



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 twenty-eight of March, 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 អ៊ុច 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.

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ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

ឯកសារត្រូវបានបញ្ជាក់ថាជាកម្រិតតាមច្បាប់ដើម

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ថ្ងៃ ខែ ឆ្នាំ ថ្ងៃការបញ្ជាក់ (Certified Date/Date de certification):

09 JUNE 2008

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé

du dossier: C.A. FRY

កំណត់ហេតុនៃការសួរចម្លើយ

Written Record of Interview of

Charged Person

ឯកសារទទួល

Procès-verbal d'interrogatoire

RECEIVED/DOCUMENT REÇU

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

08/04/2008

ម៉ោង (Time/Heure): 08h30

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 (ព្រះជីវិត 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 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: Did you know about the fighting between Khmer Rouges and Vietnamese forces in the Gulf of Siam just after 17 April 1975? If yes, what did you hear about that matter? If not, when were you informed for the first time of an armed conflict between Vietnam and Democratic Kampuchea? What exactly did you know about that matter and how?

Answer by the Charged Person: I was aware of an armed conflict but I have forgotten everything. It seems to me that the conflict first took place in the Gulf of Siam. Subsequently, Son Sen សុនសេន also mentioned a land conflict in the Province of Mondolkiri មណ្ឌលគិរី. Nuon Chea ឆ្មុនជា also mentioned the conflict related to the Brévié line, which was supposed to be a provisional demarcation line. The Vietnamese wanted to make it definitive which [would have] resulted in given up the islands Polo Waï and Krâchâk Ses ក្រុមកង្វះ to Vietnam. I know that two senior representatives of Vietnam, General Vo Nguyen Giap and the Secretary General of the Communist Party Lê Duân, came secretly to Phnom Penh in 1975. That visit occurred before the creation of S-21 ស៊ីឡា, while I was still living at the Train Station with the messenger group. I do not know any more about that visit. I can simply report the words of Chhim Sâm-aok alias Pâng, who told me that Pol Pot ប៉ុលពត had made fun of Lê Duân, comparing the Angkor epoch (when stones were carved instead of cultivating rice, resulting in the domination of Cambodia by its neighbours) to the current period, where soil was "carved to cultivate rice" (reorganising each rice paddy's dikes to cover a surface of one hectare). Pol Pot ប៉ុលពត also served a peasant dessert based on palm fruit, saying that, *"In the old times, this desert was for peasants, today the peasants are the masters; they are in the leaders' seat and the dessert is on the table"*.

Question by the Co-Investigating Judges: It appears from the investigation (see, for instance, the combined list of S-21 ស៊ីឡា prisoners, in English, compiled from Documents ERN00080610-00081199 and ERN00161350-00161491), that Vietnamese were detained,

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interrogated, tortured and executed at S-21 ស២១ and Choeng Ek ជើងឯក, Could you confirm and specify how many they were depending on the period? Do you know how many times Vietnamese were sent to S-21 ស២១?

Answer by the Charged Person: Since the beginning of the war and until 1979, I saw Vietnamese war prisoners coming. I know that there were also women because I remember hearing the taped-recorded confession of a woman, which was to be broadcast by radio. I would add that when Vietnamese were interrogated, we only wanted to obtain confessions showing that Vietnam had invaded Cambodia with a view to integrating it into an Indochinese federation. We also wanted to make them say they had nothing to eat and that the Vietnamese military were scared. It was not about interrogating them on Vietnamese attack plans. As regards the numbers of Vietnamese detained, I cannot be very precise but I can say there were hundreds, and that all of them were executed. Their number varied depending on victory in each battle. I cannot be more precise.

Question by the Co-Investigating Judges: Were there also Vietnamese civilians and, in particular, immigrants residing in Cambodia?

Answer by the Charged Person: There were also civilians but they were arrested on the front line when military operations were carried out. Indeed, there were hardly any Vietnamese immigrants in Cambodia after 17 April 1975. In 1970, Lon Nol សង្កុល had sent back a first set of immigrants to their country. In 1973, Lê Duân had asked Pol Pot ប៉ុល ពត to send immigrants located in zones liberated by the Khmer Rouge back to South Vietnam in order to impact on the elections that were to be held there. After 17 April 1975, most of the Vietnamese who remained in Cambodia were eliminated. There were very few left, however, I remember seeing S-21 ស២១ lists carrying the names of Vietnamese who were still living in Cambodia. Civilians and the Military were treated in the same way: they were interrogated and sent to execution.

Regarding the soldiers, they arrived in uniform and were executed either immediately after their confession, or the radiobroadcast of their confession. As I previously explained, a photography session was organised once and a film was also shot. This film was directed by Theng ថេង alias Poule ប៉ូល, Pol Pot ប៉ុល ពត's nephew. There were two scenes: one showing the surrender of the Vietnamese (filmed where we burned the bodies of the four foreigners); the other one, filmed in my office, showed Vietnamese soldiers, one by one, declaring with their fist raised at heads level "*I salute the Communist Party of Kampuchea, my name is ..., my age is ..., my rank is ..., and I have been ordered to invade Cambodia*". The film and photos were used at a meeting held in Jakarta but I am not able to tell you more on that point.

Question by the Co-Investigating Judges: Were Vietnamese civilians and military in any way treated differently from other prisoners at S-21 ស២១?

Answer by the Charged Person: No, they were subject to the same regime as the other prisoners. I am not in a position to indicate whether they were mixed with the other prisoners or detained separately; I was not aware of the details and had not given instructions to this end. The only thing I organised was the interrogation of the Vietnamese: I tasked Mâm Nai ម៉ាណៃ alias Chăn ចាន់ with

the interrogation and I gave him an interpreter, Pha Tha Chan ផាថាចាន់. The only important thing for me was the quality of the confessions so that they could be radiobroadcast.

Question by the Co-Investigating Judges: Was the only purpose of these radiobroadcasts what you explained earlier? Were confessions read over the radio other than those of Vietnamese? Who decided on these broadcasts?

Answer by the Charged Person: The only purpose was the one I explained earlier. Only confessions of Vietnamese were radiobroadcast. It is Nuon Chea ឌួនចា who decided this. I do not remember the exact date but it was at a period where the number of Vietnamese prisoners was large enough to allow a regular broadcast once to twice a week.

Question by the Co-Investigating Judges: Why were Vietnamese soldiers and civilians sent to S-21 ស៊ីង? Who decided to send them to S-21 ស៊ីង?

Answer by the Charged Person: I only know about the transfer of prisoners to S-21 ស៊ីង. I do not know whether Vietnamese were sent to other centres.

Question by the Co-Investigating Judges: Were you informed of the arrival of Vietnamese prisoners at S-21 ស៊ីង? If yes, how? Did you know how Vietnamese soldiers and civilians were transported from the battlefield to S-21 ស៊ីង?

Answer by the Charged Person: Sometimes I was informed by Nuon Chea ឌួនចា but in general, it was Comrade Lin លីន who came to tell me about the arrival of Vietnamese. Regarding the transport, at first, S-21 ស៊ីង personnel sometimes went to get the prisoners, holding a special laissez-passer. This system was subsequently abandoned, especially with the Eastern Zone and we stopped the transport, and S-21 ស៊ីង was only in charge of the reception of detainees.

Question by the Co-Investigating Judges: Do you confirm that there were never any procedural safeguards aimed at assessing the necessity of arrest and detention and granting detainees a trial before they were executed?

Answer by the Charged Person: I confirm that the Party took all the important decisions, ruling the country in an exclusive and absolute manner, as the terms of its statutes themselves state (article 2 or 3). This meant that all the decisions of the Secretary or the deputy-secretary had to be respected and that those who did not respect them had to be eliminated, pursuant to the principle defined by Son Sen សុនសេន, "there was no profit in keeping them and no loss in eliminating them". These principles were obviously not compatible with the existence of tribunals and procedural safeguards.

Question by the Co-Investigating Judges: Is it true that Pha Tha Chan ផាថាចាន់, interpreter for the interrogation of Vietnamese, first arrived at S-21 ស៊ីអេស ២១ as a prisoner and was then used as an interpreter before being executed?

Answer by the Charged Person: He was a cadre of Laotian origin who had been sent to Hanoi after 1954 to get trained. He came back to Cambodia in 1970. He was a member of the Communist Party of Kampuchea and was arrested in 1976 or 1977. Since he could speak Vietnamese, I appointed him as interpreter and asked him to teach Vietnamese to Mâm Nai ម៉ាណៃ. He was not executed. He was the one Van Nath វ៉ាន់ណាត mentioned at the reconstruction when he explained that a Vietnamese had described the use of the bath tub as a torture instrument to him.

The Written Record of Interview was suspended at 11:45 a.m.

At 2:05 p.m. on the same day, we continued the interview.

Question by the Co-Investigating Judges: Were any Buddhist monks imprisoned and executed in S-21 ស៊ីអេស ២១?

Answer by the Charged Person: No. I never saw a single monk at S-21 ស៊ីអេស ២១. This does not mean that there were no crimes against religious people under Democratic Kampuchea, but not at S-21 ស៊ីអេស ២១. The Communist Party of Kampuchea never openly fought religion. For instance, the formula “Religion is the opium of the masses” was not used. In 1973, there was even a theory of Pol Pot ប៉ុល ពត, taught by Vorn Vet វ៉ែន វេត during a training session he led, according to which Buddhism was related to the peasantry and was not, therefore, a reactionary religion. In fact, Pol Pot ប៉ុល ពត rarely spoke about religion. He considered himself much cleverer than Lê Duân in order to resolve the problem of religion. He said “the Buddhist monk’s pot depends on the peasants barn”. That is, Monks did not work and could only live on the charity of the people (the people were encouraged not to give them food and they themselves were malnourished). I would like to quote the constitution of Democratic Kampuchea, pursuant to which the regime respected the freedom of those who believed as well as the freedom of non-believers, but opposed to reactionary religions. My understanding was that reactionary religions were essentially Protestantism and Catholicism. Buddhism was not perceived in the same way, notably because most monks enter religion for only one to three years. As regards Islam, it seems established that it suffered a lot from the Khmer Rouge Regime: certain documents demonstrate in particular that the population of Arab villages was evacuated and executed. Some Mosques were also destroyed to retrieve material required for the construction of dams. Phnom Penh cathedral was destroyed with explosives, but the excuse of retrieving material was not used. To sum up, there was most certainly a lag between theory and practice concerning the regime’s position towards religion, but it was only after 1979 that I heard about the persecution of Buddhists, including action such as turning pagodas into pigsties or torture centres, but I do not contest such action.

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I can say that I did not personally take part in any religious persecution, on the contrary. I kept books related to Buddhist doctrine at home. I even tried to get back my masters' ashes, from Buddhist Monastery number 3, but they had already been scattered by the Khmer Rouge.

Question by the Co-Investigating Judges: How would you define the word “reactionary ប្រតិកិរិយា”?

Answer by the Charged Person: When a force is in movement, any obstacle preventing it from going forward is a reaction. This word applies above all to the Bourgeoisie and Capitalism, although it must be noted that there are two forms of Bourgeoisie: National Bourgeoisie, on the one hand, and Bourgeoisie associated with imperialism, on the other. It is the latter that may be characterised as reactionary. This being said, the term was used more broadly to identify anything that goes wrong, anything in opposition.

Question by International Assistant Co-Prosecutor Alex Bates: Did the Religious practice of the Cambodian population evolve from the point when the Khmer Rouge seized power?

Answer by the Charged Person: The distinction does not start in 1975. As early as 1970, some territories were under Khmer Rouge control, they were the old bases of the Revolution. Certain religious freedoms had already started being restrained there. Monks were supposed to have two roles: pray for the ancestors and glorify the Revolution. People could not celebrate the Festival for the Dead or New Year, for the excuse that we were at war. I learnt that the Security Centre of Division 703 killed the Venerable Huot Tat ហួតតាត, right after 17 April, as You Peng Kry យូប៉េងក្រី alias Mon ម៉ុង reported to me. To sum up, it is true that religious practice was not the same from the point when the Khmer Rouge arrived.

Question by the Co-Investigating Judges: How do you explain that before 1975, the Khmer Rouge started to restrain religious freedom while at that time, it was surely essential to seduce people?

Answer by the Charged Person: From 1970, I lived in an old Khmer Rouge base. It may well be that practices differed in the newly conquered territories. I was reported that in a village, a very famous monk was appointed and assigned to encourage monks to defrock and join the army. This was Koy Thuon's កុយថួន strategy.

Question by International Assistant Co-Prosecutor Alex Bates: Did the Charged Person notice whether any of the leaders or ordinary cadre practised religion between 1975 and 1979?

Answer by the Charged Person: At that time, no one would have dared to practice a religion openly. Everyone pretended not to believe.

☒ 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 17.00 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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