

CASE INFORMATION SHEET



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

KAING GUEK EAV, alias DUCH



Last name: **KAING**

First name: **Guek Eav**

Case File N° 001/18-07-2007/ECCC-TC

Next Public Hearing: Substantive hearing, Trial Chamber, starting from 30 March 2009

Born on 17 November 1942 in the village of Poevveuy in the province of Kompong Thom

Detained by Order of Provisional Detention, 31 July 2007

Defence Counsel: Kar Savuth (National) & Francois Roux (International – France)

Status

Indicted and sent to trial for **Crimes Against Humanity, Grave Breaches of the Geneva Conventions** of 1949, and **Homicide** and **Torture** pursuant to the 1956 Penal Code: offences which are defined and punishable under Articles 3, 5, 6, 29 and 39 of the Law on the establishment of the Extraordinary Chambers as amended 27 October 2004.

Position in Democratic Kampuchea Regime

Deputy Secretary then Secretary of S-21 (the security centre widely known as Tuol Sleng)

Key Allegations

Duch acknowledges that he was head of S-21. From 1975 to 1979, Duch allegedly occupied posts at “Office S-21”, the headquarters of the Communist Party of Kampuchea (CPK) Special Branch of the secret police (*Santebal*). S-21 was unique in the network of security centres given its direct link to the Central Committee and its role in the detention and execution of CPK cadre. Over 15,000 prisoners were executed or died from torture and/or poor detention conditions at S-21. After his promotion from Deputy-Secretary to Chairman and Secretary of S-21 in March 1976, Duch allegedly continued to personally oversee the interrogation of the most important prisoners and to be ultimately responsible for S-21. Initially, prisoners were executed and buried in and around S-21. Somewhere between 1976 and mid 1977, partly in order to avoid the risk of epidemic, the execution site was relocated to Choeng Ek outside of Phnom Penh though some executions and burials continued to take place at or near S-21. Choeng Ek consisted of a wooden house where prisoners were held until just before their execution and a large area with pits for executions.

In August 2008, the Co-Investigating Judges found that there was sufficient evidence to indict Duch for crimes against humanity and grave breaches of the Geneva Conventions of 1949. According to the Co-Investigating Judges’ Closing Order, the investigation demonstrated that, while Duch was not a senior leader of Democratic Kampuchea, he may be considered one of those most responsible for crimes and serious violations committed between 17 April 1975 and 6 January 1979, due to his hierarchical authority and his personal participation as Deputy Secretary then Secretary of S-21. The Pre-Trial Chamber subsequently amended the Closing Order to include an indictment for the domestic crimes of homicide and torture.

CASE INFORMATION SHEET

Personal Background

In 1965 Duch became a mathematics teacher, and was allegedly drawn toward communism. He was arrested in 1968 by Sihanouk's police, then set free when Sihanouk was overthrown in 1970. From July 1971 until January 1975, Duch was allegedly the Chairman of Office 13 or M13 (another Communist Party security office north of Phnom Penh). He allegedly remained with the Khmer Rouge until he returned to teaching in the early 1990s. After the death of his wife in a burglary in 1995, he converted to Christianity and moved to the sub-district Samlaut where he lived until being discovered by a journalist in 1999. He was then arrested by the Cambodian military authorities.

31 Jul. 07 – Provisional Detention Order, Co-Investigating Judges

19 Nov. 07 – Report of examination of Co-Investigating Judges Detention Order, Pre-Trial Chamber. (*Describing the Provisional Detention Order, the Prosecution and Defence's submissions and relevant facts from the case file in advance of the hearing on provisional detention.*)

3 Dec. 07 – Decision on Appeal Against Provisional Detention Order, Pre-Trial Chamber. (*Affirming the Co-Investigating Judges' Provisional Detention Order of 31 Jul. 2007.*)

20 Jun. 08 – Order Concerning Translation Rights and Obligations of the Parties, Co-Investigating Judges

Select Key Public ECCC Decisions & Orders*

28 Jul. 08 – Order on Extension of Provisional Detention, Co-Investigating Judges

8 Aug. 08 – Closing Order Indicting Duch, Co-Investigating Judges

13 Oct. 08 – Decision on Notification of Recusal of Judge Ney Thol, Pre-Trial Chamber. (*Accepting Judge Ney Thol's notification of recusal.*)

14 Oct. 08 – Decision on Ieng Sary's Motion to Disqualify Amicus Curiae (in Duch's Case File), Pre-Trial Chamber. (*Denying Ieng Sary's request to intervene in this issue.*)

5 Nov. 08 – Decision on Urgent Joint-Defence Request to Intervene On the Issue of Joint Criminal Enterprise, Pre-Trial Chamber. (*Denying Ieng Sary's request to intervene in this issue.*)

5 Dec. 08 – Decision on Appeal Against Closing Order Indicting Duch, Pre-Trial Chamber. (*Granting the Co-Prosecutors' appeal to include the domestic crimes of homicide and torture in the Closing Order, but denying their request to include Joint Criminal Enterprise as a mode of liability.*)

*These and other Decisions and Orders are available at: http://www.eccc.gov.kh/english/court_doc.list.aspx

Extraordinary Chambers in the Courts of Cambodia

Case Information Sheets are prepared by the Public Affairs Section to assist public understanding of the cases before the ECCC. While every effort is made to ensure the accuracy of information, they are not official documents with any legal standing.

Contact us: National Road 4, Chaom Chau Commune, Dangkao District, P.O. BOX 71 Phnom Penh, Cambodia
Tel: (855) 23 219814; Fax: (855) 23 219841
Email: info@eccc.gov.kh;

<http://www.eccc.gov.kh>