

**Compilation of statements of apology
made by Kaing Guek Eav alias Duch during the proceedings**

(Translation from Khmer original)

Transcript (KH) of 31 March 2009, [p. 52 Line 14 to p. 56 Line 21]¹

First of all, I would like to clarify some of the historical events in Cambodia which the Co-Prosecutor has described. I would like to emphasize that the Cambodian people have endured killings for years, going back to 1966, when General Lon Nol was killing peasants in Samlout. Later on, after the 18 March coup d'état, all political parties competed in the race to kill Cambodian people. After 17 April 1975, such crimes fell exclusively under the Communist Party of Kampuchea. These are the historical aspects that I would like to submit to the Court in connection with what was raised by the Co-Prosecutor this morning.

Next, I would like to present my own position. From 17 April 1975 to 6 January 1979, the Communist Party of Kampuchea was exclusively responsible for the crimes in Cambodia. The 1976 Party Statute is the main evidence. The first page of the Statute states amongst other things that “After having led the people’s national democratic revolution to the total and decisive victory of 17 April 1975, the Party continues now to have an absolute monopoly of leadership in all domains of the socialist revolution and in the building of socialism.” This is the evidence that I would like to present to the nation and people through the Trial Chamber of the ECCC.

Firstly, I would like to offer some views on the nationwide crimes from 17 April 1975 to 6 January 1979. After 17 April 1975, Pol Pot became more ambitious and he established the line that later had such an impact on people’s lives. Pol Pot had everything, most importantly he had tens of thousands of party members in his hands. The crimes committed in that period were staggering. More than one million people lost their lives, and as a member of the Communist Party of Kampuchea I accept that I bear moral responsibility for the crimes committed by the regime of the Communist Party of Kampuchea. I would like to express my regret and my deepest sorrow for all the crimes committed by the Communist Party of Kampuchea from 17 April 1975 to 6 January 1979.



¹ Transcript (EN) of 31 March 2009, [p. 66 Line 10 to p. 72 Line 6].

Secondly, and more specifically, I would like to clarify the crimes at S-21. I acknowledge my legal responsibility. I would like to make it clear that I am legally responsible for the crimes committed at S-21, especially the acts of torture and the executions. As I have already said, when the Co-Investigating Judges took me for the re-enactments at Choeung Èk and the Tuol Sleng Genocide Museum, I sought permission to express my apology to the victims who survived and to the families of those whose loved ones died miserably in great pains and sufferings at S-21. Now, I would like these people to know that I wish to apologize, and I would like you to consider my intentions. I do not ask that you forgive me here and now. I know that the crimes I committed against the lives of those people, including women and children, are intolerably and unforgivably serious crimes. My plea is that you leave the door open for me to seek forgiveness.

Thirdly, whenever I recall the past, I am deeply pained and I am racked with remorse. I am appalled whenever I recall the activities which I was ordered to carry out, and the orders I gave to others that affected the lives of many innocent people, including women and children. Though I acted out of respect for Angkar's orders, I am still responsible for the crimes. I have already told the Co-Investigating Judges that I was a hostage, a mere puppet in the criminal regime. I am sure that the general public now regards me as a cowardly and inhumane person. I sincerely and respectfully accept all these arguments. During the S-21 era, I valued my life and the lives of my family as more important than the lives of those who were detained at S-21. During that period I never dared even to think about disputing or opposing the orders from the top, despite knowing that they were criminal. It was a matter of life and death for me and my family. As the director of S-21, I did not dare to seek any alternatives to obeying the orders from the upper echelon, despite knowing that carrying them out would lead to the loss of thousands of lives. At present, I have the deepest sorrow and regret, and I feel ashamed and uneasy. As a perpetrator, I know that I am personally guilty before the entire Cambodian people and nation, before the families of all the victims who lost their lives at S-21 and before my own family, some of whom also lost their lives.

The remedies I can bring now

I have decided to co-operate with the ECCC because this is the only way for me to help bring reliefs and condolences for all of the crimes that I committed against my own people and all the anguish caused by the crimes at S-21 in particular, and the crimes committed by the Communist Party of Kampuchea in general.

I would like to confirm that S-21 and the notorious crimes perpetrated there are the real phenomenon that has led me, honestly and respectfully, to hand myself in to the ECCC so that I can be tried in accordance with the law.

Finally, I would like to affirm that I shall continue to co-operate with the ECCC in the hearings and answer all the questions that Your Honours may ask. I will answer all the questions that the Co-Prosecutors may ask and all the questions put by the civil parties who want to know the answers to such questions based on documented facts.

Mr. President, Your Honours, I would like you to allow me to express the regret that I have felt all my life. I was not satisfied with my work. In May 1975 I tried to move to the industrial sector, but without success. I was assigned to work at S-21. I was partly relieved as I was only made deputy director. Later I became director and I protested again. I asked for another person to assume the director's position so that I could remain deputy. After I was threatened, I agreed to take the position.

A shocking event I still recall occurred on 31 January 1977 when Son Sen ordered the mass arrests of cadres from the old north zone. I was very shocked. I tried to change his opinion by saying, "Brother, they don't seem to be the right people". He threatened me from the other end of the phone line: "Duch, it is based on Thuon's confession!" I said nothing after that. I thought, "Oh, those poor people who sacrificed everything they had to liberate their country and their people, now they come here to be imprisoned and die, because they are considered traitors to the Party."

Through this Trial Chamber I would like to say to the nation and the people that I was strongly attached to the north zone cadres. I shared the same cell in prison with most of them in 1968. My terror grew when people from other zones were arrested, and in the end Ngèt Nhu *alias* Hong was arrested on 13 March 1978. I thought, "Oh, my days are numbered now." I was terrified at the ideas of being arrested and of being killed.

Finally, my superior, Brother Number 2, ordered me to move all the prisoners from S-21 to Choeung Èk. I thought, "It's my turn now." I could not work or do anything. I stayed at home day and night. You can ask the people whom I used to sit and watch working in the painting and sculpture studio and they will confirm they did not see me there again.

In the end, at 11 a.m. on 7 January, tanks rolled down the road in front of my house. I was stunned. At 2 p.m. we left the S-21 compound in the direction of Sansom Kosal and we waited until dusk before continuing our journey.

During the one year spent escaping from the war, I lost everyone around me. Two of my younger siblings died, six of my nephews and nieces died, Comrade Pon, his wife and their child died, the wife of Mâm Nai died, and other comrades lost their lives. In the end, only I survived. In fact four of us survived; my wife, myself, and our two children. At that time I wanted to cease my allegiance to Vieng Òm *alias* Sarun, the deputy secretary of the new northwest zone. He sent people after me to get me back, with their safety catches off (indistinct). I said, "What! More than one million lives have been lost. It means nothing much if the four of us die. So let it be!" When I thought of the lives of the people who had died during that regime, my own life meant nothing. That was my thought.

That was the value I set on my life. So for a whole year, I could not do any work; I just lay in bed awake. Finally I thought that the only thing to do was to make some offerings and pray for forgiveness from the victims, and from my parents who gave birth to me and wanted me to grow up as a good child. I personally wanted to be grateful to my parents and to follow the good path. In the end, however, I fell onto the wrong path.

In order to console myself I found a solution which was to pray for forgiveness. At first, I prayed for forgiveness from my parents and my teachers. But later, it became praying for forgiveness from the entire nation. On 17 November each year, which is my birthday, I cannot do anything. I always make some little things to commemorate my remorse. This year I made a painting. With Your Honours' leave, I would like to show it to the court.

Transcript (KH) of 7 April 2009, [p. 10 Lines 19-25], Duch referring to M13²

I wish to state in all sincerity before Your Honours that I am responsible for those crimes and tortures. And as for the confessions from the tortured detainees which implicated others whose lives were claimed consequently, I also do not deny the responsibility for that. I merely wish to cast some light upon the truth of what happened at that time, in that place. And even if my role was like that of a police commissioner who was distributing orders to subordinates, I am nonetheless the one who shoulders the full responsibility. I apologize. I am

² Transcript (EN) of 7 April 2009, [p. 13 Lines 1-11].

turning to you, Chhum Mey. I did not beat you up personally. It was Comrade Seng who beat you up, acting on my orders. I offer you my apologies, Mr Chum Mey.

Transcript (KH) of 7 April 2009, [p. 19 Lines 6 - 11]³

With respect to the crimes of smashing people, the orders came from the upper echelons as a matter of principle, and though sometimes I protested, I still had to comply with them every time. Yet the burden still falls on me, and the crimes are my responsibility. That is why, yesterday, I asked for forgiveness from the souls of all those who died in Âmlaing. I cannot forget their names and I will write a book about the “smashing”. I do not wish to evade responsibility for the crimes that fall on my shoulders. That is the truth.

Transcript (KH) of 7 April 2009, [p. 29 Lines 12-23]⁴

The corpses of people who were smashed at M-13 were buried not far away from the security centre, maybe just a hundred metres at most. There were three sites: at Thmâ Kup, near Anlong Veng; the second at Ta Leav, where very few people were executed; and the third at Trâpeang Traob, between the river and Trâpeang Chrap. The remaining evidence can prove the time of death and exact number of victims. This underscores the truth of my confession to the nation and the people. The other corpses in other locations were those of Khmer people who died at the hands of the CPK. And once again, without shirking the truth, I want to say that I am sorry and apologize for those crimes. I feel pangs of remorse, and I would like to offer my condolences to the families and friends of those who died.

Transcript (KH) of 9 June 2009, [p. 44 Line 21 to p. 45 Line 7]⁵

Mr. President, my remorse and suffering continue unabated. Every time I recall the past I am racked by the same anguish. I will not betray my remorse and I will not let it fade away. It will always be present. My pain runs deep.

I always say that any instant when a misguided decision is taken can lead to sorrow and remorse for the rest of one’s life. Therefore, when I bow my head to be tried in this Court, it is to be judged for the crimes that I committed. I will put the blame neither on my superiors nor on my subordinates. That means I will not evade my personal responsibility. Although these crimes are also the responsibilities of my superiors, I too played my part, given my role

³ Transcript (EN) of 7 April 2009, [p. 24 Line 22 to p. 25 Line 3].

⁴ Transcript (EN) of 7 April 2009, [p. 37 Line 21 to p. 38 Line 8].

⁵ Transcript (EN) of 9 June 2009, [p. 62 Lines 6-25].

at S-21. I accept the blame for all the crimes committed at S-21. I will not blame any of my subordinates; far from it. With respect to the crimes committed throughout the entire country, as I said in my statement before this Chamber at the opening of the trial, I have a moral responsibility for the devastation of the entire population of Cambodia. I would like to share their suffering.

Transcript (KH) of 9 June 2009, [p. 46 Lines 2-12]⁶

With respect to the implementation of the policy throughout the country as well as at the S-21 security centre, at S-21 crimes against humanity were perpetrated against at least 12,380 people. And throughout the country, although I do not have a precise figure for the people who suffered as a consequence of the bad policy line, I believe the number was more than one million. So I was partly to blame because I had my role to play; it was not just my superiors. Also as a member of the Party I had a role. I acknowledge the mistakes that I made because of the implementation of the Party's policy at S-21, which was a profoundly criminal policy. As I said earlier this morning, the policy was worse than that of the Gang of Four in China, and it led to the deaths of more than ten thousand people at S-21. I can never forget this. I confess to the Court, the nation and the people of Cambodia for them to understand the nature of this episode. And I will always suffer this remorse for having enforced the bad Party line.

Transcript (KH) of 17 June 2009, [p. 67 Lines 2-9]⁷

In conclusion, if you look at the photo of me taken in those days when I was training cadres, it seems like I was quite a person with my heightened class consciousness, but as I look at it carefully now, I find the photo shameful. It is shocking and upsetting to see that picture of me, I who killed more than 12,300 people. I am accountable for all the crimes committed at S-21. At the same time, as a member of the Party, I am appalled by the fact that more than 1 million Cambodians lost their lives. I am morally responsible for the loss of more than one million lives, now and forever.

Transcript (KH) of 1 July 2009, [p. 70 Lines 9-16]⁸

⁶ Transcript (EN) of 9 June 2009, [p. 63 Line 25 to p. 64 Line 14].

⁷ Transcript (EN) of 17 June 2009, [p. 91 Lines 11-21].

⁸ Transcript (EN) of 1 July 2009, [p. 88 Line 22 to p. 89 Line 7].

Mr. Meng, I have been especially moved by you. We used to live together and you were a healthy man. I was shocked to see you on 28 February 2008 before the Co-Investigating Judges. I would like to have responded to your wishes, but it was beyond my capacity because this work was done by my subordinates. I would presume that your wife was killed at Cheung Ek. Meanwhile, to be sure, I would like to suggest you kindly ask Comrade Huy who may know more details about her fate. Please accept my deepest respects towards the soul of your wife. Here I rest my clarification.

Transcript (KH) of 1 July 2009, [p. 72 Lines 11-21]⁹

I would like to emphasize once again before the nation and the people of Cambodia the gravity of this crime. Although it was perpetrated by the upper echelon, members of the Party at lower levels were part of the process across the entire country. As a consequence, more than one million people were executed. As a Party member, I bear moral responsibility before the souls of the dead for all the crimes. As for S-21, I am legally answerable for the deaths of more than ten thousand people, and I now wish to be tried alone by the ECCC for the S-21 executions, without implication of any of my subordinates. Here I acknowledge my accountability to it totally. I never forget to pray that the souls of the dead may rest in peace. I would like to clarify this. I'm not talking here to evade the responsibility of the tortures and crimes but I want to show the extent of my acknowledged responsibility to those crimes.

Transcript (KH) of 2 July 2009, [p. 66 Line 18 to p. 67 Line 3]¹⁰

Mr. President, I would like to make some clarifications relating to the testimony of Mr. Norng Chanphal. Let me say at the outset that this testimony really conveys the suffering, the ordeal and loss inflicted upon Mr. Norng Chanphal. Initially, when I saw the biography of his father Norng Chen, I thought the crime against him had been committed elsewhere other than S-21 and that perhaps Mr. Norng Chen had suffered in another security centre, but when I read Mr. Norng Chen's biography more carefully and saw the registration number TSL, meaning Toul Sleng, No. 0529, then I have to acknowledge he died there. As for Norng Chanphal's mother, I do not have any documents. So there are two points. First, if there is another biography like this of Norng Chanphal's mother, there would be only one possibility, that was, both Aunt Mom Yao, Mr. Norng Chanphal and his sibling also died. At S-21 no child was ever kept. I am saying this with honesty. The possibility is just like this.

⁹ Transcript (EN) of 1 July 2009, [p. 91 Lines 11-23].

¹⁰ Transcript (EN) of 2 July 2009, [p. 83 Lines 3-17].

Transcript (KH) of 8 July 2009, [p. 4 Lines 2-6]¹¹

Mr. President, your Honours, I accept that this document belongs to the S-21 collection because it carries the TSL code, and because I recognise the handwriting of the S-21 staff.

Through this Court I would like to seek the forgiveness of Mr. Norng Chanphal because at that time I did not have the document and I made some mistakes.

Transcript (KH) of 8 July 2009, [p. 80 Lines 14-21]¹²

So, in summary, I believe Comrade Chin Met underwent detention and interrogation at the Division 450 detention facility. This doesn't mean I deny responsibility for my crimes, but the fact is, if she was transferred to S-21, the Phnom Penh detention centre, she wouldn't be here today. She would never have made it out alive. I would have sent her to Cheung Ek. I think she went from Division 450 to Prey Sar, not to Tuol Sleng. I do not deny my crimes, but I want to emphasise that such was the practice at the time. If people were transferred from a division to S-21 in Phnom Penh, they would not be spared.

Transcript (KH) of 9 July 2009, [p. 32 Lines 16-17]¹³

Counsel, regarding Chin Met, I am not morally responsible. Legally, I am fully responsible for the crimes.

Transcript (KH) of 13 July 2009, [p. 41 Lines 9-12]¹⁴

Mr. President, I would like to submit my observations as follows. First, with respect to the suffering of the Cambodian people throughout the entire country during that period, I do not deny anything. I am responsible, personally and morally. And secondly, morally and legally I am responsible for those lives lost at S-21.

Transcript (KH) of 22 July 2009, [p. 42 Lines 21-22]¹⁵

I do not demand or need any of my subordinates to stand with me before this Chamber. I alone am legally and morally answerable to the Court for what happened at S-21.

¹¹ Transcript (EN) of 8 July 2009, [p. 4 Line 23 to p. 5 Line 3].

¹² Transcript (EN) of 8 July 2009, [p. 97 Line 21 to p. 98 Line 3].

¹³ Transcript (EN) of 9 July 2009, [p. 39 Lines 5-6].

¹⁴ Transcript (EN) of 13 July 2009, [p. 52 Lines 14-19].

¹⁵ Transcript (EN) of 22 July 2009, [p. 58 Lines 7-10].

Transcript (KH) of 12 August 2009, [p. 40 Line 2 to p. 41 Line 1]¹⁶

Mr. President, the testimony of Mrs Bou Thon demonstrates her courage in speaking the truth; this testimony reflects all of these years of pain and suffering inflicted upon her. She lost four children without even knowing the cause of the deaths of the first three. Her youngest infant died in her arms when they were on the run. I acknowledge that she has lost four children. Her husband also lost his life. I would not say that this was due to her being one of the 17 April people. CPK policy was not to recruit 17 April people but maybe Koy Thoun did things that ran counter to the Party line. However, the executions of those in the ranks took place while Pol Pot was in power. The decision to remove Phok Horn from the Ministry of Energy was taken by the Standing Committee. It is worth noting that from mid-1976, the leadership of the Ministry of Energy was reshuffled; Brother Rit was moved aside, and Ok and Chun replaced him. But whoever was appointed to the leadership, the political line was still that of the Party, and Phok Horn was removed because of the CPK political line and, of course, he was transferred to S-21 and his name appeared on the list. Moreover, although the three children of Phok Horn and Bou Thon were not on the list, I share Bou Thon's conviction that they were not taken anywhere else. So each year this witness is right to go to Choeung Ek because her husband and children were buried there. This anger displayed here is that of one of millions of the Cambodian people who lost their husbands, wives, children and grandchildren during the regime; I admit it. And the tears that roll down are genuine. I accept the guilt and express my regret, and the nation and people of Cambodia can condemn me as they see fit. I will accept it respectfully. If Cambodian traditions so allow, I would gladly agree to be stoned like St. Stephen and St. James were shortly after the death of Christ. My life, just one life, is worthless compared to those millions lost during that period.

Transcript (KH) of 17 August 2009, [p. 33 Lines 5-22]¹⁷

Mr. President, first of all, allow me to speak to Mrs. Lefevre as follows: I would like to acknowledge your family's biography as historical fact. When I say it is historical fact I mean it remains lasting forever. This means that whenever someone wants to conduct research on the suffering of the Cambodian people they will surely go to Mrs. Lefevre for her testimony. In that sense, the truth differs from the flower. The flower has its life span; it blooms then dies, but the historical truth remains. It does not blossom or die. The truth lasts forever. The

¹⁶ Transcript (EN) of 12 August 2009, [p. 46 Line 2 to p. 47 Line 14].

¹⁷ Transcript (EN) of 17 August 2009, [p. 46 Line 8 to p. 47 Line 5].

suffering of the Cambodian people, including that of Mrs. Lefevre and her children, is historical fact that cannot be forgotten. I would like to acknowledge that.

I wish Mrs. Lefevre, the Trial Chamber, and the entire Cambodian people to know that I will not abscond. I stand before this court to be tried. The crimes being tried are intolerable. The Cambodian people can point their fingers at my face. If they want to lay the blame on me, they can. If they want to condemn me, they can do so. And here we have the court. I entrust myself to the court. I would like to confirm that I am morally and legally responsible for the crimes committed at S-21 and I am also morally answerable for the crimes committed throughout the country. I will not make any denial, not a word. And right here before me, I would like to apologize to Mrs. Lefevre and her daughter who is present here. In so doing, I would like to apologize to all the widows in Cambodia and to all the fatherless children.

Transcript (KH) of 17 August 2009, [p. 51 Line 20 to p. 52 Line 6]¹⁸

Mr. President, I seek your leave to speak directly to Ouk Neary as follows: firstly, I wish to prostrate myself, mind and body, in acknowledging the testimony of Ouk Neary as an orphan who lost her father at S-21. This testimony is valuable. It is a historical document for the next generation to remember, to deter mankind from committing such crimes again. In the future, we may hear the testimonies of other orphans who lost their fathers and I am ready to hear those testimonies. This is the first issue.

Secondly, I have spoken extensively about the crimes committed at S-21 against the Cambodian people and nation. I do not deny any of the crimes I personally committed against the survivors who are now the orphans. I am morally and legally responsible for these crimes. I am morally and legally responsible before all the orphans who are present here, those who have lodged a civil party application and those who have not.

Transcript (KH) of 17 August 2009, [p. 84 Lines 3-25]¹⁹

Mr. President, first of all, I would like to acknowledge the suffering of the entire Hamill and Dewhurst families caused by the deaths of Kerry Hamill and John Dewhurst at S-21. The suffering is immense and very deep. Two people died at S-21 and two families suffered greatly, one in New Zealand and one in England. The suffering of the Cambodian people is

¹⁸ Transcript (EN) of 17 August 2009, [p. 73 Line 22 to p. 74 Line 12].

¹⁹ Transcript (EN) of 17 August 2009, [p. 118 Line 2 to p. 119 Line 13].

also immense. The suffering undergone by these two families is a symbol of the similar suffering undergone by every Cambodian family. In my role as the leader of S-21, I do not wish to shirk my responsibility and I would like to give the opportunity to all the victims and their families to point their fingers at me as Robert did. I am not offended by that. Please go ahead. This is your right and I respectfully accept it.

In the role as the person who is responsible for these crimes, I have told the Chamber that even if people throw stones at me and kill me like St. Stephen, I will accept it. This does not mean I have despaired and want to commit suicide. No, I do not intend to do that. However, if we look back at human history, there were people who failed to accomplish their mission, such as the painter Van Gogh who cut off his ear, but then he bandaged it and continued his painting. Recently, in Japan, about two years ago, there was a specialist who committed suicide because he could not decipher a false blueprint.

My intention at the time was to join the revolution to liberate the country. But in the end it led to the destruction of the Cambodian country. More than one million people died, and how many survivors are still suffering? I bear the responsibility for what I did. I will accept whatever punishment the people want to mete out to me. I am here before the Chamber requesting to be tried. I do this honestly and voluntarily because I am remorseful for what I did. I speak from the bottom of my heart. And I did not say all these words as a pretext for anything. I speak honestly and I bow before the Cambodian people as I stand here before this Chamber.

Transcript (KH) of 18 August 2009, [p. 27 Lines 2-18]²⁰

Mr. President, first of all I seek your permission to express my deepest respect and gratitude to Chumteav Meas Ket, who is here in the Chamber despite her advanced years. This is an honour for me. Chumteav Meas Ket is three years older than my mother. I am thankful for her presence here and I extend my homage to her from where I stand.

Aside from that, I had known the story of Tioulong Raingsy since my days as deputy director of S-21. I recognized her voice which I had heard on the radio when I had been in prison. That is why, when she came to S-21, I did not go and see her. When I became the director, I saw her file, and by then everything was already over. At that time I honestly thought that

²⁰ Transcript (EN) of 18 August 2009, [p. 39 Line 23 to p. 40 Line 20].

only Raingsy was detained and that Lim Kymary had been living in France, but then I saw both of them in detention. I did not know how long they had been there. This is the extent of my personal knowledge of the matter. Regarding the testimony of Antonya, this is a powerful testimony full of living history about the suffering of a family that lost two members. It is a document of lasting historical value which will help future researchers to understand how the crimes were committed, what impact they had on families, and the extent to which each family suffered. I recognise the authenticity of this testimony. Personally I still maintain my sense of responsibility for those crimes and this is my frank and sincere statement to you, Mrs Meas Ket and Mrs Antonya Tioulong.

Transcript (KH) of 18 August 2009, [p. 41 Lines 14-21; p. 42 Lines 3-10]²¹

Mr. President, if I am able, I would like to assume full moral responsibility for the crimes committed. First, I am not betraying the souls of the people who perished at S-21, and I admit that some people died under torture. I proclaim before the nation and people of Cambodia that they were indeed barbaric acts. Your Honours, you have seen that the civil parties, including Mrs. Bou Thon, they can blame and condemn me. I acknowledge their suffering as historical facts for which I am morally responsible.

Mr. President, the victim named Chen Sea was a cadre from Hanoi who was also a former cadre of K-92. Later on he was detained at Boeng Trabaek before being sent to S-21. I fully acknowledge that he was detained at S-21, as the document produced here proves. I would like to also give the Court a brief account of the school called K-92 that Mentor Son Sen, my former superior, set up when he was co-chairman of the North Zone. And the reason I'm quoting this fact is to indicate that Mr. Chen Sea was indeed killed at S-21 and that I carry moral and legal responsibility for his death and the crimes committed at S-21.

Transcript (KH) of 18 August 2009, [p. 85 Lines 2-9]²²

Mr. President, I would like to begin by stating once again that I acknowledge that Comrade Neth Bunthy suffered and died at S-21. He entered S-21 on the 24th of December 1978 and that is a fact. I have just summarized the historical facts regarding the CPK and the military forces from the East, so I will not elaborate on that. The cadres and combatants who were in the operation in the East Zone suffered on a large scale. And the suffering inflicted upon Neth Phally alias Chhaet Phally before this Chamber is a portion of the greater sufferings inflicted

²¹ Transcript (EN) of 18 August 2009, [p. 57 Lines 6-17; p. 57 Line 24 to p. 58 Line 9].

²² Transcript (EN) of 18 August 2009, [p. 110 Line 24 to p. 111 Line 12].

on the combatants from the East Zone between 17 April 1975 and 7 January 1979. I have listened to the civil parties' testimony for that period and what they say is basically correct.

Transcript (KH) of 20 August 2009, [p. 32 Line 12 to p. 33 Line 5]²³

Mr. President, I would like to reiterate that first, many of my old friends were arrested and detained at S-21. There was another person who was not exactly a friend of mine because he was older than me. Perhaps Mr Chum Sirath knows Professor Kin Aun, the history teacher at Skun High School, who was arrested and sent to S-21 at the very beginning. I did not know he was being sent there and I only learned of it later when I read his confession. Quite frankly, I had to draw away from the friends I once worked with, respected and liked, for the sake of my own safety. I was betraying my friends in this way. Chum Narith was no exception. He was one among the friends that I had to pretend not to see because I did not dare face them and was not able to rescue them. As you said, Sir, everyone who was arrested and sent to S-21 was classified as an enemy, and when you talk about the eyes of more than 30, 000 dead bodies, I come to understand what you mean. Over these last few days, I have made it clear that I accept everything said by the civil parties and that I'm ready to see the civil parties pointing their fingers at me, as they did just now. They can inflict upon me whatever degree of punishment they would wish to, and I'm happy to accept that. I will take any kind of criticism and punishment with a smile without denial. I am very sincere now in bowing down before the families of victims, families who lost their fathers, mothers, and close relatives. I have said some harsh things over these last few days and won't repeat them. The nation and people of Cambodia have already heard them. I genuinely do not have any ill feeling or wish to contest what you said before the Court and I humbly accept, without any intention to provoke refutation, all the blame you wish to task me with.

Transcript (KH) of 24 August 2009, [p. 37 Lines 15-17]²⁴

Mr. President, I acknowledge all the suffering of Madame Chum Neou, who reported to this Chamber what she endured at the Prey Sar centre, or S-24, until the 7th of January 1979. Later on, she fled along with me.

Transcript (KH) of 25 August 2009, [p. 49 Line 5 to p. 50 Line 8]²⁵

²³ Transcript (EN) of 20 August 2009, [p. 42 Line 1 to p. 43 Line 4].

²⁴ Transcript (EN) of 24 August 2009, [p. 45 Lines 7-10].

²⁵ Transcript (EN) of 25 August 2009, [p. 62 Line 24 to p. 64 Line 15].

I, personally, who was in charge S-21 as the director, was responsible for the criminal mechanism and I am determined to take legal and moral responsibility for all the crimes committed at S-21. And, secondly, I, Kaing Guek Eav alias Duch, was not in charge of all the security centres throughout the country, but I was a member of the Communist Party of Kampuchea and as such I still carry the moral weight of all the crimes perpetrated against the people and nation of Cambodia throughout that regime. I deserve whatever punishment the Cambodian people may mete out. When I am personally challenged before the victims, the many widows, the orphans – I accept that they condemn me. I bow before them so that they can see that I have acknowledged my crimes. It is unfortunate that some of the widows did not have the opportunity to come here [...]

I would bow to all those widows from a distance, including Mrs. Chao Seng and Mrs. Pan Polin. Perhaps the wife of Rath Kut is dead. As for the orphans, there have been a considerable number of them lodging applications here but not all of them have appeared before the Chamber. I calculate that ten orphans have not submitted their complaints. Regardless of whether they lodge applications or not, I am still responsible and I bow in acknowledgment of the testimony we have heard. I continue to believe that they are suffering from the psychological impact, as Doctor Chhim Sotheara explained. I think this crime will need a long time to reach any true resolution. I commend the outstanding scientific research of Dr. Chhim Sotheara, none of which I would contest. My respects also go to all the general public in the public gallery.

Transcript (KH) of 2 September 2009, [p. 64 Line 6 to p. 65 Line 5]²⁶

Your Honour, as for the admission of my guilt for the crimes committed at S-21, I would like to say that S-21 was a machine which took more than 2,000 people to run if you believe the statistics. However, those people were under my orders because I was the representative of the CPK at S-21. Obedience was mandatory throughout the chain of command. I wielded influences over all those staff and all of them were compelled to commit those criminal acts. Whatever I ordered them to do, they had to obey the orders and put them into effect. That is the first point. More importantly, the second point relates to the criminal deeds that I performed in person, and here I am referring to my annotation of those confessions.

In addition to that, I formed those people, wiped away their integrity and indoctrinated them with criminal ideology, as I have told Your Honour already. As I remember, my instructions to them on the 18th February 1976 were that “the people who were arrested by the Party had

²⁶ Transcript (EN) of 2 September 2009, [p. 80 Line 1 to p. 81 Line 15].

to be deemed as enemies. If you cannot do that you cannot extract confessions from them.” Some of my audience were intellectuals. They may or may not have wondered whether the person lecturing them had committed any fault, but if we had let them think like that they might have formed anti-Party views and if that was the case then I, their superior, would have been liable for punishment, because I was responsible before the Party. My indoctrination of them was also a criminal act. Training my successors was another facet of my criminal responsibility, as I told Your Honour. I was the only one who was loyal to the Party; if I could ensure the Party that I could mobilize another twenty people loyal to the Party, then the Party would be happy because the criminal process could be rolled out in a more widespread fashion. If we were talking about a genuinely patriotic government that loved its people, the terms "meticulous, hard-working, determined" which are used to describe my character would indeed be flattering. But when on the contrary, the government was a criminal machine, one of the most criminal and cruel of the century, then the work that I did in those times makes me feel the most excruciating pain every time I think about it.

Transcript (KH) of 2 September 2009, [p. 66 Lines 5-11; p. 66 Line 23 to p. 67 Line 5]²⁷

Your Honour, my remorse does exist and it has progressed. Whether Professor Sironi understands me well or not, I cannot say. I have not read her analysis. Personally, I know that my feeling of remorse for the criminal acts I committed at S-21 has evolved. Your Honour, you have seen with your own eyes how the victims point their fingers at me, at my face, and I bow before them without refuting anything. So that's how my sense of remorse has progressed and developed. [...] I am tormented by remorse. And as I said earlier, whatever my sanction is meted out by the nation and people of Cambodia, I will accept it. If they open the door for my apology, I will make one; I will apologize to them. If they want to point their fingers at me, either here before this Chamber or outside, I will accept that. And when the two psychological experts gave their testimony, I appealed to them for advice. I asked them to counsel me about what I could do to make the world see me as a human being once again. For that is where my remorse lies.

Transcript (KH) of 2 September 2009, [p. 68 Lines 3-12]²⁸

²⁷ Transcript (EN) of 2 September 2009, [p. 82 Line 23 to p. 83 Line 5; p. 83 Line 17 to p. 84 Line 6].

²⁸ Transcript (EN) of 2 September 2009, [p. 85 Line 20 to p. 86 Line 14].

In conclusion, despite all these events and despite the song that I previously told the Co-Investigating Judges about a song titled “Contemtable Spies”, and despite the CPK slogan which says "Blood will be avenged by blood", my acceptance of duties in the security centres, starting with M-13, was something that I was not able to avoid. I entreated my superiors, and my entreaty was accepted to the extent that I was not forced to kill people with my own hands. Nor did they request me to arrest this or that person. Despite all of this, the crimes that I blindly committed were my responsibility, from 17 April 1975 to 6 January 1979 and starting from the 18 of August 1975 when I was the deputy director of that centre and then from March 1976 when I became director. I fully admit to having blindly committed all of these crimes. This is my response, Your Honour.

Transcript (KH) of 16 September 2009, [p. 27 Line 19 to p. 28 Line 5]²⁹

The Communist Party of Kampuchea’s message conveyed that anyone who was arrested and sent to S-21 was the enemy. They had to be smashed because they made mistakes and opposed the Party.

When I said that I would like to express my apology to the victims, their families and even my staff, that does not mean that I regarded those who lost their lives as criminals or as people who made mistakes and had to die. In fact, the Communist Party of Kampuchea was the criminal. Therefore, I would like to apologize for all the mistakes I made towards my nation and people. I know that indeed I was wrong. There is nothing that can change that and I honestly would like to express my apology to my people.

Those people who do not want to apologize to the Cambodian people still maintain that their crimes were justified by their patriotism. That is a separate matter. I would like the nation and the people to judge whether my apology is genuine or false. I acknowledge that those people who lost their lives were innocent and made no mistake. My apology is for that.

Transcript (KH) of 16 September 2009, [p. 29 Line 18 to p. 30 Line 10]³⁰

I already stated that I joined the revolution in order to liberate my nation and my people, to be grateful to them including my parents who gave birth to me and raised me. However, it turned out that it led the nation and the people on an endless trail of destruction. More than a

²⁹ Transcript (EN) of 16 September 2009, [p. 37 Line 24 to p. 38 Line 19].

³⁰ Transcript (EN) of 16 September 2009, [p. 40 Line 17 to p. 41 Line 14].

million people lost their lives. The economy collapsed. The culture was destroyed. Everything was destroyed. Whom shall I attribute the responsibility? I was born a man and I was born to love justice. I cannot pass the blame on to others. I acknowledge that it was the work of the Communist Party of Kampuchea of which I was a member. And for that, I have said I am morally responsible for all the crimes committed throughout Cambodia. And how can my people condemn me? They can point their fingers at me. Whatever they want to say, they can say it. I humbly and sincerely accept it.

However, for the crimes committed at S-21 where I was the director, I am alone in bearing moral and legal responsibility. None of my subordinates is responsible. I would like to extend my apology to the victims and their families and I will truly accept the trial from the Chamber. This is my resolution before the nation's history; the history in which I participated in the commission of wrongdoing. That is a major issue. Lastly, I asked the psychologists what I should do so that humankind might know and accept me as a person again. I am still questioning myself about this issue. I am grappling with it constantly.

Transcript (KH) of 16 September 2009, [p. 34 Lines 2-7]³¹

When I made the decision to go there, I recalled the souls of more than ten thousand people. I recalled the lives of children who were killed and might have been killed in a particularly disgusting way like smashing them against a tree.

I determined to go. I had to kneel down and pray for forgiveness from those souls. As a Christian, too, I had to pray for their lost souls. I went there with such feeling and whatever I did there I did it with profound feeling.

Transcript (KH) of 16 September 2009, [p. 36 Line 2 to p. 37 Line 24]³²

Video recording played during proceeding (Video D48/2, Conducted during investigation at Crime Site, Tuol Sleng Genocide Museum in Phnom Penh, 27 February 2008).

Statement by Duch at the Tuol Sleng crime scene re-enactment, 27 February 2008.

³¹ Transcript (EN) of 16 September 2009, [p. 45 Line 23 to p. 46 Line 10].

³² Transcript (EN) of 16 September 2009, [p. 48 Line 13 to p. 50 Line 22].

Your Honours, Co- Prosecutors, I was frozen with terror when I stepped into this place as I recalled the dreadful, appalling calamity which befell my country, my people and myself. For one thing, I recall the wretched victims and their families who were subjected to suffering, torture, disgrace and countless inhumane acts before they lost their lives. I am filled with indescribable remorse; therefore, I bow myself to be tried in the framework of S-21 alone. I have made a strong commitment that I will do whatever I can so that my people, the victims and their families can receive justice. Similarly, I feel deep regret for the personnel of S-21 who were forced to perform their tasks together with me. They found the tasks repugnant. Their parents found the tasks repugnant. Some of the personnel became victims here. Whenever I recall that, I feel the utmost pain. I truly regretted that I gave in to their views and accepted all the tasks I was assigned which were criminal in nature. I was caught in a spiral which resulted in long-term disaster for my country and my people. This is the biggest issue that remains constantly with me and which I cannot forget. Whenever I recall it, I am angry with the Party's leading apparatus which had employed every means to carry out this movement towards a momentous tragedy in a permanent and absolute manner. I also become angry with myself for giving in to their views, for blindly respecting their criminal orders. This is what brings me to the inevitable acknowledgment that in the role of S-21 director I participated in crimes against humanity within the entire framework of S-21.

Your Honours, Co- Prosecutors, I would like to thank you for bringing me here. Please allow me, Your Honours, to offer my apology to all the victims who suffered...

(Kar Savuth: He cannot read it anymore. **Judge Lemonde:** If so, let's end it now... The document can be placed in the case file and all parties can consult it).

(Duch resumes)...Please allow me to offer my apology to all the victims who were subjected to the utmost suffering at this place until the day they lost their lives or until 7 January 1979. I would like to offer my apology to the victims' families who have been living in pain for the past 33 years without their beloved family members and who have not yet obtained justice. I admit that my suffering, however painful, is merely a drop in that immense, deep ocean of suffering of the victims and their families. Allow me, Your Honours, Co-Prosecutors, in your role to seek justice for all these people, to express my apology to all of them in the most humble spirit and painful sorrow. I would like Your Honours to leave a door open to me at all times. I spent the whole day visiting this location and I thank Your Honours for bringing me here and allowing me to meet the victims for the first time to whom I would like to apologize.

Mr. Chum Mey: Your Honours, Co-Prosecutors, ladies and gentlemen. This is what I want. What I want is freedom and it has come. In the past, I was not free to speak out as I am doing now. If someone wished to challenge anybody, he would be hit with a hoe, a bamboo club or a cart axle. I thank Duch for speaking before the court. He has admitted his mistakes and I hold no grudge against him. What I want is justice and peace for a million or so Cambodian people who lost their lives. I am very grateful. My only concern was that he would not speak truthfully before the court. Thank you.

Transcript (KH) of 25 November 2009, [p. 46 Line 10 to p. 48 Line 1]³³

Duch's Final Statement

About my position and behaviour

I. Towards the Cambodian people throughout the country

Before its day of victory, the Communist Party of Kampuchea solemnly declared that it would only prosecute the seven super-traitors. In reality the Party forcibly evacuated the population and many hundreds of thousands of people were killed. These people did not commit any crime after 17 April 1975. The killings went on and on until more than one million people had perished. Among them were people who were outside the ranks, people who did not refashion themselves to be peasants or workers, or those who could not work. And people inside the ranks were arrested and killed because they belonged to different groups within the Party and were replaced with new forces. This monumental destruction both within and outside the ranks is a crime committed solely by the Communist Party of Kampuchea.

I still stand by the statement I made earlier in the hearing in which I attested that Pol Pot became reckless and dared impose such an extremely criminal line because he relied on his forces, especially from the Party where tens of thousands of members followed his orders. I acknowledge that I was a member of Pol Pot's forces. In this spirit, I am morally responsible for the Cambodian people who lost their lives from 17 April 1975 to 6 January 1979. I am deeply remorseful of and profoundly affected by such monumental destruction.

I clearly understand that any ideological theory that talks about loving the people within a concept based on a class system and in a context of class struggle can only impel us towards

³³ Transcript (EN) of 25 November 2009, [p. 66 Line 23 to p. 69 Line 22].

endless tragedy and misery. I still maintain that a decision to choose which path to take is made in a matter of seconds. Once the decision is wrongly made, however, the repercussions of the wrong choice can lead to lifelong remorse.

By believing that I could contribute to liberating the country and its population, and to serving the people, I devoted myself to the nation and the people, giving my strength and my intelligence. I sacrificed everything I had and was even ready to sacrifice my own life. However, I found myself serving a criminal organization which smashed a large number of its own people and from which I could not withdraw. I was a cog in an unstoppable machine.

II. For the victims of S-21 and their families

I still claim that I alone am responsible for the loss of at least 12,380 lives. These people, before their death, endured intense and prolonged suffering and countless inhumane conditions. I wish, now and forever, to respectfully and humbly apologize to the souls of the dead. I pray to God to allow those souls to rest in peace. To the survivors, I still stand by my acknowledgment that I am morally and legally responsible for all crimes inflicted on you at S-21. As for the families of the victims, I will always maintain my humble and respectful behaviour by asking you to kindly leave a door open for my apology. I wish to always share your immense and enduring sorrow.

III. In order to express my deepest remorse

I have fully and sincerely co-operated with the Court at all times for 10 years, 6 months and 17 days including the investigation phases at the Military Court and at this Court. Finally, I have made a genuine request to the psychological experts to help me with the ideas on what I can do to make people recognize me as part of humankind again. In order to contribute to relieving the great sorrow of the Cambodian people, I promise I will do everything for my people, should they need me in the future in whatever circumstances. I pray the Court consider this additional point when it makes its decision.

Transcript (KH) of 30 March 2011, [p. 113 Line 23 to p. 114 Line 2]³⁴

Duch's Final Statement at the Appeal Hearing

I would like now to present my stand to the Cambodian people. First, I still maintain my position of legally responsible for the victims suffered at S-21, and for psychological damage

³⁴ Transcript (EN) of 30 March 2011, [p. 129 Lines 13-19].

for the victims throughout the country. I still maintain my position to ask for forgiveness for the soul of the victims of 12,273 people who lost their lives at S-21, and for the families of those victims to accept my apology and forgiveness.