

WEEK 11: ANNEXURE A

SUMMARY OF WITNESS TESTIMONY

Vann Nath

On Monday morning, the Chamber summoned Mr. Vann Nath, a 63-year-old painter who currently resides in Mitaphcap Quarter. Mr Vann Nath, whose survival may be ascribed to Duch's decision to "keep [him] for use temporarily," declared it an "honour" to testify before the Chamber. He added that his primary motivation for providing testimony was to ensure that the younger generation of Cambodians would "avoid [repeat]ing such a historical event."

Accused of being a "traitor of Angkar and the revolution," Mr Vann Nath appeared to choke with emotion as he unveiled the circumstances of his arrest on 30 December 1977. He briefly recounted the period prior to his imprisonment at S-21, when he had been temporarily detained at Kandal Pagoda – a prison which operated under the aegis of the Northwest Zone. There, his inability to unmask his allegedly "traitorous networks" had occasioned the repeated administration of electric shocks to his body.

Mr Vann Nath's testimony illuminated the detention conditions at S-21, which he unequivocally described as being "so inhumane." Recalling his detention in one of the "common rooms" of Building D,ⁱ Mr Nath detailed the dehumanization of his fellow inmates. He testified that detainees were shackled, totally or partially stripped upon arrival, and routinely faced meagre food rations and unsanitary living conditions.ⁱⁱ Notably, his account largely coincided with Duch's earlier testimony in this regard. However, he did acknowledge that his plight was alleviated when Duch recognized his skills as a painter, and tasked him with painting images of "Brother Number One."ⁱⁱⁱ Additionally, Mr Nath attested that "internal regulations" imposed at S-21 were aimed at inducing unquestioning obedience and reverence for authority amongst detainees.

In the course of his testimony, Mr Nath was confronted with a selection of his artwork, which depicts the range of torture techniques that were putatively employed at S-21. In particular, his paintings depict the infliction of *strappado*, water boarding, mock drowning, electrocution and severe beatings^{iv} of detainees. Mr Nath's portrayal of a detainee whose fingernails were being ripped off elicited a noticeable reaction from the public gallery.^v Although he had personally evaded torture at S-21, Mr Nath stated that he gleaned information about these practices from S-21 personnel, victims of torture and an incident he had personally witnessed during his detention.^{vi}

When presented with the opportunity to question the witness, International Co-Prosecutor Robert Petit attempted to impugn Duch's previous assertion that interrogations took place out of earshot.^{vii} Questions posed by Civil Party Lawyer for Group 2, Mr Kong Pisey, were of a similar vein. However, these attempts appeared to be partially successful, at best. For his part, National Defense lawyer Kar Savuth attempted to underscore Duch's alleged disassociation from the daily operations of S-21; he successfully elicited Mr Nath's affirmation that he had never witnessed Duch interrogating, or ordering the infliction of a specific torture method on any detainee.

Chum Mei

On Tuesday, the Chamber invited 79-year-old Mr Chum Mei, the second survivor of S-21, to recount his experiences as a detainee at the security center. Mr Mei, who currently resides in the Cheng Men Chay Quarter, is also a civil party to the proceedings. Recalling the period prior to his arrest and imprisonment, Mr Mei revealed that he had been enlisted as a mechanic for the Khmer Rouge from 1975 to 1977.

However, following his designation as a member of the “CIA and KGB network,” he had been arrested and sent to S-21 on 28 October 1978. Mr Mei recounted how he had been subjected to recurring acts of brutality for 12 consecutive days and nights, in an attempt to extract a confession of his allegedly counterrevolutionary activities. Although he maintained that he was entirely ignorant about the operations of both the CIA and KGB, the possibility of his innocence was apparently foreclosed. Recalling how he “trembl[ed] in pain” as both his toenails were removed, Mr Mei revealed the “severe damage” occasioned to his toes. He further detailed the beatings and electrocution^{viii} he was compelled to endure until he had doled out names of his alleged co-conspirators. Although he himself had been tortured, Mr Mei acknowledged that he had never witnessed Duch, or any other member of the S-21 staff, inflicting torture on other detainees.

Having been detained in an “individual cell” for the duration of his interrogation, Mr Mei provided valuable insight into the unremittingly harsh conditions that prevailed in those cells. He revealed that the detainees were forced to sleep on the floor of a ‘2m x 1m’ cell, which was invariably guarded and kept “constantly dark.” He further testified that any communication with other detainees was strictly proscribed. Mr Mei affirmed that he had been transferred to the “common room” upon the completion of his interrogation. Significantly, his testimony pertaining to detention conditions in the “common room[s]” largely corroborated Vann Nath’s testimony.^{ix} Reinforcing the dehumanization of detainees at S-21, he repeatedly stated that he was “treated more like an animal” than a human being. Deploying words such as “horrible” and “painful” to describe his detention, Mr Mei added that “derogatory remarks” were systematically directed at him.

However, Mr Mei averred that he was “no longer mistreated” following his appointment as a mechanic at S-21, although he was compelled to work “non-stop.” Overtly alluding to his awareness that S-21 was steeped in violence, he recalled hearing “screams [and] cries” from his workshop, which was apparently located some distance to the west of the main interrogation building.

Revisiting his painful experiences patently invoked strong emotions within Mr Mei, who broke down at various points during his testimony. For example, when asked about the repercussions of his traumatic experience, he sobbed as he described himself as a “mentally ill person now.” He explained that the recollection and articulation of his trauma systematically triggers memories of his 5 family members who perished during the reign of the Khmer Rouge. He also revealed that his late wife had been one of the pregnant women detained at Prey Sar, and was forced to deliver the baby during her detention at the re-education camp.^x He succinctly summarized his life during the regime as being the “most suffering period in [his] entire life, [when he had] no rights, no freedoms.”

Bo Meng

Wednesday's proceedings centered on the testimony of 68-year-old Mr Bo Meng, another survivor of S-21 who currently resides in Kandal Province. Having established his status as a Civil Party to the proceedings, Mr Meng unambiguously acknowledged that his "memory was not in great shape" as a result of the "serious torture" inflicted on him at S-21.^{xi} Recounting his experiences prior to his arrest, Mr Meng stated that Angkar had assigned him to work at the Rusey Keo Technical School for one year. Pursuant to the arrest of his superior, he was sent to perform "hard labor" at a reeducation site in Kandal Province.

Like Chum Mei, Mr Meng was arrested in mid-1977 for his alleged membership in the CIA.^{xii} His testimony on the detention conditions in the "common room" of Building C generally mirrors the evidence given by Chum Mai and Vann Nath.^{xiii} Echoing previous testimony on the dehumanization of detainees, Mr Meng recalled how detainees were mocked during their "baths," which consisted of spraying detainees with a hose "like cattle." Notably, Mr Meng was also detained in an individual cell upon the commencement of his interrogation process. However, his testimony was devoid of details pertaining to conditions in those individual cells. In accord with Vann Nath's testimony, Mr Meng affirmed that his situation improved when he was chosen to be a painter towards the end of 1977.^{xiv}

Describing the scope of his suffering as "incalculable," Mr Meng wept as he recalled the names of his interrogators and the manner in which he was repeatedly beaten. Due to his inability to identify the individuals who had supposedly initiated his membership in the CIA, Mr Meng underwent "several weeks or months" of interrogation, which commenced 4-5 months after his entry into S-21. Despite repeated denials of the accusations leveled at him, he explained how "5 interrogators took turns beating [him] up" with a rattan stick or whip until the blood "flow[ed] from his back." He also recalled one occasion when he had been electrocuted near his genitals, which occasioned a loss of consciousness.

When questioned about his alleged torture after his designation as a "painter," Bo Meng expressed his inability to recall the occurrence of such an incident. His response embodied one of two instances when his recollection of events was markedly divergent from Vann Nath's account.^{xv} Pertinently, Mr Meng's testimony also appeared to delineate Duch's potentially sadistic streak. Although he categorically stated that Duch did not personally "beat him," he recollected an incident where Duch had ordered him to exchange blows with a sculptor for no particular reason.

Although he never bore witness to the torture of other detainees, Mr Meng revealed that he "heard screams of people crying for help all around the compound." Although he initially averred that Duch had personally ordered the repeated "kicking" of a Vietnamese detainee, he later conceded that his memory of the incident was vague; he admitted that he "could not see the person being kicked and beaten," and that he "[did not] know who had ordered it." This response represented yet another instance where his recollection of events differed from that of Mr Vann Nath.

Enumerating the wrongs visited on him and his late wife by KR cadre, Mr Meng testified that the infliction of prolonged and severe beatings at S-21 has left permanent scars on his shoulder and "everywhere on his back." According to Mr Meng, he has also "lost all [his teeth]," "look[s] older than [his] age," and suffers from an impaired sense of sight and

hearing. When queried on the fate of his late wife, he declared that he was clueless about the circumstances of her death, because he had not seen her since the day he entered the “common room” of Building C.

Testimony of Former Child Detainee – Nong Chan Phal

On Thursday, a former child detainee was called to present evidence before the Chamber. Mr Chan Phal, who is currently 39 years old, was allegedly detained at S-21 from 1978 until the collapse of the regime. Given the passage of time and his age at the material time, Mr Chan Phal’s recollection of several aspects of his detention was vague.^{xvi} Like the 3 other survivors who had testified previously, Mr Chan Phal broke down and wept on several occasions during the course of his testimony.

Mr Chan Phal recalled that his mother’s arrest and detention ensued several months after his father had been summoned to Phnom Penh.^{xvii} As an 8-year-old accompanying his mother and younger brother to the security office, he revealed that he was “terrified” when he witnessed the ill-treatment of his mother by S-21 personnel. Mr Chan Phal became visibly distraught each time he “vivid[ly]” recalled how she was “threatened, pushed, slapped and kicked” by members of the photography unit upon her arrival.

More pertinently, the conditions faced by child detainees at S-21 clearly emerged from his testimony. Following his permanent separation from his mother,^{xviii} he testified to being quartered in a workshop behind the main buildings of the prison, along with 4 other children.^{xix} He recounted that the children were supervised by an “elder woman,” and were not compelled to work. They were regularly fed gruel twice a day. Although he was not handcuffed or shackled, his freedom of movement was restricted. He further recalled that he was afflicted with skin rashes, mosquito bites and malnutrition during the period of his detention. He also attested to the fact that he heard screams “once in a while,” although he was unable to discern precisely where the screams were emanating from.

Mr Chan Phal’s testimony also shed light on the situation at S-21 in the midst of the fall of the regime. Describing the compound as “very quiet,” he recalled stumbling upon the body of a dead man who was shackled to a bed. Notably, his testimony also encompassed details on the arrival of the Vietnamese soldiers, which immediately preceded the transportation of all 4 remaining children to the hospital.^{xx}

When afforded the opportunity to respond, Duch acknowledged that the witness had been condemned to “suffering” under the DK regime. Notably, he obliquely objected to the fact of Mr Chan Phal’s alleged detention at S-21. The Defense posited that Mr Chan Phal’s testimony pertaining to his detention was rendered questionable by the complete absence of documentary evidence to prove that his mother had been sent to S-21. In line with his previous averment that “no child was spared” at S-21, Duch conveyed his refusal to accept the witness’s assertion until the relevant documentary evidence had been tendered before. In light of Duch’s contention, the Chamber allowed a “still portion” of the contested video clips to be displayed on the screen. Mr Chan Phal was asked to view an image of two young children and he identified himself and his younger brother as the children portrayed in the image.

ⁱMr Nath testified that he had been detained on the 2nd Floor of Building D for over a month.

ⁱⁱAccording to Mr Nath, detainees were only entitled to 3 small spoonfuls of gruel twice a day. They were precluded from washing themselves, and were compelled to defecate in the same area in which they slept.

ⁱⁱⁱMr Nath explained that he was afforded “certain freedoms” as a painter; in particular, he enjoyed proper food rations and better sleeping quarters.

^{iv}Significantly, Mr Nath affirmed that the painting in question was dedicated to Mr. Bo Meng.

^vIn general, the gallery appeared to be moved by the series of graphic images that were displayed on the screen.

^{vi}Mr Nath testified that on one occasion, he witnessed a detainee (who had falsely declared he was a skilled artist), being tortured by guards. Pursuant to his testimony, it is possible to infer that the detainee’s arms were tied behind his back, and he was hung from a wooden frame. Mr Nath later depicted this image in one of his paintings.

^{vii}Nath intimated that his awareness of the routine infliction of violence at S-21 was fostered by the frequent screaming he overheard during the one year he spent at the artist’s workshop. He further stated that Duch would make “almost daily” visits to the workshop between 8-9pm. However, when asked whether Duch would have to pass by the common rooms and cells in order to visit the workshop, Nath replied that he was “not sure” and could only speculate.

^{viii} Mr May testified that he was beaten with bamboo sticks on a daily basis. He added that he was electrocuted twice, and lost unconsciousness on both occasions.

^{ix}Concurring with Mr Nath, Mr May testified that detainees were shackled, compelled to defecate in the same place that they ate/slept and deprived of the opportunity to wash themselves. He also affirmed that they were racked with hunger due to the insufficiency of the “thin gruel” they were fed.

^xMr May broke down on two other occasions during the delivering his testimony: first, when International Co-Prosecutor William Smith asked him how he felt when he was returned to his cell after enduring severe torture. Second, when questioned by his lawyer Hong Kim Suon, he shed tears as he revealed his sentiments whenever he heard the word ‘Tuol Sleng.’

^{xi}Mr Meng’s memory was manifestly hazy on a number of details pertaining to his detention. For example, he was unable to recall details of his arrival at S-21 and the registration process instituted at the security center.

^{xii} When presented with the opportunity to respond to the witness’s account, Duch explained that the terms “CIA” and “KGB” were generic descriptions of any individual who was a perceived opponent of the regime.

^{xiii}For example, Mr Meng reaffirmed that detainees were shackled to a long metal bar and given thin gruel twice a day.

^{xiv} Concurring with Vann Nath, Bo Meng revealed that he enjoyed better food rations and sleeping quarters as a painter, although he was still guarded constantly.

^{xv} Previously, Vann Nath testified that Bo Meng had been removed from the workshop for a two-week period and “tortured for his mistakes.”

^{xvi} For example, Mr Chan Phal seemed unable to recall the either the date or duration of his detention.

^{xvii} During his testimony, Mr Chan Phal was presented with a document, which he identified as his father’s biography. This fact, coupled with Duch’s acknowledgement that the document had emerged from S-21, gives rise to the presumption that his father was detained and killed at S-21.

^{xviii} He stated that the first night of his detention was spent with his mother and younger brother in a large room on the second floor of Building C. However, he stated that he and his younger brother were separated from their mother the next day.

^{xix} He revealed that one of those children was his 4-year-old brother. Alluding to the ages of the other child prisoners, Mr Chan Phal could only recall that one of them was a 3-year-old girl, whilst the other was a baby who was still being breastfed.

^{xx} Mr Chan Phal explained that after the abandonment of the security office, one of the children had died of starvation.