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ឯកសារបញ្ជាក់ថាជាកម្រិតត្រឹមត្រូវតាមច្បាប់ដើម
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ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):
 09, JUNE, 2008

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

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

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception):
 04.1.02.2008

ម៉ោង (Time/Heure): 14.h.50

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
 du dossier: CHEA Kosal

កំណត់ហេតុនៃការស៊ើបអង្កេត
Written Record of Interview of
Charged Person
Procès-verbal d'interrogatoire

The twenty fourth of January, two thousand and eight, at 9:10 a.m.

We, **You Bunleng ឬ ប៊ុនឡេង** 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

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 ហ្គេកក្សីវ 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.

The original of this record is written in the Khmer language.

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

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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 09 January 2008:

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

Kar Savuth កាវ សាវុត្តិ and Francois Roux, Co-Lawyers for the Charged Person, who were duly informed of this interview by summons dated 09 January 2008, and have been able to examine the case file since that time, are both present.

Interview

Questions-Answers:

Question by Co-Investigating Judge ML

You declared on 21 January 2008 that you arrived in Samlautសំឡូត on 30 December 1979 and that from that point onwards you were “prisoner” of the regime. What did you do between 3 January and 30 December 1979?

Answer by the Charged Person

On 3 January 1979, I was very tired, both physically and mentally. I slept all day, up until 7 January at 2:00 p.m. when I left S-21 ស២១ with a unit of around 200 persons. I met the armed forces of the AAD (Anti Aircraft Defence) in Chamkar Daungចំការដូង, where my re-education unit from Prey Sarជ្រៃស joined me. I was told that everybody had already left. I then escaped with my group. When we reached my wife’s native village in the subdistrict of Peamព័ម, I presented myself to the Secretary of Region 31, in the Western Zone, called Yimយឹម, from whom I requested asylum and food. I then kept on going and met Sarunសារុន, Deputy-secretary of the North Western Zone (the Secretary of which was Ta Mokតាក) with whom I escaped to Samlautសំឡូត.

Question by Co-Investigating Judge ML

Didn't you have the chance to escape in the course of this journey?

Answer by the Charged Person

I could not move around freely; I feared the Vietnamese and, although I was under the protection of Yimយឹម and then Sarunសារុន, I was also under their control. At no moment was I left alone. The

group that left S-21 ស២១ and crossed National Road 4 quickly divided into two groups. Vannវ៉ាន់ went South with part of the group and I stayed with the others. I maintain that at no moment did I have a chance to escape.

Question by Co-Investigating Judge ML

At your last interview, you indicated that at the end of 1977 you wrote to Son Sen ស៊ុនសែន about certain confessions that implicated too many people. Yet, you declared previously (interviews dated 7 and 23 August 2007) that from August 1977, you had dealt only with Nuon Chea នួនជា. What can you tell us about this discrepancy?

Answer by the Charged Person

I am sure Nuon Chea នួនជា convened me to the *lycée bouddhique* on 15 August 1977 because it was a very important event for me, to be convened by the number 2 of the Communist Party of Kampuchea who had a reputation for being mean. I may have made a mistake regarding the date of the letter to Son Sen ស៊ុនសែន... But I must also say that - contrary to what I said in August - I stayed in contact with Son Sen ស៊ុនសែន after Nuon Chea នួនជា replaced him. I would regularly speak with him on the phone, at least every 15 days or once a month. I also participated in an education session with Son Sen ស៊ុនសែន, upon his request, in October or November 1977. The contact with him was cut off after he was implicated by some confessions in the second half of 1978.

Question by Co-Investigating Judge YBL

Do you confirm your explanations regarding the transfer from S-21 ស២១ to *lycée Ponhea Yat* ពញាយ៉ាត?

Answer by the Charged Person

I confirm what I declared on 22 November. This decision was indeed made at my initiative. However, I am not absolutely certain as to the date.

Question by Co-Investigating Judge YBL

You explained that you provided training at S-21 ស២១. Does the document ERN 00007445 to 00007513, which contains instructions regarding interrogation and use of torture correspond to the content of the training you organised?

Answer by the Charged Person

I need time to study the document in detail. I will give you my written observations related thereto as soon as I have read it.

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Question by the Co-Investigating Judges

Could you also send us your observations on documents ERN 000077661 to 000078056 on the one hand and 000077442 to 000077660 on the other hand?

Answer by the Charged Person

I will do too.

Question by Co-Investigating Judge YBL

Could you explain how and why the various lists of prisoners, interrogations and executions were established, such as for instance document ERN 000019192 that we are showing to you?

Answer by the Charged Person

I was only in charge of the confessions and do not know all the details.

Question by Co-Investigating Judges ML

We are not asking you about the details here, but about the general operation of S-21ស៊ីខ្យ. You sound like you knew nothing about it and that you only had a secondary role in the exploitation of the confessions.

Answer by the Charged Person

I maintain that my superiors had assigned me the confessions; Comrade Horឃី was in charge of the establishment of lists, the logistics and transfer of prisoners to be executed. He was also in charge of the allocation of victims to the interrogators except for the most important prisoners, whom Son Senស៊ុនសែន had assigned me, after the leaks in the Phimគឹម case, as I already told you. Horឃី was relatively autonomous in his work. I intervened only when a problem occurred like, for example, the two incidents I already mentioned and for which I drafted reports, namely the suicide of Kângកង and the gunshot by a detainee who had taken an M16 from a guard.

Question by Co-Investigating Judge YBL

The list that I am showing you now is no different from the one you first denied then admitted having annotated (see interview of 29 November).

Answer by the Charged Person

When the prisoners arrived, Horឃី would prepare lists for me. I insist that I am not trying to conceal the truth, but the facts are 30 years old and sometimes I do not remember well. Sometimes, also, I do not understand your question very well.

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Question by Co-Investigating Judge YBL

Here are four documents with annotations, what can you tell us about them, starting with a letter dated 1 June 1977 (ERN 00001889)?

Answer by the Charged Person

The Director of Kampong Soamកំពង់សោម harbour, named Thuch Rinធុច័រិន alias Krinគ្រិន, wrote this letter. It reached me through Son Senសុនសែន. I recognize that I noted in the margin "to the attention of Comrade Chanហ៊ាន, for interrogation using the Cold method".

Question by Co-Investigating Judge YBL

Second, about document ERN 00001898, dated 5 August 1977

Answer by the Charged Person

I acknowledge having drafted this note as well as the annotation in the margin.

Question by Co-Investigating Judge YBL

Thirdly, about the list including the names of the "persons to be withdrawn (families of Sokសុខ and Mai Lunម៉ែលុន)" (ERN 00007270)?

Answer by the Charged Person

I acknowledge having written in the top left corner "interrogate four persons, kill the rest". This list had been sent by Huyហ៊ឺយ, who was in charge of the prisoners in the rice field at Prey Sarព្រៃស. He had requested that three of these persons be interrogated: numbers 13, 14 and 15 (see the note at the bottom of the list). They were blamed for various incidents (possession of dollars, insults, project to leave for Battambangបាត់ដំបង, etc). I reported this to Son Senសុនសែន by telephone and Son Senសុនសែន instructed me to interrogate the four persons mentioned under numbers 1, 2, 13 and 14 and to have the others executed. I think numbers 1 and 2 were chosen because of their family connections: they were the father and mother of Sokសុខ (Secretary of the Secret Force of the Communist Party in Phnom Penh before 1975) who had already been arrested. Regarding numbers 13 and 14, they were relatively old and Son Senសុនសែន probably wanted to know whether they had outside connections. I do not recall any additional details. I can add that Sokសុខ was the son-in-law of Mai Lunម៉ែលុន, who was suspected of belonging to the Popular Movement, the Khmer Liberal network.

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The Written Record of Interview was suspended at 12:20 a.m.

At 2:40 p.m. on the same day, we continued the interview.

Question by the Co-Investigating Judge YBL

What can you say about document ERN 00001891?

Answer by the Charged Person

I acknowledge having drafted the handwritten annotation, “*To the attention of uncle Pengប៉ែង, kill them all, 30 May 1978*”. It was the second time I intervened in an execution because Horហ៊ី was absent, as I explained when interviewed on 29 November last year. This document is only the first page and the whole list consists of several sheets. The first time I interfered in this process relates to document ERN 000040750 to 000040756 (which I commented on 28 November 2007, identifying it by the term “list B2 TSL 1865”). Please note that I do not remember the exact number of victims for this execution, dated 30 May 1978. If it was an exceptional execution, a mass execution (such as the one ordered in January 1979 for all the prisoners remaining at S-21ស៊ីង្ស, except for four of them), then it was Nuon Cheaឡាន់ណា who gave me the order. If it was an “ordinary” execution, then I made the decision because of Hor’s ហ៊ី absence without any particular instructions from Nuon Cheaឡាន់ណា.

Regarding the other time where that I intervened in the absence of Horហ៊ី, I am sure Son Senសុនសែន gave me the execution order. I would like to add regarding the mass executions that there were several: the one in January 1979 was preceded by another one in December 1978; about 300 prisoners were executed as soon as they arrived at S-21ស៊ីង្ស, without interrogation and on Nuon Chea’s ឡាន់ណា order (the Eastern Zone had rebelled and interrogation was unnecessary because we were sure of the prisoners’ betrayal and were looking for Sor Phimស៊ីម).

Regarding the execution dated of 30 May 1978, I would like to specify that Horហ៊ី had given his instructions to Pengប៉ែង (chief of the guards) before his departure. But since Sous Thyស៊ុយធី disagreed (in charge of registers and documentation – see charts attached to the interview dated 29 November 2007), he demanded my written advice. That is why I signed this statement.

Question by Co-Investigating Judge YBL

At the last interview, the significance of the terms “*purgeសម្រិតសម្រាំង*” and “*resolveដោះស្រាយ*” were addressed in the written records of the Standing Committee or the Permanent Committee meetings. Could you explain?

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Answer by the Charged Person

I was referring to documents such as the written record you presented, entitled “*Written Record of the visit Permanent to the North Western Zone*” (ERN 00008485 to 00008493). In this document, the term “*purge សម្រិតសម្រាំង*” means “*remove the enemies from our ranks, the army, the population so that our ranks, the army and the population be healthy*”.

Statement by Co-Investigating Judges

We give you with a series of lists with respect to which we would like to obtain your written observations before the next interview, namely documents ERN 00006728, 00006957 to 00006968, 00006969 to 00006978, 000040228, 000086819 to 000086821, 000090284 to 000090290.

We are also giving you a copy of some pages of the magazine “*Searching for the Truth*”: n°8 of August 2000, page 16; n°31 of July 2002, pages 10 and 11; n°6 of June 2000, page 14; n°19 of July 2001, pages 25 and 26; n°25 of January 2002, pages 16 and 17.

Amongst other things, we would like you to indicate whether these ERN documents do come from S-21 ស២១, add any useful details on the various categories of prisoners established (women, children, professors, Vietnamese soldiers, foreigners, etc.), and specify whether any of the guards were minors, and if so how many.

Answer by the Charged Person It is agreed.

Statement of Alex Bates, Senior Assistant Co-prosecutor

The Co-prosecutors will provide a written note with their observations as well as the questions which they believe remain to be asked to the Charged Person, and will request the time required to ask these questions.

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 16.43 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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