



### **“Put[ting] It to the Witness”:**

#### **Nuon Chea’s Defense Repeatedly Challenges Duch’s Testimony**

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On Thursday, April 5, 2012 the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) continued trial proceedings in Case 002 against accused Nuon Chea, Ieng Sary, and Khieu Samphan. As scheduled, the day was devoted to the cross-examination of prosecution witness Kaing Guek Eav, *alias* Duch, by Nuon Chea’s defense team who frequently “put it to” the witness, accusing him of being a liar who was attempting to place the blame of his own action on others.

The viewing room was mostly empty, attended only by a group of about 300 Khmer high school students and around a dozen national and international observers.

#### ***The President Opens the Day’s Session***

Chamber President Nil Nonn began by addressing the parties, noting that the cross-examination of Nuon Chea will continue until next week. He also informed the Chamber that due to health concerns of Judge Jean-Marc Lavergne, Reserve Judge Claudia Fenz would serve as his replacement until he is able to return.

#### ***Did Nuon Chea Supervise Duch?***

Michiel Pestman, counsel for Nuon Chea, began by confirming that the Trial Chamber and other involved parties had received an email he sent yesterday evening containing a list of the documents he intended to use today.

After receiving confirmation, he launched straight into the examination of Duch, asking him to comment on a letter attached to a confession. Duch testified that the letter was sent by the

Secretary of Zone 801 to Office 870. Duch clarified that addressing the letter to “Office 870” meant it was addressed to Pol Pot, who was in charge of the 870 Committee. The letter contained an annotation, dated April 19, 1978, that stated, “Already read.” Duch stated he was “convinced” that the annotation “already read” was from Nuon Chea. Mr. Pestman asked Duch to clarify whether this was an assumption, reminding Duch that yesterday he had admitted to speculating. Duch confirmed that he was sure. Duch then explained that he had no doubts that this was Nuon Chea’s handwriting because of its style, the date of the document, and the fact that it contained the phrase “already read,” which he believed was typical for annotations by Nuon Chea.

Duch then testified that he did not remember talking about this document with the co-investigating judges. This prompted Mr. Pestman to quote from a statement Duch made before the co-investigating judges about this annotation, revealing that Duch had commented that he didn’t know who wrote it. Duch was also recorded as telling the judges, “Perhaps Nuon Chea wrote that, but that is just my assumption” and “I did not see [Nuon Chea’s] handwriting often.” Duch then responded that he recollected the statements, and Mr. Pestman asked him to explain how it is possible that previously he was not sure about the handwriting and now he had no doubt. Duch explained that when he testified before the co-investigating judges he had not gathered enough documents to assist him with his view.

Mr. Pestman then confronted Duch with his statement that he did not see Nuon Chea’s handwriting often. Duch informed the court that he meant he had seen his handwriting on only four letters, which he kept in his home. He added that around 1989 or 1990, he saw several annotations written by Nuon Chea and learned that he commonly used the phrase “already read.” Duch then recalled that he told the co-investigating judges that the four letters he just mentioned from Nuon Chea contained “just several words” and that “he could not remember what those few words said.” Duch said this meant he did not remember the content of the letters Nuon Chea sent to him. Mr. Pestman clarified that these letters, with a few words that were received about 21 years before, is what Duch used to identify the annotations on the confessions he claimed were written by Nuon Chea.

Mr. Pestman then “put it to” Duch, asserting that he was not actually able to read Nuon Chea’s handwriting, but rather he looks at the date, and if it is not his writing or that of Son Sen’s, he assumes that it is from Nuon Chea.

International Civil Party Lead Co-Lawyer, Elisabeth Simonneau-Fort objected, asserting that Mr. Pestman’s statement was “inappropriate.” She requested the Chamber instruct Mr. Pestman to ask questions and not share his comments. Michael Karnavas, counsel for Ieng Sary, then stated that Mr. Pestman’s question was “classic cross-examination,” noting that it was similar to what was allowed in the International Criminal Tribunal for former Yugoslavia (ICTY). International co-prosecutor, William Smith, then voiced his agreement with the defense, stating that as long as the statement is not inflammatory and based on a reasonable foundation, the defense should be able to “put it to the witness.” He noted this allows the witness to comment on an issue that the Chamber is likely to be dealing with at the end of the case. Mr. Arthur Vercken, counsel for Khieu Samphan, then reiterated that this was classic cross-examination, declaring, “It might not please the witness, but it is necessary.”



Ms. Simmoneau-Fort then took the floor again to clarify that this trial is taking place at the ECCC and not the ICTY. Further, she noted that when the civil parties made similar comments they were challenged by the defense and suggested that the same rules apply to all parties.

The long debate on the objection prompted Mr. Pestman to request extra time for his questioning. The President denied his request and after a short deliberation decided that the objection before the Chamber did not stand and he required the witness to answer the question. The President also took the opportunity to inform the parties that at the ECCC the Chamber will not practice the adversarial proceedings that were practiced at the

ICTY or International Criminal Court for Rwanda (ICCR). Judge Cartwright then asked the President to remind the parties to ask simple questions to witnesses to help with translations, which he did. Mr. Pestman then asked Duch if he wanted the question repeated, and the President told Mr. Pestman that he must obey the order of the court and repeat the question.

Mr. Pestman then repeated his question, including the assertion that Duch was not being truthful, but at a significantly slower pace than before. Duch answered that he assumed the handwriting was that of Nuon Chea for three reasons: 1) only three people could annotate documents from S-21, of which Nuon Chea was one; 2) Son Sen noted on the document that it had to go to Nuon Chea; and 3) he has seen some of Nuon Chea's handwriting. He concluded by informing Mr. Pestman that he is not "completely lost."

Mr. Pestman then remarked that Duch had previously mentioned he had been "under the supervision of Nuon Chea since 1978," and Duch was asked to clarify when he came under his supervision. Duch stated that it was on August 15, 1977 and with frustration apparent in his voice, commented that Counsel should know this by now. Duch did concede, however, that when he calculated the time that elapsed between receiving the letters from Nuon Chea and identifying his handwriting before the co-investigating judges, he had used the date 1978 but said this was just to make the math easier.

Duch then clarified for Mr. Pestman that Son Sen relocated to Neak Leung on August 15, 1977. Mr. Pestman then tried to remind Duch of his previous testimony before a judge at the military court, but Duch interrupted, stating, "What is your question? I only heard your narrative. Put the document on the screen and give me a hard copy." Mr. Pestman did not oblige Duch but rather read a line of the testimony where Duch was recorded to have said on "July 15, 1977 – Nuon Chea came down to S-21."

This prompted Mr. Smith to ask that the document be placed on the screen and Duch be given a hard copy. Mr. Pestman assured the Chamber that he would refresh the witness's memory after Duch's memory of the quote was established. Mr. Smith pointed out that Duch was being provided with a translation of the quote, noting that words matter and the translations are not always correct. Therefore, he argued Duch should be able to see the quote in his own language.

The President supported the prosecution and required Mr. Pestman to give the document in Khmer to the witness.

Duch, reading the document in Khmer, confirmed that the text Mr. Pestman read was an accurate translation of the original document. Duch further admitted that Nuon Chea did not in fact come to S-21, explaining that “he was caught off guard” by the question. Mr. Pestman asked whether Nuon Chea took over S-21 on July 15, 1977, and was corrected by Duch that it was August 15, 1977.

Mr. Pestman then referred to another document – an interview by Nate Thayer from the *Far East Economic Review*. Duch had been quoting as saying, “After the liberation in 1975 I reported directly to Son Sen. In July 1978 I was transferred to Nuon Chea when Son Sen was sent to command the fighting in the East against the Vietnamese.”

Mr. Smith objected again, asking that the witness be given a hard copy of the document as a matter of course. The President instructed the defense to provide Duch a hard copy of the document.

Duch then testified that he only ever said a few words to Nate Thayer but that the journalist put several words in his article. Duch also asserted that the date in the article was not accurate. Mr. Pestman reminded him that the interview had been tape-recorded.

Mr. Pestman then quoted from an article by Christophe Peschoux that stated Duch revealed Nuon Chea took over in July 1977. Duch stated that he remembers telling this to Mr. Peschoux. The prosecution asked for a hard copy to be given to Duch, and Mr. Pestman pointed out that the prosecution only asked for hard copies when it contradicted the witness. Mr. Smith voiced that the comment was “inappropriate.” The President sustained the prosecution’s request as “appropriate” and clarified that the materials must be put up on the screen and hard copy provided when a witness is asked whether he remembers a document. Having the document before him, Duch read the segment of the article that said that Nuon Chea became his supervisor on July 15, 1977.

Mr. Pestman reminded Duch that when he was asked if he ever got the date August 15, 1977, wrong, he replied, “I am never mistaken.” Duch requested the question be repeated and then answered that he has never been mistaken of that exact date. Mr. Pestman then asked him to explain why he then got the date wrong on three separate occasions, including one time in court. Duch responded that he had asked for the recording of the Christophe Peschoux interview but that he never received it. He then proclaimed that both he and the Chamber should receive a copy of the recording.

Mr. Pestman then told Duch he was going to “put it to him” and asserted that the event Duch described many times did not occur and that is the reason why he kept mixing up the date. Duch responded that he “never, ever, said any other things than that I met Brother Nuon on August 15, 1977.” He then advised counsel that if he wanted to challenge him he should bring all the documents that have the date August 15, 1977.

Mr. Pestman then “put it to him” again, stating that Son Sen remained his supervisor and he never received instructions from Nuon Chea. Duch reiterated that he never said he did not report to Nuon Chea and admitted to keeping some contacts with Son Sen.

### ***Duch’s Knowledge of the Liberation of Phnom Phen***

Mr. Pestman then shifted to the liberation of Phnom Phen. He asked Duch if he knew who was in control of those troops in 1975. Duch responded that it was the “supreme people,” meaning Pol Pot and Nuon Chea, who had ultimate control and at the field level the secretary of each zone was in charge. Duch further testified that none of the zone commanders are still alive. He also stated that there was no conflict within the army. It was eventually clarified that another zone commander is still alive.

Duch was then asked if he knew Heng Samrin, the current leader of the National Assembly of the Royal Kingdom of Cambodia. Duch noted that he does not know him but has seen him on television. Mr. Pestman then informed him that Mr. Samrin gave an interview in which he described his role in the liberation of Phnom Penh. Duch was then requested to read a section of the interview. This request prompted Mr. Smith to object, and he informed the court that if a witness is not familiar with a document, he should only be asked to testify about general substance and not be asked to quote from specific passages in the text.

Mr. Pestman then agreed not to go into the details of the interview. The President asked Mr. Pestman whether this document was in the case file, and Mr. Pestman assured him that it was, also giving the ERN. Judge Cartwright then pushed Mr. Pestman further about whether he was certain it was in the case file. Mr. Smith supported Mr. Pestman, stating that the document was on the prosecution’s list and noted that the defense counsel for Nuon Chea had previously objected to it. Mr. Pestman pointed out that the document was also on his list, and the prosecution had not objected to it. The President, concerned that the witness was not present during the interview, instructed counsel to ask only general questions and directed the witness not to speculate. Mr. Pestman asked whether he should continue with his “general questions” or break for the morning recess. He was told to continue.



Duch was asked whether he knew Heng Samrin’s position at the time Phnom Phen was liberated. Duch responded Heng Samrin had been the leader of division three in the East Zone. Mr. Pestman asked if he was sure it was not division one, and Duch assured him that it was division three. Duch was asked whether he knew the city was divided into several areas when liberated, with command troops placed in charge of each of the areas. Mr. Smith objected that the question was too specific.

Mr. Pestman then rephrased, asking Duch about his knowledge of troop restriction within zones. Duch testified that Phnom Phen was divided according to which division liberated the zone and that the liberating division was then charged with protecting that area. He noted that there was a policy preventing freedom of movement within the zones.

Mr. Pestman then then asked if Duch agreed that he had previously said that prior to 1975 there was no such thing as an order to kill or smash. Mr. Smith again objected, finding the question to be too specific. The President again reminded Mr. Pestman that under the “principle of professionalism,” he should try his best to follow the directions of the Chamber.

### ***Court Takes Morning Recess***

At this point, the Chamber adjourned for a 20-minute morning break. Ang Udom, counsel for Ieng Sary, made his usual request that his client be permitted to waive his right to be present in the courtroom and retire to his holding cell to observe the remainder of the day’s proceedings via audio-visual link, especially due to his back and leg pain. As per usual, the President granted the request, requiring that a waiver be submitted with the defendant’s signature or thumbprint.

### ***The Defense Continues to “Put It” to Duch***

Upon returning to court Mr. Pestman clarified for the Chamber that Christophe Peschoux’s article did not mention that Nuon Chea replaced Son Sen in 1978, rather that information came from notes of the interview that were attached to the transcript of the interview.

Mr. Pestman then returned to questioning Duch, reminding him that a) during their questioning of the witness, the civil parties had shown Duch several letters where Son Sen instructed Sou Met to write to him in 1977, and b) Duch testified that the letters were not given to him directly but given to him by Son Sen. He further noted that in the judgment against Duch in Case 001, this Trial Chamber stated that his explanation about these letters “lacks credibility.”

Mr. Smith, finding that asking the witness to comment on the decision of the court is not appropriate, objected to the question. Mr. Karnavas disagreed with Mr. Smith, arguing that this question goes directly to the credibility of the witness and explaining that this is just “putting the case” to the witness and is an accepted means of getting to the truth. Mr. Smith responded that Mr. Karnavas “missed the point” – the objection was not about “putting it to” Duch but rather about asking the witness to comment on the opinion of the court. The Chamber, after a short deliberation, sustained Mr. Smith’s objection and asked Duch not to respond to Mr. Pestman’s question. Judge Cartwright was then asked to clarify the decision, and she educated the parties that the objection was sustained because the Chamber believed there was nothing to be gained by asking the witness’s opinion. She noted that it is actually the allegations themselves to which the witness should respond.

Mr. Pestman then asked to show an interview with Duch contained in a Rithy Panh documentary entitled *Duch, Master of the Forges of Hell*. Mr. Smith objected because he had not seen nor heard of this document before. He warned that if documents are produced by surprise there will not be good management of the proceedings. Mr. Pestman replied that he does not want to put it before the Chamber, he just wants to use it to impeach the witness. He then called the Chamber’s attention to the fact that when the director of the Documentation Center of Cambodia was testifying, the prosecution and the civil parties used the organization’s website to question the witness without giving notice to the Chamber. Mr. Smith then questioned Mr. Pestman’s motives, noting that the documentary did not even appear on the list of cross-examination documents that Mr. Pestman had distributed the previous evening. Mr. Pestman defended

himself by stating it was not on the list because there was no reference number and the document was not put before the Chamber. The President sustained the objection.

Mr. Pestman asked for clarification on when the clip could be shown, stating they can give a copy of the minute-long fragment to the prosecutor today. Judge Cartwright then clarified that Mr. Pestman needed to make an application for adding a new document. She added that if the application is successful, he will then be allowed to show it. Mr. Pestman voiced his confusion over the ruling and said he would come back to it after the break.

Mr. Pestman then returned to Duch, reminding him that his counsel argued during Case 001 that he should be acquitted because he was only obeying the Communist Party of Kampuchea (CPK). Duch testified that this statement meant that he did only what Pol Pot, Son Sen, and Nuon Chea said. Mr. Pestman then “put it” to Duch again, proclaiming that he had a tendency to shift responsibility to others, arguing that placing blame on Nuon Chea for the crimes he committed while at S-21 was part of a pattern of behavior. He further asserted that Nuon Chea was in fact never in charge of S-21 and never gave Duch orders. Mr. Pestman then accused Duch of placing the blame on Nuon Chea rather than taking responsibility for his own actions when Son Sen left the stage. He ended by telling Duch, “You are a liar. You even fabricated your own confession.”

Mr. Smith then objected on the grounds that too many questions had been placed before the witness at once. He suggested that the questions be broken down and requested that the broad allegation that the witness is a liar refer to particular instances.

Mr. Pestman agreed to split up his question, but before he could continue, the President informed him that the assessment of the value of the evidence put before this Chamber will be completed during the final deliberation of the judges. He added that he hopes that as a “professional international counsel” Mr. Pestman will refrain from using “these terms.”

Mr. Pestman then turned to Duch again, stating, “I put it to you that you are dishonest and that you are blaming Nuon Chea for crimes that you committed and only you are responsible for.” Mr. Smith then objected again on the grounds that the question is ambiguous and contains too many separate points. The President sustained the objection.

Mr. Pestman voiced that he thought the question was clear and argued he should be allowed to ask it. The President remarked that the term “dishonest” was being used to degrade the witness. Mr. Pestman added to the record that the first person to use the term “dishonest” was the witness, and therefore he was just quoting Duch. Several members of the defense then requested the Chamber to give further guidance as to which words would be considered off limits for the remainder of the trial.

After this exchange, Mr. Pestman stated he had finished his questions for the day but other members of Nuon Chea defense team will continue to ask questions after the lunch break.

### ***Court Breaks for Lunch***

At this point, the Chamber adjourned for the lunch break. Mr. Pestman made his usual request that the accused be permitted to waive his right to be present in the courtroom and retire to his

holding cell to observe the remainder of the day's proceedings via audio-visual link. As per usual, the President granted the request but required that a waiver be submitted to the court with the defendant's signature or thumb print.

### ***The President Opens the Afternoon Session***

Upon beginning the next session, the Chamber addressed the issue regarding the projection of video footage. The President again clarified that an application must be filed and that the parties have three days to submit their responses.

### ***The Defense Clarifies Duch's Positions***

Jasper Pauw, legal consultant for the Nuon Chea team, then took over cross-examining Duch. Duch proceeded to testify that he had never attended a meeting of the Standing Committee between 1975 and 1979. He also stood by his prior statement that the Standing Committee decided what to do with the confessions obtained from S-21 and clarified that while he did not know everything about how the superiors worked, he was made aware of bits through conversations with them.



Duch was asked whether it was true that he first read the purported minutes of the October 9, 1975, Standing Committee meeting and the March 30, 1976 Central Committee meeting during his own trial, but the witness did not provide an answer.

Throughout Mr. Pauw's examination of the witness, Duch repeatedly asked for the documents to which the lawyer referred. Mr. Pauw eventually turned to the Chamber for assistance, accusing Duch of employing delay tactics. The Chamber reminded counsel that he was previously instructed to put hard copies of the documents before posing questions to the witness. The President made it clear that this was because the translations were not always accurate and offered to allow Counsel to read

the quote in Khmer if a hard copy could not be provided.

During the cross-examination, Mr. Pauw reminded Duch that he stated before the co-investigating judges, "I can say I began to think that the regime was criminal from 1983 on." He asked him why it took him until 1983 to realize that the regime of the Democratic Kampuchea (DK) was criminal. Duch answered, "In order to say that a regime is criminal, you need to have a broad knowledge, you can't just say it is criminal."

Mr. Pauw then moved on to Duch's research on the period of the DK. He established that books read by Duch included *Voices from S-21: Terror and History in Pol Pot's Secret Prison* by David Chandler and *The Lost Executioner: A Story of the Khmer Rouge* by Nic Dunlop. Duch also testified to reading some books by Francois Ponchaud but noted that he did not like his "imaginary" French style. He also testified that he had seen some films by Rithy Panh but was unable to recall which ones.



Mr. Pauw then inquired into whether being a suspect in Case 002 allowed Duch access to the documents in the case file. The statement visibly upset Duch, who wanted it made clear to the people of Cambodia that he was not an accused in this case. Mr. Pauw clarified that he was only asserting he was a suspect, not an accused. Duch refused to answer whether he had access to the case file.

Mr. Pauw then returned to his previous line of questioning, asking whether Duch ever used David Chandler's book when he was trying to remember questions asked by the co-investigating judges in his case. Duch said he never cited the book as fact, but he told the judges how David Chandler compiled the information for the book. Duch was then asked whether he agreed that his study of the case file improved his understanding of the organization of the regime. He agreed that it had in relation to the structure of S-21.

Duch was then shown more of his testimony before the co-investigating judges, specifically when the judges had asked about his comments on David Chandler's book. Duch reportedly said at the time that the book contained "many important excerpts" concerning the crimes ordered at S-21 on March 30, 1976. Duch was asked whether he remembers that David Chandler's book speaks of the events on March 30, 1976, and he stated that he remembered a section that said it had been the first written record left over from the people authorized to smash.

Mr. Pauw then moved on to another document, the transcript of an interview between Duch and the co-investigating judges where Duch stated that he was "drawing his conclusions" from the meetings on October 9, 1975 and March 30, 1976. Duch clarified that the decisions from both of the meetings were implemented across the country.

Mr. Pauw then showed him another transcript of his testimony from the co-investigating judges. Mr. Pauw noted that the statement included phrases such as "my analysis is" and "probably" but at the end he declares to know how the leadership within the DK was structured. The counsel asked if it was fair to say that Duch based his analysis on assumptions.

Pich Ang, national civil party co-lead lawyer, then interrupted the questioning, stating that he was personally confused by the long statements and non-specific questions posed by Mr. Pauw and thought the witness was likely to be as well. The President agreed, noting that he had a similar concern. He then instructed Mr. Pauw to give the witness some time to read the document, informing him that in Cambodia the education system was not yet quite at the level it is in the West.

Mr. Pauw expressed his surprise by the objection, especially because Duch is a sophisticated witness. He decided to drop the question, however, because time was running out and he wanted to ask his final question.

The final question, which, despite the prior objection, was asked very quickly, served to "put it" to Duch again. Mr. Pauw asserted that on numerous occasions, Duch testified that he did not remember certain things because they happened long ago. He also reminded Duch that the witness had testified that he does not know what happened in the meetings of the Standing and Central Committees but that he still frequently purports to be an expert on the workings of the

upper echelon. He also accused Duch of allowing books and scholars to color his memory. To conclude, he read a 2012 quote from Duch, in which he purportedly stated, “If you want me to talk about what really happened, I afraid I will have nothing to tell the world because I was confined to S-21.”

Mr. Smith and Mr. Ang both objected to the length of the question, and Mr. Pauw agreed to just question Duch on the closing quote. Duch responded that it was only part of his answer and that using it out of context is “not proper.”

### ***Potentially the Final Questions by Nuon Chea’s Defense***

The court then broke for the afternoon recess. Upon its return, Mr. Son Arun, co-lawyer for Nuon Chea, took over the questioning, noting he wanted to dive into the structure of the security sectors. At the beginning of the examination he asked Duch to comment on the structure of the security officers, starting below the ministers. Duch responded that in the March 30, 1976, document there is no mention of the security officers. Duch was then referred to the organizational arrangement and structures on the document previously shown to him by the



President. Mr. Arun went into a very long question that was difficult, at least for those listening to the English translation, to understand. He was eventually interrupted by the President who asked Mr. Arun not to ask such specific details without furnishing the document.

The counsel then added another document concerning the Standing Committee meeting from October 9, 1975, which identified Nuon Chea as the leader of social action, propaganda, and party affairs. Duch was asked how it was possible for Nuon Chea to be engaged in security affairs. Duch mentioned that “party affairs” did not mean a study session, it meant both recruiting new members and imposing punishments on members of the party who committed wrong doings. He noted that the person in charge

of party affairs must know everything about everyone in the party. To conclude, he clarified that if the Secretary is not present, the Deputy-Secretary can take his place.

Mr. Arun then asked Duch to tell the court about the structure of the defense ministry. Duch replied that the National Defense Ministry was led by Son Sen, placing S-21 directly under it and the Secretary and Deputy-Secretary of the party over it. He stated that he does not believe that there is a document relevant to this structure and again clarified that the CPK had control over every matter.

Mr. Arun asserted that normal communication within the government of a country is top down and inquired whether the structure of the DK regime was organized as such or as a “maze.” Duch replied that the DK regime copied the cultural revolution in China: Some people were senior, they were respected but had no power because they did not enjoy the power, but that did not mean that the organizational structure was not organized.

Mr. Arun then noted that Duch had testified that after Son Sen left for the East some important documents and confessions were submitted to Nuon Chea. He then asked why it went to Nuon Chea and not to the top. Duch answered that it was because “that was the case.” This was clarified to mean that no one was under Son Sen to take his place.

Duch was then asked to differentiate between the hands of the party and the hands of Pol Pot. Duch clarified, while referring to the October 9 meeting, that the Secretary was in charge of the overall work and the deputy-secretary was in charge of the party’s affairs. When one was not available the other one did the work on the other one’s behalf. Mr. Arun then asked Duch whether this was the same relationship he had with his deputy at S-21. Duch, responded that he had all the power at S-21 and if he was away the deputy would take over, but all decisions would still go through him.

Duch was next asked whether he had evidence that he communicated directly with Nuon Chea after Son Sen was on his mission to the East Zone in August 1977. Duch admitted that there was no official letter but noted that the practice within the party was not to provide a letter when there was a change of supervisors.

Duch then testified that he first read the *Revolutionary Flag* magazine in 1972 and received it regularly after that point. He was able to remember that each district received five copies of the magazine that could then be replicated. Duch was also able to recall, after some assistance from Mr. Arun, that from 1971-1975 the magazine had a red cover and contained handwritten black text. After 1975, the cover was more artistic and the text was typed, he testified.

Mr. Arun then asked Duch about the evacuation of the people from the city. Duch stated that at first the CPK advised party members about the evacuation through the *Revolutionary Flag*. He noted they evacuated people to ensure that they came on their side. Duch also recalled that in 1974 Son Sen ordered Duch to evacuate a few people to Pursat.

At this point, Mr. Arun cut off Duch’s testimony and asked him why he called Nuon Chea “Brother Number Two.” Duch testified that the combatants themselves came up with the names – there were no instructions.

The President then interrupted by asking counsel how much longer he needed to question the witness. Mr. Arun informed him he needed another hour. The President then inquired about the time needed by the counsel for the other two defendants and was told at least a day each. The judges had a brief conference and stated that since Nuon Chea’s defense had already used their allotted time, it would first hear from the other two defendants and if time remains when they finish, the floor will be returned to Mr. Arun. The President noted that if time did not remain, the issue would be reconsidered. Court was then adjourned until Monday, April 9, 2012.