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06 September 2012

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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

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

The year two thousand seven, the 3rd of October, at 09:07 hours,

We, **You Bunleng ឬ ប៊ុនហ្គ្រង** 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 ចាន់ណុរ៉ា** and **Tanheang Davann តាន់ហ៊ីង ដាវ៉ាន់**, sworn interpreters
of the Extraordinary Chambers

The Charged Person identified below has appeared before us:

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Name: **Kaing Guek-Eav កាំង ហ្គេកក្សីវ alias Duch ឌុច** Sex: 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's name: Kaing Ky កាំង គី (deceased). Mother's name: Meas Kimsieu មាស គីមសៀវ (alive). Wife's name: Chhim Sophal ឈឹម សុផល (deceased). Children: 04 Residence: Au Totim អូទទឹម Village, Ta Sanh តាសាញ Subdistrict, Samlaut សំឡូត District, Battambang បាត់ដំបង Province

Charged with **CRIMES AGAINST HUMANITY** and **SERIOUS BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949**, offences defined in and punishable by 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 20 September 2007:

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

Kar Savuth ការ សាវុត្ត 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.

The Charged Person made a declaration and provided a written text on these matters to the Judges.

Note by the Co-Investigating Judges: We have attached to this Written Record the handwritten text provided to us by the Charged Person (3 pages).

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Interview

Question – Answer:

Question by YBL: In point 5, paragraphs 1 and 2, of your declaration, the dates, are they correct?

Answer: Yes, correct.

Question by YBL: In paragraph 3 of point 5, the words late 1971 - early 1972, are they correct?

Answer: In fact, it was late 1976 - early 1977, not late 1971 - early 1972. As for the following paragraphs of point 5, that happened after 1975 and before 7 January 1979.

Question by ML: Have you examined the S-21 organizational structure which was prepared by investigators from our office, which we attach to this written record? And do you have any comments or opinions?

Answer: There is confusion in these documents regarding dates. For example: The Takhmao Prison no longer existed in the S21 era. It was an old prison of Nath's 703rd Division. Related to some points, this table, the situations had not yet occurred (for example, the Prey Sâ Reform Center where they put the name Phâl ផល instead of Huy ហ៊ុយ). On the contrary, regarding other points, they put in the old situation (for example, Pauch ប៉ូច was named as chairman of the military section, but in fact this person had been "smashed" long before.) As for the interrogation section, there are mistakes as well: Mâm Nai ម៉ម ណៃ was never chairman, and Pon ប៉ុន was never deputy chairman. Regarding the interrogations of Vietnamese prisoners of war which were broadcast on the radio, that did in fact occur, but Chăn's name ច័ន្ទ was missing. I recognize some of the names, but not all. I know Mâm Nai ម៉ម ណៃ, Pon ប៉ុន, Dèk Bou ដេកប៊ូ, Tít ទិត្យ, Mēng ម៉េង, Pēng ប៉េង, Him Huy ហ៊ឹមហ៊ុយ, Suos Thy សួសធី and most importantly Hor ហ៊ី. I do not recognize the others.

Question by ML: Are you certain that you do not know the names of the others, for example, did you ever hear them talk about Prak Khân ប្រាក់ ខន?

Answer: No. I never knew that name.

Question by ML: But he says he knows you?

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Answer: It may be that I know some by their revolutionary names and if I met them, perhaps I might recognize them. The judges proposed to me that I might prepare the organizational structure myself. I will try to do this before the next interview and will provide you with a table showing the names and positions which I know.

Question by YBL: I have observed that there were photos of prisoners at S21. When was this photography done and for what?

Answer: The photography was of two categories. The first [category] are photos taken just after the prisoners arrived, with the numbers stuck on their chests. Those photos were made at the instruction of Son Sen to avoid having prisoners flee and to have documents to send back to their former units for use in finding them. The second [category] [are photos] taken after the victims were “smashed”, but this photography was only done after receiving orders from upper echelon, especially Nuon Chea, out of [their] fear of the release of some victims whom we knew. This type of photography began after a victim named Ly Phèl លី ផែល alias Phèn ផែន was arrested, because he was a friend of Mâm Nai. Three days after this person was smashed, the body was exhumed and photographed pursuant to the orders of Nuon Chea to Son Sen, and Son Sen in turn gave the orders to me. So this photo is different because Comrade Pauch took a knife and placed it at the neck of the body. Therefore, the face of Comrade Pauch is also in this photo.

Question by ML: Can you provide the names of the photographers who regularly photographed in S21?

Answer: I knew two photographers. One was Srieng ស្រីង, which may be a revolutionary name. He was the chairman of the photo team. The second was Comrade Song ស៊ុង. Hor made the arrangements about who took the photos.

Question by ML: Do you know Nhèm Ên ញ៉ែម អេន?

Answer: I do not recognize [the name]. But if I saw his face and we talked, I might be able to recall.

Question by YBL: During interrogations, whether there had been responses or not, did the interrogators report to you immediately, or what?

Answer: There were two types [of situations]: For any individual whom Son Sen was monitoring closely, the interrogator reported to me every afternoon. Separately, [for] any person whom they did not pay so much attention to, it was only when the interrogation had been completed that they [the interrogators] reported.

Question by YBL: When reporting, if there were no confessions or no responses or insufficient responses, what did you instruct next?

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Answer: After listening to the report, I had them report on further measures.

Question by YBL: Were the reports in writing as well?

Answer: They reported verbally. I can't think of any written reports coming to me.

Question by YBL: Do you remember having taken written notes on further actions?

Answer: No.

Question by ML: There is a problem: You have made two official statements to explain that you condemned what happened at S21 and that you have remorse. But you seem to have stated that you never issued any decisions and that you were not the actual chairman. However there are many documents which seem to show just the opposite of this, and all the witnesses whom you certainly will have to confront have stated that it was you who was the decision maker. How can you explain these discrepancies?

Answer: Related to confrontations: I wish to say that perhaps I may recall some after hearing all of those witnesses. I still take the position that I was coerced to do this work, and I did everything to evade this work to the maximum because I loathed that work.

Question by YBL: Did you do any writing regarding the biographies of some prisoners, or write lists of the names of victims?

Answer: For almost all of the victims who came in, I had no grasp of their biographies. As for the reasons they were detained I had no grasp of that either. It was only for the important victims that I would have a grasp on the reasons for their detentions, like Koy Thuon កុយ ធ្លួន, for example. As for the confessions, there was just the initial confession of Koy Thuon which I photocopied and called Son Sen's messenger to come receive. And beginning with the second responses, I had them typed in three copies. I sent two up above, and kept one.

Paused the Written Record of Interview at 12:20 hours.

At 2:10 hours in the afternoon we continued the Interview.

Question by ML: Can you tell us about the procedures in the killings, who made the decisions to "smash" and what happened next, the site of the smashing, the methods used?

Answer: Related to decision making, initially there was the Party Line: All persons in detention had to be "smashed." More specifically, related to S21, Hor made the decision. Related to the manner of transport, I think that the prisoners were taken to Cheung Ek blindfolded. Initially they were placed in a house inside Cheung Ek.

Question by ML: At the very beginning, were the killings done at Cheung Ek?

Answer: Initially that was done in Phnom Penh, West of S21. I have forgotten, [I] don't know whether it was me or Hor who made the decision to transfer [that] to Cheung Ek, and that transfer was done because of the fear of contagious diseases.

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Question by ML: Were you yourself ever present or participate during the killings? Did you ever personally kill? If so, how many times?

Answer: First, I never killed anyone. Second, I never participated along with the killing unit. Third, I went to the killing site one time, following the order of Son Sen which forced me to go there to inspect the killings. There had been three incidents: One prisoner from an East Zone military unit escaped (during approximately May or June 1976). Also, a prisoner named Kâng កង took a weapon from a cabinet in a house outside and South of S21 prison and shot at soldiers before shooting himself to death (this was during the time that Pēng ប៉េង was chairman of the special unit). Finally, a cadre named Chim Chhau ជឹម ឆ្មូ, revolutionary name Vun វុន, grabbed an M16 to shoot at a guard, but the guard(s) shot and killed him first (during the time that Him Huy was chairman of the special unit). So in order to avoid incidents like this at Cheung Ek, Son Sen ordered me to inspect the killing there.

Question by ML: Tell us about what you saw at Cheung Ek.

Answer: I was there only a short time. Son Sen told me to inspect the manner of shackling prisoners and the manner of detention inside that house. I saw that house, but since I did not want to know what happened, I requested to return to Phnom Penh after I smoked one cigarette. I was only there for approximately five to ten minutes.

Question by ML: Have you watched Rithy Păn’s រិទ្ធី ប៉ាន់ film, in which Him Huy said that you ordered him to kill and scolded him that he was frightened of killing?

Answer: In that film Him Huy gave testimony that I smoked cigarettes on a mat [and] sat and watched the killings at the edge of a pit, and he made gestures for them to film. In an interview with RFI on 25 August 2007, he said that I took a cart axle and struck victim(s) and then threw the cart axle away and walked off. In summary, both those two testimonies are inconsistent. I firmly believe he lied because of fear they will take him to court.

Question by YBL: Each round of “smashing” may have included many persons. Were they placed in one mass grave pit, or what? Were they unblindfolded or unshackled before the killings?

Answer: The “smashing”, they were placed in one mass grave pit which held many [bodies]. This had occurred since M13. Blindfolds or hand bonds, I do not know that specifically, but I conclude that they were blindfolded and their arms were tied behind them too, since I understand that the special unit had been well-experienced for a long time.

Question by ML: Among the various killing methods, was blood ever taken from prisoners until they died?

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Answer: In Rithy Pän's film and in the Introductory Submission of the Co-Prosecutors, I saw a demonstration on this matter, but I never authorized anyone to take blood. I never saw any taking of blood with my own eyes. But I would not dare to deny that testimony. And if that actually did occur, it was a continuation from when Nath was Chairman.

Question by YBL: According to your explanation, if you tried not to do the work which Angkar had assigned to you, why had you been safe from harm until 7 January 1979?

Answer: The work which I knew was reading responses and reporting to upper echelon. This work began at 7 o'clock in the morning and continued until 10 or 11 o'clock at night. Separately, the taking of blood, transportation to kill at Cheung Ek, there were other chairmen doing that already.

Question by YBL: Aside from you, did others have the capability to directly report to upper echelon without going through you?

Answer: The upper echelon only thought about the importance of the confessions. The others could not report to upper echelon. As for Nuon Chea and Son Sen, I had to work at their work locations.

Question by YBL: The others, no matter what the case, could not report to upper echelon by going over you, is that correct?

Answer: Correct, they could not report to upper [echelon].

Question by YBL: You have responded that upper echelon was worried about prisoners escaping, so they had you go inspect the smashing site. Therefore, how many were smashed and how many remained, was that reported?

Answer: I immediately reported the last two incidents which had occurred. As for how many were taken to be "smashed", the upper echelon did not want to know that. In summary, upper echelon only concentrated on the confessions of the victims. If sometimes they wanted to know about different matters, then they would ask.

Question by ML: As for the three incidents which occurred, was there any punishment for those had made the mistakes?

Answer: As for the first incident, that mistake was mine and Hor's, because we were not there. Later on one of us had to always be present at the site. As for the second incident and the third incident, there was no punishment. I proposed that Hor discuss this with the unit to draw experience to be kept as a lesson. As for the upper echelon, there was nothing said.

Question by Mr Yet Chariya: According to what you have alleged, the cadres and combatants of S21 were arrested and interrogated and smashed too, at S21. Is that true?

Answer: Yes, that did happen.

Question by Mr. Yet Chariya: Who made the decisions to arrest S21 cadres?

Answer: Only after requesting authorization from the upper echelon could the decision to arrest be made.

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Question by Mr. Yet Chariya: What position did Muth Heng មុត ហេង have at S21?

Answer: I do not remember that name.

Question by YBL: For what mistakes were S21 cadres or combatants arrested? A moment ago you said that upper echelon could make the decision to arrest, and according to your statements no one could report to upper echelon without going through you. Therefore, this means that only you reported to upper echelon in order to have them arrested.

Answer: Hor reported verbally to me. I reported verbally to upper echelon, and whatever decision upper echelon made, [we] had to follow it.

Question by YBL: Explain about the mistakes which reached the level of arrest, interrogation, and smashing.

Answer: Huy at Prey Sâ made a mistake by letting his wireless (radio) telephone operator escape. Some cadres tortured [to the point that] responses were broken off and were reported to upper echelon as well. As for the case of Pauch, I do not remember, because the situation was a long time ago.

- 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 Co-Prosecutors, and the Charged Person and his lawyers.

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

At 4:45 hours in the afternoon we had the Greffiers read aloud this Written Record of Interview of Charged Person as recorded.

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

Charged Person [Thumbprint] Lawyer of Charged Person Co-Prosecutors Interpreter Greffiers Co-Investigating Judges

[Signatures]

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A Number of My Stances

I. Stances vis-à-vis the Communist Party of Kampuchea (CPK) and the Government of Democratic Kampuchea

- The CPK was not a Party that was beneficial to the Cambodian nation and people. Rather, it was truly an organized criminal organization.
- The Government of Democratic Kampuchea was not a patriotic government, but a criminal government. The CPK and this Government were one and the same.

II, The CPK's Special Branch

The CPK's Special Branch was utterly unique.

- It did not employ any laws whatsoever. It relied exclusively on the Party line and the major and minor Party decisions issuing from the mouth of Pol Pot.
- It did not employ any scientific measures whatsoever. It employed exclusively criminal methods (torture to obtain responses, then smash; anyone arrested had to be smashed).

III. My Part of Responsibility for the Crimes

- The CPK can be compared to shackles brought into being through a series of units, of which S21 was one.

- At S21, I played the main role in conveying the major and minor CPK decisions and disseminating them for implementation by the lower echelons. I was the general manager (*supervisor*) of this unit of organization, the person who read the responses and reported to Son Sen every evening. I therefore truly had a part in responsibility for these crimes.

- On 2 October 2007, I wrote that even if other individuals were in charge and bore grave responsibility for these crimes, being the ones who issued orders to me, I truly recognize that I had my part in these crimes.

IV. My State of Mind in Fulfilling Special Branch Duties

- On 2 October 2007, I wrote about the state of mind of those under my command, saying that:

- there wasn't a single one who volunteered
- there wasn't a single one who was proud

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- everybody was terrified and constantly worried about their own lives
- everybody wanted to leave and go fulfill some other duty

These four states of mind were true for me.

- I was obliged to accept every assignment without fail. On 20 July 1971, I was assigned. On 15 August 1975, I was assigned. In March 1976, I was assigned to be chairman.

- I am truly ashamed and embarrassed. I am not the least bit proud of my work. I put forward many requests to leave this work behind. In late 1972, taking advantage of the opportunity when detainees were able to seize guns and every last one of them escaped, I asked to be relieved of this work, using as my catchphrase a request that Von Vet apply discipline to me. In late May 1975, I asked Cheng An to go to the Industry side. When Son Sen removed Nat, I even took this opportunity to ask Son Sen to bring in Chhay Kim Hor alias Hok as chairman.

- I was in total fear for my life. I have already reported I began to be concerned and afraid for my life when Nuon Chea arrested Brother Ngèt You alias Hong and Sau Chea. I was no longer able to do my core work, and could only think in terms of sitting a the sculpture place. Subsequently, I turned over the whole of interrogation work to Friend Hor. In the end, I was terrified to the point that I slept day and night.

V. La Terreur

In late 1970 in Sector 25 (Kien Svay, S'ang, Koh Thom, Leuk Dèk) persons who were alike revolutionaries but from different networks pursued each other for arrest and to butcher each other.

In the Southwest, Ta Mok expelled four Party members whose class origins were intellectual, giving them 24 hours to get out of the Southwest. (This was before 1970.) After 1970, he made so much trouble for intellectuals that eventually Pol Pot decided to gather up the vast majority of intellectuals and send them to a new zone called the Special Zone (July 1971). In maybe early 1974, Pol Pot decided to smash Ta Chong, in accordance with Ta Mok's regular prodding.

In late 1976-early 1977 Koy Thuon and whole sets of networks from the North were smashed. Middle and lower ranking cadre from the Southwest belonging to Ta Mok were gathered up and placed in the North.

Chou Chet alias Si of the West was smashed (don't remember the year) along with Chou Chet's links, and some cadre were taken from the Southwest and put in their place. But

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the crucial thing is that Ta Mok was put in charge as Secretary of the West, on top of his position as Secretary of the Southwest.

Von Vet and Cheng Ân were smashed and Ta Mok's forces were placed in Industry (don't remember the year).

Ros Nhim (the younger brother-in-law of Nuon Chea) and Ros Nhim's links in the Northwest were smashed. Ta Mok went to be Secretary of the Northwest on top of everything else. Truckloads of Ta Mok forces and West forces belonging to Huot Heng alias Päl were transported to the Northwest.

The East Zone forces belonging to Sao Yän alias Phim were completely smashed and forces belonging to Ta Mok put in their place, but Nuon Chea was made Secretary of the East and the Northeast.

Such smashing of complete set after complete set instilled constant terror in the ranks. Everybody was concerned and feared for their lives and looked for their own solution. Chèm, a Division 703 mine expert, feigned having slipped up to kill himself with a mine. A divisional cadre of 703 who was just newly promoted to that post took an AK onto the battlefield and died in combat.

IV. The Influence of the *Terreur* on Me

In Sector 25, I hated police work (also called Special Branch) and hated the killing, but I was told that it came from a lack of Party leadership.

At Office 13, I found myself in a situation of hating shit, but having to step in shit. I felt that the struggle method of Chi Kim An (Cambodia's premier cadastral engineer), namely suicide by hanging, was not good. I did not dare to overtly struggle the way Hou Youn did face-to-face with Ta Mok and Pol Pot. I searched for my own means of resolving things, viz,

First, making sure to search for and find the truth in the confessions, but I could find nothing with which to verify it, which made me terrified when reporting on the answers in the confessions.

Second, I asked Von Vet to release the persons sent in by others. I was only able to release eight, and among them I only remember six of the names.

Third, I asked that Office 13 be split in two: first, Office 13K at the foot of Phnum Pis, where the detained forces were to be taken to farm paddy. This is where my breakout was, and every last one of the detainees freed themselves and escaped. Second was Office 13 Kh in Sdok Srat village, Sdok Taol commune (Ang Snuol), which was for holding detainees for a period before release.

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ 11
ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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~~០៣២/៧. ០២៤~~

Fourth, it was on account of my trying hard to searching for the truth that Ta Mok forever bore me a grudge about the case of a Hanoi cadre named Prach Son alias Pot.

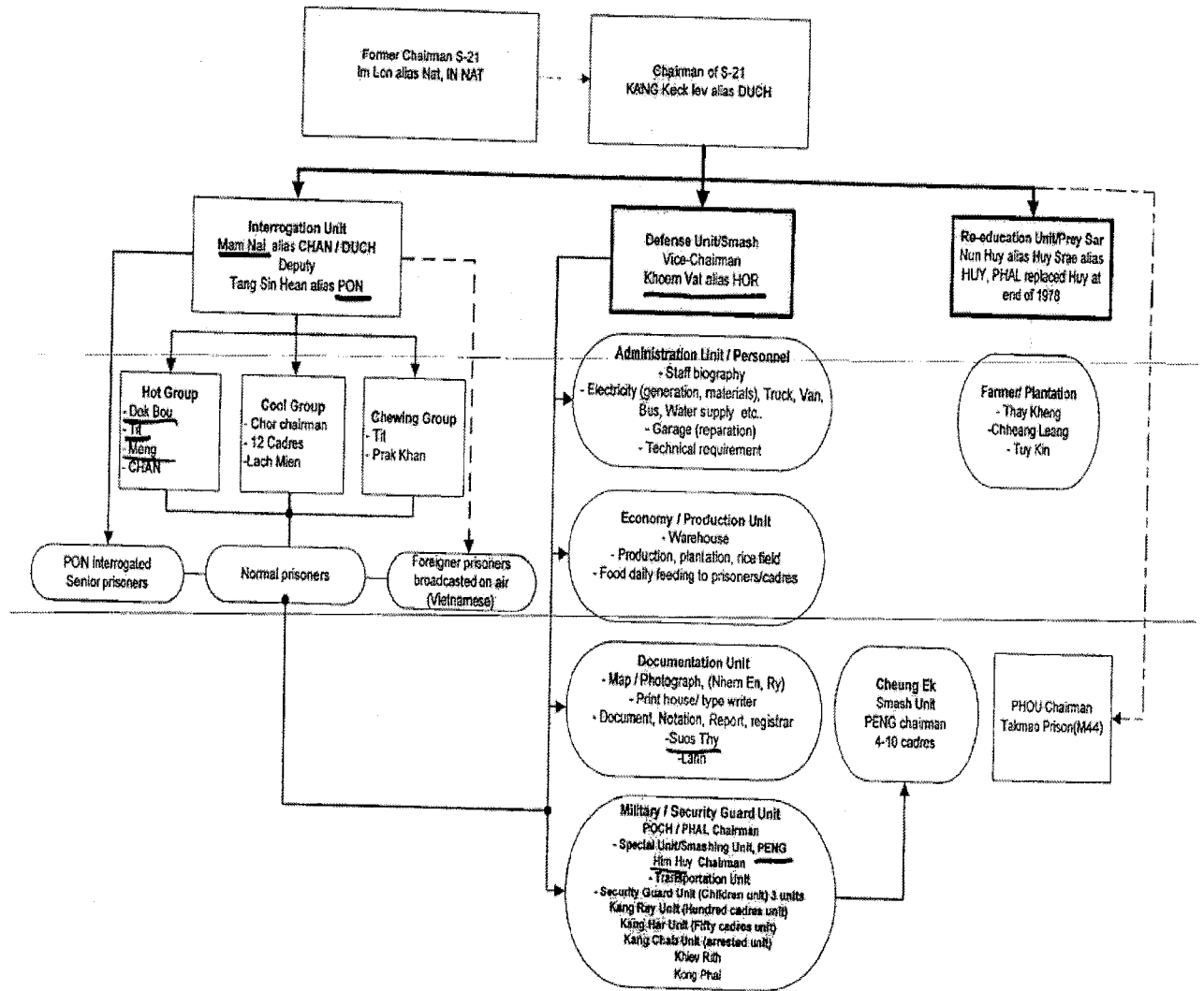
Fifth, I also requested the release of one person from over in the Southwest, and this proved extremely difficult. The person whom I released was named Hâm In.

At S21, I evaded work to the maximum. I accepted only the work that was unavoidable. I thus never grasped anything concretely.

However, the important thing I would like to make clear is that no matter how hard I persevered in evasion, *la Terreur du Cambodge* caused for me the greatest regret and pain for the vital lives that were lost at S21, in particular, and throughout the country, in general. For this I have genuine remorse.

~~CONFIDENTIAL~~ D21

Draft Chart of Office S-21



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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