



The Trial Chamber Hears From Two Witnesses And Sees A Key Shift In Procedures

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Kork Sras, a former prison guard at Tuol Sleng prison (S-21), appeared before the court again today to share his experiences as a subordinate of the Accused Person, Kaing Guek Eav (alias Duch).

Visitors Demonstrate A Strong Reaction To Witness's Testimony

As various parties questioned Kork, visitors in the public seating area were reminded of the difficulties associated with trying crimes that had occurred over three decades ago. When asked to give details concerning prison operations and the treatment of detainees, Kork insisted that his memory was not clear enough to offer the court any reliable testimony. Members of the audience vocalized their skepticism with murmurs of distrust on several occasions as Kork claimed he did not even remember major details, such as the name of his supervisor at S-21 and whether he helped bury a group of men after watching them be executed.

Aggravating the public audience further, Kork denied knowledge of some of the most horrific details that have been thoroughly documented by the court. For instance, Kork said that he never saw any women or children detainees, never saw any detainee groups removed from the prison, and never heard about executions taking place at Choeng Ek. After each denial, a noticeable groan was heard from the audience.

Judge Lavergne seemed to share the public's skepticism, taking a moment to remind the witness of his duty to tell the truth. Lavergne then asked whether Kork was afraid of anything, indicating a suspicion that Kork was not being forthcoming due to a fear of prosecution or because he felt intimidated by Duch's presence. Kork denied having any fear of testifying truthfully and reiterated the fact that his memory had simply faded.

The Civil Parties Change Their Questioning Procedures

Taking a hiatus from hearing testimony, the court addressed two separate requests made by the Co-Prosecution and Civil Party Lawyer Silke Studzinsky on Wednesday, July 22, 2009. On that day, Co-Prosecutor William Smith requested that the court disallow parties from putting questions to the Accused Person in the middle of a witness's time on the stand. Studzinsky, due to her concerns with the 15-minute time limit for questioning previously imposed on civil parties, requested that civil parties

be able to submit to the judges the questions they are unable to ask witnesses. The judges then can decide whether such questions should be asked. The court denied both requests, offering little explanation for rejecting Smith's request, but clearly rejecting Studzinsky's on the grounds that accepting it would lead to undesirable inefficiencies.

Despite the denial of both requests, the court still saw a noticeable change in procedures from the Civil Party Lawyers, who voluntarily began working as a single group during their questioning period. Previously, each group would ask witnesses their own questions, which often led to overlapping or repetitive questions. Today, the civil parties compiled all of their questions into one list and used a single lawyer to put those questions to the witness. This practice allowed the civil parties to combine their time and use it in a more efficient way. Additionally, it should help combat criticisms that the civil parties often cause unnecessary procedural delays.

The Court Introduces Its Next Witness

During the latter part of the day, the court introduced the next witness, Mr. Sous Thy, age 58. After joining the revolution as a militia fighter in 1971 and working in various military units for a couple years, Sous was assigned to work as a prison guard at S-21 in 1974. While there, Sous was responsible for keeping lists of incoming and outgoing prisoners, documenting prisoner biographies, and managing cell assignments. Sous stayed at S-21 until he heard the gunfire and tanks of approaching Vietnamese forces on January 7, 1979.

In contrast to Kork's seemingly evasive testimony, Sous appeared very forthcoming with his recollections of S-21 operations. Responding to questions from President Nil Nonn, Sous gave a detailed explanation of the process for handling incoming and outgoing prisoners at S-21.

When prisoners first arrived, Sous recorded their name, composed a brief biography of each person, and then assigned them to one of the empty cells. Afterwards, he sent the prisoners to the photography room, where they had a picture taken for recordkeeping purposes. The prisoners then were blindfolded, had their hands tied together, and were taken to their cells. When asked whether children's names and biographies were recorded, Sous said no, explaining that children usually arrived with their parents and were executed shortly after the parents were put into a cell.

When interrogations were to be carried out, Sous testified that a list of prisoner names first would be delivered to him so he could look up each prisoner and note his or her location in the prison. This list was then given to guards to retrieve the prisoner.

Lastly, when prisoners were to be taken out of the prison for execution, Sous again would receive a list of names, record prisoner locations, and give that list to the guards who removed the prisoners from their cells. Prisoners were then brought outside near the exit gate of S-21. There, Sous would check once more to ensure that each prisoner on the execution list was accounted for before the prisoners were loaded on a truck and taken to Choeng Ek to be killed.

After President Nil Nonn finished questioning the witness, the court adjourned for the day. Sous will continue testifying tomorrow, July 28, 2009.