



## **The Right against Self-Incrimination: a Confusing Protection**

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Sek Dan, former child medic at S-21, and Lach Mean, former prison guard and interrogator at S-21, appeared as witnesses before the tribunal today in the trial of prison chief Kaing Guek Eav (alias Duch) .

### **Sek Dan: The Figures Speak for Themselves**

Sek Dan, a 48-year-old peasant farmer, had a rocky start this morning when he struggled to comprehend his right against self-incrimination and his obligation to speak truthfully to the tribunal. After a second reading of the rights and obligations, Mr. Sek remained visibly confused but the tribunal pushed forward with his testimony. This crucial misunderstanding resurfaced later in the testimony.

Sek testified that in 1978 he was taken to S-21 when he was 11 years old to work as a child medic, delivering medical supplies to prisoners and staff. When the Vietnamese arrived Sek managed to escape with other child medics. Although he did not know Duch well, Sek had seen the accused occasionally from afar. When asked about other supervisors of S-21, Sek testified that he knew of no others.

Given Sek's experience as a medic at S-21, the judges seized the opportunity to investigate the health conditions of the S-21 prisoners. Sek described missing fingernails, torn ears, lesions and sores on the backs, legs and arms of prisoners. Although multiple medications were administered, Rabbit Pellet medicine was most widely used. The content of the Rabbit Pellet medicine remains unclear. Sek testified that prisoners were medicated merely to sustain them for further interrogation.

Sek did not witness torture himself but deduced that the prisoners' interrogation wounds were likely linked to the screaming he heard at the prison. Although he did not witness any medical experiments, Sek conceded that he was very young at the time and may have been unaware of such practices if they occurred.

According to Sek, the medics were not immune to the fear that permeated S-21. Medics who made errors were accused of being enemies and arrested. Sek said that Duch ordered these arrests. At least one medic hanged himself at S-21.

In response to Sek's testimony, Duch reminded the court of his math expertise and astutely highlighted the discrepancy in Sek's testimony: if Sek is now 48 years old, he must have been born in 1961 and therefore he must have been 17 years old when he arrived at S-21 in 1978, not 11 years old as he claimed. Duch highlighted other, less prominent, sources of doubt in Sek's testimony.

In response to the age discrepancy, defense attorney Roux noted, "the figures speak for themselves." However, neither the court nor attorneys for the parties asked if Sek was innumerate during his time at S-21. This would have been an important clarification in light of Sek's admitted illiteracy during his time at S-21 and his conceded current trouble with calculating numbers.

### **Sek Dan's Right against Self-Incrimination**

Defense attorney Roux hit a stumbling block when Sek refused to answer some of his questions. Roux insisted that although Sek may refuse to answer self-incriminating questions, he should not refuse to answer innocuous questions.

The President supported Roux on this matter and reminded Sek that although he can "decline to answer any questions that [he] believe[s] would incriminate [him]" he is obligated to tell the truth. However, it became unclear, as the President and Roux urged Sek to answer questions, whether Sek's right against self-incrimination applied to questions *the court* finds self-incriminating, or to questions that *Sek himself* deems self-incriminating. In any case, the witness' counsel explained that Sek has very poor memory and was merely refusing to answer questions that appeared too complicated.

### **Lach Mean: Interrogator, not Torturer**

After lunch, the tribunal resumed proceedings with the testimony of Lach Mean. Mr. Lach is a 52-year-old farmer. Lach spent time working at the PJ prison and subsequently worked as an internal guard and interrogator at S-21. Mr. Lach described truckloads of Vietnamese prisoners he saw brought to S-21 and blankets that were used to cover arrested S-21 staff-turned-prisoners.

Toward the end of his time at S-21, Lach was taught interrogation techniques. He learned by watching other interrogators and denied that written materials were used to guide interrogators. Interrogators were grouped into categories based on prisoner status: important prisoners, foreigners, female cadres and Westerners. Lach testified that ordinary interrogators were not permitted to use torture and physical violence against prisoners and he never witnessed torture being inflicted at S-21.

Lach also claimed that Duch never ordered him to torture, but Duch did contact him directly by telephone in response to an "incomplete" interrogation. Lach later testified that electricity was used to shock prisoners.

Among other issues, Duch expressed suspicion about Lach's work as an S-21 interrogator because Duch claims that he would not have hired interrogators who were not under his direct supervision.

Lach's testimony continues on Tuesday, August 4.