned for detention purposes, he had never entered them before his visit to S-21 as arranged by the OCIJ during the investigative phase. A diagram showing the positioning of buildings A-E is included as Part C below.

Staff at S-21. With regards to the composition of S-21 staff, Duch explained that the composition of S-21 staff was a mixture between his former staff from M-13 and Nat's from Ta Khmouv Prison (Division 703) as well as from the Secret Police. The staff was arranged in accordance to a certain structure, which Duch claimed was designed by Nat, and upon his promotion, he did not change it. He conceded however that when he was the Chairman he drew the organizational chart as can be found in the Case file. Thus he retained the units such as the Production Unit and the Interrogation Unit, which Nat had established during his chairmanship. The accused claimed that he was more focused on the Interrogation Unit.

In further elaboration on the structure and division of tasks at S21, Duch explained that he had assigned Comrade Hor to be in charge of the daily management of S21, and that Nun Huy was tasked to be in charge of the establishment of Prey Sar, as well as re-education. He described his own duty as, firstly, to annotate the confessions gathered from people who were tortured (cross-checking them to other confessions) before reporting to his Superiors. Secondly, which he described as his 'most criminal' duty, he was to train and educate interrogators, ensuring that "they dare to torture and interrogate although they hated it".

Structure of Interrogation. Specifically on interrogation, Duch expounded upon the staff structure for the purpose. He described 'Hor' as the person who was in charge of interrogation, although there were two staff, Pon and Mom Nai, who were assigned for interrogating specific types of detainees. Pon was to exclusively in charge of interrogating key prisoners, and Mom Nai Vietnamese POWs. For other detainees, interrogation was undertaken by 4 teams, each headed by a lead interrogator. The first three teams were the 'cold' team, 'hot' team, and 'chewing' team. The fourth team was added to the structure after a male interrogator sexually abused a female detainee. This team consisted of 4 women, who were the wives of the cadres, and were assigned solely to interview women detainees.

C. DIAGRAM OF S-21 BUILDINGS (NOT DRAWN TO SCALE)



D. TIME MANAGEMENT TABLE

The following table shows the number of hours in session this week. Most notably, on Wednesday, the Chamber took an extended lunch break, and thus the hearing continued without any afternoon break. On Thursday, the hearing started 30 minutes late and ended at 12.15PM in order to give the Chamber time to resolve a number of pending decisions.

DAY/ DATE:	START:	MORN. BREAK:	LUNCH:	AFT. BREAK:	RECESS:	TOTAL HOURS IN SESSION
MON. 20/04/09	09.10AM	10.34 – 11.00AM	12.11 – 13.40PM	14.43 – 15.05PM	16.30PM	4 HOURS 57 MIN
Tuesday 21/04/09	09.06AM	10.30- 10.55AM	12.05- 13.35PM	14.45 - 15.15PM	16.20PM	4 HOURS 49 MIN
Wed 22/04/09	09.10AM	10.48 – 11.35AM	12.15 – 14.00PM	No	16.15PM	4 HOURS 33 MIN
THUR 23/04/09	09.30AM	10.45 – 11.07AM			12.20PM	2 HOURS 28 MIN
AVERAGE NUMBER OF HOURS IN SESSION:						4 HOURS, 20 MINS
TOTAL NUMBER OF HOURS THIS WEEK:						16 HOURS, 47 MINS
TOTAL NUMBER OF HOURS, DAYS AND WEEKS AT TRIAL						48 HOURS over 11 TRIAL DAYS over 3 TRIAL WEEKS