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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

ឯកសារទទួល	
DOCUMENT RECEIVED/DOCUMENT REÇU	
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កំណត់ហេតុនៃការស៊ើបអង្កេត
Written Record of Interview of
Charged Person
Procès-verbal d'interrogatoire

The twenty-ninth of April, two thousand and eight, at 10:15 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 អ៊ូច ចាន់ណូរ៉ា** and **Tanheang Davann តាន់ហ៊ីង ដាវ៉ាន់**, sworn interpreters of the Extraordinary Chambers

The Charged Person identified below has appeared before us:

Kaing Guek-Eav កាំង ហ្គេកក្សី alias **Duch ឌុច**, male, born on 17 November 1942,

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.

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ 1
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: SANN RADA

ឯកសារបានចម្លងត្រឹមត្រូវតាមច្បាប់ដើម	
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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 ណាង were duly notified of this interview by Notification Letter dated 9 April 2008:

- Mrs. Chea Leang ជា ណាង is represented by Mr. Yet Chakriya យ៉ែតចក្រិយា, 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 informed of this interview by summons dated 9 April 2008, and have been able to examine the case file since that time, are both present.

Interview

Questions-Answers:

Question by the Co-Investigating Judges: You told us you would give us your written observations on your 1999 interview and on David Chandler’s book “Voices from S-21 ស២១”. We still have not received anything...

Answer by the Charged Person: Regarding David Chandler’s book, there are many important excerpts, particularly the one concerning a decision dated of 30 March 1976 regarding the crimes ordered at S-21 ស២១. There is also another excerpt (pages 154-155 in the French version) concerning the contacts between Pol Pot ប៉ុលពត and Kang Shen កាងសិន, Mao Zedong’s “confidant”.

I would also like to mention the contacts between Pol Pot ប៉ុលពត and Zhang Chunqiao (second person in the “Gang of Four”). I have not yet finished this substantial task and will give you my written observations next Monday at the latest. The same applies to the interview with Christophe Peschoux.

Question by the Co-Investigating Judges: You have explained previously that you were in charge of M-13 ម១៣ centre before the liberation. Could you tell us the precise period when you held that position? Furthermore, a number of witnesses declare that at this time, you used torture yourself and carried out executions. What do you have to say?

Statement by Co-Lawyer Francois Roux: On behalf of the Defence, I request my client not to answer questions relating to M-13 ម១៣ (except insofar as they concern dates), since the Tribunal is not seized of these acts.

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Statement by Co-Investigating Judges: Indeed, the acts are not within the Tribunal's jurisdiction and we do not have jurisdiction to try you for them, but it is important for you to know that some witnesses affirm that you tortured and executed prisoners yourself, in order to give you the chance to reply.

Answer by the Charged Person: I was the Chairman of M-13 ម្ងាត់ from 20 July 1971 until 1 January 1975. For the rest, I would prefer to remain silent.

Question by Co-Prosecutors: You mention the date of 1 January 1975 and indicate that you started working at S-21 ស៊ីង្ស on 15 August 1975. It seems therefore that your activities at M-13 ម្ងាត់ continued beyond 17 April 1975 and would therefore come within the jurisdiction of the Extraordinary Chambers.

Answer by the Charged Person: Actually, M-13 ម្ងាត់ no longer existed after 1 January 1975. There were neither interrogations nor executions, nor did any new prisoners arrive. We kept the prisoners until 30 April, when Son Sen សុំនីសែន had the M-13B ម្ងាត់-ខ prisoners released. The M13A ម្ងាត់-ក prisoners were transferred to Sector 32 and some of them were executed. From that date until 20 July 1975 I remained unoccupied; I would drive around on my motorbike. I add that, at that time, I was expecting an answer regarding my application to be assigned to the Minister of Industry, which turned out to be negative. Furthermore, I asked the Organisation for permission to marry my wife. Angkar អង្គការ accepted but did not set a date for the wedding. My wife dragged things out because, seeing that I was without occupation, she feared I would be arrested as an intellectual and was scared to become a widow or be arrested herself (we finally got married on 20 December 1975).

On 20 July 1975, I participated in a training session and took up my functions at S-21 ស៊ីង្ស on 15 August 1975. More precisely, as I explained to you on 7 August 2007, Son Sen សុំនីសែន summoned me with Nat ណាត to inform me of the decision to create S-21 ស៊ីង្ស. I then had my forces brought from Amleang អមលាំង. In September, I was ordered to seize all the important documents from the Lon Nol លន់នុល administration, in particular National Police administration and the Headquarters of the Army Administration. S-21 ស៊ីង្ស really started operations in October 1975.

Question by the Co-Investigating Judges: Coming back to your personal role concerning torture and executions, do you maintain that you never personally tortured at S-21 ស៊ីង្ស (apart from exceptions concerning minor participation) and that you never killed anyone with your own hands?

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Answer by the Charged Person: I maintain all of my prior declarations.

Question by Co-Prosecutors: On 30 April 1975, how many prisoners were left at M-13 ម្ង៉ាត? How many were killed and how? Did you organise the transfer and executions yourself? Did you participate?

Answer by the Charged Person: There were few prisoners left: between 5 and 10 at M-13A ម្ង៉ាត-កី and about a hundred at M-13B ម្ង៉ាត-ខ. As for the precise number of those who were executed, or transferred to Sector 32, I have forgotten. I only remember that I had asked for the liberation of Ham In, but Son Sen ស៊ុនសែន refused and ordered his transfer to Sector 32. I did not personally attend the executions. I had delegated this task to Prak Meas ប្រាក់មាស. I add that, every day, I saw the detention conditions at M-13 ម្ង៉ាត and that is precisely why I tried not to see the detention conditions at S21 ស៊ី២១. Prak Meas ប្រាក់មាស was in charge of detention conditions and execution at M13A ម្ង៉ាត-កី, whereas Pon ប៉ុន was in charge of interrogations. As for M13B ម្ង៉ាត-ខ, Ho Kim Eng ហ៊ូគីមអេង alias Sum សុំ was its Chairman. As for me, I supervised the whole.

Statement by Co-Lawyer Francois Roux: The Defence would like to observe that the Co-prosecutors' question relates to the functioning of M-13 ម្ង៉ាត and therefore, to facts that are not in the Introductory Submission, which could raise a question of procedural defect. It would be appropriate for the prosecutors to respect the Introductory Submission.

Statement by Co-Prosecutors: These facts are likely to be of interest regarding the personality of the Charged Person, as mentioned in paragraphs 104 and 105 of the Introductory Submission.

Question by the Co-Investigating Judges: Here is document ERN 00171139-00171144. Could you tell us whether the annotations are in your handwriting?

Answer by the Charged Person: The annotations are made by several people. On the first page (ERN 00171139) I can identify my handwriting for the annotation "smash" and "keep the daughter of the despicable Hong ហ៊ុង for interrogation". Regarding the crossed out lines, I do not know who drew them. On the same page, I can also identify my handwriting for the circled figures ① et ②, at the end of lines 44 and 45. On the contrary, regarding the two dates "28.3.78 and 15.3.78" I do not think that I was the author of these notes, although I cannot be sure.

On page ERN 00171141, I did not write "keep" at lines 35 and 41. It might have been Peng ប៉េង.
On page ERN 00171142, I can identify my handwriting for the annotations "keep for interrogation", "medical experiments", "interrogate to locate former civil servants associated with him".
In ERN 00171143, I can identify my handwriting for the annotation "do not send outside".
On Page ERN 00171144, I wrote "keep for interrogation" and "do not send".

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Question by the Co-Investigating Judges: Could you specify what the expression “*medical experiments*” on page ERN 00171142 means?

Answer by the Charged Person: This is not what I mentioned previously. I explained before that a search for poisons was carried out upon the orders of the Central Committee, more precisely those of Nuon Chea ឆ្លាន់ជានី (I had replaced the content of the capsules with paracetamol). I personally taught that Police work consisted in particular in looking for poisons and this is mentioned in Mâm Nai’s ម៉ម៉ែណៃ notebook.

Here, it is different: it concerned new medicines prepared within the unit: from 1971, the manufacture of medicines based on ancestral formulas started pursuant to traditional medicine. This is how serum bags were replaced by coconut juice. Similarly, in spring 1977, “penicillin” was manufactured from coconut. Pol Pot ប៉ុលពត ordered other units to manufacture this product, taking inspiration from the Siem Reap សៀមរាប unit that had developed it. This lasted until the Chinese intervened and asked to stop these practices. As for me, I acknowledge having given my authorisation for these experiments, which I found normal at the time, but which I recognise today as a criminal practice.

The Written Record of Interview was suspended at 12:40 p.m.

At 2:40 p.m. on the same day, we continued the interview.

Question by the Co-Investigating Judges: You previously explained that you were the only one who could report to your superiors and give the green light for executions. Why then did people other than you add notes to the list we showed you this morning?

Answer by the Charged Person: I must recall that the general principle in the security centres and in S-21 ស៊ីឡា ១ in particular was that all persons arrested had to be executed except for a few and only temporarily, as I already explained. The only decision to be made was the timing of the execution. Hor ហ៊ី was in charge of the executions (he already held the same function in Division 703). As I already explained, in particular in the interview on 23 August 2007, the procedure changed after Soen Sani ស៊ីនសានី alias Brév ប្រៀវ was sent for execution, even though his interrogation had not been completed. From this moment onwards I had to confirm that the interviews had been completed prior to all executions. Hor ហ៊ី would show me the list of persons to be executed and I would sign, thereby confirming that the interrogation had been completed. Hor ហ៊ី would then implement the decision to execute. The only two times where I intervened personally to implement the execution decision, were when Hor ហ៊ី was absent as I explained in the interviews dated 29 November 2007 and 24 January 2008. I add that Hor’s ហ៊ី second absence was prolonged and that there were thus several

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lists of prisoners to be executed. The list you showed me this morning was one of those created during this second absence.

Question by the Co-Investigating Judges: You have declared that you only interviewed one prisoner: Koy Thuon កុយធ្លួន. How do you explain that on document ERN 00172738 regarding the interview of a person named Ly Phèl លីផែល, the following statement appears: “1st interrogator Duch ឌុច, 2nd interrogator Pon ប៉ុន”?

Answer by the Charged Person: I must say I cannot explain it. I wrote my name, most likely at Son Sen’s សុនសែន request, but I do not know the reason why. I cannot even remember Ly Phèl លីផែល’s face. In any case, I remember clearly that I personally interrogated only one person, Koy Thuon កុយធ្លួន. It may be that Son Sen សុនសែន, when asking me to add my name, wanted to show to the East Zone that several persons carried out interrogations at S-21 ស២១ (Indeed, Sector 21 mentioned the name of all persons at Ly Phèl លីផែល’s interrogation as showed in document ERN001722698).

Question by the Co-Investigating Judges: It appears from various documents relating to Ly Phèl លីផែល’s confessions that his interrogation lasted several months: the confession starts in June 1976 (ERN 00172746-47) and continues in July 1976 (ERN 00172743), your name is mentioned as first interrogator on 19 September 1976 (ERN 00172738) and you signed an excerpt on 26 September 1976 (ERN 00172767). Are you sure you did not participate to this interrogation?

Answer by the Charged Person: I am absolutely sure. I could follow the progress of this interrogation at any time by summoning Pon ប៉ុន. I do not remember all the details, but I remember that Son Sen សុនសែន hated Ly Phèl លីផែល, described him as Machiavellian and I remember that I replied that I was more a follower of stoicism.

Question by the Co-Investigating Judges: Why would the name of several interrogators have been mentioned “to the attention of Sector 21”?

Answer by the Charged Person: This is my personal interpretation, but I specify that confessions were systematically sent to the unit from which the interrogated person came. This is why “Ta” (Sao Phim សៅភីម) was removed.

The original of the audio-visual recording was sealed before the Charged Person and his lawyers and was signed by us, the Greffiers, the Charged Person, and his lawyers.

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One copy of the original audio-visual recording was provided to the Charged Person.

At 17.40 p.m., we had the Greffier read aloud this Written Record of Interview of Charged Person as recorded.

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

Charged Person	Lawyers for Charged Person	Co-Prosecutors	Interpreters	Greffiers	Co-Investigating Judges
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