



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

ខេត្តស៊ើបអង្កេត/Investigation/Instruction  
លេខ/No: 001/18-07-2007

កំណត់ហេតុនៃការសួរចម្លើយ

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

The year two thousand and seven, the 2nd of October, at 09:07 hours.

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 ច័ន្ទគុណា 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 អ៊ូច ចាន់ណរ៉ា** and **Tanheang Davann តាន់ហ៊ាង ដាវ៉ាណ**, 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 អូរទឹម Village, Ta Sanh តាសាញ Subdistrict, Samlaut សំឡូត District, Battambang បាត់ដំបង Province.

Charged with **crimes against humanity**, an offence defined in and punishable by Articles 5, 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 20 September 2007:

- Mrs. Chea Leang ជា លាង is represented by Mr. Yet Chariya យ៉ែត ចរិយ៉ា Deputy Co-Prosecutor
- Mr. Robert Petit is represented by Mr. Alex Bates, Senior Assistant Co-Prosecutor.

Kar Savuth ការ សាវុត and Francois Roux, Co-Lawyers for the Charged Person, who were summoned by Summons dated 20 September 2007, and have had the right to examine the case file since that time, are both present.

We advised the Charged Person that, subject to the outcome of the ongoing investigation which may lead us to charge him with other offences alleged in the Introductory Submission, he is hereby charged with the acts for which the legal characterization is specified below:

- **Grave Breaches of the Geneva Conventions of 1949** (Wilful Killing, Torture or Inhumane Acts, Wilfully Causing Great Suffering or Serious Injury to Body or Health, Wilful Deprivation of Rights of prisoners of war or civilians to a Fair Trial, Deportation, Unlawful Transfer and Unlawful Confinement),

Offences defined in and punishable by Articles 6, 29 (New), and 39 (New) of the Law on the Establishment of the Extraordinary Chambers, dated 27 October 2004.

The Charged Person declared: I acknowledge the charges and I would like to consider before [I] respond to this point.

The Charged Person made a declaration and provided a written text of this matter to the judges.

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

Remark by the Co-Investigating judges: We attach to this written record the hand-written text which has been provided to us by the Charged Person (2 pages).

**Interview**

**Question-Answer:**

**Question by ML:** You previously said that you were just the theoretical chairman and [you] were just passed on orders from the upper to the lower level. However what has just been said seems to indicate your personal responsibility and it can be said that you are also a criminal.

**Answer:** I was, in fact responsible overall but for certain tasks I gave autonomy to my subordinates. Thus I could not supervise all those details. My authority was to disseminate the decisions from above. This is the task assignment in the Party. The masses did not know what Angkar was. [It] was the Standing Committee of the Central Committee of the Communist Party, especially it was Pol Pot. Pol Pot provided general political lines to Nuon Chea and Nuon Chea was charged with implementing these lines. Initially in relation to S-21 it was via Son Sen but later on it was direct. My authority was to send orders to my subordinates. If the orders were not implemented, the subordinates were to be responsible before the Party and life endangerment happened constantly.

**Question by YBL:** What were the specific tasks that you managed by yourself?

**Answer:** My tasks were to read the confessions of the victims and to report to Son Sen in order to get instructions by telephone according to each case. Although Nuon Chea came to manage from 15 August 1977 Son Sen still telephoned to provide instructions once in a while from Naek Leung អ្នកល្បីៗ. He cut off this relationship when a victim answered to implicate him.

**Question by YBL:** Can you clarify about the situation or the way of living of the victims at S-21?

**Answer:** When prisoners arrived, it was the special unit that received [them] and brought them inside the prison. Actually there was blindfolded. In the prison there were [rows of] shackles. Talking between detainees was absolutely prohibited. To urinate or to defecate was to be done in a cask brought in as shown in the Rithy Pan រិទ្ធិប៉ាន់ film. I never entered the prison cell in person because I assigned [it] to my Deputy. If a prisoner escaped, Hor had to be responsible before the Party. Thus he organized the prisoners and made a program to take [them] to Cheung Ek ជើងឯក. The program was only brought to me to seek my opinion.

**Question by ML:** In relation to the autonomy of your subordinates, regarding taking the victims to Cheung Ek, were you the person who made that decision?

**Answer:** No. It was my Deputy, Hor ហ៊ី.

**Question by ML:** How could you leave such a very important task to your Deputy?

**Answer:** This matter happened since Nath ណាតិ was the Chairman. As I already explained, after an incident involving the cutting-off of the interrogation and the killing of Seun Sany ស៊ីន សានី alias

Prev ប្រែប្រួល, Son Sen required that my signature had to be present automatically on all the decisions to kill.

**Question by YBL:** Where were the prison buildings located? And what were those buildings before that?

**Answer:** When Nath was the Chairman he relocated quite a lot. But when I was the Chairman I selected Pornhea Yat College វិទ្យាល័យពញាយ៉ាត. I do not know what it was called in the Lon Lol regime. The selection was based on the fact that it was surrounded by a fence which could prevent victims from escaping.

**Question by YBL:** Were there only cuffs used in the prison or were there other tools? Were the victims still blindfolded when [they] arrived in the prison?

**Answer:** Besides the cuffs and the urine and excrement cask, I never saw any other tools.

**Question by ML:** Did you ever see the torture tools that they saw at Toul Sleng ទួលស្លែង museum such as the immersion basin?

**Answer:** I never saw that immersion basin អាងជ្រមុជទឹក. I went twice to the interrogation building. First, it was to meet with Vorn Vet វ៉ន វ៉ែត to seek his opinion on Pol Pot. Second, it was with Hor in order to ensure that an interrogator who was the nephew of a victim whom was just arrested and brought in did not get scared.

**Question by ML:** You just declared that you accepted responsibility. But by what you just said it seems that you were just a tourist in S-21 without knowing anything at all.

**Answer:** My main task was to sum up the confessions and to manage the prison. I did not know the detailed tasks. I categorically deny that there was an immersion basin.

**Question by ML:** Did you ever teach interrogation techniques to interrogators? Were the interrogation techniques at S-21 similar to those techniques at M13?

**Answer:** I only taught once, that was when Nath was the Chairman. The training was for about one week, and two hours per day. After that I called Comrades individually to provide advice or to correct mistakes. In relation to the interrogation techniques there was similarity between S-21 and M13. The instructions were not to rely heavily on torture and be patient. The distinction from M13 was that for important persons there were reminders from the upper level, I assigned Pon to be interrogator. This Pon was the person I had used for a long time since 1971. And if the prisoner was less important, I assigned Comrade Tuy because this Comrade Tuy liked to use torture very much.

**Taking the Written Record of Interview was suspended at 11:44 hours.**

**At 2:10 hours on the same day, we continued the interview.**

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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**Question by YBL:** If you never entered the prison, why did you dare to confirm that there was no immersion basin in the prison?

**Answer:** The building for detaining people was at the west, and the interrogation building that I entered twice was at the south. And I presumed that if there were actually an immersion basin it had to be at the interrogation site. Therefore I answered that there wasn't. At S-21 it was not allowed to immerse in water to get the response. If someone was found to violate this, there had to be someone reporting this to me eventually.

**Question by ML:** If there was no immersion basin, what were the forms of torture?

**Answer:** Since Nath's era, there were four types of torture that were used with the approval from Son Sen: One, beating the detainees with a stick, two electroshocks, three covering the head with a plastic bag to suffocate, and four covering the mouth and nose with a towel and pour cold water from a kettle. The method that was used the most was beating with a stick because other methods led to time wasting. And the electroshocks were very dangerous for the victims.

**Question by ML:** By your responses, you seem to know the very detail?

**Answer:** I never participated in person, but I know through reading the reports.

**Question by ML:** Did you never interrogate by yourself?

**Answer:** I did it once. It was the interrogation of Koy Thuon by the order of Son Sen.

**Question by ML:** Who was the interrogator for prisoners who did not speak Khmer?

**Answer:** For westerners, I assigned Comrade Pon to interrogate and [I] assigned Hor to select one of the victims who could speak fluent English to help interpret. For Vietnamese prisoners of war I selected a former cadre from Hanoi named Chann to interpret and [I] assigned Mâm Nai alias Chann to interrogate and to study Vietnamese language from this Chann, the interpreter.

**Question by YBL:** When the victims had to be interrogated, who was the person to organize the interrogators? How many interrogation teams? What were the differences between the teams?

**Answer:** For the interrogation of important persons I assigned it to Pon, and for the next importance it was Tuy. And the subsequent assignment was managed by Pon and Hor.

**Question by YBL:** You should know who were in each team and what were the differences between each team?

**Answer:** For administration ,Hor was in charge. The assignment of interrogators was under Hor's responsibility. I was in charge of important persons only in relation to the secrets and also under instructions from Son Sen. Pon seldom used torture. He tried to talk with the victims more and Pon was closer to me. He worked with me since M-13. As for Tuy and other people from 703<sup>rd</sup> Division, [they] were military and liked to interrogate by using violence.

**Question by YBL:** You know which interrogator liked to use torture and who did not like to use torture. So you can answer this: how many interrogators from 703<sup>rd</sup>?

**Answer:** There were 5 interrogators who came with me from M-13 and the number stayed constant. For those who came from the 703<sup>rd</sup> Division there were changes since some interrogators were found guilty and arrested, so new [interrogators] were added. In the final stage, there was an additional inclusion of one female interrogator who was the wife of a cadre at S-21 for the interrogation based

on my selection because one male interrogator abused a female victim. I did not pay attention to the number of all interrogators.

**Question by YBL:** Even though interrogator assignment was given to Hor, were you able to organize the interrogator assignment by yourself?

**Answer:** Yes, I was. But I did not do it.

**Question by YBL:** Previously you responded that you were shocked at the torture and the killing and this morning you confirmed that all cadres at S-21 did not want to work as Santebal in S-21. You had the ability to assign the interrogation task especially to appoint the cold team to interrogate. So, why didn't you do that?

**Answer:** I would like to reserve this morning confirmation on the wording that no one wanted to do work like the Santebal work of the Communist Party of Kampuchea. For the question that I had the ability to assign the interrogation teams it was in parallel to my thinking that [I] did not want torture done on the victims. However, there were very few interrogator cadres who did not use torture. For example, when Pon and Mâm Nai were removed, there were only three of those from M-13 remained. Practically I could not do it.

**Question by YBL:** You said that the 5 people from M-13 were a constant number, but just then you said two people were removed. So, it seems contradictory to your response?

**Answer:** The word constant is meant that there was no arrest. And the word Pon was removed is meant that [he] was exclusively assigned to interrogate important persons. And for Mâm Nai, [he] was exclusively assigned to interrogate Vietnamese prisoners of war.

**Question by ML:** Did you ever hear or see they used the terms hot group, cold group, chewing group?

**Answer:** I knew these terms after I watched Rithy Pan's film.

**Question by ML:** So in relation to the number of the groups and the process of group assignment, don't you know more than this?

**Answer:** No.

**Question by ML:** In relation to the interrogation techniques, if a prison refused to answer, who was it to decide to use torture? Were you being reported to continuously on the development of the interrogation?

**Answer:** I only followed up on Pon's interrogations. For others, they had a lot of autonomy: sometimes they sought opinion from Hor, sometimes from Pon and [they] never sought my opinion.

**Question by ML:** In Pon's case, did you instruct [him] to use torture?

**Answer:** When a prisoner refused to answer, I told Pon to send the prisoner to Tuy.

**Question by YBL:** You said that you never ordered Pon to interrogate by using torture, and that torture was given to Tuy. Do you remember a prisoner by the name of Ya in 1976?

**Answer:** I still remember this name. [He] was Men San alias Ya.

**Question by YBL:** Do you recall that you ordered torture be used on him?

**Answer:** Men San alia Ya was a full rights member of the Central Committee. At that time the person who order the torture was Son Sen and also [he] was not to be transferred to others. Therefore it was not my decision.

**Question by YBL:** So you acknowledge that there was actually torture. Do you also acknowledge this document? It is a DC-Cam document number 00001903.

Note by lawyer Roux: I would like to have it written in the record that the Co-Prosecutors have this document but the lawyers for the Charged Person do not have a copy of this document. This is really a problem.

**Answer:** I cannot recall about this document. The writing is similar to my writing and the signature is also similar to mine. I recall that I verbally ordered to use torture by the order from the upper level. But there is one point that surprises me, that is, I never used the word sammakmit with Comrade Pon. I used Mit with him. I would like to confirm that Pon was skillful in imitating writing and he could have done it in this case to show to the prisoner. He could have done it this way without affecting me or my honour. And he would not have done it this way if the document had to be sent to the upper level.

**Question by Yet Chakriya:** Was the writing in the statement this morning yours?

**Answer:** Yes, it was in fact my writing.

- 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 4:45 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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**My Stance vis-à-vis Witnesses**

Introduction: There are two important points

- (1. My personal state of mind vis-à-vis the Government
- (2. I pledge to take on the responsibility ....)

I. Those under my orders

- were assigned by the CPK to fulfill a singular kind of special branch duty, that is, special branch, CPK style
- there wasn't a single one whatsoever who volunteered (no more talk of leadership, only talk of duty ....)
- there was no one who was proud, on the contrary, they were most embarrassed, so everybody wanted to fulfill some other duty instead

Shame and embarrassment (three concrete examples could be mentioned)

Desire to fulfill other duties (many in the documentary film, according to the interviews ....)

- Everybody was constantly worried all the time about their own lives (Comrade Huy's words, RFI 25-8-07)
- Now they are worrying about the imprisonment and chains that could befall them (words of someone from the prison defense unit, having seen this whole situation RFI 25-08—97)

Morally, I recognize their grave and perpetual distress.

As for legal concepts, I would like to take responsibility alone, in the name of S21 (in accordance with ECCC principles).

II. Parents and relatives of persons under my orders

- They are angry and condemn the CPK for having programmed their children to act in a way different from Buddhism and forced them to do work that could not be confused with that of anyone else (parents of Comrade Huy, Rithy Panh).
- The same is true of the parents of others (in addition to Comrade Huy) who were under my orders.

In view of such a state of affairs,

I would like to recognize their perpetual and intense pain and grief and ask respectfully and sincerely to share in their pain and grief.

I guarantee that I will not implicate anyone who was under my orders, nor – having been their boss – will I try just to exonerate myself. This court will not allow me to do something like that.



III. Victims at S21

- Survivors (some of whom say nothing, and do nothing but weep, weep without relief; others talk in torrents, and even know how to paint) but each and every one of them have undergone infinite suffering, starting even before they were detained and lasting right through their detention, and their distress became a million times worse in S21, right through to 7 January 1979

I would respectfully like to recognize and share in this distress.

I beg all these gentlemen's (survivors') forgiveness, in a spirit of respect, and that of the dead (even though they are dead and unable to proclaim their pain and grief or to condemn me). Their skeletal remains, their confessions and the photographs of them are concrete evidence, the most wide-ranging and profound testimony to the world and later generations of their boundless pain and grief.

I call on the people of the world to listen to and hear their words

I endlessly pay my sincere and most humble respects to their souls.

May God bestow his blessings on them!

IV. Parents and Relatives of the Victims

The documentary film Bophana not only depicts the persistent and perpetual suffering of Sitha's mother and Bophana's uncle. (It depicts the collective suffering of all victims) as well as depicting their condemnation of Governments (Lon Nol and Pol Pot), and they demand the reasons for the detention of the victims ... This is about truths which no human being (provided they are human) dares to deny.

I would respectfully like to share in the pain and grief of these victims' parents and relatives.

I would like to abase myself, physically and mentally, before and respectfully ask forgiveness of the souls of the victims of those who have died, their parents and their relatives.

I would like to affirm that all those who lost their lives at S21 were sent there via the Party's organizational links (from the subdistrict, district, sector and zone levels and all the way up to the Centre level, from where they were dropped on S21 via the top-to-below organizational link.

I want to affirm that I make no excuse (I bear no personal grudges ...) of placing all the blame on the upper echelons of the Party alone. I indeed share in the blame for this.

Signatures: Kang Kech Iev, Kar Savuth, Francois Roux, Alex Bates