



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

Case File N° 001/18-07-2007-ECCC/TC

21 May 2009, 918H

Trial Day 19

Before the Judges:

NIL Nonn, Presiding  
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THOU Mony  
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The Accused:

KAING Guek Eav

Lawyers for the Accused:

KAR Savuth  
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BATES	English
MR. ETCHESON, WITNESS	English
JUDGE LAVERGNE	French
MR. ROUX	French
MS. SE KOLVUTHY	Khmer
MS. STUDZINSKY	English
MR. TAN SENARONG	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer

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

2 (Judges enter courtroom)

3 MR. PRESIDENT:

4 Please be seated.

5 [09.18.34]

6 The Court is now in session.

7 The Greffier of the Trial Chamber, please verify the attendance  
8 of the parties to the proceedings.

9 THE GREFFIER:

10 Your Honours, the parties to the proceedings are present today.

11 MR. PRESIDENT:

12 Next, the Trial Chamber would like to inform the parties and the  
13 audience in the public gallery that the following proceedings,  
14 the Trial Chamber will conduct the hearing in camera in order to  
15 conduct the proceedings dealing with the issues raised during the  
16 Court by parties. So in order to make sure that the hearing is  
17 conducted smoothly, we have decided to conduct the next  
18 proceedings in-camera session.

19 And in that proceeding the civil parties are not allowed to take  
20 part.

21 JUDGE LAVERGNE:

22 I think there is a problem in the translation. Instead of a  
23 hearing, we are trying to hold a trial management meeting or a  
24 status conference between the parties, which is why the public is  
25 not allowed to take part in the trial management meeting. The

2

1 same applies to the civil parties themselves, but I don't think  
2 the civil parties are here this morning.

3 MR. PRESIDENT:

4 The proceeding will take between one to and a half hours.  
5 Court official, could you close the curtain, and for the IT  
6 section can you disengage all those outside feeds besides the  
7 courtroom.

8 (Court adjourns into Closed Session at 0922H)

9 (Court resumes in Open Session at 1201H)

10 MR. PRESIDENT:

11 The Court is in session. The Trial Chamber would like to  
12 announce the ruling in light of the trial management session.  
13 For the whole morning the Trial Chamber and the parties to the  
14 proceeding expressed their observations and comments to deal with  
15 the matters before us, and as a result we have come up with the  
16 following.

17 The Chamber notes that the defence has acknowledged the expertise  
18 of Dr. Craig Etcheson and does not contest his report. The  
19 defence has further acknowledged that his report and the  
20 documents listed in the annexes of this report are put before the  
21 Chamber subject to the right to challenge by any part of the  
22 report. They are available to the Court for the purpose of  
23 reaching the Chamber's judgement.

24 As a result, it is unnecessary to read the summary of every  
25 document listed in the annexes. The Court considers the

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1 documents in the annexes as an integral part of the expert's  
2 report which has been put before the Chamber in accordance with  
3 Rule 87 by means of the testimony and summary of the expert,  
4 Craig Etcheson.

5 Since it is time for lunch break, the Chamber takes adjournment  
6 for lunch break.

7 The security personnel, please take the accused to the waiting  
8 room and bring him back by 1.30 p.m. The parties to the  
9 proceeding are also advised to return to the courtroom by the  
10 same time. And the Court officers, could you please make sure  
11 that the expert is also facilitated.

12 (Judges exit courtroom)

13 (Court recesses from 1206H to 1326H)

14 (Judges enter courtroom)

15 MR. PRESIDENT:

16 Please be seated. The Court is now in session.

17 Before we start the proceedings the Trial Chamber would like to  
18 inquire to the defence counsel whether the pronouncement of the  
19 result from this morning's discussion, whether the defence  
20 counsel would like to make any observations or comments.

21 [13.36.59]

22 MR. ROUX:

23 Thank you, Mr. President.

24 The defence confirms, therefore, that it is making its best  
25 efforts to allow these proceedings to move ahead and under the

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1 best conditions possible and this is the reason why the defence  
2 has indicated that it accepts Mr. Etcheson's capacity as an  
3 expert up until the date of July 2007, date at which he  
4 established his report and date at which he annexed to his report  
5 a certain number of documents.  
6 And, the defence, therefore, has specified that it agrees to  
7 consider that all of these documents come to support this report  
8 and it is indeed this report and these documents that we are  
9 going to be discussing in these hearings and that will be  
10 included in the case file according to Rule Number 87.  
11 However, the defence would like to insist upon the fact that  
12 after July 2007 Mr. Craig Etcheson was directly involved in the  
13 prosecution against the accused, and under these conditions his  
14 statement as an expert must not rely on the period following July  
15 2007 and on the elements in the case file that he became aware of  
16 after July 2007.  
17 The defence would like to remind, this principle that has been  
18 announced by the European Court of Human Rights that says that it  
19 is not sufficient for justice to be rendered. It is also  
20 necessary for the public to acknowledge on its own that justice  
21 has been rendered in a fair way. Nobody would understand that  
22 Mr. Etcheson, who is a member of the Co-Prosecutors team, may  
23 take on the quality, the capacity of an expert to speak about the  
24 investigation file, whereas he was clearly involved in it.  
25 [13.39.09]

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1 So the defence would like to make the distinction between the  
2 period up to July 2007, which does not raise a problem, even if  
3 Mr. Etcheson was already working in the Co-Prosecutors office;  
4 but, however, he did not yet have back then - there was nobody  
5 back then who was being charged.

6 As we will see, his report back then is a generic report, which  
7 is of course extremely useful for our proceedings. Therefore, we  
8 do make the distinction between this period up to July 2007 and  
9 the second period, which is as of July 2007, and we are ready to  
10 have the Co-Prosecutors start their questioning of Mr. Craig  
11 Etcheson based on this report of July 2007.

12 These are the submissions of the defence.

13 MR. PRESIDENT:

14 Thank you, defence counsel, for your remarks. So the proceedings  
15 and hearing the testimony of the expert can be expeditious.

16 Is there any issue? I would like to remind the parties that the  
17 same issues should not be put before the Court now. It should  
18 have been resolved already.

19 MS. STUDZINSKY:

20 Mr. President, I would like to make some oral observations in  
21 public now concerning the exclusion of civil parties this  
22 morning. I would like to ask for leave to do so.

23 MR. PRESIDENT:

24 You take the floor because we already made a promise now. As  
25 promised, you are allowed to do so.



6

1 MS. STUDZINSKY:

2 Thank you, Mr. President.

3 [13.43.11]

4 This morning when we started the trial, the President of the  
5 Chamber announced that we start with a Closed Session and that  
6 civil parties will be excluded. This moment I looked back and I  
7 saw the civil parties who were already this morning in the  
8 courtroom before we resumed -- I saw that they were already  
9 outside of the courtroom. I requested then in Closed Session to  
10 allow the civil parties to participate. This was rejected.  
11 I could observe as well that the accused participated in this  
12 trial management meeting. The civil parties are parties and have  
13 in this regard of course the same rights as the accused. That  
14 means to participate in meetings like the trial management  
15 meeting and to follow even if this is in Closed Session.  
16 The civil parties to whom I could speak during the break  
17 complained and had the desire, and have in the future, to  
18 participate in those sessions. Although it is considered as a  
19 technical meeting, this technical meeting concerns the civil  
20 parties as well, and they would like to follow the whole  
21 proceedings, even those in Closed Sessions.

22 [13.45.41]

23 They would accept to be excluded if it is a meeting only among  
24 the professionals: the prosecution, the Judges, greffier,  
25 defence and civil party lawyers. But as the accused was allowed

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1 to participate in this "only technical matters concerning"  
2 meeting, then the civil parties feel treated not justly.  
3 Although this occasion resulted in the decision that my request  
4 to allow them to participate was rejected, I assume that in  
5 future occasions the Chamber takes notice that civil parties and  
6 especially those who are present here since the beginning and  
7 every day in Court have an interest, a personal interest to  
8 participate.

9 Thank you.

10 MR. PRESIDENT:

11 Mr. François Roux, you take the floor.

12 MR. ROUX:

13 Mr. President, just one observation, please.

14 The rights of the civil parties and the rights of the accused are  
15 not identical and it is absolutely clear that the accused must  
16 participate in all of the elements that concern him. However, in  
17 the name of the defence, I would like to support the submission  
18 of my colleague and I believe, indeed, that as far as it is  
19 possible these civil parties must be authorized to participate in  
20 trial management meetings while reminding them that, concerning  
21 in-camera hearings, they are of course subjected to a  
22 confidentiality obligation.

23 [13.48.25]

24 MR. PRESIDENT:

25 The Court official is now instructed to bring in Dr. Craig

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1 Etcheson into the courtroom so that his testimony can be heard.

2 (Witness enters courtroom)

3 [13.49.48]

4 MR. PRESIDENT:

5 For the next proceeding the Trial Chamber would like to give the  
6 floor to the Co-Prosecutor to put questions to the expert. The  
7 floor is yours, Co-Prosecutor.

8 QUESTIONING BY THE CO-PROSECUTORS

9 MR. TAN SENARONG:

10 Thank you, Mr. President. Before I start to put the questions to  
11 the expert, Dr. Etcheson, I would seek the President's leave for  
12 the expert to clarify the names which two days ago he seemed to  
13 mention some names, and I and my colleagues could not get the  
14 names clearly and we observed that Dr. Craig Etcheson mentioned  
15 the name Keo Meas, alias Achar Kang.

16 For this instance I would like him to clarify whether Keo Meas,  
17 alias Achar Kang because some documents, when the expert read the  
18 names, it is confused. It is contradictory to the names that we,  
19 the Co-Prosecutors, have studied and researched, and we want to  
20 know for sure whether Achar Meas is really Keo Meas because we  
21 are confused and I would like clarification from the expert.

22 BY MR. PRESIDENT:

23 Q.Mr. Etcheson, can you clarify whether Keo Meas is actually  
24 Achar Kang, as you mentioned, or whether it's a different name?  
25 Can you clarify that?

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1 A.Yes, Your Honour. I believe that's correct. Keo Meas was a  
2 veteran revolutionary and original member of the Party's Central  
3 Committee from 1960.

4 [13.52.39]

5 BY MR. TAN SENARONG:

6 Q.My question is to verify whether Keo Meas is also called Achar  
7 Kang, because two days ago you said Keo Meas, alias Achar Kang,  
8 and we are confused, based on our studies on certain documents --  
9 when you said Keo Meas, alias Achar Kang.

10 A.If the Chamber would indulge me a moment so I can check my  
11 notes and see at what point this question arose.

12 MR. ROUX:

13 Mr. President, I'd like to take advantage of this instant to  
14 remind, if it would be technically possible, to see the names  
15 appear when they -- to see the names appear on the screen when  
16 they are mentioned. So if the Chamber could please take into  
17 consideration this request, I think it would be very useful for  
18 everybody that when names are pronounced that one of the  
19 greffiers could please type them out so that we could see them  
20 appear on our screens. This should not be a difficult technical  
21 problem, I think.

22 BY MR. TAN SENARONG:

23 Q.The Co-Prosecutor would like to clarify whether Keo Meas and  
24 Achar Kang is just one person.

25 A.Yes, Mr. Prosecutor, my understanding that Keo Meas used the

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1 alias Achar Kang. Keo Meas is spelt K-E-O, M-E-A-S, and Achar  
2 Kang is A-C-H-A-R, K-A-N-G.

3 [13.55.36]

4 MR. PRESIDENT:

5 In order to solve the issues raised by the defence, whether we  
6 are able or we are capable to do it both in the English and the  
7 Khmer scripts, whether it can be projected onto the screen, can I  
8 get clarification from the IT section, please?

9 JUDGE LAVERGNE:

10 I believe that there is a technical difficulty. Is that -- one  
11 greffier, because we only have one screen -- one greffier won't  
12 be able to write at the same time in the Khmer alphabet as well  
13 as in the Roman alphabet and we need both. We need both so that  
14 -- and the reason why -- I believe that this is technically very  
15 difficult and I think requiring -- asking this of the greffier is  
16 something that will be indeed very difficult.

17 [13.59.49]

18 MR. ROUX:

19 Mr. President, we could ask the technical services to organize  
20 this for the next week. If this is not possible we may request  
21 them to set this up for next week because apparently it does not  
22 seem to be something that's very difficult and very complicated  
23 to do.

24 MR. PRESIDENT:

25 You say it's not complicated but you can see that apparently the

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1 IT personnel could not accomplish the task at this stage. So it  
2 is complicated, of course. It is only your estimation.  
3 The IT sections, probably you can postpone your work on this  
4 particular issue and probably you can work on this issue next  
5 week in order not to delay today's proceedings since the  
6 proceedings have been interrupted on so many occasions.

7 Now, I would like the floor to be given to the Co-Prosecutor.

8 MR. TAN SENARONG:

9 Thank you, Mr. President.

10 I also would like to express my thanks to Dr. Craig Etcheson to  
11 have spent 30 years of his time to conduct the research and  
12 history of Cambodia until to date with the enormous results and  
13 benefit for both the Co-Prosecutors' Office, for the Chamber, as  
14 well as for the Cambodian people who do not clearly understand  
15 the history and details about the history of the Communist Party  
16 of Kampuchea.

17 [14.02.02]

18 BY MR. TAN SENARONG:

19 Q. So my next question to you is, based on your many years of  
20 research, I would like to ask you -- and probably you can answer  
21 in general and not in details -- in your research, is the  
22 Communist Party of Kampuchea from its establishment able --  
23 conducted national conference congress from the day of its  
24 establishment until the day of its fold?

25 And for each congress of the Communist Party of Kampuchea, were

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1 there any decisions or adoptions of any particular laws or  
2 statutes of the Party's -- of the Communist Party of Kampuchea?  
3 And the third question is, during each national congress from the  
4 beginning the member of the Standing Committee, the members of  
5 the city case, how many of them attended, and if at the time the  
6 member is not Communist Party of Kampuchea, can you explain to  
7 the Chamber what was the name that was used at the time of the  
8 establishment of the Communist Party of Kampuchea? And for each  
9 subsequent meeting were there any changes to the members? And in  
10 its final year, what was the last time the national congress held  
11 and what were adopted in that congress?

12 A.Thank you, Mr. Prosecutor.

13 Between the establishment of the Party and the end of the  
14 Democratic Kampuchea regime there were five general congresses of  
15 the Party; they were in 1960, 1963, 1971, 1976, and 1978. In  
16 1960 approximately 20 individuals gathered together and  
17 established an organization that they called the Workers' Party  
18 of Kampuchea. They elected an eight to 10 member central  
19 committee and from that central committee they elected Tou Samuth  
20 as the Secretary of the Party and Nuon Chea as the Deputy  
21 Secretary.

22 [14.05.23]

23 They also established a political program at the 1963 Congress.  
24 With Secretary Samuth having been assassinated, the Party elected  
25 Saloth Sar, who was later to become known as Pol Pot, as the new

13

1 Secretary. Nuon Chea remained as Deputy Secretary of the Party  
2 and additional members were added to the Central Committee and  
3 the Standing Committee.

4 In 1971 when the Party convened its third congress they decided  
5 to change the name of the Party to the Communist Party of  
6 Kampuchea, and they also engaged in a variety of planning for  
7 their ongoing war of national liberation. By the time of the  
8 fourth Party congress in 1976, the Party had seized national  
9 power and was well advanced in their plans to establish state  
10 power under their dictatorship of the proletariat and well  
11 advanced in their plans for a radical transformation of Cambodian  
12 society.

13 At that 1976 congress they adopted a new set of statutes for the  
14 Communist Party of Kampuchea and that particular set of statutes  
15 are the ones that are on the case file before the Court today.

16 At their fifth Party congress in 1978, one of the principal  
17 activities of that congress was to appoint formal new zone  
18 secretariats to replace the numerous zone secretaries who had  
19 been purged in the series of purges that were carried out over  
20 the previous two years.

21 Does this information suffice to answer your question, Mr.  
22 Prosecutor?

23 [14.08.13]

24 Q.Thank you very much for answering to the specific questions I  
25 raised.



14

1 The Co-Prosecutor would like to clarify on a small point; Ieng  
2 Thirith and Khieu Samphan, whether they became a full right  
3 member of the Central Committee and if so, at which congress  
4 based on your research?

5 A. My understanding, Mr. Prosecutor, is that Khieu Samphan  
6 became a full rights member of the Central Committee at the 1971  
7 congress but the status of Ieng Thirith is unclear to me.

8 Q.Thank you for answering the question.

9 My next question to you is still on your research in the  
10 Constitution of the Democratic Kampuchea which I will focus on  
11 Article 10. In Article 10, which is in Chapter 7 on the judicial  
12 system, the Co-Prosecutor would like you to clarify, in general,  
13 during your research whether Article 10 of the Constitution of  
14 the Democratic Kampuchea which states about the actions in  
15 opposition to the people's state and secondly, the types of  
16 offences besides those mentioned above, whether they will be  
17 re-educated within the state's framework or within the people's  
18 organizations.

19 And the question is, based on your research, although the  
20 Constitution is just a façade, as raised by the accused, based on  
21 your research, whether the two points that I raised, how would  
22 the offences be categorized or whether other cases where they  
23 need to be re-educated? Can you provide clarification to the  
24 Court?

25 A.Yes, Mr. Prosecutor.

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1 Article 10 of the Constitution of Democratic Kampuchea states, in  
2 part, and I quote: "Dangerous activities and opposition to the  
3 people's state must be condemned to the highest degree."

4 [14.12.21]

5 Although it is not explicit one suspects by highest degree they  
6 refer to the death penalty. And indeed, a very wide variety of  
7 offences in Democratic Kampuchea were deemed as warranting a  
8 death penalty.

9 Activities in opposition to the people's state is a phrase that  
10 was very broadly construed and might include such things as  
11 failing to work enthusiastically and hard 12 to 14 hours a day,  
12 seven days a week, this could be construed as opposition to the  
13 people's state and warrant a death penalty.

14 Article 10 of the Democratic Kampuchea Constitution further  
15 states and I quote: "Other cases are subject to constructive  
16 re-education in the framework of the state's or peoples  
17 organizations."

18 In Democratic Kampuchea, in addition to the nationwide network of  
19 security offices that was established for purposes of  
20 interrogation, torture, and execution, there was another network  
21 of institutions that were known as re-education facilities. In  
22 fact, what these were were extremely brutal slave-labour camps.  
23 In many respects the entire state of Democratic Kampuchea could  
24 be considered a slave-labour camp, considering the conditions  
25 that were imposed on the entire population.

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1 However, when someone committed what was regarded as a light or  
2 minor infraction they would be sent to one of these re-education  
3 camps where the regime of forced labour and starvation rations  
4 was more severe than that to which the general population was  
5 subjected.

6 [14.15.23]

7 Conditions at this network of re-education camps were so inhumane  
8 that there was generally a very high death toll among inmates in  
9 those camps. Taking the satellite facility of S-21, known as  
10 S-24, as an example, there were often three categories of  
11 prisoners at these re-education camps, light prisoners,  
12 intermediate prisoners, and serious prisoners.

13 Light prisoners, if they worked hard, behaved well, and otherwise  
14 survived the inhumane conditions could eventually be released  
15 back to their cooperatives or other organizational units.

16 Serious prisoners, by contrast, were typically either worked to  
17 death or executed outright. The intermediate category were  
18 people who were being evaluated to determine whether they should  
19 be placed in a light or a serious offender category.

20 Because there was no network or framework of laws in Democratic  
21 Kampuchea and because policy, as pronounced by the upper echelon  
22 of the organization evolved continuously, people could not always  
23 know what constituted opposition to the people's state or any  
24 kind of infraction that might lead to incarceration in either a  
25 re-education camp or a security office. In that respect the

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1 discipline meted out by the state of Democratic Kampuchea was  
2 extremely arbitrary.

3 Q.Thank you, Mr. Etcheson. Your testimony is very useful for  
4 the prosecutors, in particular, and the parties to the  
5 proceeding.

6 Next question. After your long research, have you studied the  
7 special characteristic of the People's Assembly Representative?  
8 Could you please briefly tell us about the People's  
9 Representative?

10 A.Yes, Mr. Prosecutor. In theory, the People's Representative  
11 Assembly of Kampuchea was supposed to be elected once very five  
12 years by direct election using a secret ballot according to the  
13 Constitution of Democratic Kampuchea. In fact, however, the 250  
14 representatives of the People's Representative Assembly were  
15 appointed by the upper echelon of the Communist Party of  
16 Kampuchea.

17 The People's Representative Assembly, unlike a typical  
18 legislative organ in other states, did not meet regularly, did  
19 not pass any laws, and in fact did not appear to have any duties  
20 at all other than to serve as a propaganda facade in an effort to  
21 burnish the reputation of Democratic Kampuchea among other  
22 nations of the world.

23 [14.21.09]

24 In a document that's on the case file, Standing Committee meeting  
25 minutes dated 8 March 1976 with the ERN 00017116 through - I

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1 believe there's an error in this ERN number, because the ending  
2 one I have is a lower number than the starting one. In any  
3 event, the second one I have is 0001712. Yes, I'm missing a  
4 digit.

5 MR. PRESIDENT:

6 Judge Lavergne, you take the floor.

7 JUDGE LAVERGNE:

8 Is this number 55 on the Co-Prosecutor's list?

9 MR. PRESIDENT:

10 Co-Prosecutor, you take the floor.

11 MR. BATES:

12 It's the next one, number 56, Your Honour.

13 And also we have a French ERN too, as it doesn't appear in Dr.

14 Etcheson's list -- 00323932 through 00323936. I can also give

15 the English ERN: 00182628 through 00182634.

16 MR. ROUX:

17 Mr. President, could the number of the footnote in Mr. Etcheson's

18 report be provided? It would be useful. Thank you.

19 [14.24.52]

20 Perhaps Mr. Etcheson has it himself?

21 BY MR. PRESIDENT:

22 Q.Mr. Etcheson, could you please provide the footnote reference.

23 A.Yes, Mr. President. And thank you, Judge Lavergne and Mr.

24 Prosecutor, for that assistance.

25 [14.25.26]

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19

1 The footnote in the report "Overview of the Hierarchy of  
2 Democratic Kampuchea" which is relevant to this is number 355.  
3 Getting back to the question from the prosecutor, this particular  
4 meeting of the CPK Standing Committee was devoted in part to  
5 preparing for the election of the People's Representative  
6 Assembly, and in the notes of that meeting there is the comment,  
7 and I quote:

8 "If anyone asks, do not speak playfully about the Assembly in  
9 front of the people to let them see that we are deceptive and our  
10 Assembly is worthless."

11 To me, this is an open admission that the Standing Committee ---

12 BY JUDGE LAVERGNE:

13 Q.If I may, the French interpreters did not quite understand  
14 your quote. Perhaps you would care to repeat it.

15 A.Yes, of course, Your Honour. Again, I quote:

16 "If anyone asks, do not speak playfully about the Assembly in  
17 front of the people to let them see that we are deceptive and our  
18 Assembly is worthless."

19 MR. TAN SENARONG:

20 I would like to go back to ask further questions to the expert.

21 BY MR. TAN SENARONG:

22 Q.The next document is about the policy of the CPK. It relates  
23 to the Statute of the CPK. My question is that: Could you,  
24 please, briefly described about the Statute, whether or who were  
25 to be subject for the implementation of the Statute based on your

20

1 experience.

2 A.Thank you, Mr. Prosecutor. The Statute of the Communist Party  
3 of Kampuchea applied to members of the Communist Party of  
4 Kampuchea. However, because the Statute of the Communist Party  
5 of Kampuchea was the guiding document of the organization which  
6 exercised dictatorial state power in Cambodia, in fact many of  
7 the provisions embodied within the Statute of the Communist Party  
8 were imposed upon the entire people of the nation.

9 [14.29.50]

10 Q.Dr. Etcheson, thank you very much for your brief description.  
11 My next question is about the fundamental principle, the  
12 confidentiality and the positions; the positions of the policies  
13 at each stage of the building of the country and the socialism.  
14 There was a long, detailed policy on the construction of the  
15 socialism and the defence of the revolution, in that it details  
16 the Marx-Leninism and the world view on the labour parties, the  
17 strong and weak labour parties in the world. And in the Statute  
18 of the CPK there is an idea, a long idea, that the Party will  
19 absolutely oppose.  
20 There is also an inclusion of its opposition in any form to the  
21 political interference or political views which is different from  
22 the views of the Party. It also demands the Party to be  
23 vigilant, a very high vigilance for all the activities and  
24 trickeries of the enemy.  
25 My question that I will put to you is that through your research

21

1 on the history of the Democratic Kampuchea and also on the  
2 history of Cambodia, whether you can describe in general from  
3 your expertise through your reading documents -- whether these  
4 fundamental principles of the Party, how were they established?  
5 A.Thank you, Mr. Prosecutor. One of the fundamental principles  
6 adhered to by the Communist Party of Kampuchea, particularly from  
7 the time that they seized state power, was a principle known as  
8 independence mastery. This principle essentially defined a  
9 concept of political and economic autarchy; which is to say the  
10 leaders of Democratic Kampuchea believed that their revolution  
11 was unique and therefore there was no need to seek guidance from  
12 the model of any other previous Communist revolution.  
13 They believed that previous Communist revolutions had failed  
14 because they failed to destroy the oppressor classes in society:  
15 the capitalist, bourgeois, and feudalist classes. So the  
16 Democratic Kampuchea revolution was determined to eliminate those  
17 classes in their entirety and to achieve a state based entirely  
18 on workers and peasants, having completely eliminated other  
19 classes of society by transforming those members of the petty  
20 bourgeois class who could survive the transformation into  
21 peasants. They would thereby achieve a classless society and  
22 instantaneously accomplish pure Communism.  
23 [14.35.01]  
24 This concept of social transformation completely disregarded the  
25 entire history of Communist theory from Marx and Engels through



22

1 Lenin, Stalin, Mao, and other great Communist thinkers. But  
2 nonetheless, the leaders of the Communist Party of Kampuchea  
3 believed that through this concept of independence mastery,  
4 controlling their own destiny by largely cutting all forms of  
5 economic and political relations with the outside world, they  
6 could achieve a unique revolution and become a model for future  
7 revolutions all over the world.

8 Does this address your question, Mr. Prosecutor?

9 Q.Thank you very much, Dr. Craig Etcheson. That is what the  
10 Co-Prosecutor wants, just a basic concept.

11 My next question to be put to you, Dr. Craig Etcheson, is that in  
12 the Statutes of the Communist Party of Kampuchea is that all the  
13 Party organizations and members of the Party have to be pure,  
14 clean politically, ideologically, and the organization built  
15 based on their own pure biographies with clear biographies and  
16 histories. Also in the Statute there is criticism and  
17 self-criticism, which was done on a daily basis. This means to  
18 build the Party internally.

19 The question that I will put to you is for you to give general  
20 descriptions based on your direct contact and reading of the  
21 documents and research -- is whether the principle is correct,  
22 appropriate, clean for the implementation throughout the entire  
23 country.

24 A.Thank you, Mr. Prosecutor. Article 1 of the Statutes of the  
25 Communist Party of Kampuchea are on criteria for joining the

23

1 Party.

2 At 1(c) of Article 1 it states, and I quote, "Must have good and  
3 clean life morals and be good and clean politically, never having  
4 been involved with the enemy." This relates to a concept that  
5 the Khmer Rouge called purity or being pure and clean.

6 [14.38.48]

7 Perhaps I can illustrate this concept with an example related to  
8 S-21. In eastern Kampong Chhnang Province there is a district  
9 called Kampong Tralach, which is hard up against the Tonle Sap  
10 River. Historically, and still today if I'm not mistaken,  
11 Kampong Tralach district is one of the most disadvantaged and  
12 impoverished regions of Central Cambodia. There are many very  
13 poor people there.

14 Duch selected young boys from Kampong Tralach to recruit as staff  
15 at S-21. My understanding is that he did this because they were  
16 from the very poorest strata of the peasantry, a social stratum  
17 that was favoured by the Khmer revolution, and because, coming  
18 from a poor and remote region, they were much less likely to have  
19 been influenced by foreign or urban or capitalist or feudalist  
20 influences. In other words, they had pure biographies, and  
21 because they were children, as the accused person has stated in  
22 his statements to the Office of Co-Investigating Judges, they  
23 were like a blank slate on which you could write whatever you  
24 wanted. So this was the concept of purity under the Khmer Rouge.  
25 It had to do with class origins.

24

1 Does this get at your question, Mr. Prosecutor?

2 Q.Thank you very much, Dr. Craig Etcheson. That is what the  
3 Co-Prosecutors want, just basic concept.

4 My next question involves the request to the accused for  
5 clarification. However, because this is not the time for the  
6 accused to say it on the principles of the implementation and  
7 whether to ask whether the principles were implemented in S-21, I  
8 will leave these things aside until such time when the accused is  
9 before the Chamber on this particular issue. So I would not like  
10 to take this time to ask the Chamber to have the accused to speak  
11 on the implementation of these principles yet.

12 [14.42.56]

13 The question that I will put to Dr. Etcheson is that two days ago  
14 you presented graphs to the Chamber on the arrest and killing at  
15 Division 310, 703 and 502. In those graphs you give the  
16 statistics of the arrest in that year as per month and year,  
17 which are months that was a peak, and that you have described to  
18 the Chamber.

19 It is clearly that you have clearly collected adequate evidence  
20 to show to the Chamber. The question is -- I do not want the  
21 detail -- is for you to show to the Chamber, in probably 1976 if  
22 I am not mistaken, based on your research on the information  
23 regarding the history of the arrest, en masse arrest or  
24 individual arrest, whether you have known that during that year  
25 was there an authority from Thailand who sent the Khmer people --

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1 I do not want to specify the number, and I will inform the  
2 Chamber at a later stage of the number of those people who were  
3 sent from Thailand to Cambodia -- and whether during that year  
4 you have researched that the Thai authority had sent the Khmer  
5 people who escaped into Thailand and were sent back to Cambodia  
6 through Aranyaprathet port and subsequently they were sent to  
7 S-21. The majority of those people who were sent back were  
8 probably from Serei Saophoan district from Bat Trang village who  
9 fled Cambodia into Thailand.

10 Did you make a research on this particular incident when the  
11 people were sent from Thailand and then they were subsequently  
12 sent to S-21?

13 [14.45.46]

14 A.Thank you, Mr. Prosecutor. I believe that there were a number  
15 of occasions on which individuals and groups of individuals who  
16 had fled from Democratic Kampuchea into Thailand were forcibly  
17 repatriated by Thai authorities to Cambodia and that when they  
18 were received by Democratic Kampuchea authorities they were  
19 regarded as traitors and subjected to the sanctions that  
20 typically appertain to a traitor.

21 I believe that there were such incidents in 1976. However, I do  
22 not have any specific information about such people having been  
23 sent to S-21. It may well have happened and I am simply unaware  
24 of it.

25 Q.Thank you, Craig Etcheson.

26

1 The Co-Prosecutor will question in details upon the Chamber's  
2 permission to the accused, since there were some documents on  
3 those people who were sent from Thailand and were sent to S-21.  
4 And there was a letter from Amnesty International which sent to  
5 the state proceeding in Khieu Samphan at the time.  
6 My next question to Dr. Etcheson: as a researcher, also as a  
7 researcher for the Office of the Co-Prosecutor, can you explain  
8 whether in S-21 there were screenings of cadres, combatants, or  
9 not? Because you have confirmed to the Chamber that there were  
10 purges throughout the country of the cadres and combatants, et  
11 cetera, but my question here is specifically on S-21; whether  
12 there were purges of cadres and combatants in S-21 as it was  
13 carried out in -- throughout the country.  
14 A.Thank you, Mr. Prosecutor.  
15 Yes, indeed, as with all other organizational units of the  
16 Communist Party of Kampuchea, cadre at S-21 were also required to  
17 conduct what were called revolutionary life sessions in which  
18 criticism and self-criticism were employed as a means of  
19 self-improvement and improving other cadres, to build the Party,  
20 as they said. In some instances these criticism sessions could  
21 bring out aspects of one's life history or aspects of one's  
22 recent job performance which would render one suspect in the eyes  
23 of the Party, and indeed could possibly result in a cadre  
24 becoming defined as an enemy.  
25 As a consequence, some cadre from S-21 were arrested and sent to

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1 S-24 for re-education and, indeed, the records of S-21 clearly  
2 show that a shocking proportion of the staff of S 21 ended up as  
3 victims of S-21. I'm afraid I don't have the precise figures  
4 with me here today, but it was a very large number of people.

5 [14.51.35]

6 MR. TAN SENARONG:

7 Thank you very much, Dr. Craig Etcheson. Thank you very much for  
8 your clarification concerning the purification and the purges of  
9 the cadres at S-21. You have answered our questions and I have  
10 no further questions at the moment.

11 I would like my colleague to put further questions if he would  
12 wish to do so. Thank you.

13 MR. PRESIDENT:

14 The international Co-Prosecutor, you take the floor.

15 MR. BATES:

16 Thank you, Mr. President.

17 [14.52.22]

18 BY MR BATES:

19 Q. And good afternoon, Dr. Etcheson. I have a couple of  
20 questions to begin on the role of the Standing Committee.  
21 You've spoken in overview about the functions of Office 870. In  
22 your report you go into a little more detail in relation to an  
23 office styled S-71, and you also list the offices prefixed by the  
24 letter K. Could you please give us a little more detail on  
25 Office S-71 and the K offices?

28

1 A.Thank you, Mr. Prosecutor.

2 That's correct. Within Office 870 or under its control was an  
3 organization known as S-71 which can perhaps best be  
4 conceptualized as the secretariat of Office 870 insofar as it was  
5 a network of support offices designed to attend to the varying  
6 needs of the Party Centre.

7 S-71 was organized into a series of units code-named with K  
8 designations such as K-1, K 3, K-4 and so on. K-1 was known as  
9 the organization's office, and in fact that was the residence and  
10 office of Pol Pot. K-3 was also known as the organization's  
11 office and it housed Nuon Chea and Khieu Samphan. K-3 was  
12 physically located directly behind the palace, and K-1 was just  
13 south of the new National Assembly.

14 Also at K-3, when they were in town, other members of the  
15 Standing Committee were accommodated, and the Standing Committee  
16 often convened meetings at K-3. K-4 was the logistics office for  
17 organizing the movement of the Standing Committee, their supply  
18 and transport and so on. K-4 was the political school where the  
19 upper echelons of the Communist Party of Kampuchea trained cadre.

20 [14.56.19]

21 Q.Can I interrupt you there? I'm sorry. You've mentioned K-4  
22 twice.

23 A.Oh, excuse me. Did I say -- K-5 is the political school.

24 Q.Thank you.

25 A.K-6 was the Party's school where additional training of CPK

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1 cadre was carried out. K-7 was the messengers' unit for the  
2 Party Centre. That was physically located on Sothearos  
3 Boulevard, directly across from the National Museum.

4 Q.Again, if I may just interject, Dr. Etcheson. In your report  
5 you go into some detail, listing all the K offices. Perhaps it's  
6 not necessary for the Trial Chamber to recount every one. You've  
7 illustrated amply for the letters K-1 to K-7. Can you tell us,  
8 perhaps in total, how many K offices there were, and if you know  
9 the size of the personnel working in these offices.

10 A.In my report I discuss 20 different K offices that we believe  
11 were directly tasked with servicing the requirements of the Party  
12 Centre. In the various contemporaneous documents from Democratic  
13 Kampuchea that we have, there are very many offices that carry a  
14 K designation - scores and scores. We have not yet established  
15 how many of them may, like the ones I discuss in my report, have  
16 been directly connected to the Party Centre, but it was a very  
17 large organization. Exactly how many cadres were dedicated to  
18 staffing these offices, I do not believe I could give you an  
19 estimate.

20 Q.Thank you. Of the 20 K offices you've listed in your report,  
21 are you able to tell us whether staff from those offices were  
22 subject to the same purges that you have already described, and  
23 if so, whether from your research, any of those purged ended up  
24 victims at S-21?

25 A.Yes, indeed, Mr. Prosecutor. In fact, several of the K



30

1 offices that I discuss in my report were re-education offices.

2 That is to say, they were forced labour camps that were used for  
3 disciplining individuals from within the Party Centre's units of  
4 organization who had, in one way or another, fallen afoul of the  
5 rules or been deemed to have suspect biographies or who had been  
6 named in the confessions of persons who had been previously  
7 purged.

8 There was a large re-education section directly controlled by the  
9 Party Centre and for a long time under the command of Pang.

10 [15.00.48]

11 From our study of the records of S-21, we believe that  
12 individuals from all but a couple of these K offices did end up  
13 as victims of S-21.

14 Q.Perhaps, just for the record -- you mentioned the name Pang;  
15 can we spell it out for the Court, and if that is an alias, what  
16 his full name was? I can remind you, if there's no dispute of  
17 that.

18 A.Yes. Pang is P-A-N-G.

19 Q.And for the record, Pang, can you confirm, was the  
20 revolutionary name of Chhim Sam-Aok; C-H-H-I-M, new word,  
21 S-A-M-A-O-K.

22 A.I believe that is correct, Mr. Prosecutor.

23 Q.And can you tell us what his fate was?

24 A.Pang ended up at S-21 after having personally delivered many  
25 people there himself.

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1 MR. BATES:

2 Mr. President, I wonder whether you wish to break? I have many  
3 more questions. It's a matter for the Chamber as to when you  
4 wish to take a break.

5 [15.02.45]

6 Thank you, Mr. President.

7 MR. PRESIDENT:

8 The Trial Chamber now takes adjournment and resumes by 3:20 p.m.

9 The Court Official, could you please make sure that the expert is  
10 taken to a waiting room.

11 Thanks.

12 (Judges exit courtroom)

13 (Court recesses from 1503H to 1523H)

14 (Judges enter courtroom)

15 MR. PRESIDENT:

16 Please be seated. The Trial Chamber is now back in session.

17 I would like to give the floor to the Co-Prosecutor to continue  
18 his line of questioning to the expert, Dr. Craig Etcheson.

19 The floor is yours, Co-Prosecutor.

20 MR. BATES:

21 Thank you, Mr. President.

22 [15.24.11]

23 Before I do commence -- re-commence, I've been reminded to inform  
24 the Chamber and all parties that in relation to the international  
25 armed conflict documents I advised the Chamber about earlier on,

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1 there will be booklets provided to all parties for their  
2 consideration in the same manner in which we provided booklets of  
3 photographs and for Phnom Penh, S-21, but those obviously won't  
4 be distributed today.

5 BY MR. BATES:

6 Q.Returning, Dr. Etcheson, to the Standing Committee, are you  
7 able to tell us how many meeting minutes of the Standing  
8 Committee survive?

9 A.My recollection, Mr. Prosecutor, is that the Office of the  
10 Co-Prosecutors is in possession of approximately 20 different  
11 meeting minutes of the Standing Committee which almost certainly  
12 comprise a small portion of the total number.

13 Q.Just on that last point, help us with your -- what led you to  
14 your conclusion that it was almost certainly a small number of  
15 the meetings that took place?

16 A.Yes, Mr. Prosecutor. The selection of Standing Committee  
17 meeting minutes that we have comes from a relatively compressed  
18 period of time during the Democratic Kampuchea regime,  
19 principally, and late 1975 and the first half of 1976. The dates  
20 on some of these meeting minutes suggest that the Standing  
21 Committee met rather frequently on some occasions, twice in a  
22 single day to confer on different topics.

23 [15.26.48]

24 There is no reason to believe that the Standing Committee did not  
25 continue through the remainder of the tenure of Democratic

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1 Kampuchea to meet on a similarly frequent schedule.  
2 But due to the exigencies of war the policies of extreme secrecy  
3 of the Communist Party of Kampuchea and a determined effort at  
4 document and archive destruction prior to their evacuation of  
5 Phnom Penh on 6 and 7 January 1979, it appears the vast majority  
6 of those have been lost.

7 Q.Thank you.

8 In the light of the ruling earlier on I don't propose to go  
9 through, with you, the Standing Committee meeting minutes  
10 individually. But are you able to help us in perhaps more  
11 general terms? Who attended these meetings, whether they were  
12 members of the Standing Committee only or others outside the  
13 Standing Committee; in general what issues were discussed, what  
14 guidance may have been given?

15 A.Yes, Mr. Prosecutor. Standing Committee meetings were always  
16 attended by at least two, and usually more, members of the  
17 Standing Committee, although several members of the Standing  
18 Committee had responsibilities as zone secretaries and thus they  
19 were frequently away from Phnom Penh and infrequently attended  
20 the meetings.

21 Khieu Samphan was not a member of the Standing Committee but,  
22 based on the selection of Standing Committee meeting minutes we  
23 have, he usually attended. If I recall correctly, in fact only  
24 Nuon Chea attended Standing Committee meetings more often than  
25 Khieu Samphan.

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1 [15.29.45]

2 Frequently senior cadre from the zones, from ministries and/or  
3 from military units would be invited to attend Standing Committee  
4 meetings, to report on the situation and to receive instructions  
5 from the Standing Committee.

6 The range of topics discussed in the Standing Committee meeting  
7 minutes that we have is ubiquitous. It covers all imaginable  
8 topics on politics, organization, economics, military and  
9 security affairs, international politics; in short, the entire  
10 range of topics that a top governmental executive would have to  
11 deal with on a daily basis, the affairs of the entire nation and  
12 people.

13 Q.Thank you.

14 I would like you to discuss, as I list them, the different  
15 methods by which the Standing Committee communicated with the  
16 subordinate units around Cambodia and within the Party, but  
17 firstly can I ask you please to discuss the directives that were  
18 sent out to all echelons from the Standing Committee, and perhaps  
19 you may refer to two documents in particular: Document Number 36  
20 on your index from Office 870 on the 1st of January 1979,  
21 entitled "Announcement of Steady and Absolute Combat Against the  
22 Yuon Enemy", and Document 138, again from Office 870, two days  
23 later, the 3rd of January 1979, entitled "Advice by 870".

24 MR. BATES:

25 And Mr. President, in the light of discussions today I do not

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1 propose to read the ERN references.

2 [15.32.36]

3 BY MR BATES:

4 Q. So that's Document 36 and Document 138 from your list, Dr.

5 Etcheson, in relation to directives sent from the Standing

6 Committee.

7 A. Yes, Mr. Prosecutor. These two documents were issued by

8 Office 870 at a time when Democratic Kampuchea was entering an

9 extremely grave crisis. The first document, dated 1 January

10 1979, was issued approximately one week after Vietnamese forces

11 had launched a massive invasion of Democratic Kampuchea using

12 armoured elements and air power, and they were very quickly

13 overwhelming the Revolutionary Army of Kampuchea all along the

14 shared border between Cambodia and Vietnam.

15 By January 1st I believe it had become clear to the leadership

16 that they may indeed lose Phnom Penh and have to retreat into

17 guerilla warfare, but they were not yet admitting this to their

18 cadre and their people, even though they appeared to be taking

19 preliminary measures for just such an eventuality.

20 This particular document appears to have been distributed to all

21 units of organization in Democratic Kampuchea and in the

22 Communist Party of Kampuchea, and it calls on the local

23 population, civilians, to take up guerilla warfare against the

24 invading Vietnamese forces.

25 The second document that you mentioned, issued on 3 January 1979,

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1 two days after the first one, calls on Democratic Kampuchea  
2 forces to continue to resist the invading Vietnamese forces and  
3 also directly calls for forces to begin the retreat into  
4 previously prepared guerilla bases in the northwest. This  
5 document too appears to have been distributed to all  
6 organizational units of Democratic Kampuchea and the  
7 Revolutionary Armed Forces of Kampuchea.

8 [15.36.09]

9 Q.Thank you.

10 Can I ask whether in your research you have identified any other  
11 similar directives, and by similar I mean directives that came  
12 from the Standing Committee and were addressed to all echelons?

13 A.These kinds of documents are relatively rare in the surviving  
14 archives. However, there are a number of examples we could cite  
15 that do appear to have received wide circulation, certainly  
16 within the upper echelons of the Party apparatus, if not to all  
17 units, and I would cite as a prime example of that a document  
18 that we have previously discussed, dated 30 March 1976 and titled  
19 "Decision of the Central Committee Regarding a Number of  
20 Matters", which although it was issued in the name of the Central  
21 Committee appears to me to be a product, in fact, of the Standing  
22 Committee.

23 If it please the Court, we can give the ERN for that document  
24 again.

25 JUDGE LAVERGNE:

37

1 Maybe the number in the list.

2 MR. BATES:

3 This is number 37 on the index, E55.1. Thank you.

4 BY MR. BATES:

5 Q.Moving on to discuss the other matters by which the Standing  
6 Committee communicated with its subordinate units, could you  
7 please, Dr. Etcheson, discuss the sessions at the Party training  
8 school and what took place there, from your knowledge?

9 A.The Party training school, Mr. Prosecutor, was a venue where  
10 cadres of the Communist Party of Kampuchea were indoctrinated  
11 with what was known as "the line," which might be translated  
12 into ordinary language as the policies of the Party and the  
13 government of Democratic Kampuchea.

14 These sessions were held regularly for cadres from all units of  
15 organization in the Communist Party of Kampuchea, not just at the  
16 central level, but also involving cadre from the zones, the  
17 sectors, the districts, and so on so that everyone could be  
18 appraised of the current policy lines of the Party and the  
19 government.

20 These sessions were often led and taught by Nuon Chea and/or  
21 Khieu Samphan.

22 [15.40.23]

23 Q.Moving on to the Communist Party of Kampuchea rallies held in  
24 Phnom Penh at the sports stadium, could you perhaps discuss these  
25 as a method by which the Standing Committee communicated with the



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1 low echelons?

2 A.Yes, Mr. Prosecutor. The stadium rallies that were organized  
3 by the Party Centre appeared to perform a similar function to  
4 that of the Party school, but on a larger scale. Very large  
5 groups -- stadium-sized groups of cadres or combatants -- or  
6 cadres and combatants would be gathered together and lectured on  
7 the achievements and goals of the revolution and the policies of  
8 the Party. This was also a regular occurrence, and in fact, I  
9 believe on the case file, there is some film footage of some of  
10 these rallies showing that they were often attended by the entire  
11 Standing Committee, many of whom would proceed to address the  
12 rallies on various topics.

13 [15.41.16]

14 Q.Thank you. Moving on to another way in which the Standing  
15 Committee communicated "the line" to subordinate units, I'd like  
16 you to, Dr. Etcheson, talk about the state radio of Democratic  
17 Kampuchea, and perhaps if you could, discuss this in conjunction  
18 with Document 55 on your index which is entitled, "Standing  
19 Committee Minutes of Meeting of Propaganda Work, 8th of March  
20 1976."

21 A.Yes, Mr. Prosecutor. This document dated 8 March 1976 is the  
22 minutes of a Standing Committee meeting which is titled, "Minutes  
23 of Meeting on Propaganda Work." It records the instructions of  
24 the Party Centre to the organization's propaganda organs on how  
25 they should popularize or disseminate information about the

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1 purported election to be held in Democratic Kampuchea on 20 March  
2 1976, and it includes detailed instructions on the precise  
3 content that these messages should contain, the time that they  
4 should be disseminated, and the form in which they should be  
5 disseminated, whether on the radio or through face-to-face  
6 meetings organized in various locales.

7 MR. ROUX:

8 I apologize, but may I please request that each time a document  
9 is mentioned that we get the footnote so that we can find it more  
10 easily? And include this last document that you have just  
11 mentioned. Mr. Craig Etcheson.

12 [15.45.12]

13 MR. BATES:

14 I don't have the footnote in the table to hand. The exercise  
15 would be carried out just as easily by the defence as by the  
16 Co-Prosecutors, and unless the witness can help us straight away,  
17 it would entail us doing exactly the same job as requested by the  
18 defence -- I'm sorry, it would require the defence to do exactly  
19 what we would do.

20 MR. PRESIDENT:

21 Mr. Craig Etcheson, are you able to also tell us the footnote's  
22 reference number?

23 WITNESS:

24 Mr. President, I believe that this document is cited in the  
25 report, but I do not have an easy way to find that section. If

40

1 the Court so desires, I could take whatever time is necessary to  
2 locate it in the document.

3 MR. BATES:

4 For the assistance of all parties, we have found using a very  
5 simple word search on the pdf document at footnote 86; all the  
6 parties need do is to conduct a word search on a pdf document,  
7 and the footnote will come or the multiple footnotes would come  
8 up because, as my colleague reminds me, some of the references  
9 appear multiple times in multiple footnotes. For example, this  
10 one also appears at footnote 92.

11 MR. PRESIDENT:

12 The Co-Prosecutor, you can proceed further.

13 [15.47.48]

14 MR. BATES:

15 Thank you, Mr. President.

16 BY MR. BATES:

17 Q.Dr. Etcheson, you have already discussed several issues of the  
18 DK periodical Revolutionary Flag, and I'd like to ask you some  
19 questions more generally.

20 Do you have any opinion on how widely this magazine was read in  
21 Democratic Kampuchea, to whom was it distributed?

22 A.Yes, Mr. Prosecutor. My understanding is that the magazine or  
23 journal Revolutionary Flag was designed to be read by all  
24 full-rights members of the Party, without exception. And in  
25 fact, studying the information that was contained in

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1 Revolutionary Flag was not optional for a Party member.

2 I seem to recall having read in S-21 confessions where a cadre  
3 confessed to having committed treasonous behaviour for failing to  
4 distribute Revolutionary Flag issues to the cadres under their  
5 command.

6 [15.49.34]

7 Q.Perhaps I can ask you to illustrate my next question by two  
8 editions of Revolutionary Flag, and the question is how the  
9 Standing Committee may have used the magazine as a political  
10 training aid or as a way in which the political line was  
11 disseminated across the country.

12 The two editions I'm concerned with are Document 46 in your  
13 index, a Revolutionary Flag magazine from June 1977, and Document  
14 48, a Revolutionary Flag special edition of December 1977 to  
15 January 1978. I wonder if you could assist us on that question  
16 please, Dr. Etcheson?

17 A.Yes, Mr. Prosecutor. The first of these two issues of  
18 Revolutionary Flag was from June 1977 and it's a particularly  
19 interesting example, Revolutionary Flag. In this issue of  
20 Revolutionary Flag the Party Centre awarded what they called the  
21 "honorary red flag to three different districts within Democratic  
22 Kampuchea that the Party Centre had judged were engaging in  
23 exemplary revolutionary behaviour in terms of meeting the three  
24 tonnes per hectare production target and in upholding  
25 revolutionary principles.

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1 Those three districts were Pursat district, Tram Kak district and  
2 Kampong Tralach district. These districts were put forth to the  
3 rest of the Party as role models to be emulated.

4 [15.52.24]

5 Following this relatively brief award -- award letter or  
6 announcement, there is a long essay that exhorts Party members to  
7 search for and eliminate burrowing enemies by sweeping them away  
8 using "absolute measures in a zero tolerance manner and without  
9 hesitation". This language was interpreted by cadres around the  
10 country as a signal to increase the intensity and the scope of  
11 purges.

12 Moreover, this particular essay goes on to identify a likely  
13 source of enemies as being among the new people; in other words,  
14 those people who had been evacuated from the cities and towns  
15 following the seizure of state power in April of 1975.

16 The second example, the special issue of Revolutionary Flag dated  
17 December 1977 to January 1978, in a similar way communicates the  
18 policies and goals of the Communist Party of Kampuchea to the  
19 members of the Party.

20 It's important to recall that this issue of Revolutionary Flag  
21 again came at a time of crisis in Democratic Kampuchea because  
22 Vietnam was, during this period, engaged in an incursion, an  
23 armed incursion into the territory of Democratic Kampuchea that  
24 penetrated 20 kilometres or more along much of the two countries'  
25 shared border.

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1 This issue of the magazine exhorted the population and the  
2 Revolutionary Army of Kampuchea to resist that armed incursion  
3 and it also interestingly offered justifications and explanations  
4 for a number of policies of democratic Kampuchea that had become  
5 known to be unpopular among the masses, such as the forced  
6 evacuation of the cities, the appropriation of all policies -- of  
7 all property, that is -- persecution of Cambodians of Vietnamese  
8 ethnicity and the destruction of all classes but peasants and  
9 workers.

10 This issue of Revolutionary Flag also has an extensive section  
11 describing why base people are superior to new people; in other  
12 words, why peasant classes are superior to the former urban  
13 classes.

14 [15.56.41]

15 Q.Thank you.

16 Just one slight clarification; you mentioned in the first of  
17 those two documents that there were honorary red flag awards to  
18 three districts and one of those districts you described as being  
19 Kampong Tralach. Earlier, in answer to questions from my  
20 national colleague, you mentioned that Duch had selected young  
21 boys from a Kampong Tralach district to serve with him at S-21.  
22 Are they one and the same district or are they two districts,  
23 from your understanding?

24 A.The Kampong Tralach district mentioned in the 30 June 1977  
25 issue of Revolutionary Flag is indeed the same Kampong Tralach

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1 district from which the accused person recruited young boys into  
2 the staff of S-21.

3 JUDGE LAVERGNE:

4 Would it be possible please to spell out the name of the district  
5 please?

6 MR. BATES:

7 Of course. Thank you, Your Honour.

8 K-A-M-P-O-N-G T-R-A-L-A-C-H.

9 Just to complete, Dr. Etcheson, our discussion of the ways in  
10 which the Standing Committee communicated with its subordinate  
11 echelons, I would like you, please, to discuss how individual  
12 Standing Committee members would travel to the zones to collect  
13 information and issue directives. If you would, please, cast  
14 your attention to Document 52 in your index, the Minutes of the  
15 Standing Committee's Visit to the Northwest Zone, August 20 to  
16 24, 1975.

17 [15.59.39]

18 A.Yes, of course, Mr. Prosecutor. This is an unusual example of  
19 Standing Committee Meeting minutes because rather than reporting  
20 on a single meeting that occurred on a particular day for some  
21 number of hours, this Standing Committee Meeting Minute reports  
22 on a field trip that the Standing Committee took to the Northwest  
23 Zone in August of 1975.

24 It is unclear from the Minutes on the face of it precisely which  
25 members of the Standing Committee participated in this field

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1 trip, but it describes the tour of the Standing Committee through  
2 a number of locations in the Northwest Zone, principally in and  
3 around the City of Battambang, and it reports on their  
4 discussions with Northwest Zone senior cadre.

5 The conclusion generated by the Standing Committee from this  
6 visit is that there is a great deal - there was a great deal of  
7 fallow agricultural land in the Northwest Zone that could be  
8 exploited to produce rice. Consequently, according to this  
9 document, the Standing Committee decided that half a million  
10 people should be transferred to the Northwest Zone and put to  
11 work in agricultural cooperatives growing rice in the Northwest  
12 Zone.

13 A very short time later, our research has shown, a massive  
14 transfer of population, primarily of new people who had  
15 previously been evacuated from Phnom Penh and other urban  
16 centres, were moved from the East Zone, the Central Zone and the  
17 Southwest Zone into the Northwest Zone where they were  
18 essentially dumped on barren land in the middle of nowhere with  
19 no shelter, no food, no clothing, no tools, and told to grow  
20 rice.

21 This was probably the single most disastrous policy decision  
22 taken in Democratic Kampuchea because with no means of support  
23 for this suddenly transferred population, those people began to  
24 starve, die of sickness, exposure, and overwork by the tens of  
25 thousands.



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1 Q.Thank you. We have spent a little time discussing the  
2 different ways in which the Standing Committee communicated with  
3 the lower echelons. One final comment from you, Dr. Etcheson, if  
4 you will on this issue; could you tell us, please, the overall  
5 prominence within each mode of communication of the political  
6 line on the smashing of enemies?

7 [16.03.29]

8 I hope you've understood my question. It was a little  
9 convoluted.

10 A.Yes, Mr. Prosecutor, I think I understand.

11 The Chamber and the parties will find in this listing of  
12 documents, and will find discussed throughout my report on the  
13 hierarchy of Democratic Kampuchea, numerous examples of telegrams  
14 and reports that were sent from the various zones to the Party  
15 Centre describing developments in each of those zones.  
16 Typically, these reports covered security issues, economic  
17 production issues, and organizational development issues.

18 [16.05.33]

19 In your average example of such a report, there would be five  
20 pages of reporting devoted to the topic of internal enemies and  
21 measures taken to deal with the internal enemies; perhaps one  
22 page of reporting on economic production; and perhaps half a page  
23 of reporting on economic development. This pattern repeats  
24 itself in communications from all zones to the Party Centre.  
25 From an analytical point of view, it suggests to me that the zone

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1 leadership understood that the Party Centre was most interested  
2 in the topic of the search for internal enemies, above and beyond  
3 questions of economy and organizational building.

4 Q.Thank you, Dr. Etcheson.

5 In fact, you anticipated my next question which was the  
6 communications the other way, from the zones and the sectors and  
7 the districts and the other administrative and military units to  
8 the Party Centre. I would like to ask you if you could discuss  
9 the system of reporting in general terms to the Party Centre and  
10 perhaps, if you can rely or refer to the Document 37, the  
11 decision of the Central Committee regarding a number of matters  
12 from 30 March 1976.

13 And I stress, this is specifically on the issue of reporting to  
14 the Centre from the regions and zones.

15 A.Yes, Mr. Prosecutor. The Statutes of the Communist Party of  
16 Kampuchea specifically require that each echelon of the Party  
17 report regularly to its next superior echelon. In the document  
18 to which you refer, the 30 March 1976 decision of the Central  
19 Committee regarding a number of matters -- which I think we have  
20 mentioned the case file document number and ERN before, and it  
21 perhaps does not need to be restated at this point.

22 In this document the Standing Committee put a specific interval  
23 on that statutory reporting requirement, when it describes a  
24 regime of weekly reporting to Office 870 and, indeed, when you  
25 look through the documents that we have obtained, you can see

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1 patterns of weekly reporting from the zones to the Centre. In  
2 some of these reports from the zones to the Centre they also  
3 describe their own internal reporting regime, and in at least one  
4 instance I can recall, although I can't give you a specific  
5 citation off the top of my head, there is even an apology because  
6 at one echelon in the zone the reporting is only happening at a  
7 10-day interval, rather than a one-week interval.

8 [16.10.53]

9 Q.Thank you.

10 It would appear from what you have described, referring to the  
11 Statutes of the Party, that the general principle was  
12 communication should be to the immediately superior echelon. At  
13 paragraph 72 of your report you describe how in some cases  
14 sectors communicated directly with the Party Centre, rather than  
15 communicating to the zones, and you say how this may have been  
16 particularly common for security matters.

17 Could you explain for us why you reached this conclusion or how  
18 you reached this conclusion?

19 A.Yes, Mr. Prosecutor. It appears from the documents we have  
20 obtained that although, as a general matter, communicating  
21 through channels was highly respected throughout the organization  
22 of the Communist Party of Kampuchea, however, it also appears  
23 that the Party Centre, the ultimate echelon of the Party, did not  
24 feel constrained to follow that organizational principle, and  
25 instead they often reached down into the organization to obtain

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1 information or to issue specific policy directives, and  
2 especially to effect issues of internal security, whether it be  
3 gathering information about a particular individual, making  
4 changes in local leadership at the behest of the Centre or  
5 arranging purges.

6 [16.12.06]

7 Q.Thank you.

8 I'd now like to move to a different topic concerning the  
9 Revolutionary Army of Kampuchea.

10 Are you able to help us, Dr. Etcheson, with how many minutes of  
11 meetings survive from meetings convened by Son Sen, the Chairman  
12 of the General Staff, with all the secretaries and deputies of  
13 divisions and independent regiments. And perhaps you may refer  
14 to paragraph 118 of your report.

15 A.Thank you, Mr. Prosecutor.

16 I have previously referred, in my testimony before this Chamber,  
17 to documents that are generally titled meetings of division  
18 commanders and deputy commanders and commanders of independent  
19 regiments. We have at least 13 examples of these kinds of  
20 meeting minutes, which appear to have happened on a very frequent  
21 basis, in some periods as often as weekly, in which the senior  
22 leaders of the Revolutionary Army of Kampuchea would gather at  
23 the general staff headquarters, which I believe was synonymous  
24 with Son Sen's office, to report on the situation in their areas  
25 of operation and to receive instructions from Son Sen.

50

1 [16.16.24]

2 Q.Thank you.

3 Could I also ask you perhaps to discuss the meetings that were  
4 convened by Son Sen with selected secretaries and deputies of  
5 divisions and independent regiments, and discuss the reasons for  
6 such selective discussions.

7 A.Yes, Mr. Prosecutor. It appears from various documents we  
8 have obtained that it was common, in conjunction with these  
9 larger general staff meetings, they would bring in the leadership  
10 of all of the Centre's divisions to the general staff; that Son  
11 Sen would also organize meetings with the senior staff of  
12 individual divisions or independent regiments in order to  
13 describe various particular policies that he wished to carry out  
14 or implement in specific regions.

15 These meetings with individual division leadership cadres often  
16 appeared to be concerned strictly with security matters, rather  
17 than the broader range of topics that was covered in the general  
18 staff meetings, including security, economic production issues  
19 and general policy issues.

20 Q.Before I ask you to illustrate that, could I please ask you to  
21 discuss for us the nature of communications within the military  
22 and whether in general terms it was always vertical to the  
23 superior echelon or whether there was horizontal communication  
24 between individual divisions or independent regiments, to your  
25 understanding?

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1 A.Yes, Mr. Prosecutor. As a general rule throughout the  
2 administrative, political, and military apparatus of Democratic  
3 Kampuchea communication was strictly vertical and this was very  
4 ruthlessly enforced.  
5 For example, if the leaders of two adjacent sectors that were in  
6 separate zones had some issue they needed to discuss, instead of  
7 communicating directly horizontally between the two sector  
8 secretaries instead they had to route their communications up  
9 through their own zone leadership and onward to the Party Centre,  
10 so that in effect the Party Centre was the central communications  
11 node for the entire organization, the central office telephone  
12 switch, if you will. This way the Party Centre was the only  
13 organ that knew what was happening everywhere in the country.

14 [16.20.44]

15 Indeed, repeatedly in S-21 confessions, admissions that people  
16 had communicated outside of that strict vertical hierarchy were  
17 treated as proof of treasonous intent. This vertical  
18 communications requirement was even more strictly enforced in the  
19 military echelons.

20 Q.Thank you. I'd like you to discuss S-21's place within this  
21 communications network that you've described and refer you to one  
22 particular set of meetings -- minutes from a meeting to which  
23 you've already referred, document number 75 in your index, which  
24 is a meeting of Comrade Tal, T-A-L, Division 290 and Division 170  
25 on the 16th of September 1976.

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1 [16.22.10]

2 MR. BATES:

3 And I wonder, Mr. President, if we can perhaps place on the  
4 screens the Khmer document that my colleague Mr Ford has, or will  
5 have shortly, on his television screen, and have a section of it  
6 read out?

7 MR. PRESIDENT:

8 Co-Prosecutor, how long does it take for you -- for the question  
9 that you are going to put to the expert regarding the document  
10 that needs to be shown on the screen?

11 MR. BATES:

12 Thank you, Mr. President; I note the time also. Perhaps five  
13 minutes or so, not long.

14 MR. PRESIDENT:

15 You can proceed. And the IT people can assist you with the  
16 showing of the computer screen on the general screen.

17 MR. BATES:

18 Thank you. Mr. President, if you could invite the AV unit to  
19 transfer the general screen to our screen on the front bench  
20 here, please.

21 MR. PRESIDENT:

22 The audio-visual unit, could you assist with this technicality?

23 MR. BATES:

24 Thank you.

25 [16.24.17]

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1 MR. ROUX:

2 Could we have the footnote number, please, that is in Mr.  
3 Etcheson's report? I would need the footnote number so that I  
4 can ascertain that this is in his report.

5 MR. BATES:

6 If the defence will bear with us one moment. Yes, it's footnote  
7 283. So if I can invite Mr. Ford to go back to the English  
8 document. If you would scroll to the top of the page just to  
9 confirm the document. I'll do it very briefly in English and  
10 then perhaps it can be done in Khmer.  
11 This is a document the 16th of September 1976, minutes of the  
12 meeting with Comrade Tal, Division 290 and Division 170.  
13 Scrolling down the page the section that is highlighted in a box,  
14 I'll read it slowly:

15 "Comrade Duch had a view. After a meeting..." ---

16 [16.26.39]

17 MR. ROUX:

18 My learned colleague, with your leave, please if you want to read  
19 a document, you read the original, not the translation, if you  
20 please.

21 I imagine that this note exists in the Khmer. It is but normal  
22 for this note to have been written in Khmer not -- we don't want  
23 a translation.

24 MR. BATES:

25 Very well. In Khmer it will be.



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1 If I can invite the President to direct the greffier to commence  
2 reading in the Khmer document where it says, "Comrade Duch had a  
3 view" and all the way down until little number "2" just above  
4 where it says, "operational method."

5 Sorry, Mr. President, we don't need the names in the box read  
6 out, we just need the text that is highlighted.

7 Thank you.

8 MR. PRESIDENT:

9 Which section do you want to be read out? It missed the point 2  
10 in the box except the names; is that correct?

11 MR. BATES:

12 Perhaps, Mr. President, it would be simpler if everything in the  
13 red box is read out, that way there is no confusion.

14 [16.28.58]

15 MR. PRESIDENT:

16 The greffier, Se Kolvuthy, can you read the text in the red box?  
17 Read the complete text in the red box.

18 THE GREFFIER:

19 "Comrade Duch had a view. After admitting Comrade Sok and  
20 Comrade Tat of Division 170 were in unity, that it was necessary  
21 to propose getting another 29 names; that is, Huot Peng Leng,  
22 typist; 2, Thach San, logistic; 3, Thoang Saphai; 4 So Son; 5,  
23 Khoem Yann; 6, Ngoun Touch; 7, Neou Phon; 8, Khieu Sat; 9, York  
24 Sang; 10, Em Soth; 11, Huot Samel; 12, Pen Penh; 13, Kroeun; 14,  
25 Ung Son; 15, Sok Khai; 16, Ken Ngon; 17, Tit Samin; 18, Sameth;

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1 19, Kong Soeun; 20, Keo Som Oeun; 21, Long Sareth; 22, Keo Sok;  
2 23, Chann Kuon; 24, Kang Sareth ; 25, Ky Sophat; 26, Sok Peou;  
3 27, Kin Song; 28, Put Sokhan; 29, and Prak Phaly. These names  
4 suggested by S-21 and Division 170. Besides the 11 persons who  
5 were decided on the 15 of September:  
6 1. Based on the reasoning made clear by S-21 and the Division  
7 which have seen concrete and conditions continuous activities and  
8 based on the principles stipulated by the organizations that  
9 creates links must be taken, the meeting agreed to decide to take  
10 these 29 more."  
11 MR. BATES:  
12 Thank you, Madam Greffier.  
13 If you could then read, with the President's direction, the next  
14 box in red; the short passage there. Thank you.  
15 [16.32.26]  
16 MR. PRESIDENT:  
17 The Greffier, can you read the text in the red box as indicated  
18 by the Co-Prosecutor?  
19 THE GREFFIER:  
20 "It is imperative to act in accordance with our experiences in  
21 having previously taken these guys again and again. Do it so as  
22 not to cause disruption in the unit and organization. Grasp the  
23 unit or organization firmly in hand and do it while maintaining  
24 secrecy, concretely consult and discuss with S-21 as regards  
25 operational methods for taking them and making assignments to

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1 administer the unit or organization while these guys are being  
2 removed."

3 MR. BATES:

4 And finally, the third and final box highlighted in red, Mr.  
5 President, if you could direct the Greffier to read that few  
6 lines there. Thank you.

7 [16.33.45]

8 MR. PRESIDENT:

9 The Greffier, you may continue reading the next box.

10 THE GREFFIER:

11 "1. Division 290: S-21 and Division must cooperate and seize  
12 right from the motor  
13 pool.

14 2. Division 170: S-21 and Division must consult about the  
15 details of the  
16 concrete measures to take all 40."

17 MR. BATES:

18 Thank you, Mr. President. I have one last question.

19 MR. ROUX:

20 I apologize. There's a translation problem again which seems to  
21 be rather important.

22 I have here in the translation that was given to me regarding the  
23 280th Division, "S-21 and  
24 the Division must collaborate" -- that's what is stated -- and  
25 the greffier stopped here, whereas, in my translation it's

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1 written that they must collaborate to arrest these members on  
2 sight and to transport them by car. Does this text exist or does  
3 this text not exist? Or in any case, it was not read or it was  
4 not translated. I did not hear the translation. Can we please  
5 re-verify the translation? What I heard was concerning the 290th  
6 Division; S-21 and the Division must collaborate, nothing more.  
7 That's all I got in my headphones. I didn't hear anything about  
8 arresting and transporting by car.

9 I just would like to verify if this is included or not. Can we  
10 please, therefore, ask the Greffier to reread the two last  
11 paragraphs, please, Mr. President? Is that possible?

12 [16.34.37]

13 MR. PRESIDENT:

14 Yes, it can be done. Greffier, can you read point 1 and point 2  
15 again in the red box in order to make it clear?

16 THE GREFFIER:

17 "1. Division 290: S-21 and the Division must cooperate and  
18 seize right from the  
19 motor pool.

20 2. Division 170: S-21 and the Division must consult about the  
21 details of the concrete measures to take all 40."

22 MR. ROUX:

23 I apologize, the interpreter cannot hear. Yes, now it's okay.

24 Well, Mr. President, I'm going to give the ERN of the French

25 document which is 00224409; that's the French document ERN, and

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1 what interests me is not only to know what was translated into  
2 French, what interests me is to know if the French translation  
3 corresponds to the original documents. That is my concern;  
4 therefore, I think that we should base ourselves on the original,  
5 and therefore indicate if in the original, we are, indeed,  
6 speaking about the motor pool, and about arresting the members  
7 and transporting them by car. That is all my question is about.

8 [16.37.08]

9 MR. BATES:

10 Mr. President, can we take, please, the original document, and I  
11 really note the timing of the interventions just when we are  
12 discussing key evidence and this is what I really object to.

13 MR. PRESIDENT:

14 Co-Prosecutor, you can continue. Based on the original document  
15 it is sufficient and the wordings, although I do not speak  
16 French, but it has the word "voir dire" so it seems clear to me.

17 MR. BATES:

18 Thank you, Mr. President.

19 My final question to the witness for the week.

20 BY MR. BATES:

21 Q.Dr. Etcheson, here we have had read out for us minutes of  
22 meetings, of a meeting,  
23 describing how S-21 has met with Divisions, has discussed and  
24 identified prisoners, and has deliberated and collaborated on  
25 methods of arrest. Can you tell us, please, how that fits in to

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1 the general picture you described, of vertical communications  
2 within the military?

3 A.Yes, Mr. Prosecutor. According to this document, another  
4 person attending this meeting was Son Sen who was the Deputy  
5 Prime Minister for National Defence, the Chief of the General  
6 Staff and a member of the Party Centre Military Committee. Thus,  
7 the accused person liaised upward to the very apex of authority  
8 in the Communist Party of Kampuchea and then reached down through  
9 Son Sen into operating divisions to assist in the planning and  
10 conduct of what became a very large scale purge in the military,  
11 connected with the affair of Chan Chakrei.

12 Q.Just to clarify, in your expert opinion, does this document  
13 give permission from the Centre that units can contact each other  
14 or that S-21 can contact each other, or how would you describe  
15 what we have read?

16 A.Yes, it seems clear to me, Mr. Prosecutor, that this operation  
17 is being carried on the direct authority of the Party Centre,  
18 authorizing such communications between S-21 and the targeted  
19 units that are necessary to implement the planned purge.

20 [16.42.06]

21 MR. BATES:

22 Mr. President, I apologize for straying a little over my five  
23 minutes, but I hope it was important to finish the topic before  
24 we rose.

25 Thank you.

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1 MR. PRESIDENT:

2 The audio and video unit, you can turn the screen to the normal  
3 view.

4 Now, it's time for the adjournment. The Trial Chamber would like  
5 to thank Dr. Craig Etcheson for your time and patience in  
6 providing your testimony before this Chamber. It is, in fact,  
7 according to the proceedings, it is not yet finished. It's going  
8 to continue and actually we had a schedule for Monday and Tuesday  
9 for another expert to provide testimony. Because of the  
10 scheduling of the hearing and another expert which we have  
11 already announced to the parties, because it is necessary for him  
12 to provide testimony since he has other engagements, he only can  
13 make it on the 25th and the 26th, therefore, for the continuation  
14 of the testimony of Dr. Craig Etcheson, and since you are present  
15 in Cambodia right here, right now, we will find an appropriate  
16 time to continue your testimony.

17 [16.45.28]

18 However, for next week's hearing in the early week, we will have  
19 testimony of an expert who only has two days to be present here  
20 in Cambodia for our Court hearing.

21 So for you, Dr. Craig Etcheson, the Chamber will inform you of  
22 the appropriate time in order to invite you to provide your  
23 testimony, but we haven't yet had a schedule for your next  
24 testimony.

25 The Chamber announces the adjournment of today's hearing. The

*Extraordinary Chambers in the Courts of Cambodia*  
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*KAING GUEK EAV*  
*21/05/2009*

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1 security official, you take the Accused back to the detention  
2 facility and bring him back on the morning of the 25th before  
3 9:00 a.m.

4 Concerned parties and the court officials, could you arrange or  
5 facilitate the expert to return to his place of residence.

6 Thank you.

7 (Court adjourns at 1646H)

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