



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS - KAING GUEK EAV "DUCH"

PUBLIC

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Trial Day 55

Before the Judges:

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. DAVID CHANDLER	English
MR. KAR SAVUTH	Khmer
MR. KIM MENGKHY	Khmer
JUDGE LAVERGNE	French
MR. ROUX	French
MS. SE KOLVUTHY	Khmer
MR. SMITH	English
MS. STUDZINSKY	English
MR. TAN SENARONG	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. TRUSSES-NAPROUS	French
MR. WERNER	English

1

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

2 (Judges enter courtroom)

3 [09.02.07]

4 MR. PRESIDENT:

5 Please be seated. The Chamber is now in session.

6 According to our scheduling, today the Chamber has invited an
7 expert witness, David Chandler, who is an international expert,
8 to provide his testimony before this Chamber.

9 The Greffier, can you report the attendance to the proceedings?

10 THE GREFFIER:

11 Good morning, Mr. President. All the parties to the proceedings
12 are present. The expert witness, David Chandler, is present,
13 waiting to be called by the Chamber.

14 MR. PRESIDENT:

15 Court officer, can you invite the expert, David Chandler, into
16 the courtroom?

17 (Witness enters courtroom)

18 MR. PRESIDENT:

19 Good morning, Mr. David Chandler.

20 Court officer, can you give the headphone to the witness, please?

21 MR. PRESIDENT:

22 Good morning, Mr. David Chandler.

23 QUESTIONING BY THE BENCH

24 BY MR. PRESIDENT:

25 Q.Mr. David Chandler, what is your full name?

2

1 A. My full name is David Porter Chandler.

2 Q. How old are you this year?

3 A. 76.

4 [09.05.45]

5 Q. Where is your current permanent residence?

6 A. In Melbourne, Australia.

7 Q. What is your occupation?

8 A. I am a retired professor of history.

9 Q. Based on the Internal Rule 31(2) of the Internal Rules of the
10 Extraordinary Chambers in the Courts of Cambodia, Mr. David
11 Chandler, as an expert the Chamber requires you to make an oath
12 before you provide your testimony. Do you agree to this?

13 A. Yes, I do.

14 MR. PRESIDENT:

15 International Greffier, Natacha, can you make necessary process
16 for the testimony of David Chandler?

17 (Witness David Chandler affirmed)

18 [09.07.33]

19 MR. PRESIDENT:

20 Thank you. Now you have taken an oath already and the Chamber
21 has preliminary questions for you as an expert witness.

22 BY MR. PRESIDENT:

23 Q. Mr. David Chandler, did you practise your profession at a
24 university before you retired, and how many years did you work as
25 a professor at a university?

3

1 A.I worked at Monash University in Australia from 1972 to 1997
2 and I'm still attached to the university but I'm technically
3 retired.

4 Q.Do you know how to read and write or speak the Khmer language?

5 A.I can speak and read it. My writing is very hard to read.

6 Q.Did you study the history of Cambodia, especially the history
7 during the Khmer Rouge period?

8 A.Yes, I did for many years. Indeed, I think from 1976 to 1998
9 I was pretty much concentrating on that period in most of my
10 writings.

11 Q.Had you written any books regarding the Democratic Kampuchea
12 regime?

13 A.Yes, I have. I've written two books that are primarily
14 concerned with the Democratic Kampuchean regime.

15 One is a biography of Pol Pot called "Brother Number One" and the
16 second is a book about S-21 facility called "Voices from S-21",
17 and there are also chapters in my longer history books about this
18 period.

19 [09.10.30]

20 Q.Thank you. Can you tell the Chamber why are you interested in
21 the study of Cambodia, especially the focus on the Democratic
22 Kampuchea regime?

23 A.That's a very good question. I became interested in Cambodia
24 for the first time when I was posted here as an American diplomat
25 in 1960 and '62. At that time, I fell in love with the country

4

1 and its people and I followed events here pretty closely in the
2 intervening years.

3 When the Khmer Rouge came to power in 1975, like I think many
4 Khmer people, I was very surprised and upset by what was
5 happening, and I was curious to study this regime to see how and
6 if indeed it could be connected to the rest of Cambodia's very
7 interesting history.

8 Q.Thank you. In your book entitled "Voices from S-21" which you
9 published, when did you start your research on this book and
10 where did you do your research in order to write this book?

11 A.I began using text from S-21 in the early 1990s when I was
12 writing other books -- for instance, my biography of Pol Pot
13 contains some S-21 material, but I turned to the study of S-21
14 full-time in 1994 and the book was sent to the publishers in
15 1998, appeared in 1999, so I spent really four years
16 concentrating on S-21 in order to produce that book.

17 Q.During your research, did you analyze and examine all the
18 archives and more than 1,000 confessions at Tuol Sleng Prison?

19 A.Yes, I did. I studied these archives carefully, particularly
20 the ones that had been microfilmed, so I could read those in
21 other countries. When I was doing research here in Cambodia, I
22 worked in the archives at S-21 when they were still there -- at
23 the Tuol Sleng Museum, rather -- and then later at the DC-Cam
24 archive.

25 [09.13.30]

5

1 So, yes, I worked as hard as I could and found as much as I
2 could. I by no means studied the full range of documents but I
3 think studied enough to support my findings in my book.

4 Q.Thank you. Did you ever take any interview with the survivors
5 or those who maintained the archives at S-21 and those survivors
6 who knew well about the Democratic Kampuchea regime during your
7 research?

8 A.Yes, I interviewed Vann Nath a couple times. I also
9 interviewed two of the former guards, Kok Sros and Him Huy, but
10 those were the people -- and I also interviewed the photographer
11 Nhem En, who was here I think yesterday or the day before. I did
12 not speak to other members of the staff of S-21 because they were
13 not available at that time for interviews.

14 Q.Thank you.

15 MR. PRESIDENT:

16 Judges of the Bench, do you have questions to be put to this
17 expert witness?

18 Judge Cartwright, you may proceed with your questions.

19 JUDGE CARTWRIGHT:

20 Thank you very much, President.

21 [09.15.01]

22 BY JUDGE CARTWRIGHT:

23 Q.First, Professor Chandler, the Trial Chamber and the parties
24 are grateful to you for making this long journey to assist us in
25 our search for the truth in this matter.

6

1 A minor matter first. In answer to the President's question
2 about what material you analyzed for the purposes of your book,
3 the translation said that you had considered more than 1,000
4 confessions. In fact, from my research it was significantly more
5 than that number. Am I correct? I have read the figure 4,000.

6 A. (Microphone not activated)

7 Q. Just a moment, Professor Chandler. I'm afraid the system
8 works by you waiting for the red light, and if I could suggest
9 that you slow down because of the needs for translation into two
10 other languages. Thank you.

11 A. Well, thank you for your question. I think -- I estimated
12 that I myself had actually gone through -- I don't know how many
13 ones I went through, but I went through some that seemed
14 interesting. I followed various leads and then I skipped some
15 that seemed to duplicate other ones, so how many I actually
16 looked at I'm not sure. I think citations in the book might be
17 to three or four hundred, but I certainly have information on at
18 least 1,000 of the confessions.

19 Q. Now, first I want to put your book formally before the
20 Chamber. The title of the book that we are particularly
21 interested in today is "Voices from S-21: Terror and History in
22 Pol Pot's Secret Prison", English ERN 00192667 to 00192932; Khmer
23 ERN 00191816 to 00192089; French ERN 00357247 to 00357451.

24 [09.18.04]

25 Professor Chandler, have you read the response to your book

7

1 prepared by the accused, Kaing Guek Eav, ERN Number -- just
2 forgive me while I put these numbers on the record -- ERN number
3 English 00270554 to 00270562; Khmer 00188744 to 00188754; and
4 French 00188755 to 00188768.

5 You will have forgotten my question. It was, have you read the
6 response to your book prepared by the accused, Kaing Guek Eav?

7 A.Yes, I have.

8 Q.Based on your research, have you any comment to make on his
9 statement, in particular, as to its insights or accuracy?

10 A.I found the statement very interesting. I didn't find it
11 inaccurate in any significant places. And, no, I didn't find any
12 special difficulties with the statement.

13 Q.Thank you. From this point on, I am going to refer to parts
14 of your books using the English page numbers, or we'd be here for
15 several days quoting the ERN numbers, to assist you, Professor
16 Chandler, should you need to refer to a particular portion.

17 In your book, you refer to the Accused as the "author of the last
18 plan", which has sometimes been called "the last joint plan".

19 You refer to it in several places, page 12 and other page
20 references. On what do you base the conclusion that the accused
21 was the author of that document?

22 A.As I say, I am not going to be able to give you a very perfect
23 answer to that question because I haven't seen this document for
24 many years, but my recollection is that one text I saw was
25 actually in his handwriting.

8

1 [09.21.24]

2 Q.Thank you. The title of your book -- or the subtitle of your
3 book -- describes it as "Terror and History in Pol Pot's Secret
4 Prison". At page 8 of your book, you quote Pol Pot as denying
5 any knowledge of Tuol Sleng, saying that he made only big
6 decisions on big issues and asserting that Tuol Sleng was a
7 Vietnamese exhibition.

8 Given those statements, why do you use that subtitle for your
9 book, "Pol Pot's Secret Prison"?

10 A.An excellent question. There's no way at all that this prison
11 could have existed without the knowledge and approval of the top
12 person in Cambodia at the time in DK. I think his answer to the
13 question was evasive and might have been improved had someone
14 asked him about S-21 because of course the prison was not known
15 as Tuol Sleng in the DK period.

16 But I refer to it as Pol Pot's secret prison because -- well,
17 because that's what it was. To my mind, this is the principle
18 chief interrogation centre of the regime which was run by Pol
19 Pot. This was not -- the museum may have been, to some extent,
20 the work of Vietnamese advisors assisted by Khmer, but S-21 as
21 the facility between '76 and '79 was certainly not a Vietnamese
22 concoction.

23 Q.At page 14 of your book, you have begun a description of S-21
24 as a "total institution". Could you describe, briefly, what you
25 intend by that description?

9

1 [09.23.44]

2 A.Yes. This is a phrase taken from a sociologist -- American
3 sociologist named Erving Goffman and he was referring to total
4 institutions as such places as boarding schools, prisons,
5 convents, monasteries; places where it's a closed world where all
6 the rules are made inside that world and there's never a
7 connection with the outside world. I think this was a -- S-21
8 was certainly a total institution.

9 As I recall, the defendant, in his comments on my book, agreed
10 with this description of the place as a total institution.

11 Q.What characteristics of a total institution did you discern in
12 S-21? One, for example, at page 15 of your book, suggests that
13 secrecy was a high priority of Democratic Kampuchean leadership.
14 Is that a characteristic of a total institution in your
15 assessment?

16 A.Well, some yes and some no. I mean, when the fact that no
17 information got out of the facility except to the leaders, I'd
18 say that was an indication that it was a total institution.
19 But Goffman uses a wider frame. I mean, he's referring also to
20 hospitals where information can reach the public and so on.
21 It's just a place that makes its own rules and follows its own
22 rules in order to continue doing business.

23 Secrecy was, of course, absolutely essential to the whole
24 ideology and behaviour of Democratic Kampuchea, and Nuon Chea
25 made this very clear when he was visited by a Danish delegation

10

1 in 1978. He said secrecy is -- I forget the exact phrasing --
2 but secrecy is the absolute heart of our administration.

3 [09.26.08]

4 Q.You note other characteristics of S-21; for example, its
5 hierarchical nature and the imposition of harsh discipline from
6 the accused down. Do you still hold with those assessments?

7 A.Yes indeed, nothing -- I've read nothing in the intervening 11
8 years since this book came out -- 10 years since the book came
9 out -- to change my mind on those particular issues.

10 Q.I appreciate that you did not focus so much attention on Prey
11 Sar, or S-24, as on S-21 in this book, but from your research
12 would you consider Prey Sar to have similar characteristics to
13 S-21?

14 A.It shared some characteristics, certainly, but the fact that
15 people could be released from it was the key feature that made it
16 very, very different. People could come in and go out. It was
17 not a secret facility and people were released. It was an
18 imprisoning re-education facility, if you like, but it shared I
19 think, in a way, very few characteristics with S 21, very few key
20 characteristics.

21 [09.27.44]

22 Q.At page 22 of your book, you focus on or your touch on the
23 accused's character and responsibilities. Have you met or
24 interviewed the accused at any point?

25 A.No, I have not.

11

1 Q.You described him in this manner:

2 "As the man in charge of S-21, Duch worked hard to control every
3 aspect of its operations. His experiences and instincts from
4 teaching were helpful. He was used to keeping records, ferreting
5 out answers to problems, earning respect and disciplining groups
6 of people. He drove himself and his subordinates very hard. "He
7 was strong, he was clear, he would do what he said", the former
8 guard, Him Huy, has recalled.

9 Duch often frightened workers at the prison. When asked what
10 kind of man Duch was, another guard replied, "Hah! What kind of
11 man he was, beyond reason.""

12 Further on, on page 22, you say that, "As a mathematician, he
13 enjoyed rationally pleasing models", citing "The Last Plan" in
14 connection with that comment.

15 Am I right in inferring that these conclusions about the
16 character of the accused have been drawn from your interviews and
17 your study of S-21 archives?

18 A.Yes, indeed.

19 [09.29.53]

20 Q.In the intervening 10 years, is there anything that you have
21 read or considered that might change your mind on these
22 characteristics?

23 A.Not really, no.

24 Q.Thank you. At page 40, you describe S-21 as "an anteroom to
25 death", a statement with which the accused has agreed. Can you

12

1 elaborate on that very briefly, please?

2 A.Yes. I mean this was -- I mean, an anteroom or a waiting
3 room, whatever word you'd like to -- departure lounge; there's
4 all sorts of phrases I could have used. I used the word
5 "anteroom" because the fate that awaited every single person in
6 S-21, except for the handful of survivors and some of the staff,
7 was a forceful and violent death.

8 So some of them knew this or worked it out, some of them had not
9 -- did not know this, but the accused and the administrators of
10 the prison knew this very well. So I think they all knew that my
11 description made years later, of course, was accurate.

12 Q.Thank you. In one chapter you analyze the regime's theories
13 concerning its enemies -- that's at pages 41 to 76 -- and at the
14 beginning you describe S-21 as "a total institution whose mission
15 was to locate, question, and destroy the enemy's of the Party
16 Centre".

17 [09.31.39]

18 In what sense do you use the word "locate"? Do you intend to
19 imply an active role on the part of S-21 in tracing and arresting
20 enemies, or do you use that word to describe the role of the
21 accused in his analysis of confessions, locating strings of
22 enemies?

23 A.I certainly didn't mean to suggest that S-21 had any role in
24 arrests, and I think this is made very clear in some of the other
25 testimony that the Chambers have received. But locating the

13

1 enemies more precisely than the suspicions of other people that
2 had brought these prisoners to S-21 was the job of the
3 interrogators working under the accused's supervision, and so the
4 more precise location of enemies can be derived from the texts --
5 or some of the texts probably because some of the texts were not
6 helpful in this regard -- in locating enemies. The texts could
7 then be forwarded to higher authorities with clearer evidence
8 than their suspicions of the guilt of the people involved.

9 Q.Thank you. You conclude from the numbers killed at S-21 that
10 -- and I quote from page 41 -- "S-21 was probably the most
11 efficient institution in the country" and, given the emphasis the
12 Party Centre placed on protecting itself from its perceived
13 enemies, "S-21 was also one of the most important".

14 Does this remain your conclusion as more information concerning
15 other Santebal has emerged?

16 Sorry, Professor, would you mind (microphone not activated).
17 It's a strange system.

18 [09.34.13]

19 A.I was warned particularly not to respond promptly to you
20 because you were talking English to me, so I'm sorry for the
21 mistake. But let me just re-think a little bit here.

22 Yes. I mean, the other information that has come through about
23 other prisons in the country, they did not have the same volume
24 of documentation, they did not imprison or interrogate prisoners
25 at the same level.

14

1 Prisoners in the other prisons were not, by and large,
2 active-duty soldiers or members of the Communist Party. This was
3 -- various prisons in the other parts of the country were not
4 administered directly from the top, as it were. This one was
5 administered particularly by Son Sen, and perhaps by Nuon Chea,
6 working on top of the defendant.

7 I still believe the efficiency of the other prisons -- we can't
8 tell how efficient they were because the records for most of them
9 have not survived, but it seems to me they were probably not as
10 mechanically efficient as Tuol Sleng with its typewriters and
11 telephones and so forth, and also not as important because they
12 did not require the day to day attention of some of the top
13 senior people, as S-21 did.

14 Q.You also suggest that the Party Centre was convinced that
15 there were enemies everywhere and that it became more concerned
16 about internal than external enemies as the revolution
17 progressed.

18 Is it correct that you conclude that this preoccupation with
19 internal enemies led to two broad phases of purges?

20 A.Yes, I do.

21 Q.The first of those was from September 1975 to September 1976
22 and it focused on those associated with the former regime while
23 the second purge from October 1977 until the end of the regime
24 included those who were suspected of working against the
25 revolution. Is that correct?

15

1 A.Yes. The first purges inside the regime occurred in the later
2 part of '76 after S-21 had opened in Tuol Sleng, but the second
3 phase was more directly involved purging -- the Party purging the
4 different zones, the north, the northwest, the east, so forth,
5 purging the leaders of these zones and their subordinates to try
6 and clean out -- sweep clean, as the Khmer word is -- what they
7 suspected, and in some cases obviously genuine -- I have no idea
8 which ones those were -- suspected as genuine enemies of the
9 revolution.

10 [09.37.48]

11 Q.Well, I was going to ask you about your suspicions of -- that
12 some of those purged were genuinely engaged in plots against the
13 regime, possibly involving collusion with the Vietnamese. Was
14 that your tentative view? I think there's a reference at page
15 57.

16 A.Yeah, I mean, it seems to me actuarially impossible that no
17 one in Democratic Kampuchea -- in some of the reaches of the
18 Party, that no one had ever opposed the regime sincerely. And
19 also it seems unthinkable that no one during the DK regime would
20 have preferred Cambodia to operate in ways that they believed
21 Vietnam was operating after its Communist victory.
22 Now, having said that, that doesn't mean that I am in any
23 position to point at particular prisoners or particular
24 conspiracies and say that these are the genuine ones, it seems to
25 me these conspiracies just -- they had to occur. The idea that

16

1 they would not occur is just impossible to believe.

2 Q. In fact, from 1976 on you noted some changes in the
3 composition of the prisoners at S-21 and also noted changes in
4 the allegations made concerning links with Vietnam. Did this, in
5 fact, coincide with that second purge when external enemies were
6 being targeted?

7 A. Yes. I mean, in the second phase the -- to call someone
8 Vietnamese in Democratic Kampuchea did not mean that you were
9 ethnically Vietnamese, it meant that you were opposed to the
10 regime. If you were opposed to the regime you were "objectively"
11 Vietnamese or CIA or any of the other things they accused people
12 of.

13 [09.40.11]

14 But, yes, I mean, after September of '76 when some of those --
15 there's a certain amount of difficulty at the Party Centre at
16 this time, and in the summer of 1976 some high-ranking cadres
17 from the Eastern Zone came into S-21 raising suspicions at the
18 Party Centre that higher ranking figures in the Eastern Zone,
19 including members of the Party Central, were involved in a
20 conspiracy against the regime.

21 The Eastern Zone, of course, is the one that borders Vietnam and
22 the one that had the highest number of cadres who had fought in
23 the first Indochina war alongside the Vietnamese and also in the
24 Civil War with extensive Vietnamese guidance. So these people
25 came under suspicion of the Party Centre as people who would be

17

1 likely or suspected of harbouring Vietnamese preferences --
2 preferences for Vietnam, over Cambodia.

3 Q.And that targeting of those who were assumed to be sympathetic
4 towards Vietnam coincided with a series of cross-border raids
5 into Vietnam during which -- and I quote from your book at page
6 61 -- "hundreds of civilians were massacred in these incursions
7 which were not publicized in either country". Is that correct,
8 that these incursions coincided with an increasing suspicion of
9 links with Vietnam?

10 A.Yes, indeed.

11 Q.Are you able to assist us in explaining why the incursions
12 might not have been publicized in either country?

13 A.Well, the Vietnamese had only had their victory -- it was less
14 than two years old. They were not in a position or at the
15 political will to go to war against Cambodia at this stage. They
16 felt that these raids might have been -- I don't know what the
17 Vietnamese leadership thought, but it seems to me they might well
18 have thought that these raids were the ideas of some hot headed
19 junior officials who would then be punished by the Party Centre,
20 that this idea couldn't possibly have come from Pol Pot and his
21 colleagues.

22 [09.42.59]

23 The Cambodians didn't want to publicize these attacks because, of
24 course, these are cross-border attacks. These were, in fact, mini
25 invasions that they didn't want to be proud of. They wanted to

18

1 attack Vietnam or the parts of Vietnam, ironically, that had
2 fairly high numbers of ethnic Khmer in them, hoping, and I think
3 in a completely deluded fashion, that the Khmer minority would
4 then come over to DK and support DK and also seek to secede from
5 southern Vietnam, which is one of the may delusionary ideas that
6 were in the heads of the Party leadership.

7 There is themselves, rather sadly I found from a couple of
8 interviews, these raids were carried out at night and the raiders
9 couldn't see who they were killing, and in fact, in many cases
10 they killed ethnic Khmer who were in these villages, whereas many
11 of the ethnic Vietnamese had fled in advance back into some of
12 the towns. So it was just a tragic mess, these incursions.
13 But, yes, neither side wanted to admit that they were taking
14 place. The Vietnamese hoped that something might be ironed out.
15 The Cambodians had other hopes that didn't turn out.

16 [09.44.35]

17 Q.At the same stage you discuss purges of diplomatic
18 representatives and intellectuals that is starting in 1976. To
19 what do you ascribe the purges of those classes of people?

20 A.Well, these were -- diplomats, of course, were people who had
21 been in touch with foreigners. They were "out people" if you
22 like, from your earlier questions, who were living outside the
23 total institution and outside its control and consequently were
24 suspected of maybe forming alliances or agreements with foreign
25 powers.

19

1 Intellectuals were not pursued because of their intellectual,
2 they were pursued because certain high-ranking members of the
3 Party -- particularly Kuy Thuon -- came under suspicion and he
4 was a relatively well-educated Khmer and his circle of friends
5 and the people he'd come into the Party with many of them were
6 well-educated Khmer, which is the definition of, I guess,
7 intellectual in Cambodian society are people with a certain
8 amount of formal education, in this case education in French. So
9 ripples sort of spread out from Kuy Thuon and from others who had
10 been well-educated.

11 And another factor, of course, was that many of these so-called
12 intellectual cadres had been sent to the northwest to administer
13 that area, the area that was most full of new people or April
14 17th people, people who had had no experience or ability at
15 farming. Catastrophic events occurred and many of these are
16 catalogued in survivors' accounts.

17 And at the centre, unwilling or unable to believe that it was
18 their policies that had caused or accelerated these catastrophic
19 events, believed as following the wretched model of the 1930s
20 that people were deliberately wrecking those policies and these
21 had to be the people in charge, these had to be their cadre, and
22 in the northwest these people happened to fall into the category
23 of intellectuals.

24 Q.Professor Chandler, can I ask you again to slowdown? You
25 didn't get that?

20

1 JUDGE CARTWRIGHT:

2 Maitre Roux, you were asking me to ask the professor to slowdown,
3 are you?

4 [09.47.26]

5 Just to explain the technical issues here, Professor Chandler.
6 Your answers are translated into Khmer and into French. This
7 takes quite a while and we all need to speak very slowly like I'm
8 speaking now. Even if you could pause -- I know it's asking a
9 lot because you are thinking and speaking, but if you could
10 because your testimony is valuable to the Chamber.

11 BY JUDGE CARTWRIGHT:

12 Q.At page 74 of your book, you speak of the final purges when
13 nearly 100 Vietnamese prisoners of war were purged; this is at
14 the end of 1978. And also Vorn Vet, the deputy prime minister,
15 and Cheng On, a deputy minister for industry, who were purged on
16 a suspicion that they were mobilizing former factory workers.
17 From where did you draw the conclusion that the arrests of Vorn
18 Vet and Cheng On were associated with the purging of a large
19 number of former factory workers?

20 A.Well, I'm sure I got that from the documentation. The purges
21 in 1978, they were slowing down at S-21, but groups that were
22 targeted were groups that included or could mobilize large
23 numbers of able-bodied men; in other words, the railway workers
24 were purged, the industrial workers were purged.

25 This is a way of, I guess, postponing what the regime felt might

21

1 be a possibility of mobilizing some of these able-bodied men in a
2 way in order to overthrow the regime.

3 [09.50.18]

4 JUDGE CARTWRIGHT:

5 With your permission, President, may I ask the AV Unit to screen
6 ERN number 0033130?

7 Thank you.

8 BY JUDGE CARTWRIGHT:

9 Q.You will see from that chart, which has already been put
10 before the Chamber, Professor Chandler, that in 1976, from the
11 documents that are available to us, 1,963 people were arrested
12 rising sharply in 1977 to 5,790 arrests and falling. They are
13 not back to the 1976 level, to 2,879 in 1978.

14 Does that chart accord with your assessment of the purges
15 throughout this period of three years?

16 A.Yes, it does.

17 Q.Thank you.

18 JUDGE CARTWRIGHT:

19 You can return the AV screen, thank you.

20 BY JUDGE CARTWRIGHT:

21 Q.You found some evidence to suggest that in late 1978 efforts
22 might have been made to restrain the purges as they got out of
23 hand. Nonetheless, at page 75 of your book. you come to this
24 conclusion:

25 [09.52.45]

22

1 "Reigns of terror and continuous revolutions in Democratic
2 Kampuchea, the two phenomena overlapped, require a continuous
3 supply of enemies. When these enemies are embedded in a small,
4 inexperienced political party, ethnically indistinguishable from
5 the majority of the population, attempting to purge all its
6 enemies can have disastrous effects. As Duch and his colleagues
7 did what they were told, they undermined Cambodia's military
8 effectiveness, dismantled the administrative structure of the
9 country, and destroyed the Party. The killing machine at S-21
10 had no brakes because the paranoia of the Party Centre had no
11 limits."

12 And that is the end of my quote.

13 Am I correct in inferring from that quote that you considered the
14 operations at S-21 to be pivotal to the fulfillment of Party
15 Centre's objectives in controlling its enemies?

16 A.Yes, I do.

17 Q.You have discussed extensively the archive at S-21, and you
18 note first at page 49 that this archive was not unique. You have
19 described it as being part of an extensive documentation of the
20 Democratic Kampuchea regime.

21 In your view, was the archive at S-21 more expensive and detailed
22 than other parts of the Democratic Kampuchean archive or are you
23 unable to make the assessment because of the inability to access
24 other archives for other parts of the Santebal apparatus?

25 [09.55.32]

23

1 A.I'm pretty sure the archives of S-21 were the most extensive
2 in the Santebal apparatus.

3 There are extensive archives from the Ministry of Defence,
4 archives from the -- dealing with defence matters. It's
5 anomalous to talk about ministries. And also archives that deal
6 with foreign trade.

7 There obviously were other archives which have either disappeared
8 forever or are hidden away some places where they are presently
9 inaccessible.

10 I've no idea about the size of the archives. My suspicion would
11 be that these archives, such as those of the Party Centre itself,
12 would have been less extensive than those of Tuol Sleng. These
13 would have been working archives of particularly sensitive
14 materials, rather than the voluminous hundreds of thousands of
15 pages that were assembled at S-21.

16 Q.Would I be correct in inferring then that under the leadership
17 of the accused the archive at S-21 was kept in a particularly
18 professional way and in great detail?

19 A.Yes, you can certainly infer that.

20 Q.You have concluded at page 49 of your book that the S-21
21 archive, the contents of it were secret, that much of the content
22 of the confessions were palpably untrue, and that all the
23 prisoners were killed.

24 What then do you conclude was the purpose of the S-21 archive?

25 [09.57.45]

24

1 A.I mean all your questions have been excellent. That's a
2 particularly key question that is impossible to answer. Perhaps
3 the defendant can give a clear answer as to what he thought or
4 believed was being done when he was in charge of assembling this
5 archive, but it seems to me that one purpose of assembling this
6 archive was to demonstrate to the Party leadership that S-21 was
7 a thoroughly responsible, efficient -- a modern and productive
8 body inside the government, inside a country where conditions
9 were in many places, as wide evidence suggests, completely
10 chaotic from day to day.
11 That's one purpose -- was to demonstrate the professionalism of
12 the defendant and his colleagues. Another was to inform the top
13 leadership, in as much detail as possible, whether and in what
14 way its suspicions were justified for certain prisoners and to
15 uncover strings of traitors, Vietnamese agents and so forth.
16 That would give information to the leadership that it could then
17 use for its own purposes.
18 And finally -- this is speculation but it's an intriguing idea
19 that was suggested to my by a colleague -- that one purpose of
20 assembling this mighty archive was that it might serve as a
21 source for a triumphant and triumphal history of the Communist
22 Party of Kampuchea in much the same way as documents were
23 funnelled into the history of the Soviet Union -- Communist Party
24 of the Soviet Union, demonstrating that that party in essence was
25 one that had destroyed all of its enemies.

25

1 [10.00.13]

2 Now, that is a -- the last one is speculation. The first one
3 seems to me quite obvious, that they were trying their very best
4 to do a good job and consequently they weren't going to be
5 slipshod in their methodology or their written work. The second
6 one, that they were -- I think is also obvious, that they were
7 trying very conscientiously to serve what they perceived as the
8 needs of the Party leadership, which changed of course from -- as
9 you've said earlier, from year to year, month to month, and often
10 even day to day.

11 So it was -- there were several purposes, in other words, for the
12 archives being assembled in the way it was.

13 Q.Thank you very much. You will have noted from the accused's
14 response to your book that he placed great emphasis on the 30th
15 of March 1976 document, "Decisions of the Central Committee
16 Regarding a Number of Matters", English ERN 00182809 to 00182814;
17 Khmer 00000758 to 00000764; and French 00224363 to 00224367.

18 Are you familiar with this document, "Decisions of the Central
19 Committee Regarding a Number of Matters", to which you refer
20 briefly at page 51 of your book? We can have it displayed on the
21 screen, the first --

22 A.(Microphone not activated)

23 JUDGE CARTWRIGHT:

24 Perhaps it could be displayed so that the parties can refresh
25 their memories. It's already been put before the Court through,

26

1 I believe, Dr. Etcheson.

2 [10.02.59]

3 Could the AV Unit display the English, please? Do you have the

4 ERN number? 00182809.

5 Thank you. That first section is the most critical one, in the

6 view of the accused.

7 BY JUDGE CARTWRIGHT:

8 Q.My question to you, Professor Chandler, is: what significance

9 do you place on this document?

10 A.Well, I think it's the closest we've got to, if you like, a

11 smoking gun authorizing the smashing of enemies of DK. Of course

12 this document was extremely closely held. There were only six or

13 seven copies made and only one of these copies survived. By

14 chance it was discovered with a few other of these documents, I

15 think in 1980 in somebody's house. If we had all the cabinet

16 documents that must have been assembled in this small group we

17 would have a completely new history of DK.

18 So these are very crucial documents coming right from the top and

19 authorizing the decisions to smash enemies inside and outside the

20 ranks; ranks being, of course, the CPK.

21 JUDGE CARTWRIGHT:

22 Thank you, the AV Unit can return the screen to the normal

23 position, please.

24 BY JUDGE CARTWRIGHT:

25 Q.In a key part of your book you describe and analyze

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1 interrogations at S-21, starting from a premise that the
2 detainees had not been accused because they were guilty; they
3 were guilty because they had been accused. And in your opinion
4 this underpinned the interrogators' role, which was -- to quote
5 you -- "to validate the verdict by extracting full confessions".

6 [10.06.00]

7 Have you noted that in his response to you -- to your book,
8 rather, at paragraph 3 -- ERN English 00270555, the accused
9 affirms that assessment by quoting:

10 "Better arrest 10 people by mistake than free one wrongly."

11 Going on to say:

12 "It was a legitimate accusation of my people who suffered
13 considerably from constant brutal arrests. Son Sen, and perhaps
14 other Khmer Rouge leaders as well, used a phrase, "No gain in
15 keeping, no loss in weeding out"."

16 I assume that you still hold the view that you expressed that
17 this approach underpinned the interrogator's role?

18 A.Yes, I do.

19 [10.07.21]

20 Q.You also suggest at page 80 of the book that the vast majority
21 of prisoners at S-21 were killed both because of their supposed
22 guilt but also, and I quote:

23 "Because of the existence of the prison, its location and its
24 purposes needed to be kept secret."

25 I infer from that that the requirement to keep the prison secret

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1 was part of the upper echelon's objective, but was also
2 assiduously maintained by the Chair of the prison, the accused
3 Kaing Guek Eav?

4 A.Yes, that's right. So it's not just a question of "better
5 arrest 10 people by mistake than to let one go wrongly". Of
6 course, the power of S-21 -- and perhaps the reason why we are --
7 one of the many reasons we are assembled here today is it wasn't
8 to arrest people by mistake, it's, in fact, to kill people by
9 mistake and that has a chilling aspect to it.

10 Q.Thank you. You make a number of important conclusions from
11 your confessions. I'm interested -- and you've already touched
12 briefly on this -- but I'm interested in your references to
13 "longstanding CIA, KGB or Vietnamese affiliations" which you
14 refer to at pages 81 to 82 and page 94.

15 [10.09.30]

16 From your analysis of the confessions, did you come to a
17 conclusion on any occasion that affiliations with the CIA and KGB
18 might have been realistic assumptions on the part of the
19 interrogators?

20 A.Well, I think that's a very good question. I think the
21 interrogators had no idea what realistic assumption was.
22 In one of their quotes later in the book -- to the interrogators
23 later in their confession -- say they didn't even know what CIA
24 was. It was just what CIA was what you had to accuse the
25 prisoner of belonging to. I think it was a catchphrase for

29

1 enemies. Later on, the KGB was introduced as another enemy and
2 the Vietnamese came third, I think.

3 But the idea that -- at least the confessions I've read -- the
4 idea that any of the people accused of this affiliation had, in
5 fact, genuine links to the Central Intelligence Agency seemed to
6 me entirely farfetched and, I think, it's quite possible that the
7 accused was aware of this but was following directions from
8 above.

9 The interrogators, it seems to me, probably didn't -- or didn't
10 know and may not even have cared whether the charges were
11 accurate or not. They were the charges they were required to
12 make.

13 Q.Thank you. You isolate two methods used to get confessions;
14 one "doing politics" and the other "imposing torture".

15 Can you elaborate briefly on these two methods?

16 A.Certainly. Imposing torture means to begin a range of
17 activities against the prisoner's body of what would be defined
18 by all the international treaties we know of probably has
19 torture.

20 [10.12.03]

21 Doing politics is a more complicated area. This is everything
22 but torture. This was questioning, cajoling, getting to know,
23 trying to undermine, trying to befriend, trying to contradict;
24 all these kind of interrogatory methods; some of them quite
25 professional -- professionally done, others done in an extremely

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1 amateur fashion as ways of getting a confession without torture.
2 And I think it's impossible to know how much torture was used and
3 it's quite possible -- indeed, I think it's likely -- that some
4 confessions reached a satisfactory -- from the point of view of
5 the accused and his colleagues -- a satisfactory conclusion with
6 minimal or almost no torture.

7 So doing politics was the preferable method and, I think, in some
8 cases -- I don't know which ones -- it was successful. In other
9 words, prisoners confessed in a satisfactory way without being
10 tortured.

11 Q.Thank you.

12 JUDGE CARTWRIGHT:

13 I'm going to interrupt at this point to ask whether Professor
14 Chandler's microphone is malfunctioning to the extent that it's
15 difficult for the interpreters?

16 Can the interpreters still hear and are we getting a record?

17 [10.14.14]

18 BY JUDGE CARTWRIGHT:

19 Q.No, nothing is your fault, Professor Chandler.

20 In the context of torture, you quote from notes from an
21 interrogator's notebook at page 135. I assume that you have
22 studied that notebook extensively and drawn some of your
23 conclusions on torture and its methods from it. Am I correct in
24 that?

25 A.Yes, you are. I came across these notebooks quite late in my

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1 research and they were really quite revelatory and useful because
2 they were coming from the inside; people I think talking
3 sincerely about these issues as they confronted them in the
4 prison.

5 Q.Thank you. You also emphasize the practice of preparation of
6 biographies. In your opinion, was this a new technique
7 developed during the Democratic Kampuchea era, and was it
8 confined solely as a practice to those being interrogated or was
9 it used more broadly?

10 A.The business of writing biographies was one of the major
11 industries -- autobiographies -- one of the major industries of
12 DK. Everybody in the Party certainly had to write extensive
13 autobiographies which were kept on file. The employees of S-21
14 wrote autobiographies which have been very, I think, helpful in
15 the proceedings here.

16 People would then we revised them, or be asked to write new ones
17 later. And the prisoners at S-21 were asked to write their
18 autobiography in much the same way as members of the Party had
19 been asked to write theirs in order to outline what they had done
20 in their life and where they came from. But when it came to
21 shortcomings, a line in the biography is given to Party members
22 and people at the prison, prisoners did not list personal
23 shortcomings but were made to launch into long descriptions of
24 treasonous activity.

25 Q.Was the writing of biographies traditional in Cambodia before

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1 the Democratic Kampuchea period?

2 A.No, I don't think so at all. It was not -- it was not a
3 common practice. There were very few biographies written.
4 People were never, of course, compelled to write them.

5 [10.17.22]

6 I imagine some of this -- some of the procedures from S-21 came
7 from pre-revolutionary police practice. In other words, I think
8 prisoners in the colonial and post-colonial eras in Cambodia,
9 probably before they were interrogated or after they had been
10 arrested, had to produce a certain short autobiographical
11 information about where they lived, who their parents were, what
12 their job had been and so on. So there's a little bit of a
13 precedent in the judicial system, but not in the culture as a
14 whole. There was none at all that I could see.

15 Q.Would I be correct in inferring that biographies of ordinary
16 cadres at S-21 became a source for -- of information for the
17 regime to identify its enemies? Or was there some less sinister
18 purpose?

19 A.No, I think the -- I don't think there's any sinister purpose
20 in making or requiring members of the staff of S-21 to prepare
21 biographies. This was just something that Party people and
22 military people had to do from time to time. I think -- no, I
23 would say this was not -- the purpose -- it was just a practice
24 that was universal. The people didn't mind -- or maybe they did,
25 but it was a required activity, and so I think it was just one of

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1 the normal features of life at the prison. And probably at other
2 offices throughout the country, except that these -- the
3 difference that these other autobiographical documents have not
4 survived, whereas those connected with S-21 have survived.

5 Q. In your analysis of prisoners' confessions, you drew some
6 other interesting conclusions. One, for example, was that little
7 information emerged from those confessions about their daily
8 life, but that you could infer that food and hygiene was
9 seriously deficient. Does that lack of detail surprise you?

10 A. Not really -- I mean, these, the people at S-21 really didn't
11 care at all about the personal details of the lives of the people
12 who were brought in to be interrogated, but they wanted to find
13 out or to confirm the guilt of these people that had been sent
14 there from other places. And what is happening in their daily
15 lives was of no interest.

16 [10.20.45]

17 Of course, many of the confessions contain helpful information
18 about what was going on, and why these people were unhappy,
19 sometimes sincerely unhappy, with the regime. Particularly some
20 of the lower-ranking soldiers were quite frank about what they
21 didn't like: and they didn't like not having any free time,
22 didn't like not having enough food, didn't like not being able to
23 go home. And these elements of daily discomfort, if you like,
24 creep into the confessions. But the -- those of most of the
25 prisoners don't contain details of this kind.

34

1 Q.Thank you. At page 120 of your book, you make certain
2 assertions concerning the judicial system in Cambodia after the
3 Khmer Rouge victory on the 17th of April 1975. Can you summarize
4 those conclusions, please?

5 A.Certainly. Well, there were no laws, no judges, no lawyers,
6 no courts in Democratic Kampuchea. There's a Court was mentioned
7 in its Constitution and a Judge was named head of that Court who
8 was later purged at S-21. But no trials took place. This is
9 similar to other Communist countries where revolutionary law did
10 not take coded form and where trials were not take a form that we
11 -- are recognizable to us here or in other countries.

12 [10.22.38]

13 So the judicial system, in fact, disappeared. And what remained
14 of the judicial system was the -- let me get this word right, the
15 interrogatory -- the capacity of a certain institution to
16 interrogate prisoners and get information. Possibly, in another
17 society, they would aid a judicial prosecution. But as we know,
18 and as the defendant has said, the judicial system in DK was
19 incomplete in the sense that there was no subsequent body that
20 was going to deal with the information that had been gathered at
21 S-21. If you like, that was the one element of the judicial
22 system that remained, was the -- the questioning capacity of this
23 institution and perhaps other institutions as well.

24 Q.Thank you. I want to return briefly to the topic of torture,
25 as you suggested it was practiced at S-21. At page 130, you list

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1 a large number of instances of torture, which you found mentioned
2 in the archive and by survivors. Does that remain your
3 assessment of the methods of torture used at S-21?

4 A.Yes, it does. I'm sure all these -- I mean, I found these
5 methods cited in the archives or by survivors. There are
6 probably -- I'm not -- haven't been keeping close tabs, --
7 there're probably other tortures that were also conducted at the
8 prison that I didn't find evidence for, and these have come to
9 light since I wrote the book.

10 Q.Well perhaps for the record I will set up the list that you
11 put at page 130: beating by various methods; cigarette burns;
12 electric shock; forced to eat excrement; forced to drink urine;
13 forced feeding; hanging upside down; holding arms up for an
14 entire day; being jabbed with a needle; paying homage to images
15 of dogs -- all from 1978 -- paying homage to the wall, to the
16 table, to the chair; having finger nails pulled out; scratching;
17 shoving; suffocation with a plastic bag; and methods of water
18 tortures.

19 [10.25.55]

20 Much of that list includes serious instances of violence which
21 might well be characterized ultimately as torture, but I wonder
22 about scratching and shoving. Do you recall those terms and why
23 would you list them as so serious as being torture?

24 A.I see your point. I think those two words might be taken away
25 from the list if you're trying to bring all the invasions of

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1 privacy, if you like, under the rubric of torture as termed in
2 international conventions. But I was trying to get every time
3 that a guard or an interrogator did something to a prisoner that
4 was, in fact, an invasion of that prisoner's body, but I agree
5 those two -- actually your reading them out -- I felt that those
6 two items might well have been taken off the list. So I think
7 that your idea is right there, that perhaps they should not be
8 included.

9 Q.You go on to say that the list doesn't include many of the
10 tortures depicted in Vann Nath's paintings, and I assume that you
11 learned of those methods after you had completed your study of
12 the archive?

13 [10.27.56]

14 A.Yeah. I mean, I interviewed Vann Nath and I was a great
15 admirer of -- I've been an admirer of his for many years, but I
16 wanted to be particularly sure that these tortures depicted in
17 his paintings were ones that he had actually seen and not ones
18 that he had heard about second- or third-hand or ones that he
19 might have even been told to paint, and these would seem to be
20 ones where I was unable to verify that these tortures took place
21 at Tuol Sleng.

22 Q.Recently, Professor Chandler, the Trial Chamber heard the
23 testimony of Kok Sros, a former worker at S-21. You interviewed
24 him and quoted him extensively in your book. It was notable from
25 his testimony that 10 years later he was unable to recall

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1 accurately many of the statements ascribed to him by you.

2 Are you able to tell us how you recorded your interviews with him

3 and, if necessary, whether the Trial Chamber could access any

4 such records?

5 A.I interviewed him in Khmer with another person there who would

6 amplify some of his remarks if I wasn't understanding them

7 perfectly. I think I had a small tape-recorder, I'm almost sure

8 I did, but I think those transcriptions are no longer in my

9 possession and I don't have the material in any shape or form --

10 able to provide to the Chambers at this time.

11 Q.Thank you. Finally, at the end of your book you quote the

12 accused and you say that at a livelihood meeting convened by Chan

13 for S-21 staff in February 1976, Duch himself is recorded as

14 saying to his colleagues:

15 [10.30.49]

16 "You must rid yourselves of the view that beating the prisoners

17 is cruel. Kindness is misplaced in such cases. You must beat

18 them for national reasons, class reasons, and international

19 reasons."

20 That is to be found at page 152 of your book. The accused has

21 not confirmed that he made that exact statement at that time or

22 in that context.

23 Are you able to assist the Trial Chamber in providing some

24 information about its derivation? At page 206, footnote 25, you

25 refer to it as "an uncatalogued item from S-21 archive, 18

38

1 February 1976".

2 A.Before I answer your question, I want to just amplify a little
3 bit my response to the Kok Sros question earlier.

4 I was very fortunate, I think, that my interview with him in -- I
5 think it was 1995, I'm not sure; it's in the book. That was the
6 first interview he'd had. He had not been interviewed by anyone
7 else; been found and brought into Phnom Penh to talk to me, and
8 it was for that reason that I felt the things he was saying had
9 particular freshness because he'd never been questioned before.
10 That's why I'm sort of in a way defending what I think was the
11 accuracy of what he said at that time.

12 But to go on to this other question, this was of course in the
13 late 1990s, 10 years ago. There were hundreds and thousands even
14 of documents that were in the S-21 archive transferred en masse
15 to DC-Cam that had not yet been catalogued or numbered by that
16 institution. Now, I'm sure nowadays -- or pretty sure anyway
17 knowing the terrific efficiency of that institution -- that
18 perhaps by the date or some other method this document could be
19 retrieved from their own archives.

20 [10.33.29]

21 But I have, of course, not had any reason to do this since the
22 publication of my book.

23 Q.Thank you very much, Professor Chandler. That is the extent
24 of the questions that I wished to put to you.

25 JUDGE CARTWRIGHT:

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1 Mr. President, do you wish to adjourn at this point?

2 MR. PRESIDENT:

3 It is now an appropriate time to take an adjournment, so we will
4 adjourn for 18 minutes. We will resume at 11 a.m.

5 The Court officer is now instructed to take the witness back to
6 his waiting room and give him some refreshment and return him to
7 the courtroom when we resume.

8 THE GREFFIER:

9 All rise.

10 (Judges exit courtroom)

11 (Court recesses from 1034H to 1054H)

12 (Judges enter courtroom)

13 [10.54.36]

14 MR. PRESIDENT:

15 Please be seated. The Chamber is now back in session.

16 We continue hearing the testimony of Mr. David Chandler, and if
17 any judges of the bench would like to proceed with further
18 questions then you take the floor.

19 Judge Lavergne.

20 BY JUDGE LAVERGNE:

21 Q.Hello, Professor Chandler. Thank you very much for being here
22 among us today.

23 I have a few questions to put to you. First of all, you spoke to
24 us about a person called Kok Sros, whom you had interviewed. You
25 said that this person had never been interviewed previously. Do

40

1 you remember in which circumstances you came into contact with
2 Mr. Kok Sros? Was this somebody who was introduced to you or did
3 he introduce himself to you?

4 A.As I remember, there was a very able person, whose name I've
5 forgotten, and who has since died, who served as a driver and
6 assistant to many journalists in Cambodia, and when this man knew
7 that I was looking for people who had been at S-21 he provided --
8 arranged for me to interview Him Huy, for example. He found that
9 through contacts of his he had located this other person and had
10 ascertained that he would be willing to come and talk to me.
11 That's how that was arranged.

12 Q.Otherwise, regarding the archives, we know that they are
13 particularly voluminous and we also know that a part of these
14 archives did not reach us. Well, the fact that a part of these
15 archives is missing, is this liable to have an influence on the
16 assessment of the documents that we have received, or will this
17 not have any consequence? For example, if we have to determine
18 the amount of prisoners who were detained at S-21 will this have
19 any kind of consequence on this?

20 A.I don't think it will affect -- certainly it wouldn't affect
21 my own general conclusions. Since we don't know the
22 characteristics of the missing documents, by definition it's
23 impossible to say what effect their appearance, if we got that,
24 would have on our deliberations. Some confessions seem to be
25 quite short, whereas in fact the prisoners are quite important,

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1 so I figure those confessions have been removed by someone for
2 some reason quite a while ago.

3 [10.58.14]

4 There are -- the document that was put before us earlier, the one
5 from March '76, I mentioned that was one of five copies: an
6 original which obviously went to Brother Number One and four
7 carbons that were all the record that was made of that meeting.
8 Now we have, I think, six or maybe seven of those documents, all
9 from a brief period of 1976, but we know by inference that such
10 documents must have continued to be produced through the rest of
11 '76, '77, and '78.

12 Were we in possession of those top secret decision-announcing
13 documents on the part of the Party leaders, I think it's quite
14 possible that some of our information about DK would change. I
15 don't think we'd find it was a more genteel or responsive
16 government but that's certainly an archive we know must have
17 existed and has now disappeared.

18 Q. Quite often in your book you describe S-21's universe as being
19 a universe that is completely inhuman, dehumanized. Can you in a
20 few words tell us what fundamentally characterized this
21 dehumanization of S-21's universe?

22 A. Well, that's an excellent, quite philosophical question that
23 I'll do my best to answer.

24 [11.00.26]

25 The dehumanization of course, while it affected to some extent

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1 the lives of the people working at the prison who were not able
2 to take time off or go into the city or be free, if you like --
3 and some of them in their confessions complained about these
4 restrictions. The real dehumanization affected the prisoners
5 from the moment -- well, probably from the moment they were
6 arrested but certainly from the moment they arrived at the
7 prison.

8 Only those of very high rank in the Party were treated with
9 anything like ordinary respect. They were mistreated physically
10 and mentally, psychologically, from the moment they arrived and I
11 think they were considered, from the moment they arrived, to have
12 departed from the human world of people who had not committed
13 crimes.

14 Q.The accused here during the proceedings had the opportunity of
15 telling us quite often that he did not trust the authenticity of
16 the confessions that had been gathered at S 21; that he did not
17 consider these confessions as being a mirror of the truth. So
18 are you able to tell us if there was -- I don't know how we can
19 qualify this -- if people were blinded or if people had become
20 cynical or if people were paranoid? Were there certain elements
21 of this characteristic in the way S-21 operated, and especially
22 among the people who were running the centre?

23 A.Again a wide-ranging question. I'll do my best to answer it.
24 I haven't found in the archive -- obviously because some
25 documents are no longer in existence -- any evidence that there

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1 were people at the archive, interrogators or guards or
2 administrators of the prison, who went on record as saying that
3 the confessions were not accurate.

4 [11.03.37]

5 I think the defendant is accurate in saying at this point that at
6 the time probably, and certainly with hindsight -- or at the time
7 he knew and with hindsight he declares that he knew this to be
8 the case, but had statements like that gone up to the leadership
9 I think his position and his life might well have been in danger.
10 So therefore the confessions and the whole machinery of producing
11 confessions was allowed to just run on steadily, in some senses
12 regardless of the accuracy or usefulness of a good deal of the
13 information, which is evident to someone even like myself reading
14 the confessions.

15 I'll give an example. In '78 several prisoners said that they
16 had dug tunnels in Cambodia, in Phnom Penh, and inside these
17 tunnels had hidden Vietnamese soldiers. Now, it seems to me that
18 had there been any truth to such allegations, people would have
19 been sent out from the prison with shovels and guns to find these
20 Vietnamese, but they obviously weren't there, they couldn't
21 possibly be there, but this confession was -- or these
22 confessions were allowed to roll forward, largely I think to
23 serve, to satisfy the need on the part of the senior members of
24 the regime that these sorts of things were taking place.

25 Q.Thank you very much, Professor Chandler.

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1 JUDGE LAVERGNE:

2 I have no further questions to put to the expert.

3 MR. PRESIDENT:

4 The Chamber would like now to give the floor to the
5 Co-Prosecutors to put questions to this expert witness if you
6 wish to do so.

7 [11.06.20]

8 MR. TAN SENARONG:

9 Thank you, Mr. President.

10 QUESTIONING BY THE CO-PROSECUTORS

11 BY MR. TAN SENARONG:

12 Q.Good morning, Mr. David Chandler.

13 After you conducted research on the history of Cambodia, as well
14 as the history of the Democratic Kampuchea regime, especially in
15 your book you focused on the S-21 institution. I have the
16 following questions for you.

17 First, can you explain to the Chamber the Democratic Kampuchea
18 regime; for instance, what was the objectives, the main
19 objectives of the regime in the establishment of the S-21
20 institution?

21 [11.07.35]

22 A.Thank you very much.

23 Well, we don't actually have any document that sets forth the
24 rationale for the establishment of S-21. I found a document in
25 DC-Cam saying that a crew of workers should go to the grounds of

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1 Ponhea Yat High School and mow grass and put in tables and chairs
2 and clean the place up. That's how I knew it was getting
3 started, but there is no document from the top. As I said
4 before, these documents are missing.
5 That established why the leadership felt that not only that S-21
6 should continue in existence -- it had been in existence almost
7 since April '75 -- but that it should move to the Tuol Sleng
8 location and that it should become a totally secret institution
9 which, apparently, before that move it had not been totally
10 secret. Some people might even have been released from the
11 earlier -- its earlier incarnation.
12 But, clearly, one can infer that the reason why the regime
13 established S-21 was that -- particularly as Judge Cartwright
14 suggested -- in about mid-1976, after April and intensifying into
15 September, the leadership was convinced that nests of traitors
16 existed inside the Communist Party, that the number of guilty
17 people would outrun the capacities of the previous location, and
18 that a full-scale interrogation facility needed to be established
19 to work on these suspicions in order to produce clear information
20 to the leadership as to what conspiracies were actually taking
21 place or, more important, being planned.
22 [11.10.08]
23 Q.Thank you, Professor. My next question for you is, after you
24 completed your research on the numerous documents as a reference
25 in your books; for instance, firstly, you only examined a number

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1 of limited documents and. later on, after the Cornell University
2 had produced microfilms of those archived documents, then you
3 delved deeper into the examination of documents of the S-21
4 institution.

5 In the conduct of your research, you made first a lot of
6 questions regarding the establishment of S-21 institution.

7 My question is, is the S-21 institution -- does it bear the
8 characteristics of communism or whether it's a localized
9 Cambodian style or whether -- was it adopted from overseas,
10 particularly from those communist countries?

11 A.Thank you. A prison of this dimensions had no precedent in
12 Cambodian history that I am aware of, and an interrogation
13 facility of this thoroughness and is capable of producing such
14 masses of documents, was unprecedented in Cambodian past as well.
15 Looking for precise foreign models, I think, could be interesting
16 but not very productive because we don't know how much the
17 leadership knew about these other models and how consciously they
18 were following them. Certainly, there was a facility in China
19 set up under Kong Chen (phonetic) and other people that -- was a
20 similar facility, much smaller and where the people held there
21 were not all killed.

22 You have the show trials in the Soviet Union where forced and
23 often entirely false confessions were tortured out of prisoners
24 before they were sent, in almost all cases, to execution.

25 [11.12.57]

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1 And you have the notion of re-education, which is shared by many
2 communist regimes that people have committed offences, can be
3 reshaped and become -- return to the fold rather -- in a process
4 that somewhat resembles Christian concepts of forgiveness and
5 rehabilitation.

6 But at S-21, why it was unique, and without Cambodian roots with
7 some communist similarities, why it's not like anything in
8 Cambodia's past or really like the communist parallels, are two
9 aspects.

10 One is that it was completely secret. The other is that the
11 prisoners, if we can say that by their confessions they were in a
12 process of re-educating themselves, rebuilding themselves into
13 better citizens by having admitted what they had done, they were
14 re-educating themselves in order to be killed. And that to me
15 doesn't make any sense, except returning to one of Judge
16 Cartwright's questions, that it was of key importance to the
17 regime not to admit that this facility even existed.

18 So, therefore, there is no way of releasing or forgiving or
19 saying that prisoners had re-educated themselves or had been
20 falsely accused.

21 So the whole thing in a sense breaks down. It's impossible, for
22 me anyway, to say that they are following a precise model. I
23 don't think this is one thing they did very often; they didn't
24 follow precise models.

25 [11.15.15]

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1 Q.Thank you, Professor. My next question for you -- let me go
2 back a little bit.

3 In your book entitled, "Voices from S-21", on page with the ERN
4 00191854 in the Khmer language, on page 25, line 15, in your book
5 published in 2001, you mention that the Santebal office in Ta
6 Khmau was named 21B and the location was in the compound of the
7 psychiatric hospital. My question to you is, based on your
8 research, does that office bear another name or known by another
9 name?

10 A.I don't have access to any other material than what's in the
11 book, but it was known as Sa M-phey Muoy Kha K-H-S . The note
12 for that is on -- will give you the source. I don't have any
13 information to answer that question.

14 Q.Thank you, Professor. Because my time is limited, actually
15 the prosecution have certain documents and we would like to show
16 you those documents regarding this point, but because of the
17 limited time, and if we have time we could put more questions to
18 you regarding your reference documents.

19 And I would like now to give the floor to my colleague to put
20 some questions to you. Thank you.

21 [11.18.00]

22 BY MR. SMITH:

23 Q.Good morning, Professor. I would just like to ask you a few
24 questions about Duch's personality, the accused's personality.

25 From the records that you reviewed, from the interviews that you

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1 had, can you say how hardworking, how ambitious, how active, how
2 disciplined he was, just as a general comment? And then I'll
3 follow up with a few questions.

4 But maybe before you answer if I just refer to a page in your
5 book, at page 22 you state -- on review of the archive material
6 you observe that Duch's handwriting appeared on hundreds of
7 confessions as annotations:

8 "Duch's neatly written queries and annotations, often in red ink,
9 appear on hundreds of confessions. They frequently correct and
10 denigrate what prisoners confessed. They suggest beatings and
11 torture. They urge interrogators to unearth the buried truth
12 that the prisoners are hiding. Duch also summarized dozens of
13 confessions, pointing out the links he perceived with earlier
14 ones and suggesting fresh lines of inquiry."

15 Professor, is that correct that you observed and took note of
16 hundreds of annotations by Duch and that formed your conclusion
17 as to how he participated in this interrogation process?

18 A.Yes, it did. I mean, I had no access to defend it myself.
19 I've never had access to him. So the only evidence I could use
20 was two kinds; one from people who had worked at the prison or
21 survivors, and secondly, from his written comments. And the
22 survivors entirely date from 1978 when in many cases the
23 operations of the prison were winding down, late 1978, and when
24 several prisoners were, I guess you could say, plucked out by
25 Duch to perform other tasks and thus forming the small core of

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1 survivors.

2 [11.20.51]

3 The written annotations in red ink -- and I'm very jealous of the
4 neatness of his calligraphy as wonderfully readable and clearly
5 expressed -- I think reveal what can only be described as his
6 professional enthusiasm for the job which he had taken on, with
7 some evidence, is not a job that he had sought out but a job that
8 he had been assigned to by his superiors, and he wanted this --
9 as I said in an earlier answer I think, he wanted S-21 to be seen
10 by his superiors and perhaps not knowing of course the regime was
11 going to collapse as swiftly as it did, to be seen also by the
12 international community as a -- eventually as a highly
13 professional and efficient organization of which he, as its
14 administrator, could be justly proud.

15 Q.Thank you. Those annotations that you noted, did they appear
16 consistent over time from the beginning of S-21, say, in 1975 to
17 the end of S-21 early in 1979? Are you able to observe the
18 consistency of those annotations?

19 A.I probably could have taken a few days to answer that question
20 if I'd been given it in advance because I would go back to look
21 at the confessions that had his annotations on them.
22 My feeling is that they diminished in late 1978 when, by his own
23 testimony, he was becoming disillusioned with his work,
24 disillusioned with what was happening at the prison, and that his
25 loss of enthusiasm be reflected in a decline in the enthusiasm of

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1 his annotations. But I'm not able to say that definitively
2 because I have not had a chance to go back and look at the 1978
3 confessions that I've got photocopied in Melbourne to see if
4 that's true, but I would just guess that's true. I know the '76
5 and '77 annotations retained a steady level of professionalism
6 and enthusiasm.

7 [11.23.35]

8 Q.Thank you. And the period that you predict or suggest may
9 have -- he may have declined in terms of his enthusiasm is in
10 late 1978. Is that correct?

11 A.Yes, it's after the purges of the Eastern Zone were winding
12 down and when of course his own former -- one of his patrons,
13 Vorn Vet, came under scrutiny. Now, I've seen -- I can't say
14 this for sure but my guess is that the defendant was pretty sure
15 when Vorn Vet showed up that those charges against his former
16 patron were probably not accurate; that Vorn Vet had not been a
17 traitor but -- like, I'm only speculating there. The point is
18 it's in the very end of the administration of S-21, the period of
19 which we have quite ample evidence from survivors, was a period
20 when he was starting to, it seems to me, pull back, to an extent,
21 from the enthusiasm with which he'd administered the prison
22 before.

23 Q.Thank you. And a particular aspect you noted of confessions,
24 I read from your book, was the consistency of strings of traitors
25 being attached to the confessions and obviously then forwarded up

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1 the chain of command. If I can quote at page 81:

2 "The strings of traitors, appended to nearly all of the
3 confessions, occasionally run to several hundred names creating
4 the impression of a vast nationwide conspiracy. This is exactly
5 what Duch and his superiors had in mind."

6 [11.25.30]

7 And then you quote Steve Heder who states:

8 "The world view of the confession includes the individual who is
9 confessing, the people above him who persuaded him to betray the
10 revolution, the people below him whom he persuaded to betray it.
11 Everything is seen in terms of networks and forces. Very few
12 prisoners admitted to making decisions on their own."

13 Do you agree with that comment that the confessions were very
14 much viewed to be a vehicle to connect and bring together other
15 enemies or perceived enemies and that being the main goal of the
16 confession?

17 A.Well, it certainly was a major aspect. I mean it sort of goes
18 without saying that you can't conspire by yourself, you have to
19 have co-conspirators, and so if you're a traitor you must be
20 working with other people. And given the hierarchical way that
21 supposedly egalitarian DK was operating, these networks would
22 have included, as Heder said, people above the speaker and people
23 below the speaker, all linked together in a string or a casei
24 (phonetic) that was perceptible to the administration of S-21
25 after they had read the strings put down by the prisoner.

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1 But of course the problem here is that it seems to me quite
2 likely that many of the prisoners simply wrote down a list of
3 everybody they knew, regardless of whether these people in the
4 list were traitors or had known anything about conspiracy, or
5 they were producing a list of those people they knew. They were
6 told to do this.

7 [11.27.47]

8 Now, I'm not sure how thoroughly these lists were then
9 capitalized on, if people would go back into the countryside to
10 find these people, but certainly what was demanded of the
11 prisoners was that they produce such lists, whether they were
12 accurate or not -- and again back to some of the things I said
13 earlier, the point of these lists and producing these lists and
14 to forward some of them up the line from S-21 was to confirm the
15 suspicions, accurate or not -- suspicions of the Party leadership
16 that the country was severely beset by internal and external
17 enemies.

18 Q.Thank you, and just briefly, did you do any cross-analysis
19 whether or not people that were mentioned in the confessions as
20 enemies were in fact brought into S-21 subsequently or arrested
21 in other places? And if you did, what percentage -- was that in
22 large numbers or small numbers?

23 A.It's a very good question. I didn't do that kind of analysis,
24 I'm afraid. It would have been very interesting. I think some
25 other people have done some of this analysis. Certainly they

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1 were also told on occasion to list people who had already been
2 arrested. That would make things easier for the bureaucracy;
3 that the people who had told them to do it were people who had
4 already been smashed, if you like.
5 They were not given a total free rein. In other words, a couple
6 of times prisoners -- one prisoner listed, because she had taught
7 him in school, Pol Pot's wife, Khieu Ponnary, as a member of the
8 CIA because he felt he had to be -- everybody he knew had to be
9 in the CIA. And Duch saw this confession and put down in the
10 margin, "Whose wife?" In other words, remove this crazy
11 accusation.

12 [11.30.12]

13 But it's a very good question. I'm sorry in a way I didn't
14 pursue that but it would have taken much too long.

15 MR. SMITH:

16 Mr. President, we have five minutes left or seven minutes left
17 with this witness. I was wondering, bearing in mind the
18 shortness of the examination by the Trial Chamber, whether the
19 prosecution could have an extra 15 minutes, bearing in mind I
20 think the professor may be available for the whole day.

21 MR. PRESIDENT:

22 The Chamber grants you the extra time.

23 MR. SMITH:

24 Thank you, Mr. President.

25 BY MR. SMITH:

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1 Q.Professor, how much would you say that the accused, Duch,
2 fuelled the purges and the activity of arrests, even though you
3 didn't do that cross-analysis, but in the way that he worked, in
4 the way that the confessions consistently had long lists of
5 traitors and enemies, how much would you say he was simply
6 responding to a request from the senior leaders or in fact
7 fuelling the purges and the terror in Cambodia at the time?

8 A.That's another excellent question and it's one I can't answer
9 accurately without having done the work myself. I'm also not
10 certain of how many people were available to fan out from S-21 to
11 locate some of these people mentioned in the confessions.

12 [11.32.15]

13 I don't think, given the number of names in all the confessions
14 that showed up, that they were ever able to find the majority of
15 these people and bring them in. I think it goes back to one of
16 the other questions. I think in some cases, again we don't know
17 which ones, the defendant and his colleagues knew that or guessed
18 that these lists were of no value really or not worth pursuing.
19 My guess is that the -- and I'm pretty sure this is true; once
20 you got higher up the chain to the confessions of senior Party
21 people or more senior Party people, particularly cadre, for
22 instance, working in northwest in '77 and in the east in '78,
23 that those chains were carefully examined and these people were
24 sought out and brought in. That's why there was such a thorough
25 purge of those two zones.

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1 Q.And perhaps this is an obvious question from what you've
2 answered already to the Trial Chamber, but would it be fair to
3 say that S-21 was a very active institution in participating in
4 locating of enemies, rather than a passive one just simply
5 receiving prisoners and killing them?

6 A.Oh indeed. I mean I think that's a very accurate description
7 of the place. What was really going on at S-21 was the
8 interrogations. That was the major business of the place. Now
9 again, questions have dealt with this earlier. I mean why do you
10 have this mass of documents when everybody is going to get killed
11 anyway, and so on? But interrogations were what was going on
12 there and it was what the defendant and several of his colleagues
13 knew they were good at, and it's what the defendant and his
14 colleagues were training other interrogators to be good at.

15 [11.34.32]

16 There's documentary evidence to suggest that the interrogations
17 did become more professional as these inexperienced interrogators
18 gained experience but, yeah, I mean interrogation was what was
19 going on. It was what was expected from above and you have in
20 the defendant an extremely conscientious and efficient and
21 dedicated person who, if you like, delivered the product that had
22 been demanded by people whom -- not only above him but people
23 whom I gather he had a great deal of respect for.

24 Q.And perhaps if we can pick up on that point. Earlier, in
25 answer to Judge Cartwright's questions, you stated that -- well,

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1 from your book, that from your research the accused was very
2 hard-working, very efficient, and that he and others running S-21
3 wanted to demonstrate or display to senior leaders how efficient
4 or how modern that institution could be, and also that you felt
5 that he and others wanted to inform the senior leaders -- the
6 upper brothers, as you put it in your book -- of the information
7 as to suspicions that they think that they might need.

8 So my question is, how much do you think the intensity of the
9 work, the numbers of people, the numbers of traitors -- alleged
10 traitors that were identified on these interrogations, was a
11 demand of the senior leaders, or the will and the want of S-21 to
12 display their efficiency and their effectiveness to please the
13 senior leaders? Is that clear?

14 A. It was obviously, I mean -- it sounds like a bit of an evasion
15 of your excellent question, but it's obviously a two-way street.
16 I mean, I think the defendant and his colleagues would have
17 changed their procedures if word came down that these procedures
18 were not satisfactory. They would have -- I don't know in what
19 direction they might have changed or how the upper people might
20 have thought that what they were doing was unsatisfactory -- but
21 they kept producing materials to meet what they thought were the
22 demands of those above them.

23 [11.37.33]

24 And another point, I think -- I don't want to go too much into
25 this. I certainly didn't mention this in the book, but it's

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1 occurring to me as we talk. And back to Pol Pot's dismissive
2 remark about S-21 and so on, that seems to me -- and this is an
3 idea that's just reaching me now so it's kind of inchoate -- that
4 maybe S-21 in the big picture on the part of the leaders was not
5 as important as it is to those of us seeking evidence about the
6 DK regime.

7 In other words, I think if we had those cabinet meeting five
8 copies only documents, I'd be very surprised if S-21 gets
9 mentioned -- would get mentioned very often. Instead, you'll
10 have things like the Vietnamese, foreign trade, Chinese
11 assistance -- I'm just guessing -- military problems along the
12 border. These would be issues that the top people would be
13 talking about not, "Have you seen the latest reports?"
14 But, again, as we've said all morning, it seems to me in the
15 interests of the defendant and his colleague to produce as good a
16 product as they could. To do as good a job as they could until
17 or unless criticism came that this isn't the way to operate. And
18 it seems like that -- I guess, and again this is not something I
19 have personal knowledge of -- that that criticism didn't arrive.

20 Q.Are you saying there that S-21 was clearly on the senior
21 leaders' agenda, but it wasn't as high on the agenda in terms of
22 other aspects of what was occurring in the country at the time?

23 [11.39.27]

24 A.Yeah, I'd say generally, I mean, certainly the top leaders
25 were very interested in the confessions of top cadre like Kuy

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1 Thuon and Vorn Vet and some of these people who were coming
2 through the net in '76 and '77. And I think these confessions --
3 I'm just guessing, we don't have the paper trail -- that some of
4 these confessions were read not only by Son Sen, who read a lot
5 of them, but also by people higher up.
6 But the day-to-day operations, the milling through of these
7 hundreds of -- I hate to call them insignificant because every
8 life is significant -- but, I mean, people who were not high in
9 the chain of decay; ordinary combatants, workers in factories,
10 peoples' wives and so on, they would not be interested in this
11 material.
12 Their interest would be piqued by the important people when they
13 went through who I think have probably been -- this is again a
14 guess -- in many cases had been fingered by the top people. They
15 said, it's time to get so-and-so; they got so-and-so. He was
16 interrogated. That interrogation went up and they read it with
17 interest. Might even -- we don't know -- have come back with
18 more questions to be asked to these people. So sometimes their
19 interest was very -- was high, and sometimes was nil I would say.
20 Q.Would it be fair to say that for the 14,000 or so that you
21 estimate were killed at S-21, that Son Sen or Nuon Chea -- who
22 were the accused's immediate superiors at various times -- would
23 not have given instructions for the killing of each and every one
24 of those individuals on a daily basis as information was coming
25 through? It wouldn't have been of such major concern, the

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1 majority of the population, but only a small minority because of
2 their importance in the regime. Would that be correct?

3 [11.42.28]

4 A. Yes, I would say so. I mean, I think certainly it was known
5 at S-21, probably from the moment it opened that -- until late
6 1978 when some of these prisoners were given tasks in the prison
7 and then later survived, it was known that everybody who came
8 into that facility was going to be killed.

9 So no matter what, so therefore Son Sen, Nuon Chea certainly
10 didn't sign off on individual deaths because -- part of the
11 question, I think it was -- came from Judge Cartwright -- the
12 dehumanisation process had already set in. These people were of
13 no importance whatsoever to those upper leaders. They had
14 departed from the revolution; they had departed from Khmer
15 society; they were of -- they're as good as dead by the minute
16 they came in.

17 Q.Thank you. I'm just going to read back a statement that you
18 made at page 154 of your book and it relates to -- perhaps it
19 relates to a couple of ideas, but certainly coming through your
20 book we have this idea that we have two groups of people at S-21;
21 a very large group of young, uneducated, unmarried males; and
22 then we have a smaller group of teachers, educated, older, in
23 their thirties, and in that smaller group you put the accused
24 Duch, you put Pon, you put Chan, Mam Nai as people that are
25 perhaps less susceptible to obedience, less -- whereas you say

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1 that the younger group, because of their age, are more likely and
2 more supple, more malleable, to follow orders, especially
3 criminal orders. And that's a theme that runs through your book
4 from your review of sociologists and psychologists.

5 And then at page 154, you start to focus in on senior leaders.

6 And if I quote you, and then perhaps I'll ask you a few questions
7 then finish.

8 [11.44.33]

9 You state:

10 "Excuses like those offered by Iang Sary, Nuon Chea, and Khieu
11 Samphan are easy to understand perhaps, but there are limits to
12 the contextualising of mass killing and terror. No context is
13 spacious enough to contain Son Sen, Duch, and the upper brothers.
14 No explanations can let the murderers of 14,000 people off the
15 hook. Someone or several people acting in the name of the Party
16 Centre decided to murder the prisoners held by Santebal,
17 regardless of what they had done, so as to warn off potential
18 opponents, protect the secrecy of the operation, and demonstrate
19 the Party's infallibility.

20 Given the way DK was organized, a decision of this magnitude
21 probably stemmed from Pol Pot, or at least met with his approval,
22 even though no written proof of his approval has survived.

23 The upper brothers who followed S-21's operations, and Son Sen
24 and Duch who were directly responsible for them, knew what they
25 were doing and chose to do it. Conceivably, they might have

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1 lessened the suffering of prisoners, released the hundreds of
2 small children imprisoned with their parents, or curtailed the
3 executions had they wished to do so. There were moments during
4 the DK era when such choices could have been made and
5 revolutionary justice been tempered with mercy. Indeed, many
6 survivors of the DK era single out kindly or permissive cadres.
7 At S-21, however, alternatives were never considered. Instead,
8 Son Sen and Duch and the people working under them inflicted
9 enormous quantities of suffering on the prisoners; coolly,
10 systematically and without remorse."

11 My questions are, is it your position from the material that you
12 have reviewed, from the interviews that you have read, that the
13 accused had a choice whether to carry out these acts and,
14 secondly, is it your position, as you stated in the book, that
15 the accused could have minimized the suffering, the killing at
16 S-21 in the ways that you have mentioned?

17 Would that have been acceptable, do you think, within the
18 atmosphere that was operating in DK at the time?

19 [11.47.49]

20 A.Certainly, I stand by that paragraph because I can't believe
21 that these actions can go unnoticed just because there is some
22 sort of context that can explain them.

23 On the other hand, the idea that there were people who had a free
24 choice to disobey what they saw as the ruling context of DK --
25 which included the massive dehumanization of prisoners, the no

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1 exit policy whereby all the people who came in innocent or guilty
2 or whatever were to be killed -- once that context started to
3 move forward maybe they didn't have those choices. The choices
4 were made fairly early and I don't think they were made with
5 great difficulty.

6 Again, we don't have the documents, but it seems from what I know
7 about the DK, it's most unlikely that if these decisions were
8 made at the top that dissent would have come from the middle
9 ranks; it began to roll on once the decisions had been made.
10 But I still feel that -- this is a great distance of course. In
11 a way, I'm reluctant to say this because I've never been in any
12 kind of a situation where I would have been in danger by refusing
13 to do something, but I can't help but think that the people who
14 are inflicting this terrible damage on everybody knew what they
15 were doing and, almost worse, did not seem to suffer themselves
16 from what was happening.

17 It didn't seem to -- as I said elsewhere in the book -- it didn't
18 seem to lead them to lose sleep. It didn't seem to make their
19 handwriting more unsteady. It didn't seem to lessen their
20 enthusiasm for coming back to work the next day.

21 [11.50.13]

22 It's in this whole context that I can't help but say that the --
23 the paragraph that I wrote there which the last chapter took
24 several months to write, but I will stand by it, although it's a
25 complex issue and your question was well put.

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1 Q.Thank you.

2 MR. SMITH:

3 And two last questions, Mr. President.

4 BY MR. SMITH:

5 Over of the hundreds of annotations that you reviewed from the
6 accused, over all the reports and summaries that you have read
7 from him in the archive, have you seen one document that shows
8 the accused's objection to carrying out these acts or one
9 document or annotation that would show that he was greatly
10 displeased or hated carrying out those acts?

11 A.It would be suicidal for him to put in writing any loud
12 objection to the way the place was running.

13 You do find some places where he suggests that maybe less torture
14 might be used, that maybe more politics should be -- more doing
15 politics should be employed. And of the statements that I have
16 read from the Tribunal and elsewhere, he was quite happy about
17 some of the confessions that could be extracted without torture.

18 [11.51.51]

19 I mean, ideally, if they could all be done without torture, he
20 would have -- he claims that he would have been a happier
21 administrator of the prison. But I just don't -- I can't see
22 from the documentary evidence the very deep remorse followed his
23 -- came from his knowledge of the day-to-day activities of the
24 prison or the -- what we would call excesses that shine through a
25 lot of the confessions and certainly through the testimonials of

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1 survivors.

2 Q.Thank you, Professor. And my last question, it relates to
3 people escaping the terror of Democratic Kampuchea.

4 In your book, in a number of places, you refer to a prisoner
5 escaping from S-21, at page 16. You refer to 80 people escaping
6 from Prey Sar, at page 31, and 27 were not recaptured. That was
7 a report from Huy Sre on the 27th of November 1977. You refer,
8 at page 62, in 1977 in Chi Kraeng, Siem Reap, the Northern Zone,
9 an uprising occurred and Cambodians escaped to Thailand.

10 At page 48, you state:

11 "From before 1977 through to 1978, thousands fled to Vietnam, as
12 it certainly occurred to a number of CPK cadres after 1977 or
13 even earlier, that some form of foreign patronage -- referring to
14 Vietnamese -- or even a more Vietnamese style of revolution would
15 be preferable to the ongoing deprivations, endemic poverty and
16 apparently random open-ended violence of Democratic Kampuchea."

17 [11.53.55]

18 So, Professor, the question is from your extensive reading, can
19 you give a figure of the numbers of people that either escaped
20 outside of Democratic Kampuchea to Thailand, to Cambodia, and how
21 were they able to do it, just briefly? Thank you.

22 A.Yeah, I'm sorry, my research didn't lead me in that direction.

23 I know that the refugees coming into Thailand from Cambodia
24 before the collapse of the regime were not welcomed by the Thai
25 or treated poorly and were in quite small numbers because the DK

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1 cadres as several survivors' accounts have shown, particularly
2 the Thai account, were very assiduous in keeping people from
3 leaving the country.

4 Now, I think the border with Vietnam was more porous. People
5 were able, I think, to move into Vietnam after '76-'77, after
6 '77, and had heard that, in fact, as Vietnamese policy was
7 gradually changing that they would not only be allowed to go into
8 Vietnam, wouldn't be thrown back into Cambodia, but that they
9 would be welcomed.

10 So the exact numbers, oh, I would say before the end of the
11 regime exact numbers going into Vietnam would be in the low
12 thousands, I would just guess, and into Thailand into the high
13 hundreds.

14 MR. SMITH:

15 Thank you, Professor, and thank you, Mr. President, for the extra
16 time.

17 MR. PRESIDENT:

18 It is now a convenient time to take an adjournment for lunch
19 break, so the Chamber is adjourned and will resume at 1.30 p.m.
20 The Court officer is now instructed to make sure that the witness
21 can receive his refreshment and meal and that he is taken back to
22 the courtroom by 1.30. The personnel securities are also
23 instructed to take the accused back to the detention facility and
24 bring him in at 1.30.

25 THE GREFFIER:

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1 All rise.

2 (Judges exit courtroom)

3 (Court recesses from 1157H to 1331H)

4 (Judges enter courtroom)

5 MR. PRESIDENT:

6 Please be seated. The Chamber is now back in session, hearing
7 the testimony of the expert witness, David Chandler.

8 I would like now to give the floor to the civil party lawyers to
9 put questions to this expert witness. You take the floor.

10 [13.32.05]

11 MS. TRUSSES-NAPROUS:

12 Thank you very much, Mr. President, for giving me the floor.

13 I have one request I'd like to formulate on behalf of all of the
14 civil party lawyers who would like, given that we have the full
15 afternoon in front of us, who would like to have here -- and
16 since we're dealing with an exceptional expert -- so, therefore,
17 I would like to ask for extra time so that we can put all of the
18 necessary questions to Mr. David Chandler.

19 Of course, this will not take away from the defence because the
20 defence will also enjoy the possibility of having extra time.

21 This is my submission. We would like to have a decent hour.

22 MR. PRESIDENT:

23 Regarding the request by civil party counsel in questioning the
24 expert witness, and this morning the Co-Prosecutors were also
25 granted extra time, so the civil party counsels are now granted

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1 extra 15 minutes. Therefore, the total time allocation is 45
2 minutes, starting from now.
3 MS. TRUSSES-NAPROUS:
4 Thank you very much, Mr. President.
5 QUESTIONING BY CIVIL PARTY COUNSEL
6 BY MS. TRUSSES-NAPROUS:
7 Q.Mr. Chandler, I am Fabienne Trusses-Naprous. I am a civil
8 party lawyer for group Number 3 and therefore it is my group
9 which will speak first, and I would like to put questions to you
10 regarding, first of all, Duch's role within S-21.
11 [13.35.07]
12 You said this morning, indeed, that Duch was fulfilling the
13 expectations of his superiors, which meant in particular
14 eliminating traitors and enemies, and I do not wish to put Duch
15 as being only just a simple executioner. Indeed, when we look at
16 your book again, "Voices from S-21", when we look at the French
17 version, you brought up Duch's biography and you said that he had
18 already started working as of the early seventies in security, in
19 particular in Sector 33 next to Phnom Penh and then afterwards in
20 Sector 25, and it is indeed in Sector 33 when he was head of
21 security in Sector 33 that he met Mr. Bizot, the ethnographer.
22 And you state Mr. Bizot's quote in your book on page 39, index
23 00357285 in French, and Mr. Bizot was startled by Duch when he
24 came out of his experience and according to Bizot Duch believed
25 that people who had different opinions for him were considered as

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1 traitors, as liars, and therefore you used Mr. Bizot's quote.
2 And later on you indicated as well that Duch had acquired skills
3 in the field of security over the course of time. It is probably
4 between 1972 and 1973 that he elaborated his very sophisticated
5 concept of traitors, of treason, by coming up with the concept of
6 string of traitors in order to purge what were known as the Khmer
7 Hanoi.

8 [13.37.48]

9 And then afterwards you added that the merciless characteristic
10 of this purification campaign corresponded to the burgeoning
11 administrative style that was specific to Duch and was going to
12 give an idea of S-21's operational mode.

13 So for me it seems, therefore, that Duch was not chosen randomly
14 and there was indeed --he had developed over the course of time.
15 First of all, regarding his biography, can you please tell us, in
16 relation to his element that I described and in relation to what
17 you told us this morning, if Duch finally was only applying and
18 doing what he was told to do or if on the other hand he had,
19 let's say, improved the system, if he had made S-21 become what
20 it was, and if he had in that way improved the system, so to say?

21 A.Thank you. There's a lot of questions inside that question.

22 The last one, I think -- I don't think I ever said he was merely
23 the servant of the people above him. I think one of his main
24 objectives at S-21 was to satisfy their requirements. Had he
25 failed to do that he would have been in danger. That was an

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1 obvious thing.

2 But you're quite right, and I think I tried to make this point
3 this morning, that he was an enthusiastic and proud administrator
4 of S-21 who worked out techniques and organizational methodology
5 from scratch.

6 [13.39.56]

7 I said also that there was -- there were no precedents for this
8 kind of place. The very limited experience he'd had in the civil
9 war was not quite enough for an institution of this size, so he
10 was obviously innovating, as you say, improving all the time, and
11 I think he was doing not only what his superiors obviously
12 thought was a reasonably good job or we would have known that he
13 would have been dismissed, but also what he himself thought was a
14 -- not just a satisfactory job but an excellent job.

15 I think he wanted to excel in this job, and indeed in other
16 things earlier in his career. He wanted to excel as a student.
17 He wanted to excel as an apprentice revolutionary. And
18 throughout his professional life I think he was interested in not
19 just serving those above him, that wasn't that hard really, but
20 to serve them with enthusiasm and skill that he could be proud of
21 himself.

22 Q.Thank you very much, Mr. Chandler. Indeed, in order to get
23 back to what you just said, there was, during these proceedings,
24 a few difficulties regarding Duch's role during the
25 interrogations or regarding the uses of torture, indeed a few

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1 times he said to us that he was not present during the
2 interrogations and that he did not know exactly how torture was
3 being applied.

4 Well, given the documents that you used, given your analysis of
5 Duch's personality that you conducted, given his personal
6 history, do you really believe that he could have completely
7 ignored what might have been happening at S-21 and that he could
8 not be the initiator behind everything that was happening at
9 S-21?

10 A. I'll split your question into its last two components I think.
11 He made it his business certainly to be aware of what was
12 happening. I don't think he wanted the prison to get out of
13 hand. He knew, I think, that on occasion some of the
14 interrogators got out of hand and behaved badly, and these people
15 were chastised and in some cases even brought into S-21 as
16 prisoners.

17 [13.43.08]

18 I think he was a person who trusted the people directly
19 underneath him to keep him informed of the daily activities of
20 the prison. I think when important prisoners came into the
21 prisoner he paid more personal attention than he did to minor
22 people.

23 But the second part of your question or your remarks, I can't buy
24 into the idea that he was the sole initiator of what was going on
25 in S-21. One of the characteristics of Chinese-style revolution

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1 and the Cambodian revolution was the amount of leeway given to
2 individual people to behave in a revolutionary manner, whatever
3 that meant. So that he was hoping that his subordinates, as
4 sincere and active revolutionaries, would behave in a proper
5 revolutionary manner. Again, whatever that means.

6 I don't think he was the sole initiator or the sole, sort of,
7 monitor of what was happening. I think through his immediate
8 subordinates he was pretty well aware of what was going on. I
9 don't think a whole lot escaped his attention but I think -- in
10 other words, what I'm trying to say, I guess, is that my
11 impression from what I've read and studied is that he was a very
12 able, efficient administrator of the place he was in charge of.
13 He did a good job at what he was supposed to be doing when he was
14 part of that.

15 Q.Thank you, Mr. Chandler.

16 We brought up, and you brought it up as well when you were
17 answering Judge Lavergne, who said that you mentioned
18 dehumanization often within S-21 in your book and you brought up
19 dehumanization, of course, of the prisoners. But I'd like to get
20 back to the dehumanization of the staff, the guards, and maybe
21 mainly of the interrogators, because indeed we might wonder how
22 we can commit such acts without any emotion and without any
23 regret, and I would like you to please give us more clarification
24 on this phenomenon because in your book you did draw a very
25 interesting conclusion regarding this point and I will read it

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1 out again. It's on page 186 in the French version, 00357432.
2 You said that the explanation of phenomena such as S-21 resides
3 in our ability to forgive and to aspire to perfection, and to
4 release our hatred and our confusion on other individuals who are
5 often defenceless, in particular when we are encouraged to do so
6 by people that we respect. Can you build on this? Can you tell
7 us how you perceive this phenomenon regarding the people who were
8 working at S-21?

9 A.Well, you've quoted from the last paragraph of my book where I
10 am trying to sum up as best I can what seemed to me to be
11 happening, not only at S-21 but at several other facilities and
12 several other moments of history where this kind of behaviour
13 went on, and these include the massacres in Indonesia in '65, the
14 concentration camps and the Holocaust, the jails in South America
15 in 1970s, behaviour of the Greek colonels.

16 [13.48.10]

17 It's a global phenomenon. S-21 is by no means unique. The kinds
18 of behaviour that can be unleashed by people operating with
19 permission against people whom they have already dehumanized
20 themselves -- you notice all the euphemisms that are used in
21 warfare. We very seldom say that the people are killing people;
22 you say they're having body count, collateral damage, phrases of
23 this sort, or smashing enemies, for example. The word "kill" is
24 not used.

25 I didn't reach that last paragraph through any empirical

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1 investigation. That last paragraph sprang to me and I wrote it
2 quite quickly, I must admit, as a way of trying to come to grips
3 with the whole phenomenon of S-21 and, more close to home, to
4 come to grips with the four years that I'd spent working on the
5 book. I didn't want to say that what was happening at S-21 was
6 done by another kind of people operating far away but I wanted to
7 suggest that under certain conditions, happily that have been
8 non-existent in my own life -- under certain conditions almost
9 anyone could be led to perform activities of this kind.
10 Now, the staff of S-21, rather like some of the people studied in
11 the Holocaust, especially by the author Christopher Browning,
12 once their behaviour was routinized and once these people were
13 not punished, and once they were permitted to go further and
14 further steps -- you find the same thing in the cultural
15 revolution among the Red Guards -- they didn't pull up short;
16 they operated generally with more enthusiasm, rather than less.
17 [13.50.23]
18 Why this is true I'm not sure. It's a dark side, I think, to all
19 of us and that was the point I was trying to make in that last
20 paragraph that does not come, as I say, from empirical research
21 on the staff of S-21 but from years of immersion in this subject.
22 Q.Thank you very much, Mr. Chandler. I have no further
23 questions. I will now let my colleague of group number 3 take
24 the floor.
25 MR. KIM MENGKHY:

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1 Good afternoon, Mr. President. Good afternoon, Your Honours.

2 Good afternoon, ladies and gentlemen. I am a counsel for civil

3 party group 3. I have some questions for Professor David

4 Chandler.

5 BY MR. KIM MENGKHY:

6 Q. In responding to my colleague's question you said the accused

7 was proud of his work and that he fulfilled his duty strictly at

8 both locations at M-13 and at S-21. My question is the smashing

9 of the enemy and the targeting the enemy, as you stated in your

10 book, can you explain to us that the Khmer Rouge leaders who are

11 the most responsible and that the accused who is the top leader

12 of S-21 -- the smashing, is it the success of the Democratic

13 Kampuchea regime or is it in order to fulfil that moment of great

14 leap forward?

15 A. Okay. I'm not sure how to answer the last part of your

16 question. I think I'd said earlier, it had been brought up by

17 many people, that secrecy was a key characteristic of the

18 Democratic Kampuchean regime. Certainly until things began to

19 get seriously difficult or complicated, "Smok Smanh" as they say

20 in Khmer -- in 1978, another characteristic of the revolution was

21 its headlong pace and its headlong enthusiasm and its assurance

22 that its revolutionary behaviour would carry everything before

23 it, that problems would no longer arise.

24 [13.53.26]

25 I think this kind of absolute confidence that they were on the

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1 right track was very dangerous, that no-one was given time to ask
2 questions; no-one was given time to hesitate. There was no
3 chance to certainly contradict -- that we know very well. They
4 certainly couldn't contradict the leadership, so that it became
5 -- the regime became rather like a waterfall in which everyone
6 was caught up.

7 Q.Thank you, Professor. My next question is related to the
8 crimes committed at S 21. You stated that the activity of
9 smashing the enemy started with the smashing of the former regime
10 officials and later on the smashing was with the cadres inside
11 the Party. Can you explain to us whether this movement of
12 smashing is a concrete plan made by the Communist Party of
13 Kampuchea or whether it was initiated based on the suspicious
14 thought of the activities that might try to overthrow the
15 Communist Party of Kampuchea?

16 A.You're getting here to a very serious -- I mean I'm not
17 meaning to demean the rest of your question, your question is
18 excellent, but a very serious issue regarding the history of
19 Democratic Kampuchea and this has to do also with -- as I know
20 the Tribunal is examining this issue, whether what happened under
21 the Khmer Rouge can be characterized as genocide or not. And a
22 key ingredient of genocide, according to the UN Convention
23 anyway, which is the place to look for definitions rather than
24 somewhere else, is intent.

25 [13.55.49]

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1 You have to find evidence or proof that the regime or its leaders
2 specifically intended to smash particular ethnic groups, not
3 their own people. Whether you find that -- I was talking in my
4 previous answer - well, one of my answers, I was mentioning how a
5 certain amount of confidence was given to people and support was
6 given to people who were behaving in what they felt was a truly
7 revolutionary manner and here the parallels to draw, I think, are
8 with the cultural revolution in China where what was called ultra
9 left deviation was not punished. In other words, the further
10 left you could go the more praise you got.

11 So it seems to me that if the general idea of smashing enemies,
12 not so much the revenge killings that took place in '75 against
13 former members of the Khmer Republic army who when they were
14 disarmed, could just be assassinated, I'm not talking about that.
15 I'm talking about the smashing of internal enemies inside the
16 Party and how the language is always very vague coming from the
17 top and we also lack of a lot of the language coming from the
18 top. As I said, many of the documents are just not in our
19 possession.

20 [13.57.30]

21 But certainly, you never -- and no doctor that I'm aware of has
22 the leadership declaring that too many enemies are being killed;
23 in other words, the number is never excessive. So you're getting
24 close to a kind of intent that is quite complicated, I think, in
25 other conventions.

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1 MR. KIM MENGKHY:

2 Thank you, Professor. I do not have any further questions for
3 you.

4 Due to the time limit I would like to give the floor to other
5 civil party counsels to put questions to you.

6 Thank you.

7 MS. STUDZINSKY:

8 Thank you.

9 BY MS. STUDZINSKY:

10 Q. Good afternoon, Mr. Chandler. My name is Silke Studzinsky.

11 I'm lawyer for civil parties.

12 I would like to put first a question to you of a general nature.

13 And this is the following: do you have, according to your
14 research, or could you tell us -- I rephrase -- could you tell us
15 what is the duration and the length of stay of prisoners in Tuol
16 Sleng? What did your research -- what timeframe did your
17 research bring out?

18 A. I'm not exactly sure what the upper limit would be. I know
19 some of the senior people were at Tuol Sleng for several months;
20 in other words more than two months.

21 [13.59.32]

22 But the shortest span would be the people who were driven in, in
23 trucks, and then the trucks were immediately sent out of the
24 prison. They weren't even enrolled in the prison. The trucks
25 just went out to the killing fields, partly because the prison

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1 was too crowded and partly because the prisoners coming in the
2 trucks were not of high-ranking responsible cadre. So, in other
3 words, the length of time would go from none to several months.
4 I think somewhere in my book -- I can't exactly pinpoint it -- I
5 tried to work out what seemed to me in the documents I read the
6 length of time from their entry to the end of their interrogation
7 which of course means pretty closely to their execution. And I
8 found most of the people were there between two and three weeks.

9 Q.Thank you. The accused told us about one prisoner, Mr. Phing
10 Ton who has been there for 20 months. What would you say,
11 according to your knowledge and research results, could this be
12 possible and, I add, without being interrogated in depth in Tuol
13 Sleng?

14 A.Okay, sorry. I cannot give an answer to that. I didn't run
15 across this specific prisoner or that specific information. And
16 I'm not -- I haven't been present at enough of the sessions of
17 the Tribunal to judge how this statement fits into other
18 statements by the accused.

19 [14.01.34]

20 It seems to me quite strange that someone be kept there that
21 long. On the other hand -- again, this is just supposition -- I
22 don't see what cause is served by inventing this information. So
23 I'm happy to hear corroboration if there is some but it seems --
24 does seem quite strange to me.

25 Q.Thank you. Same to us.

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1 I would like to move on now to confessions of interrogators that
2 you have read and analyzed and there I would like to draw your
3 attention to those confessions of Mr. But Heng, Mr. Vong Samat,
4 Som Met, and Mr. Chum Mey and Mr. Sok Ra. These are
5 interrogators that appear in your book or are quoted in your book
6 and it is found with endnotes on page 131.

7 My question is: these interrogators who talked about sexual
8 assault that they have committed and that they admit in their
9 confessions, could you describe what they have confessed?'

10 MR. PRESIDENT:

11 We note Mr. François Roux is on his feet. You take the floor.

12 MR. ROUX:

13 Thank you, Mr. President. I'm objecting to this question.

14 It seems to me that the Chamber had mentioned the International
15 Convention Against Torture to which Cambodia is a signatory which
16 prohibits the use of confessions obtained under torture. I would
17 like to remind my learned colleague of this rule and I would like
18 the witness to be told that he need not answer this question.

19 [14.03.52]

20 MS. STUDZINSKY:

21 But Mr. President, I would like to respond to this. Of course, I
22 have the anti-torture Convention in my mind.

23 MR. PRESIDENT:

24 The objection is sustained and that civil party lawyer is advised
25 to rephrase the question and that question should not be related

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1 to any content of the confessions that are taken by means of
2 torture.

3 MS. STUDZINSKY:

4 However, I would like to say that of course here since the start
5 of this trial of course all parties including the Chamber have
6 referred to confessions.

7 BY MS. STUDZINSKY:

8 Q. But I rephrase and try the following to put to you, Mr.
9 Chandler. You mentioned these confessions that I have listed of
10 these interrogators and I would like to know if you found on
11 these confessions which admit sexual crimes or sexual assaults,
12 harassments, rapes, if you found on these confessions
13 annotations?

14 A. As far as I recall, there were no annotations on these
15 confessions.

16 [14.05.40]

17 A point I'd like to make on these particular ones, though,
18 interrogations of interrogators at S-21 are a peculiar category.
19 They are a peculiar category because, it seems to me, the people
20 interrogating these interrogators would have been probably aware
21 of some of the things that these people had actually done. So
22 it's not a question of somebody coming in from 200 miles away and
23 saying he belongs to the CIA. It's a question of a colleague
24 saying something that I don't think would have required torture
25 to elicit from this person. The person was facing his

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1 colleagues; he knew he was doomed. He also did not know that he
2 would ever be released. He knew what was going to happen.
3 It seems to me that these confessions are the closest ones to
4 being true in the collection. That's my own view. Certainly,
5 you have evidence from I think Kok Sros, some others, who said
6 that there was some evidence of sexual assaults in the prison --
7 rare, but interestingly these were being punished. This is the
8 point -- part of the point of these confessions. These were
9 being not only punished with re-education, sent to Prey Sar, but
10 these people were condemned to death for committing those -- for
11 admitting to those acts.

12 [14.07.05]

13 So I don't think -- I mean, I agree certainly with what the
14 lawyer for the defence has mentioned, but my feeling is that
15 these confessions did not require torture to be elicited. Some
16 of these ones would have been people who would have known what
17 was happening. They knew what had happened, they told their
18 colleagues what had happened, and then that was it.

19 Q.Thank you. My next question refers to a statement of the
20 accused, who told us that his former schoolteacher was raped or,
21 as the accused understood at this time, was sexually abused, and
22 he learned at the time that this rape happened and he did not
23 punish the perpetrator, and after consulting Son Sen. That is
24 what the accused told us.

25 According to your knowledge as an expert, how does this practice

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1 -- can match with the general view that sexual crimes were
2 severely punished, which is a common perception by scholars?
3 A.I read that statement by the defendant and it seems to me, at
4 that stage of his stewardship over S-21, he was not only getting
5 more disillusioned but he also felt, I think, that were these
6 people with whom he'd been close given anything like special
7 treatment, that this would have been noticed by the people on
8 top. I think that's why he went to Son Sen about this particular
9 case because these were people that he -- and Son Sen knew these
10 were his former patriots. These were people he was very sorry to
11 see come into the prison because these were people with whom he'd
12 been close.

13 Beyond that, I can't get into that except to look at these other
14 confessions that you cited, which seem to me to be a case of
15 people who are confessing to having done those things, and
16 actually the person who assaulted the wife of his former
17 schoolteacher was later brought into S-21 and made this
18 confession. That's how we have the text of it.

19 [14.09.49]

20 Q.My last question to you is, what is your conclusion about the
21 risk of females who were imprisoned in Tuol Sleng and related to
22 being at risk to become victims of sexual violence in Tuol Sleng,
23 and if you could elaborate also on maybe vulnerable group among
24 females -- the most vulnerable group among females?

25 A.Okay. I don't think I can elaborate on which group was the

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1 most vulnerable or make an assessment as to how often this
2 happened. I think it wasn't -- it didn't -- just what I've
3 learned about this place, it was not open season, to use a
4 horrible phrase, on women prisoners. These were not instantly
5 considered to be available for members of staff to molest and
6 abuse. There's just not evidence to prove that.

7 I think, on the other hand, the situation in the prison was
8 pretty volatile, and I'm not excusing anybody's behaviour, but
9 this is a locked-up compound full of young men who on some
10 occasions I think certainly behaved in abominable fashion and
11 inexcusable fashion, but I don't get the feeling that had these
12 kind of offences been absolutely generalized that the prison
13 would have continued to operate as it should have, and I think it
14 would have come to the attention of, certainly, Duch and other
15 people that this was going on and it would have been stopped.

16 But this is supposition; I don't have the evidence. What I
17 cannot do is tell you who were the more vulnerable of the women.
18 My suspicion would be probably women with better connections who
19 were the wives of higher-ranking cadre would be less vulnerable,
20 but that's just a guess.

21 [14.12.34]

22 Q.Thank you for your answer. Only last what I want to add is
23 what I found in your book. That is on page 38 where you are
24 talking that Vietnamese female prisoners were highly at risk.

25 A.Right. Well then, let me withdraw what I said. I hadn't

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1 remembered that I'd written that, but those people would be
2 certainly the most highly at-risk ones. These were people who
3 were considered just ipso facto as outside the human race at the
4 time the war had started with Vietnam, so they would be indeed --
5 if you want the most vulnerable group, that would be it. I
6 should have remembered that sentence of mine.

7 Q.Thank you, Mr. Chandler. I'm running out of time and I give
8 the floor now to my colleague. Thank you very much.

9 BY MR. WERNER:

10 Q.Good afternoon, sir. My name is Alain Werner and I'm counsel
11 for civil party group 1 with my national colleague, Ty Srinna,
12 and I have 30 minutes and a half to ask you my questions. I was
13 intending to put quite -- several statements for you. I would be
14 grateful if you -- as much as you can, if you could just answer
15 briefly like this. Maybe I will be able to put to you everything
16 I was hoping to.

17 I would like to start just with one thing. Judge Cartwright this
18 morning asked you about "The Last Plan" and asked you about who
19 wrote -- the reason why you thought Duch wrote "The Last Plan".
20 I have just one question, very brief, on this.

21 Page 22 of your book, you said "The Last Plan" was
22 "chef-d'oeuvre". It's a French name, I'm not sure how to
23 pronounce it in English, but it's "chef-d'oeuvre". I just want
24 to ask you, why did you say that?

25 [14.14.34]

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1 A.Well, because it seems to me to be the most extended discourse
2 by Duch on a subject that was not related to a specific
3 confession. It was his attempt to draw together what he saw and
4 interpreted as evidence, and it was kind of like drawing a
5 mathematical -- set of mathematical formulas onto a blackboard or
6 whiteboard and to him -- I would just guess, I can't speak for
7 him, of course -- unless, of course, the whole thing was made up
8 to fool people above him; I doubt that was the case -- that this
9 was a true and sensible interpretation of the data that had come
10 to his attention.

11 Q.Thank you. This morning you spoke about this -- at the end of
12 the confessions, these lists of names that the prisoners were
13 requested to give. In your book, page 38, you spoke about
14 something else.

15 You spoke about summaries that were done by the staff itself --
16 page 105 -- and let me read you what you said. You said names
17 listed in the strings were used as a basis for additional arrests
18 and then you said that there were also consolidated typewritten
19 summaries bringing together the names of people affiliated with
20 certain military units, sectors, offices, factories, or work
21 sites. Do you stand by that?

22 A.Well, I will have to stand by it, I guess.

23 Q.I would like to follow-up on that, and considering now what
24 you said this morning about this list of names, enemies, traitors
25 that the prisoners were supposed to give, and then this work

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1 product produced by the staff at S-21.

2 Before you, as you probably know, Dr. Etcheson testified here,
3 testified in May, and myself I asked him -- because he spoke as
4 well about this list, these names and this work product produced
5 by the staff -- and I asked him, according to him, who ordered,
6 if anyone, those materials to be produced and here is what he
7 said. It's page 18, deposition of Mr. Etcheson, trial day 23,
8 28th of May. And here is what he said:

9 [14.17.27]

10 "Counsel, I cannot immediately recall ever having seen an order
11 per se to produce such lists other than an order directed at the
12 specific prisoner."

13 My understanding is that this was a practice developed, and we
14 find by the accused person himself, in that the accused person's
15 superiors found this practice so helpful that this was one reason
16 he eventually was promoted to be the chief of S-21.

17 Would you agree with Dr. Etcheson on that?

18 A.It sounds reasonable. I don't have any documentary proof to
19 go along with that. It's a reasonable supposition, yes.

20 Q.Thank you. You spoke in your book, page 38 of your book,
21 about the condition of detentions, and here is what you said on
22 page 38. You said:

23 "Isolation, poor food, silence were crucial to breaking the
24 prisoners down in preparation for their interrogations for, as
25 Foucault has suggested could, solitude is a primary condition of

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1 total submission."

2 Now, witnesses in this Court spoke as well about lack of hygiene,
3 prisoners being shackled in the cells, no possibility to go to
4 the bathroom, for using cans, people being beaten up in the
5 cells. Would you agree to say that this other characteristic
6 were also devised in preparation for interrogation and to break
7 down, as you said, and to prepare for final submission? Would
8 you agree with that?

9 [14.19.25]

10 Sorry, sir, your mic was not in.

11 A.Yes, I do agree. I'm sorry, I'm rushing the answers. It's my
12 fault.

13 Q.No, I'm grateful for you for rushing answers because it's -- I
14 don't mean to rush as well.

15 So would you agree that this appalling -- just to finish this
16 point -- would you agree that these appalling conditions of
17 detention were part and parcel of the system to break the
18 prisoners down and to get the confession, the information at all
19 costs? Would you agree with that?

20 A.Yes, except that of course it started the minute they arrived
21 in the trucks; it was unrelenting. These people when they
22 arrived in the trucks were already garbage; they're already
23 non-humans. The objective was to keep them in that condition
24 and, yes, to break them down and mercy would have had no place in
25 the prison. But, yeah, it was all headed down a track towards

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1 interrogation and execution. That was the way the whole place
2 was moving.

3 [14.20.43]

4 Q.Thank you, sir. You said, page 85 of your book -- and I'm
5 just curious because there is no footnote so I just would like to
6 know why or how could you say that. You say that it's possible
7 that higher ranking prisoners during confessions were given other
8 confessions to read. My understanding is that you're saying that
9 maybe they were given the confessions of other prisoners to read
10 while they were themselves being interrogated. And there was no
11 footnote. I know it's a very long time you wrote this book, but
12 can you remember why you say that?

13 A.I should have had a footnote, but I think it's still true. I
14 don't know where I got the sentence.

15 Q.And then on page -- and don't worry, there was a footnote on
16 this one -- on page 88, you spoke about the fact that the
17 confession then at the end or the final product, there was six
18 copies done and you explained very -- in details which copy where
19 it went, which copy how it was distributed.

20 Do you know who invented the system of multiple copies of
21 confessions then; some for the upper echelon, some sent to the
22 various units? Do you have any idea why or who decided that --
23 who ordered that system?

24 A.I think it was probably -- it strikes me as consistent with
25 other innovations by the defendant at making an efficient and,

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1 you know, exemplary institution.

2 Q.Thank you. On page 132 of your book, you said this:

3 "Duch was merciless, telling an interrogator on one occasion

4 "beat the prisoner until he tells everything. Beat him to get at
5 the deep things"."

6 And there is a footnote on this one. Do you stand by that; that

7 Duch was merciless?

8 [14.22.56]

9 A.Yes, I do. I mean, being merciful would have got nobody

10 anywhere in that prison, so maybe this statement I used to

11 illustrate maybe a certain intense mercilessness that may have

12 been not quite as strong on other occasions, but it seems to me a

13 person who comes out with sentences like that is merciless.

14 Q.Now, sir, there is a -- as you know, Him Huy came here to

15 testify, and on the 20th of July I put to him an earlier

16 statement he gave, and in this statement he had said:

17 "In this Office 21, I heard Mr. Duch and Mr. Hor say that we

18 should kill all and keep only four million."

19 So I asked him about that and here is what he said:

20 "As I already stated early on, during the study session lectured

21 by Duch he personally and directly said that everyone would be

22 smashed or killed, not only the people who were detained at S-21

23 I believe, because he said that we had to kill them all. So

24 there were prisons all across the country, so I mean, everyone

25 would be killed."

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1 And later on the same day, my colleague who is not here today,
2 Mr. Hong Kimsuon, asked him again about that, and here is what he
3 said:

4 [14.24.19]

5 "Duch stated -- he said everyone has to be killed, leaving only
6 four million people, and then later on he said everyone shall be
7 smashed to bits. And that statement I still remember ever
8 since."

9 Now, based on your years of research, does it seem to you
10 possible or likely that Duch would have said something like that
11 during the training session, sir?

12 A.I have not seen that. I'm not sure that the document of that
13 particular study session has survived because I certainly looked
14 at a lot of those. It's a vivid memory on the part of Him Huy.
15 It seems to me that it's not unthinkable that it should have been
16 said. I think, on the other hand, the business of saying that up
17 to half the population of Cambodia at that time, four million,
18 that figure -- that seems harsher than I would have thought.

19 But, I mean, I don't want to disrespect someone's memory and I
20 haven't read the document coming from the study session, but that
21 figure of four million stuck in his head.

22 Now, I don't know who -- if at that point the defendant really
23 believed that at least half the country was of no use to the
24 revolution, in which case this would be the strongest statement
25 along those lines that I've read in my time of studying the Khmer

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1 Rouge.

2 Q.Now, sir, as you may or you may not know, the accused in the
3 Court explained several times that Son Sen was monitoring and
4 paying very close attention to his work at least until '77 where
5 he was sent to the battlefield. Now, you said this morning that
6 Son Sen or the other member of the Standing Committee would have
7 had no interest for prisoners at S-21 who were not important.

8 I just want to read you something that Dr. Etcheson said about
9 the same topic, and I would like to know if you could agree on
10 that: 27 May 2009, page 90, and he gave an example about the
11 same topic, about Son Sen. He said:

12 "For example, in the Ministry of Social Action many very
13 ordinary illiterate peasants, girls who were given a few hours of
14 training on how to make injections with a syringe were then
15 declared to be nurses and put to work in hospitals. A surprising
16 number of such people ended up being tortured and executed at
17 S-21 on accusation of being CIA agent or KGB agent. It is indeed
18 difficult for me to believe that someone with the heavy national
19 responsibilities that Son Sen carried would spend any time at all
20 paying much attention to the interrogation or execution of such
21 individuals."

22 [14.27.21]

23 Would you agree with that assertion of Dr. Etcheson?

24 A.Yes, it seems like an exception to the rule but if it
25 happened, it happened. He might -- I don't know why a purge

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1 swept through the hospitals. It could have been that a
2 particular high-ranking cadre was connected with those hospitals
3 and Son Sen wanted to make sure that all the confessions fell
4 into line with the persecution of that particular cadre. I can't
5 quite remember or I can't remember at all, actually, who that
6 might have been, but you know --

7 (Microphones overlapping)

8 BY MR. WERNER:

9 Q. Sorry to interrupt you, sir, but I think you misunderstood.
10 It's probably because it's my French accent and I'm reading very
11 fast because I am running out of time.

12 Basically, what I read meant that Son Sen would not have known
13 about that. I'm sorry, that's what I read.

14 A. (Microphone not activated)

15 [14.28.30]

16 Q. Sorry, could you repeat that, sir?

17 A. Again, it would probably be the same issue. I mean maybe the
18 defendant remembers this particular case well. I don't remember
19 it from my work but there was some reason to concentrate on this
20 particular group possibly because there's some links with a
21 senior or relatively senior figure and all these confessions had
22 to be laid on the line and brought in coordination with each
23 other. But that's again, supposition. I'm not familiar with
24 these particular texts at least now; I might have been 10 years
25 ago.

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1 MR. WERNER:

2 Your Honour, could I ask one more question? Thank you.

3 BY MR. WERNER:

4 Q.Sir, I would like to ask you one final question about you
5 spoke at the end about the idea of choice and whether or not the
6 accused had any choice or margin of manoeuvre. I just would like
7 to put to you something. Mam Nai said in this Court -- and just
8 to have your view and then I will be finished with my questions
9 -- he said that on the 15 July 2009, page 47. And here is what
10 he said:

11 "Other than those in the unit, those who joined the revolution
12 with me whenever Duch let me know I could protect them because
13 Duch will listen to my opinions. And if someone had not made
14 revolution with me I would not dare defend him."

15 Question:

16 The last time you talk about seeing one of your students get
17 into trouble and you could not help. How was that?"

18 [14.30.17]

19 And here is what Mam Nai said:

20 "My student whom I did not dare help had been arrested by the
21 base and sent. I met him. I did not dare because he had already
22 been arrested. If I had known before and they had told me that
23 this person was in trouble I could have guaranteed that he was a
24 student of mine."

25 So that was actually a statement, prior statement put to the

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1 witness. And the witness I asked him, "Could you confirm that
2 was the truth?" And he said, "Yes."
3 Now, are you able to comment on that? Does it seem reasonable to
4 you that some high-ranking cadres had some margin of manoeuvre to
5 protect -- in some circumstances, to protect their own people?
6 A. Oh, I'm sure it happened. The point -- it's all revealed in
7 the statement. Once somebody had been arrested the whole
8 machinery of the waterfall, if you like, was set in motion.
9 There is no way to pull someone out of that rapidly moving
10 process.
11 But I think that probably all through DK there were negotiations
12 to stop that process from taking place. There was a great deal
13 of networking, as we say nowadays, going on between people
14 protecting their friends and subordinates protecting their
15 patrons.
16 [14.31.44]
17 There is quite a lot of evidence that despite the policy of
18 flattening out Cambodian society by the revolution that a lot of
19 these old hierarchies or hierarchical behaviour, rather, remain
20 fully in force and that patrons were expected to protect at least
21 some of their clients. Clients were expected to protect or help
22 some of their patrons. It's the way Cambodian society has worked
23 as far as we can tell since the first writing -- recorded writing
24 in the seventh century.
25 MR. WERNER;

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1 Thank you very much. I have no further questions. And let me
2 tell you that some of us came here because we read your book so I
3 am very grateful to have been able to put you questions.

4 Thank you.

5 MR. PRESIDENT:

6 It is now a convenient time to take an adjournment and we will
7 resume at 10 to 3.00.

8 The Court officer is instructed to make sure that Mr. David
9 Chandler is assisted during the breaks so that he can have some
10 refreshment.

11 THE GREFFIER:

12 All rise.

13 (Judges exit courtroom)

14 (Court recesses from 1433H to 1454H)

15 (Judges enter courtroom)

16 MR. PRESIDENT:

17 Please be seated. The Chamber is now back in session.

18 We will continue to hear the testimony of the expert witness,
19 David Chandler. The Chamber would like now to give the floor to
20 the defence counsel to put questions to this expert, if you have
21 any.

22 [14.55.26]

23 MR. KAR SAVUTH:

24 Thank you, Mr. President. Good afternoon, Your Honours. Good
25 afternoon, ladies and gentlemen.

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1 QUESTIONING BY DEFENCE COUNSEL

2 BY MR. KAR SAVUTH:

3 Q.Mr. Professor, I would like you to confirm regarding the
4 statement you made this morning but I was not sure of the
5 statement.

6 Regarding the autonomous S-21 institution, this morning the
7 professor said there were various elements to constitute the
8 autonomous institutions.

9 I understood most of them except three.

10 For example, one, the professor said the documents, including the
11 reports, had to be sent to the upper echelon and that that's part
12 of the autonomous activity. Does it mean other prisons had to
13 send their reports to the lower level because they were not
14 autonomous?

15 The second point, other prisoners were not led or supervised by
16 top leaders like Son Sen and this made me to wonder. In the
17 Southwest Zone, Ta Mok led the forces there and he supervised the
18 prison there and he was the fourth person in the Party, whereas
19 Son Sen was the seventh person in the Party. In the East, Sao
20 Yann controls the forces and also supervised the prison there.
21 Additionally, the document would designate the people who have
22 the authority to smash inside and outside the Party, but I notice
23 that in the Independent Zone decisions had to be made by the
24 standing committee. And who are they? That would be Pol Pot.

25 [14.58.02]

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1 So the question is, for the Independent Zone, did the standing
2 Party supervise and control the prisons? And another element;
3 that is you said S-21 was an autonomous institution. It had
4 telephones, it had typewriters, whereas other prisons did not
5 have all these facilities. What about the prisons in the
6 Independent Zone which was supervised by Pol Pot? Did those
7 prisons have telephones, have typewriters?

8 So I am still not sure on all these three points. Would you be
9 able to assist me? Thank you.

10 A.Well, I'll do the easy answer first. I didn't do any research
11 on the prisons in the Independent Zone, my book was about S-21,
12 so I don't know what sort of facilities these prisons -- or this
13 prison had. I haven't seen anywhere that other people know that
14 also.

15 I think in the south-west, Ta Mok had more autonomy than the
16 leaders of the other zones. He was a very powerful person --
17 number three, as you say, in the hierarchy -- and was not going
18 to take orders from anyone except Pol Pot whom he later, of
19 course, as we know, was instrumental in smashing himself.

20 Now, by autonomous I really meant that these -- that, as far as I
21 know from information that I gathered when I was writing my book,
22 that the defendant was given considerable freedom of action about
23 how to proceed. People were saying did he invent the six copy
24 policy, did he invent this policy of consolidating the
25 information about the strings of traitors? I think he probably

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1 did. This is part of his efficient operation.

2 [15.00.18]

3 But I don't think there was so much day to day supervision by
4 outside authorities, and I don't think evidence has come forth
5 that Son Sen, his supervisor through '77, consulted with him on a
6 daily basis or even a weekly basis. This is what I meant by
7 autonomous.

8 I'm not sure there was other questions I may have missed but, as
9 I say, I cannot speak about the prisons in the Independent Zone.
10 If that was controlled by the Party Centre, that's a piece of
11 information I had not known before and I know very little about
12 these prisons or this prisoner -- whichever was involved -- and
13 I'm not sure the documents have come down to us about them to say
14 how they functioned. If they have, they certainly were not in my
15 view when I was doing my work.

16 Q.Thank you, Mr. Professor. I would like to put another
17 question to you.

18 Through your testimony this morning, you said that there were
19 conflicts between the Cambodian and the Vietnamese soldiers; that
20 conflicts were not publicized. I would like to ask you to which
21 document you based your argument that such conflicts were not
22 publicized?

23 A.Well, if something was not publicized I can't base my
24 statement on a document. I mean, it's the absence of documents
25 that suggests the thing wasn't publicized. This is through 1977.

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1 Phnom Penh radio was broadcasting, Vietnamese radio was
2 broadcasting. These broadcasts were monitored and published by
3 the BBC and by the United States. Not a mention of this was
4 happening, and that's where I drew my evidence that that was not
5 being publicized.

6 [15.02.39]

7 The publicity began in 1978 after the breakdown of diplomatic
8 relations with Vietnam, after Vietnam's attack into Cambodia in
9 late 1977 which was not publicized by either party, until they
10 withdrew in January '78. And then the Khmer declared a great
11 victory over the Vietnamese at that time.

12 Now, there were certainly -- these conflicts were publicized
13 after the war broke out in the open in 1978, but they were not
14 publicized in 1977 which was the period I was talking about.

15 Q.Thank you, Professor. I would like to put another question.

16 You said that the archive of S-21 is the special archive compared
17 to other archives of other security offices. May I ask you
18 whether you have access to all the archives of other security
19 offices before you could conclude that the archive at S-21 is
20 more detailed or peculiar than the other security offices? Could
21 you please shed some light on this?

22 A.The only archive which I was aware of when I was writing the
23 book was the one from the Southwestern prison, which was a
24 sizeable but by no means as sizeable as the surviving archive
25 from S-21. I was able to say that this, as a surviving archive,

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1 was extremely large and larger -- as indeed it was -- than any
2 other archives that had survived that I was aware of.
3 Now, I don't think archives have survived -- I may not know this,
4 I may be wrong -- but I don't think extensive archives have
5 survived from the provincial prisons; archives of the extent of
6 the archive discovered at S-21, which not only included over
7 4,000 confessions but hundreds of pages of administrative
8 documents, rosters of prisoners, lists of executions, study
9 session documents, self-criticism materials.

10 [15.05.26]

11 This is a massive, massive archive, as any visitor to DC-Cam can
12 see, and I don't think -- and I'd be welcome to withdraw this if
13 I can find evidence that there's any archive anywhere near as
14 large that has been sighted by anybody in Cambodia since. There
15 may have been archives as large as this that have disappeared; I
16 have no way of knowing that.

17 Q.Thank you, Professor. According to your research and studies
18 in relation to the matters at S-21, did you know that Duch had
19 the authority to make an arrest of anyone to be sent to S-21?

20 A.I don't think he did have that authority. The arrests were
21 made when people were sent to him. As far as I'm aware, he
22 didn't have authority to make arrests in the countryside. He may
23 well have been in a position to send names to figures in the
24 countryside for them to decide whether a person should be
25 arrested or not, but to my knowledge -- and I think he could

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1 probably amplify this himself for the statement -- I don't -- or
2 contradict it. I don't think he had authority to arrest and I
3 think that was not an authority that he sought, that I'm aware of
4 either.

5 Q.Thank you, Professor.

6 [15.07.17]

7 Could you please clarify for us, according to your research, did
8 you ever find that the accused ever ordered any detainee be
9 smashed without any superior order to him first?

10 A.Well, for one thing, the answer to your question is we have
11 none of the surviving superior orders. When and if they existed
12 they have not survived. They would make the work of this
13 tribunal a lot easier if we had. Please smash, signed Pol Pot,
14 we have nothing like that that survived.

15 I think the mandate that the defendant had at S-21 was to see to
16 it that everyone who came into that prison left it for execution;
17 that was its mandate. That was never withdrawn by a higher
18 authority and therefore I don't think he had to seek higher
19 authority to supervise a system in which he had no choice about
20 who got killed and who didn't. Everybody got killed, no matter
21 what they'd done or who they were. So it was not a question of
22 seeking higher authority on individual basis.

23 I think where -- and here again I may be wrong because I, of
24 course, was not present at the time. I think where he sought
25 higher authority for certain activities was when higher authority

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1 was interested or particularly interested in a given prisoner.
2 So he would want to know, from Son Sen particularly, how should
3 this particular prisoner be treated, what questions should he be
4 asked and so on. And these dialogues of course have not
5 survived. But this would be the places where he would have
6 sought authority, but it would never have been authority to kill
7 the person, that went without saying. Everybody who went there
8 from the smallest child to the highest member of the Communist
9 Party had the same fate.

10 [15.09.49]

11 Q.Thank you, Professor.

12 I would like to proceed with another question. This morning you
13 indicated that at that time, the time when the accused was still
14 the chairman, he dared not say or write that he was not satisfied
15 with his work, and although he was not happy but he did not dare
16 write such thing, and if he did so he could have been suicidal
17 already. So my question is do you still stand by your comment,
18 your statement made this morning?

19 A.Certainly. I don't see any reason to -- I haven't seen
20 anything since this morning that would cause me to change my
21 mind.

22 Q.Thank you, Professor, for shedding some light on this.

23 MR. KAR SAVUTH:

24 Thank you also, Mr. President. I have no further questions, but
25 I would like to share the floor with my co-counsel.

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1 MR. PRESIDENT:

2 Mr. François Roux, you take the floor.

3 MR. ROUX:

4 Thank you, Mr. President.

5 BY MR. ROUX:

6 Q.Good afternoon, Professor Chandler.

7 [15.11.47]

8 Thank you for your patience in the face of this barrage of
9 questions. I have a few more to put to you.

10 First of all, I'd like to express my heartfelt thanks to you for
11 travelling to this Court. Your testimony is capital for the
12 ascertainment of the truth.

13 My first question would be somewhat general, and I am relying on
14 the French title of your book, which is "S-21 - The Unpunished
15 Crimes of the Khmer Rouge" in translation into English. Today
16 you are a witness before this International Tribunal. This is
17 the Court that is conducting the first trial of the Khmer Rouge.
18 Mr. Chandler, do you think that this trial will be of service to
19 history?

20 A.Thank you for the question. I think it's probably the largest
21 one that's been asked of me today and I've been asked some pretty
22 large questions. The easiest answer is there is no way of
23 telling but I'm not going to say that answer. I think the trial,
24 at least as it has developed so far and so far as I've been in
25 touch with reading about it and so on, has a use by confronting

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1 the defendant, and I hope confronting subsequent defendants, with
2 some evidence that they will be in a position to accept or deny,
3 and that this confrontation is one that has never happened with
4 the Khmer Rouge: they did what they did; they walked away from
5 it. And now the higher -- not the current defendant, but the
6 higher brothers, the ones who are still alive, say they had
7 nothing to do with anything that occurred.

8 [15.14.33]

9 I think it's important that all of these accused people face up
10 to their responsibilities to the truth of what happened when they
11 had positions of power, to question that evidence if it's
12 unreliable or false, and to allow the Cambodian people, at least
13 some of them, to have some awareness of what had happened in a
14 scale wider than their horrific stories anybody in this room can
15 pick up from any Cambodian person over 40, except of course those
16 over 40 who played an active role in the Khmer Rouge
17 administration.

18 Q.Thank you. And a follow-up question to that. Since this
19 morning no one has raised the fact that the accused is pleading
20 guilty and admits his responsibility. Having worked for a long
21 time on S-21 do you consider that the accused's recognition of
22 his responsibility is of service to history?

23 A.That's an easy question. I think, yes, indeed. I think it's
24 a -- I was extremely moved and impressed by that admission of
25 responsibility which seems to me pretty close to unique in

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1 survivors of that administration -- not surviving victims,
2 surviving active members.

3 Q.Thank you. However, we are trying and you are helping us to
4 understand by means of confrontation, as it so happens, what was
5 the degree of responsibility of everyone involved. Based on the
6 questions from the prosecution and the civil parties or civil
7 party lawyers that in spite of the admitted facts on the part of
8 the accused, there is an attempt to add more, if I may say so,
9 and there is an attempt to prove that he had more autonomy than
10 he claims he did.

11 [15.17.58]

12 So you will forgive the defence if, in turn, it looks -- delves
13 into your book to find out or to point out what seems to reflect
14 the truth of what happened.

15 I am just going to dwell on a number of points, in particular the
16 chain of command and Duch's position on this chain. In the
17 French version of your book, paragraph 37, first paragraph in
18 reference to Son Sen you say that:

19 "His new responsibilities included those of the Santebal. Son
20 Sen managed it closely. He read and annotated many confessions
21 and he also ran study sessions for S-21 cadres in which he
22 discussed its goals, the interrogations and the use of torture."

23 On the second paragraph of that page you add:

24 "Many documents routed from S-21 to the Party Centre passed
25 through Son Sen's hands and dozens of memoranda addressed to him

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1 by Duch have survived, so have many of his replies. This display
2 a schoolmaster-ish attention to detail and unflinching
3 revolutionary zeal. Son Sen's wife, Yun Yat, also a former
4 teacher, worked closely with him and had access to some of the
5 confessions."

6 What I'd like to have is your comment on these passages from your
7 book. Can you confirm that Duch was a subordinate of Son Sen and
8 Son Sen had final authority over the Santebal?

9 A.Certainly, that was true. I never meant to say that the
10 defendant had complete autonomy in his activities. He was
11 certainly under Son Sen.

12 [15.21.19]

13 I don't think Son Sen -- the number of confessions that we have
14 -- his annotations on is quite small compared to the number we
15 have the defendant's annotations on. I think the defendant was
16 careful to send things to Son Sen when there was matters of
17 confusion or a certain importance in the prisoner.

18 But, yes, to answer your question the answer is of course. I
19 mean, this was not a rogue operation. This was an operation
20 following a distinct command but as the previous -- one of the
21 previous questions suggested, it looks as if in the kind of
22 chaotic way that DK often operated, that Ta Mok, higher than Son
23 Sen, had genuine autonomy in the southwest and it was not Son Sen
24 -- although supposedly in charge of prisons there was not in a
25 position and probably was unwilling in any case to take over

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1 those operations.

2 So the answer to your question of course is "yes" but there is
3 give and take around other points.

4 Q.Yes, quite so. Several of my learned colleagues have made
5 reference to what Mr. Etcheson has said before this Court. Mr.
6 Etcheson was less measured than you are, it must be said. I
7 regret that he was an expert when he was working for the Office
8 of the Prosecutor. He referred to this room for manoeuvre and
9 said that it was part and parcel of the CPK party line.

10 [15.23.22]

11 He recalled that the statutes of the party required the cadres to
12 be innovative and, indeed, when we refer to Article 4 of the
13 Statutes of the CPK -- that is a firm revolutionary position in
14 decision making, management and work of the party -- it is said:
15 "You must have the concept or attitude of managing work which is
16 close to the masses within the cooperative and the revolutionary
17 army and have the initiative of autonomous creativity and to have
18 continuous dynamism and ebullient commitment."

19 When you yourself referred to the enthusiasm of Duch we can but
20 understand you. So was this enthusiasm not part of the party
21 line?

22 A.Oh, certainly. It wasn't just that it was part of the party
23 line, it was a part of the party line that the defendant had
24 absolutely no trouble accepting. It suited his own inclinations
25 and his own abilities and he was a revolutionary party person.

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1 There was no way that you could have deviated from the party line
2 and still retain his revolutionary authenticity.

3 So sure he was doing not only what was accepted but what he
4 wanted to do. They coincided because you're not independent from
5 the party. You and the party are one force.

6 Q.This not withstanding, does this mean that at no point could
7 he himself be worried or full of fear? You recalled -- and this
8 is on page 66 of your book in French that:

9 "This change inaugurated the absolute reign of terror which was
10 maintained until the collapse of Democratic Kampuchea."

11 [15.26.03]

12 If we recall that Duch's predecessor Nat ended up in S-21 if we
13 remember Vorn Vet, one of his former superiors who also ended up
14 in S-21, when Duch says, "I was both an actor and a hostage of
15 this regime," does this seem consistent to you? And he says, "I
16 was an actor and a hostage of this criminal regime." He's
17 assuming his responsibilities. What we are trying to do now is
18 elucidate how it all worked.

19 A.Thank you. The defendant is now saying, as he not only has a
20 right to do but has chosen to do, and I admire him for that --
21 that he was the hostage and actor of a criminal regime. I think,
22 just from the documents that I've studied, I think the awareness
23 that the regime was a criminal regime did not come in 1978, this
24 is the period when he has said that he began to get
25 disillusioned. His friends and patrons were coming into the

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1 prison. He just couldn't see the point of it all. I think it's
2 all very authentic, what was happening, but I think we can't --
3 and he was also frightened because the final machine gun bursts,
4 if you like, of the regime seemed extremely arbitrary.

5 [15.27.58]

6 There's quite a lot of evidence that had the Vietnamese not
7 invaded, that Son Sen himself would have come under the gun.
8 Generalized fear I think was everywhere by that stage. The
9 statements of Pol Pot, insofar as they've been recorded, made
10 absolutely no sense whatsoever. He felt that he was being
11 attacked by members of the Warsaw Pact, et cetera.
12 So in these closing months, maybe the closing six months -- I'm
13 not sure -- I think you have a documented series of regrets on
14 the part of the defendant. These did not extend to his -- and
15 I'm not being accusatory here. I know I'm getting outside the
16 frame of the Tribunal but these regrets did not extend to his
17 deserting the movement in 1979 and 1980. He stayed with the
18 movement. He still, I guess, considered himself to be a
19 revolutionary but of course he'd been frightened at this period
20 and this is also consistent with just making sense of what was
21 going on.

22 Q.Thank you. In fact what you're bringing up in your answer is
23 another aspect which you developed this morning and which you
24 stress again in your book. It is the phenomenon of paranoia, a
25 paranoia which had also reached the leaders, apparently, and I

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1 can see on page 98-99 of your book in the French version that
2 you're saying the following. The orders from the Centre
3 literally --
4 "Duch and their colleagues broke up Democratic Kampuchea's
5 administrative structure and even destroyed the Party. The S-21
6 killing machine had no brakes. Paranoia of the Democratic
7 Kampuchea leaders did not know any limits."
8 [15.30.31]
9 And you also add on page 134:
10 "As I suggested higher up, the confessions that were forced out
11 at S-21 also had a psychological objective, by making the
12 paranoid fantasies of the staff at S-21 objective in some way."
13 Do you have any comments to provide regarding this?
14 A. Paranoia began at the Centre and spread down through the
15 ranks. I think I'm trying to work my way through the rest of
16 your question. Certainly I would stand by my comment that the
17 machinery of DK didn't have any -- well, it had brakes in the
18 sense that when the regime decided very belatedly to establish
19 diplomatic relations with several countries, to give a
20 generalized amnesty to the population, which none of the
21 population heard about when they decided to slow down the rate of
22 intake into S-21 while they were engaged in a full-scale war
23 against Vietnam, which must have been, I think, for the
24 Cambodians really quite terrifying if they had thought for a
25 second of what they'd taken on: the most experienced combat army

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1 in Asia with a population of 70 million people.
2 In this whole atmosphere of 1978 I think there is sort of an
3 attempt to slow down some of the -- no, no, to diminish the
4 extent of the cruelties and activities which the regime was noted
5 for, and to try and balance the boat, as it were, as it was
6 heading for a disaster. But the paranoia of the leadership
7 continued to have no bounds because if indeed the most dangerous
8 enemies were those that were invisible, it could never stop
9 because you can't see them and they're out there trying to get
10 you.

11 I know this is kind of a ragged answer to your good question but
12 it's the best I can do at the moment.

13 [15.33.40]

14 Q.Thank you very much. Another topic that you brought up, in
15 particular when you were answering Judge Cartwright -- well, it
16 was regarding the policy of secrecy that was reigning at S-21 but
17 also generally, if I read on page 24 in your book, you say that
18 the guards did not have the right to follow the interrogations
19 which were conducted in specific rooms, or to open the windows to
20 see the enemies being interrogated, and I believe that I recall
21 that in other segments you say that the interrogators would not
22 allowed to speak with each other. And more generally speaking,
23 on page 31 you say the following:

24 "The entire country quickly became a sealed environment that was
25 completely isolated from the outside world. The leaders at S-21

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1 were themselves being controlled by the Party Centre, which was
2 also held in secrecy, and as members of an independent regime
3 they were working under military discipline."

4 And in the following paragraph where you speak about the total
5 institution, as we spoke about this morning, you add that S-21's
6 mission was to protect the Party Centre.

7 Do you have any extra comments to make regarding this policy of
8 secrecy, generally speaking, or particularly in reference to
9 S-21?

10 A. Not really. I mean I think it was pretty clear to the
11 defendant that secrecy was the hallmark of the entire regime.
12 There was no point or no opportunity to take issue with that
13 policy and, as we said earlier, one of the tragic outcomes of
14 that was that no matter what people have done or no matter why
15 they've been arrested or no matter how old they were or how young
16 they were, everybody who went in the gates of that prison was
17 killed, I think, to a large extent to keep the existence of the
18 prison from being known outside its walls. It's why the guards
19 themselves weren't allowed to go home or whatever to take any
20 vacations and so on.

21 I think the secrecy got really completely out of hand but then so
22 did everything else. I mean everything was going out of hand.
23 At the same time as the place was coming apart the enemies
24 multiplied, the paranoia intensified, the prophecies became
25 self-fulfilling because if so many guilty people - "Raksa"

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1 (phonetic), as they say in Cambodian -- were pouring into S-21,
2 well, then surely the extent of genuine conspiracies was enormous
3 and surely you just had to keep going. The secrecy aspect was
4 never withdrawn, as I said I think this morning.

5 [15.37.30]

6 Nuon Chea in one of a rare -- a frank interview that he was able
7 to give because he gave it to a sympathetic Danish delegation,
8 said that secrecy was absolutely -- exact word is in my book --
9 can't remember -- was exactly crucial or central to everything
10 the party did and that secrecy was, if you like, the logo or the
11 motto of the CPK.

12 Q.Thank you very much.

13 Before I start putting my last questions to you, I just wanted to
14 tell you, Mr. Chandler, that I regret that the Co-Prosecutors as
15 well as the civil party lawyers did not warn you about the
16 difficulties regarding evidence in the case file.

17 In relation to what you're saying on page 40 in your book
18 regarding we don' t have the time -- document -- to display a
19 document that the Co-Prosecutors had displayed and they had
20 indicated that this document corresponded to what you call in
21 your book "the ultimate plan" and then the Co-Prosecutors decided
22 to withdraw this request. They didn't say that "We made a
23 mistake" but they said that indeed this is not the document that
24 had been written by Duch. It happened to come from Pon's
25 notebook and Duch confirms that his handwriting and Pon's

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1 handwriting are similar.

2 So it is just so that you do not leave without having someone at
3 least inform you that this issue came up in the proceedings. It
4 would have been the Co-Prosecutor's role to inform you about this
5 but apparently they did not believe that it was necessary to do
6 so.

7 [15.39.39]

8 But Mr. Chandler, I'd like to come to what seems to me to be the
9 fundamental contribution of your book to these proceedings.
10 You were courageous enough in the last chapter of your book to
11 bring up the question of what you call the crime of obedience.
12 And as far as I am concerned that is the topic that interests me,
13 the topic that I would like to try to understand. Can you,
14 therefore, Mr. Chandler, explain to the Chamber in a few words,
15 what was this Milgram Experiment that nobody spoke to you about
16 this morning and quite regretfully?

17 (Microphone not activated)

18 MR. PRESIDENT:

19 Can the AV Unit please assist Mr. David Chandler with his mic?
20 Could you please repeat your final statement because it appears
21 that the mic was not on and that your statement could not be
22 registered in the transcript.

23 Defence counsel, could you please repeat your question and then,
24 Mr. David Chandler, could you also please repeat your statement.

25 MR. ROUX:

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1 Thank you very much, Mr. President. Thank you, Mr. President,
2 therefore for the needs of the record.

3 [15.42.45]

4 BY MR. ROUX:

5 Q.Well, Mr. Chandler, you speak about the Milgram Experiment.

6 So can you please say a few words about this to the Chamber?

7 Thank you.

8 A.The Milgram Experiment were conducted by an academic
9 psychologist named Stanley Milgram and what was involved was
10 getting volunteers through an advertisement in a newspaper to
11 come and participate in a psychological experiment for which they
12 would be paid a small sum of money. University students were not
13 allowed to participate.

14 And what was involved was the volunteers were asked to sit at a
15 console with various buttons on it while the teacher or
16 psychologist, a man in a white coat who was in charge of the
17 psychological experiment, an authority figure if you like, asked
18 questions to a person who was supposedly on the other side of a
19 wall facing the console, in other words a wall right in front of
20 me, for example.

21 And when the -- and that person had to press a button yes or no
22 to these questions, and whenever the person on the other side of
23 the wall gave a wrong answer the volunteer was supposed to press
24 one of the buttons in front of him and administer a very mild
25 electric shock to, if you like, punish or clarify the mind of the

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1 person on the other side of the wall.

2 Now, the whole thing was a setup but I'll explain why. The

3 answers of the person behind the wall became increasingly wrong

4 and so the director or psychologist asked the volunteers to

5 increase the voltage on the electric charge, those being

6 administered to the person on the other side of the wall. Now,

7 these increases in voltage went past a series of flashing lights

8 marked danger, do not go -- but the psychologist told the

9 volunteer, "Never mind. It's okay, it's not going to happen".

10 On the other side of the wall could be heard shouts, screams of

11 pain, pounding on the wall to stop.

12 [15.45.43]

13 The point was of the experiment -- and I'll explain a little bit

14 more in a minute -- that 70 percent of the volunteers proceeded

15 to obey the commands to increase the voltage past the danger

16 system which the board said, "Do not go past this thing" but

17 which the psychologist said, "It's okay, never mind" despite the

18 cries and yells on the other side.

19 Now, the people on the other side of the wall had no access to

20 electric shocks. They were actors. Nothing was happening to

21 them. However, they were programmed to increasingly give

22 incorrect answers to the questions so that on my side of the

23 wall, if you like, the voltage would keep increasing.

24 Now, it was an extraordinary experiment. It was refined several

25 times. Milgram changed the location, changed the participants,

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1 and found over the years that -- over the year or two that he
2 conducted this experiment -- it was always pretty close to 60
3 percent of the volunteers sometimes changed in terms of their
4 social position and so on that followed the voltage right past
5 the danger limit.

6 The American Sociological Association, when these results were
7 published, had an extraordinary meeting or just a meeting where
8 they said experiments of this kind cannot be conducted ever again
9 by a sociologist, these are too harmful to the -- they thought
10 too harmful to the psyches of the volunteers.

11 [15.47.26]

12 But the findings of the - Milgram's findings have never been
13 questioned for accuracy. There have been similar experiments --
14 not quite similar, much -- experiments on obedience have been
15 carried out by other psychologists elsewhere, and it's stood up
16 enormously, this particular experiment.

17 And it seems to me that this gets very close to the culture, not
18 just of S-21, but the culture of Democratic Kampuchea where the
19 people who gave the orders were accustomed to giving them; the
20 people who received the orders were accustomed to obeying. There
21 is no culture in Cambodia of questioning commands by someone who
22 is in authority; in other words, questioning a military leader, a
23 teacher, and so on.

24 So, I just use that experiment to show how in a situation like
25 S-21, obedience plays into the horror of it all. You also find

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1 it played into the horrors of the so-called ordinary men that
2 Christopher Browning dealt with who were assassinating, and this
3 is shooting of thousands of Jews in Poland in 1941 and '42, and I
4 brought it up at the last part of my book because I don't think
5 it explains everything, but I think it's useful to see to what
6 extent people, I guess like us, I can say, because these
7 volunteers were not criminals in any sense how we have built into
8 us a sense of, well, if the man in charge says it's okay, it must
9 be okay. And this, of course, feeds into the whole culture of DK
10 and S-21 in ways that I can't go into now but would seem to be
11 fairly clear.

12 [15.49.51]

13 Q.Mr. Chandler, thank you very much for these explanations.
14 And before you, Hannah Arendt also tried to understand and she
15 was very much criticized. So to understand does not mean to
16 accept, to understand only means trying to understand.
17 And you remind us in your book on page 185 of the French version
18 what Sigmund Bowman tells us, that the most frightening
19 information that we can draw from the Holocaust and from what we
20 have learnt from its perpetrators was not the probability that
21 this could be done to us but the idea that we could do it to
22 others.
23 And, Mr. Chandler, the Judge read to you the last paragraph of
24 your book, but not the last sentence however. And for a while I
25 was thinking about only putting this single question to you,

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1 because it seems to me that this is the fundamental question, in
2 fact. You conclude this last paragraph with the following
3 sentence:

4 "In order to find the root of evil that was implemented everyday
5 at S-21, we should not look any further than ourselves."

6 This is indeed what you just told us.

7 A.Well, I mean, I stand by that last sentence. It was not
8 written in or for a judicial proceeding. I still feel that our
9 capacity to commit evil is, I think, greater than our capacity to
10 commit good, because as Bowman points out and others say, we're
11 socialized into bad behaviour, we're not socialized into good
12 behaviour. Good behaviour is rebellious. Basically, I mean,
13 you're going against the grain.

14 [15.52.35]

15 So I stand by that sentence that this is not -- of course, I use
16 the word "evil" there. It does not exculpate people who do evil
17 things because everyone else is capable of them, because if so --
18 you know, if we're all capable of killing people then we should
19 all go to jail, but that -- maybe only one person has killed
20 someone in a trial situation.

21 But I certainly didn't want to get this -- I wanted to avoid --
22 and I was angered by -- well, that's too strong. That's too
23 strong, too boastful. I didn't like people saying, "Look at
24 those evil people over there" -- you know -- "we wouldn't -- oh,
25 no, you know, we would never" -- well, who knows? Who knows what

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1 you'd do if you were in that situation. That doesn't mean that
2 the people in that situation behaved in any sense a commendable
3 fashion, but I think holier than though or better than others is
4 one of the least admirable human characteristics.

5 Q.Thank you, Mr. Chandler. And I can indeed confirm that Duch
6 admits the crimes in which he participated at S-21. Thank you
7 very much. And he is sincerely remorseful.

8 A.I'm a Francophile and a Francophone, but this French addition
9 of my book it's an invented title. I did not call my book "The
10 Unfinished Crimes of the Khmer Rouge". That is never a phrase I
11 would have used. But worse than that, from an academic
12 point-of-view, all the notes were removed by the French editors
13 in order to make room for explanatory prefaces and an explanatory
14 post face written by two French scholars, you see, who can then
15 make this book editable to the Anglo-Saxon fearing French public.

16 [15.55.21]

17 It was enraging because this book needs its notes, and I think
18 lots of the comments today have come from the notes. But they
19 felt that the only way they could market this book is by making
20 it into a sort of Francophone sandwich with me in the middle of
21 these two other guys. One of them, François Bizot, wrote a very
22 gracious preface. But absolutely I just wanted to make that
23 point of the French edition because it's not the edition that I
24 would ever use to cite -- and you had to yourself, but don't cite
25 it in the future without the notes.

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1 Okay, that's all I had to -- separate comment.

2 MR. ROUX:

3 Thank you, Mr. President. Thank you, Mr. Chandler.

4 MR. PRESIDENT:

5 I notice the Co-Prosecutor is on his feet. You may proceed.

6 MR. SMITH:

7 Thank you, Mr. President. I was going to raise this matter after
8 the accused made his observations, if he was planning to do so,
9 but we would like -- and perhaps it's a good point to raise it
10 now because he may want to comment on it.

11 We would like to put before the Chamber "The Last Plan" as
12 referred to in Mr. Chandler's book. The number is E5/2.29,
13 English 00238901 to 00238909; and the Khmer 00285361 to 00285393;
14 and the French 00314947 to 00314973.

15 [15.57.25]

16 Your Honours have heard a description of "The Last Joint Plan"
17 through the testimony, so I won't describe it again. I just
18 wanted, for the record, to note the comments by the defence, my
19 learned friend, were a little bit tiresome in terms of the
20 prosecution somehow being underhand in not raising the issue of
21 the document. As Your Honours are very much aware, we're on
22 strict time constraints in questioning and we have to choose
23 carefully what we need to put to a witness. But in any event,
24 this was going to be raised today.

25 The witness today, the professor, believed that the document that

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1 he saw, "The Last Joint Plan," was in fact written by Duch or he
2 saw one text written by the accused. However, as Your Honours
3 are aware, in our filing on the 16th of March we state that after
4 an analysis of the document, looking at the handwriting of the
5 accused in the prosecution office, it appears that the
6 handwriting is in fact of a senior interrogator, Pon. I believe
7 I'm getting a nod from the defence that that may well be the
8 case.

9 So regardless of that particular issue, it's an S-21 document
10 produced by the interrogation office there and it's significantly
11 relevant because it brings together, as the professor has said,
12 all of the information for the last two years that seemed
13 relevant to determine or understand the perceived enemies at and
14 during the period, from the information they received.

15 So we would like to put that forward into evidence. Maybe the
16 accused might be able to clarify that in his observations if he
17 wanted to do that but, regardless, we would like to put that
18 before Your Honours. Thank you.

19 [15.59.42]

20 MR. ROUX:

21 The defence has no objection to this document being put before
22 the Court. It should be recalled, however, that this document is
23 apparently written by Pon and not by the accused himself.

24 (Deliberation between Judges)

25 MR. PRESIDENT:

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1 Next the Chamber would like to give the floor to the accused to
2 make his observations in relation to this testimony of Mr. David
3 Chandler. If the accused would wish to do so, the floor is
4 yours.

5 THE ACCUSED:

6 Mr. President, first I would like to make three observations in
7 relation to the testimony and the book of Mr. David Chandler.
8 First I would like to express my sincere respect to Mr. David
9 Chandler in relation to his observation regarding my work and in
10 relation to the missing of Mr. Tu Samut (phonetic). Regarding
11 this point, I have not been clear yet and Mr. David Chandler
12 appreciated the work of me and I really also been grateful to
13 him. That shows he has a great virtue as the good researcher.

14 [16.02.29]

15 Point number two, I am also grateful to Mr. David Chandler in
16 relation to the pictures of dogs. David Chandler said that that
17 was not the concept of the Communist Party of Kampuchea in
18 relation to the pictures of the dogs with the head of Ho Chi
19 Minh, and I think this is a correct observation. And I knew for
20 sure that it was wrong to do that because I could not find the
21 picture of Richard Nixon at that time. That's why I found
22 another picture instead. So I was the one who created such a
23 picture because I could not access or find the photo of Richard
24 Nixon. And once again I really appreciate the work of Mr. David
25 Chandler.

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1 Also Mr. David Chandler wrote in his book my biography based on
2 the confession or by the statement by a person who he said as my
3 friend, but he is not my close friend at all. We have known each
4 other but he was not my close friend.
5 So far as I remember, and if I'm not mistaken, when Mr. David
6 Chandler asked Nate Thayer to take one of the books offered by
7 the professor, in that book in relation to Brother Number One,
8 and the professor asked that Nate Thayer quickly asked me for my
9 biography and I really appreciate this kind of work, and that he
10 tried to seek the truth based on his research. And for these
11 reasons I am very grateful, having seen the achievement of Mr.
12 David Chandler when he wrote about the S-21.
13 It is of course just a flower amongst the 100 flowers blossomed
14 in the garden of the CPK. So Mr. David Chandler and Erving
15 Goffman and another professor and I am grateful to them and very
16 proud of them. When the Judges asked me to respond to the work
17 of Mr. David Chandler I was at that time experienced some kind of
18 difficult situation because I was not -- I mean to the best of my
19 knowledge I was not that good in responding to him because I had
20 very little knowledge and I wrote about the policy of the
21 Democratic Kampuchea and the people of Cambodia.
22 I wrote about the events before 1976 and after that, and also I
23 wrote about the treatment of the Khmer Rouge toward the people or
24 the former officials of the regime before 1976.
25 And after the 30th of March 1976, and I also wrote that I was

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1 moved and shocked to learn that -- such crimes, and I wrote that
2 it was -- in my position, as a member of the Party, who would be
3 accountable for the crimes committed before the eyes of the
4 nation.

5 And I also wrote about my statement in relation to the Pol Pot
6 concept. I talked about
7 Pol Pot-ism, not Mao-ism, because Pol Pot used the theory of the
8 Gang of Four, and I also quoted the example that, after the 17th
9 of April, Zhang Chunqiao hid secretly in Cambodia.

10 [16.07.55]

11 So in conclusion, my response to Mr. David Chandler is not a very
12 significant achievement of mine in such writing but it is just a
13 kind of piece of information to shed light on how Cambodian
14 people had been killed and such tragedy existed.

15 And I would not like to add any further but I would like to put
16 my response, with the President's leave, to the public so that
17 they can access to such document. I'm very grateful, Your
18 Honours.

19 (Deliberation between Judges)

20 MR. PRESIDENT:

21 The accused, could you please rise and could you please, once
22 again, state your request that you would like to put your
23 confession in relation to the crimes -- the three points you just
24 mentioned.

25 Have you already submitted this document into the case file or is

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1 it a new piece of document?

2 THE ACCUSED:

3 Mr. President, this document was already given to the

4 Co-Investigating Judges.

5 At the beginning, I wrote the document based upon the order from

6 the Co-Investigating Judges and I also gave my response.

7 This document is under A98 and it is in three languages: the

8 French, Khmer and English. I wrote in Khmer and Mr. David

9 Chandler already stated and quoted that document. Thank you, Mr.

10 President.

11 [16.13.57]

12 MR. PRESIDENT:

13 Thank you. Please be seated.

14 Since this document -- and as requested by the international

15 Co-Prosecutor to be put before the Chamber and that the defence

16 counsel did not object, so the Chamber would like to consider

17 that this document now is put before the Chamber.

18 However, another document that the accused just mentioned is

19 already seen in the case file and, this morning, Judge Silvia

20 Cartwright already referred to such a document.

21 So the Chamber considers that this document is already put and

22 debated before the Chamber.

23 We note that Mr. François Roux is on his feet.

24 MR. ROUX:

25 Thank you, Mr. President.

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1 Before you adjourn the proceedings I want to respectfully draw to
2 the Chamber's attention the fact that I will not be here next
3 week and I will be replaced by Ms. Canizares as counsel. Thank
4 you.

5 (Deliberation between Judges)

6 [16.15.46]

7 MR. PRESIDENT:

8 Since the session to hear the testimony of Professor David
9 Chandler comes to an end, we will take the adjournment.
10 The session will be resumed on the 10th of August 2009. Then
11 we're going to hear the testimonies of the other witnesses.
12 And, finally, the Court is very grateful to the attendance of Mr.
13 David Chandler who is here with us to give the testimony, and we
14 note how difficult also for you who had to respond to several
15 questions regarding your book, "The Voices from S-21", but we
16 really appreciate your kindness and patience.

17 The Court is now adjourned.

18 The security personnel are now instructed to take the accused
19 back to the detention facility and call him back to the Court on
20 Monday the 10th of August.

21 (Judges exit courtroom)

22 (Court adjourns at 1617H)

23

24

25