



**The Debate on the Proper Scope of Case 002, Trial 1 Continues,
as Duch Resumes His Testimony**

“Brother number one, Pol Pot, and brother number two, Nuon Chea, controlled the whole country.”

- Kaing Guek Eav, *alias* Duch

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On Wednesday, March 21, 2012, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) resumed trial proceedings in Case 002 against accused Nuon Chea, Ieng Sary and Khieu Samphan. Scheduled for the day was the continuation of the testimony of Kaing Guek Eav, *alias* Duch, the convicted accused from ECCC Case 001. As with the previous day’s proceedings, interest in the media room and courtroom gallery appeared to be somewhat diverted from Duch’s testimony, centering instead on the previous day’s surprising resignation of ECCC Reserve International Co-Investigating Judge Laurent Kasper-Ansmert and rumors that the judge would release a document pertinent to his decision to resign.¹

Nuon Chea Defense Counsel Michiel Pestman Addresses “Incident” in Holding Cell

The first issue addressed in court was the incident that took place near the end of the previous day’s hearing involving Nuon Chea defense counsel Michiel Pestman entering the courtroom holding cell during the medical examination of his client by the Court’s medical team. Mr. Pestman stated that he did go to the holding cell to “observe” the medical examination of Nuon Chea. He stated that he believed that he had a professional duty to be present to assist Nuon Chea through the process.

¹ This document has since been released and is available at: <http://www.eccc.gov.kh/en/document/court/note-international-reserve-co-investigating-judge-parties-egregious-dysfunctions-wi-0>.

Mr. Pestman then noted that the doctors did not test Nuon Chea's ability to participate in the trial, and he argued that they should find some way to do so during future tests, stating that the doctors had apparently only tested his ability to sit in a chair and checked his blood pressure, along with other routine measures. Specifically, he argued that the doctors should find a way to test Nuon Chea's "cognitive" ability to participate in proceedings when issues of fitness arise moving forward.

Mr. Pestman then noted that he understood that the Trial Chamber decided that he had "interfered" with the medical examination. He submitted that he had not sought to interfere, and he took issue with the Chamber's summary decision, which he argued was reached without any investigation or any opportunity for him to defend his actions.

Prosecution counsel William Smith then stated that the prosecution did not object to any proper medical examination of the accused, but he argued that the standard medical exams are sufficient and need not be altered in any significant way.

The civil parties then voiced concern that repeated claims of unfitness made by the accused during future proceedings could prolong and unduly delay proceedings. Civil party counsel Lyma Ngyen observed that the accused have highly capable and vigorous defense teams and argued that the defense lawyers will protect the right of the accused strongly. Thus, she argued, the courtroom holding cells, with their audio-visual link to the courtroom, are an appropriate compromise to ensure smooth proceedings and to protect the rights of all parties.

Defense counsel Michael Karnavas then stood and argued that the civil parties were requesting that proceedings continue, even if the accused is "comatose," a stance he dismissed as a "mockery." He stated that it is "nonsense" and "utterly ridiculous" to suggest that proceedings should move forward even if an accused is mentally unable to participate, so long as the proceedings are being shown to the accused on a video screen. Mr. Karnavas then stated that he is unaware of any case in which an accused is found unable to mentally participate, but the case proceeded nonetheless.

Mr. Pestman then reassured the Chamber that Nuon Chea is "not comatose yet," and he submitted that Nuon Chea has in fact "done everything" thus far during the trial to participate. He observed that the previous day was the first time that Nuon Chea had requested to be present during witness testimony and then found himself unable to continue following the proceedings. He then cited jurisprudence from the International Criminal Tribunal for the former Yugoslavia (ICTY), which he stated held that a three-month delay in proceedings for health reasons "was not yet substantial" and asked the Chamber to keep the decision in mind when making future rulings on the issue of fitness and pacing of proceedings.

Khieu Samphan Defense Requests Instruction to Slow Testimony for Translation

Khieu Samphan's counsel Anta Guisse then rose and made a formal request to the Chamber to instruct witness Kaing Guek Eav *alias* Duch, to answer more slowly in order for translation to be conducted accurately. She then noted a specific instance where the French transcript was missing five lines, which had not been captured in translation.



Chamber Rules that Defense Counsel Cannot Attend Medical Examinations

The Chamber judges then conferred briefly before Judge Jean-Marc Lavergne informed the parties that the Chamber wished to make certain “clarifications.” He stated that the Chamber had ordered a medical examination of Nuon Chea and noted that defense counsel “obviously” has the right to challenge any determinations made by the medical staff. However, he stated, the Chamber believes it is clear that counsel cannot interfere with the work of the doctors while they are examining the accused. To be “perfectly clear,” Judge Lavergne informed the parties that defense counsel cannot personally attend any examination by the Court’s medical staff of their client.

The President then instructed the parties and Duch not to speak too quickly and instructed Duch specifically not to provide answers that are personal conclusions drawn from his own research, rather than observed events.

Prosecution Resumes Questioning of Duch

Prosecution counsel Seng Bunkheang then resumed the questioning of Duch by asking him when he first witnessed the formation of cooperatives in Cambodia. Duch responded that he first observed the establishment of cooperatives in Kampong Speu province in 1973. He then testified that cooperatives were created to grow produce every year and to divide rice and other goods into allotments for the military, local use and other party uses. Duch stated that there was no written document outlining cooperative policies that he saw at the time but that radio broadcasts discussed the need to “live and let live.” He stated that in 1974 there were shortages of food and rations were reduced to one half-can of rice per day.

As for production goals, Duch stated that the Communist Party of Kampuchea (CPK) set its rice production goal at three tons per hectare. He then stated that all cooperative production issues were under the control of the cooperative committee. Ultimately, the CPK controlled the division of labor, transportation of goods and production means and the party dictated all issues such as work schedules, he testified; thus, all “production means,” labor and the division of production decisions generally were “up to the party.” When asked about his “three tons per hectare” statement, Duch responded that this phrase meant that cooperative leaders were supposed to achieve three tons of rice per hectare as a production target, which was set by the party. He then stated that he later read this policy in a document and proceeded to cite the document number and paragraph therein, demonstrating yet again his uncanny memory for details and dates. Duch also testified that the three tons goal was the target of production per harvest season and that this goal was codified in policy documents he studied under the tutelage of Son Sen.

Duch next testified that he was unaware of the number of people assigned to each cooperative, also explaining that the food ration was not different for “base” and “new” (evacuated) people, who both received 1.5 cans of rice per day. He then noted that people assigned to do hard labor, such as to build dikes and dams, were provided with two cans of

rice. Duch also stated that the only difference he noted between new and base people was that new people were ineligible to be promoted to become village militiamen.

Regarding hygiene and medical services, Duch stated that at first, the CPK did not address the issue of hygiene whatsoever and only later were instructions given to do such basic things as boiling water before drinking it. He then stated that “we did lack medical supplies” and that the CPK ordered the use of “traditional medicines” for maladies such as malaria. Duch stated that one time, Ta Mok told him that “French medicine” was suited to the climate in France and was thus not suitable for Cambodians. He testified that the party ordered the use of homemade medicine, such as putting coconut juice in intravenous injections.

Chamber Instructs Prosecution to Narrow Scope of Questioning

At this point, the Chamber President interrupted questioning and instructed the prosecution to limit its questioning of Duch to the topics currently at hand in order to maintain the proper “flow” of proceedings. He stated that the Chamber sought to advise the prosecution to follow the instructions of the Chamber’s order dividing Case 002 into a series of trials. The President then informed the parties that if any party wishes to expand questioning to such matters as conditions in cooperatives and worksites, it must request to do so in advance.

Counsel Seng Bunkheang informed the Chamber that he had been seeking to elicit information on the “policy” of the CPK and then continued his line of questioning. Upon this continued questioning, Duch stated that since 1960, the “main principle of the CPK” was to be “self-reliant.”

Seng Bunkheang next moved on to the topic of the CPK policy on identifying “enemies.” Duch testified that Buddhism was not very well formed in pre-DK Cambodia because monks were drawn from peasant populations and had to rely on alms from local people to eat. He then stated that the CPK targeted monks during the DK period, although this statement appeared to be a conclusion he had drawn himself. Duch stated that in the Northeast of Cambodia, the CPK really trusted minority groups at first. He also stated that he was told that the CPK considered Cham Muslims as a separate group and that one prominent Cham individual had worked with the Lon Nol government’s military. Duch then stated that when he worked at S-21 prison, he came across the confessions of some “Cham children,” whom he identified as Cham because of the last names of the confessors.

Duch next testified that people perceived as enemies were sent to M-13 prison and later S-21 prison. He stated that it was the party that selected people who were considered enemies and the prisons simply received such people. Duch then explained that family members of Lon Nol official Long Boret and educated people, such as doctors, were sent to prisons at first. He also repeated his previous testimony concerning the arrest of some Cham villagers and Thai fishermen.

During this section of his testimony, Duch mentioned purges of areas led by former CPK leading figures, such as Koy Thuon. He stated that the “upper echelons” identified traitors and that S-21 simply had to be ready to carry out orders when they were received. He then stated, “Brother number one, Pol Pot, and brother number two, Nuon Chea, controlled the whole country.”

Duch also testified that security offices were gradually created over time and that the leaders were interested in the confessions produced at the prisons and he stated that these confessions were transmitted to the CPK leaders via messenger.

When asked about his sources of knowledge for these assertions, Duch stated that one time he was reprimanded for not identifying CIA agents among prisoners and also he was told about the 196 security offices in DK during a study session. As for S-21, Duch stated that prisoners were received from all of Cambodia.



Ieng Sary Retires at His Usual Hour and Nuon Chea Requests to “Rest”

At this point, just prior to the morning break, the defense teams for both Ieng Sary and Nuon Chea requested that their clients be permitted to retire to the courtroom holding cell to following the proceedings via audio-visual link. Nuon Chea defense counsel Michiel Pestman informed the Chamber that unlike the previous day, Nuon Chea was willing to waive his right to be present in the courtroom and would endeavor to follow the proceedings on the video-link. He did note, however, that the defense would inform the Chamber if Nuon Chea later became unable even to view the proceedings on the video screen. When asked whether Nuon Chea sought to remain in the holding cell for the remainder of the day, Mr. Pestman responded that he would reevaluate Nuon Chea’s capabilities during the lunch break and report back to the Chamber then. He also stated that the defense wished to object to the line of questioning being pursued by the prosecution.

The President then instructed the court medical staff that, until such time as an accused makes a specific claim of being unwell, they need not examine the accused. He instructed counsel to request an examination, if necessary, through the Chamber greffiers. Mr. Pestman then made a formal request to be permitted to be present during any examination of Nuon Chea, and the Chamber took its morning break.

Chamber Reiterates its Decision Banning Counsel from Medical Examinations

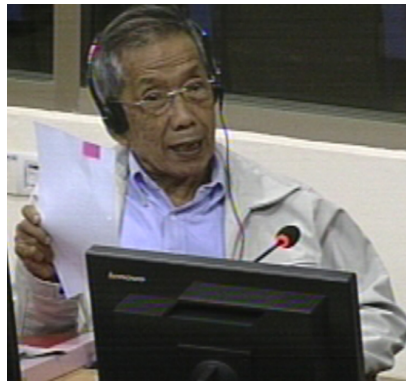
Following the break, the Chamber President stated that the Chamber had already ruled that counsel cannot attend medical examinations. Judge Lavergne then observed that it is “useless” to make applications to attend such examinations and noted that any such requests would be “systematically denied.”

Chamber Instructs Prosecution to Limit Scope of Questioning

The Chamber President then instructed the prosecution to proceed with its questioning but reminded the prosecution that questioning must be limited to topics currently at issue, as outlined in the relevant scheduling order that referenced the specific paragraphs of the Case 002 closing order to be explored.

Prosecution counsel William Smith responded by arguing the prosecution had been seeking thus far in the day’s proceedings to elicit information relevant to the formation of CPK policy and would refrain from going into the actual implementation of such policies. He further argued that the prosecution needed to be afforded some leeway in questioning in order to

elicit information relevant to the overarching alleged joint criminal enterprise (JCE) that is global to all Case 002 charges. Mr. Smith also submitted that “other policies” provided the “justification” for the evacuation of Phnom Penh, which is the central issue in Case 002, Trial 1 and so the evacuation cannot be viewed in a vacuum.



Prosecution Resumes Questioning of Duch

Prosecution counsel Seng Bunkheang then resumed questioning and asked Duch about policies of the CPK related to enemies. Duch stated that early in the DK period, the party focused on identifying people affiliated with the United States (US), such as perceived CIA operatives. Later, he stated, the CPK turned its focus to enemies suspected of colluding with the Vietnamese. Duch then explained that the party did not limit its targets solely to ethnic Vietnamese people but searched for enemies among other Cambodians with ties to Vietnam.

Nuon Chea Defense Objects again to Scope of Questioning

Mr. Pestman then objected to the questioning of the prosecution again at this point, arguing that the prosecution was delving into the alleged purge of a particular ministry and thereby straying from its promised limitations.

Mr. Smith responded that the defense may not have heard the second part of his most recent argument concerning the scope of questioning. He stated that the prosecution was seeking to elicit testimony relevant to the JCE for all Case 002 trials and that to do so, it was important to gain an overview of CPK policies, including those related to internal purges.

The Chamber overruled the objection and directed Duch to answer. Duch then stated that certain ministries and divisions within the DK government were purged, based on their ties to purged CPK officials, such as Koy Thuon, who seemed to have become Duch’s recurring example of former high-level CPK officials purged during the DK period. He also stated that certain Navy regiments and some groups from the East Zone were also purged.

Defense Teams Object to Use of Certain Documents during Questioning of Duch

The prosecution then provided Duch with a document to refresh his memory about certain purge policies. This triggered an objection by Mr. Karnavas for the Ieng Sary defense, who argued that the prosecution should be directed to identify the document before providing it to the witness.

Next, Anta Guisse for the Khieu Samphan defense stated that her defense team had noticed the document was one labeled as coming from the DK ministry of commerce, and she argued that as such, the document was not proper to refresh Duch’s memory as he had likely never seen the document previously.

Mr. Smith responded for the prosecution by stating that the relevant document numbers would be provided, arguing that Duch could properly identify the purported CPK document as being accurate and authentic or not, even if he had never seen that particular document before. He argued that Duch has a strong foundational base of knowledge that would allow him to comment on the document, regardless of whether the specific document was one previously known to him.

Mr. Karnavas responded that the procedure to be followed should be for the document to be identified *prior* to being given to the witness. He then “strongly object[ed]” to the prosecution’s assertion that even if Duch had never seen the document before, he could still authenticate it. Mr. Karnavas stated that this assertion is wrong, and although documents can be liberally used to refresh witness testimony, a witness cannot authenticate a document he or she has never seen before.

Ms. Guisse then stated her concern that this debate was taking place in front of Duch, as the debate could improperly influence his testimony.

Mr. Smith replied by simply asserting that Duch is in a unique position to share his wealth of knowledge about the CPK and that the prosecution should be permitted to show him “any” document from the DK period.

Civil party co-lead lawyer Elisabeth Simmoneau-Fort then stated that she found the current debate confusing because the Chamber has already allowed documents to be tendered into evidence, and thus, she argued that all documents before the Chamber should be available during questioning.

The President then stated that the party proposing to put a document before the Chamber must identify the document using its Court-assigned number before using the document. He asked the prosecution to clarify the document numbers of the document currently at issue before the Chamber ruled on the objections.

Prosecution counsel Seng Bunkheang identified the document and asked Duch whether he was aware of the policy statement in the document concerning “bad elements.” Duch responded that in his experience, the party sought to find enemies and so it was likely that the document was an accurate statement of CPK policy.

This exchange triggered another defense objection that Duch was yet again making conclusions based on his own research and not what he personally witnessed. The Chamber President reminded the parties to “stay vigilant” in asking appropriate questions.

Duch then stated that he had been asked whether purges took place at the time that the document was dated, and he responded that yes, purges did take place around this time.

Seng Bunkheang then identified a second document he wished to present to Duch, who, upon receiving the document, stated that he had never seen the document before.



This triggered another objection from Mr. Karnavas, who argued that the prosecution was improperly putting documents before Duch. He argued that simply because Duch is in a unique position of knowledge, because “he tortured and killed himself,” this does not make Duch an expert on every CPK document. Mr. Karnavas stated that it is “improper” for the prosecution to seek comment on documents a witness has never seen before.

Mr. Smith responded that Duch is able to give evidence on topics of policy and CPK structure and the prosecution should be permitted to ask Duch to identify certain people named in the document. He stated that Duch’s knowledge is in many respects “far better than an expert, because he was there at the time.”

Mr. Karnavas then alleged that the prosecution was attempting to feed Duch information. He stated that if Duch is in such a “unique position” to testify, he should not need to see documents. Mr. Karnavas asserted that if Duch is given documents he has never seen before, it could lead Duch to “confabulate” his own experiences with the information presented to him in the documents.

The Chamber then announced that it would consider the issue and adjourned for lunch.

Chamber Restricts the Use of Certain Documents to Elicit Testimony

Following the break, the Chamber announced its ruling on the morning’s documentary challenges and stated that, for documents which could not be identified by a witness, such documents would not be given to the witness. Judge Cartwright explained that notwithstanding this ruling, any party could put questions to the witness using such documents but could not give the actual documents to the witnesses to examine. The documents given to Duch before the lunch break were then removed from him, and the floor given back over to the prosecution to continue its questioning.

Counsel Seng Bunkheang resumed questioning of Duch, following a small technical problem with the courtroom translation headsets.

During this break, Mr. Karnavas argued that the prosecution apparently was about to ask a question which contained within it the substance of the document that was ordered to be removed from Duch.

Mr. Smith responded that the prosecution was seeking only to ask Duch about the documents as directed by the Chamber. He further argued that it was necessary to explain certain things about a document so that Duch could properly comment and thereby provide important contextual evidence to the Chamber.

After the judges conferred briefly, Judge Cartwright announced that when a document is not recognized by the witness, it must be removed. Furthermore, the party doing the questioning cannot subsequently read out portions of the document and ask for comment. Judge Cartwright did state, however, that the Chamber would allow parties to summarize the topics in a document and ask questions about such topics.



Prosecution Resumes Questioning

Counsel Seng Bunkheang then asked Duch about the certain CPK policies. Duch responded that the CPK had a policy to “build socialism” and that every party member had a duty to contribute to this process. Seng Bunkheang then turned the floor over to William Smith to continue the prosecution’s questioning.

Mr. Smith turned to the topic of the structure of the CPK as an organization from 1975-1979. He specifically sought information on how the CPK “grew” over the years and delved into a discussion of the CPK statutes. Duch testified that he saw and read the first CPK statute drafted in 1960 and had “studied it thoroughly.” He then testified that he likewise studied the 1971 and 1976 CPK statutes and that the purpose of the statutes was to form the “base fundamental principle for the party.” As for the content of the statutes, Duch stated that they contained the organizational “lines” of the party and were designed to “restore morality” to party members. He stated that the second section of the statute contained management information.

The prosecution then provided Duch with a document. During this process, the power appeared to wane in the courtroom and parts of it got noticeably darker. Mr. Smith, however, pressed on and asked Duch to identify the document he was given. Duch responded that the document was a copy of the 1976 CPK statute. He then stated that he had studied the statute closely himself but did not use it to teach S-21 staff members about party policy.

Upon further questioning, Duch stated that both the 1971 and 1976 statutes have identical portions regarding party membership, but the 1960 statute had differed on this issue. He explained further that, in 1960, the statute provided for the consideration for membership in the party leadership of anyone with ten years of experience working with the party. Duch then stated that the later two statutes removed this section of criteria for admission to the CPK leadership and replaced it with ten new criteria for membership that had been selected by Pol Pot.

When asked about the reasons why the criteria replaced the seniority requirement, Duch opined that these criteria were used to allow the subjective selection of leaders by Pol Pot and Nuon Chea because they discarded considerations of seniority and replaced them with subjective criteria. The prosecution then asked Duch to elaborate on this topic.

This triggered another objection from Mr. Karnavas, who stated that the question called for “speculation” by the witness. Mr. Smith responded that Duch was party member and could thus properly opine on the issue.

Mr. Karnavas argued that “if the gentleman [Duch] could say that he was sitting around with Pol Pot and others” when they drafted the CPK statute, then he could discuss this issue. Otherwise he continued, Duch’s opinion would only consist of “pure speculation” that does not assist the prosecution’s case.

In response, Mr. Smith revised his question and asked Duch to comment more generally on the selection of leaders of the CPK. Duch responded that he observed that some people with a lot of experience were not selected as leaders, while others who were relatively new were chosen, and therefore, he believed that this selection process was due to the subjective decisions of Pol Pot and others.

Mr. Smith then asked Duch for explanations of a series of phrases common to the CPK and appearing in the 1976 statute. He began by asking what the term “construct socialism in an absolute monopoly” meant. Duch responded that the party sought to control the establishment of socialism and to be the sole party group in DK. He then specifically singled out Nuon Chea as a leader of this party and stated that no ideas were even considered from other factions.

Next, Duch was asked to differentiate between the phrases “national democratic revolution” and “socialist revolution.” Duch responded that the “national” part of the revolution sought to expel imperialists, while the “democratic” aspect was to provide land to farmers. As for the term “socialist revolution,” Duch testified that it referred to production and the distribution of such production. He stated that the party had the principle of working to have production for the use of the party. For example, he stated that the rubber plantations and rice fields in DK “belonged to the party.”

When asked whether people had a choice to be involved in party production, Duch stated the answer depended on interpretation but then affirmed that people had no choice but to work in the rice fields. Duch next testified that the party had expectations for all levels of party members, and he called the CPK youth league the “nursery” for future party members.



Pol Pot (second from right) walks with Le Duan (second from left), the Vietnamese communist leader who succeeded Ho Chi Minh in 1969, during Le Duan’s official visit to Democratic Kampuchea in July 1975. (Photo: Documentation Center of Cambodia Archives)

Duch next stated that he was unsure how many CPK members there were in DK, but he did estimate that only approximately five percent of the population in DK consisted of members

of the party. Upon further questioning, Duch stated that the selection of party members intentionally did not open any avenues for alternate schools of thought, in order to prevent the party from developing “two heads” leading in two directions. He then testified that it was Pol Pot who “improvised” Marxism into specific policy lines to be implemented within the Cambodian context. Duch stated that Pol Pot had used Marxism to attack the five “classes” that existed in Cambodia and, after defeating the Lon Nol forces, Pol Pot had made a “great leap” towards Marxism by connecting theory to on-the-ground implementation.

At this point, the Chamber paused proceedings for the afternoon break.

Following the break, Mr. Smith continued his questioning of Duch based on the CPK statute, asking about the CPK’s “struggle” against “capitalists . . . feudalists . . . and all reactionaries.” Following some clarification of technical terms, Duch stated that the term “petty bourgeoisie” in the CPK statute referred to people, such as teachers and doctors, who “used intelligence to make their living.” Duch noted that at the time, he fell into this category of people.

As for “capitalists,” Duch explained that this term referred to those who “invested their capital to make more money or profits” unlike “workers,” who “used their physical strength” to earn their wages. Next, Duch explained that the term “feudalists” in the Khmer language was a combination of the words for “rank” and “land” and thus referred to those who used their rank to make money and also landowners. He then testified that, according to a document authored by Pol Pot, “about 800 members of the royal family were included in the feudalist class.” Duch further stated that the document he referred to was an “old document” not available at the ECCC that he had only seen once, at a meeting in late 1967 with Vorn Vet, who showed him the document “informally.”

Next, Duch testified that the term “imperialist” referred only to the Americans. As for “reactionaries,” Duch stated that this term referred to groups of people who opposed the revolution and the CPK. He further noted that in the statute, the CPK used the term “reactionary religions,” which referred to any religion associated with the Americans, such as the Protestant religion. Finally, Duch stated that the term “absolutely” appearing in the statute, referred to the need for people to follow party edicts unquestioningly and to do so with confidence.

Duch then testified about the “popular masses movement,” stating that this referred to the CPK’s “great leap forward” towards socialism and meant that people had to side with the revolution over everything else, including sentiment towards family members.

As for the term “democratic centralism,” Duch stated that this term referred to the principle that everyone in the country had to respect the upper levels of the party and especially Pol Pot, who “represented the collective.” He then testified that the concept that the “minority” had to respect the “majority” also referred to the fact that the lower levels had to respect the upper levels, noting that these lower levels had to implement the tasks assigned by the upper levels.

Duch then described the decision-making process within the CPK, stating that the CPK statute statement that decisions “must be made collectively” meant that a committee would consider an issue and make suggestions. However, he explained, it was the relevant committee secretary that held the power to make final decisions.

When asked about references to “revolutionary vigilance” in the statute, Duch responded that this meant the party had to remain vigilant towards attempts to destroy the party by enemies, who used any means available, including “trickery.”

Duch then described “livelihood meetings” that took place in DK, stating that these meetings were actually group self-criticism sessions where participant party members would discuss their actions. He stated that participation in such meetings was mandatory and those who did not join were “isolated” and removed as members of the party. Duch noted that such meetings were conducted monthly but other “secret” meetings could take place as necessary.

Upon further questioning, Duch described how he had supposedly attempted to warn his one-time superior at S-21, Nath, whom he had known since 1966, that he had made mistakes in “subjectively” arresting people. He stated that Nath had attempted to save himself by arresting people he believed sought to kill him. When Nath reported this to his superior, Duch described this superior as chastising Nath for arresting people based on his own personal security. Duch then stated that he “criticized” Nath for his mistakes, though he declined to discuss in detail whom he informed of these criticisms, other than Nath himself. When pushed, Duch stated that Nath was subsequently removed from his position and Duch replaced him as secretary of S-21. Eventually, Duch stated that Nath himself was arrested on the orders of Pol Pot and sent to S-21, where Nath was tortured, interrogated and then “smashed.”

Duch also testified that, on a daily basis, everyone in DK was “observing” one another in order to identify what people may have been doing wrong. He stated that observations of mistakes would not be brought up at livelihood meetings because these were “serious” matters. Duch stated that there was a “duty to report” any flaws identified in party members. For “serious faults,” Duch testified, he reported these directly to his superiors. He then provided the examples of a premature execution at S-21 and when a prisoner managed to snatch a gun from a guard.

As for “criminal” behavior, Duch stated that such behavior would lead to serious consequences. To illustrate his point, Duch stated that CPK official Koy Thuon was alleged to have killed the husband of a woman he lusted after, resulting in Koy Thuon’s arrest.

At this point, the Chamber President intervened and announced the day’s adjournment, noting that proceedings would not resume until Monday, March 26, at 9 a.m.