



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: 002/19-09-2007

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

The year two thousand seven, the month of September, the 26th day, at 9:45 hours.

We, **You Bunleng យូ ប៊ុនហ្គេង** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers, with Mr. **Ham Hel ហាម ហែល** and Mr. **Ly Chantola លី ច័ន្ទតុលា** as Greffiers

Noting the Law on the Establishment of the Extraordinary Chambers, dated 27 October 2004

Noting Rule 58 of the Internal Rules of the Extraordinary Chambers

In the presence of **Ouch Channora អ៊ុច ចាន់ណូរ៉ា** and **Tanheang Davann តាន់ហ៊ីរ៉ាង ដាវ៉ាន់ណូ**, sworn interpreters of the Extraordinary Chambers

The Charged Person whose identity is set out below having been brought before us:

Last name: **NUON ឆួន**

First name: **Chea ជា**

Male, Born on 7 July 1926 in the village of Voat Kor វត្តគីរ, Voat Kor វត្តគីរ Subdistrict, Sangke សង្កែ District, Battambang បាត់ដំបង Province, Cambodia

Nationality: Cambodian

Name of Father **LAO Liv ឡៅ លីវ** (deceased), Name of Mother **DOS Peanh ដុស ពាញ** (deceased)

Name of spouse: **LY Kimseng លី គីមសេង** (living) with children: 03;

Before the arrest, residing at Phsar Pruhm ផ្សារព្រហ្ម Village, Pailin ប៉ៃលិន Town;

Previous criminal record: None

Being Charged with:

- **CRIMES AGAINST HUMANITY** and
- **GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949**

Offenses defined in and punishable by Article 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.

Mr. Robert Petit and Mrs. Chea Leang, Co-Prosecutors of the Extraordinary Chambers have been informed of this interview by notification letter dated 20 September 2007:

- Mrs. Chea Leang is present,
- Mr. Robert Petit is represented by Mr. Bill Smith, Deputy Co-Prosecutor.

Mr. Son Arun, lawyer for the Charged Person, having been advised by Summons dated 20 September 2007 and able to examine the case file since that date, is present.

The interview

Question-Answer

Son Arun, lawyer (SA): I would like to request the adjournment of this interview and I have lodged a request to this end. However, I will respect the decision of the Co-Investigating judges on this matter.

Co-Investigating Judges: The time period set out in Rule 58(1) of the Internal Rules has been observed; therefore today's interview shall continue.

Question by YBL and ML: Before the attack and fall of Phnom Penh on 17 April 1975, what were your political responsibilities? What were your roles and activities?

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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

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Answer: I would like to tell the judges that my health is not good and I could not sleep last night and my blood pressure went up to 16, 17, 18. Therefore my brain is not normal. So, [I] request the judges to consider this matter.

Q by ML: What were your political responsibilities, your role and activities after 17 April 1975?

Answer: I was the President of the People's Assembly.

ML: From what date?

Answer: I do not remember the date. If the judges allow me to rest I can enlighten the court later.

ML: Recently, you said that you want to enlighten the world about the truth. Therefore this is the time to do so.

Answer: Yes, that is correct. However today my health is not that good.

ML: Does this mean you refuse to answer all the questions today?

Answer: I do not refuse, but my health does not allow it.

ML: The doctor who examined you said that your health is good.

Answer: I would like the questions to be put to those doctors again.

ML: So, we cannot continue this interview, right?

Answer: Even if it continues, it cannot produce a good result.

ML: Is this another way of requesting an adjournment of the interview?

Answer: This is not a mannerism. It is the truth.

YBL: When did the doctor examine your health?

Answer: The doctor examined me twice, once in the afternoon, once in the morning.

YBL: What did the doctor tell you about your health?

Answer: He said the blood pressure was at 18 and that for the second examination it was 15, 16.

YBL: What else did the doctor specify on this issue?

Answer: There are no other details. The judge(s) can call and ask the doctor.

Bill Smith: Our office received the application to adjourn the interview this morning but we were not able to examine the application. If we had received it beforehand, we would not have had any

objection to the defense lawyer having adequate time to prepare the defense. Also, perhaps the Charged Person should be reminded of the right to remain silent and not to answer any questions according to Rule 21(d) of the Internal Rules.

ML: First, Mr. Nuon Chea appears to be perfectly aware of the right to remain silent and not to answer any question and, second, additional time for the preparation of the interview does not seem to be a solution to this health issue.

YBL: If the doctor examines your health here and confirms that your health is good, would you agree to continue this interview?

SA: I would like to raise two points. First, as a lawyer: yesterday I informed judge You Bunleng that I only had two days to prepare my client's defense. I did not have adequate time to examine the case file in order to participate in my client's defense. Therefore, at the last minute I lodged an application in writing for adjournment.

Second, Mr. Nuon Chea raised the issue of poor health. He could not sleep and his blood pressure was high. I went to visit him daily. His blood pressure is high. And he told me that if [the blood pressure] reaches 17, 18 it makes him sick, it makes him irregular. Yesterday I met the doctor and the doctor said the blood pressure had reached 16. My client found it very difficult to sit down this morning. Therefore, may the judges adjourn this interview so that proceedings will go better at a later stage.

- The interview adjourned at 10:40 hours in order to allow for the health examination of the Charged Person.

At 14:20 hours on the same day, we continue the interview.

Based on the medical report of the doctor who confirmed the health condition of the Charged Person we hereby decide to adjourn the interview to a later date.

- The original of the audio-visual recording is sealed in the presence of the Charged Person and his lawyer and we signed it together with the Greffiers, the Co-Prosecutors, The Charged Person and his Lawyer.
- A copy of the audio-visual recording is provided to the Charged Person.

At 14:40 hours, we had the Greffiers read aloud this Written Record of Interview of Charged Person as recorded.

- The record having been read aloud and understood, the Charged Person had no objections and agreed to sign.

Charged Person Lawyer of Charged Person Co-Prosecutors Interpreters Greffiers Co-Investigating Judges

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