



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 PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

8 April 2009, 0906H

Trial Day 6

Before the Judges:

NIL Nonn, Presiding
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For the Accused Person KAING GUEK EAV

François ROUX
KAR Savuth

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WITNESS: TC1 Francois Bizot

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. HONG KIMSUON	Khmer
MR. KAR SAVUTH	Khmer
JUDGE LAVERGNE	French
MR. PETIT	English
MR. ROUX	French
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
WITNESS TC1, MR. BIZOT	French

1

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

2 (Judges enter the courtroom)

3 [09.07.47]

4 THE GREFFIER:

5 Please be seated.

6 MR. PRESIDENT:

7 The Trial Chamber announces the continuation of our proceedings.

8 THE GREFFIER:

9 Report about the presence of the parties and the witness for
10 today's proceeding.

11 Mr. President, all the parties are present in this morning's
12 proceeding. The witness is also present.

13 THE PRESIDENT:

14 The security officers bring the accused to the dock.

15 Before proceeding, I give the floor to the civil parties' lawyers
16 in Groups 2 and 4 who haven't had a chance to question the
17 accused, and the Trial Chamber would inform the time limit for
18 each group is 30 minutes.

19 And the second reminder is that for the questioning to the
20 accused, try to avoid repeated questions and please make your
21 questions accurate for longer questions. Break them out into
22 smaller questions in order to make them more precise and to give
23 the opportunity to the accused to understand their response
24 properly.

25 First, the civil parties' lawyers for Group 2. The floor is

2

1 yours.

2 [09.09.48]

3 MS. STUDZINSKY:

4 Good morning, Mr. President. Good morning, Your Honours. Thank
5 you very much.

6 BY MS. STUDZINSKY:

7 Q. I start now. First, I would like to know do you agree that
8 M-13 was the killing centre?

9 A. Good morning, Madam lawyer. At first, I am certain it is a
10 killing mechanism from the 20 of July '71 through the 17 April
11 '75.

12 Q. Do you agree with me that it can be called a killing
13 centre? And please answer short and precise to my questions.

14 A. I do not -- object to that. I have already informed it is
15 a killing mechanism which started from the 20 of July '71 'til
16 the 17th April '75. Besides those 10 people whom I released, the
17 rest have been executed or transferred elsewhere.

18 [09.11.49]

19 MS. STUDZINSKY:

20 Please, again, keep it short and answer only with "yes" or "no"
21 if the questions can be answered only with "yes" or "no".

22 MR. ROUX:

23 Sorry, Mr. President, I cannot accept that. I cannot accept
24 that. My colleague is asking questions and she's getting answers
25 and you're not going to direct the answers. You're directing

3

1 your questions but you do not direct the answers.

2 MR. PRESIDENT:

3 Please continue with another question because the objection by
4 the defence counsel is effective.

5 BY MS. STUDZINSKY:

6 Q The staff recruitment for M-13, you told us yesterday you
7 had around 20 staff members. Can you tell us what was their age
8 when they entered? From which age -- how old were they until
9 which age?

10 A. For the children who stay with me until they went to S-21,
11 mostly were 15 or 16 years-old but below 18 years-old.

12 Q. Which was the youngest age?

13 A. The youngest one was my messenger, Comrade Chen. When he
14 went to stay with me he was 12 or 13 years-old.

15 [09.14.34]

16 Q. Girls as well?

17 A. There was one female staff, one old woman female staff who
18 was the wife of KW-08.

19 Q. How many of your staff members did you recruit yourselves?

20 A. Let me -- yesterday I already informed Your Honours that I
21 recruited all the M-13 staff. If not happy -- if unhappy, I
22 would send them back.

23 Q. My question was how many of your staff members did you
24 recruit yourself, personally?

25 A. All the staff of M-13 office were recruited by myself.

4

1 Q. Personally and directly?

2 A. We couldn't do any work alone. We had to work with the
3 committees under district or sub-district levels and it's under
4 the agreement with the Zone Committee, but the initiative to
5 recruit the staff is mine.

6 Q. Did you tell these minors and children what work they will
7 do in M-13?

8 A. I think I already responded to this question already with
9 Your Honours. They were brought in to guard only -- the
10 exception was two. So mostly they guard and do the production,
11 and those who are capable, who were capable, I asked them to
12 interrogate and only one person of mine, who was my messenger --

13 Q. That was not my question. I have asked you -- and please
14 listen. I have asked you what did you tell them when you, for
15 example, went into the villages and tried to recruit or recruited
16 staff and you spoke with the first time when them at the -- in
17 the recruitment process? What did you tell the children what
18 they will expect in M-13?

19 A. Yesterday I reported to Your Honours that if I wanted to
20 have additional staff I would ask my assisting staff myself if
21 anyone was good, and then I got the report back from them. After
22 I surveyed then I seek opinion from the upper echelon, and then I
23 would ask my staff again. So I submitted a request to my upper
24 echelon first.

25 Q. Excuse me, I don't know -- don't you understand my

5

1 questions? Because I do not get any answer which is related to
2 my questions, and therefore I have doubts. I don't know what --
3 if it's a translation problem or whatever. If you don't like to
4 respond, then tell it frankly then I know what the reason is.

5 A. You already know that I want to answer. I do not object.
6 But probably you do not understand my response. I already said I
7 did not personally go to contact those people first. That is the
8 important point.

9 [09.19.12]

10 Q. Did you tell them that they will work in a killing centre?

11 A. We recruited them from the district or subdistrict
12 committees. Then we would order them to work. We did not use
13 the word "killing office". It was the duty of the Communist
14 Party of Kampuchea. I could not say such a word, although the
15 killing office was the concept of the present understanding
16 because that -- what happened was inhumane and there was no law
17 to protect such office, but they did not use the word "the
18 killing office". They were invited to do the revolutionary work;
19 and what was the revolutionary work at the time? It was the
20 killing, the execution.

21 Q. Did you promise them or/and their parents goods, education
22 for the children, material support?

23 A. The materials; let me tell you at the time probably there
24 were still some old revolutionary people. They will receive 15
25 riels per month to support for the tobacco, and those who did not

6

1 smoke they would save for the haircuts, for instance. And then
2 there's some miscellaneous clothings, for example. There was
3 nothing special. We eat what we -- we ate what we could find
4 together, and that's what happened, so I did not promise what --
5 these sort of things to them.

6 [09.21.14]

7 And about the education; it is my obligation to teach them the
8 Party's line. That is the truth.

9 Q. How many of your children staff ran away during the whole
10 time from 1971 until '75?

11 A. Let me tell you. Those who escaped, they could not escape
12 unless I intended them to return. Then I would find a method for
13 them to leave. Today I think you would see one or two people,
14 the KW-30 and 32, whom I let them returned before the 17 April
15 '75.

16 Q. Am I right that you want to say that nobody ran away during
17 this four -- from your staff?

18 A. Let me emphasize clearly to you that the organizing
19 structure of the Khmer Rouge was clear. The structure was even
20 at district or subdistrict levels, so nobody could escape at the
21 time. If someone dare to escape from the M-13 office without
22 authorization from me, I will report it to the upper echelon,
23 then the village or subdistrict chiefs would find them. So
24 talking about escape, it was none. But if I intended for them to
25 leave, yes, it happened.

7

1 [09.23.19]

2 Q. Besides Pal , who was punished, what happened to the other
3 staff members? Did you punish them?

4 A. Pal was not only punished by the upper echelon but they
5 ordered me to arrest, to interrogate and smash. So a punishment
6 is so light to say in this regard. Besides Pal at M 13A, nobody
7 else was arrested and killed with the order from the upper
8 echelon. There was one who was punished at Office M-13B, and the
9 name was Pi.

10 Q. Am I right; only Pal from M-13A was punished from the
11 staff?

12 THE INTERPRETER:

13 The interpreter could not hear the accused.

14 THE ACCUSED:

15 The one who decided to order the arrest or smash, the only one
16 who was from that order was Pal and that's the former torture
17 that you talked about.

18 BY MS. STUDZINSKY:

19 Q. When you trained your staff in M-13 did you tell them that
20 people can plant thousands of potatoes or 5200 cassava trees, and
21 that killing two people a day is not a great deal for them? Did
22 you tell them or give them these words?

23 [09.26.09]

24 A. Let me clarify this to you. At that time there was no
25 plantation, no private plantation or to receive the products as a

8

1 personal produce. It was collective, so it was distributed
2 collectives by -- according to the organization. About the two
3 people you talk whom - who were killed, I did not understand you;
4 I did not know whom you were talking about.

5 Q. My question is; did you encourage the children to kill at
6 least two people per day, when you said, only to give an example,
7 people can plant hundreds of plants or potatoes or whatever and
8 then killing only two people is not a big deal for them. That
9 was the question.

10 A. Let me tell you, honestly, I never put that into
11 comparison. Going vegetables is part of the revolutionary work,
12 take the enemies to be smashed. Let me use the wordings used by
13 the CPK at the time. When the Party get you the order you have
14 to carry it out, and that's the orders that I give it to my
15 subordinates, according to the current situation and the current
16 human rights laws. And according to the universal declaration so
17 that human rights, this is a crime and that's the fact.

18 [9.28.02]

19 The two views at different times were contrasting. At that time
20 I was their commander. At this time I bow my head before this
21 Trial Chamber as I was once a leader. At that time I --

22 Q. So in answer to my question -- and again, try to answer the
23 questions.

24 MR. ROUX:

25 Mr. President, could you ask, please, my colleague to address

9

1 herself with a bit more respect? To speak to the accused with a
2 bit more respect, please.

3 MR. PRESIDENT:

4 Please prepare your wordings and your attitude appropriate in
5 order to put proper questions to the accused, and this is in
6 order to facilitate the smooth proceeding of the Trial.

7 MS. STUDZINSKY:

8 Your Honour.

9 BY MS. STUDZINSKY:

10 Q. I only wanted to remind you to answer shortly and
11 accurately. Am I right, and did I understand from yesterday that
12 you told the Court that you assigned the smashing to peasant
13 children?

14 [9.30.02]

15 A. Which two children you talk about; can you explain or make
16 it -- can you clarify that because I had more guards and the two,
17 whom I assigned to carry out their duties. From what I recalled,
18 I meant except the two children.

19 So, please, can you check whether this is a translation issue?

20 But in general, there were more than 10 guard whom I assigned
21 their duties.

22 Q. But -- then I try to rephrase. Can you confirm that you
23 assigned this duty to smash to children, to your minor staff; is
24 this right?

25 A. This is the issue that's real, that happens by the

10

1 (indistinct) mountains that you can see, I informed the Chamber,
2 I assign the children to smash people; that is the fact.

3 Q. Then, I would like to know if this is right; did you
4 observe the first time when they killed a prisoner? Did you
5 observe this first time?

6 A. I informed the Chambers already, and even outside the
7 Chamber I also talked about that, that I did not go and observe.
8 I ordered them to carry out their duties that was based on the
9 orders from my superior. I did not go and witness it.

10 Q. Were you informed if they were the first time killing
11 somebody, if they were reluctant?

12 [9.32.43]

13 A. Reluctance or not, I am not sure. But at a later stage I
14 learned that one of my staff, Comrade Pon reported to me that
15 Comrade Meas smashed the people by using -- by swinging his legs;
16 that's the information I received from my subordinate about the
17 smashing.

18 Q. And your answer before, only to be clear about this, you
19 will tell us that you never witnessed a killing, execution in
20 M-13, which was hundred -- around 100 metre from your office? Is
21 this what you want to say?

22 A. Let me tell you, the lawyer, that Amleang was not as clean
23 or as empty as Phnom Penh. It was forest. So four metres from
24 the detention or 10 metres from the detention you cannot see
25 anything but the forest, you cannot see people.

11

1 And at M-13, the one week, grave was at the other side, so it was
2 not even 100 metres away.

3 Q. That means the answer is yes?

4 A. It is true, because I need not go and witness even if it
5 was less than 100 metres.

6 Q. I come now to the prisoners and I would like to know,
7 maybe, that you have said it yesterday, or before yesterday but
8 for translation problems I would like to ask you the following
9 question; how many prisoners were, on average, in M-13?

10 [9.35.16]

11 A. At M-13A, after 30 prisoners escaped we never had any
12 prisoners, more than 10 of them, at a time.

13 Q. You want to say that in average, I know this event, 30
14 prisoners escaped in one day but -- and then you had an average
15 10 prisoners every -- in your prison; is this right?

16 A. I just said you could check it. There were two stages.
17 Before the prisoners escaped we send the prisoners to do the
18 farming and after that we never kept more than 10 prisoners;
19 after they interrogated and we ask for opinions then they were
20 sent to be smashed. So there were no more than 10 prisoners at a
21 time. ...

22 Q. And can you clarify when this happened that the 30
23 prisoners escaped?

24 A. It was in 1972. I apologize. It could be in late '72 or
25 early but the location was the location. It was at a location

12

1 near Pis Mountain called Tuol Svay Meas or in Amleang
2 Subdistrict, Thpong District, Kampong Speu Province.

3 [09.37.25]

4 Q And yesterday you said on average every day you received or
5 every 10 days you received -- sorry -- every 10 days around you
6 received one prisoner, one new prisoner.

7 A. Let me clarify to you that the prisoners coming in, was not
8 the plan that we could decide. It came upon when they were sent
9 to us. Occasionally one or two or three prisoners came, is what
10 I said.

11 Q. Did you group these prisoners according to categories?

12 A. What categories do you want me to talk about? Can you
13 please clarify?

14 Q. For example, light offenders and serious offenders. For
15 example, cadres or an old soldier, whatever -- this is only to
16 give you examples but this is what I mean with categories

17 .

18 A. Let me clarify that those who were detained at M-13 only
19 two of them were special; the TC-1 had their own sleeping place,
20 and later on there were two prisoners who were special, one cadre
21 from Hanoi, Prack Put. He is a Deputy Battalion who was charged
22 for killing his own commander and the head owner of a proper
23 place. And another one is Sangha Hoeun who was a member of Sector
24 33 in the Southwest Zone. There was a separate special for these
25 two prisoners. They had a mosquito and a proper sleeping place

13

1 so it was not as the same as where my guards resided.

2 Q. And am I right -- do I understand you right that all other
3 prisoners were in the same -- or were treated equally and
4 therefore can be considered as one group?

5 A. All prisoners -- let me clarify to you the lighter
6 prisoners would not be brought to M-13A. They would be moved to
7 M-13B. Only for serious prisoners whose confessions were needed
8 they were sentenced to M-13A. So they were not light prisoners.
9 [09.41.11]

10 Q. How long did those light prisoners -- light offences --
11 stay in M-13A before they were transferred to M-13B?

12 A. You ask me this question, it means you do not have a grasp
13 of the situation. Let me clarify the situation to you in detail,
14 if you permit?

15 Q. Can you -- it would be sufficient for me to have an average
16 timeframe how long they stayed for the transfer, let's call it,
17 or waiting in transit.

18 A. That's why I said you did not understand the situation.
19 There were no prisoners transferred from M-13A to M-13B. And
20 that's what I clearly stated yesterday to the Chamber.

21 [9:42:25]

22 When the M-13B was -- when the M-13A was created they were sent
23 there and there was no prisoners sent from M-13A to M-13B. There
24 was no transit. And the waiting period for the M-13B before they
25 were released at the M-13B was the decision of the South District

14

1 Committee, whether they had to be detained for half a month or a
2 month that was their decision depending on the situation at the
3 time.

4 Q. I come now to different torture; to punishment methods. I
5 would like to know if breasts of female prisoners were burned as
6 a method of punishment or/and torture?

7 A. Let me clarify to you that only I was the interrogator for
8 female prisoners so I never saw any breasts of any female
9 prisoner. If I did not even see their breasts how could I put
10 torture onto their breasts?

11 Q. Did it happen or was it a method to insert things like, for
12 example, a torch or other things into the anus of prisoners?

13 A. Are you talking about the M-13 or S-21; can you clarify?
14 It did not happen at M-13. It happened only at S-21.

15 [09.44.43]

16 Q. Were prisoners in M-13 stripped of their clothes?

17 A. For the male prisoners whether they were stripped or not it
18 is up to them but they will never be naked because there were
19 also female prisoners. And for the female prisoners none were
20 stripped but they did change clothes when they went for bath.

21 MR. PRESIDENT:

22 The time is almost run over for your group so please try to make
23 it quickly.

24 MS. STUDZINSKY:

25 Mr. President, if you allow that we can share among us the time

15

1 to take the whole of one hour and to share it among us? Is this
2 okay?

3 MR. PRESIDENT:

4 Between which group and which group? Because you already
5 consumed 40 minutes already -- 45 minutes already. You only have
6 15 minutes left for the civil parties' lawyers because each group
7 has 30 minutes. So you sort by the time limit.

8 MS. STUDZINSKY:

9 Mr. President, I would like to share it with Group 4 and only to
10 recall that I started with my questions according to this clock
11 there, but say at 9.10 and not at 9 o'clock, and I would like to
12 continue.

13 BY MS. STUDZINSKY:

14 Q. Were pliers used to remove fingernails?

15 A. I already reported to the Co-Prosecutors, no, there was no
16 such method at M-13.

17 (No interpretation)

18 MR. PRESIDENT:

19 Please can you say again because the Khmer interpreters cannot
20 hear the English channel. Mr. Roux, could you please speak again
21 so that the other interpreters on separate channels can
22 translate?

23 MR. ROUX:

24 Your Honours, thank you. I was saying that this morning the
25 civil parties have been reminded not to ask again -- not to

16

1 repeat questions that have already been asked. I note that for
2 at least 10 questions put by my colleague the accused has offered
3 an answer. I have also answered -- he has said that, "I've
4 already answered Judge Lavergne. I've already answered the
5 Co-Prosecutor. I've already answered the Chamber."
6 This has been said at least 10 times already this morning, so
7 could we possibly ask the civil parties not to keep asking the
8 same questions over again. Thank you.

9 [09.48.52]

10 MR. PRESIDENT:

11 Can I remind the lawyer. The Chamber also noticed the same
12 thing. Please ask questions which are -- which have not yet been
13 asked, and please make your questions precise because the accused
14 already responded to questions raised by the Chamber and by the
15 relevant parties, and do not repeat those questions.

16 BY MS. STUDZINSKY:

17 Q. I come now to killing methods. Did you hear prisoners
18 screaming while they were tortured and/or before they were
19 killed?

20 A. Not only I who was there; for those who stayed there did
21 not hear the prisoners because they were hit with a bamboo club
22 at the base of their neck.

23 [09.52.32]

24 Q. Can you complete the answer, because I referred to the
25 screaming or possible screaming of the prisoners also to torture

17

1 and maybe before they were killed, of course, if they were
2 screaming and if you have listened this -- heard this.

3 A. No, I did not hear. I did not hear anything at all.

4 Q. Were throats -- prisoners' -- cut so that the blood
5 spilled?

6 A. No.

7 Q. I come now to Pal. I would like to know how did you get
8 knowledge of the moral offence that Pal allegedly had committed?
9 How did you get the knowledge of this?

10 [09.52.17]

11 A. Pal committed immoral offence at the M-13B office in the
12 position as deputy chief of that office. He had immoral offence
13 with -- I don't call that woman a prisoner but she was there, she
14 was beautiful. There were two of them, Comrade Pi and Comrade
15 Pal, but Comrade Pal's secret was revealed and he was
16 transferred.

17 And then Comrade Pi was also implicated, so that secret was
18 revealed and broke out entirely at M-13B and the superior
19 acknowledged what happened, and I also was aware of the event.

20 Q. Can you clarify what kind of moral offence he was charged
21 with?

22 A. The language -- all my language, or the language of the CPK
23 was it's sexual immoral offence. Whatever you call it, it's up
24 to you.

25 Q. Did you get an advice what is behind this word; what it

18

1 means, this term?

2 A. In the case of Comrade Pal the superior knew. The superior
3 made decision and transferred him out of M-13B to another unit.

4 And for Comrade Pi the superior knew the situation but did not
5 allow him to join the Youth League. I already informed the
6 Chamber about this event yesterday.

7 Q. I try it again. Can you specify what "moral offence" meant
8 in this case with Pal? What has he done? Very concrete.

9 [09.54.57]

10 A. In the Cambodian tradition, as well as in the revolutionary
11 rank, if people had sexual affairs without being married that's
12 called immoral offence. And if in the rank, if the Onka did not
13 marry them then and if they had sex, that's they committed an
14 immoral offence. And after they get married and if they had sex,
15 that's their own affair, their own family.

16 Q. Does this include voluntary and non-voluntary sexual
17 intercourse?

18 A. For the rape on a woman, that was serious. If it was
19 consensual that would be light offence. In the case of Comrade
20 Pal and that woman, that would be called moderate. But if he did
21 rape, then he would be cuffed immediately. That was the
22 implementation at the time.

23 Q. You mentioned yesterday meetings for self-criticism. Who
24 participated in these meetings in M-13?

25 A. The criticism and self-criticism was done within its

19

1 framework. I, the candidate, I did it within the Party's
2 branch. For my group, when we held a meeting at the Party's
3 branch, there were four of us from the beginning. The Chairman
4 of Office 305, Ros Cheatho alias Chet, the office of 307
5 Chairman, Sien Pause alias Neath, Office M-13A, Kaing Guek Eav
6 alias Duch and M-13B, Ho Kim Eng alias Sum. These were the four
7 members who held meetings on a fortnight basis -- fortnightly
8 basis.

9 [09.57.48]

10 Q. And then were there also meetings only among staff, you and
11 staff of M-13A, meetings concerning self-criticism?

12 A. I just informed you that for the Party's livelihood
13 meetings there was Ho Kim Eng alias Sum and Kiang Guek Eav alias
14 Duch in that meeting; therefore, your question is repeated.

15 Q. Were these meetings held at night?

16 A. All the meetings were held during the day from morning 'til
17 afternoon.

18 Q. Did they last the whole day, those meetings?

19 A. I just informed you it started from the morning until the
20 afternoon so it was one whole day, and it's a repeated
21 questioned.

22 Q. I'm sorry, in the English translation I have never heard
23 that you described how long it lasted, and I'm sorry if you have
24 told this already yesterday or before yesterday.

25 [9:59:49]

20

1 Can you please tell us what was it what you personally criticized
2 and what was it what you -- when you criticized yourself, which
3 points did you raise concerning others and yourself?

4 A. I would like to tell you that from the beginning if you
5 listen, please -- listen carefully to what I'm about to say. The
6 livelihood meeting has had the following agenda: First, about
7 the previous work; to report about the previous work achievement.
8 Second, to examine the previous work for bad or good quality.
9 Third, at the same time, we had to self-criticize. It means it's
10 self-criticism; to reflect us as the people, why we produce such
11 bad quality and not to make the work progressive.

12 So after we put ourself into situation, then we would receive
13 criticism from the other meeting members, then it will say okay,
14 you would make -- you made a mistake at this point or that point
15 and this is the areas that you need to improve so that's called
16 criticism from others.

17 And after the criticism from everyone -- let me just continue.
18 So after the criticism was finished, then the Branch or Chairman
19 would sum up then for us to make our impression on the 15-days'
20 period that we have done; therefore, during the last three or
21 four years, it was held every fortnight. So then it's hard for
22 me to sum up my criticism or self-criticism in a few words.

23 Q. Give me one example. What did you criticize or when you
24 criticized yourself, can you tell us one example that you've
25 submitted in this meeting?

21

1 A. During a self-criticism, usually I talked about during the
2 15-year -- the 15-days' period what I achieved and why did I
3 achieve it. The reason because I studied the line and I
4 understood the line and I implemented the line to be
5 responsibility; that was about my good quality.
6 And when I talked about my bad quality during that time, what I
7 lacked of personally, I probably did not pay attention to are you
8 catching those people -- spies -- they allowed their people to
9 escape. So I had to raise a measure to improve, to educate the
10 combatants, the cadres to understand better.

11 MR. PRESIDENT:

12 The civil party lawyer for Group 2 or and the civil party lawyer
13 for Group 4, if you don't have any questions to ask then allow
14 the whole time to the civil party lawyers in Group 2. The civil
15 party lawyer Group 4.

16 MR. HONG KIMSUON:

17 I have about 10 questions, Your Honour.

18 MR. PRESIDENT:

19 So now the time is over for the civil party lawyer Group 2 and I
20 give the floor now to the civil party lawyer Group 4.

21 MR. PRESIDENT:

22 So the civil party lawyer Group 2, your time is up and now the
23 time is for the civil party
24 lawyer Group 4. Please do not repeat the same questions and if
25 the answers of the

22

1 accused is already clear, do not ask the same thing unless you
2 need to clarify the points which are not clear.

3 [10.05.16]

4 MR. HONG KIMSUON:

5 Thank you, Mr. President, Your Honours. I am representing Group
6 4 with Pierre-Olivier Sur as my colleague, as my international
7 colleague.

8 With Your Honours leave, if the translation might not make it
9 clear, let me clarify in order to avoid being instructed from
10 Your Honour for repeating the same questions.

11 [10:06:12]

12 BY MR. HONG KIMSUON:

13 Q. Let me ask to Mr. Kaing Guek Eav alias Duch from what I
14 have heard, you stated that -- you stated regarding the decision
15 for the recruitment of the young childrens as your staff, it was
16 done through the hierarchical structure through the village and
17 sub-district Committee, but you did not do it yourself or make
18 your own decision because it's illegal; is that correct?

19 A. Yes, we -- as my people, it's easier to understand.
20 For example, if I want to have a staff and the quality is a good
21 class, good morality and unless the parents who -- live among
22 those villages or sub-district committees.

23 [10.06.57]

24 So when I was satisfied with it, then I would put a request to
25 the Zone Committee. Once the zone approved, it would come down

23

1 to the sector; the sectors come down to the village or
2 subdistrict's committee, and that would relay to me.

3 Q. Thank you. Let me continue the question regarding the
4 illegality.

5 So in between the 20 of July '71 through the 17 April, 1975 --
6 that was the period within the liberated zone -- you were the
7 chairman of M-13. During that period, they -- I mean the Angkar
8 or whomever; we are not clear -- at what level is that authorized
9 or what's the law for you to abide?

10 A. I apologize. It was not the law. They used the word
11 "lying" or "principle"; not law.

12 Q. Thank you. So in principle, can you explain whether the
13 principle was clearly stated in a document with points one, two,
14 three that needs to be implemented?

15 A. Thank you. The principles; let me clarify it, for example,
16 are on certain issues.

17 Q. Only related to M-13?

18 A. M-13 was not independent. The principles that M-13 had to
19 abide by was -- the achievement was the property of Angkar. So
20 all the achievements were spoiled, all the -- were spoiled. It
21 means what we get from our enemy and what is the achievements,
22 the weaponry, they all belong to Angkar. So we cannot keep them.

23 Q. I clearly heard that.

24 A. That is the principle. I don't want to explain that to you
25 but that is the principle and is a new principle. I only saw

24

1 that document.

2 [10:09:20]

3 But there were some old principles. It means the lower level had
4 to respect the upper level and the upper level had to respect the
5 party. So when I joined the party I needed to respect the party.

6 Q. I understand that. So the existing old principle was put
7 in document with instructions to implement in points one, two,
8 three or it was verbal?

9 A. The principles, they said that a lower level had to respect
10 the upper level. It was in the party's statute.

11 Q. Thank you. Let me continue the question regarding the
12 questioning or the interrogation of those who were sent to M-13.
13 You said it was related to all these principles and not law. So
14 let me ask you, when you interrogated -- because in a document
15 you were skilful in interrogation -- did you personally
16 interrogate all male or female prisoners or just only the female
17 prisoners as you have just stated?

18 A. All the main people, like I have said, it was my
19 responsibility.

20 For example, TC-1 and probably the TC-1 would be giving the
21 testimony soon.

22 Secondly, for the female prisoners because I was afraid that a
23 young interrogator would commit an immoral offence, so I took
24 that responsibility of interrogation.

25 [10.10.56]

25

1 Third, whomever I thought needs to be released then I would
2 interrogate that person personally, so I would give up the case
3 file for that person in order to ask for a favour from the upper
4 echelon for that person's release.

5 Q. Thank you. So you said important people -- so the upper
6 echelon, you said. Who were the upper echelon? Were they the
7 party or the Central Committee or the Brothers that you used to
8 call?

9 A. The upper echelon, as I said, my direct upper echelon who
10 organized the security work at the Special Zone was Vorn Vet from
11 the beginning -- Brother Vorn Vet.

12 Q. Please talk about the surrounding areas around M-13
13 office.

14 A. There are two duties. Like I talk to Ms. Studzinsky, the
15 party's work was held in a meeting every fortnight, and another
16 one is the security affairs. Sorry, I did not say it in French.
17 So it was the security affairs. It means to receive the people
18 to be detained, to interrogate to get a confession and send it to
19 the upper echelon so it doesn't go through my branch chairman.
20 So that was the security work of M-13 and it needs to be gone
21 through two zones. For the Special Zones I will report through
22 Brother One, and for the Southwest Zone I would report to Brother
23 Si and sometimes I reported to Brother Vet.

24 Q. Thank you. Let me continue the questioning.
25 What is the important point that you regarded a person as

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1 important when the upper echelon send it to you? Was it in
2 writing whether he was, for example, a well-known spy or inside
3 the enemy? Was it already stated or it was up to you to make
4 that decision?

5 A. The important people from the Special Zone, for example, it
6 was clear. For example, I got instruction from Vet, okay, you
7 put pressure on this person, on that person.

8 [10.13.33]

9 And for the Southwest Zone, after I got a situation, I asked the
10 opinion from Brother Si. So after I got a situation, I asked for
11 his advice.

12 Q. Thank you. Let me continue. All the questioning -- that
13 you regarded those people as enemy, was it from your initiative
14 to make it tough or light; upon your discretion?

15 A. What you sai, it's almost close to my words. When I see
16 their fault, then if I wanted to release, then I would ask
17 accordingly. So in order to release I would find a way, a gap.

18 [10.14.32]

19 Like in the case of Horm In where you understand the situation.
20 Horm In came with five people and if so four would not have any
21 chance to be released, only Horm In because his father was a
22 candidate member and with the party of the committee of Amleang
23 subdistrict and he was poor; he was a humble person. So I
24 arrested that person and seek opinion from Brother Si for his
25 release.

27

1 So I tried to find the gap in order to release the prisoners.

2 [10.14.59]

3 Q. Thank you. Let me continue the questioning.

4 For every interrogation at M-13A, there was no release from what
5 you said, right? Before the people were being smashed or killed
6 -- it's called today -- did you hold a meeting with the committee
7 of your upper echelon to make that decision?

8 A. Yesterday, I already talked about this to the Judge. After
9 the interrogation, I take the confessions to my boss and if
10 they're satisfied then, and the person needs to be smashed, then
11 I would follow the order.

12 Q. Yes, this is regarding to the decisions. Thank you.
13 For every meeting -- you already expand the meeting -- the
14 differences -- the different ties to the meetings, the party
15 meeting or the other type of meeting. When a prisoner escaped,
16 you said that at Pis Mountain they did rice farming and the
17 lawyer asked how many escaped; then 30 prisoners escaped. At
18 that time was any of the 30 escapees re-arrested?

19 A. None was arrested, only the guards -- some guards got
20 wounded, for example, Comrade Pon.

21 Q. Let me ask you, from the Pis Mountain to the Oudong or to
22 Kompong Speu area, what is the longest distance. I do not know.
23 Like I responded to Mr. Panith (sic) yesterday, from Oudong to
24 Chamkar Mon I do not know the distance, nor from Amleang to
25 Chamkar Mon, nor from Amleang to Oudong. That's what I said to

28

1 Kimsuon yesterday.

2 Q. I did not ask for exact kilometre but I just want to know
3 which one is further.

4 A. In practice, for those 30 people who escaped, they went
5 towards the Chamkar Mon direction.

6 [10.17.08]

7 Q. Thank you. The camp at the Pis Mountain where the
8 prisoners escaped and the M-13 location where they were detained,
9 when we talk about the distance from the M-13 to the Lon Nol
10 area, was it closer than to the Pis Mountain or was it further?
11 I meant from Phnom Penh, from Pis to M-13 and to Chamkar Mon.
12 These two locations, comparing to M-13, which one is closer to
13 Kampong Speu or to Oudong area?

14 A. Let me clarify to you. The Pis Mountain, or what I call
15 that exact location, is called Tuol Svey Meas or Ta Liev, was the
16 location of Office M 13. So it is at the base of the Pis
17 Mountain or on a hill called Tuol Svey Meas or Ta Liev.

18 Q. Thank you. My last question to you is: you used to say in
19 your statement that when you said if you had an intention not to
20 do the police security work because the smashing was involved,
21 for example, the questioning or the interrogation of the prisoner
22 was also inappropriate and you would want to move yourself to the
23 Lon Nol area, but because it was further and because you would be
24 fearful that you were recognized, could you highlight or
25 enlighten us on this particular matter?

29

1 A. Let me clarify. I would want you to read my statement
2 again. I want to remove myself from that police office but I
3 could not have the ability to escape or run away from it. That's
4 the reason. So it was clear yesterday, the Co-Prosecutors asked
5 me -- or whether the judge, I'm not sure -- whether, if you have
6 a permit to travel. When I go within the Southwest Zone I have
7 my own permit, and I when I was at the special zone I had my own
8 permit for travelling. And particularly yesterday Judge Lavergne
9 asked me when I was talking -- when I understood about Lon Nol's
10 regime about my mum went to ask for my release from the Lon Nol.
11 That's what happened.

12 Q. Yes, we heard that. Let me ask another question.

13 [10:19:51]

14 Before the M 13 closedown, from the documents I read when you
15 provided the interview to the Co-Prosecutors, some people were
16 sent for smashing and some were sent to Sector 25. Were there
17 any prisoners whom you regarded as enemy transferred to S-21?

18 A. No. None was transferred from M 13 to S-21. M-31 (sic)
19 finished on the 30 April.

20 MR HONG KIMSUON:

21 Thank you, President.

22 MR. PRESIDENT:

23 Next I would give the floor to the defence counsel. If you have
24 any questions to ask the accused regarding the facts at M 13, if
25 you have, the floor is yours.

30

1 QUESTIONING BY DEFENCE COUNSEL

2 BY MR. KAR SAVUTH:

3 [10.21.05]

4 Q. I would like you to confirm, in M 13 do you have the right
5 to arrest anyone to detain in M 13?

6 A. Now, talking about the rights to arrest, no, I had to
7 follow the three principles issued by Vorn Vet. M 13 could only
8 wait to receive the people who were arrested. This is Rule
9 Number 1. Secondly, Comrade, you should not touch any human from
10 the Angkar. And Number 3, please be away from the children or
11 the girl in the village. And I had followed these principles
12 that I survived here until today.

13 Q. Question number 2: when you were the chief of M 13 did you
14 ever kill a person -- any person on your own?

15 A. I would like to say when Brother Chhay Kim Huor advised me
16 -- Kim Huor told me that it is the weakness of the intellectual
17 and you need to learn from the peasant and you allow them to do
18 that job, and what you need to do is to make an order. So the
19 principle is -- lie in this teaching and advice. This is clear.
20 And in practice I did advise and order my subordinate to execute,
21 and I give the instruction like I addressed to lawyer Kimsuon.
22 So when you are talking about I personally killed anyone, I would
23 like to confirm again I never killed anyone with my own hands;
24 ever.

25 Q. So you never killed anyone on your own. And when the upper

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1 echelon assigned you to be the chief of M 13, did you receive any
2 order to kill any prisoner?

3 A. When they say the person was decided to be arrested, M 13
4 had to detain, interrogate and smash for the upper echelon, but
5 in practice when I get the confession I came over to consult,
6 when I get the approval to smash, and then I order for the
7 smashing. And if sometimes they ask me to act further, I will
8 follow.

9 [10.24.18]

10 So when the upper echelon say that you can go ahead, smash, I
11 will do that. So when you get the confession, you wait until you
12 get the approval. So the lawyer understand well. After -- and
13 then I do not do any things that -- after interrogation I wait
14 until the approval is obtained and I then --

15 MR. PRESIDENT:

16 Could you please slow down so that we can put on a proper record.

17 So Mr. defence pause a little before the accused gives the
18 response. Please continue.

19 BY MR. KAR SAVUTH:

20 Q. So in general, you mentioned that you were the chief of the
21 prison. Do you accept that statement?

22 A. As I was a chief of M 13 and also as a chief of S 21, all
23 crimes including detention, inhumane detention against other
24 inmates, women and children, and further to the execution of
25 women and children, I admit it all. If there was no me who was

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1 there who made decision and order, there would be another person
2 to replace, but I was there and I make decision. I order. I do
3 not implicate anyone other than me. It was in my hand.

4 MR. KAR SAVUTH:

5 I have no more question, Your Honour, thank you.

6 MR. PRESIDENT:

7 Mr. Francois Roux, do you have any question to ask the accused,
8 please?

9 MR. ROUX:

10 Thank you.

11 BY MR. ROUX:

12 Q. Mr. Duch, when Judge Lavergne started questioning you, you
13 -- we spoke a bit about the Communist Party and about your
14 engagement in the Communist Party, and I would like you to
15 explain to us, in this Community Party, what was -- what did
16 "secrecy" mean in this Party, and how did you go about with the
17 secrecy in your functions at M-13 and then later at S-21? What
18 was the policy of secrecy within the Communist Party?

19 A. When I joined the revolution, I was trained to keep
20 secrecy. For example, we went out to spread the flyers, window,
21 when we were assigned to do that job, and we should not reveal
22 anything to other, that we did that work. This is number one.

23 [10:28:45]

24 Number two: So what is our connection in the political party?

25 Who is your supervisor? We should keep this a secret. Who were

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1 your subordinate? These matter should not be revealed. I went
2 out of Skon. The party activity at Skon was continue, but there
3 was someone who replace me, but I do not tell this to anybody.
4 The task at M-13, for example, tomorrow, or five day in the
5 future, Koy Thuon -- I am sorry, I went too fast. For example,
6 they had brought Prak Sonn for interrogation here. I get the
7 blame from Ta Mok, but I keep it secret; I didn't told -- tell
8 anybody. And then, if I kill anybody, or I order someone to kill
9 anyone, how many people, where they were buried, this is remain
10 secret.

11 Another example: Comrade Sorm, chief of Office 201, came to me
12 and ask me to wait, to arrest one of the victim. I went out to
13 wait and I didn't told anyone, other than my force who were ready
14 to make the arrest, and, before everybody see me, see me there to
15 be arrest, that's the order made by the upper echelon already.

16 [10:31:29]

17 So, the keeping of secrecy, we are successfully kept that kind of
18 confidentiality. I heard a proverb later, but I did not -- the
19 most confidentiality you keep, you can survive longer. Or, we
20 can say there were four secrecy of four nots: Not to speak, not
21 to know or not knowing, and not see, and do not hear -- we can
22 say four nots. So they had us try to continue to conceal
23 everything, or to keep the confidentiality in this manner. Even
24 though the place is the burial place of M-13, no one could be
25 there.

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1 I inform to the prosecutor yesterday I have the emotional
2 friendship with -- I have a close relationship to the village
3 chief around the office. So they have their own task, I have my
4 own task, but our friendships, we have our friendships, and we
5 respect one another. We help each other in the spirit of you're
6 in the same revolution.

7 So, in conclusion, we try to keep a secret for everything. All
8 the task remain in confidentiality. There is another proverb:
9 If you keep the confidentiality, that you have 50 percent of
10 success.

11 Q. You have said that when new guards arrived at M-13, you
12 took care of their political education. Would you at that time
13 teach them that they had to keep confidentiality and secrecy?
14 Did you teach them the principles of confidentiality? And did
15 you tell them that, in case of a breach of secrecy, there would
16 be punishment or sanctions?

17 [10:35:45]

18 A. During that regime, the old base Y in Amleang, everybody
19 know about the secrecy. The location of M-13, everybody at
20 Amleang knows -- knew the place. My face and my name, all the
21 village around Amleang know me very well, all know me, but they
22 did not say anything, they didn't tell anybody. And this is the
23 common knowledge of the villager at that time about myself.

24 [10:37:17]

25 On the contrary, the question posed by the lawyer, the use that I

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1 take to be the guard, did I train them before I train or
2 education, the confidentiality must be the first priority. The
3 detailed education from one day to another from one to another we
4 continue forever.

5 Normally, based on my experience, the confidentiality even though
6 it was classic in nature, we need to keep continue to educate, to
7 remind all of the times. If you fail to do that it might fade
8 away or the practice will become looser or not so strict.

9 [10.39.04]

10 Q. So can I say that in the Party from the top to the very
11 bottom of the hierarchy everyone had to keep secrecy and everyone
12 knew that if he or she would violate the rule, breach the rule of
13 secrecy his or her life could be endangered. Would that be a
14 fair statement?

15 A. Yes, it is the truth.

16 Q. You often state before these Chambers that you were in
17 charge of executing; you were obeying orders from your superiors.
18 Can I infer from this that within the Party each and everyone
19 obeyed orders from superiors within their respective positions
20 within the hierarchy and anyone disobeying orders from superiors
21 would run the risk of losing their life?

22 A. Anyone saw that, and the lawyer could understand that
23 situation.

24 Q. You say that, "I was accountable to Vorn Vet; I reported to
25 Vorn Vet." Would you say that Vorn Vet himself also obeyed his

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1 own superiors? Do you believe that if Vorn Vet thereafter was
2 killed in S-21, do you think that this was because he had
3 disobeyed orders from his superiors? Would it be correct to say
4 this? Thank you.

5 A. Regarding Brother Vorn, I never saw any case that he
6 violate the order from Brother Pol. I said about the discussion
7 between Brother Mok and Brother Vorn.

8 In the case of releasing TC-1, it indicated Vorn Vet take the
9 decision to protect the decision of the Party Secretary. He's
10 there to defend the decisions of the Party. It was said that he
11 respect the operation.

12 [10.42.48]

13 When Brother Vorn was arrested I did not specify the reason of
14 his arrest, as I told the Co-Investigating Judges. When I enter
15 to meet with Vorn to see him and to ask to beg for excuse from
16 him, at that time Brother Vorn told me that Brother Pol, it's a
17 kind of person full of paranoia; he trusts nobody at all.

18 Q. Apologies. When you're referring to Brother Pol, you are
19 referring to Pol Pot, Brother Pol Pot?

20 A. Yes. In the Party framework of discussion when they refer
21 to Pol it's Pol Pot. Let me try to continue.

22 [10:44:18]

23 I would like to continue. The arrest of Vorn Vet, because of the
24 suspicion by Pol Pot, I dare not to specify whether or not Vorn
25 Vet, Brother Von, violated or disobeyed, how many time he disobey

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1 the order of Brother Pol, I could not say that. However, he
2 violated to the degree that he lose all his trust to another
3 member.

4 In conclusion, the violation of the discipline or the Party line
5 or failed to obey the order from the upper echelon will end up
6 with death.

7 MR. PRESIDENT:

8 Mr. defence lawyer, do you have more questions to ask?

9 [10:45:40]

10 And now the Trial Chamber declare a recess for 15 minutes and we
11 will return after that and we'll come back at 11, five minutes.

12 (Court recesses from 1046H to 1110H)

13 THE GREFFIER :

14 Please be seated.

15 MR. PRESIDENT :

16 The Chamber is now in session.

17 Next, I would like to invite the defence lawyer, Francois Roux,
18 to continue his line of questioning to the accused.

19 MR. ROUX:

20 Thank you, Your Honour.

21 BY MR. ROUX:

22 Q. So we had broken off on the subject of secrecy. We were
23 talking about the need to obey. I believe we have understood
24 from your answers that you yourself obeyed the orders of your
25 superiors in a feeling of fear.

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1 Did your own subordinates obey you likewise and likewise with a
2 feeling of fear?

3 [11.11.34]

4 A. This matter is correct.

5 Q. Several former guards from M-13 -- and we shall also be
6 seeing the same for S-21 -- say that you were an authoritarian
7 chief, a hard chief. What would you say about that?

8 A. First, let me answer in one word; I was a leader with
9 authority. I never spoke freely on anything. Whatever I spoke
10 was strictly on the topic. Vorn Vet gave me that model because
11 whatever he said he would do it or carry it out. Son Sen also
12 provided me the same model. The proverb of our leadership was be
13 gentle but be strict.

14 Q. This style of exercising authority, was this style
15 reproduced further in the lower echelons? Your own subordinates
16 -- were your own subordinates likewise authoritarian, vis-à-vis
17 his subordinates, and likewise all the way down the
18 chain-of-command?

19 A. In general, you cannot find exact similarity.
20 The cadres from 703 Division was in the form of wildly animated.
21 They were lousy; they spoke a lot. I myself was strong, strict.
22 Even my deputy was second by me. So the attitude of in
23 leadership is not the same.

24 That's all.

25 [11.16.28]

39

1 Q. I would like to talk now about the self-criticism meetings
2 that were referred to and that were part of the policy of the
3 Communist Party.

4 You have provided answers to questions earlier on regarding what
5 happened in these self-criticism meetings so I need not dwell
6 upon that. But I would like to ask whether you can explain to us
7 the concept of the Party in seeking -- what was the goal, what
8 was the goal of these meetings? These regular criticism and
9 self-criticism meetings were supposed to achieve what in the
10 objectives of the Party?

11 [11.17.19]

12 A. The criticism and self-criticism is an interpretation. It
13 is a translation into a foreign language in order to make them
14 understand. In fact, the actual word was Party's livelihood
15 meeting. We had to do the Party's livelihood meeting as we
16 needed to eat. We needed the Party's livelihood meetings. It
17 means like we needed the food. We cannot avoid not eating the
18 food.

19 The Party's livelihood meeting, what is the purpose of it? In
20 order to build a new political view which is in line with the
21 principle Party of the parties at each stage. We built the
22 parties within our livelihood, in our livelihood meeting. So we
23 understood the Party's line through these livelihood meetings.
24 We had our new stance and position due to these livelihood
25 meetings.

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1 We built our collective stance and get rid of our personal
2 stance. We sacrificed our private individual stance, our stance
3 of power and we built our collective stance. We built our stance
4 to respect the organizational discipline. When we hit our
5 organizational discipline stance with respect to the upper
6 echelons to the decisions of the parties; that is the most
7 important.

8 For example, on the organizational stance in 1993 or '94 -- I'm
9 confused. I apologize. It was in '73 or '74 the Party raised an
10 organizational line. It means whoever the original class is,
11 they were the cadres in that class. Therefore, if they were born
12 peasants, poor peasants, they would be in the leadership roles to
13 lead us.

14 In Sector 32 -- I'll give you another example -- from the
15 beginning Chhay Kim Huor was supervising a number of peasants as
16 his subordinates who were also the sector cadres. After the new
17 line implemented, then he was -- he became the subordinates of
18 those peasants who became his superiors. After 1975 Ta Mok
19 became person number 4, and he was a poor peasant.

20 [11:24:30]

21 That is the livelihood meeting in order to build political
22 stance, to build the psychological stances and to build the
23 organizational stance in line with the political, psychological
24 and organizational stances of the Party. That is what is called
25 the criticism or self-criticism as the Party livelihood meeting.

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1 Q. So to recapitulate and summarize, at the time when you
2 yourself were acting as leader or chief of M-13 what we're
3 dealing with is a system that operates on the basis of secrecy,
4 as you have said, on the basis of absolutely obeying orders from
5 superiors and also involving, so to speak, the destructuring of
6 the individual's personality. Is it correct to say this? And
7 all of this -- all of this operates within the context of a civil
8 war, is this also correct or a war for the conquest of power, for
9 the takeover of power?

10 A. That was not asked in the war to grab the power but it was
11 the parties and their stance. So that was the true nature of the
12 Party proletarian stance.

13 Q. We are speaking about M-13. That's why I was speaking
14 about the civil war at that time. So we were speaking about
15 M-13.

16 [11:27:46]

17 So two or three extra questions: Co-Prosecutor Robert Petit
18 asked you yesterday several questions on your ability to move
19 around when you were the head of M-13 and he, in particular,
20 asked you to specify if it had happened to you to spend nights
21 outside of M-13, to sleepover outside of M-13. So we have to go
22 a bit further here.

23 [11.28.42]

24 Mr. Duch, how many nights -- as far as you remember how many
25 nights did you spend away from M-13 between 1971 and 1975? How

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1 many nights did you spend away from M-13 in that period?

2 A. I already informed Mr. Robert Petit yesterday. I informed
3 him that Vorn Vet and I went to sleep at his house. But I never
4 went overnight to sleep with teacher Son Sen.

5 With Vorn Vet the first time when we received the order for the
6 management of M-13, I went to meet him. He was doing the
7 presentations in that July, the 20th of July. But when he
8 received guests from Phnom Penh and while he was busy with those
9 guests from Phnom Penh, as his second cadre from Phnom Penh, he
10 asked me to sleep in my hammock at his office overnight and I
11 shall return in the morning.

12 [11.31.10]

13 And on another occasion it was when the prison was attacked. I
14 sent him there and I returned.

15 On another day when Vorn Vet returned from his teaching I met him
16 during the day and he was glad to see me. And he said, "Duch,
17 you can stay here overnight." So on that night I had some work
18 to consult with him and I left the work or the consultation on a
19 later stage. I would like to clarify that with teacher Son Sen
20 he asked me to go at the time and after that I returned home.

21 With Chou Chet I had a travelling letter. When it was necessary
22 I went to meet him and when it was done I returned.

23 In the livelihood meeting I did not have the qualification or
24 authority to hold a meeting at my place but it was held at the
25 Office 305. So I went in the morning. When the meeting was

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1 finished, I returned in the evening. My office in Amleang and
2 the Office 305 was in Krang Beng in Peam District.
3 When I received a motorcycle and I took for a ride so I took the
4 motorbike for a ride. I went to Seun Visot's house, alias Kon,
5 who was the younger sibling of my superior, to await for the
6 orders from my superior. And sometimes I went to Khun Phau's
7 house, alias Kao, the Secretary of Ponhea Lueu in order to await
8 for the same orders. So the travelling routes within the special
9 zones from my office to the special zones, yes, I did travel with
10 my travelling letter. So I had the work to do and the cadres
11 that I had to meet knew me. If I was arrested, I had all the
12 letters of authorization. And I also had the destination and the
13 cadres that I had to meet, so in summary my rights to travel
14 within such strict framework.

15 Q. Thank you. You also indicated by answering the questions
16 that were asked to you that you had a very narrow margin of
17 manoeuvre but that you had tried nonetheless to release or to
18 have released prisoners from M-13 and which -- however, you were
19 not successful at doing at S-21. And we will speak later, of
20 course, about S-21 but let's therefore focus on M-13 for the
21 moment.

22 [11.36.28]

23 Can you therefore tell us -- give us a few specifications, not
24 too long of course, on the way that you went about it to have
25 certain prisoners released, and how you got that authorization

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1 from your superiors, including TC-L(sic).

2 A. About the release of the victim who was sent to M 13,
3 especially TC-1, I would not go further in this TC-1. I request
4 not to speak more detail about TC-1. It seemed to me more
5 already.

6 I would like to say about one of the victims, is a woman. She
7 was sent to M 13 because she was accused of stealing earrings;
8 stealing earrings about five (indistinct) -- small, 0.5 gram of
9 gold. I did not believe that, and then the chief of the
10 district, Phum, also did not believe the story.

11 [11.38.31]

12 And I have two people with challenge with Chhay Kim Huor. It's
13 not a serious challenge. I try to insist that the victim should
14 not be detained in M 13 because she was not an enemy, not enemy,
15 but Brother Kim Huor said that, "Duch, Comrade, this woman, her
16 former husband was the military rank in Lon Nol regime -- has a
17 certain rank".

18 And then I try to explain to my superior regarding this matter --
19 Brother -- her husband was enemy, he was a soldier, but he left
20 her alone behind. We should not push a person to the enemy. We
21 should not arrest any victim who we were not sure was an enemy.
22 We should keep her for a while because you also said that we try
23 to liberate the people, not the territory, not the land in
24 itself.

25 After that discussion, he told me that "you should wait another

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1 few days". About a week later, he told me that "you can release
2 her". Another example is the second example. That woman, it was
3 about in August 1971.

4 Another story is that it was about late or early -- late August
5 or early September. There was a KW-30. He chopped someone's
6 head with a knife and later, after my assistant and he agreed
7 that it was a conflict between the people and "you should keep
8 him for a few days and then you can release the person".

9 [11.42.03]

10 And the third story, as I told Your Honours but I did not
11 describe in detail, those who were from Korpp Srov. It's the
12 cadre from the United Fronts. There were four of them and they
13 have a quarrel. I reported to them and I request for the release
14 and he agreed to my proposal.

15 And later I released another person, the one who sells cows. I
16 did not recognize selling cattle is an enemy; I don't think so at
17 that time. And I insisted for a release and I succeeded at that
18 time.

19 And later there was an adolescent. I thought at that time we
20 should not smash a young person like this. The adolescent should
21 not be smashed, and I try very hard until I get his approval. I
22 came over to Vorn Vet and then I succeeded in helping a release
23 of the victim. I came over to Vorn Vet and Vorn Vet agree for
24 her release.

25 Finally, TC-1 himself, and it was very difficult for me to spend

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1 -- Horm In. I was fearful that it might turn me to a dangerous
2 situation. In conclusion, I released 10 people. If compared to
3 the people who lost their lives and suffered the torture at M
4 13A, it was a very small amount. It's about 10 per -- so I do
5 not consider this as a -- my good deed. This is one other story
6 that I want to elaborate, that why they agreed to my request for
7 release. It happened before 1973, those releases, except Horm In
8 was released after 1973.

9 [11.45.35]

10 In conclusion, the political line is to mobilize the front force,
11 and right after that the policy was adopted. So my effort to
12 release people I'm not considering as a good deed or my
13 credibility, but this is the truth that happened. It could be
14 compared to a drop of water against a large amount of water in a
15 pond, if compared to my crimes.

16 Q. So indeed, concerning this ocean that -- we spoke a lot
17 about torture, torture that was inflicted upon the prisoners
18 under your direction at M-13, and I do not believe that it is
19 useful to get back to this again. And you also -- and you
20 acknowledged the bulk of it. I would like simply to get back to
21 one fact, however, that you brought up yesterday. And you
22 explained to the Chamber that you tried a torture method that
23 consisted in bathing one of the female prisoners in the water and
24 then to expose her afterwards to the cold winds. Is that
25 correct?

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1 [11:47:45]

2 And first of all, maybe I would like to ask you a first question
3 coming -- that might come from a translation problem. Well, this
4 prisoner, was she dressed when she was plunged in the water or
5 was she naked?

6 A. I would like to inform you that the term of French in
7 "plonger" a plunge, whether or not there is a force to press her
8 down, there was no one press her down. So we can use the word
9 "submerger" in French.

10 Let me say about how the torture was inflicted and why it was
11 done. Before torture anyone I never did it in the case or in
12 the merit of the story. Her story; she was a prostitute before.
13 The enemy assign her to come to the Liberated Zone to spy. It
14 was her confession. I wanted to know that how many people came
15 along with her. We asked the question, new question, it may
16 effect or it may be heard to other people so I did not torture.
17 Then I took her away to a different place. I asked her "How old
18 are you?" And she said "28 years old." I opened her mouth and
19 asked her to count her teeth and order her to count by herself.
20 When she counted, the tooth's not even 32. I learn some
21 scientific solution, anyone who reach 20 years old so the tooth
22 are 32. So there was a -- the facts so that she lied me.
23 Finally I asked another question, "Do you feel cold?" So she
24 said that she feels cold so we try to test about her liar or not
25 and then I start to ask new questions. And then I draw into the

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1 story after another day.

2 And later the interrogation techniques together with tortures,
3 it's happened like that.

4 [11.52.28]

5 I tried to -- it's a little bit beyond the question posed by the
6 lawyer. Yesterday I had also mentioned I do not order anyone to
7 strip the victim of the clothes from the victim but I failed to
8 mention, I did not mention I did not ask anyone to take off their
9 clothes so I told them that so for the women when you plunge her
10 into the water and you could see some part, limbs of her, and may
11 cause us to be arose or a few not in good emotion. It is normal
12 that a woman when she get a show, the clothes just tie up to her
13 body and before we could see the breast and the hips and other
14 form of her body.

15 This is the facts that I order to stop the torture to plunge the
16 person to the water and expose to the air, the cold air. I
17 ordered to stop that.

18 So my response and my specific response, I did not have anyone to
19 strip off the victim naked and plunge into the water. I did not
20 want to see the sexual part of any victim at all.

21 Q. And you added yesterday that you put an end to this scene,
22 to this event, because it had generated too much emotion. What
23 did you mean by that exactly?

24 A. When the clothes are very stringy and tough on the skin or
25 the flesh of a woman, her body and her part expose to us and we

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1 feel not so good to see. And at that moment I can -- I could
2 refrain myself and Comrade Pon also could refrain himself from
3 that.

4 [11:55:56]

5 That was one of the case that both of us can refrain from going
6 any further. So I imagine that in the future if someone failed
7 all of us will be beheaded.

8 Yesterday I said -- I mentioned also to the Co-Prosecutor that --
9 or the Judge, I'm not quite sure. I told you that it is -- it
10 was useless to do so. Why I said like that, because after
11 plunging into the water and expose her to the air, a woman named
12 Sok, keep her response the same. She said that he had no-one
13 came along with her. She was assigned to come alone.

14 [11.57.18]

15 So my conclusion, I did not say that she hide the truth, so I
16 thought that this kind of torture is not only dangerous
17 sometimes; it might turn into a bad incident in the case.

18 Q. Duch, could you tell us what became of that woman?

19 A. So it was the Southwest Zone decided to smash her.

20 Q. And was she smashed, as you say, on your orders?

21 A. Yes.

22 Q. Duch, what are you saying about this today?

23 A. In that regime we can say we obeyed the order of the Party.
24 It is an obligation or of our credit and now we view that action
25 as it was a crime against the notion and she was a woman. The

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1 victim was a woman. At that time in that regime I saw -- I saw
2 that no other alternative to solve the matter, other than to
3 respect the discipline of the Party, and therefore I keep saying
4 that being a human being, sometimes we had to do the job that we
5 did not like.

6 At that time, to console my emotion, I take the proverb of the
7 French to read to memory. At that time I memorized it, it's not
8 in a correct written. As for the correct poem, the correct poem
9 is:

10 THE ACCUSED (Speaking in French):

11 "To weep is part of a very heavy burden on the path where destiny
12 has cast your lot. And thereafter, like me, suffer and die
13 without uttering a word."

14 MR. PRESIDENT:

15 So it seems that you have no more questions, Mr. Counsel. Yes,
16 please, Mr. Robert Petit.

17 MR. PETIT:

18 Thank you, Mr. President. At the risk of being a bit down to
19 earth, I'd like a clarification because in the translation of one
20 of the accused's comments, the English said that at one time M 13
21 was attacked, or at least that's what the English translation
22 came out. So I'd like a clarification from the accused. He said
23 that at one point that he had to be away overnight from M 13 when
24 it was attacked.

25 [12:02:57]

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1 Again, as I said, that is the English translation that we got. I
2 think at least one member of the Bench will attest to my
3 statement, and I'd like a clarification from the accused because
4 I submit that would be a new and probably relevant fact in terms
5 of M 13. As far as I know, no-one has ever mentioned M 13 being
6 attacked. So could I ask, respectfully, this Trial Chamber to
7 seek such clarification from the accused?

8 BY THE PRESIDENT:

9 Q. Mr. Kaing Guek Eav, can you specify this term, because the
10 use of the term "attack" so the Trial Chamber understands that
11 there is a fighting by the victims, 30 victims. So what kind of
12 it? So when it was attacked from any other forces, is it true?

13 A. Mr. President, thank you, also Mr. Co-Prosecutor, so that I
14 can explain more clearly.

15 M 13 was the victim who were detained there, and they grab the
16 rifle from the guards and they escape and they ran away.

17 MR. PRESIDENT:

18 I think this is a clear response, so if you have anything to add
19 you do so. And now we have a time of a lunch break, and the
20 Trial Chamber declares the hearing adjourned for a lunch break
21 and we will start again from 1.30, and the accused is ordered to
22 be brought back to the detention facility, and the public should
23 come here at 1.30 -- a bit before 1.30.

24 (Court recesses from 1205H to 1335H)

25 THE GREFFIER:

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1 Please be seated.

2 [13.35.29]

3 MR. PRESIDENT:

4 The Chamber announced the continuation of our proceeding.

5 The security guards bring the accused to the dock.

6 MR. PRESIDENT:

7 The accused, please stand up.

8 [13.37.06]

9 Today, the Trial Chamber received a letter from the defence
10 counsel, Mr. Kar Savuth and François Roux, who submitted a letter
11 to the Trial Chamber requesting to have Marie-Paule Carnivares,
12 the lawyer -- to replace François Roux in the situation when he
13 is unavailable.

14 Do you agree to the proceedings of the trial with the
15 replacement, as requested?

16 THE ACCUSED:

17 Yes, I accept it.

18 MR. PRESIDENT:

19 Please be seated. Next, in accordance with Rule 27 of the ECCC
20 Internal Rule, I would like to invite the defence counsel, the
21 national defence counsel, to request for recognition of the
22 international lawyers, as requested, and she hasn't yet been
23 acknowledged by the Chamber. Thank you.

24 MR. KAR SAVUTH:

25 Mr. President, Your Honours, your national and international

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1 Judges, I am a national co-lawyer. I would like to seek your
2 permission to recognize Mrs. Marie-Paule Carnivares, who is a
3 member of the Bar of Montpellier, from France. She already took
4 an oath at the Bar Association of Cambodia, before the President
5 of the Courts of Appeal, on the 6th of April, 2009. Therefore, I
6 would like you, the Judges, national and international, to
7 recognize this lawyer as my co-defence lawyer for the accused,
8 Kaing Guek Eav, from today onwards. Thank you.

9 [13.40.03]

10 MR. PRESIDENT:

11 Please stand up, Marie-Paule Carnivares.

12 Marie-Paule Carnivares, the Trial Chamber recognized you as a
13 defence lawyer for the accused for the purpose of the proceeding
14 before this Trial Chamber. With that recognition, you enjoy the
15 same rights and privilege as the national co-defence lawyer, from
16 this point onward. Please be seated.

17 Next, the Chamber continue the proceeding by listening to the
18 testimony of the witness, François Bizot. Court Officer, please
19 bring the witness into the court room.

20 (Witness enters courtroom)

21 MR. PRESIDENT:

22 The Co-Prosecutor, the floor is yours.

23 [13.41.31]

24 MR. PETIT:

25 Mr. President, can I ask a clarification? Is it the intention of

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1 the Trial Chamber to have the witnesses testify beside the
2 accused in all cases? Or should not, more appropriately, the
3 accused be sitting behind his counsels? Can I ask
4 clarification?

5 MR. PRESIDENT:

6 Thank you. We had a proceeding where we needs to ask about his
7 rights, the rights of the accused to accept his international
8 lawyer. So that was part of the previous proceeding.
9 The security guards, you can bring the accused to sit behind his
10 counsel now.

11 [13.43.12]

12 Mr. François Bizot, in the trial proceeding now, the Chamber
13 invites you to provide testimony regarding what you have known,
14 heard, regarding the facts at M-13, located in Amleang, in
15 Kampong Speu Province, during the year of 1971. First, the
16 Chamber would like to ask you whether your name is François
17 Bizot.

18 MR BIZOT:

19 Yes, my name is François Bizot.

20 MR. PRESIDENT:

21 How old are you?

22 (Recording malfunction)

23 MR BIZOT:

24 I worked at the École Française d'Extrême-Orient. I can start
25 speaking now? No? Apologies.

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1 MR. PRESIDENT:

2 The Chamber will ask you some questions regarding the -- your
3 identification, so please listen to the -- my questions, in order
4 to understand them properly, about the identification.

5 [13.44.59]

6 The next question is, how old are you?

7 MR BIZOT:

8 I am sixty-nine years of age.

9 THE PRESIDENT:

10 What is your nationality?

11 MR BIZOT:

12 I am a French National.

13 THE PRESIDENT:

14 What is your current address?

15 MR BIZOT:

16 I now reside in Chiang Mai, in northern Thailand.

17 THE PRESIDENT:

18 What is your current occupation?

19 MR BIZOT:

20 I am a researcher and a professor. I am a member of the École
21 Française d'Extrême-Orient, the French school for oriental
22 studies.

23 THE PRESIDENT:

24 According to the report from the Greffier, Mr. François Bizot
25 have no direct or indirect blood links to any parties of this

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1 Tribunal?

2 MR BIZOT:

3 This is correct, I have no kinship relation to the list of names
4 that I've been in a position to read. Thank you.

5 MR. PRESIDENT:

6 Mr. François Bizot, as a witness, the Chamber requires you to
7 make an oath before making a testimony. Do you agree to that?

8 MR. BIZOT:

9 Yes, I do agree.

10 THE GREFFIER:

11 Please take the text of oath to the witness in the French
12 language.

13 (Mr. François Bizot, Witness TC-1, sworn)

14 QUESTIONING BY THE BENCH

15 BY MR. PRESIDENT:

16 Q. Mr. François Bizot, were you detained by the Khmer Rouge
17 cadre, Khmer Rouge soldiers at Oudong Mountain and detained at
18 the Security Office M 13 located in Amleang district, Kampong
19 Speu province, in 1971?

20 A. That is correct, Your Honour.

21 Q. Mr. François Bizot, can you describe the actual scenes that
22 you have seen at the office M 13 located at the aforementioned
23 location during the times you were detained there until your
24 release to Phnom Penh at the time?

25 [13.49.02]

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1 A. Certainly, Your Honour. However, I would like to begin my
2 testimony with the mentioning of a small episode from the end of
3 my detention, the day before I was released from M 13 on the 24th
4 of December 1971.

5 I was authorized by the accused, Duch, to throw a farewell lunch
6 to my co-inmates, who were all tied up. Chicken soup had been
7 prepared, thanks to the money that had been confiscated from me
8 when I had been arrested. So with that money I could throw this
9 party. Other people approached me and said, "French comrade,
10 don't forget us, please. Don't forget us, please."

11 Today it is Duch who is the accused and he is the one, so to
12 speak, who is all tied up, who is in chains symbolically. So in
13 today's circumstance, I would like to remember the prisoners of M
14 13. I can never forget them; in particular, my two helpers,
15 assistants, Hok Lay and Baing Son who were executed in a
16 different camp because they had worked with me. It is in the
17 name of all these people, on behalf of all those people, that I
18 would like to give testimony today.

19 [13.51.20]

20 This being said, three months earlier within the context of my
21 research on Cambodian Buddhism, I went to the region of Oudong.
22 I had been thrown out of the Conservation d'Angkor where I had
23 been working earlier. I'd had to flee because of the invasion
24 and I continued my research work in the Kandal province.
25 On 10th of October, I started and I moved towards the north of

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1 Oudong to go to a monastery which is called Vat O close to the
2 village of Tuol Ta Pi. I had come via the car of the École
3 Française d'Extrême-Orient with my daughter, Helen, who was
4 barely over two years old then, and two assistants whose names I
5 have already mentioned, and there were also two or three
6 villagers with us.

7 [13.52.41]

8 The idea was that they would show me the way to the monastery,
9 Vat O. We were received in the monastery by the abbot, the
10 venerable abbot, and I realized that things were not exactly
11 normal. The abbot was indeed extremely nervous, so I then
12 realized that there had been some kind of ambush, either for me
13 or that there had been a patrol, a militia patrol, and I was
14 immediately picked up by the patrol, the militia. My two helpers
15 were tied up. They had their arms tied up behind their backs. I
16 fought back and did not have my hands tied up.

17 I demanded -- to no great avail, of course -- but I demanded to
18 meet a person who was in charge and we were taken to the village
19 of Tuol Ta Pi where we stayed approximately two hours. During
20 those two hours, I was questioned by an officer in charge who
21 listened to what I had to say; in particular, that I had gone to
22 that monastery to look into rituals of Cambodian Buddhism. And
23 at the end of my explanation to him, his inference was that I was
24 a CIA agent and he said so to me.

25 We were searched, perhaps they were looking for a microphone or

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1 some kind of listening device, and my two helpers were taken away
2 in one direction and I was taken elsewhere. I was tied up and I
3 was taken away on a dirt track. On this dirt track, I was
4 accompanied by two young guards. One of them was carrying a gun.
5 We spent the first night in some kind of a sala, an open pavilion
6 close to a village, and the following morning I arrived in a
7 village that I could not identify. There I found my two
8 companions who had already arrived, and they were in a position
9 whereby their legs were shackled with a khnoh, a wooden khnoh,
10 which is a kind of -- it's a system where you have two small
11 beams with a small piece that the -- that will lock the ankles
12 into position. So I was put next to them in the same position.

13 [13.55.44]

14 Some time later we were picked up and I was judged by a tribunal
15 of Khmer Krom. I could recognize the Khmer Krom accent. And
16 there were two greffier who were taking notes of what I was
17 saying, and around this court or improvised people's tribunal,
18 there were some 50 villagers behind me and on either side of me.
19 My questioner was leaning on a desk that was on a podium. He
20 said he knew me. He had already seen me in Saigon and he said
21 that the lackeys of American imperialism needed people like me
22 who were fluent in languages, and who knew Khmer in particular,
23 in order to provide money to the people who were fighting on
24 behalf of the Americans because they did not trust their own
25 soldiers. Naturally I denied these charges, which were quite

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1 meaningless. I said, "If you are sure of what you're saying,
2 well, you might as well kill me right now, here and now". This
3 made the people behind us applaud.
4 After which I'll perhaps make the story a little bit shorter than
5 it would be in totality, but the person who was the questioner
6 said that there was a contradiction between what Onka knew and
7 what I had just answered. And consequently I had to be deemed to
8 be somebody in the position of being accused, charged with a
9 count that I did not recognize. I was immediately put back into
10 the khnoh device alongside my two companions. A meal was given
11 to us and, having heard noise -- shouts around the house of
12 people who were saying, "Why are you waiting? Strip him and kill
13 him," whereupon Khmer Rouge came up, unbound me, blindfolded me
14 and took me away to a place where I was supposed to be executed.
15 [13.58.45]
16 I never knew and never shall know whether it was a mock execution
17 or whether it was a failed execution. It was not completed.
18 Nevertheless, I was not executed and I was taken away on a track
19 whereby the following morning I would be reaching M-13 without my
20 companions.
21 It happened to be that Lay Son arrived there a little after me in
22 the same camp. When I arrived there I did not have -- I did not
23 have a global view of the camp right away but I was welcomed by
24 one of the chiefs over there who proved to be cynical and
25 aggressive and who, therefore, gave the necessary orders so that

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1 one of my heels be put into some kind of shackle at the end of a
2 stick onto which were already a metal bar to which 10 to 15 other
3 prisoners were already tied to. And of course I was frightened
4 not only by this idea but also by my situation at the end of this
5 bar. And having a bone composition that is quite sturdy, my heel
6 was not able to come into this shackle and the chief gave the
7 indication so that they could come up with a shackle that would
8 be able to fit my ankle.

9 THE INTERPRETER:

10 Interpreter corrects himself, sorry: ankle.

11 MR. BIZOT:

12 So then came a young man, and when this young man arrived -- I
13 did not notice this right away but I was saying -- I was reading
14 while they were looking for this shackle that was going to fit my
15 ankle. I was saying that I wished to take a bath in the rice
16 paddy because it had been two days and two nights that we had
17 been walking on mud, and mud that had been soaked by the rains
18 and, therefore, I wished to bathe. And it was by insisting on
19 the fact that I wished to take five minutes to take -- to bathe
20 in the river that the young man that I had just noticed said to
21 me, "Okay, you want" -- in Khmer, "You want to bathe?" And it
22 happened that I was able to bathe right away and I understood
23 that the person in charge of the camp was not the aggressive
24 person I had met right at the beginning but that there was
25 somebody above him who had the possibility to counter his orders.

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1 [14.02.10]

2 I forgot to say that the first person I met, the chief, had
3 completely refused; denied everything to me. So therefore, I
4 went to bathe and when I came back, and given that the problem of
5 my shackles had not been settled, the young man who had
6 authorized me to bathe gave indications so that I'd be brought to
7 a separate place outside of the three huts in which the prisoners
8 were lodged, about 40 to 50 of them, and I was therefore led
9 under some kind of bamboo roof -- under some kind of bamboo
10 storage space that was receiving -- where rice bags were stored,
11 which was right next to the camp, and rice was left there every
12 week on carts. And therefore under this shed I was placed -- and
13 the place was -- there were three bags of rice there. So my foot
14 was locked up in a chain to -- was chained to one of the small
15 bamboo posts that would hold up this shed.

16 [14.03.45]

17 And I remember that it started raining and that I remained there
18 for a while under the rain. And then the night fell and I was
19 served a meal by a young guard between -- under the rain and
20 between the puddles. That was my first night in the camp and I
21 fell asleep quite quickly.
22 And the next day I got to know better the person who I had
23 already noticed as being the head of the camp and I had learned
24 from the guards that his name was Duch because they were speaking
25 about him as such; Duch.

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1 Quite quickly he took the decision to carry out the
2 interrogations himself that were going to start. And he said to
3 me that there were counts against me that were very serious and I
4 had to write down my first statement of innocence. I wrote down
5 a certain number of statements of innocence on sheets of paper
6 that he -- it looked like a camp from which you would never
7 return.

8 And the young guards in my day-to-day existence would follow me
9 all the time and through their childishness and their perverse
10 character they would -- they spoke to each other and it was quite
11 easy to understand what they were talking about and it was quite
12 easy for me to imagine what I could expect from them.

13 So this being said, the interrogations, the daily interrogations
14 went on with the head of the camp and myself. I was -- it's 27
15 years ago so I was 30 years old and they were asking me questions
16 always with a certain amount of politeness, I must say. And I
17 was (indistinct) myself on my own through my constant anger to be
18 taken for what I was not in this unjust situation which really --
19 which made it that they thought that I was a CIA spy, but of
20 course this was very, very far from what I was. And I was
21 brought to rebel, I must say, in answering these questions, and I
22 asked him questions in return and this lasted for weeks and weeks
23 and it's obvious that with this kind of pace a certain habit set
24 in which was not without, I must say -- which somehow, I must
25 say, built some kind of, let's say -- I wouldn't say friendship

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1 but some kind of familiarity.

2 And if I remember correctly I would see him every week. I had to
3 report -- he would have to make reports and he would write them
4 down very late at night and very early in the morning. And his
5 reputation was the reputation of somebody who was a tireless
6 worker, who did not speak much, and he was very much devoted to
7 his responsibilities as a camp leader.

8 [14.08.05]

9 And the interrogations -- my interrogations always happened in a
10 polite way and I was never beaten. I think that Duch somehow
11 considered that if I had been -- if I was a CIA agent or not, he
12 would try to wait to obtain the -- he said that the best way to
13 obtain truth from me would not be to beat me but to start just
14 talking to me, to start conversing with me. And the way that to,
15 let's say, to go -- to under -- to go into me would be to ask me
16 questions about my work, about my work with the Angkor
17 conservation project, about Buddhism, about Cambodian Buddhism,
18 which he knew as well as I, and I was asked by him to give him
19 the maximum amount of precision with the aim of verifying that if
20 -- that I indeed had the profile of a scholar and this competence
21 that I have to stand as a scholar working on Cambodian Buddhist
22 manuscripts.

23 And, therefore, I asked Duch to -- if I could be given a notebook
24 that he brought me one day with a ballpoint pen and a razor
25 blade, and I was -- I really very much wanted to shave. That is

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1 to say that, Your Honour, here I have it, if you -- here it is.
2 And I can maybe show you the cover of this notebook.
3 (Microphone not activated)
4 So I wished only to show you this element that -- on this
5 notebook that was given to me by Duch, and this is the notebook
6 on which I -- which I used and I wrote down a few childhood
7 memories; I wrote a few poems in it and I tried to set up an
8 issue -- I tried to come up with some kind of argumentation that
9 would be convincing in relation to my work, my scholarly work
10 with Buddhism, and to prove to him that I was indeed a scholar.
11 And that when later it became clear that I was going to be
12 released, Duch asked me -- and I asked him if I could keep this
13 notebook and he said yes, he was going to read it and that he
14 would decide upon that, and then he read my notebook and I think
15 with a lot of attention, by the way. He asked me a few questions
16 about it and he also looked and then he gave it back to me. And
17 therefore you can see the notebook is still here.
18 [14.13.01]
19 So I must say that this notebook which I have brought with me
20 today I never read over it again, I must say.
21 Duch, as I said, would come at least once a week. He would come
22 from the village or from where he was going -- where he was going
23 often too in any case -- and what was really surprising was to
24 see what poor health Duch was in, as most of us there. Well, not
25 most of us actually, I dare say, because I was lucky enough not

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1 to be ill and I was even disturbed about that, and when people
2 asked me questions about, you know, my health and I would invent
3 -- sometimes said that I was sick so I wouldn't create envy among
4 the prisoners. But it was in November-December, it was at the
5 time when there's a lot of malaria and malaria really wreaked
6 havoc in the camp and a lot of people died there and those who
7 did not die were in a very severe state of fatigue.
8 And one day Duch said to me that he would leave the next day and
9 that he would maybe have some good news to give to me and,
10 therefore, I was very impatient and I was waiting for him to come
11 back the next day, and that after he returned he made me know
12 that I could go back to my family. And when I learnt this -- and
13 I didn't believe in it, of course.
14 You must understand that, Your Honour, that nothing was said
15 clearly. Lies were our daily bread I must say. Nothing could be
16 believed in. Lies were present when you were saying to somebody
17 -- when you would lead somebody to death we would also lie to
18 him. You would never tell him, of course. It was denied until
19 the last moment.
20 And this promise of freedom seemed to me also -- well, I couldn't
21 believe in it because since -- as I said, I could never bring any
22 evidence of my innocence and that he would never have also any
23 evidence on my guilt. But okay, I was the only one to believe
24 this and, this being said, hope never left me and hope never
25 leaves a prisoner. And at the same time I had already understood

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1 that my life was in his hands but not only my life, however.
2 [14.16.31]
3 So when he said to me that I was going to be released it was
4 something that I did not register and of course it did not make
5 me joyful on the spot, but my attitude was to say "Okay. Prove
6 it to me. Unshackle me. Untie me" these shackles which were so
7 painful. And then, indeed, he gave the order right on the spot
8 to the young guard to take my shackles off. And I said, under
9 these conditions if I am innocent, therefore, if I'm released I'm
10 innocent. And if I'm innocent the two Khmer who were with me
11 they are also innocent so please set them free as well and Duch
12 gave the order to the young guard to release my two companions,
13 my two Khmer companions and I met them, therefore, three months
14 later. And I do not need to tell you how strong that moment was.
15 [14.14.04]
16 We met again. We didn't say much but we met again, and this
17 became for me a strong reason for hope.
18 For them it certainly was not the case, however. They believed
19 that it was a way to try to cover things and none of them -- none
20 of my co-prisoners believed when they saw me go that I would be
21 released. All thought secretly that, indeed, that the way I was
22 going to follow was also the way that my predecessors had
23 followed.
24 Therefore, I had to be -- I was supposed to be released on
25 Christmas Day and for a silly story of -- a bicycle story that

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1 had been borrowed by a young guard and he didn't bring the bike
2 back to the camp and therefore my release was postponed to the
3 next day. Of course this little delay in relation to what was
4 scheduled really put me in a great state of confusion. But no
5 matter, nonetheless it was Christmas Eve and this was the
6 opportunity, since I was free, to spend my first night without
7 chains but also to get to know better or, let's say, to know in a
8 different perspective or to be somebody differently who was also
9 going to start developing a different attitude towards me because
10 I was in a situation that was kind of a preparatory situation
11 because I was on my way to freedom.

12 And around fire, because often the guards would light fires at
13 night because it was cold and it gets really cold in a Cardamom
14 forest at that period of the year, a really icy cold -- ice cold
15 nights. And when -- and during the most difficult nights I had a
16 log that -- the guards would give me a log of wood so that I
17 could sleep on warm ground. So therefore, I came close to the
18 fire and this was the opportunity for me to speak.

19 [14.17.16]

20 So we could talk more freely. We talked about our families and,
21 Duch, as far as I could see, had no family other than his
22 parents. He had not -- he had not established his own family.
23 He wasn't married or didn't have children. And he also inquired
24 about what had happened to Helene, my little girl, my daughter
25 who had been with me in the car but who had remained in the

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1 village, the last village close to the monastery of Vat O and she
2 had stayed behind with one of the girls who stayed -- who were
3 with us to play with the children.

4 And that circumstance was one of the most constant and deepest
5 reasons for suffering. Throughout my detention I did not know
6 where my daughter was, what had happened to her. So I was
7 reassured on this point.

8 And a few days earlier in two different times I had cause to
9 wonder about the ways and means available to the camp to get
10 people to talk because I had understood, of course by always
11 interpreting signs and messages chiefly from what I perceived
12 from the guards -- in spite of their own orders they said
13 everything to me -- I knew that we were close to Amleang. They
14 were talking about this amongst themselves. So I managed to
15 understand that prisoners were beaten. They would be hit.

16 The fact that I was authorized to wash on the first day was
17 repeated thereafter. It was an acquired right, so to speak, that
18 I was entitled to a bath every evening.

19 [14.19.39]

20 Now, during one of these bathing sessions in a little rivulet
21 that was perhaps no more than 30 centimetres deep but,
22 nevertheless, it was nice clean water, I saw on the other side of
23 this little rivulet a hut. And in this hut or, rather, in front
24 of this hut I was bold enough, actually, to go closer to this hut
25 and I saw that there was a vertical bamboo pole, a rather thick

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1 pole with rings on it, rattan rings. I immediately understood or
2 interpreted that this was a place where people would be tied up
3 by their wrists in this kind of device. I promptly went away
4 from this place.

5 And another memory I have, after bath memory -- and the bath was
6 the only time and circumstance where I could have a different
7 view; different from that of the view that I could have from the
8 end of my tether during the day -- I happened upon a former
9 prisoner who had been there for sufficiently long to still be a
10 prisoner; that's to say, to be an inmate like the others but
11 released from the need to work like all the others. And he was
12 busy sharpening a rattan stick. And I asked him, "Hey, comrade,
13 who are you going to hit with that piece of bamboo?" "No, no,
14 no, I'm not the one who does the hitting. Of course I'm not the
15 one who does the hitting." In no way did I have the feeling that
16 he was going to be hitting people with that.

17 But it's with these two feelings, the feelings from these two
18 little episodes that I asked that evening, "Who does the
19 hitting?" And Duch quite unhesitatingly answered that sometimes
20 he did the hitting. He would hit the prisoners because they
21 would lie and because their testimony would come up with
22 contradictions and that he hated lying. Lying was abhorrent to
23 him and this kind of job was not at all to his liking but it was
24 the responsibility that Angkar had entrusted to him; it was his
25 job and the particular task was part of his duties.

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1 [14:23:10]

2 So I was somewhat horrified and I think that this event was a
3 turning point or a landmark event for me. And it is no doubt the
4 origin or the starting point of the process inside me, your
5 Honour, I should say that until then I had felt reassured. I
6 considered that I was on the right side of humankind and there
7 were monsters and, thank heavens, I would never be amongst the
8 ranks of them. There was a difference due to history, to one's
9 sensitivities, and that this had to do with a condition of nature
10 and not everybody could be a monster. Some people were born into
11 those ranks and other people would never belong to those ranks.

12 [14.24.31]

13 But that evening Duch's answer and my perception of the man in
14 the course of the different questioning/interrogation episodes
15 opened my eyes. This was an eye-opening event for me on the
16 evening of Christmas Day. I had expected to encounter a monster,
17 an inhumane person, but I realized then that things were much
18 more tragic, much more frightening.

19 I realized that in front of me there was a man who looked very
20 much like many friends of mine, a Marxist, a human being who was
21 a Marxist who was prepared to surrender his life for his country
22 for the revolution. He believed in this cause and the ultimate
23 goal of his commitment and his belief was the welfare and
24 wellbeing of the inhabitants of Cambodia. He was fighting
25 against injustice, inequity and although through the various

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1 clichéd descriptions of the Khmer peasant used by the Communist
2 Khmer propaganda that such a peasant would not necessarily be the
3 completely fabricated archetype.
4 Nevertheless, even though there might be some diabolic form of
5 naiveté in this archetype there nevertheless was a measure of
6 true sincerity, fundamental sincerity in his perceptions, as is
7 the case with many revolutionaries. I, myself, in Paris had many
8 friends who were committed to this Communist revolution and they
9 were looking at events in Cambodia with a gaze that to me was
10 quite horrifying but it was, in their eyes, justified by the fact
11 that the ends in fact justify the means and that end to justify
12 those means would be the independence of Cambodia, Cambodia's
13 right to self-determination, putting an end to dire poverty, and
14 of course the great dreams and hopes for the future. The
15 Cambodians have not been the only people that have killed people
16 for the sake of fulfilling a dream.

17 [14.27.25]

18 So speaking of the monster in front of me, in a way it was his
19 duty. It was his duty to be the interrogator, the questioner.
20 As far as I understood, Your Honour, and I didn't see everything,
21 didn't understand everything -- I can only testify on the basis
22 of what I have seen and what I remember, but from all of what
23 I've seen and remembered, his job was to write up reports on the
24 people sent to him for execution purposes. And then I truly
25 realized that this monster was indeed endowed with human

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1 characteristics and this was extremely disturbing. I myself was
2 no longer sheltered and it would be the greatest possible mistake
3 to turn such monsters into a different category of people, a
4 different species.

5 None of this was thought through by me at the time, of course,
6 but that encounter and the whole ordeal where I was sure I would
7 die, this kind of slow cooking leading up to the moment of my
8 release, all of this welled up in me again later on.

9 In the meantime, the horrible dimensions of the crimes in Tuol
10 Sleng of course happened and added to the gravity of what had
11 happened in M-13. And I thought that then -- I then thought that
12 if there was something to be said I had to say that I had known
13 this man when he was a young man, a junior revolutionary who had
14 been trained under his comrades and he had been entrusted with a
15 particular mission and he had done his job in a frightening way
16 but extremely rigorously, very thoroughly, and always with a view
17 to doing his job well and fully. I then figured that it was
18 necessary to make known that this kind of danger was not due to a
19 person who was a monster, a different category of person; that
20 this person was a human being like any other human being.

21 Consequently, it is necessary to make a distinction between what
22 humans do from what humans are.

23 [14.30.20]

24 And I also realized that to be guilty for what one has done it
25 does not have a total bearing on what one is. It does not

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1 necessarily fully taint what one is. And I also understood that
2 the situation in which Duch was did not allow him to step back or
3 step out, not just because he could fear death but also in
4 relation to the gaze of others, the commitments that you make
5 when you go undercover in this kind of situation. It's very
6 difficult to step out of this kind of situation, so he was
7 trapped into that situation and that is what he is still fearful
8 of to this day.

9 Your Honour, I have concluded my testimony. Thank you.

10 MR. PRESIDENT:

11 Next, I would like to ask whether our Judges of the Bench would
12 like to pose any question to the witness. Judge Lavergne, you
13 take the floor.

14 BY JUDGE LAVERGNE:

15 Q. Thank you for this testimony. I have a number of questions
16 to ask of you to clarify the meanings of what you have said.

17 First of all, regarding the camp itself and the facts, you have
18 stated that in your opinion there were approximately 40 to 50
19 inmates in that camp. Have you noted or noticed whether those
20 inmates came from specific categories of the Cambodian
21 population? Were they chiefly war prisoners, country people,
22 townspeople? Did you observe a major change in the demography of
23 the camp? Was there a new supply, so to speak, of prisoners over
24 time?

25 [14.36.51]

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1 A. I think there were about 50 people at the time when I was
2 there, and I was there for only three months. What I could
3 witness at the time allowed me to understand that basically most
4 of these people were peasants under -- and they came from areas
5 that were under Khmer Rouge control. And the fresh supplies,
6 using your terminology, Your Honour -- these new supplies were
7 prisoners who came one by one or they might possibly be
8 accompanied. I remember one man who had come in and he had his
9 little daughter accompanying him. Well, they would come in small
10 groups of two or three.

11 [14.37.21]

12 Those people probably came from the same areas and I think they
13 came from areas which were at the border between the Khmer
14 Rouge-dominated territory in the southwest, which was a bastion
15 of the Khmer Rouge, and the other areas which were close to the
16 so-called government-controlled areas. And it appears that M 13
17 -- I can't be sure of this but I would surmise that M 13 was
18 already being specialized into some kind of counterespionage
19 policing centre, or the -- what we had in M 13 were people who
20 were found in places where they were not supposed to be, and
21 there was no clear explanation of what they were doing in those
22 other areas, in those other zones.

23 So perhaps some people who were simply peddling goods or just
24 more or less legally were captured and excused of espionage. I
25 encountered an arrival of military prisoners. I think there were

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1 about 15, perhaps even 30; I can't remember. And the camp of
2 course had been extremely -- was in upheaval over this because
3 there was no -- the camp was not duly equipped, could not deal
4 with this new consignment. They were sent off the following day.
5 They were kept in the camp only one night. M 13 was not a camp
6 for receiving war prisoners, and that is what I would guess.

7 Q. You presented to us the situation that was yours
8 especially, so I'd like you to give us a few more details on the
9 situation of your co-prisoners, we could say. You said that they
10 were shackled, that their ankles were shackled. Could you tell
11 us what were the hygiene conditions in which they were living?
12 How were they able to -- were they able to bathe? How would --
13 were they -- did they have enough to eat?

14 A. All of the prisoners, except for a few rare exceptions,
15 were -- had one leg that was shackled by some kind of sliding
16 shackle on a common bar. Each barrack, each hut -- and the floor
17 of each hut, which was about 80 centimetres from the ground --
18 could house about 20 prisoners, maybe 15 or 20; maybe if you
19 packed them together, a bit more.

20 [14.41.26]

21 And there were three huts, three, and one of the huts was rather
22 destined for people who were prisoners who were ill, and it was
23 -- there were essentially therefore two huts that were filled
24 with prisoners who were packed, let's say. And concerning
25 hygiene, there was no possibility, absolutely no possibility, for

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1 them -- for any prisoner to bathe.
2 Outside of this possibility, when it would rain -- that's what
3 happened to me when I was there -- was the possibility to use the
4 bamboos that were used to urinate. It was like a big bamboo
5 stick that you can find in certain Cambodian forests, and that
6 could be used as big cups with which you can -- which you harvest
7 the sugar from the sugar farms. And it was this kind of wide
8 bamboo that was used and that was hanging from one or -- from the
9 ends of each barrack, so that the prisoners could urinate without
10 disturbing the others.
11 And to relieve themselves, to defecate, it was something else,
12 and each prisoner would say in absolute horror -- would recall in
13 absolute horror their experience of having to use leaves. It was
14 a hole, you see, that was filled with faeces covered --
15 surrounded by mud, next to which the prisoner had to squat with
16 one foot on each one of the planks that were right -- sitting
17 next to the hole, and the hole was about one metre 50 wide. And
18 the fear of falling into the hole was really -- was terrible for
19 the prisoners, and in fact it had happened. So that's -- yes,
20 that's what I would say.

21 [14.40.35]

22 Q. The food; what can you tell us about the food?

23 A. Well, the food was distributed twice a day. The food was
24 made up of -- well, it was -- it was rice, delicious rice that
25 had been beaten that morning by two prisoners who had the

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1 privilege of not being shackled, and they were working on the
2 rice paddies in the neighbouring villages, and this rice was
3 delicious. I would like to repeat this and I remember that. I
4 don't know if it was -- whether I was hungry or it really was the
5 quality of the rice itself, but that was -- the only thing, that
6 rice, was unlimited in -- so it was a full plate -- a whole full
7 plate full of rice but there was nothing else. But we could eat
8 as much of it as we wanted.

9 Q. Was it the same diet for all of the prisoners, or do you
10 think that you were privileged?

11 A. I was going to add this, Your Honour. I was privileged
12 indeed. If I remember correctly, as of the moment when Duch
13 considered that I was not guilty of the charges against me and in
14 order to keep me in good health, I had the possibility to share
15 -- I enjoyed the possibility of sharing soup, to eat the same --
16 the soup of the guards. But outside and for the other prisoners,
17 I would say, outside of my case, well, the prisoners' diet was
18 the same for everybody. I'd like to specify that the guards'
19 soup was a very, very simple meal; very frugal.

20 [14.46.41]

21 JUDGE LAVERGNE:

22 Your Honour, would you like us to take a break or shall we
23 proceed?

24 MR. PRESIDENT:

25 The Chamber would take a 20-minute break resuming at five past

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1 three.

2 I would like the witness to wait at the waiting room and coming
3 back at when the court resumes.

4 (Court recesses from 1447H to 1509H)

5 MR. PRESIDENT :

6 The Court official, please bring in the witness to the courtroom.

7 (Witness enters the courtroom)

8 MR. PRESIDENT:

9 The Court is now back in session.

10 Coming next, I would like to give the floor to Judge Lavergne to
11 continue asking questions to the witness.

12 [15.10.35]

13 BY JUDGE LAVERGNE:

14 Q. Before we had the break, you spoke about the detainee
15 population and you said that it was mainly made up of peasants.

16 You also spoke about children. Can you give us more details
17 about the children -- or the child who was a ward, detained at

18 M-13?

19 A. Well, as far as I recollect, I remember more specifically a
20 little girl, but I don't think I remember any other children in
21 the camp. I remember also having said to Duch that I felt that
22 the presence of this little girl was absolutely unbearable, this
23 little girl who was accompanying her father.

24 I have a very clear memory of their arrival in the camp because
25 where I was placed was at the entrance of the camp, the entrance

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1 as well as the exit. So I would see the people come in and the
2 people go out, of course.

3 And the father of this little girl was brought before Duch and
4 Duch looked at his file and after that he sent him away, and the
5 guards who had brought the father and the little girl brought the
6 father back out of the camp and the father -- there was something
7 rather -- very specific here is that the Khmer Rouge would never
8 answer the prisoners' greetings but, however, Duch did.

9 So this man who had his hands tied behind his back, when Duch
10 gave the file -- took the file from the guard and the prisoner
11 greeted Duch and Duch saluted him, and Duch looked at the little
12 girl -- she was nine years old. I learned that later that she
13 was only nine. And he hesitated for a while and said to her a
14 few words. I was too far to really distinguish them, but I could
15 also see from where I was the front of the guards' hut and in the
16 front there was some kind of porch where Duch would set up his
17 working table. So I saw that the father said a few words to his
18 little daughter as if he was going to come back.

19 Would you like me, Your Honour, to continue about the story of
20 this little girl?

21 [15.14.07]

22 Q. Well, I'm not sure that it's necessary. Just to find out
23 if there were other children and simply maybe to specify that
24 this child survived?

25 A. Yes, she stayed in the camp for a few days. Of course, she

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1 was crying and she refused to eat and, after a little while, she
2 was taken care of by the young guards we could say. And she
3 partook in -- maybe not very actively -- but still she partook in
4 the daily confession sessions.

5 All of the guards -- when it wasn't raining at least -- would sit
6 around between their hut and where I was so, therefore, I was a
7 prime witness of this, I could really -- so, therefore, it was a
8 collective confession where everybody had to ask for forgiveness
9 for his own failings and also try to help their colleagues recall
10 their failings, so failings that they could not remember maybe.
11 So this, of course, was always the object of bickering and even
12 fighting, and the little girl partook in this. And then she
13 became, I would say -- yes, she participated in the guards' tasks
14 I would say.

15 [15.15.50]

16 Q. Concerning these self-criticism sessions, you are telling
17 me that the guards had to help each other become aware of their
18 individual failings. Did this mean that this was something
19 encouraging -- denouncing?

20 A. Yes, denouncing was a quality, was required in fact. We
21 would state, as an example, young revolutionaries who did not
22 hesitate accusing or having suspicions on their parents to show
23 that they were good revolutionaries.

24 Q Is this something that you heard personally or is this
25 something that you saw or is this something that was related to

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1 you later?

2 A. I was able myself to see examples of this kind when the
3 Khmer Rouge started appearing in this area of Siem Reap, a little
4 bit before and then afterwards, but I didn't stay there very long
5 -- it was in 1970, the month of May, if I remember correctly, and
6 very rapidly it was clear that being able to denounce someone as
7 an anti-revolutionary whether -- on the basis of whatever. I
8 mean, even if it was just on the basis of some kind of slight
9 form of dissident behaviour or just a simple curse, or even in
10 the middle of the family, not necessarily around other Khmer
11 Rouge, that was enough for them to be called upon to go meet
12 Khmer Rouge cadres or leaders. They would receive a little piece
13 of paper to be summoned. So this denouncing system was already
14 set up.

15 [15.18.20]

16 And then in the camp there was somebody; I never really knew if
17 he was somebody who would tell on others or -- but anyway I liked
18 him. He was a prisoner who, by the way, died in the camp and who
19 was also somebody who had been in the camp for a year and a half,
20 I think, in fact. He had done nothing. Well, that's not
21 something, of course, that is to his advantage because most times
22 even when you had done something it was considered that you had
23 done nothing.

24 But no matter what, there were so little against him that he was
25 very free, so he would come speak to me often and what he would

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1 tell me was maybe also a way -- I don't know if Duch was aware of
2 us, but it was maybe a way to try to appease me, to appear that
3 he was on my side, to maybe try to be sure that I was not going
4 to try to escape. But he told me many, many stories that he had
5 lived in the Khmer Rouge area and I would say that denouncing,
6 which is another form of lying, in fact -- it was the essence of
7 their, let's say, revolutionary proliferation, you could say.

8 Q. Regarding different categories of inmates, there were those
9 who were in chains and shackled, those who were not shackled.
10 Was there a day regime, was there a night regime? Were the
11 non-shackled inmates -- were there many of them?

12 A. No, there were not many of them and most of them were busy
13 doing the kitchen work. I can't tell you much about whether they
14 were shackled at night, those who were not shackled at day. One
15 of them actually ran away so perhaps they were not shackled and
16 this case of flight had given a hard time to the guards. A
17 number of them went out of the camp to try and catch him. Some
18 of them said that they actually caught him and killed him. I'm
19 not sure this is true.

20 [15.20.41]

21 Anyway, that person who was in charge of husking the rice every
22 morning, and who often, himself, brought me my ration, was a
23 rather quiet person, not talkative. We all -- when he ran away
24 we -- all of us of course felt pangs of longing. We would all
25 have wanted to do the same. Those people who were free to move

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1 about the camp were prisoners who had been there for a long time
2 and who had to some extent earned the right to not be shackled
3 because they had worked, because they had been -- they had abided
4 by the conditions that were imposed on them and had not rebelled.
5 So they had thus earned the right not to be shackled.

6 Q. You referred earlier to the guards and their behaviour as
7 childish. You talked about them as being very young. Could you
8 give us further clarifications about these guards? Were they all
9 children? Were some of them adults? Was there a hierarchy
10 amongst them?

11 A. I am not sure whether there was any kind of hierarchy
12 amongst them. Of course they did have a chief. There was Duch's
13 deputy who was older and there were a few Khmer Rouge cadres whom
14 I saw but I don't remember much about them. I remember a little
15 bit about one young man because he came several times. He was in
16 charge of organizing discussions and confessions in the evening,
17 confessions amongst the young guards. These were indoctrination
18 sessions, so to speak. But amongst themselves I would say that
19 there was a lot of bickering or quarrelling.

20 [15.23.45]

21 These were nice lads from the local villages. I had the
22 permission, on one occasion, for the preparation of the farewell
23 dinner that I mentioned at the beginning of my statement. I had
24 the permission to accompany one of these young lads to a hamlet,
25 rather than a village, right on the edge of the forest, to his

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1 mother's house where we were to go and purchase the 13 chickens
2 to be used for my farewell dinner.
3 So these were young lads from the neighbourhood. In a way they
4 enjoyed better treatment in terms of food rations and in terms of
5 the behaviour of their superiors. They enjoyed a kind of measure
6 of protection. There was protection for the representatives of
7 the people who believed in the revolution and this allowed these
8 children to work with the revolutionaries. So in a way they were
9 protected thereby and their behaviour amongst themselves was the
10 normal behaviour of kids having fun amongst themselves, both
11 cruel and perverse and at the same time endearing.
12 Nevertheless they were not -- I saw always the same guards over
13 the three months I was there but their behaviour was changeable
14 so you couldn't expect the lad who was nice to you on Monday to
15 still be nice to you on Tuesday.
16 Q. Now to the issue of interrogations or questioning.
17 Reference was made to a so-called soft method. Is this
18 terminology that you've actually heard when you were in M-13?
19 A. No, Your Honour. I used this particular phrase by way of
20 anachronism. In S-21 I know very well from what I have read that
21 there was a so-called soft method and a so-called hard method.
22 [15.26.41]
23 As far as I'm concerned, I have not wanted to refer to any
24 particular technique. I can simply say that I was not hit,
25 beaten or tortured in order for confessions to be extracted from

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1 me. That is what I meant.

2 Q. You said you were asked to draft a statement of innocence;
3 those were your terms. Were you asked to produce that kind of
4 document under that kind of terminology or were you asked to
5 produce confessions?

6 A. Well, perhaps it looks like confessions, but from my
7 recollection -- I don't know, perhaps I invented that term in the
8 meantime, but I always understood this to apply to statements of
9 innocence. I was supposed to draft text to prove that I was not
10 guilty of the charges brought against me.

11 So this was normally the second part of a CV; I was supposed to
12 draft a curriculum vitae giving all the details that were
13 relevant about my studies, my life, my father and mother, why I
14 was in Cambodia and, thereafter, I was supposed to swear about my
15 innocence. And to give greater grounds or solidity to what I
16 wrote, I was supposed to write, "I swear upon the head of my
17 daughter that I have never been -- whatever, whatever". So I was
18 supposed to state that I was innocent through these pieces of
19 drafting.

20 [15.28.50]

21 Q. You've also referred to what you saw in a hut on the other
22 side of the small river or the creek, and that you -- on the
23 basis of what you saw, you produced certain -- some measure of
24 inference, but were you ever a direct eyewitness of scenes of
25 violence? Did you hear shouts or screams or anything that apart

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1 from what you saw may allow you to believe that any kind of
2 violent activities were happening there?

3 A. No, I never heard any screams or shouts from there and I
4 was never the eyewitness to any form of violence during my whole
5 detainment -- the whole period of my detainment at M-13.
6 However, I do think I recollect that having been authorized to
7 talk to my two helpers -- my two assistants -- at the time when
8 Duch accepted that they be unchained like me. So we had an
9 opportunity to sit together and to talk as I've already stated,
10 Your Honour, and although they never said so outright, they were
11 sure that we would never be released or at least they certainly
12 feared that we would never be released.
13 And they said that here, in this place, prisoners were beaten,
14 were hit, they were beaten with sticks on their ribs and as every
15 prisoner wore a shirt -- a black-buttoned shirt -- even when the
16 shirt was in rags, the shirt would still be worn and, due to
17 this, you could not see any traces of whatever blows they may
18 have received. I don't think my memory fails me when I mention
19 this point that was revealed to me by my companions.

20 [15.31.30]

21 Q. You have talked about statements made to you by the accused
22 during an evening encounter. We need not dwell upon that. Could
23 you tell us a bit more about conversations you had with Duch
24 regarding relationships between the Khmer Rouge and Vietcong
25 Communists?

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1 A. One of the first things I remember mentioning to Duch was
2 the comment that was, at the time, quite ubiquitous, "But you
3 work hand-in-hand with the North Vietnamese -- you, Khmer Rouge
4 -- but once you will have won the battle together, do you think
5 they're going to just walk out and leave you alone?"
6 And by saying that and expressing my distrust regarding the
7 Vietnamese divisions that had entered Cambodia, chiefly
8 mentioning the name of Sihanouk as their safe conduit. And with
9 cigarettes, I remember seeing them coming in to villages. I
10 remember seeing them coming to Srah Srang, handing a cigarette to
11 a peasant and the only Khmer that they knew were
12 Sihanouk-Sihanouk, so this would be their safe conduit. And by
13 talking about this, I was in reference -- I was speaking in
14 reference to the party which at the time was already beginning to
15 distance itself from the co-operation, collaboration, with the
16 big brother from the neighbouring country.
17 I also -- during those conversations, I also said that when North
18 Vietnamese divisions arrived in the Siem Reap region and the
19 village where I was living, 13 kilometres north of Siem Reap, was
20 -- ended up being on the other side of the line of the Vietnamese
21 troops that surrounded Siem Reap.
22 [15.34.07]
23 I then attempted -- tried to get out to go to the Angkor
24 Conservation, like every morning to go to my normal workplace
25 without clearly realizing that the roads were blocked -- were cut

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1 off, and that North Vietnamese soldiers were already there.
2 They were positioned and so they halted -- they made me stop, and
3 it was an officer of theirs who came a couple of hours later to
4 question me. He was about 50 years-old. I was not allowed to
5 stand up. I had to sit -- to remain seating. He made me say my
6 name, write it, spell it in the sand on the ground which I did
7 with my finger. He asked me where I was, what I was doing here,
8 who I was. He said I was extremely lucky to have been arrested
9 by his soldiers because if I had continued -- actually, I was
10 captured by the North Vietnamese together with two people who
11 were wounded; one of them had a bullet in his stomach.
12 I had actually walked alongside a truck that had had an accident
13 on the road and another person was a young boy who'd received a
14 piece of shell next to that truck. And there were two people who
15 were still alive there; one little boy whose lower abdomen had
16 been opened by shrapnel, and there was that soldier with a bullet
17 in his stomach -- in his belly.
18 And I had put them both in the car to take them to the hospital
19 in Siem Reap on my way to work. So I had been arrested and the
20 Vietnamese officer sent me back home. He said that if I had
21 driven only 500 metres further, I would have been shot down.
22 Q. I think we're moving a little bit too far away from the --
23 from my question. My question specifically, once again, was:
24 Can you tell us precisely what Duch -- what the relations,
25 rather, at that time between the Khmer Rouge and the North

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1 Vietnamese? Did you have any information about plans, about
2 anything that was afoot?

3 [15.37.21]

4 A. Apologies, Your Honour, I got carried away by my own
5 recollections. So I was given a laissez-passer by the officer,
6 the Vietnamese officer, for me to return to my village, and then,
7 I never ever moved around again without that laissez-passer, and
8 I have it here. To this day I have it here with me.
9 It is drafted in Vietnamese and it says, "Laissez passer Brother
10 Bizot or Comrade Bizot, so that he can go back home." This was
11 worded in a sufficiently broad way to be useful in many
12 circumstances. Later on, when I was back in Phnom Penh, in
13 charge of the EFEO School in Phnom Penh and when I would have to
14 do excursions in the countryside, I would always carry this
15 laissez-passer because the troops you encountered, or might
16 encounter, were of course Vietnamese and were not Khmer Rouge.
17 In those days, there were still very few Khmer Rouge.
18 When I was arrested, at that point, I thought this might be an
19 asset for me to have a Vietnamese laissez-passer. Actually I
20 discovered later on that this was an item that made me that much
21 more suspect, and Duch did not say very much about these issues
22 and I don't remember very clearly but I don't -- but I do think
23 that he was very wary about the presence of the North Vietnamese
24 and he perceived this as a danger, a threat for his country.
25 Q. So you were released from the camp. Eventually, you wrote

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1 a book, "Le Portail" or "The Gate" in English. In which year did
2 you draft this book?

3 A. I wrote this book in the year 2000, Your Honour.

4 [15.39.41]

5 Q. On page 26 of this book, you wrote the following: "I was,
6 by unfortunate circumstances, one of the witnesses. On October
7 10th, 1971 while conducting research at a monastery in the region
8 Oudong, 30 kilometres north of Phnom Penh, I was arrested and
9 then chained up in a Khmer Rouge detention camp. For three
10 months, I saw the abomination spread its cloak over the
11 countryside. As soon as I was released, the French embassy asked
12 me to translate a booklet on the political program of the United
13 National Front of Kampuchea that I had brought with me from the
14 bush. Its contents foreshadowed the horror. Already, there was
15 mention of the evacuation of the towns and the establishment of a
16 state-controlled collectivism based on a reduced population but
17 these warnings, duly relayed to Paris, had fallen on deaf ears
18 and France stubbornly maintained its support for the Khmer
19 Rouge."

20 So I would like to know, you state in this document -- do these
21 documents correspond to what you wrote in this book or do you
22 have another recollection?

23 A. It was during the dinner that was organized, my farewell
24 dinner that was organized by the Khmer Rouge leaders of the
25 region -- the region of Amleang -- that the highest ranking cadre

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1 in this dinner, the one who would speak all the time to speak to
2 me -- to laugh as well, to make political comments on the future
3 victory of the Khmer Rouge. Well, after a little while, he said
4 to me that he wished -- because the Khmer Rouge were already very
5 much present in Phnom Penh and it was therefore difficult for the
6 revolutionaries to get access to the embassies. So he asked me,
7 therefore, if I would accept bringing documents to the French
8 embassy, and I accepted and I took these documents. They were
9 put into a folder which I put in my own -- in my shirt, and I
10 just asked that the documents should not be too heavy.

11 And my release would -- also meant my return to Phnom Penh in a
12 republican context therefore, within which it was very much
13 possible that I would raise questions because, up until then, the
14 only prisoners who had been released were prisoners who were
15 Vietnamese, and the -- those who had been captured by the Khmer
16 Rouge had not been released.

17 THE INTERPRETER:

18 Interpreter correction: the prisoners had been captured by
19 Vietnamese.

20 MR BIZOT:

21 These documents contained two booklets that were printed in
22 Khmer. I cannot remember the title nor the content of these
23 booklets. However, I translated this text because -- I took a
24 lot of caution to do so. I was afraid of being captured if my
25 house was -- would be searched and, if they had found this

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1 document, this would have meant that I would have to leave
2 Cambodia and that's what I did not want. I wanted to continue
3 staying in Cambodia with my family and to pursue my work. That
4 was my only concern.

5 [15.45.12]

6 So therefore, I translated this document very, very, very
7 quickly. It was very, very difficult to do so and I gave this
8 document to the French embassy as well as the photographs that
9 accompanied this text. There were about 20 photographs that were
10 all black and white pictures that were showing Khmer Rouge
11 soldiers, maybe their weapons as well, and that were also showing
12 a few figures from the Khmer Rouge regime who were already -- had
13 already been suppressed by the regime. There were pictures of
14 Hou Yun and Hou Nim who seemed to be alive on the pictures, in
15 any case.

16 If I can remember this text more, it is because, when I started
17 writing, when I felt the urge to write this book -- my book -- I
18 noticed that I had a hard time remembering the details of that
19 period of my life, which was based on emotions essentially. I
20 wrote this book, you must understand, not as a report nor as an
21 account, but on -- I wrote this book on the basis of feelings,
22 and since this was a -- I was dealing here with a political text
23 so therefore how could I include it in the book. And I was lucky
24 enough to find in the archives of the French Ministry of Foreign
25 Affairs and I was able to obtain a copy, not of the text I had

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1 trusted unfortunately but of the summary that the Chargés
2 d'Affaires back then, Mr. Anju (phonetic), had composed the
3 summary of my translation.

4 [15:43:02]

5 And this summary of my translation you can find it in the
6 archives of the French Foreign -- the Ministry of Foreign
7 Affairs. It's a text that is -- that was not that interesting, I
8 must say, but in any case, you can find the title. And this is
9 why I was able to be rather precise when I was relating the
10 title, this text in my book.

11 Q. So I'd like to specify. I'd like to specify that
12 verifications were conducted by the Co-Investigating Judges
13 concerning these documents and requests were made to the Ministry
14 of Foreign Affairs in France and documents were found and they're
15 included in the case file under Code E27.13 and E27.14. And I
16 believe that it would -- I think it's easy to agree that these
17 documents do not correspond to the descriptions you give of these
18 documents in your book.

19 In any case, I do not see, for example, there is any mention of
20 the evacuation of cities or the implementation of state
21 collectivism based on a reduced population. I do not see that in
22 these documents, mention of this.

23 A. Indeed. Indeed. This is not included in the summary of
24 these documents.

25 Q. So, therefore, you think that you were able to reconstruct

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1 memory, therefore, and include this information or is this
2 something that was already something that was existing in 1971?

3 A. Everything is possible, Your Honour. But I believe that I
4 remember in particular that there was a term that -- I had a hard
5 time translating this text, you must understood, but there was a
6 term that I translated by filthy rich. It was "riche" in French.
7 It was a kind of new word that I had a hard time understanding
8 because it meant -- rich people wasn't really the right nuance.
9 I translated this by well, the filthy rich and I do not believe
10 that I composed this text beyond its content, which I remember in
11 broad terms but not precisely, however, but it is probable that
12 the terms that I use in the book are terms that were used later
13 on in papers as well as in what -- in certain expressions that we
14 use, local collectivism, reduced populations, and these specific
15 terms, well, I used them concerning a text that I only remember
16 in general terms.

17 [15.50.10]

18 Q. Last question. You state the way that you question your
19 analysis of your feelings, that you state your -- how your
20 feelings towards Duch. And I'd like to mention a sentence in
21 your book, *The Gate*, page 428. You state the following: "Beings
22 who belonged to our history that time etches from our past, deep
23 in our memories, and even if they have been an instrument of our
24 unhappiness they eventually arouse a sort of affection within
25 us."

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1 So I would like to specify, when you write this sentence you're
2 not speaking about Duch but you're speaking about a certain
3 Duong, Duong who was somebody who arrested you in 1971. However,
4 can you apply this sentence to Duch as well, do you believe?

5 A. Well, The Gate was written 30 years later through the
6 recollection of my fears and my emotion, of my sensations back
7 then, which never left me over the past 38 years. And what I
8 relate concerning Duch and M-13 is therefore what I saw with my
9 own sensitivity, what I experienced then and on the basis also of
10 what these feelings left in me.

11 It's a literary approach which is based on the reconstruction of
12 an emotion and which, however, does not exclude that through
13 these emotions that stayed with me that I was -- does not exclude
14 the chronology that I was able to find through my emotions of the
15 events, and which does not exclude a certain truthfulness of what
16 happened in this camp.

17 And what Duch said or what the guard said or what I said, which I
18 relate in the book, I do not relate these exactly on the basis of
19 the exact words that were said but I relate these things on the
20 basis of the content of what they were communicating and on the
21 basis of what this meant.

22 [15.55.03]

23 And, now, you referred to a specific point, this point, this idea
24 of affection, that you can have affection for something even if
25 it has been a source of evil. I must say that my encounter with

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1 Duch left a print on my destiny and conditioned the entirety of
2 what I am today for a very simple reason and for a tragic reason
3 as well. It is that I owe -- I must come to terms with what's in
4 me in relation to a double reality, the reality of a man who was
5 the vector, the force of massive killing, state institutionalized
6 massive killing, I should say, and I cannot imagine being in his
7 shoes today with so much horror behind -- left behind; and on the
8 other hand, the recollection that I have of a young man who
9 committed his life and his existence to a cause and to a purpose
10 that was based on the idea that crime was not only legitimate but
11 that it was deserved. I do not know what I can make of this,
12 Your Honour.

13 My existence brought me to intimately be in contact with this
14 person and I cannot get rid of this idea, and I cannot rid myself
15 of the idea that what Duch perpetrated could also have been
16 perpetrated by someone else, and that by trying to understand --
17 I'm not trying at any moment to minimize this, of course, and to
18 minimize the reach and the depth and the horror of his crime;
19 this crime which is his.

20 And that's where things are particularly difficult for me. I
21 felt that these crimes were the crimes of a man and in order to
22 understand its horror -- their horror, it was certainly not by
23 transforming Duch into some kind of monster, but rather it was by
24 acknowledging in him his humanity as ours, and that is -- and
25 that was obviously not an obstacle, unfortunately, to the massive

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1 killings that were perpetrated.

2 [15.56.29]

3 And it is this awareness of this ambiguity of -- this ambiguity
4 in his humanity, inhumanity, that causes my tragedy, my personal
5 tragedy today, Your Honour.

6 JUDGE LAVERGNE:

7 President, I would like to ask a few questions of the accused
8 himself if I may. President, will you allow me to put a few
9 questions to the accused himself? May I put some questions to
10 the accused?

11 [16.00.40]

12 MR. PRESIDENT:

13 Judge Lavergne, you could proceed to ask questions to the accused
14 while he remains sitting at that location.

15 JUDGE LAVERGNE:

16 So my first question is as follows. You recall that when I asked
17 you questions about the conditions, the sanitary conditions for
18 the detainees, you said -- very firmly so -- that the inmates
19 could go and wash at the river. Now you've just heard what the
20 witness says. He says that he was the only person given that
21 privilege. So what could you say about this very specific point?

22 THE ACCUSED:

23 Your Honour, we both did not betray the truth. That is the
24 truth. When Bizot was with me we were next to a small stream
25 about 30 centimetres high -- deep. So he is right to say that,

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1 because at that time the inmates who were detained there could
2 not wash themselves in that stream. I personally reported
3 already that it was at another location when we were close to the
4 river.

5 JUDGE LAVERGNE:

6 So if I understand correctly what you are now saying, at the time
7 when François Bizot was detained the other prisoners did not have
8 the wherewithal to wash at the river. Furthermore, you will have
9 heard what the witness just said about lying, saying that lying
10 was, so to speak, the oxygen that people would breathe in the air
11 of M 13 and that there was the very strong presence of death, and
12 the witness also referred to what you said to him about torture.
13 That's the word that was used.

14 [16:04:15]

15 I would like to ask you what you -- what your feeling is, what
16 you think is. What do you think about what has been said on
17 these subjects?

18 THE ACCUSED:

19 Regarding the tortures, I already detailed it. First we tortured
20 the detainee called Kao Bun Heang. So probably that was the case
21 when I shared in conversation with François Bizot.

22 Regarding the small hut with rings, I think he did not lie to us
23 but those items did not belong to me. I would like to confirm
24 that before the establishment of M 13 there was a police office
25 already that was one left by the people from Hanoi. So I think

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1 probably that location was left over from those predecessors and
2 we just located at the place left over from them maybe.

3 I never contest the tortures we -- at that time. At least there
4 were two tortures, two kinds of tortures, and that's all. I
5 already clarified.

6 JUDGE LAVERGNE:

7 What is this police station manned by people from Hanoi?

8 THE ACCUSED:

9 The police office was in the same form as office of M-13 but Ta
10 Mok already demolished that office before the establishment of
11 M-13.

12 [16.07.36]

13 I was appointed as the chief of M-13 and I tried to ask Ta Mok --
14 to ask people to get information why Ta Mok really demolished the
15 police office. Because I asked that to make sure that I would
16 not fall in the same footsteps, I mean, to be -- got rid of by Ta
17 Mok.

18 JUDGE LAVERGNE:

19 I would like to read another excerpt from Mr. Bizot's book. It's
20 on page 184 and this is dialogue between yourself and François
21 Bizot.

22 François Bizot says: "I thought I overheard something about
23 prisoners in our camp being tied up and beaten."

24 And you answer, "Most of the people who arrive here" -- he
25 explained after a short silence -- "have been caught in the act

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1 of spying. It's my responsibility to interrogate them to find
2 out who their contacts are; what type of information they're
3 looking for and who is paying them. Just one of these traitors
4 could jeopardize our whole struggle. Do you think they're going
5 to reveal what they know of their own free will?"

6 Question by François Bizot, "But who does the beating?"

7 And this is your answer to François Bizot: "Ah, I cannot stand
8 their duplicity. The only way is to terrorize them, isolate them
9 and starve them. It's very tough. I have to force myself. You
10 can't imagine how much their lying infuriates me. When I
11 cross-examine them and they resort to every ruse to avoid
12 talking; denying our senior officers potentially vital
13 information, then I beat them and I beat them until I'm out of
14 breath myself."

15 [16.10.34]

16 Now, this description and what is in this book, does this
17 material evoke -- does it elicit any kind of recollection? Do
18 you find that it is congruent and faithful to the truth?

19 THE ACCUSED:

20 I still believe that the story that I told to Bizot was the same
21 story that I interrogated a spy named Kao Bun Heang. At that
22 time I have already reported to the judges or maybe the
23 Co-Prosecutor that at that time I was having malaria. I felt
24 dizzy.

25 While interrogating that person, two comrades from Hanoi walked

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1 freely to their place and then beat the guy and the guy confessed
2 that he was the spy. Having seen that I was very angry and I
3 was walking towards him about to beat him. Then I grabbed a whip
4 or stick. Then the guy begged me and then I could not beat him
5 because I was out of breath myself already. Then I let him to be
6 taken to his rest place. So it was that time that I was feeling
7 very bad because my health condition was not good.

8 [16:13:31]

9 So when physically I was not well and emotionally I witnessed
10 that situation when the two guys came to beat the guy in front of
11 me, then I was very emotional and I could not hold back my anger.

12 JUDGE LAVERGNE:

13 Apologies for interrupting you. However, from what you are
14 telling us should we infer that what Mr. Bizot says is not
15 aligned with what you said to him? Is it true or is it not true?

16 THE ACCUSED:

17 I have not read the text by Bizot clearly yet. But the story
18 that I still remember was that story that I just informed you,
19 Your Honours.

20 [16.15.08]

21 For the time being, right in front of you, I am not yet in the
22 position to object to that story because the story had happened
23 30 years ago, more than 30 years ago. Could you please leave us
24 -- give us some time to reconsider the matter among ourselves?

25 JUDGE LAVERGNE:

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1 Just a detail that I would like to ask, do you have the book by
2 Bizot? I think this book has been given to you, a copy has been
3 given to you by your lawyers and you have not read it?

4 THE ACCUSED:

5 No, I don't have it. At page 169 he talks about the loss of Lay
6 and Son.

7 JUDGE LAVERGNE:

8 You remember the page number but you don't remember what is
9 written about torture in that book?

10 THE ACCUSED:

11 I think the matter of torturings or crimes against humanity it is
12 true, and I know that when François Bizot was with me I never
13 beat him or punish him. So I observed his sorrow or his sadness
14 and his gratitude toward Lay and Son.

15 JUDGE LAVERGNE:

16 One last question. Much has said about your desire to know the
17 truth. Much has been said about your hatred for lying. You hate
18 lying. I would like to ask you to confirm what is in Document
19 D67 of the file. This is one of the interviews of you. And the
20 Co-Investigating Judges ask the following question in that
21 session: "This..." -- I'm quoting. And the ERN number is
22 00177645. That's at least the French number. D67, D67 is the
23 reference number of the document.

24 [16.18.21]

25 So the question asked is as follows: "This brings us on to

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1 asking you about the value that you see or that you saw in the
2 content of the confessions. Did you believe that these
3 confessions reflected the truth? Have your feelings about this
4 changed over the years? Have you started to think differently
5 about this?"

6 You then explain a number of things about S-21. We shall return
7 to this possibly later on. But you also say the following a
8 little bit further down. I quote:

9 "In fact, as early as M-13, the M-13 period, I knew that
10 confessions did not reflect the truth. I was forced to work in
11 the service or to serve a criminal organization all my life and I
12 take due responsibility for that fact."

13 Have you heard what I have just read out to you and have you
14 understood? Do you have any comments?

15 THE ACCUSED:

16 I have heard and the statement, Your Honour, just read out and it
17 is, of course, the statement about my position on my analysis on
18 the confessions taken by torture. And I still acknowledge that
19 this is the crimes that cannot be denied.

20 JUDGE LAVERGNE:

21 My question was more specific. You say specifically and
22 literally, "as early as the period of M-13, I knew that
23 confessions did not reflect the truth". That is what you say.
24 So can you now confirm that you knew that the confessions were
25 not the truth?

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1 [16.20.56]

2 THE ACCUSED:

3 I still maintain that the confession --

4 JUDGE LAVERGNE:

5 Could you repeat the last sentence, your last sentence, sir,
6 because I believe there was possibly a translation mistake.

7 THE ACCUSED:

8 I still maintain that all the confessions we obtained did not
9 reflect the truth, maybe 20 percent only that reflects, 20
10 percent maybe the most. Twenty percent of those confessions
11 reflected the truth.

12 And regarding the people who were implicated in such confessions,
13 so there was only 10 percent of truth in them.

14 JUDGE LAVERGNE:

15 Was there one kind of truth that was political truth and the
16 truth that had to be in conformity with -- well, some kind of
17 proletarian truth and there had to be some kind of difference
18 from some other kind of truth?

19 [16.22.56]

20 THE ACCUSED:

21 Your Honour, could you please leave me some time to consider
22 these deeply because it is rather complicated before I can make a
23 clear response?

24 I think -- could you please rephrase Your Honour's question by
25 splitting into more simplified wordings?

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1 JUDGE LAVERGNE:

2 You said that 20 percent only of the confessions were true
3 basically. Only 20 of them were true. So my question is as
4 follows: For the rest would you say that the confessions were in
5 conformity with some kind of truth that was not objective truth
6 but it was the kind of truth that was made desirable by the Party
7 line, by the proletarian ideology? Would that validate a
8 different kind of truth?

9 THE ACCUSED:

10 That percentage that I referred to as not reflecting the truth,
11 which was about 20 percent only, when we arrested a lot of people
12 some people who only conducted revolutionary activities but they
13 were accused of being the insiders. Therefore, I may pick up the
14 confession of Kuy Thuon. I did not read that confession but the
15 upper echelon read that confession. They say that the confession
16 was truth -- true. But for me, I still balanced between the
17 traitorous activities or the revolutionary activities because Kuy
18 Thuon said he was -- he done that because of the order from the
19 CIA, for example.

20 So the reason that I said that the confessions were not true
21 because it is consistent with that situation.

22 JUDGE LAVERGNE:

23 Really my last question now; you've heard what has been said
24 about the acts of denouncing. Do you understand what denouncing
25 is? Did you not hear the question? ...

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1 THE ACCUSED:

2 No, I have heard the question, but I don't understand the word
3 'délation' in French.

4 BY JUDGE LAVERGNE:

5 Délation, denouncing, is the act of denouncing, of telling on
6 somebody else.

7 So was this kind of behaviour part of the principles that people
8 were supposed to apply to become a good revolutionary? You heard
9 what was said earlier on: it was good to be able to denounce
10 your own father and mother.

11 A. This is the matter of theory. I heard this, it was said
12 long ago, even when I was detained at the main prison. It was
13 said about Vietnamese cadres who arrested their fathers and then
14 they pleaded before the father before -- and said -- saying, you
15 know, like "Sorry" before they shot their father.

16 [16.28.42]

17 In practice, I already reported to Your Honours, I do not like
18 allowing the subordinates, the children, to report or denounce
19 their parents. So I never wanted anyone to denounce their
20 parents.

21 MR. PRESIDENT:

22 It is now time to break, so the Chamber would like to adjourn the
23 session now. The hearing will be resumed tomorrow at 9 a.m., so
24 I would like now to ask the security guards to take the accused
25 back to the detention facility and bring him here before 9 a.m.

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1 Mr. François Bizot, since you are going to be heard also from 9
2 a.m., we would like you to come back to the courtroom starting
3 from 9 a.m. tomorrow, and I would like the Court Officer to
4 facilitate with Mr. François Bizot so that he can go back to his
5 place and then come back to the Court on time.

6 And I would like to tell the public and parties to please come
7 back to the courtroom before 9 a.m. Thank you. The Court is
8 adjourned.

9 (Court adjourns at 1631H)

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