



## IN THE KNOW ON POLICY; IN THE DARK ON WAR

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### **Duch's Implementation of CPK Policy: "I did what I was told – no more or no less."**

Kaing Guek Eav (alias Duch) took the stand again today to testify regarding the implementation of Communist Party of Kampuchea (CPK) policy at Tuol Sleng prison (S-21) where he served as chairman for most of the Khmer Rouge period, which began April 17, 1975 and ended January 6, 1979.

In response to questions from civil party lawyers, Duch described his "fast attack, fast success" method for training CPK cadre at S-21 designed to maximize teaching in a short period of time. While Duch conceded his training method was unique, he claims his subject matter was not as he added nothing to the party line. Duch said he devoted a third of his time to training cadre, dividing the rest of his time between preparing confessions for his superiors and managing the operations of S-21. With apparent pride, Duch explained how no one at S-21 understood the policies and party line of the CPK better than him, not even Comrade Nat who was his superior there for a time. He explained how he studied "to protect [his] life" – mastering the core documents, such as the CPK Statute and *Revolutionary Flag* and *Revolutionary Youth* magazines. He spoke confidently about the "Pol-Potist" theory of revolution, describing how Pol Pot eliminated the petty bourgeoisie and capitalist classes to allow the peasant and worker classes a "great victory." After pumping up his knowledge of the regime, Duch then retreated a bit, explaining he had no access to study sessions at the Party Center given he was a mid-level cadre.

When asked if he thought the CPK policies he was responsible for implementing at S-21 were "good," Duch passionately answered: "How could we say that? It was a criminal policy!" He emphasized that the CPK was worse than the Gang of Four in China. The lawyer then sought to distinguish whether Duch was expressing his view in the 1970s or his current opinion. Duch said it was his current knowledge that led him to this understanding. It is often unclear whether Duch is describing his state of mind in the past or present. Translation issues certainly contribute to this problem. Likewise, it is sometimes unclear whether Duch is speaking from past or present knowledge of facts and events. Duch was exposed to hundreds of documents during the investigation phase of the case when he was questioned in depth by the co-investigating judges and he can reference

some of these documents and their subject matter with ease despite the fact that his only exposure to them was at the ECCC.

The defense sought to cultivate some sympathy for Duch today. Duch agreed that he is only alive today because of his loyalty to the CPK. He explained that he always did exactly what he was told and he never concealed anything. The defense then read a statement Duch made previously with regard to remorse for his actions and asked him to comment on it. Half way through his long response, a civil party lawyer objected arguing the issue was off topic, but President Nil Nonn allowed Duch to continue. Duch persuasively described the deep remorse he feels for the mistakes he made by implementing the CPK's criminal policies at S-21. He insisted he would not place the entire blame on his superiors and would not blame his subordinates. He also acknowledged that as a member of the CPK, he was partially to blame for the atrocities that took place all across Cambodia. Earlier in the day, Duch also refuted the submission of Khmer Rouge expert Craig Etcheson that hundreds of prisoners were released from S-21 under Duch's watch. Duch insisted he did not release anyone and would not allow a "fabricated" list of released prisoners to hide his crimes. "You cannot use a bucket to hide an elephant," he said.

### **Armed Conflict between Cambodia and Vietnam: A Well-Kept Secret?**

In the afternoon, Duch took questions from Judge Silvia Cartwright aimed at determining when and how Duch learned of the armed conflict between Cambodia and Vietnam. In contrast to the morning session in which Duch spoke confidently – almost arrogantly – about his understanding of CPK policy, Duch claimed a striking lack of knowledge about Democratic Kampuchea's clashes with its neighbor.

On the basis of his current knowledge, Duch does not deny armed conflict started around April 17, 1975 after the Khmer Rouge took over Phnom Penh. However, he claims no contemporaneous knowledge of the conflict until January 6, 1978 – shortly after Cambodia and Vietnam publicly severed diplomatic relations. In comments that did not appear to convince Judge Cartwright, Duch explained that the war was kept secret from him, despite the fact that he had regular contact with high-ranking CPK members. He said he never had time to listen to the radio, but he may have heard a few rumors.

When Judge Cartwright read out some paragraphs from the Statement of Agreed Facts, Duch confirmed that over 400 Vietnamese prisoners passed through S-21, including at least 150 prisoners of war and 100 civilians. Moreover, Duch confirmed that the first Vietnamese prisoner was recorded on February 7, 1976, citing an S-21 prisoner list.

Duch was aware that after April 1975 some Vietnamese people in Cambodia were labeled as enemies, arrested, and sent to security offices, such as S-21. However, Duch denies knowledge of a CPK policy to exterminate all Vietnamese people in Cambodia.