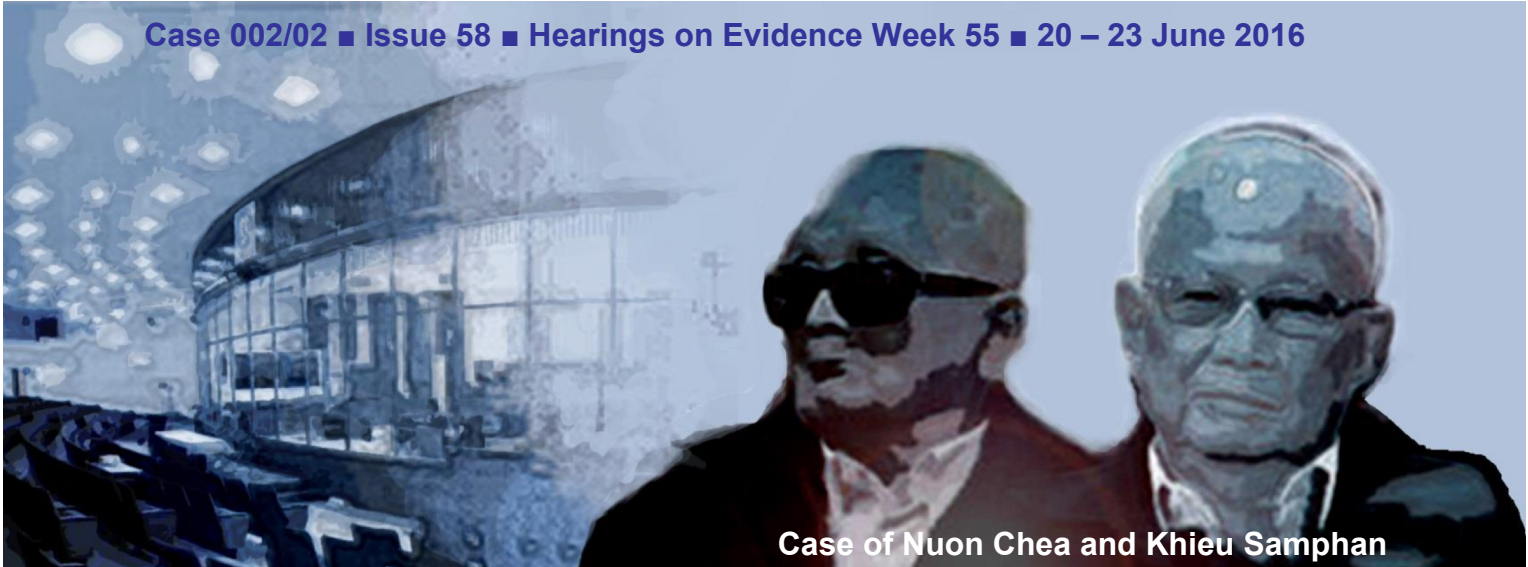


KRT TRIAL MONITOR

Case 002/02 ■ Issue 58 ■ Hearings on Evidence Week 55 ■ 20 – 23 June 2016



Case of Nuon Chea and Khieu Samphan

A project of East-West Center and the WSD HANDA Center for Human Rights and International Justice at Stanford University
(previously known as the UC Berkeley War Crimes Studies Center)

“We are not at S-21 where you can order people to do whatever you want. This is an examination and I am asking you questions from documents I chose, on excerpts I choose”

- Defense Counsel for Khieu Samphan, Anta Guissé

I. OVERVIEW

This week Kaing Guek Eav, *alias* Duch, began his third week of testimony before the Trial Chamber as a witness in Case 002/02.¹ After one and a half weeks of questioning from the OCP, LCLCP and the Bench, this week the Witness was questioned exclusively by the Defense Teams, whose questioning will conclude next Monday morning. This week Duch continued to testify about the workings of S-21 Security Center in Phnom Penh, and more particularly about alleged plots to overthrow the government of Democratic Kampuchea (**DK**) from within. In contrast to his demeanor in previous weeks, this week Duch appeared more confrontational in his responses to both international Defense Counsels, and on a number of occasions refused to acknowledge prior evidence or testimony presented to him. The Trial Chamber also continued to face ongoing difficulty distinguishing between the information Duch was aware of during DK, and that which he has learned since that time, as he has studied the existing case files extensively.²

II. SUMMARY OF WITNESS TESTIMONY

A. Summary of Testimony by Witness Kaing Guek Eav

This week the only witness to testify was Kaing Guek Eav, *alias* Duch.³ He was questioned by both Defense Teams about command structures and hierarchies at S-21, treatment of the Vietnamese and alleged plots to overthrow the DK regime.

1. Physical Structure of S-21

Duch testified that, after S-21 moved from the PJ Office, the interrogation facility at S-21 was originally located on Street 163 behind the Ponhea Yat High School. Duch explained that, because this location was difficult to defend, he made a request to Son Sen to move the facility onto the campus of the High School instead, and to use the houses to the south of the

campus for interrogations. He said that as the High School did not have a “proper fence,” a zinc fence was erected as a security perimeter along the north and west sides of the S-21 site, initiated by Ta Hor and approved of by Duch and Son Sen. He said he didn’t remember whether barbed wire was added to the fence, although said he had seen wire on the fence in Rithy Phan’s movie *S-21: The Khmer Rouge Killing Machine*. The fence was approximately 50 meters from the compound⁴ and served the dual purpose of preventing prisoners escaping and preventing outsiders trespassing inside. He explained that the two rows of houses in which interrogators lived were located inside the perimeter made by the zinc fence.⁵ According to Duch, medical facilities were also located outside the fenced off perimeter. He recalled that his own house was near Monivong Boulevard, and Mam Nai lived and interrogated prisoners to the west of the sewage canal, opposite the house where members of the photography unit lived.

2. Clarification of Date that Nuon Chea took over from Son Sen

Duch has consistently testified that on 15 August 1977 Son Sen was replaced as his superior by Nuon Chea, and the last time Son Sen wrote on a document related to S-21 was on 25 November 1977.⁶ This date was questioned in depth this week by the Nuon Chea Defense Team, which confronted the Witness with several documents indicating that the Witness had continued to correspond with Son Sen about matters related to S-21 after 15 August 1977. The examination further addressed documents indicating Son Sen had been present in Phnom Penh on a number of official occasions after this date. Duch subsequently explained that he had continued to receive correspondence from Son Sen on some S-21 matters after his superior “went to the battlefield,” however it was Nuon Chea who was mainly in charge. He added that the distance from the battlefield in Neak Loeung to Phnom Penh had only been approximately 60 kilometers, thus enabling Son Sen to attend a number of important events in the capital towards the end of 1977. When Counsel Koppe asked why the supervision of S-21 had been transferred to Nuon Chea, Duch simply responded that these had been the orders of Office 870.

In elaborating on lines of communication with his superiors, Duch explained that he had initially sent messages to Son Sen via messengers Phon and Noeun, however after Nuon Chea took over, Nuon Chea’s messengers Toeung and Pang, as well as the Center’s messenger Ky (Chief of Office K-7), delivered messages. The Witness also explained that Nuon Chea had used his messenger Chhim Sam Aok, *alias* Pang to act as his intermediary at S-21. Duch testified that Pang regularly conveyed orders between S-21 and Office 870, while Duch would meet with Nuon Chea in person every three to four days. Duch said that when he had questions about his work, he would ask Pang for advice on how to proceed.⁷ He stated that Pang had visited S-21 on a daily basis and had picked up confessions for Nuon Chea to read, however clarified that Pang had otherwise not been involved in the workings of S-21 and had not been allowed to move freely inside the compound.⁸ Duch reiterated his previous testimony that Pang himself was arrested in April 1978, interrogated as an “important prisoner” and later executed. Duch stressed that he had not spoken to Pang after his arrest.⁹

3. Role of Duch at S-21 and his Relationships with Others

During Duch’s testimony, Defense Counsel for Nuon Chea asked him extensively about his own position in the DK regime. Although he declined to compare his DK rank to that of current Cambodian Prime Minister Hun Sen,¹⁰ Duch agreed with statements indicating he was a medium level cadre, saying “there were many cadres above me in relation to the hierarchy.” Many questions were asked about the role of Ta Hor, Deputy Secretary of S-21. Counsel Koppe read 16 brief quotes from Duch’s prior testimony which, *inter alia*, described Ta Hor as able to work “autonomously” and make decisions without consulting Duch. Later on, Counsel Koppe confronted the Witness with the role of Hor, asking: “For 90% of what happened you did not know what was going on, is that correct?” to which Duch replied, animatedly: “[the] Head of S-21 was not a stupid person, the chief of S-21 knew everything! Every work!”

Duch also elaborated on the “principle of secrecy” that he said governed much of the CPK hierarchy. The four principles were: “do not know, do not say, do not hear and do not see.” Duch explained that this principle meant each worker only knew about their own position, and no one dared to leak information to others unless ordered to do so. He said it was because of this principle that he was unaware of anything that went on at other security centers during DK, explaining that information during the regime was conveyed vertically, not horizontally. He said that this principle was encouraged after the CPK heard of purges of communists in Indonesia in 1965.

Duch also testified that Nat, who was managing S-21, was afraid of him, while Hor was afraid of both Duch and Ta Nat. Duch said that he did not know when Nat became the subject of scrutiny within the Party. He denied that he had initiated Nat’s removal as Chairman of S-21. He testified that he had been happy being Deputy and had not wanted the “more difficult” task of being Chief. He said when Nat was removed, Hor became worried, so Duch explained his three principles of leadership to: to understand his subordinates, to forgive his subordinates and to have kindness toward his subordinates. He said he always acted with kindness towards Ta Hor and sometimes covered up for his mistakes. When asked, Duch explained a disagreement he had had with Ta Mok in 1973 which resulted in a mutual dislike that lasted the duration of DK. He explained that “when a superior hates a subordinate, the subordinate hates the superior” and said that Pol Pot was aware that the two men did not like one another.

4. Arrest of Yim Sambath and Chan Chakrei

The Witness was questioned in detail about the arrests and executions of Yim Sambath and Chan Chakrei. He told that the reason for their arrests dated back to 4 April 1976, when a grenade exploded near the Royal Palace in Phnom Penh. He explained that the area at the time had been under the supervision of Yim Sambath and Division 170. After the incident, Pang’s Division 180 had taken on the investigation of the crime and control of the area. As no intruders were located and the area had been under Yim Sambath’s supervision, Pang therefore concluded that Yim Sambath was responsible for the throwing of the grenade, so they arrested him. Duch recalled that Yim Sambath had then been brought to the PJ Office and was interrogated by Hor, although stressed that he had not been tortured at first.¹¹ Duch said that the confession by Yim Sambath was recorded and later played in a meeting with Son Sen and Chan Chakrei. The Witness recalled that the confession had made Chan Chakrei “agitated.” Chakrei had assured Son Sen that Yim Sambath must have acted alone and that there were no traitors in his division. Duch told the Court that Chan Chakrei had been suspected of treason and for that reason Nat had placed him under surveillance under the orders of Son Sen. The Witness was unable to point out the exact reason for Chan Chakrei’s arrest on 9 April 1976.

5. Arrest and Interrogation of Koy Thuon

Duch testified that he had lived with Koy Thuon in Boeung Thom, and described him as a “gentleman,” although said that later he heard stories about him having many affairs with women. Duch claimed not to know much about Koy Thuon’s arrest, saying that it was Pang who brought Koy Thuon into S-21 under instructions from the Center. Duch said he received Koy Thuon at S-21 and followed the “absolute order” he had received not to inflict torture upon the prisoner, although clarified “psychological pressure” was exerted on him.¹² The Witness told the Trial Chamber that he did not know the specific reason behind Koy Thuon’s arrest, but that anyone who was brought to S-21 would be smashed.

6. Arrival of Prisoners at S-21 and Prey Sar

Duch confirmed much of Suos Thy’s prior testimony about prisoner registration at S-21.¹³ Duch

said that Sous Thy was in charge of compiling and maintaining lists of incoming and outgoing “ordinary” prisoners, although those deemed “important” would be kept secret from him. Duch also said that prisoners who the upper echelon had decided were to be sent directly to Prey Sar were first received at the location of the current Beehive Radio Station before being redirected to Prey Sar, and these people were also not registered by Suos Thy.

7. Treatment of Vietnamese and Alleged Vietnamese Plot to Stage Coup

The Witness testified that the main role of S-21 had been to counter espionage and “smash” spies, many of whom came from Vietnam. Duch stated that war between Vietnam and Cambodia was declared on 31 December 1977, although border clashes had been taking place since May 1976.¹⁴ He recalled a specific incident in which Vietnamese civilians who had been collecting firewood on Cambodian territory were arrested and brought to S-21 as spies. The Witness explained that the troubles between Vietnam and Cambodia had been the result of Vietnam’s ambition to create an “Indochinese Federation,” with the goal being to use internal forces to overthrow Pol Pot (or, if this plan failed, to invade outright). Although at first Duch did not provide the source for this knowledge, he later explained: “At first I did not agree with the statement but later Nayan Chanda testified in front of the Trial Chamber and I recognized the situation was like that.”¹⁵ When questioned further, Duch denied any knowledge about specific coup plans and stated that the extracts he provided sounded “surreal” and “imaginary.”

8. 6 January 1979 Meeting with Khieu Samphan

Khieu Samphan’s Defense Team spent a significant amount of time questioning the Witness on a meeting he said he attended with Khieu Samphan on 6 January 1979. In court, Duch said that after he arrived Buddhist school and there were 5 or 6 others there (including himself).¹⁶ He said at that time Khieu Samphan made a short speech explaining that the *yuon* had entered deep inside Democratic Kampuchea, but explaining that Comrades San and Roeung were countering their advance that no one should panic.¹⁷ He said the meeting only lasted about 15 or 20 minutes and that he was told to return to work as normal and instruct his subordinates to continue working normally; an instruction he gave to Ta Hor to pass on. He also told the court that on his way back to the Ponhea Yat High School compound from the meeting he had seen Ieng Sary, *alias* Van, riding in a Land Cruiser. Counsel Guissé confronted the Witness with a prior interview he gave with Christophe Peschoux, in which he said he had never met either Khieu Samphan or Ieng Sary during the DK period, repeatedly asking him whether this was thus a fabrication. Duch consistently said a mistake must have been made in the transcription of the interview and maintained that he had met Khieu Samphan briefly at this meeting on 6 January 1979.

9. Witness Demeanor and Credibility

In contrast to previous weeks when the Witness faced questions from the OCP and Judges, this week the Witness seemed to often become irritated by questions posed by the Defense Counsels and was reluctant to questions he saw as repetitive, or those that had been posed to him in previous cases. He became particularly agitated during Counsel Guissé’s questioning, which he saw as repetitive, saying: “I already showed you the evidence, it should be enough for someone who has a brain to think!” Indeed his attitude towards the Defense Lawyers seemed more hostile in general. While last week he addressed the particular prosecutor or Civil Party lawyer in his responses, this week he addressed the majority of his responses to the President and not the Defense Counsels. The Witness was cooperative when Parties presented him with documents to peruse, however on a number of occasions requested documents be presented to him in full rather than only excerpts, reluctant to answer otherwise.

Difficulties were raised by the Witness’s refusal to recognize the testimony of others and evidence provided to him to which he was unfamiliar. Once again he did not acknowledge the

testimony of Lach Mean, refusing to respond to questions based on anything this Witness had said. He also consistently referred to the S-21 prisoner list used during his trial, appearing not to recognize the validity of the newly released OCIJ list of S-21 prisoners that is based on new evidence obtained in the investigations into Cases 003 and 004. For example, on one occasion when he was presented with figures and prisoners from the new list, he responded: "It is beyond my knowledge. I knew only the list and I could only answer about the list that we used up to 10 April 2012."

For the most part Duch was consistent in his testimony throughout the week, although a notable exception to this came when he was asked about the torture methods used on Pang during his interrogation, which on Wednesday he described as "the hot method" but the next day he said that he had, "no idea when he was interrogated, particularly about hot or cold methods used by the interrogator at the time." Finally, the Witness again had trouble distinguishing between knowledge he gained during DK and knowledge he learned through extensive study of his own case and Case 002/01 subsequently. When he was asked about the approximate number of the important prisoners in S-21, despite the fact that he was responsible for them in S-21, he said he did not remember, nor can he estimate the number of them. He also pointed to Expert Witness David Chandler's earlier statement that he had been "swimming" in S-21 confessions and that even he had not been able to estimate the total number of documents there had been.

III. LEGAL AND PROCEDURAL ISSUES

This week issues were raised by the familiarity of Duch to the details of cases before the ECCC; both his own case and Case 002/01. He had problems differentiating between the evidence he had heard in court and facts he had experienced during DK. Perhaps due to this extensive knowledge of the case file, Duch also had strong opinions on the probative value of other Witness testimony and documents, occasionally refusing to accept their validity.

A. Witness's Dismissal of Documents and Testimony of Others

This week Duch became stubborn on a number of occasions, refusing to accept prior testimony from other witnesses or information that has come to light since the conclusion of his own trial. As he had stated last week, Duch refused to recognize Lach Mean's statement regarding his role at S-21, in the belief that the person who testified before the Chamber was not the same Lach Mean that had been known to the Witness during the DK regime.¹⁸ The refusal of Duch to recognize the statement was not addressed by the Trial Chamber, and Defense Counsel had to rephrase the question without referring to the supporting evidence provided by Lach Mean. In addition, a consistent stumbling block has been the Witness's consistent refusal to recognize the newly created OCIJ list of S-21 prisoners, because he is only familiar with the list previously used in his own trial.¹⁹ At one stage on being presented with the new list, Duch responded with an in depth explanation about the old list; saying the names on that list had been used as the basis for inscriptions made at a memorial at the current Tuol Sleng Genocide Museum and said it was "widely known in the international arena." This became limiting for Parties as he would not engage with any discussion on the new list.

There were also problems raised when the Witness was presented with a transcript, produced by Steven Heder, of an interview he gave to Christophe Peschoux in Samlaut, Battambang in 1999. In the interview, Duch is recorded as saying that he had a conversation with Pang after he had been arrested and detained in S-21, which Duch denied in court. After lengthy questioning in which Counsel for Khieu Samphan repeatedly asked whether the Witness believed the transcription was "a distortion," the Witness declined to use the word distortion however maintained that there must be some sort of fault with the transcription. Another discrepancy came up when Counsel Guisse presented Duch with a transcript of his testimony before the Military Tribunal in 2002, at which point he claimed never to have met either Khieu Samphan or Ieng Sary. The Witness was presented with a transcript of his prior statement,

which he described as looking “strange” and “suspicious” to him.²⁰ He said he would need to compare it to his “whole file of the military court” in order to establish its veracity. This tendency of the Witness not to engage with certain documents became limiting for the Defense Teams, however the Bench made clear that it is up to them to decide on the probative value of the Witness’s testimony, regardless of how he engages with the evidence put before him.

B. Discrepancies between DK-era Knowledge and post-DK-era Knowledge

Due to his intricate knowledge of Case 001 and also of Case002/01, Duch’s understanding of events during the DK period is truly extensive. However, this has caused problems throughout the eleven days of his testimony, as it makes it difficult for the Parties involved to distinguish between first- and second- hand knowledge. This week this issue became apparent once more when the Witness mixed DK-era and post-DK-era knowledge, seeming not to see a difference. In several instances he made references to documents provided to him later, which supposedly refreshed his memory, for example: “Upon the letter given to me by Rithy Phan then I recalled the date.” In order to attempt to combat this confusion, he was repeatedly asked to be clear about the source of his information.

IV. TRIAL MANAGEMENT

This week the Trial Chamber continued hearing testimony of Kaing Guek Eav, *alias* Duch for the entire week (his third week appearing in court during this segment of trial).

A. Attendance

This week Noun Chea continued to waive his right to be present in the courtroom and observed proceedings through video link from the holding cell due to his poor health, while Khieu Samphan was present in the courtroom throughout the week.

Judge Attendance: All Judges were present in the courtroom all week.

Parties: On Tuesday 21 June, the Greffier notified the court that Ms. Marie Guiraud, international Lead Co-Lawyer for Civil Parties was absent “without any reason,” however her national colleague, Mr. Pich Ang was present to properly represent the Civil Parties. On Thursday 23 June, Pich Ang arrived late in the morning, but informed the court beforehand.

Attendance by the public:

DATE	MORNING	AFTERNOON
Monday 20/06/2016	<ul style="list-style-type: none"> Approximately 100 students from Samdach Mae Samdach Ov Basedth High School, Basedth District, Kampong Speu Province 15 foreign observers Eight Civil Parties 	<ul style="list-style-type: none"> Approximately 100 students from Samdech Mae Samdech Ov Basedth High School, Basedth District, Kampong Speu Province Seven foreign observers Five Civil Parties
Tuesday 21/06/2016	<ul style="list-style-type: none"> Approximately 180 students from Samdach Ou Eka Reach High School, Kong Pisey District, Kampong Speu Province. Four foreign observers. Eight Civil Parties 	<ul style="list-style-type: none"> Approximately 70 students from Chrey Ou Pnov High School, Kong Pisey District, Kampong Speu Province. Nine foreign observers. Eight Civil Parties

Wednesday 22/06/2016	<ul style="list-style-type: none"> ▪ Approximately 130 villagers from Oudong District, Kampong Speu Province ▪ Nine foreign observers ▪ Ten Civil Parties 	<ul style="list-style-type: none"> ▪ Approximately 110 villagers from Oudong District, Kampong Speu Province ▪ Five foreign observers ▪ Seven Civil Parties
Thursday 23/06/2016	<ul style="list-style-type: none"> ▪ Approximately 100 villagers from Oudong District, Kampong Speu Province ▪ Four foreign observers ▪ Nine Civil Parties 	<ul style="list-style-type: none"> ▪ Approximately 100 villagers from Oudong District, Kampong Speu Province ▪ Three foreign observers ▪ Eight Civil Parties

B. Time Management

This week the Trial Chamber paid close attention to the time allocated to all Parties. On 23 June, after a discussion among the Parties, the Trial Chamber agreed to allow 45 minutes the following Monday for the Nuon Chea Defense Team to question the Witness to compensate for time lost when President Nil Nonn and Judge Jean-Marc Lavergne spent 45 extra minutes questioning the Witness on June 20. On Thursday the Trial Chamber had arranged a reserve Civil Party (2-TCCP-236) who will now not be heard until next week.

C. Courtroom Etiquette

This week there were some notable instances of tension between the Witness, Defense Counsel and Judges, however these were managed by the Chamber effectively. Throughout the Defense's examination, Duch seemed to become increasingly irritated by the questioning, refusing to be interrupted or answer questions he saw as repetitive. On 20 June when Counsel Koppe had asked a question a number of times, Duch responded sarcastically: "if you ask the question, you should find the answer yourself...Don't ask me again!" During the hearing on 23 June, Counsel Koppe asked the witness not to "circumvent" his questions to which Duch responded by using a Khmer term *Ah* that is viewed as offensive: "who [*Ah*] says I circumvent?"²¹ In response, the President intervened and explained that the line of questioning was a Defense tactic and the Witness had to respond. On Thursday Counsel Koppe criticized the Witness for "sabotaging" his questioning and, after being reprimanded by the President, Counsel Koppe replied "Sabotaging with your assistance if I may Mr. President." Judge Fenz told the Defense Counsel to "just stop it" but Mr. Koppe replied "No, I won't stop it. It's a travesty here!" before moving on to a new line of questioning.

D. Translation and Technical Issues

This week there were a few occasions when interpreters notified Judges that the pace of questioning was too fast and requested Parties slow down in order to provide full and accurate translations. Monitors noted a number of times when interpreters sought repetition from Parties or apologized for rendering incorrect translations, particularly of ERN numbers or people's names. Monitors also noted some mistranslations and incompleteness.²² There were no substantial technical interruptions this week.

E. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS
Monday 20/06/2016	9:01	10:15-10:34	11:40-13:31	14:44-15:05	15:59	4 hours 27 minutes

Tuesday 21/06/2016	9:01	10:09-10:29	11:29-13:32	14:42-15:00	16:07	4 hours 25 minutes
Wednesday 22/06/2016	9:00	10:09-10:30	11:32-13:31	14:39-15:00	16:04	4 hours 23 minutes
Thursday 23/06/2016	9:01	10:10-10:29	11:39-13:31	14:38-14:59	16:06	4 hours 33 minutes
Average number of hours in session				4 hours and 27 minutes		
Total number of hours this week				17 hours and 48 minutes		
Total number of hours, day, weeks at trial				752 hours and 24 minutes		
201 TRIAL DAYS OVER 58 WEEKS						

*This report was authored by Lena Harris-Pomeroy, Somaly Kum, Caitlin McCaffrie, Visot Nom, Lina Tay, Sathapor Thom and Penelope Van Tuyl as part of the KRT Trial Monitoring and Community Outreach Program. KRT Trial Monitor is a collaborative project between the East-West Center, in Honolulu, and the WSD HANDA Center for Human Rights and International Justice at Stanford University (previously known as the UC Berkeley War Crimes Studies Center). Since 2003, the two Centers have been collaborating on projects relating to the establishment of justice initiatives and capacity-building programs in the human rights sector in Southeast Asia.



Unless specified otherwise,

- ☐ the documents cited in this report pertain to the *Case of Nuon Chea and Khieu Samphan* before the ECCC;
- ☐ the quotes are based on the personal notes of the trial monitors during the proceedings;
- ☐ the figures in the *Public Attendance* section of the report are only approximations made By AIJI staff; and
- ☐ photos are courtesy of the ECCC.

Glossary of Terms

Case001	<i>The Case of Kaing Guek Eav alias “Duch”</i> (CaseNo.001/18-07-2007-ECCC)
Case002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith, and Khieu Samphan</i> (CaseNo.002/19-09-2007-ECCC)
CPC	Code of Criminal Procedure of the Kingdom of Cambodia (2007)
CPK	Communist Party of Kampuchea
CPLCL	Civil Party Lead Co-Lawyer
DK	Democratic Kampuchea
DSS	Defense Support Section
ECCC	Extraordinary Chambers in the Courts of Cambodia (also referred to as the Khmer Rouge Tribunal or “KRT”)
ECCC Law	Law on the Establishment of the ECCC, as amended (2004)
ERN	Evidence Reference Number (the page number of each piece of documentary evidence in the Case File)
FUNK	National United Front of Kampuchea
GRUNK	Royal Government of National Union of Kampuchea
ICC	International Criminal Court
IR	Internal Rules of the ECCC Rev.8 (2011)
KR	Khmer Rouge
OCIJ	Office of the Co-Investigating Judges
OCP	Office of the Co-Prosecutors of the ECCC
VSS	Victims Support Section
WESU	Witness and Expert Support Unit

¹ KAING Guek Eav, *alias* Duch began his testimony on 7 June 2016. For summaries of his previous two weeks of testimony, see CASE 002/02 KRT TRIAL MONITOR, Issue 57, Hearings on Evidence Week 54 (20-23 June 2016) and CASE 002/02 KRT TRIAL MONITOR, Issue 56, Hearings on Evidence Week 53 (6-9 June 2016). He also testified as a witness in Case 002/01 over twelve days between 19 March – 10 April 2012. For summaries of his testimony in Case 002/01 see CASE 002 KRT TRIAL MONITOR, Issue 15, Hearings on Evidence Week 10 (19-21 March 2012); CASE 002 KRT TRIAL MONITOR, Issue 16, Hearings on Evidence Week 11 (26-29 March 2012); CASE 002 KRT TRIAL MONITOR, Issue 17, Hearings on Evidence Week 12 (2-5 April 2012); CASE 002 KRT TRIAL MONITOR, Issue 18, Hearings on Evidence Week 13 (9-10 April 2012).

² KAING Guek Eav, *alias* Duch was found guilty by the Trial Chamber in Case 001 and sentenced to 35 years’ imprisonment on 26 July 2010, see Trial Chamber “Judgment” (26 July 2010), E188. KAING Guek Eav appealed the verdict to the Supreme Court Chamber, which was dismissed. The OCP also appealed the verdict, and on 3 February 2012 the Supreme Court Chamber quashed the decision of the Trial Chamber and increased the Accused’s sentence to life imprisonment, see Supreme Court Chamber, “Appeal Judgment” (3 February 2012), F28. Last week it became clear that Duch has a copy of the Case 001 case file in his prison cell and is able to review information at his leisure.

³ This week KAING Guek Eav, *alias* Duch (2-TCW-916) was questioned in the following order: President NILL Nonn; international Judge Jean-Marc LAVERGNE; international co-counsel for Nuon Chea, Victor KOPPE; international co-counsel for Khieu Samphan, Anta GUISSSE, international co-counsel for Nuon Chea; Victor KOPPE.

⁴ At first Counsel Anta Guisse asked the Witness about the distance between the compound and the fence by referring to a prior statement of Witness LACH Mean, however Duch refused to recognize the statement.

⁵ He also said that “later on, interrogated also lived within the same campus as the prisoners.”

⁶ It is interesting to note that 15 August was also previously given by Duch as the date in 1975 when he and Ta Nat were called to a meeting with Son Sen who informed them of the creation of S-21, see CASE 002/02 KRT TRIAL MONITOR, Issue 56, p. 4.

⁷ Duch said that Pang would occasionally have to refer to Office 870 for advice before responding but could also reply independently if able.

⁸ Duch clarified that Pang had not been allowed to read the confessions and that the confessions were sent over in sealed envelopes. Duch explained that Pang had spent a lot of time at S-21, visiting the work shops where portraits of Pol Pot were painted. Duch explained that Pang had been part of Pol Pot's defense unit and had therefore carried out orders for him as well.

⁹ This contradicted an interview Duch previously gave to the former head of OHCHR in Cambodia, Christophe Peschoux, in which he claimed to have had a casual conversation with Pang while he was detained at S-21. Duch said an error must have occurred in the recording of the interview and stood by his earlier statement that he had never talked with Pang after his arrest.

¹⁰ Although the Nuon Chea Defense team asked Duch many questions about Hun Sen, Duch repeatedly testified that he had never heard of the current Prime Minister during the DK regime. Although conceding they perhaps held similar positions as commanders of regiments, Duch speculated that their situations must have been different as Hun Sen was positioned at the border and had many soldiers under his command who were fully armed, unlike himself, explaining: "as for me I had nothing. I could not do that." Duch stated that this was what had enabled Hun Sen to flee to Vietnam, while Duch "could not do that because I had nothing."

¹¹ He said that it had been important to Son Sen that no torture was used to achieve Sambath's confession so that Chan Chakrei would believe Yim Sambath's statements.

¹² An interesting discussion was had by the Chamber about the Khmer interpretation of the word "torture" or *tearunkam*, which according to Khmer speaking monitors encompasses various forms of discipline that one would use within a family setting in addition to more severe and inhuman forms. Judge Fenz advised Parties to be as specific as possible in their questions regarding torture so as to avoid confusion.

¹³ SUOS Thy (2-TCW-816) testified on 2, 3, 6 and 7 June: see CASE 002/02 KRT TRIAL MONITOR, Issue 55, Hearings on Evidence Week 52 (2-3 June 2016) and CASE 002/02 KRT TRIAL MONITOR, Issue 56.

¹⁴ The Witness said the date 1977 during his Tuesday testimony and then changed it to 1978 on Wednesday, however he used the earlier date more frequently overall.

¹⁵ Duch also stated later that some of this information came from the confessions of Oeun and Koy Thuon.

¹⁶ In a prior statement Duch gave this number as three or four.

¹⁷ The term *yuon* is a derogatory Khmer term used to refer to ethnic Vietnamese people.

¹⁸ The basis for this belief appears to be a signature on a document bearing Lach Mean's name that Lach Mean denied was his during his testimony in Case 002/01, however in recent weeks the Trial Chamber has released a memorandum correcting this document and stating that the name was in fact Tach Mean, not Lach Mean. This fact was not explained to the Witness and he continued to ignore the testimony of Lach Mean. See Trial Chamber: "Memorandum regarding correction of Document E3/2469" (10 June 2016) E414.

¹⁹ The new list contains approximately 3,000 additional names of those who passed through S-21.

²⁰ The following morning international assistant prosecutor Dale Lysak noted that the document indeed did not match the standard format of other interview transcripts from the Military Tribunal.

²¹ The word "Ah" in Khmer roughly translates in English as "contemptible" and is used as a term of disrespect.

²² Monitors noted errors in translation from Khmer to English; including, '18 October 1977' to '16 October 1977'; 'Chakrei and Pang' to 'Chakrei'; 'Division 450 and 730' to 'Division 410'; 'Division 450' to 'Division'; '12,300' to '12,000'; 'palm fruit' to 'palm juice'; 'Nat and Hok' to 'Nat'; 'Brother Vorn' to 'Brother Nuon'; 'company' to 'battalion'.