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06 September 2012**



**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King**

**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the
Courts of Cambodia**

**ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des Co-juges d'instruction
សំណុំរឿងព្រហ្មទណ្ឌ
Criminal Case File /Dossier pénal
លេខ/No: 002/14-08-2006
លេខស៊ើបអង្កេត/Investigation/Instruction
លេខ/No: 001/18-07-2007**

**កំណត់ហេតុនៃការសួរដេញដោល
Written Record of Interview of Charged Person
Procès-verbal d'interrogatoire**

The year two thousand and seven, August, the twenty-third day, at 09:06 hours.

We, **You Bunleng យូ ប៊ុនហ្គេង** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers, with Mr. **Ham Hel ហាម ហែល** and Mr. **Ly Chantola លី ច័ន្ទតុលា** as Greffiers

Having seen The Law on the Establishment of the Extraordinary Chambers dated 27 October 2004

Having seen Rule 58 of the Internal Rules of the Extraordinary Chambers

With **Uch Channora អ៊ុច ចាន់ណរ៉ា** and **Yuk Bunna យុក ប៊ុនណា**, sworn interpreters of the Extraordinary Chambers

The Charged Person identified below has appeared before us:

Kaing Guek-Eav កាំង ហ្គេក-អ៊ាវ alias **Duch ឌុច**, male, born on 17 November 1942 at **Peou Veuy ពៅ វើយ** Village, **Peam Bang ពាមបាង** Subdistrict, **Stong ស្ទែង** District, **Kampong Thom កំពង់ធំ** Province,

nationality: Khmer , occupation: teacher. Father: Kaing Ky កាំង គី (deceased). Mother: Meas Kimsiev ម៉ាស គីមសៀវ (living). Wife: Chhim Sophal ឈឹម សុផល (deceased). 04 children. Residence: Au Toteum អូរទទឹម Village, Ta Sanh តាសាញ Subdistrict, Samlaut សំឡូត District, Battambang បាត់ដំបង Province.

Charged with crimes against humanity, an offense defined in and punishable by Article 5, Article 29 (New), and Article 39 (New) of the Law on the Establishment of the Extraordinary Chambers dated 27 October 2004.

The original of this record is written in the Khmer language.

Co-Prosecutors of the Extraordinary Chambers Mr. Robert Petit and Mrs. Chea Leang ជា ណាង were formally advised of this interview in the Written Record of Interview dated 07 August 2007:

- Mrs. Chea Leang ជា ណាង is present.
- Mr. Robert Petit is represented by Mr. Alex Bates, Senior Assistant Co-Prosecutor.

Kar Savuth កាវ សាវុត្ត and Francois Roux, Co-Lawyers for the Charged Person, who were invited in the Written Record of Interview dated 07 August 2007, and who have had the right to examine the case file since that time, are both present.

Interview

Question-Answer:

Question by YBL: In early January 1979, when did you leave S-21? What arrangements did (you) make for the documents and the people before departing?

Answer: I wish to speak. On 7 January at 11.00 hours, an opposition army tank force arrived at my house. At that time, all S-21 personnel were bewildered because this was contrary to the instructions and orders of 6 January 1979.

Question by ML: These instructions, who issued them, and what were they?

Answer: The orders were that we could deal with the military situation. Therefore, “stay calm and do not panic”.

Question by ML: Who said that?

A: Khieu Samphan.

Question by YBL: You say Khieu Samphan said this. Where was that? Who was present?

Question by ML: Can you explain about the relations between yourself and Khieu Samphan?

A: As assigned, I had no communications with Khieu Samphan ខៀវ សំផន. At 9.00 hours on 6 January, Comrade Lin លីន telephoned me to call me to a meeting. Immediately after receiving the call, I thought that Nuon Chea ឆួន ជា was the one who called me to work with him. I rode a motorcycle to Lycee Soramarith សុរាមរិត. I saw Khieu Samphan, and did not dare enter. Comrade Lin insisted three times, and pushed my shoulder with his hand. I entered, and sat in an unoccupied chair opposite Khieu Samphan. Before I entered, three or four people were already seated. I recognized only one, Comrade Roeung រឿង, who was responsible for the State Warehouse. When I entered, Khieu Samphan, did not even say my name. He talked about the situation, like I just said. I wondered why Khieu Samphan.

Question by ML: Had you ever previously met with Khieu Samphan?

Answer: No. I met him exactly one time. I couldn't understand why I was meeting Khieu Samphan, meaning because I had no right to meet him, and he had no right to meet me either. Why did he come? But I accepted his instructions, and disseminated them in S-21. This was not an unofficial meeting. It was certainly directed by Nuon Chea. In 1983, Nuon Chea went down to supervise the Samlaut area, and I was in Samlaut. He (Nuon Chea) called me to meet him for a conversation. I wish to quote the words of Nuon Chea, which I remember almost entirely. Nuon Chea said, "On January 6th, Comrade worked with Khieu Samphan; you did not work with me." The reason I accepted the instructions of Khieu Samphan to disseminate was because I thought that Comrade Lin would not dare do anything careless.

Question by YBL: Before meeting Khieu Samphan, you saw only three people in that place, and you recognized only Roeung. Do you know if Roeung is still alive?

Answer: He is dead.

Question by YBL: After the dissemination of the information, what were your arrangements for the documents and prisoners?

Answer: First, let me speak about the victims imprisoned at S-21. On the 2nd or 3rd of January 1979 (I do not remember clearly), Nuon Chea called me in to receive an absolute order. That is, he required that S-21 smash (kill) all the victims. Regarding this matter, I was very terrified. I told Comrade Hor ហ៊ី about this order.

Question by YBL: Told or ordered?

Answer: Told. After telling Hor, having lost all hope in life, I just went to sleep. Let me explain clearly. Even before receiving the orders, I was a person without hope.

Question by ML: Why?

Answer: There were two reasons. First, by this time, the Communist Party of Kampuchea seemed insane and lost. I do not know what the proper word to use is. Everyone was considered by the Party to be an enemy. Everyone had to be arrested and sent to S-21.

Question by ML: So, everyone was an enemy?

Answer: Yes. And secondly, what pressured my feelings very strongly was the arrest and killing of four ethnic Chinese all of whom were the tested servants of the Communist Party. First, Thăk ថាក់.

Second, Sau Chea ស៊ូ ធី. Third, Sau Yuk ស៊ូ យ៉ក់. Fourth, Brother Ngèt You ង៉ែត យូ, alias Hong ហុង. The first reason was subjective, and the second objective. Related to these two points, Sau Chea was a person who had conducted business to provide support for the Communist Party for many years. Probably in 1968, the Party sent a secret letter through him to the Chinese Foreign Ministry. His confessions confirmed this point. Let me continue about Brother Ngèt You. He was a person who had guarded the safety of Nuon Chea embedded inside Phnom Penh. The really important thing was that he arranged for Pol Pot ប៉ុល ពត, Ieng Sary ឿង សារី, and Son Sen សុន សែន to flee to the liberated zone in Vietnam. He rented a truck. The front was loaded with cargo, in the middle was placed a mat for the three to sit upon, and the rear was loaded with cargo.

Question by ML: When was this?

Answer: Early 1964.

Question by ML: Your hopelessness, what consequences did it have?

Answer: Since I saw the early debt of gratitude the Communist Party owed this group, which Nuon Chea recognized, and comparing the help given by myself and the both of them, mine was not one slice of theirs. I thought that some day they would surely arrest me and cut my head off just like theirs. I hid these feelings and did not let anyone know, but this hopelessness was expressed by me sitting quietly at the painting and sculpturing place and by my stopping work.

Question by YBL: The painters, the sculptors, where did they come from, what were their names?

Answer: The painter was Mēng ម៉ែង, I'm not certain if that was his true name or not. Second, the sculptor, I did not know his birth name, but intimately I called him A-Chhlăk អា ឆ្លាក់ ["little" Sculptor]. Third, Nath ណាត, who I had help A-Chhlăk sculpt. I do not know the family names. Nath was not an artist, but A-Chhlăk had a degree in sculpture. Mēng made a living painting for movie theatres.

Question by YBL: All three were cadres or victims?

Answer: Victims.

Question by YBL: The orders of Nuon Chea to smash on the 2nd or 3rd of January, how many victims were imprisoned, and how were they smashed?

Answer: The actual number of victims, I cannot remember. To be exact, I did not concentrate on this point. I remember that there were two categories of victims. First, the Cambodians; second, the Vietnamese soldiers who had raised their hands and surrendered at the frontier.

Question by ML: Were they prisoners of war?

Answer: Yes.

Question by ML: Approximately how many, 100 or 1,000 persons?

Answer: In total about 200 persons.

Question by ML: Did they kill them all?

Answer: I believe that all of them were killed.

Question by ML: Did you kill them yourself?

Answer: No.

Question by YBL: The 200, that was the total number of prisoners in S-21?

Answer: Yes.

Question by YBL: Of those 200, how many were Vietnamese soldiers?

Answer: Let me explain. The tasks of detention and smashing had been the burden of Comrade Hor ever since the creation of S-21.

Question by ML: What does that mean?

Answer: Previously, the Chairman was Nath, and Nath assigned Hor total and complete responsibility militarily. Military work at S-21 meant: first, receiving the victims they sent in; second, imprisoning the victims in the prison; third, taking the victims to be smashed; fourth, defence against outside intervention. Later on, I rose to Chairman. I had the tasks of inspecting and giving instructions, but I did not do this work.

Question by ML: You are saying that you were a Chairman who had no power, but many have said that you decided everything?

Answer: Everything which I have reported is in accordance with the actual situation. Let me provide one piece of evidence which may remain at S-21. At first, taking prisoners out to smash, that was Comrade Hor who made the decisions without it being necessary to tell me. One day, my chief, Son

Sen, asked me on the telephone why the confessions of Soeng Sany សឹង សានី alias Brēv ប្រេវ had been cut off and he had not seen any continuations? I answered that Comrade Pon ប៉ុន had been interrogating him, when Comrade Hor had taken him to be smashed without knowing that he was still under interrogation. So then Professor Son Sen told me to tell Comrade Hor that, starting from that time, not to decide unilaterally to take out any victims, and he instructed to have Hor ask my opinion first, before taking them. What remains at S-21 could cast light to confirm this matter: First, the confession of Soen Sany សឹង សានី was cut off in a segment; second; the lists of names which Comrade Hor made to ask permission from me will have my signatures and may still remain at S-21.

Question by ML: Permission for what?

Answer: I will explain. The word permission may be used inexactly in this situation. Before every killing, I had to clearly confirm that the interrogations had been completed and related to the lists which Hor showed me. To make it clear: First, taking people to Cheung Ek ជើង ឯក was the work of Hor. Later on, due to a broken-off response, Son Sen instructed Hor to ask my opinion before taking the victims away. That was solely to avoid breaking off any more responses like what had happened before. So, this matter continued on, but there were small changes. When I lost all hope, I expressed another reaction. I requested to hand over the work in Phnom Penh to Hor, including both defense and interrogation. Nuon Chea agreed with having Hor control all work in Phnom Penh. I was responsible for general policy in Phnom Penh and Prey Sar ព្រៃស.

Question by ML: Meaning that Hor was actually in charge in Phnom Penh?

Answer: Yes.

Question by ML: Others understood that you were in charge instead?

Answer: The matter lies in an incomplete understanding. But, look deeply, and you may see that it is the truth. Let me continue about organization. After Nuon Chea agreed with my request to assign Hor, about two or three months later, Nuon Chea told me that the Chairman at S-21 was not me, Duch, but he, Nuon Chea, was Chairman. I disseminated these words to everyone.

Question by YBL: Concerning those 200 people, how were they smashed?

Answer: Concerning this, I do not know.

Question by YBL: Do you know the least little thing at all?

Answer: I do not know. Let me explain further. After taking Nuon Chea's orders to tell Hor, I slept day and night because of my hopelessness. After that, no one ever saw me at the painting and sculpting place again. I did not go anywhere, just to the kitchen that's all. This confirms my activities in the final days. At first, I could go to the sculpturing workshop to suppress my sorrows. After getting the orders from Nuon Chea, I stopped going outside.

Question by ML: In summary, you were a Chairman without power and never made decisions by yourself, and your duty was just to transmit orders, and in the end (from late 1978 to 1979), you no longer knew about anything which occurred at S-21. No one sent news to you about what happened at S-21?

Answer: My power was to carry the words of upper echelon and to disseminate them, no more, no less. When S-21 was first created, my task was to read confessions and report to Son Sen by telephone every day. When Son Sen was gone, I took them to tell Nuon Chea once every three or four, or at most five days. As for my power, it was to take the words of upper echelon to disseminate to lower level and to report about the confessions to upper echelon. The remarks of Mr. Marcel Lemonde are not incorrect. Nuon Chea said that I could not handle the work. And this is the reason which explains why I had lost hope and really did not do anything. So, I was only the Chairman in theory. I hope that the research of the court will show this fact.

Question by ML: We will see. Thinking in the context of the operation of the Party at that time, did you think the Party might keep a person who did not work?

Answer: I wish to remind you of the last time the Judge asked me why they appointed me Chairman. I answered at that time that I knew nothing of that appointment. This was a response based upon the actual situation. There is another response of which I did not yet dare to inform you at that time, that is, the reason based upon my own analysis. This analysis is long, and if the Judge will permit, let me inform you.

First, let me speak about the opinions of Vorn Vet វ៉ែត វ៉ែត after they had arrested him. He said, "Brother Pol is a person who uses his feet to support the sky." (This is an ancient Cambodian saying.) Seeing me (Vorn Vet) in charge of Industry which had tens of thousands of people, Brother Pol began to suspect me." I (Duch) thought two or three days before telling Nuon Chea about this opinion because I wanted to learn his reactions. Nuon Chea responded loudly, "What could Vorn Vet have done? Because in each unit there are his men and the others." These opinions, I believe both are true. So, they placed me above 703 at S-21 in order to have me be their eyes and their nose. If at any time 703 took up weapons and opened fire in the middle of the city, how embarrassed would they have been? In truth, in S-21 it was just 703 who had the capability of taking up arms. As for the old M-13, there were less than ten combatants and they never had been in combat. So, they had no possibility of opening fire. This is my analysis. Let the court judge what percentage is correct.

Taking the Written Record of Interview was suspended at 1:30 hours.

At 2:45 hours on the same day, we continued the interview.

Question by YBL and ML: This morning, we asked questions related to leaving Phnom Penh on 7 January, involving the arrangements for the prisoners. Now, we want to know about the management of documents at that time. Said another way, why were those documents abandoned there? Was there any casting of blame regarding this matter?

Answer: Let me speak in details as follows. The confessions had to be done in duplicate. I kept the copies, and the originals were sent to the upper echelon. When Son Sen was my direct supervisor, my notations on the confessions were made according to his telephone instructions. It was done this

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១

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way to facilitate reading the documents by the upper echelon. Later, with Nuon Chea, I made no notations, because he gave the orders not to. The copy documents I kept in my garage, and when I fled, I never touched all those documents. The interrogation documents may have existed in the houses of individual comrades who were interrogators. So, perhaps, that group did not destroy those documents. The lists of S-21 receiving victims and sending victims to Cheung Ek were all maintained with Comrade Thy. In addition, there were other documents. May I talk about the weapons lists?

Question by ML: Were you blamed?

Answer: Yes. In 1983.

Question by ML: Can you tell us about that scolding?

Answer: When Nuon Chea called me to have a conversation. First, he spoke about me going to meet Khieu Samphan, not him. This point, I told you about this morning. Second, after questioning me, he blamed me saying, "Comrade you are useless. My documents, I smashed them all, but with you, they were left in heaps". Regarding the documents and the scolding, on 25 June 1986, Son Sen called me to Office Kâ ñ 18, which was near Trat ត្រាតិ City in Trat Province, Thailand. At that time, he ordered me to change my name to Pin [ពិន Pîn]. When I met Son Sen, I reported about the words of Nuon Chea blaming me. Son Sen went, "Huh! So [he remembers] they were all gone; they remained, it was just the same". This remark was directed at the documents at 870. So, the matter of the documents, I will stop here.

Question by ML: So, Son Sen did not blame you?

Answer: Son Sen spoke the truth.

Question by ML: I want to return to the relationship, your meeting with Khieu Samphan, to expand on the matter of the relationship with the Party Central Committee គណៈកម្មាធិការមជ្ឈិមបក្ស, the relationship between S-21 and the Party Center មជ្ឈិមបក្ស. Earlier, you declared that you made reports to the Center មជ្ឈិម. What was this Center? Were you a member of the Central Committee គណៈកម្មាធិការមជ្ឈិម? As Chairman of S-21, could you supervise other security offices? Did S-21 have a relationship with other security offices?

Answer: The Party Central Committee had many echelons. The highest of all was the Standing Committee of the Party Central Committee គណៈកម្មាធិការអចិន្ត្រៃយ៍ នៃ គណៈកម្មាធិការមជ្ឈិមបក្ស. It had seven individuals, like I reported before, among them two Reserve Members សមាជិកបម្រុង, Vorn Vet and Son Sen. The second level was the Center Full Rights Members សមាជិកមជ្ឈិមពេញសិទ្ធិ, I don't know the number. The third level, the Candidate Members of the Central Committee សមាជិកត្រៀមនៃគណៈកម្មាធិការ មជ្ឈិម, of whom there were many. (There was a distinction between

the Reserve Members of the Standing Committee of the Party Central Committee and the Candidate Members of the Central Committee.) The fourth level was the lowest. They were even more numerous, and they were called the Assistants to the Central Committee ជំនួយការគណៈកម្មាធិការមជ្ឈឹម. The Center Members were a total of four levels. It was not only me, even Nath, was not a Center Member. I would like to talk about my contacts with upper echelon. Starting from 15 August 1975 until August 1977, I contacted only Son Sen. Starting on 15 August 1977, I only had contact with Nuon Chea. So then, that is why I was very panicky when I met Khieu Samphan on 6 January 1979. As for the group that Office 870 used to contact and inspect S-21, there were two of them, Chhım Săm-aok ឈឹម សំអាក់ alias Pâng ប៉ង and Comrade Lin.

Question by ML: When you met Khieu Samphan, how did you analyze Khieu Samphan's presence? Why did he show himself at that time?

Answer: What startled me was that no one had introduced [directed] me to work with him. It would have been normal for Nuon Chea would have introduced this to me in advance. Speaking on this point makes me think of Vorn Vet. When Vorn Vet came earlier and began talking about something, he introduced himself first, saying Brother Nuon had him come. But as for Khieu Samphan, he said not a word to me. He talked about work straight away.

Question by ML: You said that in the end you received orders to disseminate to the personnel at S-21. So, even though this did not respect the rules of the system, you still accepted Khieu Samphan's orders and carried them out. Why?

Answer: First, I said already, I thought that Comrade Lin would not dare do anything careless. Second, all those cadres called in to meet took those instructions to disseminate at their locations. Third, these instructions were not related to work at S-21. They related to the military situation. Finally, another reason was that Pol Pot had broadcast by radio that the Yuon might enter deeply inside the country, but the situation might reverse, and he asked all comrades near and far to continue supporting Democratic Kampuchea. Those are the reasons I was satisfied to disseminate those orders. And there was no way to contact Nuon Chea either.

Question by ML: Nuon Chea blamed you later on in 1983?

Answer: He scolded me abusively.

Question by ML: It seems strange that Nuon Chea blamed you about working with Khieu Samphan and not with him in what was only an appeal to resist. Was the situation tense between Nuon Chea and Khieu Samphan?

Answer: The content of the message of Khieu Samphan was to have S-21 and other units maintain quiet and not panic. First, it was not a request to resist the invading force. Second, in truth, Nuon Chea should have explained to me to satisfy my curiosity as to why he did not order me to flee like the others. But instead, he scolded me abusively instead. The work habits of Nuon Chea were like that. He scolded people abusively. His younger brother in law named Kuoy ក្លូយ in charge of the

Steung Mean Chey ស្ទឹងមានជ័យ radio station was scolded even more strongly than me. "Kuoy you just thought about moving around, when someone came to find you, you could not be found".

Mrs. Chea Leang asked: This morning you said that you left Phnom Penh on 7 January 1976 at 11 in the morning. Before you left, did you see any victims at S-21 still alive? What were they doing? In what condition were they before your departure?

Question by ML: If I recall, this morning you said there were 200 victims and they were all killed?

Answer: There were two problems. First, about ten prisoners who had kept to carry out tasks at S-21 awaiting eventual pardon. I do not know what happened to that group. Separately, the Y8 យ៨ group that had just been sent to S-21, Nuon Chea permitted me to keep them for questioning first. Let me explain a little bit. This Y8 យ៨ group, one or two of them shot the British journalist named Richard Edmond But Nuon Chea's final message was that if anything happened, to master it by myself. When the soldiers arrived and everyone was running about, I could not think. When I got to Watt Sânsâmkosâl វត្ត សំស័កស័ល, I questioned them constantly and they said that Comrade Nan ណាន, an interrogator, had smashed all four with a bayonet. That is, the four soldiers sent by Y8. Almost all the prisoners were killed on the 2nd or 3rd of January, except for those four. But those four were killed by Nan on 7 January. It was their bodies that remained left on the beds; no one buried them.

Question by Mrs. Chea Leang: On the 2nd or 3rd of January 1979, after you got the orders from Nuon Chea, did Hor carry them out immediately, and how?

Answer: That is very clear. They carried it out immediately. After it was over, they came and told me that it had all been finished.

Question by Alex Bates: Is it true that you met the reporter Nate Thayer?

Answer: It is true.

Question by Alex Bates: In 1999? And you spoke on many points. Related to the prisoners killed in January 1979, do you remember telling him that that you killed prisoners?

Attorney Francois Roux: Judge, I request that answering to this question must be done whenever the defense lawyers have received one copy of the case file. The Co-Prosecutors have known the contents of the case file for a long time. As for us, we have not yet received a copy of the case file. So, there is an imbalance between us. This afternoon, we have submitted a request to examine a copy of the entire case file, with the exception of some sections.

Question by ML: As for the charged person, what do you think about this question?

Answer: I request to not yet answer.

Mrs. Chea Leang: It is noted that these are unrelated points, what was brought up by the lawyer concerning the request to study the case file. But the charged person has the right to respond or not respond. That is his right.

Question by ML: This morning you said that you never killed anyone. Do you still take that position?

Answer: Yes. I take that position as I told the Judge.

- We invited the lawyers for the Charged Person and notified the Charged Person and the Co-Prosecutors of the next interview on 05 September 2007 at nine am at the same place.
- The original of the audio-visual recording was sealed in front of the charged person and his lawyers and was signed by us, the Greffiers, the charged person, and his lawyers.
- One original of the audio-visual recording was provided to the charged person.

At 5:24 pm, we had the Greffier read aloud this Written Record of Interview of Charged Person as recorded.

- After it having been read aloud and heard, the charged person had no objections and agreed to sign.

Charged person	Lawyer of charged person	Co-Prosecutors	Interpreters	Greffiers	Co-Investigating Judges
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