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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-ECCC-OCIJ

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

The twenty-ninth of November, two thousand and seven, at nine fifteen a.m.

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

Noting the Law on the establishment of the Extraordinary Chambers, dated 27 October 2004
Noting Rule 58 of the Internal Rules of the Extraordinary Chambers

With **Ouch Channora អ៊ុច ចាន់ណុរ៉ា** and **Tanheang Davann តាន់ហ៊ីង ដាវ៉ាន់**, sworn interpreters of the Extraordinary Chambers

The Charged Person identified below has appeared before us:

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

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

Charged with **Crimes against humanity and Grave Breaches of the Geneva Conventions of 12 August 1949**, offences defined and punishable under Articles 5, 6, 29 (New) and 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.

The Co-Prosecutors of the Extraordinary Chambers, Mr. Robert Petit and Mrs. Chea Leang ជា លាង were duly notified of this interview by Notification Letter dated 19 November 2007:

- Mrs. Chea Leang ជា លាង is represented by Mr. Pich Sambath ពៀវ សម្បត្តិ Senior Assistant Co-Prosecutor
- 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 duly notified of this interview by Summons dated 19 November 2007, and have been able to examine the case file since that time, are both present.

Interview

Questions-Answers:

Question by Co-Investigating Judge YBL

Regarding the chart prepared by the Charged Person and submitted to the Co-Investigating judges, I ask you to elaborate on the details of the organization.

Answer by the Charged Person

There are two charts. The first chart relates to the structure before NUN Huy's arrest (Chart n° 1), the second relates to the structure after NUN Huy's arrest (Chart n° 2).

On these two charts, the names appearing in bold are those that were mentioned on the chart you presented to me on 3 October 2007. This organisation already existed when I was Chairman of S-21. It was decided by my superior SON Sen.

Concerning Chart n°1: the S-21 Committee was composed of 3 members. At the administrative level, I was S-21 Chairman. At the level of the Communist Party of Kampuchea, I was Secretary of the Committee of S-21 Office. At the administrative level, Comrad Hor was Vice-chairman while at the Communist Party level, he was Deputy secretary of the Committee of S-21 Office. NUN Huy was a member of the Committee at both administrative and Party level.

Question by Co-Investigating Judge YBL

Please give us details on the units under your orders as well as on the chains of command.

Answer by the Charged Person

Concerning interrogators' assignments, Chart n°1 (before NUN Huy's arrest):

The interrogators' appointment and the collection of the confessions to be submitted to me, these were Hor's assignments. This function existed since the time NATH was Chairman.

At the time of my nomination as Chairman of S-21, I kept the same structure but because of disclosure of confidential information (regarding confessions involving SOR Phim alias Yann) caused by Hor, SON Sen decided to discharge Comrade Hor of his assignments related to the interrogation of important persons.

These tasks were assigned to me by SON Sen in order to ensure confidentiality. From that point onwards, PON was assigned to the interrogation of important prisoners. On a general basis, SON Sen appointed PON for this function but in one case, for KOY Thuon, SON Sen asked me to interrogate this prisoner myself.

This change occurred 5 or 6 months after my nomination as Chairman of S-21.

Regarding the other persons belonging to the interrogators unit, some came from M13 (MAM Nai, THIT, PON, NAN and ON). Other came from Division 703 (TUY and BOU). Only one came from the Phnom Penh unit (TROV).

I appointed MAM Nai as my personal assistant. In the beginning, he was assigned to the preparation of Confession summaries but SON Sen decided to put an end to this practice which was too time-consuming.

Then, (during the second half of 1977), MAM Nai was assigned to the interrogation of Vietnamese prisoners of war.

Regarding female interrogators, they were the wives of cadre. They got involved after one of the interrogators raped a victim, by introducing a stick in a woman's genitals (my former school teacher: DIM Saroeum). I do not remember which punishment was decided for this interrogator.

Question by Co-Investigating Judge YBL

In the chart we presented to you last time, interrogators were divided into three groups: the *Hot Group*, the *Cool Group*, the *Chewing Group*.

You did not use this distinction. Why?

Answer by the Charged Person

I confirm that there were indeed three methods of interrogation. But I was not the one who decided to spread the interrogators into three groups. I did not know about this organisation, which may have existed since NATH's period. I provided training to the interrogators on those methods of interrogation but I did not spread them into three groups. It means that the interrogators could use each method depending on the prisoner.

Question by Co-Investigating Judge

Tell us about Prey Sâ.

Answer by the Charged Person

Prey Sâ was part of S-21. It was not a place for interrogation, detention or execution; it was a place for production and re-education. Those who were sent there were not "accused prisoners" but people with disciplinary problems within their units in the Phnom Penh sector. Their situation did not differ from that of workers in cooperatives. No one could freely move without authorisation, myself included, but they were not in prison.

Question by Co-Investigating Judge YBL

What can you tell us about the Special Force and can you specify whether there was a unit in charge of Cheung Ek.

Answer by the Charged Person

I suppose that there were people on a permanent basis in Cheung Ek, since people were needed to dig the mass graves but I do not know exactly. They were probably people from the Special Unit who could intervene anywhere.

Question by Co-Investigating Judge YBL

You mentioned only two or three names for the Guard Unit and the Special Force. How many people were there in these units?

Answer by the Charged Person

The Special Unit corresponded to a "section" (about thirty people) and the Guard Unit was a "company" (more than one hundred people). On the Chart, I mentioned only the names I remembered.

Question by Co-Investigating Judge YBL

Are there any important changes in Chart n°2 (after NUN Huy's arrest)?

Answer by the Charged Person

First change: NUN Huy was replaced by PHAL, and PHAL, himself replaced by PENG.
Second change: Comrade Hor took care of the Phnom Penh sector in every field; interrogation as well as document reading. Anything that happened in the Phnom Penh sector would go through Hor before it would reach me.
Third change: I discharged Hor of his function as my personal assistant because NUON Chea decided this after NUN Huy's arrest.

Question by Co-Investigating Judge YBL

You declared that important tasks were withdrawn from Comrade Hor in 1976. Yet, you said specifically that, in the second half of 1978, Hor was in charge of every task. Can you specify the reasons for this?

Answer by the Charged Person

First reason: Confidential information in 1976 was very important whereas in 1978 this same confidential information did not have the same significance because certain important persons had already been sent to S-21.

Also, the chairman had changed, i.e. NUON Chea came to supervise directly. Additionally, I wanted to delegate these assignments to him because I wanted to withdraw.

HOR would not dare to disclose information because he was afraid.

Question by senior assistant Co-Prosecutor Pich Sambath

Did NUN Huy have any other names?

Answer by the Charged Person

He was also called HUY Sre (HUY Rice field) and also HUY Khpos (HUY "tall")

Question by senior assistant Co-Prosecutor Pich Sambath

The Charged Person explained that he had been ordered to interrogate KOY Thuon himself and not to use torture.

Who ordered the killing of KOY Thuon, who killed him and where (at S-21 or Cheung Ek)?

Answer by the Charged Person

It was SON Sen who decided upon the arrest, to assign the interrogation first to me and subsequently to PHON, to terminate the interrogation and to send KOY Thuon to be executed. I then handed over KOY Thuon to Hor and I was not informed about what followed; Hor having been in charge of executions.

As regards the location, as I explained last time, we first used S-21 and then Cheung Ek, but for certain important individuals, executions were still carried out within S-21. The killing and burning of the four westerners, upon the order of NUON Chea, occurred close to the intersection of Mao Tse Toung Boulevard and Street 163. At the time, there was a pond there. It was also where VORN Vet, CHHAI Kim Hour and NATH were killed.

Question by senior assistant Co-Prosecutor Pich Sambath

The Charged Person declared he had carried out training on interrogation methods. Practically, what was the difference between the *hot, cold and chewing* methods?

Answer by the Charged Person

Cold method: no torture, no insults, but use of propaganda. For example, when I interrogated KOY Thuon I started off by waiting 2 or 3 hours before I went to see him. I

called him "Brother". I asked him to draft his statement for Angkar. I left him some time to write, and had him guarded by two persons to avoid any risk of suicide. After having written half a page, he lost his temper, tore out the sheet and broke his glasses. I allowed him to calm down and after discussion, he agreed to keep on writing. My superior supervised this the entire time by telephone.

Hot method: insults, beatings and other torture authorised by the regulations

Chewing method: gentle explanations in order to establish trust/confidence, followed by prayers to the interrogated person, continually inviting her or him to write. Torture was sometimes used, but rarely. The method was called *Chewing* because it took a lot of time.

Statement by the Co-Investigating Judges

The two Charts received from the Charged Person's lawyers on 27 November 2007 are attached to the Written Record of this Interview.

The Written Record of Interview was suspended at 12:20 a.m.

At 2.10 p.m. on the same day, we continued the interview.

Question by Co-Investigating Judge YBL

In Charts n°1 and n°2, there was a person named Thy, mentioned in the documentation unit. What is the full name of Thy.

Answer by the Charged Person

Before 1979, I only knew him as Thy, but, since my provisional detention at the ECCC, I have seen the Rithy Panh documentary (S-21) and I heard the name SUOS Thy. I know it is the same person, my former subordinate.

Question by Co-Investigating Judges YBL

What were Thy's responsibilities?

Answer by the Charged Person

He prepared registers, such as prisoners' lists, similar to those that you are showing to me (TSL 1865 and TSL 1866). These lists were established on a regular basis, and included annotations. Here are two notes that I drafted, entitled "Precisions on list TSL 1865" (note n°1) and "Precisions on List TSL 1866" (note n°2), which explain the context under which these lists were established.

Co-Investigating Judges Statement

We hereby attach these two notes to this Written Record of Interview.

The Charged Person:

I only personally wrote the register once when Hor was absent (TSL 1865). On the document TSL 1866, the annotation is Hor's. At another time, I made annotations to a prisoners' list on separate papers which are not included in the presented documents.

Regarding the other documents presented, I would like to provide you with two further notes I drafted. In the first (note n°3 entitled "Confession"), I return to what I declared in my interview dated 2 October 2007 regarding DC-Cam document n°00001903. I acknowledge that I drafted this letter (K4) and I explain in my [first] note its connection to the other documents that were presented to me, which I identified as K1, K2 and K3. In the second note I am giving to you (note n°4 entitled "Precisions on documents K1 to K4"), I explain the details.

Co-Investigating Judges Statement

We hereby attach these two additional notes (n°3 and n°4) provided by the Charged Person to the Written Record of Interview

The Charged Person:

I will elaborate further on these documents at my next interview.

We hereby inform the Charged Person and his lawyers that the next interview will take place on 4 December 2007 at 9.00 a.m.

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 4.43 p.m., we had the Greffier read aloud this Written Record of Interview of Charged Person as recorded.

After having been read aloud and heard, the Charged Person had no objections and agreed to sign.

Charged Investigating Person	Lawyers for Charged Person	Co-Prosecutors	Interpreters	Greffiers Judges	Co-
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**With Respect to:
Mr. You Bunleng and Mr. Marcel Lemonde
Co-Investigating Judges**

Case File No: 001/18-07-2007

Subject: Submission of two organizational charts prepared by my client

We, lawyers **Kar Savuth** and **François Roux**, defending Mr. **Kaing Guek-Eav** have the honor to submit to the Co-Investigating Judges the two organizational charts which have been prepared by my client as per requirement in the hearing held on 22nd November 2007. The charts show the names and positions of S-21 staff that my client has known and can recall up to the present time.

May the Co-Investigating Judges accept our highest respect.

Done in Phnom Penh, 27 November 2007

Lawyer Kar Savuth

Lawyer François Roux

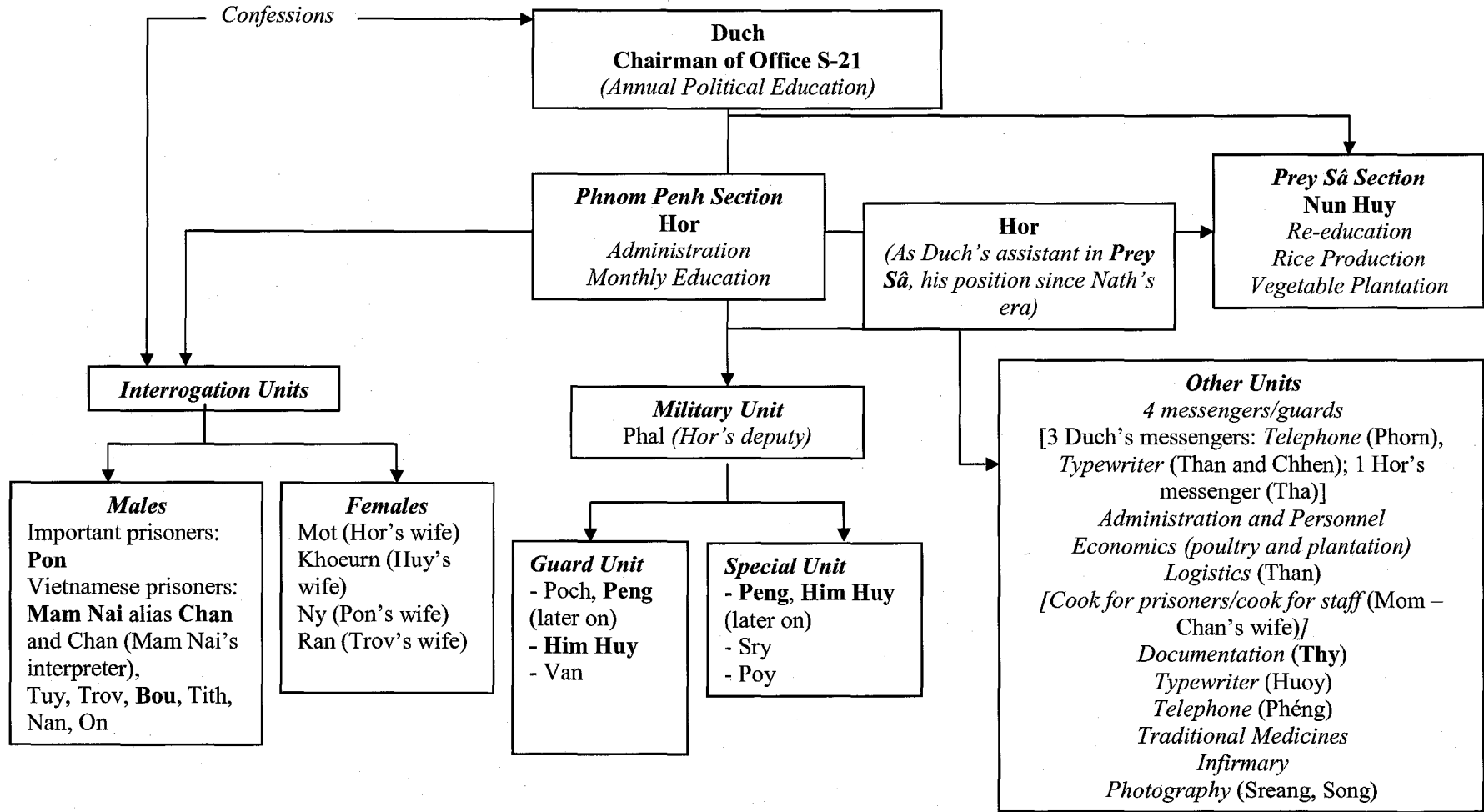
CC:

Mrs. Chea Leang

Mr. Robert Petit

Co-Prosecutors

Committee of Office S-21: Duch (secretary), Hor (Duch's deputy) and Huy (Committee Member) before the arrest of Nun Huy (in the second half of 1978)



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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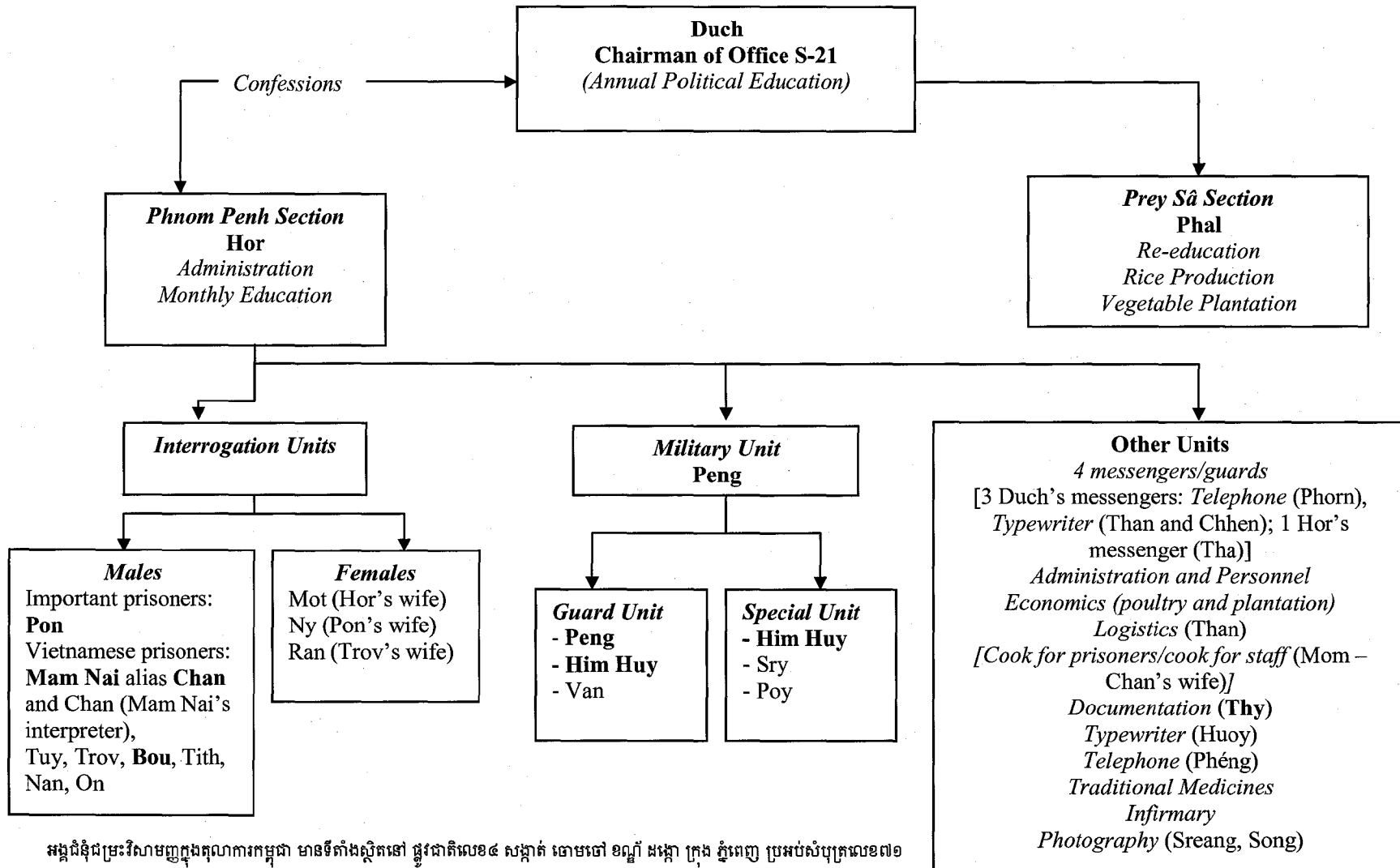
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Committee of Office S-21: Duch (*secretary*), Hor (*Duch's deputy*) and Phal (*Committee Member*) after the arrest of Nun Huy (in the second half of 1978)



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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1

Explanation of List “B [១] 2” TSL 1865

These annotations on list “B [១] 2” could have occurred, but only in special cases, meaning the “chief,” i.e. Teacher Son Sen, ordered sending the maximum number of victims to Cheung Ek, in cases when Comrade Hor ហ៊ី was absent.

These annotations on top are in my writing and in Brother Mâm Nai’s ម៉ម ណៃ handwriting.

I wrote my annotation in accordance with the decision of the “chief”. He ordered me to read the names of each individual, and he made the decision. I was the recorder. When [I] returned to the site, I called Brother Mâm Nai to give him the list I had annotated in accordance with the orders of the “chief” and assigned him as my assistant in this work for only this one instance.

Explanation:

1 - Comrade Hor was absent from Office S21 two times. He had missions to lead some of the special unit to the battlefield with the “chief.”

2 - The “chief” Son Sen, and the “big chief, ” Nuon Chea, had ordered the maximum number of victims to be sent to Cheung Ek. According to what I remember this [happened] four times - the last time was the order of 2 or 3 January 1979, which I have already reported.

28 November 2007

[Thumbprint] [Signature] Eav

Kaing Guek Eav alias Duch

[Signatures]

2

Explanation of List “B [១] 1” - TSL 1866

Sending victims to Cheung Ek in the course of normal operations could be divided into two stages, as I have already reported. The first stage was Comrade Hor preparing a plan and arranging the transport out at his own initiative. The second stage was after the responses of Soen Sany ស៊ីន សានី alias Prēv ប្រៀវ had been broken off, the “chief”, that is Teacher Son Sen, ordered Comrade Hor to ask my opinion first, in order to avoid having responses broken off.

This List “B [១] 1” is a list made during the second stage.

His (Comrade Hor’s) annotation on this list clearly shows the names of persons whose interrogations had not yet been completed.

In actual practice, he extracted only the names of persons whose interrogations had been completed on a sheet of paper which he brought to show me. I agreed that the interrogations had actually been completed.

28 November 2007

[Thumbprint] [Signature] Eav

Kaing Guek Eav alias Duch

[Signatures]

3

Confession

I wish to confess concerning a letter which I previously denied.

That letter was part of the tactics of Comrade Pon and I in the interrogation of Mèn San ម៉ែន សាន alias Ya យ៉ា.

When Judge You Bunleng handed this evidence to show me, I forced myself make a temporarily denial out of fear and embarrassment. The reason being that I was waiting for the falling into place of the actual implementation of my request to demand a copy of evidentiary documents to read and consider and refresh my memory.

I wish to explain that all matters in my Special Branch life are an extremely painful history of crimes, and whenever I think of it I experience pain. I never dared to recall it in pride. And also, all these matters occurred 29 years ago. Therefore, I can only clearly remember a number of them.

Furthermore, in just talking about testifying, I always have the reflex of thinking of politicians sticking their hands into this.

In summary, I need all the types of evidence in order to contribute to enlightening the court about the crimes which occurred at S21.

Request

Since a copy of the three stacks of testimony related to the interrogation of Mèn San alias Ya which I have marked A [ក] 1, A [ក] 2, and A [ក] 3, request both Investigating Judges kindly permit me to mark A [ក] 4 on the letter which I previously denied.

28 November 2007

[Thumbprint] [Signature] Eav

Kaing Guek Eav (Duch)

[Signatures]

4

Explanation of Documents A [ក] 1, A [ក] 2, A [ក] 3, A [ក] 4

Mèn San alias Ya was an important individual whose responses the Communist Party of Kampuchea necessarily required. Therefore the “chief”, Teacher Son Sen, monitored the interrogation very closely, both by telephone and by demanding to take and read responses which were not yet final. He had successive corrections to make.

Both of us, meaning Comrade Pon and I, in order to avoid doing torture, but it was unavoidable, because the chief was the person who made the decision.

The words “Brother Duch”, used in the letter written to Mèn San alias Ya, are words used in place of “Brother Khieu” in order to avoid a reaction of opposition by Mèn San alias Ya. The “chief” gave the instructions on this matter.

As for Roman Number IX referring to Mèn San alias Ya [and] Roman Number VIII referring to Kèv Meas កែវ ម៉ាស, these were misleading numbers to prevent those with the tendency to do so, from surreptitiously reading the responses ; the chief also instructed to do this.

28 November 2007

[Thumbprint] [Signature] Eav

Kaing Guek Eav alias Duch

[Signatures]