



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

The second of April, two thousand and eight, at 9:20 a.m.

We, **You Bunleng ឬ ប៊ុនហ្គេង** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers,

with **Mr. Ham Hel ហាម ហ៊ែលីល** 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 ចាន់ណុរ៉ា** and **Tanheang Davann តាន់ហ៊ីង ដាវ៉ាន់**, sworn interpreters of the Extraordinary Chambers

The Charged Person identified below has appeared before us:

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

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

ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១

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ឯកសារទទួល
DOCUMENT RECEIVED/DOCUMENT REÇU
ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/Date de reception):
..... ១០ / ០៤ / ២០០៨

ម៉ោង (Time/Heure): ១៤ : ២០

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA

កំណត់ហេតុនៃការសួរចម្លើយ

Written Record of Interview of Charged Person
កំណត់ហេតុនៃការសួរចម្លើយនៃអ្នកតប្បក់ខ្លួន
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
Procès-verbal d'interrogatoire
ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):
..... ០៩, JUNE, 2008

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: C.A. FRY

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 13 March 2008:

- Mrs. Chea Leang ជា លាង is represented by Mr. Pich Sambath ពេជ្រ សម្បត្តិ, Senior Assistant Co-Prosecutor
- Mr. Robert Petit is represented by Mr. Alex Bates, Senior Assistant Co-Prosecutor.

Kar Savuth កាវ សាវុត្ត and Francois Roux, Co-Lawyers for the Charged Person, who were duly informed of this interview by summons dated 13 March 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: It appears that there is no trace of any arrest decisions ordered by your superiors (Written records, written orders, etc)? In what form were these decisions made?

Answer by the Charged Person: When Son Sen សុំនីសេន received confessions implicating one or more people, he would examine them and call in the unit involved to discuss them. The arrest decision was made then. Next, Son Sen សុំនីសេន would call me by telephone to inform me of this decision. There was also another practice possible through sending letters. Thus, Division 502 systematically sent me a letter. This was also the case for Division 310, but those letters were less detailed (just a list). I can cite three examples of letters sent by Division 502:

one dated 1 June 1977 (ERN 00002417) in which three prisoners were sent to me: Suo ស្នូ, Sokh សុខ and Lay Chea ឡាយជា, who had already been interrogated by the unit but for whom there were no confessions;

one dated 2 June 1977 sending me three other persons, Chab ចាប, Uk ឌុក, Kib Veuk គីបវ៉ុក (ERN 00002423).

Sometimes, there could also be a reminder letter when the confession was late arriving: such as in the case of the letter addressed by Sou Mett ស្នំម៉េត on 10 August 1977 to

Handwritten signature/initials

request the confession of a person called Sèm សែម, implicated by Sa Um សាអុំ (ERN 00002078 - OCP)

Question by the Co-Investigating Judges: These documents seem to show that you had direct relations with either the units or their leaders regarding the arrest of enemies and thus, that you could receive prisoners without the intervention of your superiors. Is that correct?

Answer by the Charged Person: No. Everything went through Son Sen សុនសែន or, subsequently, Nuon Chea នួនជា . In reality, this illustrates the tactic used by Son Sen សុនសែន and Nuon Chea នួនជា to avoid revealing their names. The letter was supposed to be addressed to me directly by Sou Mett ស្ទីម៉េត, Son Sen សុនសែន had asked him to draft it this way. Yet Son Sen សុនសែន sent it to me and I had to pass on the confessions to Son Sen សុនសែន. Evidence thereof can be found in the last sentence of the letter dated of 10 August 1977 which states that I have to inform Sou Mett ស្ទីម៉េត “via Angkar”. Another piece of evidence results from document ERN 00172986 i.e. the second confession of Mom VOEUN ម៉ុនឿន alias Mony ម៉ុនី, from Division 290, dated February 1977; Son Sen សុនសែន wrote in red “copy to Tāl តាល and Nat ណាត for examination”, which shows that the confession was addressed to him, although I would have been able to send it directly to Tāl តាល or Nat ណាត whom I knew very well.

Question by the Co-Investigating Judges: Was it the same procedure for all units? It appears from the documents annexed to the Report on execution of Rogatory Letter, dated 24 March 2008, (ERN00173324) that arrested persons could be sent from various places (ministries, regiments, divisions...) and could belong to different categories (combatants, New People, etc.). Was there a common procedure or did it differ in each individual case?

Answer by the Charged Person: One must bear in mind the specificities of S-21 ស៊ី២១ . This centre was run directly by the Central Committee. More precisely, all prisoners were sent further to a decision of the Standing Committee: in practice, initially upon Son Sen’s សុនសែន decision and then Nuon Chea នួនជា ’s. Initially, S-21 ស៊ី២១ was just for important prisoners, or those from Phnom Penh, as well as members of the Central Committee. At first, low ranking

combatants only came to S21 ស៊ីហ្វ if arrested in Phnom Penh. Yet subsequently, when the repression intensified, S-21 ស៊ីហ្វ also received people from the countryside.

I also witnessed massive arrivals of prisoners from certain zones: for instance, when the head of the West Zone Security Centre, Vi វី, was arrested, I saw many people arriving from that Zone. These arrests preceded the arrest of Vi's វី superior, Chou Chét ជូជេតិ alias Si ស៊ី. This was an implementation of Ho Chi Minh's doctrine: "before cutting the bamboo, one must trim the thorns". Likewise for the North West Zone. Furthermore, just before the evacuation of S-21 ស៊ីហ្វ in January 1979, Nuon Chea ណួនច័រ៉ា sent hundreds of persons for execution without interrogation.

Question by the Co-Investigating Judges: Some prisoners are presented in the documents previously cited as coming from S-21 D ស៊ីហ្វ-ឃី. What was that?

Answer by the Charged Person: I do not know. It might have been Prey Sar ព្រៃស but I do not think I ever heard of that.

Question by the Co-Investigating Judges: What about S-24 ស៊ីហ្វ?

Answer by the Charged Person: I do not know.

Question by the Co-Investigating Judges: You have declared (WR 28 March 2008 p.4 (Eng)) that, at first, S-21 ស៊ីហ្វ personnel had been assigned to transport Vietnamese POWs and that this system was subsequently abandoned. Could you tell us about the procedure that was used afterwards?

Answer by the Charged Person: As we are re-reading the Written Record dated 28 March, I note that I got confused: when I talked about transportation carried out by S-21 ស៊ីហ្វ personnel with a special laissez-passer, I meant Khmer prisoners in general and not Vietnamese POWs. For the Vietnamese, S-21 ស៊ីហ្វ was never in charge of their transportation. The POWs were sent directly to us by the unit who had arrested them. Lin generally transmitted the list to me and the Vietnamese arrived directly at S-21 ស៊ីហ្វ ; there was no preliminary selection.

Question by International Co-lawyer François Roux: In the other prisons of the country, was the same system of interrogation and execution implemented as the one in S-21 ស២១ ?

Answer by the Charged Person: Yes, the other Security Centres carried out interrogations and executions too. A piece of evidence: my brother-in-law Kao Ly Thong Huot កៅលីថុងហួត alias Thoeun ធៀន worked as the deputy head of the interrogation office at Kompong Thom កំពង់ធំ Security Centre. Another piece of evidence can be found in document ERN 00172688, which is a Written Record of interview from the Sector 21 Security Centre.

The Written Record of Interview was suspended at 12:00 a.m.

At 2:35 p.m. on the same day, we continued the interview.

Question by Co-Investigating Judge YBL: Why was a Written Record from Sector 21 found at S-21 ស២១ ? And why were there not any others?

Answer by the Charged Person: It was from Ly Phèl's លីផែល interrogation. He was Chief of Staff of the Eastern Zone, and was an interrogator himself. When he was arrested, he was interrogated by the Security Office of Sector 21 in the East Zone, and this Security Office sent a report to the Standing Committee. The Standing Committee was not satisfied with the answers and ordered that he be transferred to S-21 ស២១ . At least that is my interpretation. This is not the only example of this sort of situation: I remember, in particular, the case of Bun Sany ប៊ុនសានី who was also interrogated in the East Zone before his transfer to S-21 ស២១ , by Ly Phèl លីផែល himself. As per usual, this was upon orders from the Standing Committee. We do not have the Written Record of Bun Sany's ប៊ុនសានី interview by Ly Phèl លីផែល, but his confession - which was later taken at S-21 ស២១ - is in the case file (ERN 00172699).

Question by Co-Investigating Judge: Ly Phèl's លីផែល confession shows that the names of two implicated persons - Sao Yann សោយ៉ាន់ and Cheak Tat ជាកតាត - were removed (ERN 00172721, 724 and 725). Why and in what conditions?

Answer by the Charged Person: This was the result of my superior's successive instructions. As I noted on the first page (ERN 00172707): "*non comprehensive report, name*

of the Old Man removed". The name of Sao Yann សោយ៉ាន់ (Sao Phim សោភឹម in fact) Secretary of the Eastern Zone and Second deputy-secretary of the Standing Committee could not appear, neither could the name of Cheak Tat ជាតតាត, (deputy-secretary of Division 170), if we wanted to use the confession.

Question by Co-Investigating Judge: Did that happen often? What does the expression "if we wanted to use the confession" mean?

Answer by the Charged Person: The superiors followed the confessions of important people closely and I was frequently asked to remove names. Sometimes, it was provisional, like in Sao Phim's សោភឹម case, sometimes it was because they wanted to protect the implicated person.

Question by Co-Investigating Judge: Why did you keep a copy of the non-redacted confession, moreover, specifying that a name had been removed (ERN00172707)?

Answer by the Charged Person: That was only in the case of those who were provisionally cleared but who would eventually be arrested. For those who were protected, I destroyed the confession. For instance, this happened when I was criticised by Son Sen សុនសែន for having left the name of Pâng ប៉ង in a confession, who was Chairman of the 870 Committee working group and Pol Pot's ប៉ុលពត messenger to me. Some time later, he actually blamed me for the reverse: I had removed the name of Pâng ប៉ង when he was hoping to see it.

Question by International Co-lawyer Francois Roux: Given the conflicting orders you received from different people and given the fact that your predecessor had been executed at S-21 ស២១, did you not fear that your turn would come eventually?

Answer by the Charged Person: I have already explained that each time I was summoned by the superiors I was terrified and so was my wife. I was more and more scared after the arrest of Ngeth You ង៉ែតយូ alias Hong ហុង, So Chea សូជា, Chhay Kim Hor គាយគឹមហ៊ុំ, Vorn Vet វ៉នវ៉េត and In Nat អ៊ិនណាត. I was living one day at a time. The time I was the most afraid was when Nuon Chea នួនជា decided to take all the AK 47s, leaving us with M-16 and handguns only and to send all the prisoners to Choeng Ek ជើងឯក in January 1979.

Question by Co-Investigating Judge: Is it Pol Pot ប៉ុលពត himself who asked you to make his portrait and sculpt his bust?

Answer by the Charged Person: No. Pol Pot ប៉ុលពត was wily and Pâng ប៉ង was used as an intermediary to bring me photos.

Question by International senior assistant Co-Prosecutor Alex Bates: You declared this morning that you had no direct relations with Sou Mett ស៊ីម៉េត and that the letters he sent to you were in reality routed through Son Sen ស៊ុនសែន, who concealed his intervention. I would like you to examine six supplementary documents, in view of which this version does not seem plausible.

Answer by the Charged Person: I shall read these documents and will give you my observations, if any, next time, but I maintain that I never had any direct contact with those responsible for units, whether Sou Mett ស៊ីម៉េត or anyone else. This was an inviolable discipline.

Declaration by the Co-Investigating Judges: The six new documents (ERN 00052994-00002416-00002422-00002436-00006726-00052992) submitted by the Co-prosecutors, are annexed to the case file further to this Written Record.

We hereby inform the Co-prosecutors, the Charged Person and his Co-lawyers that the next interview shall take place on 30 April 2008 at 9:00 am.

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.

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

At 17.10 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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~~D 26/24~~~~DC 8~~

00052994

DO7315
TSL

To Comrade Brother Duch for information:

1. After obtaining the confession of Soam (សោម) of M-62, we have transferred the followings to S-21:
 1. Phorn (ផ្នែ), whose wife named Phal (ផល) [the network of Soam (សោម) of M-62], was sent on 30.03.77.
 2. Sie (ស៊ី), whose wife named Hoeung (ហ្វែង), is a traitor and has already been arrested. Also, he is Saom's (សោម) network of M-62 [31.03.77].
 - * 3. Muk (មុក), a member of Battalion 512 [based on the confessions of Sarum (សារុំ) + Soam (សោម) of M-62], was sent during the night of 31.03.77.
 - * 4. Phal (ផល), a member of Battalion 514 [based on the confessions of Sarum (សារុំ) + Soam (សោម) of M-62], was sent in the morning of 01.04.77.
2. I wish to request Angkar's advice on the remainder in order to take further action.

01.04.77

For Military Committee of Division 502

Meth (ម៉េត)

Signature

~~086/24~~~~D68~~

00002416

D1066, P1 XXX6
T.S

To Comrade Brother Duch for information:

1. In the night of 29.05.77, I transferred 27 traitors from the networks of Divisions 310 and 450; and traitors from the networks of Sok (សុខ) (25), Soam (ស៊ាម), and Mao (ម៉ៅ).
- Last evening, we sent only 25 traitors. Two more traitors will be transferred this afternoon and this evening. And the names are already included in the list.
2. Tonight at 7 or 8 p.m., I will transfer four more traitors, belonged to the previous 25-traitor network (the networks of XX and XX, which I sent to you on 25.03.77). The confessions of the four were obtained by XX, and they are acting against our Angkar at present.
3. Tonight at 10 or 11 p.m., I will send X7 more traitors, of whom are the previous network of Mao (ម៉ៅ).
4. Last day, you said you were going to provide us with Mao's (ម៉ៅ) confession. If Angkar allows, I would like to have that confession in order to search for more enemies.

30.05.77

For Military Committee of Division 502

Meth (ម៉េត)

Signature

~~086/24~~

~~D 68~~

00002422

Extra
TS

To Comrade Brother Duch for information:

1. At 2:30, I transferred Sun Heng (ស៊ុន ហេង) based on the confessions of Mao (ម៉ៅ), Soam (សោម), and Pang (ប៉ាង). He/she engaged in activities as subsequently mentioned in the dossier.

To Brother Chan (ចាន់):

01.06.77

Conduct mild interrogation.

For Military Committee of Division 502

Signature

Meth (ម៉េត)

01.06.77

Signature

~~D 26 / 24~~~~D 68~~

00002436

Duch, S-21 chief: Communication

DO7323

To Comrade Brother Duch for information:

1. I would like to transfer Saem (សែម), the Company's secretary of Battalion 512. Sa um (សាអុំ) and XX (Battalion 512) confessed that he/she belonged to their network of traitors.

28.07.77

Interrogate promptly

For Military Committee of Division 502

Meth (ម៉េត)

Signature

086/24

~~DGS~~

00006726

10X9
T.S

To Comrade Brother Duch for information:

- We would like to transfer:

1. Srey Sareoun (ស្រី សារ៉េអ៊ុន) was the former member of Battalion of Sector 25 and subsequently of Division 703. He was then transferred to the Air Force Unit. There is a large amount of evidence from the traitors of Sector 25 and Division 703 against this individual.
2. Sam Ly (សំ លី), formerly of Battalion of Division 450, has not been implicated by any enemies. However, he/she has later been reported of undisciplined activities. We would, therefore, like to include this individual as well.

-The two individuals named above both received technical education abroad.

Please conduct further
review the case of
contemptible Ten (តិណ).

03.10.77

For Military Committee of Division 502

Signature

Meth (ម៉េត)

04.10.77

Signature

00052992

DO7279
TSL

To Comrade Brother Duch for information:

1. I would like to transfer the following names:

1. Hy Seyha (ហ៊ី ស៊ីហ្សា), formerly of Battalion of Division 11 and subsequently of Division 502, was a student from abroad. Quite number of traitors of contemptible Soam's (សោម) network has implicated this individual.
2. Thai Bun (ថៃ ប៊ុន), formerly of Battalion of Division 310, was also a student from abroad. Contemptible Hak (ហាក់) has also implicated this individual.
3. Chem Yak (ជឹម យ៉ាក់) alias At (អាត), formerly of Battalion of Division 310, was also a student from abroad.
-Contemptible Hak (ហាក់) has also implicated this individual.

04.10.77

For Military Committee of Division 502

Meth (ម៉េត)

Signature