



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS - KAING GUEK EAV "DUCH"**

**PUBLIC**

Case File N° 001/18-07-2007-ECCC/TC

27 May 2009, 918H

Trial Day 22

Before the Judges:

NIL Nonn, Presiding  
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THOU Mony  
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KAING Guek Eav

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INDEX

WITNESSES

WITNESS: CRAIG ETCHESON

Questioning by Mr. Bates resumes ..... page 54

Questioning by Mr. Hong Kimsuon commences ..... page 57

Questioning by Mr. Kim Mengkhy commences ..... page 67

Questioning by Mr. Kong Pisey commences ..... page 75

Questioning by Ms. Studzinsky commences ..... page 85

Questioning by Ms. Ty Srinna commences ..... page 93

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BATES	English
JUDGE CARTWRIGHT	English
CRAIG ETCHESON, WITNESS	English
MR. HONG KIMSUON	Khmer
MR. KIM MENGKHY	Khmer
MR. KONG PISEY	Khmer
JUDGE LAVERGNE	French
MS. RABESANDRATANA	French
MR. ROUX	French
MS. SE KOLVUTHY	Khmer
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. TY SRINNA	Khmer
MR. WERNER	English

1

1 P R O C E E D I N G S

2 (Judges enter courtroom)

3 [09.10.34]

4 MR. PRESIDENT:

5 The Court is now in session.

6 First, the Trial Chamber would like to enquire to the accused  
7 whether he would wish to make any comments concerning the nine  
8 documents raised by the Co-Prosecutors concerning the testimony  
9 of the expert.

10 THE ACCUSED:

11 Mr. President, these documents I have already seen and I already  
12 stated in front of the Co-Investigating Judges, as recorded in  
13 the record of the interview on the 7th of April 2008. I still  
14 maintain the positions as reported to the Co-Investigating  
15 Judges. However, if the President notes that you need  
16 clarification from me, I am pleased to respect your order.

17 MR. PRESIDENT:

18 Mr. Co-Prosecutor, would you like to make any comments regarding  
19 what the accused has mentioned concerning the nine documents you  
20 intend to be put before the Court while we are hearing the  
21 testimony of Mr. Craig Etcheson?

22 MR. BATES:

23 Thank you, Mr. President. Not comments, but the Co-Prosecutors  
24 do have a list of questions that they would wish to put to the  
25 accused.

2

1 If the Trial Chamber considers that now is an appropriate time,  
2 we will of course do so. Or if the Trial Chamber considers at a  
3 later date, we will also abide by that ruling.

4 [09.13.31]

5 MR. PRESIDENT:

6 The Chamber allows the Co-Prosecutors to put questions to the  
7 accused concerning the nine documents as related to the testimony  
8 of Craig Etcheson now, if you would wish to do so.

9 MR. BATES:

10 Yes, thank you, Your Honour.

11 Could we first ask the accused to confirm that he sent S-21  
12 confessions to Sou Met upon the request of Sou Met?

13 THE ACCUSED:

14 The texts in the letters were requested by Sou Met, it is true;  
15 the contents of the letters. However, in my statements before  
16 the Co-Investigating Judges, which based on the truth, whatever  
17 happened it had to be done through my superior, and in the  
18 Democratic Kampuchea regime, which was the absolute regime --  
19 authoritarian regime -- and everything was clear, based on the  
20 organizational line, and we could not evade from that.

21 And I reported to the Co-Investigating Judges, I made it clear by  
22 giving another example regarding the second confession of Mom  
23 Voeun, alias Mony, from Division 290. This confession was  
24 forwarded to my superior, Son Sen, and he noted in red by saying  
25 that to be copied to Tal and Nat to examine. So I never did

3

1 anything beyond the knowledge of my superior, for fear that I  
2 would be punished. So this is my statement here also.

3 MR. BATES:

4 Can you also confirm that Sou Met requested you to tell him  
5 whether particular prisoners at S-21 had provided thorough and  
6 precise answers? And I'm referring in particular to the document  
7 on the 10th of August of 1977 which has a reference number D64,  
8 ERN 00002078 in Khmer and 00224319 in English, and 00238846 in  
9 French.

10 THE ACCUSED:

11 My statement before the Co-Investigating Judges, I used the  
12 document of the 10th of August '77 as an evidence to prove my  
13 statement.

14 [09.18.13]

15 I stated at that time, like following; all was done through Son  
16 Sen or Nuon Chea at a later date. This was just an example of a  
17 tactic used by Son Sen and Nuon Chea to hide their names. This  
18 letter was made to be seen as -- to be sent to me.

19 Son Sen asked Sou Met to write like that but this letter was sent  
20 to me by Son Sen and I sent the confession to Son Sen too. The  
21 evidence revealed in the last phrase in the letter dated the 10th  
22 of August 1977 ERN 0002078 with the following readings.

23 I send the information to Sou Met through Angkar. So I would  
24 like to confirm that the letters you raised were the letters I  
25 cited to prove before the Co-Investigating Judges on the 2nd of

4

1 April 2008.

2 MR. BATES:

3 I'm afraid that wasn't an answer to my question. I'll repeat my  
4 question. Can you confirm that Sou Met requested you to tell him  
5 whether a particular prisoner, in fact the name is A Sa Um A-S A  
6 U-M had provided "Thorough and precise answers"? Can you confirm  
7 that that is what Sou Met requested you -- requested of you?

8 THE ACCUSED:

9 In the letter dated 10 August '77 toward the answer Sou Met  
10 wrote, whether the confession of A Sa Um clear or we need to  
11 further examine the confession of Sem. That was written by Sou  
12 Met.

13 [09.21.20]

14 This matter has passed for so many years and if the Co-Prosecutor  
15 would like a clarification I think it is better if we read the  
16 confession of A Sa Um together with Sem and examine all together  
17 or I would like to take a time to read and examine these two  
18 confessions before I can provide clarification.

19 But in general cases I can't inform you that this letter written  
20 by Sou Met, he wrote it before his superior, so if they had any  
21 issue Sou Met would discuss with a superior and later on the  
22 superior ask me and gave me the letter with instructions. That  
23 was the general situation.

24 However, if you want to examine the details of the confessions of  
25 A Sa Um or Sem we have to examine the two confessions together,

5

1 then I would provide a better clarification. I cannot recall in  
2 which unit A Sa Um was attached to.

3 MR. BATES:

4 We do not need to read the confession of A Sa Um for you to  
5 respond to my question, Mr. Kaing Guek Eav, which is simple. Do  
6 you confirm that this letter from Sou Met requested you to inform  
7 him whether this particular prisoner had provided thorough and  
8 precise answers, just his question? Can you confirm that is what  
9 he asked you?

10 THE ACCUSED:

11 He asked me on this matter and at that time I was not sure  
12 whether I answered his question through my superior or not, I  
13 cannot recall. If I responded, I and Sou Met never met  
14 face-to-face, it had to go through the superior. Therefore, I  
15 cannot recall.

16 [09.24.04]

17 However, the general situation is everything had to go through  
18 the superior.

19 MR. BATES:

20 In general, when Sou Met requested you to provide information to  
21 him, whether prisoners confessed, whether there are strings of  
22 traitors implicated in the confessions, did you respond to him?

23 THE ACCUSED:

24 I did not have any direct connection with Sou Met, neither the  
25 telephone nor the rights to have direct communication with him.



6

1 The messenger, my messenger never went through the messenger's  
2 office of Sou Met and for the telephone, if I had to dial it had  
3 to go through the central office at the General Staff and that  
4 was under the supervision of my superior.

5 So, neither through telephone nor through letter, nor any other  
6 means; it had to go through my superior.

7 MR. BATES:

8 I understand that what you're telling us is that Sou Met's  
9 letters went first through Son Sen before they got to you, and  
10 that you're telling us that your responses went first through Son  
11 Sen before they got to Sou Met.

12 My question is; you actually communicated via Son Sen with Sou  
13 Met; you responded to his questions; isn't that correct?

14 THE ACCUSED:

15 It had to go through the superior. No one dare to have any  
16 horizontal communication regarding the Party's matter or the  
17 state's matters at the time otherwise both would be killed.

18 MR. BATES:

19 I understand what you're telling us, but let me be more specific.  
20 On the letter of the 10th of August 1977 Sou Met asks you whether  
21 a particular prisoner had provided clear and precise answers, a  
22 full confession. I understand that you say that went through Son  
23 Sen. But the response to that question, can you confirm, was  
24 provided from your knowledge and not Son Sen's or anyone else's  
25 knowledge; the responses came from you. Can you confirm that?

7

1 THE ACCUSED:

2 Mr. Co-Prosecutor, I can hardly understand your question. Can  
3 you rephrase your question?

4 MR. BATES:

5 When Sou Met asked you a question, the information to respond to  
6 that question was provided by you, it was not provided by Son  
7 Sen. That's what I'm asking you to confirm.

8 [9.28.53]

9 THE ACCUSED:

10 Thank you. It is true that Son Sen was my overall superior. He  
11 was also the superior of Sou Met. But for the detail I knew so I  
12 had to report to him -- that is to Son Sen.

13 As I informed the Co-Prosecutors and the Chamber and the  
14 Co-Investigating Judges earlier, my superior and myself met  
15 through the telephone, for example, let's say every evening. So  
16 there was no things that the superior did not know. We met  
17 through this telephone every evening. He asked me on everything  
18 and I reported to him on every matter. So if my superior grasps  
19 the situation then he would inform Sou Met for what he needed.  
20 That is my clarification. I reported every matter to my  
21 superior.

22 MR. BATES:

23 Moving on, can you confirm that when you received requests from  
24 Sou Met there were times that you requested your subordinates,  
25 presumably your interrogators, to ask questions? You gave

8

1 instructions to your subordinates based on the requests made by  
2 Sou Met?

3 And perhaps if you'd like to refer to the 3rd of October  
4 document, which has a reference number at D/56, in Khmer,  
5 00175362; in English, 00223921; and in French, 00195957.  
6 I'll repeat the question. Simply, can you confirm that upon Sou  
7 Met's request you ordered your subordinates to carry out  
8 particular interrogations?

9 [9.31.47]

10 THE ACCUSED:

11 Mr. Co-Prosecutor, for the urgent matter I would instruct them to  
12 interrogate immediately based on the required situation as  
13 instructed by the superior.

14 I would like to inform that the context written by Sou Met was a  
15 representation of the instructions by the superior. It's always  
16 under the level of Sou Met but it is the superior's instruction.  
17 If Mr. President or the Co-Prosecutor want me to clarify in what  
18 ways on this matter that I and Son Sen paid close attention to  
19 this 502, then I would provide further details.

20 MR. BATES:

21 Can you confirm that Sou Met also refers in these letters to  
22 lists of traitors? And I'm specifically referring to the letter  
23 on the 30th of May 1977, which is D57, Khmer, 00002416; in  
24 English, 00178066; and in French, 00242288.  
25 Can you confirm, Mr. Kaing Guek Eav, that Sou Met refers to lists

9

1 of traitors?

2 [9.33.54]

3 THE ACCUSED:

4 In general when it is written it means it was sent. And the  
5 number of people, as I notice here, there were 29 of them; the  
6 origin was from Division 310 and 450; so they were sent.

7 MR. BATES:

8 Do I understand it correctly that these lists of traitors  
9 compiled by Sou Met had been compiled after you had sent him  
10 confessions of other Division 502 enemies -- S-21 confessions  
11 that is?

12 THE ACCUSED:

13 That is correct. I would like to clarify that the confessions  
14 from S-21 were not handed directly to Sou Met but they were  
15 delivered to my superior and then my superior gave to Sou Met and  
16 Sou Met would -- selected some of the names from those from  
17 Division 502 ,who were originally from 310 and 450, based on the  
18 decisions of the superior. So it had to go through the superior.  
19 So the middle part means is the superior.

20 MR. BATES:

21 We presume that the nine documents that are the only ones known  
22 to the Co-Prosecutors from Sou Met to yourself were not the only  
23 times that Sou Met contacted you because in the letter that we've  
24 just looked at, Sou Met refers to a list of traitors he describes  
25 having sent to you on an earlier occasion, the 25th of March

10

1 1977.

2 Can I ask how many times a week, in general, you would receive  
3 communications from Son Sen, when they started, and when they  
4 finished in time? Sorry, I meant Sou Met; I correct myself.

5 THE ACCUSED:

6 On the matter of Sou Met and myself, I would like to inform the  
7 President that there was no regular regime of working together.  
8 And as for my superior and myself, we met every evening -- almost  
9 every evening by telephone. Two or three days -- in two or three  
10 days, he would call me to see him. That was my communication  
11 with my superior.

12 And as for Sou Met, how many times or how many days or by  
13 telephone that the superior met Sou Met; that was their matter,  
14 but the instructions I received from Sou Met regarding this  
15 Division 502, I received the order from my superior even if the  
16 letters were sent or written by Sou Met. I would like to, again,  
17 confirm on this particular matter. Both of us did not have any  
18 direct or horizontal communication at all regarding this Party  
19 matter.

20 [09.39.01]

21 MR. BATES:

22 I follow your repeated assertions that communications went  
23 through Son Sen. You've made that very clear. My question is;  
24 how frequently did you receive such letters from Sou Met? At  
25 what point in time did such letters start; was it in 1975, 1976?

11

1 And how long did they go on to; was it in 1978 or the beginning  
2 of 1979? How frequently did Sou Met write these letters to you?

3 THE ACCUSED:

4 This question is easy to understand.

5 The letter sent to me from the Co-Investigating Office started  
6 from the 1st of April 1977, and it ended on the 4th of October  
7 the same year.

8 The other letters from previous time, I am not quite sure whether  
9 we had them or not; however, on the 4th of October 1977  
10 concerning that letter, I can describe a little bit. I already  
11 stated before the Co-Investigating Judges that my superior, Son  
12 Sen, departed from me on the 15th of August 1977. He went to the  
13 front, but to fill in Uncle Nuon came to supervise me, and I  
14 thought that he was already departing from the Santebal's  
15 affairs.

16 However, the remaining documents, the confessions of Long Muy  
17 alias Chuon -- I noticed that his work still remain until 1977  
18 although he left me and while Nuon Chea -- Uncle Nuon took over  
19 from him. I think that was the last letter to me sent by Sou Met  
20 through Son Sen and Uncle Nuon, and later on, the upper echelons  
21 were reshuffled, and I do not know much about that reshuffle. So  
22 the letter I receives ranks from the 1st of August 1977 until  
23 October 1977, the 4th of October.

24 [09.42.32]

25 MR. BATES:

12

1 I'm afraid that doesn't really answer my question. Let me see if  
2 I can put it more simply.  
3 We only have nine surviving documents from Sou Met to yourself.  
4 The earliest we have is the 1st of April 1977. Question one; did  
5 you have any written communications from Sou Met before the 1st  
6 of April 1977?

7 THE ACCUSED:

8 I already stated just now that I am not quite sure of that. I  
9 don't know whether the letter existed or not, but the remaining  
10 letters that we can recall were started from the 1st of April  
11 1977.

12 [10.43.39]

13 MR. BATES:

14 As you've told us already several times, Son Sen went to the  
15 battlefield on the 15th of August 1977. Can you confirm that two  
16 of the surviving letters are dated after that period, namely the  
17 3rd of October '77 and the 4th of October '77?

18 MR. ROUX:

19 Mr President, I thought we had already said that there would not  
20 be any repetitive questions. My colleague is asking three times  
21 the same question, and he's not obtaining the answer that he's  
22 expecting; okay, but my dear colleague, you cannot rewrite  
23 history in your own way. You asked him were there letter before,  
24 and he answered once, "I don't remember." He already answered  
25 that. You asked the question again, and he tells you again, "I

13

1 do not remember." However, he already explained to you that Son  
2 Sen went to the battlefield as of August 1977, and despite that,  
3 Son Sen continued following a few cases after August '77. He  
4 already answered you so I don't believe that you completely  
5 understood that he knows more things, and in this case, he's a  
6 better Co-Prosecutor against himself than you can be. So please,  
7 listen to him; he knows much more than you might expect.

8 MR. BATES:

9 I'm extremely grateful to Maître Roux's advice, and his kind  
10 words of encouragement. I will move on.  
11 The question I was about to put is this; the two letters, after  
12 Son Sen departed to the battlefield, from Sou Met to yourself  
13 dated the 3rd of October and the 4th of October; is it your  
14 evidence, Mr. Kaing Guek Eav, that these two documents also went  
15 through Son Sen?

16 [09.46.38]

17 THE ACCUSED:

18 I already described earlier that my superior, Son Sen, departed  
19 to the battlefield. He went back and forth, or he departed from  
20 me as of the 15 of August '77. However if you look at the  
21 confession of Long Muy, alias Chuon, I noted my superior's  
22 signature on the confession on the 11 of September 1977. So my  
23 superior was still in control of that situation. And during the  
24 investigation phase, I reported to the Co-Investigating Judges  
25 that my superior contacted me through telephone from Neak Leung



14

1 once every fortnight or once every month, so my superior did not  
2 depart from me and left me alone. So he never lost contact with  
3 me.

4 [09.48.09]

5 And Uncle Nuon who came to supervise me later, any letters  
6 approved Son Sen then would be sent to me and through Nuon Chea  
7 also and through Comrade Chuy. And the two messengers regularly  
8 or very often visited my house. So both of us, I, Kang Guek Eav,  
9 and Sou Met had nothing to communicate in a more horizontal line.  
10 So the letter dated on the 3rd of October and the 4th of October  
11 were sent through the organizational line, and it was, they were  
12 sent to Son Sen and Nuon Chea before they reached me.

13 MR. BATES:

14 I want to turn to the explanation you gave to the  
15 Co-Investigating judges, and which you repeat before the Trial  
16 Chamber, and there's a particular sentence that interests us.  
17 You say that Son Sen had asked Sou Met to draft the letters which  
18 Sou Met sent to you; is that what you still maintain, today?

19 THE ACCUSED:

20 I would like your leave to read these phrases in Khmer in the  
21 record of the interview dated on the 2nd of April 2008, and I  
22 would like it to be translated again here.  
23 It is not true, everything had to go through Son Sen, or Nuon  
24 Chea at a later date. Actually, this is an example of the  
25 tactics employed by Son Sen and Nuon Chea to conceal their names.

15

1 This -- these letters reveals that they were -- like, they were  
2 sent to me because Son Sen told Sou Met to write like that. But  
3 the letters were sent to me by Son Sen, and I had to send a  
4 confession to Son Sen too. So this is what I can repeat.

5 [09.51.15]

6 And I still confirm and maintain my statements as I made before  
7 the Co-Investigating Judges and I never attempt to change it.

8 MR. PRESIDENT:

9 The floor is yours, Judge Lavergne.

10 JUDGE LAVERGNE:

11 Just for the purpose of the records of the proceedings, could you  
12 please give us the exact references of what you mentioned: that  
13 is to say the index of the questioning and the ERN number,  
14 please, of the page?

15 THE ACCUSED:

16 Your Honour, the ERN -- D/68, assuming the code is D/68 with ERN  
17 in French 00195945 through 00195948; in English, 00178058 through  
18 00178070.

19 MR. ROUX:

20 Maybe you could give us -- we could also give you the page number  
21 if that's helpful. So we'll give you the page number. I'll let  
22 you -- in French, the page number is, the ERN of the page that  
23 was read out is 00195947. It is page 3 of the French version of  
24 the document indexed at D/68.

25 MR. ROUX:

16

1 And just so that we fully understand, Mr. Kaing Guek Eav, you are  
2 not suggesting that Sou Met's letters were dictated by Son Sen?  
3 Have I understood that correctly?

4 THE ACCUSED:

5 Regarding this matter, they were together with each other before  
6 they called me in to liaise with the Santebal works. I think it  
7 was not like dictating, like we did as pupils; Son Sen gave him  
8 the idea and then he wrote it. And I would like to also present  
9 to you, Your Honours another piece of evidence.

10 [09.55.44]

11 If you compare the letters sent by Sou Met to me on the first of  
12 June 1977, there were two letters sent at that day. The first  
13 letter was typed, the second letter was written by hand. Why  
14 there were two letters written at the same -- in the same day?  
15 So this would be a question. I would like to explain based on my  
16 understanding. At the previous time, normally Sou Met letters  
17 would be typed in his office, but later on when there was another  
18 problem, then the superior asked Sou Met to write another letter.  
19 At 2.30 I sent Heng. So there was an order, there was a decision  
20 and there was instruction to write such letter. Sometimes two  
21 letters would be written in a day.

22 [09.57.12]

23 MR. BATES:

24 From the combined prisoner list and the analysis recently  
25 conducted, it appears that there were at least 299 people

17

1 arrested from Division 502 and sent to S-21.

2 So that I can understand, do you say that for each of these 299  
3 prisoners Son Sen personally investigated the traitorous links  
4 and the reasons why they should be sent to S-21, or do you say  
5 that he simply approved your and Sou Met's decision?

6 THE ACCUSED:

7 How works were carried out in the Communist Party of Kampuchea  
8 regarding the arrest and detention, I would like to recall the  
9 practical things we had done.

10 The confessions I gave to Son Sen were read and considered by  
11 him. It is my organizational line, based on what I had to abide  
12 by the meeting of the Standing Committee on the 9th of October.

13 So when I sent the documents to them Son Sen examined them, then  
14 asked Sou Met to come and work with him to see which were to be  
15 selected, and then they worked together.

16 So the base for such arrests was Division 502 and the person who  
17 had the power to make such decisions was Son Sen, and people who  
18 could make such arrests was Sou Met. In that meeting they only  
19 discussed the implications and the names who were implicated in  
20 such a confession.

21 I hope this is what I can recall how things were carried out  
22 during the regime.

23 [10.00.15]

24 MR. BATES:

25 Let's look at one last document that, on the face of it, implies

18

1 that Sou Met was taking the initiative. I'm referring to the 2nd  
2 of June 1977 letter to which we have already just alluded to, and  
3 this document number is D/64. 00002423 in Khmer, 00002409 in  
4 English, and 00238845. And I wonder if we can have this document  
5 displayed on the AV, Mr. President, and we can highlight the  
6 particular passage in which we are interested? If it please, the  
7 President could direct the AV to switch the screens to the front  
8 bench of the Co-Prosecutors.

9 MR. PRESIDENT:

10 It is granted.

11 The IT unit, can you link the screens to the laptop of the  
12 Co-Prosecutor in order to put on the screen this particular  
13 document requested by the Co-Prosecutor?

14 MR. BATES:

15 Mr. President, we have highlighted in the red box the entire  
16 portion of the text. In fact the piece of text that we're  
17 concerned with is on the lower half of that box, but because  
18 neither my colleague nor myself read Khmer we're not sure which  
19 bit we start at. If you'll allow me a moment, I can consult with  
20 my national colleague.

21 Thank you, Mr. President, we've clarified it and, if it pleases,  
22 the Greffier can be invited to read the text in the box.

23 [10.03.19]

24 MR. PRESIDENT:

25 Ms. Se Kolvuthy, can you read the Khmer text in the red box?

19

1 THE GREFFIER:

2 "This name was not yet implicated or confessed by the enemy.

3 However, the activities by this person, based on my examination,  
4 the person is an enemy because this named use to live in the  
5 division office for a while."

6 MR. BATES:

7 Thank you, Mr. President. If you could invite the AV to switch  
8 back to the normal screen?

9 MR. PRESIDENT:

10 The audio-visual section, can you switch the screen to normal  
11 view?

12 MR. BATES:

13 My question is this; the passage just read out would suggest that  
14 Sou Met had made the decision that the person that he had  
15 examined was an enemy, even though there had been no confession  
16 implicating him. Can you confirm that that was the way in which  
17 Sou Met and yourself operated?

18 THE ACCUSED:

19 Mr. President, in the case of Kip Voek, as written by Sou Met,  
20 it's still the same matter. That is, the decision was made by  
21 the superior. In this case there was a report by Sou Met as  
22 allowed by the superior to provide clear biography to me in order  
23 for me to conduct my work.

24 This person, Kip Voek, was not yet implicated by anyone.

25 However, this person used to play music with Thach Saly. Thach

20

1 Saly was a musician at the time, and I used to hear his name,  
2 Thach Saly. And later on the person came to live with Sam On at  
3 801 and he was an element which was entrusted, from what I knew,  
4 and he was freely and could not be grasped.  
5 So the first that he was free within the unit. Then Sou Met had  
6 to report it to the superior whether Kip Voek was arrested or  
7 not. In this letter it implies that Kip Voek was already  
8 arrested and the superior wanted Sou Met to write this report so  
9 that it's clear for me in order to facilitate my interrogation.  
10 This is based on my analysis of this report.  
11 MR. BATES:  
12 But that is not what the letter says, Mr. Kaing Guek Eav. The  
13 letter says that "I, Sou Met, personally examined this prisoner  
14 and decided that he was an enemy." My question is, can you  
15 confirm that that is the method that Sou Met and yourself  
16 adopted?  
17 [10.07.36]  
18 THE ACCUSED:  
19 I have informed the Co-Prosecutor, Mr. President, whatever work  
20 we had done I and Sou Met did not direct -- did not have any  
21 direct contact. And on the case of the arrest of this person, it  
22 was not Sou Met himself alone, it had to be decided by the  
23 superior. And the writing of this letter to me is to facilitate  
24 my work.  
25 I already informed the Co-Investigating Judges that this is the

21

1 method that Son Sen and Nuon Chea hid their names behind this  
2 method. That was the practice that we had done at the time; that  
3 is the superiors always hid their names.

4 MR. BATES:

5 Mr. President, thank you.

6 The Co-Prosecutors have no further questions on these documents.

7 MR. PRESIDENT:

8 Judge Lavergne the floor is yours.

9 JUDGE LAVERGNE:

10 I do not know whether this is an issue with the interpretation,  
11 however, I should like to have some clarifications.

12 The accused said this morning that he had received a number of  
13 letters from this Mr. Sou Met who was a secretary or leader of a  
14 division in which several purges were carried out. I heard the  
15 accused explain that these letters -- that in regard to these  
16 letters he did not challenge their having been written by Sou Met  
17 but that, in fact, they only reflected the instructions of  
18 superiors.

19 I also heard the accused say that in some way it was a front, it  
20 was a means for the said-superiors to conceal themselves so that  
21 they would not be seen as those who give the orders actually.

22 But I must admit that I don't quite understand. I do not  
23 understand why such subterfuge was used. From whom was it  
24 intended to hide this, the real identity of these people? Was it  
25 from you?



22

1 [10.10.32]

2 It seems to me that you received confessions that were directly  
3 annotated by your superiors. So your superiors did write to you  
4 on occasion. So I don't quite see the purpose of this  
5 subterfuge, if subterfuge there was.

6 What was the purpose of this secrecy?

7 THE ACCUSED:

8 Your Honour, the modus operandi that we adopted was that we  
9 rarely revealed the names of the superiors.

10 I would like to give a short example. The notation that I did  
11 was that, "To respected brother," without mentioning any name.  
12 When Son Sen wrote to Pol Pot it was in the same way, "To  
13 brother." Therefore we strived to conceal the names of our  
14 superiors and the superiors themselves wanted to conceal their  
15 names.

16 [10.12.37]

17 For example, the usefulness of this is that when the superior  
18 called me to work he talks about the situation at 502. And here  
19 is a letter from Sou Met to you, comrade, and he wants you to  
20 assist him. When he said so it had influence on me rather than  
21 have a direct order on me. It is clear in that way so that the  
22 superior wanted to have a direct order on me and he just asked me  
23 to assist him as per request. This is the usefulness that I saw.

24 JUDGE LAVERGNE:

25 So there is a wish to remain hidden, but hidden from whom? Not

23

1 from you, one shouldn't think, because you're the recipient, the  
2 sole recipient of these letters, aren't you?

3 Do you think that some people who gave orders feared that they  
4 might -- this might entail responsibility at a later stage and  
5 that they were seeking to avoid such responsibility?

6 Why the secrecy? What was the exact reason for it?

7 THE ACCUSED:

8 There are two main issues here. First, on the matter of Sou Met,  
9 who was ordered by my superior to write to me, it was for me to  
10 assist Sou Met with further instructions from my superior. If  
11 the superior called me and to order me directly that means to  
12 show my respect to my superior, but that method he used it means  
13 he asked me to assist Sou Met. That was the form the superior  
14 adopted.

15 [10.15.57]

16 And regarding my annotation on the reports of the confessions of  
17 the victims who were detained there, I dare not to write the  
18 superior's name. I only wrote "To respected brother;" that's the  
19 form that I used. That was to show my respect not to reveal the  
20 superior's name.

21 I myself, dare not to reveal the name of Son Sen. I dare not to  
22 reveal the name of Nuon Chea. And Son Sen himself - they are not  
23 to reveal the name of Pol Pot.

24 As for Nuon Chea, sometimes it has to mention the name of Nuon  
25 Chea. At first myself be used inside the Party at the time.

24

1 Therefore, once to show respect, second to conceal their names so  
2 that seems to give well due to the instructions that they gave to  
3 me.

4 [10.18.38]

5 JUDGE LAVERGNE:

6 So we have a method of operation. I put questions with regards  
7 to the reasons. I do not wish to repeat my question, so we will  
8 leave it at that.

9 MR. ROUX:

10 Mr. President, I suggest that such questions be put to the expert  
11 as well. It is hoped that the expert would be able to shed light  
12 on these practices in Democratic Kampuchea in regard to this  
13 mania for secrecy. I would be interested to hear the expert's  
14 views on that.

15 MR. PRESIDENT:

16 Regarding the nine documents raised by the Co-Prosecutor, the  
17 accused was already asked questions. The Chamber would like to  
18 inquire the civil party lawyers whether they would wish to put  
19 any questions regarding those documents.

20 MR. WERNER:

21 Alain Werner; good morning. For our group, no questions.  
22 Thank you.

23 MS. STUDZINSKY:

24 Thank you. Good morning. Mr. President. Thank you.

25 Yes, I have questions to the accused.

25

1 I will start with the last issue; that names of your superiors  
2 were not mentioned in letters. My question is, did the same  
3 policy apply for, I call it, the second line? For example, your  
4 position, Chairman of S-21 or Secretary of Divisions; did the  
5 same policy to hide names apply for those?

6 THE ACCUSED:

7 My subordinates who wrote to me normally they only mentioned me  
8 as "Brother" except a few persons, for example, Comrade Pon who  
9 wrote to me and he used to do that; he addressed me as Brother  
10 Duch. Brother Mam Nai also did not change his way of writing to  
11 me as Comrade Duch.

12 [10.22.29]

13 Hor called me or addressed me as Brother of the West, and when  
14 they wrote to Hor then they called him Brother Hor. But I did  
15 not receive several letters as I did receive from Son Sen. I got  
16 more letters from Comrade Pon and Brother Nai -- a number of  
17 letters, but not from the others.

18 MS. STUDZINSKY:

19 Can you confirm that it was a general policy first to hide names  
20 and to show respect, not only concerning Nuon Chea, Son Sen, or  
21 Pol Pot? Can you confirm that it was for these reasons a general  
22 policy?

23 THE ACCUSED:

24 These were the two policies but we were not instructed to do  
25 that. They were just the policies that we followed by way of

26

1 addressing people in the units without revealing their names.

2 MS. STUDZINSKY:

3 Was there any sanction or, let's say, criticism if somebody  
4 mentioned names in contrary to this general policy?

5 THE ACCUSED:

6 In general, I'm not quite sure but at S-21 we did not use any  
7 sanction or criticism against the subordinates because they did  
8 not talk behind my back using my name. Only Pon and Brother Hor  
9 would address me by name, other subordinates would just address  
10 me by way of saying "Brother of the East," and "Brother of the  
11 West."

12 [10.25.34]

13 They were afraid of me and I was also afraid of them.

14 MS. STUDZINSKY:

15 If somebody would violate this rule in writing letters to you  
16 with your name, would you have tolerated this?

17 THE ACCUSED:

18 Mr. President, I did not receive letters from people, but if  
19 people would write that I would not have anything to punish them.  
20 I did not mind seeing the names.

21 Now I would like to give you another example. The wife of  
22 Brother Mam Nai who regarded me as a brother while the other  
23 people addressed me as the Brother of the East then she addressed  
24 me as Brother of the East although she was one year older than me  
25 but then I said "Well, it's fine because everybody addressed me

27

1 like that, so you could do that" and I did not mind.

2 MS. STUDZINSKY:

3 All these mentioned nine documents that we are discussing this  
4 morning contain, in the first line, not only to brother or  
5 comrade, they mention, in every document, your name. Not your  
6 full name at this time, of course, but Duch, every single  
7 document. Sometimes "Dear Beloved Comrade Broth Duch" or "To  
8 Comrade Brother Duch" and so on.

9 [10.27.51]

10 Could you please explain why your name, if there was such a  
11 policy, was mentioned by Sou Met in these letters?

12 THE ACCUSED:

13 Sou Met and I worked in different units. Division 502 was a unit  
14 and he was the Secretary but S-21 was another unit and I was the  
15 Secretary. In the Internal Party I was inferior than Sou Met.  
16 Sou Met was the member of the Party Centre but Sou Met was  
17 younger than me, he was -- he's five years or six years younger  
18 than me. So I believe if Sou Met wrote to Son Sen he would only  
19 mention attention to Brother or the Angkar, he would not mention  
20 his name but when he addressed me I think he respect my seniority  
21 by way of addressing my name in the letter.

22 If I wrote to him I would say "My Respected Uncle Met."

23 MS. STUDZINSKY:

24 A question on this issue; that means can I conclude there was no  
25 -- sorry -- Maître Roux was there a translation problem, or?

28

1 Last question on this issue. Would you confirm that there was no  
2 need to hide your name and to show respect to you when Sou Met  
3 was even younger than you, mentioned, in the first line of all of  
4 these letters, your name?

5 THE ACCUSED:

6 The President, the reason the names were not revealed were  
7 applied to the names of the superiors. Normally when we  
8 addressed the superior, when I wrote to my superior I did not  
9 mention his name and the way was -- the same way was applied as  
10 when Sou Met wrote to me.

11 But from -- if the letters to be written and sent to different  
12 units, then we would address the names of the concerned people in  
13 the units otherwise we would be lost in the communication. But  
14 normally whenever we wrote letters to different units then we  
15 would do according to the orders from the superiors.

16 MS. STUDZINSKY:

17 These nine letters concern, I estimate, around 50 so-called  
18 enemies. As the prosecution has submitted and from the combined  
19 -- accounted from the combined prisoner lists, there were at  
20 least 299 prisoners in total from Division 502.

21 If I estimate, in these nine letters are 50 persons discussed  
22 between you and Sou Met. My question is; was it the same  
23 procedure concerning the other 250 prisoners or -- yes, later  
24 prisoners who were sent to S-21? Was it the same policy as it is  
25 documented in these nine documents?

29

1 THE ACCUSED:

2 The arrest of former combatants and cadres from Division 502, I  
3 cannot grasp the real numbers but it would be believed that the  
4 number 290 is accurate, and procedures took place in several  
5 divisions, not necessarily applied just only to Division 502.

6 [10.34.00]

7 Normally when I grasped the situation I annotated on the letter  
8 and sent to Son Sen, my superior, who called the chief of the  
9 unit, for example, Division 502 then Sou Met would be called to  
10 sit down and decide together.  
11 This was the practice and how things would be carried out. So  
12 the decision was made in the framework of the division level and  
13 S-21 was not playing role in such a decision. To say so the role  
14 of S-21 regarding the crimes of the arrests and detention of the  
15 combatants and cadres was seen only in the tortures to extract  
16 confessions before the confession were sent to the superior but  
17 we did not play any part in decision making, and at every unit  
18 everything was -- the same thing was applied; the people who were  
19 arrested were subject to be going through such practices and  
20 based on the principle stipulated on the decision in 1976 which  
21 cannot be violated.

22 May I ask the President and Your Honours' leave why there were --  
23 to reveal why there were only letters from Sou Met from Division  
24 502 to me and not from other division?

25 If I may, I would like to say that Division 502 was the air force



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1 division. There was a -- were Chinese teachers there. Whatever  
2 happened at 502, Son Sen and Pol Pot and Sou Met would be  
3 embarrassed in the eyes of the Chinese and Son Sen would then be  
4 embarrassed if things at 502 could not be handled properly.

5 [10.36.22]

6 So everyone tried their best to find the way to mobilize me to  
7 assist at my best capacity this division. So I was compelled by  
8 my superiors initiated to ask me to liaise with this division.  
9 So everything at Division 502 was costing. For example, an  
10 airplane cost a great deal and even the gasoline used at Division  
11 502 was to be taken from the general staff, and they were  
12 expensive.

13 These people were implicated in Hu Nhim regarding Pich Lin Ton  
14 (phonetic), the pilot who flew the airplane into Thailand  
15 territory. Then there was another plane to chase him and he  
16 tried to escape, and Sou Met and Son Sen were so embarrassed in  
17 the eyes of the Chinese people. So that was the only approach.  
18 My superior, Son Sen, asked me to help make sure that our face  
19 was saved.

20 [10.38.04]

21 MS. STUDZINSKY:

22 Mr. President, it is now, I would say, at least the second time  
23 that the accused asks himself -- or puts himself -- puts question  
24 to himself and, as I understand the proceedings here, it is not  
25 his, let's say, his work or to put questions to himself. And

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1 please, therefore, I ask the President to direct the accused only  
2 to respond to questions that I put to him, and not to add own  
3 questions.

4 I will rephrase my last question. And when I asked if the other  
5 250 or estimated 250 prisoners have undergone the same procedure  
6 like it is documented by these letters, my question again is;  
7 were they as well, I call it, discussed in such letters that Sou  
8 Met addressed to you?

9 That means the question is was it the same procedure regarding  
10 these letters that we have here in nine occasions? That is my  
11 question, and please be brief.

12 THE ACCUSED:

13 Mr. President, I have already responded, and I just would like to  
14 have a brief summary.

15 The general norm which not only applies to 502, but also applies  
16 to all divisions; I was the person who provided the confessions  
17 derived from the torture interrogations to Son Sen, and the  
18 decisions to arrest any person was done by Son Sen together with  
19 the supervisor or the chief of that unit.

20 [10.41.19]

21 As for Division 502, regarding the letters of Sou Met, it was a  
22 little bit extraordinary amongst these 50 people or so. The  
23 intention of the superior was to encourage me to assist Sou Met,  
24 and I think my response is appropriate to the questions put  
25 forward to me.

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1 MR. PRESIDENT:

2 I would like to clarify the question. If I am not mistaken, the  
3 question is the arrest of people in Division 502 totalling 290,  
4 and they were sent to S-21, and you accepted this figure.

5 And the question is, those nine letters which were the responses  
6 between you and him through Son Sen related to about 50 people;  
7 the question is, amongst other people from Division 502, besides  
8 the 50 people mentioned in the letters, did Sou Met use the same  
9 form; that is via letter, to communicate with you? Is it clear?

10 Is my understanding clearly?

11 So whether the same form was used to arrest other people amongst  
12 those 290 people, except the 50 people that were mentioned in the  
13 nine letters; were the same procedures applied?

14 THE ACCUSED:

15 Mr. President, I am not sure on this particular point. If there  
16 were one or two more letters, it means we haven't found those  
17 letters.

18 [10.44.01]

19 MS. STUDZINSKY:

20 Can you tell us in which way you these letters received, these  
21 nine letters? I have understood that one way was that Son Sen  
22 gave you the letter personally from Sou Met. Can you explain if  
23 they were sent through a messenger, personally delivered by Son  
24 Sen or in which other way did you receive these letters?

25 THE ACCUSED:

33

1 Mr. President, these letters, from my recollection, were handed  
2 to me by Son Sen when he called me for instructions in the cases  
3 which were involved directly with Sou Met's letters, so they were  
4 not sent through messengers, and that was the only possibility.

5 MS. STUDZINSKY:

6 Do you find it appropriate for the break? I do not know.

7 MR. PRESIDENT:

8 Do you have more questions? Because the problem is other lawyers  
9 might also have questions and some of the questions might be more  
10 applicable to the expert, as we are reminded that now the  
11 testimony is mainly for the expert, but we would like to ask the  
12 accused, in order to clarify certain matters as we discussed  
13 yesterday, so the main purpose is to remind you that the  
14 questions shall be put to the expert. Also, the defence raised  
15 that everything to be reflected was the testimony of the expert,  
16 and if you have further questions then the Chamber will adjourn  
17 for a while.

18 And it's also time to change the disk. We only have 10 more  
19 minutes. If you can finish it before the break that will be  
20 better because then when we return, then the lawyer for Group 2  
21 would start. Do you have more questions?

22 MS. STUDZINSKY:

23 Yes, Mr. President, there are some more questions that I could  
24 not finalize before the break or within the next 10 minutes, I  
25 assume, especially because the accused does not answer directly

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1 to my questions. If not it would be very quick, but therefore I  
2 prefer to put some more questions, not a lot but some more  
3 questions concerning these nine documents, to the accused after  
4 the break then.

5 [10.48.05]

6 MR. PRESIDENT:

7 It is also appropriate now for the adjournment, and also for the  
8 change of the DVD. The Chamber is now adjourned for 20 minutes,  
9 and we will resume at five past eleven.

10 Court officer, could you assist the expert with refreshment?

11 (Judges exit courtroom)

12 (Court recesses from 1048H to 1110H)

13 (Judges enter courtroom)

14 MR. PRESIDENT:

15 Please be seated.

16 We cannot proceed yet. We have to wait for two minutes because  
17 the audiovisual unit has a slight technical problem.

18 [11.12.21]

19 MR. PRESIDENT:

20 The Chamber is now back in session.

21 Before I give the floor to the civil party lawyers, Group 2, I  
22 would like to remind all the lawyers and concerned parties that  
23 you should strive to make the questions concise and brief and  
24 easily to understand in order for the response to be precise as  
25 well.

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1 The second reminder is that the accused, which he does not  
2 directly answer the questions, that is his right. He also has  
3 the right to remain silent and this right is preserved throughout  
4 the proceedings.

5 So it is also difficult for the questions, which have to be  
6 precise, or if the questions are not precise then the answers  
7 would not be direct.

8 And as Ms. Studzinsky raised, that the accused talked about  
9 certain issues which are not the object of the questions, the  
10 Chamber discussed this particular matter and the Chamber actually  
11 allowed him to speak because I nodded to him. So this is not  
12 reflected in the transcript but I physically approved his  
13 response because it was related to the questions and it was just  
14 a further clarification to make it more precise and if the  
15 answers cannot be brief or if it was hard to understand.

16 So we all should strive in order to make these proceedings  
17 smoothly and take less time. And we have had experience so far  
18 to topple together with the issues of the translations, then we  
19 have to strive our best to reduce or to minimize the time.

20 Ms. Studzinsky, the floor is yours now. You can continue with  
21 your questions regarding the nine documents.

22 [11.15.20]

23 MS. STUDZINSKY:

24 Thank you, Mr. President.

25 Before the break I concluded that you have answered that these

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1 letters, these nine letters, were delivered personally by Son

2 Sen. Am I right?

3 THE ACCUSED:

4 Mr. President, the statement by Ms. Studzinsky is correct.

5 MS. STUDZINSKY:

6 Did you respond in writing?

7 THE ACCUSED:

8 Mr. President, I did not have direct communication with Sou Met,

9 either directly or in writing. All the issues requested by Sou

10 Met were reported through to my superior. Whatever I could do, I

11 would report it to my superior. I never had any direct

12 communication with Sou Met.

13 MS. STUDZINSKY:

14 And I rephrase: did you send letters through Son Sen but to Sou

15 Met in order to respond to the letters you have received from Sou

16 Met through Son Sen?

17 THE ACCUSED:

18 I did not respond in letters to Sou Met. I reported all the

19 matters to my superior.

20 [11.18.43]

21 MS. STUDZINSKY:

22 Was Son Sen the whole time, since he was your superior, available

23 - that means every day, at least when you reported to him? Was

24 he always available?

25 THE ACCUSED:

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1 Generally at about 4 or 5 p.m. he would call me by telephone so I  
2 had to stay at my office all the time in order to talk to him. I  
3 did not dare to go anywhere else. The times for the call were  
4 designated by him and he would initiate the call.

5 MS. STUDZINSKY:

6 Some of these documents are talking about events of the same day.  
7 For example, the document dated 30th of May - should I repeat the  
8 ERN or is it not necessary? It was already mentioned by the  
9 prosecutor.

10 MR. PRESIDENT:

11 You can bridge the reference number clearly so that this is to  
12 avoid the confusion.

13 MS. STUDZINSKY:

14 This is a document dated 30th of May 1977, attached to Document  
15 57, and in Khmer the ERN is 00002416. The ERN in English is  
16 00178066; and in French, 00242288.

17 [11.22.30]

18 In this document we find that there is an announcement or various  
19 announcements that, on the same day, already said, same night  
20 prisoners will be transferred to S-21. This is under para 2,  
21 "Tonight at 7 or 8 p.m., I will transfer four more traitors."  
22 And under para 3, "Tonight at 10 or 11 p.m., I will send more  
23 traitors."

24 My question is regarding to such a letter which you should  
25 receive, of course, before the arrival of these prisoners, how



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1 was it arranged? I take this as a case of emergency. How was it  
2 organized that you received a letter which is dated on 30th of  
3 May and in which you should be informed about the transfer of  
4 prisoners on the same day? How was it arranged that you received  
5 these letters - this letter, this specific letter - at time? How  
6 was this letter delivered or arranged that you could meet Son Sen  
7 personally and very spontaneously?

8 THE ACCUSED:

9 At the office of S-21 there was a waiting room to receive the  
10 accused when they were sent in. Whenever they were sent in, then  
11 people would be ready to wait to receive them. The special  
12 force, of course, were tasked to do that. If we look at the map  
13 of the S-21 and I noted the location as "E" and Huy was in charge  
14 of receiving those people from any unit at any time, but only  
15 when I was informed that those people would be received.

16 [11.26.18]

17 So people were sent from any division, not necessarily the  
18 Division 502. So any division could send the people and we were  
19 ready to receive them.

20 MS. STUDZINSKY:

21 Do you want to say that it was not necessary that you had  
22 received this letter, this specific letter, on the same day and  
23 before 7 or 8 p.m.?

24 Do you want to say that this is the case?

25 THE ACCUSED:

39

1 The President, my superior asked me to work with him as normal  
2 and then I asked Comrade Hor to wait to receive them. People  
3 would be sent in five times a day. Those people who were tied  
4 and shackled, and there would not be any special arrangement to  
5 receive those people, as long as we received the order from the  
6 superior. Without such order, we would not receive prisoners.

7 MS. STUDZINSKY:

8 I conclude the answer to my question is yes.

9 Was it a specific arrangement to receive prisoners from 502 at  
10 night, like we see in this document? And very late at night.

11 THE ACCUSED:

12 The prisoners who were sent, either sent during the daytime or at  
13 night, when they were already shackled then they would be sent in  
14 at any time. And only with my orders, that the guards would  
15 allow them to be in. And we could receive them at any time,  
16 night or day.

17 MS. STUDZINSKY:

18 Could I then conclude that it was not necessary to provide you  
19 with the information that on this day, two times, between 7 and 8  
20 p.m. and between 10 and 11 p.m., prisoners were sent to you.  
21 That was this information that Sou Met had provided you with was  
22 not necessary; am I right?

23 THE ACCUSED:

24 These letters arrived to me before 7 p.m. I asked people to wait  
25 to receive these people 8 p.m. and 11 p.m. and they were ready to

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1 wait for them. But why there were two times to receive them  
2 during that night, I think it was the arrangement by the Division  
3 502 and that S-21 only needed to assist them with the sending of  
4 the people in two different times like this. S-21 could or would  
5 receive prisoners at 11 p.m. or any time during the day or during  
6 the night as long as my subordinates received my order to do so.

7 [11.31.10]

8 MS STUDINSKY:

9 I note this is your statement now, it is in contradiction to what  
10 you have said before. Therefore I come back to one of my  
11 previous questions; how was it arranged and spontaneously  
12 arranged that you could receive this letter dated on the 30th of  
13 May, that you could receive it before, of course, 7 p.m.? Which  
14 would make sense, of course. How was it spontaneously arranged  
15 that you could meet Son Sen personally to receive this letter?

16 THE ACCUSED:

17 With my superior, upon his call, I would immediately approach  
18 him. It took me just five minutes to dress up and then I rode my  
19 bicycle to his place. So, whenever he called me, I would then  
20 respond to his call immediately, then maybe 20 minutes after that  
21 he would hand me the letter, and it was my superior who called me  
22 to get the letter. And then, after receiving the letter I  
23 arranged the receiving of the people who would be sent in,  
24 according to my superior's order.

25 MS. STUDZINSKY:

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1 My next question; why did Sou Met ask you to get confessions?

2 And why did he not ask Son Sen, who received the confessions?

3 Why did he ask you? Because you couldn't provide him with

4 confessions, as you explained before.

5 MR ROUX:

6 Mr. President, this is repetitive. We have been speaking about

7 this since the beginning of today's session, so what is the

8 purpose of asking this question again? I mean, he already was

9 clear about this.

10 MR PRESIDENT:

11 The objection by the defence is sustained, so the accused can

12 remain silent, not to respond to the question by the lawyer.

13 So the lawyer is advised to change the question and make sure it

14 is not repeated.

15 MS. STUDZINSKY:

16 My next question is, among these nine documents, there are only

17 three documents who have a notice and a reference to Angkar. The

18 other six documents do not mention Angkar or any other superior.

19 My question is, does it mean if Angkar is not asked for approval

20 or permission, and if it was not mentioned in the other six

21 documents, does it mean that an approval was not necessary?

22 THE ACCUSED:

23 Mr. President all the decision regarding the arrest, detention,

24 and sent to S-21. Angkar made such a decision; Angkar here was

25 Son Sen. Whether there was no mention of Angkar in the letter,

42

1 it just was the nature of how letter was addressed. And  
2 regarding how people were arrested and detained, it was all  
3 decided by Son Sen.

4 [11.37.20]

5 MS. STUDZINSKY:

6 Thank you. I have no further questions.

7 MR. PRESIDENT:

8 Civil party lawyers group 3, the floor is yours.

9 MS. RABESANDRATANA:

10 Thank you, Mr. President.

11 The accused told us earlier on that his superior, Mr. Son Sen,  
12 would call you on a regular basis between 4 p.m. and 5 p.m. every  
13 day or, in any case, very often. And what was therefore the aim  
14 of these phone conversations?

15 THE ACCUSED:

16 Your Honours, Mr. President, my superior paid attention to the  
17 confessions or the interrogations of important people that I was  
18 supposed to interrogate. This is the first agenda in our  
19 conversation.

20 The second item of the agenda was when he asked me, as always,  
21 about other people who would be also important, but not very  
22 urgent.

23 And the third agenda was about the general situation at S-21. He  
24 would like to know, for example, the division in which people  
25 were requested to be sent to S-21, whether those people were

43

1 already sent. And sometimes the conversation ended with how we

2 chit-chat to build up the intimacy between he and I.

3 This is what I can submit.

4 [11.4049]

5 MS. RABESANDRATANA:

6 Thank you very much. This is what you say was making your

7 reports, because you had to report to your superior.

8 Do you believe that in the context of these conversations, which

9 were frequent -- and phone conversations, these were -- and which

10 were informal, and which would not leave any traces as well -- do

11 you believe that your superior's decision could be formulated

12 then, and which was then afterwards transmitted to the unit

13 concerned to transfer to the secretary, Sou Met?

14 THE ACCUSED:

15 Mr. President, I cannot clearly understand the question.

16 MR. PRESIDENT:

17 Lawyer for the civil party, can you rephrase your question? The

18 accused cannot understand your question, thus he cannot respond.

19 That's number one.

20 Number two, the Chamber would like to remind all concerned

21 parties to pay particular attention on the facts which is being

22 discussed here; that is, the content of the nine documents. That

23 is the main focus for this morning's discussion.

24 [11.42.48]

25 MS. RABESANDRATANA:

44

1 I will restate my question.

2 And indeed, my question is related to the facts that you

3 mentioned, because I'm trying to understand what was the

4 decision-making process, and the accused explained to us that the

5 decision came from his superior, Mr. Son Sen, but this decision

6 didn't come from anywhere. There was something elaborated behind

7 this. Well, do you believe that the way that you would establish

8 -- the way that you would report to your superior, do you believe

9 that this could have had an influence on his decisions? Do you

10 believe that the way you formulated your reports had an influence

11 on the decisions that he made?

12 THE ACCUSED:

13 Mr. President, my report did have influence on the decisions of

14 those superiors. However, when I had a conversation with the

15 superior I was the one who responded to their questions;

16 therefore, there were his instructions from them upon me in order

17 to expedite the working process.

18 MS. RABESANDRATANA:

19 Thank you very much.

20 My last question now; Mr. Son Sen, did he trust you? Did Mr. Son

21 Sen trust you?

22 THE ACCUSED:

23 Mr. President, I would like to answer only in one word. My

24 superior seemed to trust me; seems to really trust me. That is

25 the truth.

45

1 [11.45.42]

2 MS. RABESANDRATANA:

3 I no longer have any further questions, Mr. President.

4 MR. PRESIDENT:

5 Lawyer for civil party group 4, if you have questions regarding  
6 the nine documents to be put to the accused -- if you have, the  
7 floor is yours.

8 MR. HONG KIMSUON:

9 Thank you, Mr. President.

10 I have some questions, not many, and they arise from the results  
11 of the questions raised by the Judges and the Co-Prosecutors.  
12 Regarding the questions put by the Co-Prosecutors regarding the  
13 nine documents submitted by the Co-Prosecutors for the discussion  
14 here today, I have heard Duch inform the President and the  
15 Chamber that Sou Met was responsible or that he was superior to  
16 him. Is my understanding correct?

17 THE ACCUSED:

18 Mr. President, first, Sou Met was superior than me because in the  
19 internal Party rank, Sou Met was the assistant member of the  
20 Party Centre and I was only an ordinary member. That is number  
21 one.

22 Number two, the division committee was superior than the office  
23 committee. In order for everyone to understand it easily, I  
24 would like you to examine the S-21 committee, and the committee  
25 of the S-71. The S-71 committee had a further 13 committees



46

1 underneath, but for the S-21 committee, there was only committee  
2 underneath. So in the internal Party rank, Sou Met was senior  
3 than me.

4 [11.48.23]

5 MR. HONG KIMSUON:

6 Thank you.

7 My next question is that regarding your response that your  
8 superiors were Vorn Vet and Son Sen for all letters that are the  
9 focus of today's discussion which were sent to S-21, that means  
10 to send to the Chairman of S-21, Duch. So for all these letters  
11 to S-21 to request to interrogate those people who were  
12 considered enemy, were those people who were transferred to S-21  
13 had to go through Son Sen or they had to wait for Son Sen to  
14 examine them first?

15 THE ACCUSED:

16 Mr. President, this question is very broad, so I would like to  
17 divide my responses based on the framework of each respective  
18 unit.

19 Within the framework of a centre army under the supervision of  
20 Son Sen, Son Sen made decisions. He made decisions either to  
21 arrest or not to arrest, to send to S-21 or how many to be sent  
22 to S-21, and he had to work with the respective unit chairman.  
23 So this is regarding the centre army, and he was at a general  
24 staff. He had the right and responsibility to make decisions to  
25 smash as stipulated in the document dated 30 of March 1976.

47

1 [11.50.42]

2 MR. HONG KIMSUON:

3 Thank you.

4 So this means Son Sen only made decisions based on the  
5 information that were sent to him whether to believe those  
6 information or not. Is this correct?

7 THE ACCUSED:

8 One issue is that whether the chairmen of the units submitted  
9 requests to him, based on the situation in their respective  
10 units, and whether he approved or not.  
11 And number two, when there was a document from S-21, he would  
12 examine and then he would consult with the units' chairmen  
13 whether to agree on the request or not. So it is up to them.  
14 They had the right to decide how many people were to be sent or  
15 not, and this is in regards to the centre army. And besides the  
16 centre army, he had no rights to make any decision.

17 MR. HONG KIMSUON:

18 Thank you.

19 Now the question is regarding the letters from Sou Met and, as  
20 you informed the President just then regarding Division 502 or  
21 the air force unit or whether it's a civilian aviation unit, I'm  
22 not sure -- and he was the one who policed their superior, when  
23 he received the letters from Sou Met, and it was about the  
24 letters from Sou Met with ERN in Khmer 0002423. I do not have an  
25 English version.

48

1 The Co-Prosecutor also sought permission from the President to  
2 show the document on the screen.

3 MR. PRESIDENT:

4 What is the date of that document? Because you don't give the  
5 ERN number in the foreign languages, can you state what is the  
6 date of that document? Was it on the 2nd of June '77?

7 [11.53.47]

8 MR. HONG KIMSUON:

9 That is correct.

10 I would like to read again. This letter was dated 2nd of June  
11 '77 -- so that is the 2nd of June 1977 -- to the committee of  
12 Division 502. In point 3, Kip Voek:

13 "This person was not yet implicated by any enemy, but the other  
14 activities of this person as I observed show that he was actually  
15 an enemy."

16 So I would like to ask through the President to the accused  
17 regarding the writing to respected Brother Duch that was the idea  
18 to conceal the names or the identification of the superior. And  
19 in this letter, Comrade Met or Sou Met wrote on behalf of Son Sen  
20 or as instructed by Son Sen, but in this context, the name of the  
21 person who was regarded as an enemy, and as requested by Sou Met  
22 to Son Sen, and then Son Sen sends the letter to S 21 -- that is  
23 to Comrade Duch -- and Duch just said that each respective unit  
24 had their decisions on the matter of smashing or not smashing.  
25 But the question is, so just for this particular sentence that I

49

1 just read out, what is to be done in the process of  
2 interrogations in order to satisfy your superior in response to  
3 such a request?

4 [11.56.31]

5 THE ACCUSED:

6 Mr. President, first, on the making of the decision to arrest a  
7 person, there were two ways. One, the unit would report and the  
8 superior would consider in consultation with the unit's chief,  
9 and if he agreed and if it's an urgent matter then S-21 will be  
10 instructed to take action, and if he was gentle he would order  
11 directly, but he would ask S-21 to assist. That was -- and as a  
12 result, the letter from the unit was written to the superior. So  
13 this is to facilitate and to ask me to assist in providing the  
14 responses or the confessions to the superior.

15 For such reason, and based on the context of the letter, it is  
16 not really a serious ground for the interrogation cadres to take  
17 actions, because I knew who would interrogate and who would get  
18 the result and I already determined the lines of interrogation.  
19 Because those people who were arrested by the Party, they would  
20 be considered as the enemy and then the confessions had to be  
21 sought out. So for such little information, it's not really  
22 sufficient information as a source for interrogation.

23 [11.52.22]

24 MR. HONG KIMSUON:

25 Thank you.

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1 I would like to cite a report with the ERN in Khmer dated 16th of  
2 September '76 at 16:15 hours, which was the minutes of the  
3 meeting of Pal between Division 502 and 117, regarding your  
4 objection to this letter on page number 2 with ERN 00002234 at  
5 line number 2 which reads:

6 "Comrade Duch expressed opinion and I would like to seek Your  
7 Honour's leave to ask explanation from Duch, because yesterday  
8 Duch said he had no opinion and other opinion was the opinion of  
9 Brother 81."

10 But on page 1, when the meeting resumed, the next line said  
11 Brother 81 chaired the meeting and the next subsequent lines were  
12 the speeches of Brother 81. But on page 2, it reads, "Opinion of  
13 Comrade Duch" and there was nothing to say that Comrade Duch did  
14 not have any opinion.

15 But Duch yesterday said that was still the opinion of Brother 81.  
16 And he said yesterday that Comrade Pal, Comrade Sot agreed to  
17 take the 15 people from the list. I would like the Accused to  
18 clarify the first lines of the second page.

19 [12.00.42]

20 MR. PRESIDENT:

21 Was this content contained in the nine letters at issue?

22 MR. HONG KIMSUON:

23 I have received these letters but I don't know exactly which  
24 letter comes first and I don't know whether they are also  
25 included in the nine letters at issue.

51

1 MR. PRESIDENT:

2 The letter you raised does not include in the mentioned nine  
3 letters. So the accused can preserve his right not to respond to  
4 such questions. So the lawyer is advised to ask a new question.

5 MR. HONG KIMSUON:

6 Thank you, Mr. President for your advice.

7 I would like to proceed asking further questions regarding Sou  
8 Met. The reason that you would like that S-21 was wanted to  
9 interrogate people who were arrested -- I think my question may  
10 have some connection to the first question. I don't know why, as  
11 the Chairman or the Chief of the Division did not interrogate the  
12 prisoners by himself and send them to S-21 to interrogate.

13 THE ACCUSED:

14 Unit 502 of Sou Met was the Air Force unit. Their duties were to  
15 defend against air strikes.

16 Actually when it comes to confession -- extraction of confession  
17 or interrogations, S-21 was mainly tasked to do that with the  
18 supervision of Son Sen.

19 MR. HONG KIMSUON:

20 Thank you, and this is going to be the last question and it  
21 relates to all the letters of Sou Met.

22 [12.03.27]

23 In the name of the person who would like to please your superior  
24 and to please others, and the way you ordered your subordinates  
25 to interrogate the prisoners, you say that just a piece of letter

52

1 was not significant for confession. So when you asked your  
2 subordinates to interrogate the prisoners, what would you do and  
3 could you please elaborate further on this?

4 THE ACCUSED:

5 The people who were sent to S-21 partially were arrested because  
6 of the confessions from S-21 and the other were arrested without  
7 any concrete reasons. So S-21 had to do its best to interrogate  
8 them and the practice of questionings or interrogations would be  
9 the same by beginning with starting to write the biography of the  
10 background of their traitorous activities and also the  
11 implication of the other people involved.

12 MR. HONG KIMSUON:

13 Thank you, and that's all from me.

14 MR. PRESIDENT:

15 Mr. Francois Roux, would you wish to put questions to your client  
16 regarding the nine documents?

17 The floor is yours if you would wish to do so.

18 [12.05.23]

19 MR. KAR SAVUTH:

20 Thank you, Mr. President.

21 The Defense Counsel, the National Co-Lawyer does not have any  
22 questions to put to the Accused because the nine documents have  
23 already been filed and examined before the Co-Investigating  
24 Judges and the materials have been well-examined during the  
25 entire period of the investigation that we do not have any more

53

1 questions.

2 MR. PRESIDENT:

3 Mr. Francois Roux, would you like to make some comments?

4 MR. ROUX:

5 Just an observation, Mr. President.

6 I note that we have spent the entire morning putting questions to  
7 the accused concerning letters written to him by a certain  
8 person. It would have appeared reasonable and logical to me for  
9 the Co-Prosecutors to put questions to that person.

10 We have spent three hours putting questions to Duch on the basis  
11 of letters he received from Mr. Sou Met and there is no letter  
12 from Duch to Mr. Sou Met.

13 So many of the questions put to Duch should have been put by the  
14 Co-Prosecutors to Mr. Sou Met; it seems logical to me. So this  
15 makes me somewhat uneasy. Why is Duch here today, why is he  
16 alone? Is he not a scapegoat? I leave you with that question.

17 [12.07.42]

18 MR. PRESIDENT:

19 It is time to take an adjournment for lunch, so the Court is  
20 adjourned until 1:30.

21 (Judges exit courtroom)

22 (Court recesses from 1207H to 1334H)

23 (Judges enter courtroom)

24 MR. PRESIDENT:

25 Please be seated. The Court is now in session.



54

1 We're going to hear testimony from Dr. Craig Etcheson.

2 We already noted during the last opportunity that was given to  
3 the prosecutors that he had not put all the questions to the  
4 expert.

5 So the floor is yours.

6 [13.35.52]

7 MR. BATES:

8 Thank you, Mr. President.

9 In fact I just have one question remaining for Dr. Etcheson.

10 BY MR. BATES:

11 Q.Dr. Etcheson, we have heard this morning at some length the  
12 letters sent from Sou Met to Duch and we've heard certain  
13 passages discussed in some detail. Could you tell us please, in  
14 your expert opinion, what light these letters and particular  
15 passages may shed on communication structure, firstly; and  
16 secondly, on how the policy of smashing enemies was implemented  
17 within, in this case, military divisions?

18 A.Thank you, Mr. Prosecutor. Yes, I can.

19 The discussion this morning of the nine letters from Sou Met to  
20 the accused person, and I might add, the accused person's  
21 responses to questions about those letters, it seems to me, sheds  
22 a great deal of light on the questions you pose.

23 [13.37.40]

24 First of all, the fact that communications between a division  
25 chairman, in this case Sou Met, and the Secretary of S-21 were

55

1 required to go through channels to upper echelon in a vertical  
2 communication structure, rather than directly from one person to  
3 the other in a horizontal fashion, conforms entirely, to my  
4 understanding, of how the Party Centre imposed a strict monopoly  
5 on communication within the Party, within the regime and within  
6 the military.

7 Secondly, the fact that candidates to be purged required  
8 authorization from upper echelon is also consistent with some  
9 matters which we discussed last week, specifically the document  
10 dated 30 March 1976 entitled "Decision of the Central Committee  
11 Regarding a Number of Matters".

12 And if I can just refresh the Chamber's memory, the ERN for the  
13 English version of this document is 00182809 through 00182814.  
14 The French ERN is 00224363 through 00224367. The ERN for the  
15 Khmer language original is 00003136 through 00003142.

16 The first section of this document is entitled "The Right to  
17 Smash Inside and Outside the Ranks". It specifies which elements  
18 of the organization have the right to decide on smashing both  
19 party members and non-party members. And according to this  
20 document, for the Centre military, smashing is to be decided by  
21 the general staff.

22 The description we heard this morning of how the process of  
23 sending 502 personnel to S 21 is consistent with this directive  
24 from the Central Committee, however, these documents, and I  
25 believe this morning's discussion of them by the accused person,

56

1 also suggests something about the deeper operations of the  
2 process of smashing, beyond authorizing the smashings.

3 [13.42.41]

4 In my testimony last week I discussed how the Party Centre  
5 constantly exhorted all echelons of the Party to be vigilant in  
6 identifying internal enemies and how all echelons of the Party  
7 must take an absolute stance towards sweeping clean enemies  
8 burrowing from within. Our discussion this morning illuminated  
9 that process very nicely, I thought, insofar as it showed  
10 division secretary Sou Met identifying enemies within his own  
11 unit of organization, and it also illustrated how the Secretary  
12 of S-21, through the process of examining and analysing  
13 confessions, would prepare lists of proposed enemies which would  
14 then be passed on to upper echelon for authorization to arrest,  
15 interrogate and smash.

16 MR. BATES:

17 Thank you, Dr. Etcheson.

18 Mr. President, I have no further questions. And I believe that  
19 concludes the questions from the Co-Prosecutors.

20 Thank you.

21 MR. PRESIDENT:

22 We now would like to give the floor to the civil party lawyers  
23 representing the four groups, whether they would wish to put  
24 questions to the expert.

25 If you would wish to do so the floor is yours. We'll begin from

57

1 Mr. Hong Kimsuon.

2 MR. HONG KIMSUON:

3 Thank you, Mr. President and Your Honours of the Trial Chamber.

4 [13.45.00]

5 QUESTIONING BY CIVIL PARTY COUNSEL

6 BY MR. HONG KIMSUON:

7 Q.I have questions to be put to Mr. Craig Etcheson concerning  
8 your accounts in Khmer language with ERN 00314781, or D2/15 in  
9 Khmer. It relates to the matter of the staff and appointments,  
10 and in your document you highlighted the level K and I noticed  
11 there were K-1 and K-3, missing K-2. I do not know whether there  
12 is an error in typing the document or there's never been any K-2.  
13 Could you please clarify this?

14 A.Thank you, Counsel. Yes, I can.

15 For reasons that I have not yet identified in detail, it seems  
16 that the code designation K-2 was used to refer to Ieng Thirith's  
17 Ministry of Social Action. The Ministry of Social Action did not  
18 seem to be an integrated part of the S-71 apparatus of  
19 organizations designated with the K code number, but nonetheless  
20 the only K-2 of which we are aware was the Ministry of Social  
21 Action.

22 Q.Thank you.

23 Just now you stated already about the policy, the implementation  
24 of the policy of the CPK regarding the military. My question now  
25 is -- I think in order to not be confused, I wonder if document

58

1 with ERN in Khmer concerning the Revolutionary Army of Kampuchea,  
2 the statistics of the joint forces -- I don't know whether I'm  
3 mistaken and whether the document is also included in Mr. Craig  
4 Etcheson's document, a document with ERN 0052316. There is only  
5 one page.

6 A.Excuse me, Counsellor, could you give that ERN number again,  
7 please?

8 [13.49.28]

9 Q.I only obtained the document in Khmer with ERN 000, triple  
10 zero, 52316 -- 9, correction -- regarding the statistics of the  
11 Joint Forces of the Revolutionary Army of Kampuchea for the  
12 General Staff.

13 A.Thank you, Counsel.

14 Yes, the ERN number in English for that document is 00183956  
15 through 00183956, and in fact it is a one-page document.

16 Q.Thank you. Also the document is one page in the Khmer  
17 language.

18 I want to ask regarding your research. This document describes  
19 the unit subordinate to the military General Staff from 1 to 15,  
20 or whether this is just a presentation of other units related to  
21 the military of Democratic Kampuchea?

22 A.Yes, Counsel, my understanding of this document is that it  
23 describes military divisions of the Revolutionary Army of  
24 Kampuchea that were designated as Centre divisions; that is,  
25 those that were under the direct command of the General Staff.

59

1 And it also includes a number of subordinated divisions, one of  
2 which, I might add, is Office S-21.

3 Q.Thank you.

4 If I'm not mistaken, you said all these offices are under the  
5 supervision of the military General Staff, and regarding S-21 in  
6 point 13, does the unit or division from 1 to 15, excluding  
7 number 13, which is S-21 -- were all those units or divisions  
8 have authority -- have autonomous or sufficient authority  
9 regarding decisions as stated in the letter dated the 30th of May  
10 '77 in determining the enemies, and whether they have the  
11 autonomy to conduct or to make such a decision?

12 A.Thank you, Counsellor.

13 My understanding is that the divisions and independent regiments  
14 listed in this document would have had similar authority to that  
15 exercised by Division 502, which I just discussed in the context  
16 of a question from the Co-Prosecutor; which is to say these  
17 divisions and independent regiments had a certain degree of  
18 authority to impose discipline within their own ranks, and they  
19 also had the authority to identify enemies within their own  
20 ranks, and to report those enemies to upper echelon if there was  
21 any reason to believe that they would be of interest to the Party  
22 Centre.

23 MR. ROUX:

24 Just a slight problem of interpretation. We heard Division 52,  
25 but we're speaking about Division 502, I believe; isn't that so?

60

1 Division 502, so I think this will have to be corrected in the  
2 French transcript. It was indicated 52, and this morning several  
3 times, it was brought up, but we're talking about Division 502.

4 Thank you.

5 [13.55.44]

6 MR. HONG KIMSUON:

7 I would like to continue my questioning.

8 BY MR. HONG KIMSUON:

9 Q.In your documents and the charts, on page 57 in the Khmer  
10 version with ERN number 00314834, in D/2/15, you presented an  
11 organizational chart, Ministries of the Democratic of Kampuchea  
12 Government. Can you further clarify? Mr. President, I would  
13 seek your permission because the chart we have is only on the  
14 hard copy, and I'm wondering whether it can be shown on the  
15 screen so that Mr. Etcheson can see it?

16 MR. PRESIDENT:

17 The IT unit, can you link the screen of the expert to show the  
18 document -- the chart that is raised as requested by the lawyer?

19 MR. BATES:

20 I want to assist. We have the document on our screen, and we  
21 have the capacity to connect quickly. We've located the page  
22 that Mr. Kimsuon requires so perhaps, if the page can be  
23 transferred, the audiovisual can be transferred to our screen.

24 Thank you.

25 [13.58.19]

61

1 MR. HONG KIMSUON:

2 Thank you. Now the document is on screen. Let me continue.

3 BY MR. HONG KIMSUON:

4 Q.I just asked Mr. Craig Etcheson regarding all those units  
5 whether they have similar authorities just for the military  
6 section. Regarding the various military of the Democratic  
7 Kampuchea Government as shown on the screen -- in your report  
8 S-21 with the name Duch above, on the screen it is the lowest box  
9 on the right-hand side. It is under Chuon Choeun, died in 2006  
10 due to health, and the box underneath -- my apology -- in this  
11 chart, the chart that is shown, it is different from the document  
12 that I have. The document on the screen is not the chart that I  
13 have in my document.

14 The Khmer and the English versions have different line  
15 indication. I am not sure which document is authoritative.

16 MR. PRESIDENT:

17 The Greffier, can you show the document in Khmer to Craig  
18 Etcheson, and to check whether the line indicating in the Khmer  
19 version is different or the same to the English version.

20 [14.01.15]

21 There is one line from Son Sen, and it runs underneath, but in  
22 the Khmer version, S-21 is under Chuon Choeun not under Son Sen.  
23 So present both charts to the expert, and get clarification from  
24 him, and to check which one is the correct version.

25 MR. ETCHESON:



62

1 Mr. President, if I may, I have not seen the Khmer language  
2 version of this document before, and I see that there is an  
3 error. We should consider the English language version of this  
4 document to be authoritative, insofar as it was originally  
5 produced in English.

6 MR. PRESIDENT:

7 So now we will consider the English version of the document as  
8 the authoritative version as it is the original version prepared  
9 by the expert, and the Khmer version is just a translation from  
10 that authoritative English version.

11 MR. HONG KIMSUON:

12 Thank you, Mr. President.

13 Let me continue my questions.

14 BY MR. HONG KIMSUON:

15 Q.Regarding the ministries of the government with the  
16 organizational chart of the Party administration, your chart of  
17 the ministries of the Democratic Kampuchea government, in the  
18 government, does the authority of the Party supersede the  
19 authority of the government?

20 A.Yes, Counsel; in all instances the authority of the Party was  
21 paramount.

22 Q.Thank you.

23 My next question; in the rank of the Communist Party of  
24 Kampuchea, as per your understanding and your research, from a  
25 member of the Standing Committee or the Central Committee or the

63

1 upper echelon level, and those who were the full-rights members  
2 of the Communist Party of Kampuchea, the most authoritative body  
3 who has the power to make decisions and to implement the Party's  
4 policies -- at what level that the authority has the right to  
5 make decisions or to implement decisions of the Central  
6 Committee?

7 Let me rephrase. Within the ranks of the Communist Party of  
8 Kampuchea from the upper echelon to the lower levels, at which  
9 level that they have the authority to have an absolute power to  
10 make decisions based on the letter dated the 30th of May, 1970 --  
11 26, that is the decision to smash?

12 A.Yes, Counsel.

13 [14.06.19]

14 MR. ROUX:

15 Mr. President, just also for the purposes of translation, we are  
16 referring to the 30th of March '76 and not the 30th of May. This  
17 is to clarify in the transcript.

18 Thank you.

19 MR. HONG KIMSUON:

20 I think I talk about the 30th of March '76. If I made a mistake,  
21 let me correct it. So the correct date is the 30th of March '76.

22 A.Thank you, yes.

23 In general, the Central Committee of the Communist Party of  
24 Kampuchea was the highest and most authoritative body, but that  
25 was the theory rather than the actual practice because real power

64

1 and real authority in the Communist Party of Kampuchea resided  
2 with the Standing Committee of the Central Committee.  
3 That is one of the reasons why I believe this document, which is  
4 called "Decision of the Central Committee Regarding a Number of  
5 Matters", actually originated with the Standing Committee,  
6 although it may well indeed have at some point been ratified by a  
7 meeting of the Central Committee.

8 [14.08.17]

9 In this document, the authority to smash is delegated to a number  
10 of organs of the Party. First of all, the document specifies in  
11 the base framework smashing is to be decided by the Zone Standing  
12 Committee. This means that zone committees and zone Party  
13 secretaries, in particular, had an independent authority to kill.  
14 Secondly, this document specifies that, surrounding the Centre  
15 Office, smashing is to be decided by the Central Office  
16 Committee, and I take the phrase "Central Office Committee" to  
17 mean Office 870.

18 Thirdly, and you will recall that when I was discussing the  
19 structure of Democratic Kampuchea I noted that in addition to the  
20 initial six zones into which Democratic Kampuchea was divided,  
21 there were also a number of independent sectors, such as 103,  
22 106, 505 and so on. According to this document, in independent  
23 sectors smashing is to be decided by the Standing Committee.  
24 Finally, as I noted a moment ago, in the Centre military smashing  
25 is to be decided by the general staff.

65

1 Does this address the question you were getting at, Counsel?

2 Q.Thank you. I've got it.

3 I would like to ask another question which is about the

4 authority, about the power of the CPK at different levels.

5 According to the chart concerning the structure of the

6 government, is this representing the power of the CPK as a whole?

7 I don't know whether other ministries are entitled to make any

8 decisions like the way the power enjoyed by the Party Centre or

9 the CPK as a whole.

10 A:Yes, thank you, Counsel.

11 The government of Democratic Kampuchea was not organized or

12 operated along the conventional lines of governmental authority,

13 as we see in most other countries of the world. Indeed, in many

14 respects the so-called ministries did not function as ministries

15 at all, but rather were more akin to an extended Party Committee

16 that was given authority to oversee policy in a particular area.

17 [14.12.49]

18 Consequently, within each of the so-called ministries, you would

19 not tend to find any institutionalized structures, any

20 elaboration of standard operating procedures, or any other

21 characteristics one normally sees in the bureaucratic

22 organization of the modern state.

23 Instead, authority was personalized in the individual party

24 member's given responsibility for that area of policy. The chart

25 to which you are referring should be considered an idealized

66

1 representation. That is my attempt to demonstrate which  
2 individuals had authority for which particular policy arenas. It  
3 should not be mistaken as an attempt to suggest that there was a  
4 normal bureaucratic state organization.

5 Therefore, rather than power being vested in institutions, power  
6 was instead vested in individual party members responsible for  
7 implementing various aspects of the party line.

8 Q.Thank you.

9 Another question relates to this chart. If you look at  
10 underneath Pol Pot as the prime minister and look at the vertical  
11 line, underneath in the second box you see Ieng Sary, deputy  
12 prime minister, Foreign Affairs, and then we see B-32, Boeng  
13 Trabaek. Is this a new -- another ministry or is it another  
14 office? Could you elaborate on this?

15 A.Yes, Counsel, B-32 was part of a group of organizations which  
16 were physically located at the present-day site of Boeng Trabaek  
17 High School. This institution was dedicated to receiving  
18 diplomats, students, intellectuals and others who had returned  
19 from overseas. It was a tempering camp, or a re-education centre  
20 at which the Party attempted to determine which of these  
21 individuals who had returned from overseas were worth keeping and  
22 which ones should be murdered. Initially this set of camps was  
23 under the direct authority of the Party Centre. At some point in  
24 the regime, authority for this set of camps was transferred to  
25 Ieng Sary and his Foreign Ministry.

67

1 Q.Thank you. In all those boxes I've highlighted and, as I  
2 observed, there are names as the prime minister or deputy prime  
3 ministers, and when it comes to B-32, Boeng Trabaek box, my  
4 question may be rephrased, whether there was any chief or head of  
5 that box? Because other boxes contain people's names but now  
6 this box has no name. So could you please elaborate on this?

7 [14.18.23]

8 A.Thank you, Counsel. Yes, I can.

9 B-32 was not a ministerial organization and so, as such, it did  
10 not have a chief appointed by the party to oversee it in the same  
11 way, for example, the Ministry of Commerce did. For the initial  
12 phase of Democratic Kampuchea B-32 was under the authority of a  
13 man we discussed earlier, named Pang, who worked at K-1 for Pol  
14 Pot.

15 [14.19.24]

16 After Pang was purged control of B-32 and the associated complex  
17 of re-education camps passed to a number of other individuals.  
18 At the same time, those individuals who were confined to this  
19 re-education camp were required to organize what might be called  
20 an inmate committee. The prisoners were required to regulate  
21 certain aspects of their own affairs and, as such, a chief, a  
22 deputy chief and so on of the prisoners was appointed. Several  
23 of these chiefs ended up being executed at S-21.

24 Q.Thank you. This is my last question.

25 May I ask you to tell us, regarding the transferring of the

68

1 people presumed as enemies in the Democratic Kampuchea regime --  
2 I read that document though I haven't got the reference number --  
3 in that regime, through your research, did you come across the  
4 incident in which people were sent across the country from other  
5 countries, for example from Thailand or from Vietnam, to S-21.  
6 A.Yes, Counsel, indeed, I have. I don't have specific  
7 statistics at the tip of my tongue, but a diverse array of  
8 non-Cambodian nationals ended up as victims at S-21, including a  
9 variety or people from western countries such as the United  
10 States, Australia and New Zealand, for example, became victims of  
11 S-21; as well as a wide range of non-western countries, including  
12 Vietnam, Thailand and a number of other places.  
13 In 1975 when the Khmer Rouge revolution was victorious and seized  
14 state power throughout the country, at that time there had been a  
15 number of foreign contract workers, for example from various  
16 South Asian countries who had been working in areas under the  
17 control of the Lon Nol regime. Some of these people, as well,  
18 ended up at S-21.  
19 [14.23.31]  
20 MR. HONG KIMSUON:  
21 Thank you, and that concludes my questions. Could be the screen  
22 be instructed to switch to the normal mode?  
23 MR. PRESIDENT:  
24 The AV, please switch to the normal mode.  
25 Next we would like to give the floor to lawyers representing

69

1 group 3. Do you have any questions to be put to the expert?

2 MS. RABESANDRATANA:

3 Mr. President, my learned friend, my colleague, will be putting  
4 the questions for Group 3.

5 MR. KIM MENGKHY:

6 Mr. President, I have a question to be put to Dr. Craig Etcheson  
7 concerning S-21 and its implementation of CPK policy there.

8 BY MR. KIM MENGKHY:

9 Q. In your report, you mentioned about the transferring of cadres  
10 from other ministries of the CPK to S-21 to be smashed. In your  
11 own opinion, do you regard S-21 as the only single or just a  
12 unique security centre to be authorized to smash people all  
13 across the country like that?

14 A. Thank you, Counsel.

15 [14.25.42]

16 In my own opinion, S-21 was unique among all of the security  
17 offices of Democratic Kampuchea, and I believe this to be the  
18 case for several reasons.

19 First of all, S-21 was the security office designated to smash  
20 people at the centre echelon of the Democratic Kampuchea and  
21 Communist Party of Kampuchea apparatus. This included the  
22 highest ranking individuals of the Communist Party of Kampuchea;  
23 indeed, including several members of the Standing Committee  
24 itself.

25 S-21 was also the only security office in Democratic Kampuchea



70

1 that had the authority to detain, torture, and execute  
2 individuals from everywhere in Cambodia.

3 Thirdly, I would refer back to the document we were discussing  
4 just a moment ago called "Joint Statistics of Armed Forces" from  
5 March 1977.

6 MR. ETCHESON:

7 Mr. President, should I repeat the ERN numbers for this document  
8 or is that recent enough that there is no need?

9 MR. PRESIDENT:

10 It is observed that the ER Number has already been given  
11 recently, so I think it is safe not to repeat it.

12 MR. ETCHESON:

13 Thank you, Mr. President.

14 [14.28.22]

15 In my researches on this issue over the last 30 years, it has  
16 been my observation that at the district echelon, the staffing  
17 size of a typical district security office was approximately 10  
18 to 15 people.

19 The staffing size of a security office at the sector echelon was  
20 typically a bit larger; perhaps 20 to 30 individuals.

21 At the zone echelon, security offices were larger still; with a  
22 staff sometimes reaching 50 people or more.

23 According to this document, "Joint Statistics of Armed Forces",  
24 S-21 was in a category all by itself in terms of the size of the  
25 staff of a security office. This document indicates that as of

71

1 March 1977, S-21 had a staffing level of 2,327 people. This is  
2 another indication, to my mind, that S-21 was indeed a unique  
3 organ of the Communist Party of Kampuchea.

4 Q.Thank you for your response.

5 I have another question regarding the communication between S-21.  
6 The S-21 office chaired by Mr. Duch did not have any vertical  
7 line to other sectors which means this office only received the  
8 order from the upper echelon, and the question is; based on the  
9 decision as you said on the 30th of -- on the letter dated 30 of  
10 March '76 whether they have the authority only to communicate  
11 with the upper echelon or he also has the authority to have the  
12 vertical or both vertical and horizontal communications?

13 A.Thank you, Counsel.

14 [14.31.56]

15 The document you mention, the 30 March 1976 decision of the  
16 Central Committee which we have discussed previously, does  
17 establish a regime of weekly reporting to Office 870, but nowhere  
18 in this document does it refer to Office S-21, nor does this  
19 document in any way describe communication patterns that one  
20 might expect would apply to S-21.

21 So in my view, this particular document does not shed any light  
22 on the question you ask.

23 Q.Thank you.

24 MR. KIM MENGKHY:

25 Mr. President, I do not have any further questions for this

72

1 witness.

2 MR. PRESIDENT:

3 Next, I would like to invite the lawyers for group 2, if you have  
4 questions for Dr. Craig Etcheson; if you have, the floor is  
5 yours.

6 MR. KONG PISEY:

7 Thank you, Mr. President. Your Honours, I have a few questions  
8 for Dr. Craig.

9 [14.33.50]

10 BY MR. KONG PISEY:

11 Q.Regarding the chart that was just shown, as requested by Mr.

12 Hong Kimsuon, I have some questions for Dr. Etcheson.

13 Regarding one box that Son Sen was the Defence Minister -- toward  
14 the right and below --there was a general staff. From my  
15 understanding of the description of this, Son Sen was the chief  
16 of the General Staff.

17 However, from the box of the Prime Minister up to the box of the  
18 general staff, what is the communication like?

19 A.Thank you, Counsel.

20 I have drawn this particular graphical representation in such a  
21 way that I attempted to demonstrate two aspects of Son Sen's  
22 authority in this graphic. One aspect is his putatively civilian  
23 authority as the Deputy Prime Minister for National Defence of  
24 Democratic Kampuchea, and also to depict his military authority  
25 as the secretary or chairman of the General Staff of the

73

1 Revolutionary Army of Kampuchea.

2 The line of communication, then, would actually be one person.

3 In other words, Son Sen was in direct control of the general  
4 staff and, as such, he could report directly and personally to  
5 his superiors about everything concerning the Revolutionary Army  
6 of Kampuchea.

7 Does this address your question, Counsel?

8 [14.37.01]

9 Q.Thank you, Doctor.

10 So you said that for the general staff, the general staff is also  
11 under the supervision of Son Sen. Thank you.

12 My next question is for these two boxes and the communication  
13 between S-21 to the general staff. Also Duch mentioned about the  
14 communication. From what I can see from the chart, the general  
15 staff and the S-21 office is close to each other and I want to  
16 know about the authority of the general staff and the S-21  
17 office. Which authority supersedes each other, or they both have  
18 similar authority? Can you clarify on this particular issue?  
19 Thank you.

20 A.Yes, Counsel, I can clarify that. Again the relationship is  
21 personalized. At least from March of 1976 through September of  
22 1977 the accused person in his role as Secretary of S-21 reported  
23 directly to Son Sen who, as we just mentioned, held the dual  
24 roles of Deputy Prime Minister for National Defence and Chief of  
25 the General Staff of the Revolutionary Army of Kampuchea.

74

1 In this respect we can consider S-21 to be a subordinate unit of  
2 organization of the general staff. However, that was largely for  
3 logistical and organizational purposes. In terms of being an  
4 instrument of policy, I think it makes more sense to view S-21 as  
5 a subordinate organ of the Standing Committee of the Central  
6 Committee of the Communist Party of Kampuchea.

7 [14.40.13]

8 Q.Thank you, Mr. Craig Etcheson.

9 You already informed the Chamber that in each box it is an office  
10 and there is no infrastructure in there, but there will be one  
11 person who has the highest authority within each box who was  
12 called secretary, who had the authority to make decisions on the  
13 operation of each office.

14 What I want to know is that for the S-21 office is the operation  
15 and the structure similar through other offices?

16 A.Thank you, Counsel.

17 I would refer back to my comments to a previous question and say  
18 that in many respects S-21 was unique. It was unique among  
19 security offices in the nationwide network of security offices  
20 and it was certainly unique in terms of being considered as an  
21 organ of the government or an organ of the Communist Party.

22 In that sense, although S-21 was led by a three-person Party  
23 committee, as were most of the other entities that are depicted  
24 in this chart, nonetheless because of its unique function and the  
25 very high priority placed upon it by the top leaders of the

75

1 revolution, I think one should not be misled by the nature of my  
2 depiction and think that just because it's in a box the same size  
3 as all the other boxes that it is similar to the other  
4 organizational entities depicted here.

5 [14.42.52]

6 Q.Thank you. Let me ask you another question.

7 In the Democratic Kampuchea there were several security offices  
8 throughout the country. Why, in the organizational chart, do you  
9 only depict the S-21 office?

10 Thank you.

11 A.Thank you, Counsel.

12 In this particular representation I am attempting to depict  
13 important organs of the central government. S-21 was the only  
14 security office of the central government. That is why it  
15 appears here. We do indeed have other charts which show other  
16 security offices but examining the internal security structure  
17 was not the central objective of this particular analysis.

18 Q:Thank you, Dr. Etcheson.

19 I have another and final question. In your report, page 64 of  
20 the Khmer version with the Khmer ERN 00314841 - above the lines,  
21 "the People's Representative Assembly."

22 MR. KONG PISEY:

23 Mr. President, I would seek your permission to read this segment  
24 and then I would ask the question. I would only read the last  
25 half of that segment.

76

1 BY MR. KONG PISEY:

2 Q. "As Deputy Prime Minister in charge of economics, Vorn Vet  
3 confessed at S-21 office that it was difficult for him to defend  
4 his important subordinates from the trickery of the Special  
5 Branch, as sometimes it was called, S-21."

6 I am not sure which section or which page the English version is.

7 MR. BATES:

8 It's page 37. Thank you.

9 BY MR. KONG PISEY:

10 Q. So let me put a question to the expert.

11 The word the "trickery" of the Special Branch is sometimes known  
12 as S-21; what is the important meaning of such phrase when you  
13 talk about the trickery of the special branch? Can you highlight  
14 on that?

15 A. Thank you, Counsel.

16 MR. ROUX:

17 I'm sorry. Could you please give me the paragraph number?

18 MR. BATES:

19 Paragraph 148, and if we are talking about specific words  
20 (inaudible) to refer to the original English word on the  
21 paragraph. Thank you.

22 MR. ETCHESON:

23 Counsel, this appears to be yet another of our many adventures in  
24 trying to work in three different languages at this Court.

25 [14.48.27]

77

1 I will read the sentence in its original English and then we can  
2 briefly discuss the word that has been translated into Khmer as  
3 "trickery."

4 The original English language sentence is:

5 "As Deputy Prime Minister for Economics, Vorn Vet, confessed at  
6 S-21, it was difficult for him to protect his key subordinates  
7 from the depredations of the Special Branch, as S-21 was  
8 sometimes called."

9 In this instance, Counsel --

10 MR. PRESIDENT:

11 I would seek your permission to clarify again; which version is  
12 the authoritative version?

13 Let me clarify. The version is - in English there is only one  
14 word. The word in Khmer means trickery, but in the English  
15 version, which is "depredations" or probably you can explain a  
16 bit further of the word "depredations" into Khmer because the  
17 meaning is completely different.

18 MR. ETCHESON:

19 The President is quite correct, Counsel. This is a problem of  
20 imperfect translation.

21 JUDGE LAVERGNE:

22 If I may say, it seems to me that we were reminded not so long  
23 ago that we are particularly concerned by the provisions in  
24 Article 15 regarding torture and I think, but maybe I'm mistaken  
25 - I think we are referring here to the content of the confessions



78

1 of someone who was detained at S-21 and who potentially was  
2 subjected to particularly violent interrogation, so I don't know  
3 if it's a good idea to continue with this, basing ourselves on  
4 such a reference.

5 MR. PRESIDENT:

6 Now we have to make a decision because we will need to discuss on  
7 a segment of paragraph 148 and due to the discrepancy in the  
8 translation and the principle that we have adopted, because Dr.  
9 Craig Etcheson, who is an expert and who wrote his report in its  
10 original version in the English language, and which was  
11 subsequently translated into the Khmer language, we want to  
12 compare the discrepancy between these two languages and then we  
13 have to see from the professional translator to match the word in  
14 Khmer to the word in English used by Dr. Craig Etcheson.

15 [14.52.49]

16 So based on these grounds, we will not consider the Khmer version  
17 as the authoritative version because it was a translation. The  
18 English version is the authoritative version. I will request a  
19 professional translator to compare these two versions, first to  
20 read carefully the English version and compare it to the Khmer  
21 version.

22 JUDGE LAVERGNE:

23 Mr. Etcheson, could you please specify to us if the reference  
24 that is made to the confessions of Vorn Vet are those that he  
25 made when he was detained and that these confessions were made

79

1 under an interrogation that we could qualify as having been  
2 particularly violent?

3 MR ETCHESON:

4 Thank you, Your Honour.

5 Yes, this confession was extracted from Vorn Vet while he was  
6 detained at S-21. However, it is unclear whether this particular  
7 passage in his confession was written before, during, or after he  
8 may have been subjected to torture. So I am unable to  
9 definitively answer the second part of your question. ...

10 [14.54.16]

11 MR PRESIDENT:

12 Judge You Ottara, can you clarify the language differences?

13 There is the English phrase which is the topic of the discussion,  
14 because the wording use in the English and Khmer versions are  
15 different.

16 JUDGE CARTWRIGHT:

17 Yes, could I ask the interpreters to give the Khmer word for  
18 depredation in English, which I think has been correctly  
19 translated into French as "ravage," but we need the Khmer word,  
20 please?

21 MR PRESIDENT:

22 For our discussion it is to understand that this word is about  
23 the distraction or depredation, which is not trickery, because we  
24 based on the original version of the report prepared by the  
25 expert.

80

1 MR KONG PISEY:

2 I would seek your President's permission to put a question again  
3 to the expert.

4 [14.58.00]

5 MR. KONG PISEY:

6 Q.I would ask you the same questions with the new meaning of the  
7 word, regarding that segment of the phrase. The use of the word  
8 "depredations of the Special Branch as S-21 was sometimes  
9 called," does -- what does that phrase mean? And why you use  
10 such a phrase as, "as S-21 was sometimes called"?

11 A.Thank you, Counsel.

12 Perhaps there are two issues here. In the first instance,  
13 "Special Branch" was sometimes used as another name for S-21.  
14 For example, in his training sessions for S-21 staff, the accused  
15 person would sometimes refer to the organization of which he was  
16 the chief as "Special Branch." So, I did not mean for this to be  
17 confusing, it's just that "Special Branch" is another name for  
18 S-21, just as some people call S-21 Tuol Sleng.

19 [14.59.46]

20 The second issue has to do with the word depredations, and what  
21 Vorn Vet may have meant when he referred to the depredations of  
22 S-21. And by this I simply refer to continual waves of arrest of  
23 cadres from his ministry by S-21. This interrupted management,  
24 planning, workflow, and implementation of policy, because Vorn  
25 Vet's key subordinates, who were responsible for carrying out

81

1 various aspects of his ministry's policy kept disappearing into  
2 S-21, and so he would have to start over. This is what I meant  
3 by the use of the term, "depredations."

4 Is this helpful in resolving your question, Counsel?

5 Q.Yes, thank you.

6 Regarding the depredation inflicted from S-21, was it the  
7 deliberate or unique intention of S-21, or was it initiated from  
8 somewhere else?

9 A.Thank you, Counsel.

10 That is actually a very difficult question, and one which goes to  
11 the heart of what this Chamber must ultimately decide. At one  
12 level, one can say that the purges of the Ministry of Economy  
13 were driven by the paranoia of the Standing Committee of the  
14 Communist Party of Kampuchea. At another level, one could say  
15 that the purges of the Ministry of Economy were driven by the  
16 methodology used to search for enemies, which was developed and  
17 enforced by the accused person.

18 [15.02.54]

19 So perhaps the correct answer to your question is, it may have  
20 been a little bit of both.

21 Q.Thank you very much, Mr. Craig Etcheson, and thank you, Your  
22 Honours. My colleague may wish to put some questions too.

23 MR PRESIDENT:

24 We may now take an adjournment for 20 minutes. So please leave  
25 your questions until we resume the session.

82

1 (Judges exit courtroom)

2 (Court recesses from 1503H to 1525H)

3 (Judges enter courtroom)

4 [15.25.00]

5 MR. PRESIDENT:

6 Please be seated. The Chamber is now back in session.

7 Next I would like to give the floor to Ms. Studzinsky, a lawyer  
8 for civil party group 2.

9 The floor is yours. You can put questions to the expert, Craig  
10 Etcheson.

11 MS. STUDZINSKY:

12 Thank you, Mr. President.

13 BY MS. STUDZINSKY:

14 Q.Good afternoon.

15 First I seek some clarification on what you have said previously.

16 This concerns the power of the accused. My question is you have  
17 told us that you have doubts that the accused had no power to  
18 release anyone. Can you explain the basis for your doubts?

19 A.Thank you, Counsel. You have phrased your question as a  
20 double negative.

21 Q.Sorry.

22 A.As I have ---

23 Q.Yes.

24 A.Please.

25 Q.Sorry.

83

1 A.That I have doubts that he had no power to release anyone, so  
2 I think that suggests that you are saying that I believe he could  
3 release people. Am I understanding your question correctly?

4 [15.27.41]

5 Q.That was what I have understood that you have said previously.  
6 Maybe then it's only to clarify it, yeah.

7 A.Yes. I do not believe that the accused had autonomous power  
8 or authority to release persons and I do believe that, had he  
9 done so, his position would have been in peril. However, I also  
10 believe that there were circumstances in which he didn't indeed  
11 obtain authorization or receive directives to release certain  
12 individuals.

13 Q.Thank you for this clarification.

14 Now I would like to get your expert opinion on the matters that  
15 we have discussed this morning; the communication between the  
16 accused and Sou Met.

17 My question to you as an expert is, looking at this communication  
18 documented by these letters can it be taken as a model for other  
19 communication between the accused and secretaries of the  
20 divisions; of those divisions reported directly to the Centre?

21 A.Yes, Counsel. I would not be surprised to come across other  
22 similar documents from different divisions which illustrated a  
23 similar pattern of communication between the Secretary of S-21  
24 and secretaries of other divisions of the Revolutionary Army of  
25 Kampuchea, or indeed the secretaries of other organizational

84

1 units in Democratic Kampuchea. So yes, I think that can be  
2 considered as one model of how this process sometimes worked.  
3 [15.30.49]

4 Q.Thank you.

5 I come now to the chain of command. What were the methods used  
6 to control the different levels?

7 I would like to draw your attention to paragraph 57 of your  
8 report. Could you describe what else was a method? Of course  
9 reporting, we have already discussed this, but were there other  
10 control mechanisms?

11 A.Thank you, Counsel.

12 In this section, paragraph 57 of my report, "Overview of the  
13 Hierarchy of Democratic Kampuchea", I am discussing  
14 communications patterns between the zone echelon and the Centre.  
15 I discuss telegraph messages and couriered messages, as well as  
16 face-to-face meetings between zone committee personnel and  
17 leaders from the Centre echelon; meetings which might take place  
18 in Phnom Penh or in the zones.

19 Similarly, I note that zone leadership communicated with lower  
20 echelon leaders within their own zones, using written  
21 communications as well as face-to-face meetings. Zone leaders  
22 would sometimes go out and visit sector, district and even  
23 cooperative echelons to examine what was happening within their  
24 broader area of operations.

25 I also mention in this section of my report that Party -- formal

85

1 Party meetings were required to be held at each echelon at  
2 various periodic intervals, and this gave Party committees at the  
3 various echelons more opportunities to discuss not only strictly  
4 Party issues of organization and party-building and the  
5 organizational lines, but also to discuss the implementation of  
6 specific directives from upper echelon.

7 [15.34.30]

8 Finally, I discussed the frequency of reporting among various  
9 echelons and note that the zones were required to report to the  
10 Centre at least once each week and that therefore most likely  
11 there was a similar regime of reporting from lower echelons up to  
12 the zone echelon.

13 Does this address the question you are getting at, Counsel?

14 Q.Yes. I would like to continue at this point, and is it right  
15 to conclude that reporting and relying -- to rely on reports was  
16 not the only control to get knowledge what was going on on the  
17 ground and in the field. Could you observe those controls,  
18 personal controls of the situation, the conditions, what happened  
19 in this country beyond the reports?

20 [15.36.06]

21 A.Yes, Counsel. On many occasions that we are aware of, and I  
22 strongly suspect on many other occasions of which we are not yet  
23 aware, leaders from the Party Centre travelled out into the zones  
24 and lower echelons of the organization to observe first-hand what  
25 was happening around the country.



86

1 This was another method for them to gather information and it's  
2 also a method that does not rely directly on accurate reporting  
3 by others.

4 Q.Thank you.

5 You've described the vertical chain of command. Did the Standing  
6 Committee and the respective secretaries of the zones, sectors,  
7 districts, have effective control of the lower echelons,  
8 according to your research?

9 A.Thank you, Counsel.

10 This is a very complicated question because, as you know, there  
11 were several zones and numerous sectors, many districts and very  
12 many cooperatives and communes, and it's probably not reasonable  
13 to make a global generalization and expect it to apply in all  
14 places at all times.

15 [15.38.30]

16 I think that is particularly so in a case such as Democratic  
17 Kampuchea where there was a very high incidence of what I refer  
18 to as organizational churning, by which I mean there was constant  
19 purging of the ranks. Over time this purging occurred virtually  
20 everywhere in the country. In many places the purging happened  
21 again and again and again and again for the same office at the  
22 same echelon.

23 Under these circumstances, with continually changing leadership  
24 and conditions of high uncertainty, one would anticipate a  
25 significant degree of organizational dysfunction in the

87

1 implementation of policy.

2 To put this in plain English, things were very confused and scary  
3 out there a lot of the time. All of that said, the Communist  
4 Party of Kampuchea put a very high premium on obedience and  
5 discipline and strict implementation of the Party lines as  
6 defined by the highest authorities of the Party, and thus I would  
7 argue, in most places, most of the time, the cadre were doing  
8 their very best to implement the Party's lines as best they could  
9 understand them.

10 Q.Thank you.

11 I would like to discuss now the training sessions you have  
12 already mentioned. Do you have knowledge of whether only cadres  
13 from the same level attended training sessions or were the  
14 training sessions attended by cadres from different levels? Were  
15 the training sessions, for example, for all chairmen of security  
16 offices?

17 [15.41.44]

18 A.Thank you, Counsel.

19 There were many different kinds of training sessions, and  
20 training sessions were organized at various echelons of the Party  
21 apparatus from the Centre to zone to the sector, and similarly in  
22 the military at the general staff level, at the division level  
23 and so on.

24 In some instances, for example, the Party Centre would summon  
25 district secretaries and often deputy secretaries from across the

88

1 country for a training session designed for that echelon of the  
2 organization.

3 In other instances, particularly in some of the sessions that I  
4 characterize as rallies, such as those held at stadiums, very  
5 large mass gatherings which had many aspects of a training  
6 operation to them, there would be a mixture of different  
7 echelons.

8 As for the gathering of secretaries of security offices for a  
9 training session, I am unaware of that having ever occurred.

10 Q.Thank you.

11 Do you have knowledge also concerning training sessions but I do  
12 not refer to these mass sessions like in the Olympic Stadium, but  
13 training -- smaller training sessions and where also you have  
14 told us Nuon Chea and Khieu Samphan taught about the line.

15 Do you have any knowledge on which level the accused helped in  
16 such training sessions and apart from those, in -- exactly, in  
17 Tuol Sleng for staff of Tuol Sleng? Do you have any knowledge  
18 beyond these sessions that we have already discussed, the accused  
19 was involved in other training sessions?

20 A.Yes, Counsel, I do.

21 Beyond the internal S-21 training sessions which were  
22 periodically organized by the accused person himself, S-21 senior  
23 personnel in particular, were know to attend training sessions in  
24 the framework of the General Staff training operations. So these  
25 training sessions would have been focused on learning about the

89

1 organizational line -- which is to say, policies -- from Son Sen  
2 and perhaps occasionally from other leaders of the Centre  
3 addressing a military audience.

4 Q.Thank you for this.

5 I come now to my last question, last but not least question.

6 [15.46.40]

7 According to your research and what we have heard this morning  
8 from the accused and repeating again and again the structure, is  
9 it credible that Son Sen decides other tasks personally, approved  
10 the execution of an average 10 people per day based on his  
11 personal review of confessions?

12 A.Thank you, Counsel. That's a very interesting question.

13 I would recall that Son Sen was a member of the Party Standing  
14 Committee. He was Deputy Prime Minister for National Defence.  
15 He was Chief of Staff of the Revolutionary Army of Kampuchea.  
16 Thus he had many responsibilities. He must have been a very,  
17 very busy man.

18 Earlier today, the accused person told us, and I quote, "My  
19 superior paid attention to the interrogations of important  
20 people." This is entirely credible that Son Sen, charged with  
21 responsibility for ensuring internal security, as he was, would  
22 have paid very close attention both to the interrogation of  
23 certain important prisoners, as well as to ensuring that they  
24 were smashed once the interrogations were complete.

25 [15.49.18]

90

1     However, when one examines the Office of Co-Prosecutors combined  
2     S-21 prisoner list, we see that many individuals who were  
3     processed through S-21 could not really be considered important  
4     in terms of organizational responsibility or hierarchical status.  
5     For example, in the Ministry of Social Action, many very ordinary  
6     illiterate peasant girls were given a few hours of training on  
7     how to make injections with a syringe, were then declared to be  
8     nurses and put to work in hospitals.

9     A surprising number of such people ended up being tortured and  
10    executed at S-21 on accusations of being CIA agents or KGB  
11    agents. It is indeed difficult for me to believe that someone  
12    with the heavy national responsibilities that Son Sen carried  
13    would spend any time at all paying much attention to the  
14    interrogation or execution of such individuals.

15    Q.Okay. Thank you.

16    I have no further questions.

17    MR. PRESIDENT:

18    Last, but not least, civil party lawyers group 1.

19    MS. TY SRINNA:

20    Thank you, Mr. President.

21    BY MS. TY SRINNA:

22    Q. I have only one question to put to the expert. My question  
23    has something to do with the letters of correspondence through  
24    the vertical line.

25    In the policy of the CPK when there was a work communication, it

91

1 had to be done through the vertical line and that horizontal was  
2 not practiced. I would like to ask whether all those  
3 correspondences prepared by S-21 and send to other zones across  
4 the country had to go through the upper echelon which was then  
5 Son Sen? So through your research, could you tell us whether,  
6 when Son Sen received those letters of correspondence, was it  
7 necessary for him to annotate on those letters or to sign on them  
8 before they were to be sent to his subordinates?

9 A.Thank you, Counsel.

10 [15.53.56]

11 For communications between S-21 and far-flung regions of the  
12 Democratic Kampuchea apparatus, one has to consider what means of  
13 communication were available within the country as a whole. And,  
14 indeed, those means were limited.

15 Other than physical transportation of messages by couriers, which  
16 would be quite difficult on a nationwide basis, you would need to  
17 use electronic communications of some sort.

18 The Khmer Rouge organization accomplished this by means of  
19 telegraphic communications.

20 One node of those telegraphic communications was controlled very  
21 strictly by the Party Centre out of Pol Pot's own K-1 offices.

22 The other central node was controlled by the General Staff under  
23 Son Sen himself.

24 Although we do not have a tremendous amount of detail on how this  
25 worked in practice, I think it's reasonable to conclude that

92

1 indeed, when messages regarding someone to be brought to S-21 had  
2 to be sent out to, say, Mondulkiri province, the way this would  
3 have been done is most likely through a coded message sent by the  
4 General Staff communication apparatus.

5 [15.56.20]

6 I could go into more detail on this but unfortunately, as with an  
7 earlier issue, the more detailed information we have on this  
8 issue is part of Case File 2, which is currently the subject of a  
9 judicial investigation by the Office of Co-Investigating Judges  
10 and is therefore still confidential at this point in time. But  
11 have my comments so far addressed your question, Counsel?

12 Q.What I am asking is about the correspondence, the letters of  
13 communication between Duch and Sou Met. In the form of the  
14 letter I can observe that it was done by Duch personally and he  
15 said this morning that the letters had to go through his  
16 superior, Son Sen. I would like to know -- when Son Sen received  
17 such letters, did he annotate on the letters to prove that he had  
18 received them before he sent to other people concerned?

19 So from your observation and research have you noted such thing?

20 A.Thank you for that clarification, Counsel.

21 The answer is yes, we have many instances in the case file of  
22 documents sent from S-21 subsequently annotated by Son Sen and  
23 then circulated to other organizational units, such as Division  
24 502. In the case of Division 502, since it was headquartered at  
25 Potchentong airport, that was in close proximity to Son Sen's

93

1 headquarters and thus it would be an easy matter to physically  
2 move pieces of paper, messages back and forth between the  
3 Secretary of 502 and Son Sen. Indeed, it would be a very simple  
4 matter for Son Sen to summon the Secretary of 502 and simply hand  
5 him annotated documents.

6 [16.00.17]

7 Q.I may summarize the points and whether I understand -- my  
8 understanding is consistent to your account.

9 This suggests that all the letters sent from S-21 contained  
10 annotations which suggest that they were sent to Son Sen. Is  
11 that correct?

12 A.No, Counsel, I don't believe that is correct. For example, in  
13 the period after September 1977 we have numerous examples of  
14 documents that contain no annotations which would suggest that  
15 they had necessarily been circulated to Son Sen, and we also have  
16 examples of documents from across the entire course of the  
17 operations of S-21 which contain no handwritten annotations at  
18 all. So these documents may have been circulated to a party or  
19 parties unknown, but there is no indication on them from  
20 annotations whether or not they were.

21 Q.Let me continue to clarify further.

22 When a letter was sent from a subordinate to the upper echelon  
23 through Son Sen, that is from S-21 to a zone or a division, it  
24 had to go through Son Sen. My question is, what is a designation  
25 or a specific mat to note that the letter had reached Son Sen or



94

1 reached S-21? What is your observation on this particular point?

2 A.Thank you, Counsel.

3 There were a variety of ways that this kind of information could  
4 be indicated on an S-21 letter or confession or other document.

5 For example, it might simply say, handwritten at the top, "Sent  
6 to Brother," or it might say, "Two copies to Nuon," or it might  
7 simply say, "Already reported," or it might say something like,

8 "One copy to Northwest Zone." There was no formal method;

9 instead we see a variety of more or less informal methods for  
10 indicating on these documents where they had been routed to and  
11 when they had been sent.

12 MS. TY SRINNA:

13 Let me continue regarding a letter. The letter was raised by the  
14 Co-Prosecutor and if this is not the correct letter, I would like  
15 confirmation from the Co-Prosecutor.

16 This letter has the ERN number 0002416 in Khmer language. I do  
17 not have the ERN number of the English version.

18 MR. BATES:

19 If I can help, Mr. President.

20 [16.05.52]

21 This is the 30th of May 1977, Sou Met to Duch, Letter D57 which  
22 was attached to the written record of the 2nd of April 2008. The  
23 English ERN is 00178066 and the French is 00242288.

24 MR. ROUX:

25 Mr. President, just an observation here.

95

1 I understand that my colleague is asking questions on letters  
2 that would have been written by Duch to other people but, in  
3 reality, the document on which you are relying is the opposite.  
4 It is a letter that was addressed by another person to S-21 via  
5 Son Sen. We agree on this, don't we?  
6 I would like to be clear about this. I would like to be clear  
7 about the questions that are asked of the expert. Are we asking  
8 questions about letters leaving S-21 to the zones or are you  
9 speaking about, on the opposite, letters coming from a division  
10 to S-21 via Son Sen? Which direction are we following here?  
11 MS. TY SRINNA:  
12 I would like to inform the President that I raised this issue  
13 because this is just an example that I seek a response from the  
14 expert because there were numerous documents which were sent from  
15 S-21 to various zones, and likewise, there were various letters  
16 which were sent from zones to S-21, especially regarding the  
17 matter of the confessions of the S-21 prisoners which implicated  
18 other people.  
19 That is why I attempt to raise this as an example to get  
20 clarification from the expert. This letter is also important in  
21 this case.  
22 MR. PRESIDENT:  
23 The letter as raised by the lawyer -- is it one amongst those  
24 nine documents as we discussed this morning? If the letter is  
25 one amongst those nine documents then we can proceed.

96

1 [16.09.20]

2 So this is one of the letters of Sou Met sent to Duch, right? It  
3 is the one; then we can proceed. You can proceed.

4 MS. TY SRINNA:

5 Thank you, Mr. President.

6 BY MS. TY SRINNA:

7 Q.I would like to ask the doctor, have you seen -- it's the  
8 original document of the documents with the ERN which I just  
9 quoted?

10 A.Thank you, Counsel.

11 I have at least seen a copy of the Khmer original. However, I  
12 would note that either the Chamber or the Co-Prosecutors, I  
13 believe, have distributed copies of the nine documents in  
14 question to all of the parties. They did not distribute copies  
15 of the nine documents in question to me, so I do not have either  
16 the Khmer original or an English translation before me today.

17 [16.10.41]

18 I will have to apologize if I can not specifically recall this  
19 document from memory based on an ERN number.

20 MR. PRESIDENT:

21 Co-Prosecutor, can you show the English version of that letter to  
22 the expert?

23 MR. BATES.

24 Yes, we can, Mr. President, but may I just correct one matter  
25 that Dr. Etcheson has mentioned. The Co-Prosecutors have

97

1 provided for all parties lists of the documents but haven't  
2 provided the documents themselves. Of course we can provide the  
3 English version of that document.

4 I wonder, Mr. President, whether you wish to put the document on  
5 the screen, and if you do, this perhaps can be done through the  
6 AV, and the AV unit switched to our computer on the front bench  
7 here.

8 MR. PRESIDENT:

9 In order to clarify it, the audio and video unit - can you switch  
10 the screens to the Co-Prosecutor's screen so that they can place  
11 that document on the screen for the Chamber to see?

12 MS. TY SRINNA:

13 Let me continue.

14 This letter is now shown on the screen. Let me put a question to  
15 the expert.

16 [16.12.35]

17 BY MS. TY SRINNA:

18 Q.Regarding this letter, from my observation there is no  
19 annotation or signature of Son Sen, who was the literacy person  
20 in the upper echelon, whom this letter had to go through. So I  
21 want to get clarification from the expert. What is your  
22 understanding? When this letter did not bear any signature or  
23 name of Son Sen, how was this letter sent? Was this letter sent  
24 through him? Can you clarify on this particular matter?

25 MR. KONG PISEY:

98

1 Mr. President, with your permission, I would like to interrupt.  
2 The letter shown on the screen is the English version, but the  
3 original letter was in Khmer. If we have the Khmer version then  
4 it should be projected on the screen. Whether there was  
5 annotation or not, it should be on the original document, that is  
6 the Khmer document.

7 Thank you.

8 MR. PRESIDENT:

9 The purpose is that the expert was not aware which letter had to  
10 be discussed at this stage, because it was requested to him for  
11 the Khmer version, and now we don't have the Khmer version and  
12 the document shown on the screen is just a translation with the  
13 Khmer original version. The purpose is just to clarify whether  
14 -- which document is for the discussion as suggested by the  
15 lawyer. If we project the Khmer version on the screen then the  
16 expert would not understand it, and if we can clarify on the  
17 annotation on the letter then we use different means; that is, to  
18 use the original Khmer document to see whether there is an  
19 annotation or not because this is just a translation and we are  
20 not sure whether the annotation has also been translated. So  
21 these are two different conditions.

22 Dr. Etcheson, I think now you understand the content of this  
23 letter and the attempt to be put by the lawyer to you. So the  
24 question is related to the annotations in the Khmer language and  
25 whether the annotation has been translated or not. Maybe the

99

1 Co-Prosecutor can project the same document in the Khmer original  
2 version.

3 Ms. Ty Srinna, can you put the question again to the expert, Dr.  
4 Craig Etcheson?

5 MS. TY SRINNA:

6 Thank you, Mr. President, for your facilitation.

7 [16.16.51]

8 BY MS. TY SRINNA:

9 Q.I would like to ask the expert, the letter which is projected  
10 on the screen right now, what is your opinion -- because on this  
11 letter there is no annotation of Son Sen, so we want to know  
12 whether this letter had actually gone through Son Sen. From your  
13 research, is there any ground or source to verify that this  
14 letter actually had gone through Son Sen?

15 A.Thank you, Counsel. You actually raise a very interesting  
16 question.

17 As I discussed a little earlier, we know from the 30 March 1976  
18 document, "Decisions of the Central Committee," that the General  
19 Staff was responsible for policies of smashing enemies within the  
20 Centre military. We know from various sources that Division 502  
21 was part of the Centre military. We know that Sou Met was  
22 Secretary of Division 502. We also know that Son Sen was Chief  
23 of the General Staff, and thus from these various pieces of  
24 information it is reasonable to assume that messages regarding  
25 enemies and a Centre division would have gone through Son Sen to

100

1 S-21.

2 However, in the absence of any indication to the contrary, no  
3 information on who this document was circulated to or through,  
4 other than the address line and the signature line, in those  
5 circumstances we have -- besides my theories of how the regime  
6 worked, based on documents, we have only the word of the accused  
7 person that this document went through Son Sen, since there is no  
8 evidence otherwise on the document.

9 [16.20.46]

10 Q.Thank you. I have no further questions.

11 MS. TY SRINNA:

12 I would like now to have my colleague the opportunity to put  
13 questions to the expert with Your Honour's permission. Thank  
14 you.

15 MR. PRESIDENT:

16 The international lawyer for civil party group 1, the floor is  
17 yours.

18 The audio-visual unit, can you switch the screen to the normal  
19 view?

20 [16.21.06]

21 MR. WERNER:

22 Your Honour, good afternoon.

23 Your Honour, I have -- for more than 10 minutes, 20 minutes, I  
24 have some questions for the expert and I'm happy to start for a  
25 few minutes, unless you want me to start from fresh tomorrow.

101

1 I'm in your hands.

2 (Deliberation between Judges)

3 MR. PRESIDENT:

4 It is now 20 past four and in our schedule we're supposed to only  
5 conduct the hearing until 15 past four, and there are still  
6 plenty of questions, maybe from the civil party lawyer and also  
7 from the defence counsel. So the Chamber decides that today's  
8 session is adjourned and resumed tomorrow at 9 a.m. as usual.

9 The security personnel please take the accused to the detention  
10 facility and bring him back by 9 a.m.

11 Mr. Craig Etcheson, we are very grateful to your patience and  
12 great assistance to respond to several questions in the name of  
13 expert witness and we have observed that you have been rather  
14 tired already, having answered all those questions. We believe  
15 that tomorrow would be the last day we would like to see you in  
16 the courtroom, and we really appreciate your presence again  
17 tomorrow at 9 a.m.

18 (Judges exit courtroom)

19 (Court adjourns at 1624H)

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