



**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 PROCEEDINGS - "DUCH" TRIAL**

**PUBLIC**

Case File N° 001/18-07-2007-ECCC/TC

30 April 2009, 0915H

Trial Day 15

Before the Judges:

NIL Nonn, Presiding  
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YA Sokhan  
Jean-Marc LAVERGNE  
THOU Mony  
YOU Ottara (Reserve)  
Claudia FENZ (Reserve)

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KAR Savuth  
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I N D E X

WITNESSES

THE ACCUSED, KAING GUEK EAV

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Questioning by Judge Lavergne commences..... page 27

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BATES	English
JUDGE CARTWRIGHT	English
MR. HONG KIMSUON	Khmer
MR. KAR SAVUTH	Khmer
JUDGE LAVERGNE	French
MS. SE KOLVUTHY, GREFFIER	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	English

1

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

2 (Judges enter courtroom)

3 [09.15.00]

4 MR. PRESIDENT:

5 The Court is now in session in regard to the facts concerning the  
6 establishment of S-21 and the former psychiatric hospital in Ta  
7 Kmao.

8 The Greffier, could you please verify the attendance of the  
9 parties to the proceedings?

10 THE GREFFIER:

11 Your Honour the President, all parties are present. Thank you.

12 MR. PRESIDENT:

13 The security officers of the detention facility, please bring the  
14 accused to the dock.

15 MR. PRESIDENT:

16 Yesterday it was civil party lawyers group 4's turn to put  
17 questions to the accused and the lawyer still had a few more  
18 questions, and the questions were interrupted by the adjournment.  
19 So now, civil party lawyers group 4 can still proceed putting the  
20 remaining questions to the accused concerning the facts at issue.  
21 The floor is yours, Mr. lawyer.

22 [09.17.26]

23 MR. HONG KIMSUON:

24 Thank you, Mr. President.

25 Your Honours, I would like to put more questions to the accused

2

1 concerning the establishment of S-21 and Ta Kmao Prison.

2 BY MR. HONG KIMSUON:

3 Q.Yesterday, I asked questions concerning the diagram and today,  
4 as already confirmed by Judge Lavergne, it concerned the diagram.  
5 Now the question is that regarding the detention cells at S-21,  
6 as you mentioned yesterday -- the accused -- you said the orders  
7 were made by you directly to Hor to build a small individual  
8 cell.

9 Did you order your colleague, Comrade Hor, to build the  
10 individual cell based on your own initiative or from the order of  
11 your superior?

12 A.I already stated on several occasions about this, but I may  
13 have to repeat to clarify the position.

14 I did not ask for orders from the superior because it -- in the  
15 framework of S 21 to manage their own work, I ordered Hor to  
16 create such an individual cell because Hor was informed and was  
17 aware of such individual cells, left over from the French period,  
18 taken from the PJ Prison.

19 Q.Thank you. You said you never visited the buildings in which  
20 the individual cells were built. After those individual cells  
21 were created, who made the decision to place those individual  
22 prisoners in those individual cells?

23 A.I would like to inform the Chamber and Mr. President and Mr.  
24 Kimsuon, these are two separate issues. One is the order to  
25 build those cells. It was my order as in the power as the

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1 chairman of S-21. And about the ordinary prisoners to be  
2 detained in those individual cells or in the room, that was the  
3 responsibility of Comrade Hor.  
4 That's what he did on -- that's what he did routinely and he was  
5 responsible before me as the chairman and before the party in  
6 order to prevent the prisoners from talking to each other or when  
7 they were interrogated together. So that was the sole  
8 responsibility of his and he had to be responsible before me and  
9 before the party.

10 [09.21.47]

11 Q.Thank you. My third question.

12 In general, during the Democratic Kampuchea regime, as in the  
13 other institutions, there used to be the principle of  
14 competition. So in the S-21 office, were there any measures as  
15 the initiative as the chairman of S-21 to promote the competition  
16 of good work quality in each unit or section?

17 A.Your Honour Mr. President, the competition in the Democratic  
18 Kampuchea regime existed. So what did they compete against?  
19 They competed against the movement, as you can see in the  
20 documents of those interrogators. That is, three tonnes per  
21 hectare, and for the interrogators, they had to get clear  
22 confessions so that is -- they had to compete against the  
23 movement to compare themselves. For example, for self-building  
24 also had to compete against the movement.

25 [09.23.19]

4

1 Q. Thank you.

2 In my fourth question, it relates to the consistency or  
3 similarity between M-13 and the establishment of principle at  
4 S-21; the self-criticism meetings. At what level of the cadres  
5 or their superiors hold the self-criticism meetings together with  
6 you?

7 A. This matter is a rule stated clearly in the party's statute,  
8 so I do not want to talk in details.

9 As chairman of the S-21 committee, the fortnightly meeting or the  
10 self-criticism meeting was held among the three of us, i.e.  
11 myself, Comrade Hor, and Comrade Huy. So this is the principle  
12 that we have to implement, however, because of the work load and  
13 because of our trust amongst each other, so we really hate that  
14 meeting. If I made a mistake, then they will tell me. If they  
15 made a mistake, then I would tell them, so that was our routine  
16 operation.

17 As for the self-criticism for the entire unit, there would be my  
18 opinion during the assembly meeting; that is would be for the  
19 entire S-21 office. I still remember one assembly which was held  
20 on the 27 of April 1977 where my superior, Son Sen, also  
21 attended. That was the time that I had to pledge myself to be  
22 criticized by the members in the unit. I would like to emphasize  
23 that the reason I remember this date clearly because it was the  
24 birthday of my child, rather Mam Nai did not attend because he  
25 had to take his wife to the hospital, so the members within the

5

1 unit had the right to criticize me at the time.

2 Q. Thank you.

3 As you already informed the Chamber regarding joining or becoming  
4 a full-rights member when you were imprisoned in 1968, you said  
5 the person who introduced you to the party was Comrade Hor. Am I  
6 correct on this point?

7 A. Comrade Hor, when I was in prison -- we were in prison at the  
8 same time. At that time, he was still in the youth league and I  
9 was a candidate member, and when I was at a PJ Prison, the person  
10 who introduced me was Sar Sien, a member of the standing  
11 committee. He was the cadre who introduced me to become a  
12 full-rights member.

13 [09.27.01]

14 Q. Thank you.

15 As you already informed the Bench or the Judges regarding the  
16 working or the implementation of the CPK policies and in your  
17 role as the chairman of the S-21 office which was similar to the  
18 M-13 office, you already informed the Chamber if an order or  
19 direction was issued from the upper echelons, you would not  
20 object, you had to follow, otherwise you would be beheaded.  
21 So with the direction from Son Sen and Nuon Chea at the time when  
22 you were the Chairman of the S-21 office, these two people, which  
23 one had more influence on you?

24 A. As a leading cadre, their orders, we had to abide and that is  
25 the fact, however, these two individuals had their own specific



6

1 characteristics. Son Sen has different characteristic and Uncle  
2 Nuon has different characteristic.

3 As for Son Sen, when he told us then we could express our  
4 opinions to give him reasons to discuss with him, and if our  
5 opinions were contrary to his, he would take off his glass and  
6 then he would think, and then he would make judgement on the  
7 reasons and then he would give the decision.

8 For example, you had to follow this way or that way in order for  
9 the benefit of the party or the revolution. So, with Son Sen, I  
10 was clear in implementing his orders than the orders from Nuon  
11 Chea.

12 [09.29.30]

13 Q.Thank you.

14 So in relation to the orders from the superior and as you have  
15 two superiors -- that is, Son Sen and Nuon Chea -- earlier you  
16 informed the Chamber of Nuon Chea's order regarding the  
17 relocation to the Kab Srov area, and you objected to it or you  
18 explained to Nuon Chea that because at Choeung Ek nobody looked  
19 after that location because of the huge burial site. Am I  
20 correct on this point?

21 A.Before I answer the question, I would like to state the facts  
22 on the matter clearly.

23 I was not under the direct orders of these two superiors at the  
24 same time. When Son Sen went to the battlefield then Uncle Nuon,  
25 who was his superior, would come to meet me. That was from the

7

1 15 of August '77, so that is the fact.

2 Secondly, the principle of constructing the S-21 office at Kab

3 Srov, it was the principle of the party decided by Pol Pot, as I

4 had reported. I dare to say that because the 15 of August '75,

5 when I went with Nat to receive the presentation on the

6 establishment of S-21, Son Sen, my superior, said that "Your

7 location was at Kab Srov, Comrade", but because Comrade Chhorn,

8 his messenger, who was stationed at the railway station, was too

9 busy, they couldn't let us go there.

10 So for the matter of urgency, he asked me to collect those books.

11 So the Kab Srov location was the actual principle of the party

12 and finally, probably, it was in November '78, Uncle Noun said,

13 again, "Comrade, your location as indicated by the party was at

14 Kab Srov", and I responded, "Yes, I realize that, Brother." I

15 called him Brother at the time, but the issue is that we could

16 not leave Choeung Ek.

17 I wanted to remain at Choeung Ek because there were a lot of

18 bodies there. If we left Choeung Ek and people go there and digs

19 those bodies, that would not be a good thing. He did not make a

20 decision immediately, but later on he told me that the party

21 decided that you can have the location at Choeung Ek.

22 [09.32.53]

23 Q.Thank you. I have another question.

24 You told the Chamber about a saying and I would like you to

25 explain that saying. For example, the word "bergier" or "dog" or

8

1 the other saying, "open the crap to show it is shit." In  
2 general, in order for the Chamber to easily understand it what  
3 does it actually mean between you and the Party and between you  
4 and your superior.

5 A.I think for the Khmer people it's easy to understand and  
6 probably it's not that difficult for the French or the English.  
7 For example, there were bergier or dog, when you are sincere to  
8 them they regard you as an instrument of their service or in the  
9 Khmer -- in the Party it would say the cleaned instrument of the  
10 Party.

11 [09.34.13]

12 Every step we took we did not betray the Party. If the Party  
13 pointed us to the left we go to the left, or the right we go to  
14 the right. And for the Khmer people to understand I use the word  
15 bergier or dog, that is number one.

16 And the second one is about open the craps to show it's shit;  
17 that is we revealed whatever inside which was not necessary. For  
18 example, when you open up the crap then you show -- you see the  
19 shit and the crap is already dead.

20 So we don't want to talk about whatever, that would have us  
21 killed immediately. For instance, if I say "I will not do the  
22 police work because the police work of the Khmer Rouge is  
23 criminal"; no, I would not dare to say that. So we had to find a  
24 means and as I reported already, in order to say it in a  
25 different way, that is, for example, all confessions were untrue

9

1 when there was mass arrest from the north and I told Son Sen, the  
2 names were unlikely and then he said: "Comrade Duch, the  
3 confession of Khun (phonetic) you had to look."

4 So it means he did not believe the confession already but then he  
5 himself had to believe the confessions. So to sum up, it means  
6 when you open the crap to show its shit, it means we do not want  
7 to say anything about the Party or we would be beheaded. So this  
8 is a general term using the Khmer context.

9 Q.Thank you.

10 [09.36.09]

11 You already stated to the Chamber that before you took your  
12 position at S-21 you received training as asked by the Judge, and  
13 that you did not write your biography about your uncle whose wife  
14 was the nephew (sic) of Lon Nol, but you informed about this to  
15 some senior brothers, and can you tell the Chamber who were those  
16 senior brothers?

17 A.Thank you, Kimsuon, for this.

18 My -- the first brother was Chhay Kim Huor alias Hok, he was not  
19 with me at the time. I recall on this Chhay Kim Huor alias Hok  
20 because when he was imprisoned he gave me some examples. Even  
21 before I was imprisoned he said that when he was in prison his  
22 wife went around to look for people to bribe, and he threaten his  
23 wife. Even if she bribe somebody he would not stay out of the  
24 prison.

25 So he showed me his actual stance with the Party, but when I was

10

1 imprisoned I was close to Brother Tep Sien or Son Sen, the member  
2 of the standing committee.

3 So talking about my mother -- I told Brother Sien that my mother  
4 communicated with her relatives who was the nephew of Lon Nol.

5 At that time he was not yet the head of state and I call him Ton  
6 Nol (phonetic) -- not at the time I did not call him general or  
7 his Excellency yet.

8 [09.38.05]

9 So I was asked to write a brief, a petition and to have a nice  
10 rice and some food in order to give to Lon Nol and it's going to  
11 be prepared by my aunt. And then I told Brother Sien about all  
12 this and that I replied to my mother that I tried to explain to  
13 him, so the brother that I remember that I told about the story  
14 was him.

15 At that time it was Brother Sien and later on when I met Brother  
16 Hok in -- at a later stage I informed him, I did not inform Vorn  
17 Vet or Son Sen about this matter at all. So when I talk about  
18 the Sien brothers it was about these two; Chhay Kim Huor, alias  
19 Hok and Son Sen, alias Tap Sien.

20 [09.39.09]

21 Q.My last question, Chhay Kim Huor, alias Hok, the person whom  
22 you told about your biography, he was your associate or colleague  
23 to work at S-21 and that you said he managed the daily operation;  
24 is this correct?

25 A.Probably you do not remember all the names; Brother Chhay Kim

11

1 Huor was at the Energy -- was at the Energy and I wanted to help  
2 him to become the chairman of S-21 when Nat left.  
3 After the party removed Nat from S-21, I did not want to be a  
4 chairman and I requested my superior Son Sen for Brother Kim  
5 Huor, alias Hok to become the chairman. At that time I didn't  
6 know about the Party's assignment of him as the -- as the head of  
7 the Energy Section but then at the time my superior threatened  
8 me; Son Sen threatened me, "Duch, what is it, what is it about  
9 the S-21?" After he talk about that I dare not to say anything.  
10 So Chhay Kim Huor, alias Hok, was a former cadre who educated me  
11 from an early stage.  
12 Q.Is this correct, Comrade Hor and Chhay Kim Huor is it the same  
13 person?  
14 A. I think you are mistaken. Comrade Hor, my deputy, his  
15 original name was Kim Kom Ver (phonetic) alias Hor and Chhay Kim  
16 Huor, alias Hok was a different person.  
17 MR. HONG KIMSUON:  
18 Thank you, Mr. President, I finished my question.  
19 [09.41.16]  
20 MR. PRESIDENT:  
21 Next, it's time the defence counsel to put questions to the  
22 accused concerning the facts of S-21 and the Ta Kmao prison. If  
23 you would wish to do so, the floor is yours.  
24 MR. KAR SAVUTH:  
25 Thank you, Mr. President.

12

1 The defence counsel do not have any questions to ask the accused  
2 at the moment. Thank you.

3 MR. PRESIDENT:

4 Judges of the Trial Chamber, would you wish to put any further  
5 questions to the accused? If you would wish to do, so the floor  
6 is yours.

7 Judge Jean-Marc Lavergne, you take the floor

8 QUESTIONING BY THE BENCH

9 BY JUDGE LAVERGNE:

10 Q.The decision relation into -- in relation to the last question  
11 of the civil party lawyer concerning Chhay Kim Huor and Hor, you  
12 explained that these were not the same people and you were asked  
13 if Chhay Kim Huor came to S-21 -- and he came to S-21 but on  
14 which conditions, under which conditions?

15 [09.42.54]

16 A.Your Honour, Chhay Kim Huor, alias Hok was the secretary of  
17 the energy ministry in charge of gasoline and distribution of  
18 fuel.

19 Finally, there was an implication in the confessions and the  
20 superior arrested him and brought him in late of 1978. Chhay Kim  
21 Huor, alias Hok, was arrested. This is the individual I told  
22 Judge Marcel Lemonde that I requested to the superior to have  
23 them released, along with another person, Mr. Nhgor. At the  
24 beginning, the decision to release was attempting, but later on I  
25 was warned and threatened not to release him and later on he died

13

1 at S-21 and his photo still remains, and that he was smashed  
2 there.

3 [09.44.22]

4 MR. PRESIDENT:

5 The proceedings concerning the establishment of S-21 and the Ta  
6 Kmao Prison come to an end.

7 Next, the Chamber would like to inform all parties that the  
8 Chamber is going to conduct the proceedings concerning the policy  
9 of the CPK regarding S-21.

10 BY MR. PRESIDENT:

11 Q.Mr. Kaing Guek Eav, we now proceed to another fact; the third  
12 one as laid out in the schedule of facts to be raised in the  
13 proceedings.

14 And now we come to the third fact concerning the implementation  
15 of the CPK policy. The Chamber would like to know if you can  
16 tell the Court about what you can recall regarding the  
17 implementation of the CPK policy. The floor is yours.

18 A.First, I would like to respectfully tell the Court that the  
19 CPK's policy was absolute and it had been in place long ago. It  
20 was applied since I started to be appointed as the chairman of  
21 S-21. People who were arrested and accused as being enemies  
22 could never be released. When they approached the S-21 -- and at  
23 S-21 the same policy was still implemented. People who were  
24 arrested were not be released -- were not released.

25 I would like to give you an example that we had no rights to



14

1 release anyone. Since the beginning of the establishment of  
2 S-21, Nat and Dai (phonetic) were together. At that time, Son  
3 Sen, our superior, told us that there was a young man called Kong  
4 Socheat, alias Soeun; I don't know whether he was from the  
5 northwest. And then we were asked not to beat him to extract  
6 confession, and we were asked to wait. And later on, we were  
7 told that the party, or Angkar, did not want to release this  
8 person and that he would be interrogated as scheduled.

9 [09.48.09]

10 I would like to tell the Court that that person was not released  
11 and the reason that the people were not released was genuine;  
12 that later on I asked Brother Nhgor to be released and I asked  
13 that Mr. Chhay Kim Huor be released, but the upper echelon did  
14 not agree to have them released.

15 And I would like to also confirm that Pol Pot himself did not  
16 recognize his right to release anyone. For example, the person  
17 named -- a dentist, Dy Phon, he was arrested and sent to S-21. A  
18 few days later, Uncle Nuon said that, "Please, do not kill Dy  
19 Phon, the dentist. Please keep him to treat our dental matters."  
20 And here even he himself could not make a decision to release the  
21 person but to keep him for further use at S-21. So we only could  
22 decide that people could not be smashed and keep them to serve as  
23 S 21 or regard them as "semi-prisoner", as I may say.

24 [09.50.05]

25 So I would like to go back to the beginning when I told you that

15

1 when people were perceived as enemies and arrested and sent to  
2 S-21, no-one was entitled to release them. Even Pol Pot, the  
3 most senior person of the Khmer Rouge, acknowledged that he did  
4 not have the right to release people.  
5 Next, I would like to also emphasize that -- this line. What was  
6 the line? It was the party's line; the party's line, as  
7 stipulated in the first document adopted in 1960 when the  
8 Communist Party of Kampuchea was established. There were two.  
9 One, what we call "theoretic line". Number two, we call the  
10 "theoretic policy", to gather forces, to gather enormous forces  
11 to fight the enemies.  
12 So this is this theoretic policy and so far as I remember in the  
13 CPK before 1970 no internal rank was purged or smashed. I may  
14 say that one was smashed, but they did not dare to do anything to  
15 harm the lives of people who were regarded as internal people. I  
16 could say that because Koy Thuon said that he smashed Yong. So  
17 that's only one case that internal person was smashed.  
18 And we have another people -- other people including Siv Heng and  
19 Yong, but as I told you, the party did not want to purge internal  
20 cadres before 1970 because they exercised what we called the  
21 policy to mobilize front forces and then they had their free  
22 zones or liberated zones. Only after then that they started to  
23 exercise the smash line to kill people, to save the life of  
24 people in the liberated zone.  
25 [09.53.03]

16

1 From 1973, then they exercised what we call the "class line", and  
2 people in Amleang from 1973 then they exercised what we call the  
3 class line, and people in Amleang, 50 to 60 people of them were  
4 regarded as imperialists -- sorry, correction, feudalists, and  
5 smashed. Like tailor Soy was regarded as capitalist and the  
6 village chief, Phoeung, for example, regarded as the capitalist.

7 [09.53.52]

8 And later on after the 17th of April, after the victory, there  
9 are still documents as proof they started to implement the class  
10 anger policy or line against exploiting class. So class struggle  
11 started and generals were arrested, and this led to more arrests  
12 because of this -- what we call this class struggle. And when  
13 later on people were arrested, they were regarded of falling in  
14 the policy of class struggle. Even Man Huot Tat was also  
15 arrested.

16 And You Peng Kry, alias Mon, criticized partriarch Huot Tat had  
17 several wives, and then he denounced -- suggested that Huot Tat  
18 could not escape from being arrested by Division 703. And there  
19 are still documents that can be found in the notebooks of Brother  
20 Mam Nai from the 24th to the 27th in 1975.

21 People were evacuated, foreigners were expelled from the country,  
22 and we were prepared for victory by doing so. So in conclusion,  
23 it is clear that the Communist Party of Kampuchea cannot avoid  
24 being prosecuted of the crimes they have committed. So when I  
25 refer to CPK, everyone was involved, including me myself, but

17

1 those people in the upper echelons and those who were direct  
2 perpetrators were those from the military. And through the  
3 introductory submission of the Co-Investigating Judges you can  
4 see that.

5 It is true that those soldiers under the orders of the  
6 secretaries of each zone had to do that, and later on there was  
7 the role of the police office of all sectors to implement the  
8 decision of the 30th of March 1976. So the Standing Committee of  
9 the Central Committee issued that, and Pol Pot initially provided  
10 -- gave the authority to four groups of people to kill people,  
11 based on his idea that it serves the interest of that four  
12 groups, as I already stated, and as in the closing order and  
13 final submission of the Co-Prosecutors.

14 I now would like to ask Your Honours' leave to project on the  
15 projector document -- this document, page ERN 003136.

16 [09.58.39]

17 MR. PRESIDENT:

18 The Court Officer is instructed to place that document on the  
19 overhead projector.

20 The Greffier, can you read the decision dated the 30th of March  
21 '76. That is point 1 and 2.

22 THE GREFFIER:

23 "Two, right to smash inside and outside the ranks. Request:  
24 One, to have a framework to implement the absolute revolutionary  
25 plan of ours. Second, to strengthen the Communist regime; that

18

1 is to strengthen our state authority within the framework at the  
2 base, the decision is of the Standing Committee. Around the  
3 Central Office it has to be decided by the Central Committee."

4 MR. PRESIDENT:

5 Can you read it slowly so that the translator can translate it,  
6 and it's also to be accurate in the transcript?

7 THE GREFFIER:

8 "Two, decision to smash inside and outside the rank. Request:  
9 One, to establish a framework to implement our absolute  
10 revolution. Two, to strengthen the democratic socialism. This  
11 is in order to strengthen our state authority; that is, within  
12 the framework at the bases, the zone Standing Committee has to  
13 decide. Around the Central Office the decision is to be made by  
14 the Central Office Committee. For the independent sectors it has  
15 to be decided by the Standing Committee, and for the Centre  
16 military it has to be decided by the General Staff."

17 [10.01.57]

18 BY MR. PRESIDENT:

19 Q.The accused, do you have anything else to add regarding this  
20 letter on policy of the Party?

21 A.Your Honour Mr. President, I would like to add a bit further  
22 on the right to smash inside and outside the ranks. So the  
23 standing Party's committee headed by Pol Pot decides to give the  
24 right to smash to these four groups, so that is within the  
25 insider ranks it refers to all the cadres at all levels within

19

1 the Party. The request for this implementation, I would not like  
2 to elaborate on that. However, I would like to state that within  
3 the framework of the bases it has to be decided by the zone  
4 Standing Committee.

5 So the person who had the decision to decide for the bases, it  
6 was mainly the secretary of the zone. At each location, the  
7 police were regarded as a hypocrite. It means whoever they  
8 served, it was for the interest of their boss or their superior,  
9 so at the bases whoever strived to compile the confessions to the  
10 upper echelons, the zone secretary would make a decision to  
11 decide if a person is to let live or to die. And that may come  
12 to number two and also to number three.

13 For the independent sectors, it has to be decided by the standing  
14 committee. So if a wicked one is within the base framework, it  
15 has to be decided by the Zone Standing Committee and, number  
16 three, for the independent sectors, the standing committee would  
17 decide.

18 The word "standing committee" refers to the Central Standing  
19 Committee laid by Pol Pot, so the independent sectors had no  
20 right to make their own decisions. It has to be decided by the  
21 standing committee, and why is it so? Because in the independent  
22 sectors from what I can recall; for example, at Kampong Som  
23 sector, Meah Mut or Brother Mut was the secretary of the  
24 independent sector of Kampong Som. He was at the time the  
25 assistant at the standing committee. He was not yet a

20

1 full-rights member of the standing committee. As such, he had no  
2 right to decide for the arrest of any cadre.

3 [10.05.25]

4 Only after you became the full-rights member of the standing  
5 committee like Brother Pot or Brother Si or Brother Lim, then  
6 they would have the right to make decisions. So then for the  
7 independent sectors then, Pol Pot would decide. And for the  
8 centre army, it has to be decided by the general staff -- that is  
9 the secretary of the general staff, nobody else, only the  
10 secretary, Son Sen; that is Brother 89 who has the right to make  
11 that decision.

12 Therefore, the people who were sent to S-21 or who were sent to  
13 other police offices, as I informed the Chamber yesterday, it  
14 means those person already -- their fate's already decided. And  
15 those who were sent to Choeung Ek, there is the crimes on the  
16 people whose fate was already decided by these people, so that's  
17 why I would like to reiterate this point.

18 And that is my conclusion on the explanation of this document to  
19 Your Honour, Mr. President.

20 [10.06.43]

21 Q.You responded continually on the policy towards the enemy at  
22 S-21 -- that is, after 1970 -- there was implementation of the  
23 policy towards the enemy and the question is, before that, was  
24 there any document as this document or it was the information was  
25 only disseminated during a meeting or during assembly of the

21

1 party or at the zones or the special sectors' committee meetings?  
2 A.Mr. President, that is a document of the central committee on  
3 other matters is a confidential document, and it was kept only at  
4 the central office. I, the chairman of S-21, never saw this  
5 document. I only saw it during the investigation phase of the  
6 Co-Investigating Judges. This is a very confidential document of  
7 the party.

8 So in order to make it easy to understand, I would like to  
9 explain a bit further to Mr. President.

10 There were three kinds of documents of the party. One is the  
11 most confidential document type and that's a typed document, and  
12 another one is the 9th October document. So these are called the  
13 most confidential documents.

14 And the other documents belong to a group called the internal  
15 party documents. For example, the statutes of the party is an  
16 internal party document, and if you are not a member you did not  
17 have the right to read, to study or to discuss on the internal  
18 party's documents.

19 And the third category is called an open document which is openly  
20 disseminated. For instance, the revolutionary flag is an open  
21 document. The Democratic Kampuchea's constitution is an open  
22 document. Radio broadcasting is also an open document.

23 So to sum up, this is just to make it clear. Whatever we did, we  
24 did based on the orders, and I only saw this document recently.

25 So this is the information for you, Your Honour.



22

1 [10.09.49]

2 Q.Mr. Kaing Guek Eav, please try to understand the question  
3 clearly.

4 The question was; previously, you mentioned before this document  
5 existed, the implementation of the policy towards the enemy --  
6 that is, to smash -- so before the establishment of the Santebal  
7 or the security office of M-13, at that time during the  
8 implementation or the operation of the M-13 office, was similar  
9 document or any decision from the standing committee exist?

10 A.Thank you, Mr. President. I would like to respond as  
11 following.

12 I did not see such document in my hand. We did based on the  
13 order and believed that those people who were sent to us, they  
14 were already responsible before the history; that is, they were  
15 sent to be smashed.

16 As I already reported to the President, and the Chamber earlier;  
17 I live until today, I do not dare to decide to make any decision  
18 to arrest anybody. If they were sent to me, I received them. If  
19 I was asked to torture for interrogation, yes, I just follow it.  
20 So to sum up, I never saw such document. I only implemented  
21 based on the order that I received.

22 [10.11.37]

23 Q.Seems likely if we look at the chronology of the operation  
24 that is based on the content of this document which is dated the  
25 13th of March 1976 and the operation of the establishment of

23

1 S-21, started from the 15 of August '75. That is the  
2 establishment and the operation of S-21 existed for one year or  
3 nearly one year or eight months before this document; before this  
4 decision of the Standing Committee of the Central Committee, and  
5 you stated previously that you followed the principle of the  
6 party's policy towards the enemy that used to be implemented at  
7 M-13, to be implemented at S-21 without any other decisions.

8 A.The form of the operation or implementation, yes, it was  
9 followed from the M-13.

10 Q.During the initial stage of the establishment of S-21 office,  
11 that is during the period In Lorn alias Nat was the chairman and  
12 you were the deputy, was there any instruction on the political  
13 implementation, on the assignment or organization of duties from  
14 Son Sen for the operation, to be implemented at S-21?

15 A.Mr. President, we both co-operated to work fully and there was  
16 no clear document at the time from my -- what I can recall and we  
17 started from October. At that time, I frequently went together  
18 to meet the superior. So both of us went to see the superior and  
19 to receive order for our daily operation from -- for one period  
20 to another.

21 [10.14.16]

22 For example, when we went to meet him, I remember that the first  
23 person that was accused of being an enemy, the CIA that is, Leav  
24 Soksophon Pha an electrical engineer, was arrested from Phsar  
25 Tauch and he thought -- and he asked me about the progress of his

24

1 confession.

2 So that is the type of the daily operation, and on the principle

3 of the enemy who was arrested and would not be released, I

4 believed both Nat and I and even if my superior understood this

5 principle clearly, and nobody dared to violate that principle.

6 Separately, at the time, there was one violation of the principle

7 committed by Nat. He arrested combatants from his former units

8 unilaterally and this is -- that was a violation of the

9 principle. And on that matter, I would like your -- the

10 President, whether you want me to report on this particular point

11 or I can speak on this particular point at a later stage?

12 Q.Now we are dealing with the operation -- with the -- only the

13 implementation of the policy and we will deal later with the

14 operations of the S-21. So we only focus now on the major

15 grounds for the implementation of the policy at S-21.

16 [10.16.06]

17 Another point that we want to raise. The Chamber doesn't have

18 any -- that official document but at the request of the

19 Co-Investigating Judges to the -- to France, but there was no

20 reply officially.

21 You sent a letter through a victim of M-13, that is Mr. François

22 Bizot, to the French Embassy and the content of the letter is the

23 implementation of the party's policy in smashing the seven

24 traitors during the -- of the Lon Nol regime and other people who

25 did not -- who did not join the revolution.

25

1 So the question is, can you recall the content of the letter that  
2 was sent through François Bizot to the French Embassy? And the  
3 second question is whether the policy of smashing subsequently  
4 after the 17 April '75 is consistent with the content of the  
5 letter that was sent from M-13 to the French Embassy?

6 A.Mr. President, I would like to report the following.

7 One, about the political program of the Kampuchea Reconciliation  
8 Front, the policy of this National Reconciliation Front is an  
9 open document, internally and externally. That is, inside the  
10 country and overseas.

11 So it was about two strives, to collect the forces without  
12 thinking of any political tendencies before the coup on the 18th  
13 of March 1970. And there was one section describing about  
14 self-independence, self-reliance, that is the Communist Party of  
15 Kampuchea. The Kampuchea revolution did not rely on the  
16 Vietnamese Communist Party but, at that time, we did not even  
17 dare to mention that name. The words they used were  
18 self-independence stance, self-reliance stance.

19 So these stances were to watch the Vietnamese Community Party;  
20 that is, we did not want their leadership.

21 [10.19.12]

22 So, to sum up, the document of this National Reconciliation Front  
23 is an open document, both overseas and domestic, and it did not  
24 talk about the purchase or the smash, it only talks about  
25 collecting the forces. So it is opened and extensive so it is

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1 more extensive than the strategic planning of collecting forces  
2 which I learned through my training at a later stage.  
3 If you look at the date -- I think it was the 23rd of March --  
4 then the Kampuchea National Reconciliation Front was announced to  
5 be formed. It was established by some intellectuals, also some  
6 of those who were from Beijing. So it was not a pure document on  
7 the Communist Party of Kampuchea.  
8 After the -- a little bit after the 23rd of March, that document  
9 was released and the document on the seven super-traitors. I do  
10 not recall many of them. I only recall the name Sisowath Sirik  
11 Matak, Lon Nol, Lon Non, for instance. I don't recall the rest.  
12 It was an announcement during the time of the final attack. So  
13 the first of the final attacks started the 1st of January '75,  
14 therefore, that announcement was towards the 17 April '75. So  
15 the denouncement of these seven traitors and the date of the  
16 document was different, and if you compare these two documents it  
17 was different and the writing was not based on the previous  
18 document. The writing did not base on the political programme of  
19 the National Reconciliation Front in order to analyse and to  
20 conclude the policy of the Communist Party of Kampuchea.  
21 This is my response to you, Mr. President.  
22 Q. Do you still remember that during the previous hearings there  
23 were a debate regarding the content in the testimony of Mr.  
24 François Bizot concerning the document you send through him to  
25 the French Embassy and the embassy asked him to translate that

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1 document.

2 Do you know what is the document about?

3 [10.22.19]

4 A.It was not my personal letter, it was the document of the  
5 National United Front of Kampuchea. It was the policy of the  
6 National United Front of Kampuchea and that document is a public  
7 document to support the collections of forces to support the  
8 resistance against the Americans.

9 So it was not my personal letter. It's the document of the  
10 National United Front of Kampuchea and some propaganda photos,  
11 including Hu Nim, Hou Yuon's picture, but there was no picture of  
12 Brother Hem or Khieu Samphan, so far as I recall.

13 [10.23.26]

14 MR. PRESIDENT:

15 Judges of the Trial Chamber, would you wish to put questions to  
16 the accused concerning the facts at issue? So the floor is yours  
17 if you would wish to do so.

18 Judge Lavergne, you take the floor.

19 (Microphone not activated)

20 BY JUDGE LAVERGNE:

21 Q.I was saying that this morning much has been said about the  
22 document presented as a decision or directive of the Kampuchea  
23 Communist Party on the 30th of March 1976. You mentioned this  
24 document this morning. I indicate that this document exists in  
25 the three official versions.

28

1 You started providing the ERN references. This is Document  
2 00003136 to 3142. The English version is 00182809 to 00182814.  
3 For the French version the numbers are 00224363 to 00224367.

4 JUDGE LAVERGNE:

5 I have a number of questions. I do not know whether it would be  
6 appropriate to take a break now or would you wish me, Mr.

7 President, to continue to put questions?

8 MR. PRESIDENT:

9 You may proceed with questioning and we will have a break after a  
10 few questions.

11 [10.26.55]

12 BY JUDGE LAVERGNE:

13 Q.I would like us, before we deal with questions concerning the  
14 implementation of the Communist Party of Kampuchea, I would like  
15 us to talk about the overall ideological context. First, for  
16 this purpose, I would like us to refer to the Constitution of  
17 Democratic Kampuchea.

18 JUDGE LAVERGNE:

19 This is a document that is in the case file but only in two  
20 versions. For the Khmer version, the ERN is 00089841 to  
21 00089852. For the English, the ERN is 00184833 to 00184839. So  
22 there is no French version in the case file, however, there is a  
23 book called Le Constitution du Cambodge, 1953 to 1993, a text  
24 that was gathered and presented by Raoul Marc Jennar; that is, a  
25 translation of the constitution is provided in pages 65 to 72 of

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1 the book I have just referred to.

2 So if there is no objection from the parties, I suggest that they  
3 be provided with a French version of this document.

4 MR. PRESIDENT:

5 The floor is yours.

6 MR. BATES:

7 Mr. President, Your Honour, we have a French version which we  
8 understand to be in the case file and we can give the ERN number  
9 to Judge Lavergne. The reference in French is S00012644 to  
10 12659, and this is Introductory Submission Document Annex C,  
11 Document 9.2.

12 MR. PRESIDENT:

13 The Co-Prosecutor, could you please repeat the annex number  
14 because the interpreter could not follow. You should please  
15 repeat. Thanks.

16 [10.29.54]

17 MR. BATES:

18 Certainly, Your Honour. It is Introductory Submission Annex C,  
19 Document 9.2, and I should state for the record that this  
20 document is not a translation. It is an original document  
21 created contemporaneously by the Democratic Kampuchea government.

22 JUDGE LAVERGNE:

23 Thank you, Mr. Prosecutor. This will make things indeed easier.

24 BY JUDGE LAVERGNE:

25 Q. So you told us that you had indeed given political training



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1 sessions within S-21. So is there any document -- does this  
2 document have anything to do about your training programmes? Do  
3 you know this document?

4 A.I would like to report to you concerning the training at S-21.  
5 The annual training conducted, based on the lessons we learned at  
6 general staff and what we were presented and taught, then after  
7 we left the session then we would be given the presentation text  
8 so that we could train our subordinates. So the lessons we  
9 learned were changed each year, and the lesson I taught or  
10 trained our people in the unit also changed, respectively.

11 Regarding the constitution document, frankly, I had never taught  
12 them using that document because this document is more a barrier  
13 to conceal the dictatorship in the theoretic line of the party.  
14 I did not use or introduce in my training this kind of barrier.  
15 I have been away long ago from that document and I cannot refer  
16 to any particular article. Maybe article -- the chapter 15 or  
17 something which mentions about religion, and I will say why it is  
18 a barrier.

19 At the Article 15, chapter 13, I think you -- I stand to be  
20 corrected. In that article, it says every Cambodian has the  
21 right to believe in any religion or not to believe in any  
22 religion, but people have to really -- or reactionary religions  
23 are to be absolutely forbidden.

24 So people who follow religions are also -- can exercise their  
25 right and while people who don't want to believe in any religion

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1 can also exercise their right according to the constitution.  
2 That's why this kind of document is considered as the barrier in  
3 our training. It's not really the foundation for training people  
4 to understand or to build the class stance or class line.  
5 So, once again, I only taught my subordinates based on what I had  
6 been taught during the annual training I obtained from my  
7 superior.

8 Q. So if I understand correctly what you're saying, this document  
9 was supposed to be broadcast publicly but it was also to be used  
10 to hide the true political line of the Communist Party of  
11 Democratic Kampuchea, or did I misunderstand?

12 [10.35.31]

13 A. Your Honours, I would like to clarify that what you have  
14 understood concerning what I had just reported is correct. The  
15 Constitution of the Democratic Kampuchea is a barrier -- in  
16 French it's called a façade -- to shield -- or to conceal the  
17 criminal acts of their own.

18 So that's my clarification in response to your last question.

19 Q. So we are dealing with a period that can be -- that was  
20 qualified as revolutionary. We are following an ideology that  
21 wishes to create a certain kind of society. I am going to read  
22 what is in the preamble of the constitution and you will tell me  
23 if this corresponds to the objectives of the revolution.

24 So it is the preamble and it is the penultimate paragraph:

25 "Whereas the entire Kampuchean people and the entire Kampuchean

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1 Revolutionary Army desire an independent, unified, peaceful,  
2 neutral, non-aligned, sovereign Kampuchea, enjoying territorial  
3 integrity, a national society informed by genuine happiness,  
4 equality, justice and democracy without rich or poor and without  
5 exploiters or exploited; a society in which all live harmoniously  
6 in great national solidarity and join forces to do manual labour  
7 together and increase production for the construction and defence  
8 of the country."

9 So what corresponds, according to you, to ideological -- to true  
10 ideological principles and what corresponds, according to you, to  
11 merely a façade?

12 [10.38.50]

13 A. According to the last phrase, as I can understand, it is a  
14 barrier starting when Cambodia builds a peaceful society.

15 If we ask ourselves what is the peace for, for whom, if you ask  
16 this question whether peace is for the interest of whom during  
17 the Communist regime --

18 THE INTERPRETER:

19 Sorry, correction, "happiness", not "peace".

20 THE ACCUSED:

21 If we ask ourselves whether happiness is for whom, then the  
22 Communist people in that regime including me, myself, I would say  
23 that the happiness was for the labour class and peasant class.  
24 And in that kind of textm the meaning of dictatorship already  
25 embedded in that version.

33

1 That's all my response.

2 [10.41.07]

3 MR. PRESIDENT:

4 The Chamber would like to take a 20-minute break and resume at 11

5 a.m.

6 (Court recesses from 1041H to 1105H)

7 (Judges enter courtroom)

8 MR. PRESIDENT:

9 Please be seated.

10 The Chamber is now back in session.

11 I would give the floor to Judge Lavergne to continue his

12 questioning to the accused. The floor is yours, Judge Lavergne.

13 [11.06.20]

14 BY JUDGE LAVERGNE:

15 Q. Just to provide some clarification. What I am trying to

16 elicit in putting questions to you on the constitution is whether

17 what appears in this document corresponds to your convictions at

18 the time. Whether this was the objective that drove you, and

19 perhaps later we will examine whether this matched what you did.

20 So the I read the preamble. I thought that these appeared to be

21 the program for an ideal society. You said it was a façade, but

22 is this something that today comes to you or were you, at that

23 time, convinced that it was possible to achieve an ideal society?

24 A. Your Honour, before I respond correctly to your question, I

25 would like to emphasize that -- I would like to emphasise on the

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1 religion. It's in chapter 15, Article 20. The chapter and the  
2 article that I described earlier were incorrect.

3 Your Honours, now we talk about the objective of building a  
4 society that is idealistic, if one can be built, and a realistic  
5 society is in a theory called "historical materialism". In it,  
6 it states that a society developed from the slavery society into  
7 a capitalist society -- for the (inaudible) society.

8 [11.10.15]

9 Please, the translator, don't go too fast.

10 In the beginning, it was the collective society and from the  
11 primitive collective society existed the slavery society. So it  
12 developed into a slavery society, and from the slavery society it  
13 developed into a feudalist society, and from the feudalist  
14 society it developed into a capitalist society; and then it  
15 became a socialist society. And from the socialist society, it  
16 developed into a communist society.

17 We, the persons who started the theory, believed on this  
18 particular matter and we started to appreciate the theory when I  
19 was studying at the elementary level of mathematics class.

20 When I started at the elementary mathematics class, at that time  
21 the geographic teacher, Mr. Gao Laing -- Mr. Gao Laing presented  
22 that in the socialist society the -- in relation to the  
23 production it's based on a slogan that "from an individual's  
24 effort and it returns to that individual based on the outcome".

25 [11.14.23]

35

1 I would like to speak in to French to the Judge, to Your Honour,  
2 and then I would say the last phrase into --  
3 THE ACCUSED (Speaking in French):  
4 "To each according to his abilities and from each according to  
5 his needs" or "From each according to his abilities and to each  
6 according to his needs."  
7 THE ACCUSED (Speaking in Khmer):  
8 So one person's ability and in return it depends on the demand of  
9 the individual. This means in the French,  
10 THE ACCUSED (Speaking in French):  
11 "From each according to his abilities and to each according to  
12 his needs."  
13 THE ACCUSED (Speaking in Khmer):  
14 I really liked the theory, so after I studied a secret document,  
15 the Leninist theory, it shows that the development of the society  
16 follows that trend, and I believed in it. And after 17 April,  
17 when I saw the evacuation of the people and the mass killing of  
18 the people, I really felt regretful for it. That was the time  
19 slogans were established, "The great leap forward, the great  
20 movement and the great message". So in the Khmer it says "The  
21 great movement, the great leap forward, the great message". I  
22 apologize, so let us keep it that way.  
23 Some people had a tendency to understand this slogan. It refers  
24 to the building of the economics of the country in a great leap  
25 forward fashion. The analysts would say the great leap forward

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1 of the economy was explained by Khieu Samphan, the state  
2 president. And I, myself, I saw the light in those lines -- I  
3 saw the lie in those lines. It means the words of Brother Hem  
4 was a lie.

5 I saw the explanation of Khieu Samphan was a lie. In fact, what  
6 is the great leap forward? Pol Pot evacuated all the people from  
7 Phnom Penh City, smashed the former regime officials, smashed the  
8 capitalists, smashed the intellectuals, so what was remaining?  
9 Only the peasant worker class remained.

10 [11.20.30]

11 I would like to correct the translator. So only the peasant  
12 worker class existed and they were in a collectivity. That means  
13 collective workers and collective peasants. They had their team,  
14 group, companies, battalions, and they had their livelihood  
15 meetings and they had their leadership.

16 Now let me return to the question of Your Honour, and I would  
17 like to answer it to the point. Was I happy with the idealistic  
18 society created by Pol Pot? I would say that it was horrible  
19 because a lot of human lives were lost and in the end only two  
20 classes existed or remained.

21 Now to conclude, if I look back into that society, what type of  
22 society it was? When I looked back some western analysts say  
23 that Pol Pot was a student of Mao Tse Tung. He was a follower of  
24 Mao Tse Tung. I would like to emphasize that it's Pol Pot-ist,  
25 not Mao-ist.

37

1 Pol Pot was a stage to expand further of the four people of the  
2 great revolution of China. These four main groups state have one  
3 step forward but Pol Pot had 10 steps forward. The four main  
4 groups or the group of four, this group of four was in the great  
5 revolution of the Chinese history. It was a cultural revolution.  
6 I would like to emphasize that Pol Pot's theory was even crueler  
7 than the theory of this group of four. This is what I see when I  
8 look back.

9 [11.54.28]

10 Talking about the time, when I saw things at the time, it was  
11 speechless. Lots of people's lives were lost. I was shocked but  
12 I couldn't say anything. It was beyond my speech. People  
13 started to disappear, even my superiors, and at that time I did  
14 not even realize that half of my relatives or families were gone,  
15 were lost.

16 I would like to emphasize why I did not escape if I saw these  
17 terrible things. Where could I run to? To the west to Thailand?  
18 Could I escape? No, I could not. If I ran to the east I would  
19 confront Vietnam. Could I escape? No, I would not, even if they  
20 had conflicts, but whether they would trust me.

21 I apologize that I had a long speech. To sum up, the idealistic  
22 society that I want is not the society idealistic to Pol Pot  
23 after he did after the 17 April of '75. The idealistic society  
24 that I truly want is a society that is based on the slogans that  
25 I just mentioned earlier. That is, from an individual based on



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1 their capacity, and the output returned to them based on the  
2 outcome of that individual.

3 So I would just like to say it in Khmer. The society that I want  
4 is just a socialist society. It means it is based on an  
5 individual capacity and the returns to that individual based on  
6 the outcome. This is my explanation, Your Honour.

7 Q.You have given us your analysis and you said that you did so  
8 with hindsight. I want to return to the time when you were in  
9 charge of the responsibilities that have brought us here, and  
10 when you were charged with implementing the policy of the CPK.

11 A.When I was appointed as the chairman of S-21 the political  
12 view, as I already mentioned earlier, but my duties had fallen  
13 into the crimes against humanity by way of killing. People were  
14 killed internally within the party itself. At the beginning I  
15 started to have some fear and sympathy toward them. However, I  
16 could not escape and I was compelled to go on.

17 [11.31.25]

18 I started to feel extremely shocked on the 31st of January 1977  
19 when Son Sen arrested the forces -- the cadres of the North Zone  
20 en masse -- the North Zone. At that time I was very shocked and  
21 I thought to myself, and I thought that people who dedicated  
22 their lives for the nation and their people now ended up in being  
23 imprisoned in the names of people who betrayed the party. Having  
24 noted that I was so shocked.

25 I was rather coward that I did not contest but went on carrying

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1 their orders, and sometimes even exercised my capacity and my  
2 knowledge in order to make sure that I, myself, and the lives of  
3 my family could be out of danger.

4 [11.33.58]

5 Therefore, I committed all kinds of crimes, serious crimes. In  
6 S-21, no-one is considered to have more crimes -- committed more  
7 crimes than me. People who were not yet very determined  
8 regarding the class stance, I forced them and I encouraged them  
9 to have such a very absolute class stance. So I educated them, I  
10 trained them, and encouraged them to make sure they have the  
11 absolute class stance after all.

12 I had been very loyal to the party and, at the same time, try to  
13 convince and educated other people, 10 to 20 other people, to be  
14 loyal to the party as I did. If we talk about loyalty it is one  
15 thing, but if we talk about the class stance then we know if it  
16 even affected our people and nation, but we had to do so to  
17 strengthen the class stance of the people.

18 This is what I acknowledged, that -- this is the severe criminal  
19 commitments at the location when I was in charge. On top of  
20 that, I was the one who annotated on the confessions to the  
21 superior.

22 People who could feel free or have freedom, then the documents  
23 themselves implicated them and spoiled them after all. Sooner or  
24 later when there were complications in the confessions, more and  
25 more people would be brought in. It's just a matter of time.

40

1 That is the part of the crimes committed at S-21.  
2 Other comrades, like Comrade Hor, who were assigned to guard or  
3 to smash prisoners -- I would like to repeat again -- their  
4 crimes was committed onto the people who perceived that already,  
5 but for my own crimes I try to produce more loyal people to the  
6 party. And by doing so, people who would be at liberty were  
7 implicated in those confessions and later on those people would  
8 be arrested and sent in.  
9 [11.39.03]  
10 In conclusion, in response to your question regarding my  
11 thoughts, during that time I saw crimes and I knew that my role  
12 was involved in the crimes but I could not escape. That's why  
13 sometimes I tried my best to use the theory -- my theory to help  
14 produce and build forces for them, and also in carriage the  
15 implementation of orders according to the orders placed by the  
16 upper echelon.  
17 That is all I can respond to you. If I can be of any assistance,  
18 please, ask me for more.  
19 Q.Well, now I would like now to start working with another  
20 document which is the statutes, the statutes of the CPK, and this  
21 is a document that is in the introductory submission and it is  
22 the Document 9.1 and the ERN numbers in the Khmer version are the  
23 following; 0053007 to 00053080, and in the French version  
24 002914000 -- 292924 (sic). In the English version, 00184022 to  
25 00184047.

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1 So you told us earlier on that this document was a document that  
2 was an internal document; that is to say a document that only the  
3 members of the Communist Party had access to. Is that so?

4 A. My statement is true.

5 [11.42.15]

6 Q. The Communist Party of Kampuchea is a revolutionary party that  
7 is struggling, fighting enemies?

8 A. The Communist Party of Kampuchea struggled and fought against  
9 the enemy. Before the 17 of April, who were the enemies? And  
10 after the 17 of April, then who the enemies were?

11 Enemies before the 17th of April were those people regarded as  
12 imperialists, capitalists, and revolutionary -- reactionary --  
13 correction -- in French, reactionary bourgeois. That's the  
14 theory of the Democratic Kampuchea, but in practice -- please  
15 correct that before 17 April there was no Democratic Kampuchea  
16 yet; it was the Communist Party of Kampuchea. So enemies were  
17 the imperialists, the bourgeois, and feudalist, and reactionary,  
18 but in reality when things were implemented who were affected  
19 then? Only the poor people in Lon Nol's zone who came to the  
20 liberated zone who were affected; whether they were spies, some  
21 were not.

22 Number two, from 1973, people who in the past were merchants or  
23 sellers or tailors were affected. Chou Chet, alias Si, ordered  
24 the arrest of those people and sent to M-13. These are the  
25 enemies the CPK fought before the 17th of April. We were talking

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1 about the back line. I was not talking about the front line  
2 battle between the Lon Nol soldiers.  
3 [11.46.28]  
4 After the 17th of April, the enemies the Communist Party of  
5 Kampuchea determined as enemies were in numerous numbers if you  
6 look at the category of people, including the former base people  
7 like former soldiers, Buddhist leaders including Patriarch Huot  
8 At. If you're talking about the theory, it is against all kinds  
9 of religions. If we're talking about educational regime, all  
10 education was abolished.  
11 I think the Judge, yourself, already came across the regime when  
12 you saw the school, whether you saw it as a normal building or as  
13 what. And I frankly was educated from them by way of seeing the  
14 building -- the school building as a normal building, and not  
15 different from any other ordinary buildings. Only at this moment  
16 did I know that it was the intention to abolish civilization of  
17 humanity. In conclusion, the enemies after the 17th of April  
18 were in numerous numbers until we were isolated, and we could not  
19 even find a piece of land to take refuge in.  
20 So according to the theory, they fought hard, but the enemies  
21 were in numerous numbers, so it covered all, but if I talk from  
22 my point of view it is more like the sketch I presented to the  
23 Court earlier; the drawing I did. Everyone during work used the  
24 revolutionary policy to put in front of them, but by way of  
25 building that new dynasty, and I wrote and dictated in my drawing

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1 I presented to Your Honours already, and I am ready to respond to  
2 further questionings.

3 [11.50.33]

4 Q.In the statutes of the Communist Party of Kampuchea, certain  
5 numbers of enemies are mentioned, and you mentioned quite a few  
6 of them, in fact; indeed, the bourgeois, the capitalists, the  
7 feudalists, the imperialists, the reactionaries, but it is also  
8 question of a struggle against idealism, imperialism, bookish  
9 science, revisionism. This is point 4 on the last page of this  
10 paragraph 4.

11 A bit further, in paragraph 5, there is also the following  
12 mention:

13 "The party is fighting in absolute terms against the illness of  
14 isolationism, authoritarianism, militarism, mandarinism,  
15 bureaucratism, and at the same time the party is also opposing  
16 itself to the principle to be dragging behind the masses."

17 So what can you say to us about these struggles? What does the  
18 idea of fighting against bookish science mean, for example?..

19 A.I cannot find the page you refer to yet, Your Honours.

20 [11.53.28]

21 Q.Well, in your document do you have a point number 4 that  
22 starts as follows:

23 "The party considers Marxist-Leninism to be the foundation of  
24 its vision."

25 Yes? So the last sentence -- or in any case in the French

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1 version -- is the following:

2 "Based on this principle, the Communist Party of Kampuchea is  
3 resisting and is struggling absolutely against idealism,  
4 empirism, bookish science, reformism."

5 Have you found it? Does that correspond to the French version?

6 A. In French I should use that as "dogmatiste" or "dogmatism" in  
7 English.

8 Q. So you're telling us that "bookish science" means "dogmatism"  
9 in fact?

10 A. We used this word "dogmatiste" or "dogmatism".

11 Q. What does it mean exactly?

12 A. It is based on the totality of the Leninist theory. It is not  
13 appropriate with the situation in Cambodia, for example. Lenin  
14 controlled workers, but Cambodia could not find workers. If we  
15 only waited to look for the workers -- we could not. That's why  
16 we only need to work with the workers' class so that we can build  
17 the society. The interpreter may be confusing.

18 In the former Soviet Union, there were the workers' class and in  
19 Cambodia we did not have a workers' class, so then we had to  
20 control the peasants' class. This is if we were to wait for the  
21 workers' class, it means we apply the theory of dogmatism. So  
22 from the beginning it said we used the Marxism-Leninism as the  
23 foundation. It was only the foundation and we do not apply the  
24 theory of dogmatism. It means we do not follow completely the  
25 Marxism-Leninism theory.

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1 So this is my response to Your Honour on the clarification of the  
2 term "dogmatism".

3 MR. PRESIDENT:

4 Now it's time for the adjournment for lunch. The Chamber will  
5 adjourn and will resume in the afternoon from 1.30 p.m.

6 Security guards, take the accused back to the waiting room and  
7 bring him back before 1.30 p.m.

8 All participants, please attend the hearing before the set time.

9 (Judges exit courtroom)

10 (Court recesses from 1200H to 1332H)

11 (Judges enter courtroom)

12 MR. PRESIDENT:

13 Please be seated. The Trial Chamber is now being in session to  
14 hear the facts on the implementation of the party policy at S-21,  
15 and the Trial Chamber gives the floor to Judge Lavergne to  
16 continue to question the accused.

17 [13.58.47]

18 BY JUDGE LAVERGNE:

19 Q. So this morning we spoke about the statutes of the CPK,  
20 Communist Party of Kampuchea, and unless I'm mistaken you said  
21 previously that this document had been surveyed during training  
22 programs; that people had studied this document during training  
23 sessions. Is that so?

24 A. Yes, there was one training session by the general staff.

25 Q. If I look at paragraph 6 of the statutes, last sentence, a



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1 sentence that can be read in the following way in French, and in  
2 English it is:

3 "The party must protect the revolution as much as possible from  
4 any action conducted by enemy strategies in a direct way, as well  
5 as in an indirect way; in an open, as well as in a secret way.  
6 Any action whose aim is to destroy the party by all possible  
7 means, all Angkar party organizations and every party member must  
8 always be good and clean and be pure politically, ideologically  
9 and organizationally by building on a permanent basis through  
10 their biography, by building a clear, clean, and pure personal  
11 history consecutively and constantly."

12 [14.00.57]

13 So does this French version correspond to the Khmer version, and  
14 what can you tell us in relation to the meaning of these  
15 sentences?

16 A. Your Honours, the interpretation is a little difficult to  
17 understand from the beginning but it was not deviated from the  
18 meanings -- but it was not far deviated from its original  
19 meaning.

20 In conclusion, in the last sentence the terms are correct to the  
21 Khmer version. As for the explanation and description of this  
22 matter, it is the functioning of the CPK. If you're talking  
23 about the class of the party members, it started a long time ago.  
24 And when we are talking about the element in the party to make it  
25 pure, it started from 1973. It is the important point from then.

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1 I told Your Honour subsequently since the investigation stage the  
2 terms used are any political -- the line of any class, it is the  
3 line for that cadre. This matters and at this time, it reflects  
4 clearly that once again they thought about each party member  
5 based on the life view and the pure stance of the revolutionary.  
6 It means that in each year we had to go to the training session  
7 and our biographies were reviewed once a year. In each session a  
8 year and our revolutionary life views were also reviewed. Our  
9 revolutionary life views were also reviewed every year.

10 [14.05.12]

11 Q. Could you give us the explanation of the meaning of the  
12 following sentence:

13 "The party must protect the revolution as much as it can from any  
14 enemy strategy in a direct way as well as an indirect way, as  
15 well as an open way, as well as in a closed way".

16 What does this mean? What does this direct or indirect, overt or  
17 secret mean?

18 A. Your Honours, in Khmer -- let me try to tell you in French.

19 The party must have high-level revolutionary vigilance. As for  
20 all activity and all tactics of the enemies, direct or indirect  
21 -- for example, direct tactics, the attempt to kill Pol Pot -- it  
22 is considered as the activity to directly destroy the party. Any  
23 activity to destroy the revolution indirectly -- for example,  
24 they collected war spoil from Phnom Penh and they took those  
25 equipment and war spoils for personal use. And in secret -- let

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1 me give an example. In secret, for example, we are planning to  
2 have a plan to circulate the flyer. In open, in public, is  
3 someone come to curse, for example, Hu Nim and another person  
4 named Sao (phonetic) went up and cursed to the senior leader and  
5 later were arrested.

6 Let me try to speak again. There was one of the cadre, his name  
7 was Hu Nim in the regime 650 -- his name was Hu Nim, and he  
8 walked around and cursed, and he cursed Pol Pot, called him as  
9 "contemptible Sar", and Sar he referred to Saloth Sar. And he  
10 cursed Son Sen as "contemptible Khieu", so Khieu was Son Sen, and  
11 it was overheard by those people.

12 Hu Nim was arrested and sent to S-21. This is called to protect  
13 the party from -- against the enemy tactics, including secret or  
14 open -- in open manner.

15 [14.10.15]

16 In order to be precise I would like to tell you about our  
17 communication with Son Sen -- I and Son Sen. In general and  
18 regularly, every party's member was reminded to be vigilant, to  
19 have the revolutionary vigilance at all time.

20 One day I remember when I received a telephone call while I was  
21 busy talking on the phone with Son Sen, and after that he asked  
22 me -- he said, "Duch, Brother Pol would like to see where the  
23 grenades were thrown." He wanted to see when the people threw  
24 grenades in the contest and that he asked whether we should go or  
25 not. And then I said, "Well, it's up to him. Since he would

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1 like to go there, let him go." Then Son Sen said, "Did you even  
2 think of the event, for example when the person who did not throw  
3 the grenade to the front but throw it backward?" I therefore can  
4 see that he was suspicious and he had what we -- Vorn Vet called  
5 him the person with paranoia.

6 That's all my explanation concerning the first phrase.

7 Q.Thank you very much. It might not be so clear in the French  
8 version. We could maybe have believed that this was the way that  
9 the PCK was using to protect itself, but here you're indeed  
10 specifying that it is the way that the enemies could attack the  
11 party, so it was not quite the same idea.

12 So now we're going to move on to another question. There is in  
13 the statutes provisions regarding the qualities or the  
14 qualifications that must -- that the applicants must present in  
15 order to become members of the party, or -- this is in chapter 2  
16 -- or to be admitted to the different leading Angkars of the  
17 party, different leading organizations of the party. So what is  
18 a leading Angkar of the party exactly? Or a party core  
19 organization, we can say. What is a party core organization  
20 exactly?

21 A.Your Honour, the leading party is classified into its  
22 hierarchical order. For example, the leading party of branches.  
23 Leading party has its own structure and status, and the lowest  
24 was the leading party of a branch. I never used the word as the  
25 interpreter has interpreted, but what I am saying is that (no

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1 interpretation) "cell member" in French. And higher is the  
2 committee for the sector, and on top of the committee of the  
3 sector is the committee for each zone, or zone committee, then  
4 the central committee of the party. But the root of it is at the  
5 branches of the party at the base, which is the root of the  
6 party. In French we say "cellule"; in English, the party's  
7 branch.

8 [14.18.00]

9 I would like to also remind how cadres are recruited and the  
10 criterion in recruiting. The statute of 1970 already contained  
11 the 10 criterion for selecting cadres. Before that they used the  
12 statute of 1960 in which there was clear stipulation, as I  
13 already learned during the secret training session. Any comrade  
14 who entered as the full right party member, the party considered  
15 the party seniority. For example, if any comrades had been  
16 members of the party for 10 years any comrade has a seniority of  
17 the party for 10 years, then the party consider for the position  
18 -- the membership of the central committee. The party statutes  
19 in 1970 published that and adopted the 10 criteria's I have just  
20 said.

21 Therefore, it is a façade where Pol Pot has created to protect  
22 any party member, as a façade, as a filter to protect from any  
23 party member who is not trusted to get into the central committee  
24 of the party. This is the measure to protect the party of  
25 another kind.

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1 And the 10 criteria addressed by Your Honour were -- is the way  
2 the selection of the branches, including the sector committee and  
3 including the zone and also the central committee -- the members  
4 for those committees. I would like to respond to Your Honour's  
5 question for that.

6 [14.22.13]

7 THE INTERPRETER:

8 Interpreter would like to make one correction first. That was  
9 not that party Angkar organization -- it was not party core  
10 organization but party leadership organization.

11 BY JUDGE LAVERGNE:

12 Q. So in order to make the proceedings clearer, I would like to  
13 read out these 10 conditions that you told us were in fact were  
14 just a façade that Pol Pot was using to filter those who he  
15 wanted to see admitted in the committee and those he wanted to  
16 exclude.

17 So the first condition I -- well, I will summarize: having a  
18 strong revolutionary position in the party line. Second  
19 condition: having a strong party revolutionary stance on  
20 proletarian ideology. Third condition: having a strong  
21 revolutionary stance on internal party solidarity and unity.  
22 Fourth condition: having a strong revolutionary stance on the  
23 lines of organization, leadership and work of the party. Having  
24 a strong party revolutionary stance on revolutionary vigilance,  
25 maintaining secrecy and defending revolutionary forces. Sixth

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1 condition: having a strong revolutionary party stance of  
2 independence, mastery, self-reliance and self-mastery.

3 [14.24.47]

4 Seventh condition: having a strong revolutionary stance in  
5 making and examining personal histories and revolutionary life  
6 views. Eighth condition: having a strong revolutionary stance  
7 on class. Tenth condition is the strong revolutionary stance on  
8 clean life morals and politically clean, and the capability to  
9 build oneself and be receptive to future leadership.

10 So what I read in French, does it correspond to what is in the  
11 Khmer version? And you can provide us with a few explanations in  
12 relation to these terms that might be at times difficult to  
13 understand?

14 A.The translation in French as you read out is correct in  
15 principle as it is. First, strong revolutionary stance on the  
16 party political line. The strong revolutionary stance, the  
17 political line is the clear division between the parties and the  
18 enemies. And this is one example and the other instance; we  
19 implemented left and right. The words "left" and "right" are  
20 short-cuts. In general other Communist parties would say the  
21 opportunist leftist and the opportunist rightist. So is the  
22 first criterion, as I already explained.

23 Regarding the words "leftist" and "rightist", I think only when  
24 we had to follow every word, every action that we could not be  
25 perceived as being leftist or rightist. For example, if we

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1 demanded for more arrests, so it suggests that we were leftist.  
2 If we did not want people to arrest anyone at all, then we were  
3 regarded as the rightist. If they tried very hard to work and we  
4 stayed home and did not do anything, then we were regarded as the  
5 rightist. And at some units they tried to show off.  
6 They carried a sick person, who lied in the hammock, out to see  
7 people who were carrying dirt. They took them to see people who  
8 were digging up and carrying dirt, and even forced the sick  
9 people to do that work, so we were then regarded as the leftist.  
10 Next you will see the example as related to this matter in the  
11 proceedings. This is called the "strong stance." We had to be  
12 vigilant at all times, and to identify who enemy and who were  
13 friends. We tried to avoid having our superior regarding us as  
14 leftist or the righties; otherwise, we would not be safe. So  
15 this is the big or major principle of how the cadres are  
16 selected.

17 [14.31.33]

18 Q.Does this mean that members of the party who were overzealous  
19 in applying the party line were considered to be leftists? I  
20 don't quite understand.

21 A.The people who extremely applied tasks by way of intimidating  
22 the mass would be considered as people who, in their actions,  
23 radically exercised the duty to make the general public hate  
24 them, who were regarded as the leftists.

25 In Khmer, to be simple, we may say to burn until it's too burnt,



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1 and to withdraw or to take it back until it is undone.

2 Q.Did the party purge people who became or proved to be too  
3 extreme? Or perhaps the real question is whether a good leader  
4 is somebody, first and foremost, who can be controlled; that is,  
5 someone who can be counted on to apply what he is asked as much  
6 as possible?

7 A.Your last question is correct. The good leaders were those  
8 who did not do surplus things but did not miss or did not fail to  
9 complete what had been assigned. So that's the main purpose:  
10 whatever we were assigned to do then, more or less, we had to  
11 make sure that we followed it.

12 [14.35.26]

13 Q.That is not a facade. This is something that was required  
14 then.

15 A.I think the translation of the term "facade", as I said in  
16 Khmer, would not be the correct term as I meant to say. When I  
17 heard that my word was translated as "facade", then I changed to  
18 use the word like "barrier" or a kind of "filter."

19 Q.Were you, yourself, filtered as such; that is, were you  
20 subjected to these 10 criteria? Did you fulfil them? And if so,  
21 why do you think you did?

22 A.Each party member with the origin class which was not from the  
23 peasant class, and who had no relation with the key people or  
24 important people, had to work hard to make sure that we could  
25 follow the 10 criteria as set out; especially the three initial

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1 criteria. However, although we had been working hard to obey  
2 that criteria, we were not part of their network, then we would  
3 not be promoted. Having noticed that, then we also heard that  
4 they even talked to us that if you regard yourself as the pure  
5 gold, so you had to remain neutral and not to intervene other  
6 people or disturb other people.

7 That is why I called it a kind of filter that only people with  
8 their networks were promoted, and those who were not in the  
9 networks were left isolated. If we were not part of their clan,  
10 then whatever we did, they're never satisfied.

11 Q.What clan were you a part of; Son Sen's clan?

12 A.I could be regarded as the -- as what you said. However, when  
13 Son Sen went to the battlefield Poo Nuon, Uncle Nuon, arrived.  
14 There were some confessions in which implications against Uncle  
15 Nuon -- sorry, Son Sen -- implications against Son Sen appeared  
16 in those confessions already.

17 [14.40.53]

18 So for that reason I could not be regarded as the person who  
19 belonged to other clans other than Son Sen's. And this is the  
20 real situation and I never been promoted to the Central  
21 Committee. Never. But I never wanted to be promoted to that  
22 post anyway. I only begged for my life and I was very scared at  
23 that time I would not live long enough.

24 Q.Amongst the documents that were used to disseminate the  
25 party's political line there were periodicals, for instance, the

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1 "Revolutionary Flag". There is an issue, a special issue of the  
2 "Revolutionary Flag", which comments on the statutes. This is  
3 the document in the introductory submission that is Document  
4 11.10 and the ERN Numbers in the French are as follows: 00296148  
5 to 0029157. Can you tell us if you know who wrote the  
6 information in these issues and for whom was it written?  
7 A.I would like to report on that matter as follows. The  
8 internal magazines included two magazines. First, the  
9 "Revolutionary Flag" written by Pol Pot personally, and the  
10 "Revolutionary Youth" magazine. I only learned at a later date  
11 that Yun Yat, the wife of Son Sen, wrote it.  
12 The "Revolutionary Flag" magazine, I did not know when the name  
13 was given. At the beginning there was the name of such the same  
14 magazine called "Red Flag". Then after 1970 the "Red Flag"  
15 magazine was converted into the "Revolutionary Flag" magazine.  
16 The direction or objective of that magazine was to educate member  
17 -- party of the members by Pol Pot through such medium. As for  
18 the "Revolutionary Youth" magazine, it was aimed to educate young  
19 men and women who were not yet entering the revolution, who were  
20 not yet -- or who have not yet entered the party. Correction; I  
21 think joined the party. That's all about the explanation  
22 concerning the magazines.  
23 [14.46.55]  
24 Q.So in the periodical I referred to earlier, the aim was party  
25 discipline, especially the admission as members and the dismissal

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1 of party members. It is also said: "Reasoning with one's  
2 sentiments is impossible. Reasoning must follow only party  
3 principles". Have you seen or heard this sentence before? Can  
4 you make any comment on it?

5 A. This is the principle that I applied in the CPK as a whole.  
6 Whenever any consideration was made it has to be based on the  
7 party line and principle. I would like to make that -- just  
8 short response like that.

9 JUDGE LAVERGNE:

10 I have no further questions regarding the context of the  
11 implementation of the CPK policy. What I suggest now is that we  
12 should start working on the documents containing the accepted  
13 facts so that a reading can be made of the implementation of the  
14 CPK's policy. And after each paragraph the accused should be  
15 allowed to tell us whether he confirms what he has accepted or  
16 whether he has any observations to make. And if necessary,  
17 questions will be put to him in order to clarify matters with  
18 regard to the facts as set out in this document.

19 This is what I suggest, Mr. President; I shall ask the Greffier  
20 to read the document paragraph by paragraph.

21 [14.50.04]

22 MR. PRESIDENT:

23 Parties are instructed to bring out the agreed facts to be  
24 examined. And we would like the defence counsel also to prepare  
25 the related documents so that you can review them.

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1 The accused, do you have the agreed facts now with you?

2 The defence counsel, could you please make sure that the accused  
3 has the copies of the agreed facts. Now we only focus on the  
4 facts regarding the implementation of the CP case policy at S 21.

5 Next, Judge Lavergne. Please hold on. Wait until the accused  
6 has prepared his documents and at the ready.

7 MR. PRESIDENT:

8 Is the accused ready? Are you prepared now? Are you prepared,  
9 the accused, the document regarding the agreements on the fact?

10 THE INTERPRETER:

11 The accused says that he has already received the documents and  
12 ready.

13 [14.52.36]

14 MR. PRESIDENT:

15 Judge Lavergne, could you please instruct the Greffier to read  
16 any related paragraph, should you wish to do so? Should we start  
17 from paragraph 58?

18 JUDGE LAVERGNE:

19 We shall start reading. I think the reading should be from the  
20 Khmer version. So one of the Khmer greffiers should read,  
21 starting from the smash -- the policy of smashing enemies. Each  
22 point should be read out. So you have point 58 and then the  
23 accused would be given the floor, and then we move to the next  
24 point, which would be point 59 in this case. Is that clear?

25 I think the Greffier can start reading the document.

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1 MR. PRESIDENT:

2 Mrs. Se Kolvuthy, you can now start reading each paragraph at a  
3 time. And then we need to make sure that the accused can verify  
4 and confirm before we proceed to the next following paragraph.

5 [14.54.10]

6 THE GREFFIER:

7 Paragraph 58:

8 "The primary role of S-21 was to implement the party political  
9 line regarding the enemy, according to which prisoners absolutely  
10 had to be smashed."

11 THE INTERPRETER:

12 There was no translation into English. What Judge Lavergne said  
13 was, "Do you confirm?"

14 BY JUDGE LAVERGNE:

15 Q.We did not receive a translation. So could you tell us please  
16 if you confirm that this is true?

17 A.Paragraph 58 is true.

18 JUDGE LAVERGNE:

19 We move on to the next paragraph.

20 THE GREFFIER:

21 Paragraph 59:

22 "The term 'smash' was used and widely understood at the relevant  
23 time to mean 'kill'."

24 [14.55.58]

25 BY JUDGE LAVERGNE:

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1 Q.You have already talked about this, but can you tell us  
2 whether the other terms were used apart from the word "smash";  
3 other words such as "purify", for instance?

4 A.The term "smash" was used to mean equivalent as the word  
5 "execute". Before 1973 Vorn Vet, Brother Vorn, asked me to use  
6 the word "resolve". Resolve, smash, execute are all the same. A  
7 person was executed and buried.

8 As for the word "purify", it has other aspects other than these.

9 A person is arrested -- when the person was decided to be  
10 arrested from the unit and sent to the police office, this is  
11 called purge. So people who were in the units and who were  
12 regarded or accused as being enemies were arrested and removed  
13 from the units. To do that was to make sure that the units are  
14 pure and clean according to their notion.

15 JUDGE LAVERGNE:

16 I think the reading can continue with paragraph 60.

17 THE GREFFIER:

18 Paragraph 60:

19 "Every prisoner who arrived at S-21 was destined for execution as  
20 the general policy was that no prisoners were to be released."

21 THE ACCUSED:

22 Paragraph 60 is confirmed.

23 JUDGE LAVERGNE:

24 So we may continue now.

25 THE GREFFIER:

61

1 Paragraph 61:

2 "Even prisoners who were brought to S-21 by mistake were  
3 executed in order to ensure secrecy and security."

4 JUDGE LAVERGNE:

5 So you might read the rest of the comment, which would allow us  
6 to get a better idea of what the accused is thinking.

7 THE GREFFIER:

8 "Here we add some phrases extracted from paragraph 31 of the  
9 closing order. Although there are two civil parties and one  
10 witness who said that they could escape from S-21, the evidence  
11 -- the majority of evidence still proves that the policy at S-21  
12 does not spare any life of a prisoner."

13 [15.01.47]

14 MR. PRESIDENT:

15 The Co-Prosecutor, you can take the floor.

16 MR. BATES:

17 Thank you, Mr. President. I know we're nearing the break.

18 I believe that the wrong paragraph in the comment was just read  
19 out. As I understood it, paragraph 60 of the Agreed Facts also  
20 contains a qualification from the accused. We didn't hear that  
21 after paragraph 60. We heard it after paragraph 61. So, in  
22 fact, we should perhaps go back to paragraph 60 and read the  
23 qualification of the defence after that particular paragraph.

24 MR. PRESIDENT:

25 It is more intense now. I think the Chamber may now take a



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1 15-minute break to release the tension and then we can resume  
2 from the point which needs clarification from the accused. So we  
3 now adjourn for 15 minutes. We resume at 3.15.

4 (Judges exit courtroom)

5 (Court recesses from 1503H to 1527H)

6 (Judges enter courtroom)

7 [15.27.44]

8 MR. PRESIDENT:

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

10 Mrs. Se Kolvuthy, please read paragraph 60 again by reading out  
11 loud the whole contents of paragraph 60.

12 THE GREFFIER:

13 Paragraph 60 --

14 JUDGE LAVERGNE:

15 I believe that the Co-Prosecutors have an electronic version in  
16 their computers of this document, so what I think that it might  
17 be possible to do would be to ask the Co-Prosecutors to prepare  
18 this electronic version so that it may be presented on the  
19 computer, which would facilitate the reading and which would also  
20 be easier for the accused as well as for everyone else.

21 MR. BATES:

22 Yes, thank you, Your Honour. We do indeed have the electronic  
23 copy -- the version ready. And if I can invite the President,  
24 therefore, to allow the screens to be transferred to our  
25 computer. Thank you.

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1 MR. PRESIDENT:

2 The AV officials are instructed to coordinate the screen to the  
3 monitor of the Co-Prosecutor so that the document can be  
4 displayed.

5 [15.30.43]

6 Mrs. Se Kolvuthy, please continue to read out paragraph 60 again.

7 THE GREFFIER:

8 Paragraph 60:

9 "Every prisoner who arrived at S-21 was destined for execution  
10 as the general policy was that no prisoners were to be released.  
11 Here, the following phrase is included and extracted from  
12 paragraph 31 of the closing order. Although one witness and two  
13 civil parties claimed that they were able to leave S-21, the vast  
14 majority of evidence demonstrates that the policy at S-21 was  
15 that no prisoners could be released. This is confirmed by  
16 testimony that prisoners brought to S-21 by mistake were executed  
17 in order to ensure secrecy and security."

18 BY JUDGE LAVERGNE:

19 Q.Can the accused confirm what has been read out? Or perhaps he  
20 has other comments to make?

21 A.Paragraph 60, that I already confirmed that I agreed, is no  
22 change. In principle, no-one could be released. And regarding  
23 one witness, through my observation, I may put it to you that I  
24 think the details of which can be debated at a later date. This  
25 witness is -- was in the situation like another witness, KW-31.

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1 This witness was not really the real witness. And regarding the  
2 civil parties, then we can discuss about it later.

3 The latest phrase which says, "This is confirmed by testimony  
4 that prisoners brought to S 21 by mistake were executed in order  
5 to ensure secrecy and security," it said that -- well, the phrase  
6 is confirmed and please read the following.

7 So I would like part of the following phrase read out before I  
8 could elaborate further.

9 JUDGE LAVERGNE:

10 I think we can move on to read the next paragraph.

11 [15.34.28]

12 THE GREFFIER:

13 Paragraph 61:

14 "Even prisoners who were brought to S-21 by mistake were  
15 executed in order to ensure secrecy and security. According to  
16 Duch, the principle as laid out in the paragraph is the true  
17 principle, although any prisoner who was arrested by mistake had  
18 to be executed to secure, to ensure secrecy and security, and  
19 through his recollection only one person was arrested by mistake.  
20 Comrade Lin noted that this person ordered by the upper echelon  
21 to release. Please read D16/6 and D16/5 document."

22 BY JUDGE LAVERGNE:

23 Q.Do you have comments? Do you confirm this?

24 I think you have already mentioned this episode. You did so this  
25 morning. I do not think we need to dwell on it now.

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1 A.Paragraph 61 is related to paragraph 60, so altogether it was  
2 in the unit that I already agreed.

3 [15.36.41]

4 JUDGE LAVERGNE:

5 So we move on to the next paragraph.

6 THE GREFFIER:

7 Paragraph 62.

8 "The CPK governed Democratic Kampuchea primarily through DK  
9 state organization, CPK administrative bodies and the RAK."

10 THE ACCUSED:

11 This paragraph is confirmed and I agree.

12 JUDGE LAVERGNE:

13 Paragraph 63.

14 THE GREFFIER:

15 Paragraph 63:

16 "The 1976 Constitution of Democratic Kampuchea and the party's  
17 own statutes gave the CPK Central Committee wide powers,  
18 including the ability to formulate party-wide policy and the  
19 authority to issue orders to subordinate zones and sectors."

20 THE ACCUSED:

21 Paragraph 63 is confirmed.

22 BY JUDGE LAVERGNE:

23 Q.From a statutory standpoint, was the standing committee the  
24 most important or powerful organ of the party or was it another  
25 organ?

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1 A. The Standing Committee of the Central Party is broad, but the  
2 small committee under its committee had less power. The standing  
3 committee had the power and another committee had the power, but  
4 only the power to implement from the decision made by the  
5 standing committee.

6 [15.39.34]

7 JUDGE LAVERGNE:

8 Next paragraph please.

9 THE GREFFIER:

10 Paragraph 64:

11 "In practice, the subcommittee of the Central Committee known as  
12 the Standing Committee acted as the highest and most  
13 authoritative unit in DK."

14 THE ACCUSED:

15 I agree with the paragraph, as I already mentioned.

16 JUDGE LAVERGNE:

17 Next paragraph.

18 [15.40.23]

19 THE GREFFIER:

20 Paragraph 65:

21 "A standing committee decision from the 9th of October, 1975 gave  
22 Pol Pot general responsibility over the military and Son Sen  
23 responsibility for the general staff and security."

24 THE ACCUSED:

25 Paragraph 65, I already stated I agreed but, at that time, I did

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1 not have any document concerning the 9th of October, 1975. Now,  
2 I have got the document, may I, with your leave, read out to the  
3 Court as follows, one:

4 "The Comrade secretary referred to Pol Pot."

5 Two:

6 "In charge exclusively the military and economies."

7 In the document of the 9 of October '75, minutes of the meeting  
8 and, in the first line. You may refer to that document. And,  
9 Line 10 states that the comrade secretary is  
10 In charge of the military and the economics exclusively.

11 So it is clearer because Pol Pot made decision regarding all  
12 matters.

13 BY JUDGE LAVERGNE:

14 Q. Could you provide us the exact reference for the document,  
15 please?

16 A. This document entitled "The Meeting of the Standing Committee  
17 on the 9 of October 1975"; ERN Number in Khmer 00019118 to  
18 000119116. In English, 00183393 to 0018408; in French,  
19 0029268200 to 292886.

20 The phrase that I read out appear in page 0019108 in Khmer, in  
21 line number 10. The comrade secretary is in charge exclusively,  
22 space, military and economies.

23 [15.44.14]

24 So if you only -- we included the three roles -- three tasks of  
25 Pol Pot that is exhaustive.

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1 MR. PRESIDENT:

2 Would you like to make any comment? I note your presence.

3 MR. WERNER:

4 Certainly, sir. Could we have the ERN number in English again  
5 because I don't think it made any sense between the beginning and  
6 the end. Could that be just repeated, please?

7 Grateful.

8 MR. PRESIDENT:

9 Please mention ERN on the English document. Please say it again.

10 THE ACCUSED:

11 Thank you, Mr. President.

12 In English, ERN 00183393 to 00183408. Yes, that's all.

13 MR. PRESIDENT:

14 Please, Mr. Prosecutor.

15 MR. BATES:

16 Thank you, Mr. President.

17 [15.46.10]

18 I'm sorry to interrupt again. It looks like we may have a slight  
19 problem in reading out some of the comments made in the following  
20 paragraphs. The document that's on our screen is obviously a  
21 case file document that has been photocopied and, unfortunately,  
22 the photocopy hasn't come out very clearly. I think the original  
23 electronic document was in a pale green font which does not  
24 photocopy very well.

25 We're endeavouring to print out page by page in a more bold font

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1 so that they can be read by the Greffier.

2 JUDGE LAVERGNE:

3 Do you think we might continue while this document is being

4 prepared? I think it would be useful for us to move on.

5 Could the Greffier please continue with the reading? We move on

6 to paragraph 66.

7 THE GREFFIER:

8 Paragraph 66:

9 "S-21 was an integral part of the political military structure of  
10 the Communist Party of Kampuchea at the centre level which was  
11 referred to variously as Angkar. The organization, the party  
12 Central Committee or the Standing Committee, as Duch said, it is  
13 more correct to say that S-21 is under the Standing Committee of  
14 the Central Committee of the party rather than S-21 was at the  
15 centre committee. It is in fact if Duch himself was a member of  
16 the Standing Committee of the Central Committee, it could be  
17 written that S-21 was at the Central Committee. But he was not a  
18 member of the Central Committee."

19 [15.48.56]

20 THE ACCUSED:

21 Your Honour, I would like to add, as my observation and my

22 assertion under paragraph 66, Article 5 of the CPK Statute. It

23 is page 34 in Khmer.

24 Any sector or any organization with a speciality in politics, in

25 military, economics, culture and social affair. It can assign



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1 separately by the central committee with direct or indirect  
2 through its network of military men. These do indicate the --  
3 that the policy of creation of S-21 for their direct utilization.  
4 S-21 was not a structure of the politics or military of the  
5 central committee. It was one of the main structure of the  
6 central -- unless we follow to what I said, and Article 5 --  
7 Article 8 of the -- let me read it to you again:  
8 "As for any sector or organization with the speciality in  
9 characteristic, be they political, military, economics, or  
10 culture or social affair related may be organized separately with  
11 the central committee being responsible directly or indirectly  
12 along a specific organizational line."  
13 So S-21 it was not special in its nature in this way.

14 [15.51.33]

15 MR. PRESIDENT:

16 Please, Judge Cartwright?

17 JUDGE CARTWRIGHT:

18 Thank you, Mr. President.

19 I found some difficulty in following the English translation.

20 I'm not sure if the French translation was therefore any better.

21 Might we ask the accused to repeat what he has just said and see  
22 if we can understand better what he is saying in English and  
23 probably in French as well?

24 THE ACCUSED:

25 Thank you, Judge Cartwright, for seeking the clarification.

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1 Paragraph 66 states that I partially agreed with it. The other  
2 part, I have not yet agreed with. Partially I agreed because  
3 S-21 was under the management or supervision of the central  
4 committee. But by way of saying that it was at the level of  
5 central committee, it is not appropriate, because only when I  
6 were the full right member of the central committee that the  
7 sentence could be correct; that I already stated.

8 Beneath that paragraph, I would like to maintain the paragraph as  
9 it is, but now we would like to refer to Article 8 of the Statute  
10 of the Democratic Kampuchea, as I already read to you, the  
11 statute of 1976.

12 Should I read in Khmer again as to what Judge Cartwright  
13 suggested?

14 [15.53.45]

15 BY JUDGE CARTWRIGHT:

16 Q.What I wanted was your comment that you made concerning  
17 Article 8 of the statute of 1976 concerning the manner in which  
18 S-21 was to be organized. You said something like it wasn't part  
19 of the structure of the central or standing committee, but  
20 presumably referring to Article 8 of the statute you said that it  
21 was organized by the central or standing committee. Did I  
22 understand that correctly?

23 A.S-21 was organized by the central or the standing committee  
24 according to the Article 8, because that article states that S-21  
25 was organized by the standing committee and on the 15th of August

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1 1975, this date is an evidence to prove that organization.  
2 However, S-21 was not the military or political organization of  
3 the CPK at the central level. I mean it is not at the level of  
4 central committee, because the military and political  
5 organization at the central level included the Ministry of  
6 Foreign Affairs and the Secretariat of the Ministry of Foreign  
7 Affairs.

8 [15.55.52]

9 So the general staff was at the level of the central level and  
10 people who led that ministry were the members of the central  
11 committee. So since we were not part of the political or  
12 military organization at the level of the central, we were only  
13 the committee at the branch level, as ordered by the standing  
14 committee, which was being responsible directly.

15 And Son Sen paid a visit directly to S-21. So this is the  
16 difference. Son Sen was the chairman, and Son Sen ordered  
17 directly to me, and this is how the appointment was  
18 differentiated. And I hope my answer is clear.

19 BY JUDGE LAVERGNE:

20 Q.On this point, could you tell us if you know whether this  
21 special link with the central committee also existed for other  
22 security centres or was this link peculiar to S-21?

23 A.S-21 worked under the order of Son Sen, the seventh individual  
24 of the party.

25 As for the other police in the Southwest Zone, belonged to Ta

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1 Mok. They were under the order or supervision -- the direct  
2 order from Ta Mok. Ta Mok was the fourth individual of the CPK.  
3 As for the police of the East, they were under the supervision  
4 and order of Sao Pheum, alias Yan. So Sao Yan was the third  
5 individual of the CPK.

6 As for the other police of other zones, including the police of  
7 the West Zone, they were under the supervision of Brother Si,  
8 Chou Chet. His original name was Chou Chet. He was the fourth  
9 right member of the central committee.

10 As for the other police of the Northwest, the Central, the  
11 Northeast, they were under the direct supervision of the  
12 secretary of each respective zone. The police of the special  
13 zone like Kampong Som Zone or Sector, they were under the  
14 immediate supervision of Pol Pot.

15 So all the police were under the four groups of people. So the  
16 police of S-21 are not peculiar to any other police and they did  
17 not play any top roles.

18 [16.01.05]

19 Q. So what you are telling us here is that each security centre  
20 was, in fact, supervised or directed, you could say, by a member  
21 from the standing committee. What I'd like to know is was there  
22 a hierarchy among the security centres, and did S-21 have a  
23 specific role in the organization of the security centres?

24 A. Thank you for your question. I am willing to present this to  
25 the Court, and I have been willing to present it to the Court

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1 long ago.

2 I would like to emphasize that police office of each zone was  
3 under the direct supervision of each respective zone and  
4 secretary -- under the immediate supervision of the secretary of  
5 respective zone, and each police office could not communicate  
6 directly to one another -- or with one another. So S-21 did not  
7 have the right to communicate with the police office of the East  
8 Zone directly.

9 The document I already presented to you during the early days  
10 will be used as the proof for this statement. First, I wrote and  
11 signed on the document and sent to my superior. This document  
12 was the confession of Long Muy alias Chuon. When my superior is  
13 ready then he wrote and sent it to Pol Pot for decision. After  
14 Pol Pot made the decision, then Son Sen organized the letter to  
15 be sent to the east.

16 In that document, I already requested Your Honour's leave to have  
17 it projected on the projector already. It is the reason to prove  
18 that S-21 had no rights to contact the police office in the East  
19 Zone, so we were independent.

20 I, under the supervision of Son Sen -- they were under the  
21 supervision of Sao Pheum, and the communication had to be  
22 conducted through the party communication from top down to the  
23 bottom.

24 Because of this, I want to clarify that S-21 is not a political,  
25 military organization at the central level. It is just a

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1 Santebal organization under the supervision of the central  
2 committee as the other security offices. Police of the East Zone  
3 controlled or supervised by the central committee. The police of  
4 the Southwest were also supervised by the central committee. All  
5 police were supervised by respective zone.

6 [16.07.25]

7 So, in conclusion, I can say that S-21 was not the military,  
8 political organization with the level of central committee, but  
9 it was a security office under the supervision of the central  
10 committee.

11 Q.Was S-21, contrarily to other security centres, was it the  
12 only security centre to take in people coming from the standing  
13 committee or from other leading organs in the party? When these  
14 bodies were purged, did this situation occur in other security  
15 centres or was this a specificity of S-21? In the same way, were  
16 the other security centres prepared to receive prisoners coming  
17 from zones outside of its range of influence? Was S-21 prepared  
18 to receive prisoners from all over Cambodia?

19 A.S-21 was the tool or instrument of the standing committee.  
20 Number two, it located in Phnom Penh. The location of S-21  
21 compared to the location of the standing committee office is no  
22 further than five kilometres. The telephone communication was  
23 hooked at all times, by this fact that the Standing Committee of  
24 the Central Committee people were to be arrested and sent to be  
25 detained at S-21 in order that we were easily advised, managed,

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1 ordered according to the principle as stipulated in Article 8.  
2 Number two; for people who were collected from other zones, it  
3 was not the chairman of S 21 who made the decision or request to  
4 collect them, to arrest them, or that S-21 had the right to claim  
5 that people in other detention or the security offices to be  
6 brought to S 21. It was not the case.

7 So S-21 had received prisoners from other zones, it's true,  
8 because the power of the standing committee was so wide that it  
9 covered the whole country, so prisoners who were from the other  
10 zones were collected and sent to S-21 for their own purpose. So  
11 people -- for example the members of the standing committee who  
12 were arrested -- they were not arrested by S-21, or the decision  
13 was not made by S-21.

14 [16.12.52]

15 And number two, when people were sent to S-21, S-21 itself did  
16 not make any request to have them brought in. To sum up, the  
17 specificity of S-21 was stemming from the fact that the standing  
18 committee was the top organ that supervised the whole country.  
19 So the things -- or the assignments to be carried out by S-21  
20 were rather unique from the other because it had been ordered  
21 directly from the top.

22 Other police offices were supervised by the committee of each  
23 respective zone. No-one had the authority to order or  
24 cross-order to one another, otherwise we would be beheaded. So  
25 there is no hierarchy of all security centres all across the

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1 country. There was no police office who had the right to order  
2 other police offices at all.

3 That's my explanation concerning my response to Your Honours.

4 Q.We have understood, indeed clearly, that there was no direct  
5 communication between the security centres. We understood that  
6 all of the security centres were under the supervision of the  
7 standing committee. But if I have understood correctly there  
8 was, however, a specificity linked to the geographical proximity  
9 between S-21 and the standing committee. And this geographical  
10 proximity, did it develop a specific role that did not exist in  
11 other security centres?

12 I simply would like you to tell me if you know -- let's say if we  
13 refer to the security centres in the Eastern Zone, if they took  
14 in prisoners coming from the north or from the south or from  
15 elsewhere or was this specificity only proper to S-21 due to this  
16 geographic proximity to the standing committee?

17 A.Talking about the specificity as you mentioned when you  
18 referred to S-21, S-21 itself had a unique nature because it was  
19 located close to the Standing Committee of the Central Committee,  
20 and it was regarded as the exclusive tool to be used by the  
21 Standing Committee of the Central Committee; that the committee  
22 itself could have the power to bring in all kinds of prisoners  
23 from across the country to S-21. So it was the authority of the  
24 standing committee but it was not the authority of S-21 to do so.

25 [16.19.35]



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1 JUDGE LAVERGNE:

2 Okay. So we're going to continue with the reading with the  
3 following paragraph. So, the Greffier, could you please proceed?

4 MR. PRESIDENT:

5 We note that it is now time to break for today's session and we  
6 observe that there are still several other paragraphs to be read  
7 out. Although we attempt to read today, we will not finish  
8 reading them by the end of the day, so that's why we would like  
9 to adjourn the session and resume on the morning of 18 of April  
10 -- excuse me, correction -- of May, at 9 a.m.

11 [16.20.36]

12 At the same time, parties are also informed now that you will be  
13 given -- you have already been distributed the scheduling order  
14 concerning the hearing sessions to be conducted from the 18th of  
15 May to the 25th.

16 The security personnel are instructed to take the accused back to  
17 the detention facility and bring him in on the 18 of May before 9  
18 a.m. Parties are also invited to attend the hearing as  
19 scheduled.

20 (Judges exit courtroom)

21 (Court adjourns at 1621H)

22

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24

25