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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

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កំណត់ហេតុនៃការសួរចម្លើយ

Written Record of Interview of
Charged Person

Procès-verbal d'interrogatoire

The twenty-seventh 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 អ៊ូច ចាន់ណូរ៉ា** and **Tanheang Davann តាន់ហៀង 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 ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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Extraordinary Chambers in the Courts of Cambodia, National Road 4, Choam Chao, Dangkoa Phnom Penh
Mail Po Box 71, Phnom Penh Tel: +855(0)23 218914 Fax: +855(0) 23 218941.

Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Choam Chao, Dangkoa, Phnom Penh
Boite postale 71, Phnom Penh. Tel: +855(0)23 218914 Fax: +855(0) 23 218941.

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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 ព្រីជ 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:

The Charged Person: Here are my comments on the circumstances of my meeting with the journalists Nic Dunlop and Nate Thayer and on the book “*the Lost Executioner*”.

Statement by the Co-Investigating Judges: This note shall be placed on the case file as an annex to the present written record.

Question by the Co-Investigating Judges: Could you give us further explanations concerning the structure and functioning of Prey Sâr ប្រេស័រ? What area did it cover? When was it established, why and by whom? Could you also tell us how many people were living in Prey Sâr ប្រេស័រ?

Answer by the Charged Person: Prey Sâr ប្រេស័រ followed on from the Division 703 security centre. The structure existed before my arrival at S-21 ស៊ីម១១: it was established when the Secretary of Division 703 Noeu Phân នៅផែន alias Sok សុខ was swept away Subsequently, Son Sen សុនសេន asked me to re-educate “liberal” combatants i.e. undisciplined, and I told Nun Huy (Srè) នុនហ៊ុយ (ប្រេស័រ) to undertake that task. Son Sen សុនសេន tried to use these combatants in the tank unit once their re-education was completed but it failed. Therefore, Prey Sâr ប្រេស័រ remained essentially the rice production centre for S-21 ស៊ីម១១. Regarding the number of persons, I cannot be very precise but there were several hundred people at Prey Sâr ប្រេស័រ.

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086/20

Question by the Co-Investigating Judges: It appears that at least at one time, Prey Sâr វ្រៃស័រ was composed of five workers units (units 11 to 15). Could you confirm this organisation and explain what each of these units corresponded to?

Answer by the Charged Person: I am not in a position to give you many details since it was Huy ហ៊ុយ who was in charge of the organisation.

Question by the Co-Investigating Judges: You have confirmed (Interview OCII DUCH, 23/08/2007, ERN 00147926-001477935 (fr.), p.5) that you were in charge of general policy at Prey Sâr វ្រៃស័រ. Did you ever visit Prey Sâr វ្រៃស័រ as such? If so, how many times?

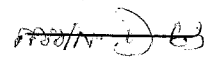
Answer by the Charged Person: I remember visiting the place four times. I went there once to give an education session, once with Hor ហ៊ុន to meet the 30 “liberal” combatants who were to be sent to the tank unit, once to visit Huy ហ៊ុយ in his house and another time where I met Huy ហ៊ុយ who was cultivating sweet potatoes. There might have been other visits but I do not remember them.

Question by the Co-Investigating Judges: What did you see in Prey Sâr វ្រៃស័រ concerning living and working conditions?

Answer by the Charged Person: Actually, I did not see anything: I just met the persons cited above.

Question by the Co-Investigating Judges: It seems surprising that you did not see anything. Could you tell us what the place looked like, what were the geographical limits of the Prey Sâr វ្រៃស័រ Centre, how many buildings existed, etc.

Answer by the Charged Person: Huy ហ៊ុយ was in charge of all that. The superior (Son Sen សុនសេន) even asked him to participate in meetings on production and security without me. Regarding the area of Prey Sâr វ្រៃស័រ, I forget. I know the General Staff had a map identifying the plots allocated to each unit, that Prey Sâr វ្រៃស័រ extended from Bakou បាកូ village to Prey Sâr វ្រៃស័រ prison (created under the Sangkum and where I had been detained myself), that the production was sufficient to feed S-21 ស៊ីឡា, and that in 1978, the surplus was even distributed to the Central Committee. Again, I went only to the Prey Sâr វ្រៃស័រ “headquarters”, that is where Huy ហ៊ុយ’s house was located, at the end of a canal. It was a new village. I never saw the buildings where the personnel slept.


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Question by the Co-Investigating Judges: You explained that as S-21 សង្ខេប chairman, you were the supreme commander for Prey Sâr វត្តស, as head of S21. You also indicated that the persons who worked at Prey Sâr វត្តស could not move about freely or leave when they wanted. It appears obvious that you would have been held responsible if some person had suddenly decided to escape. Therefore, this involved close surveillance that you could not not have ignored. What do you have to say?

Answer by the Charged Person: Had members of the personnel run away, the first to be held responsible would have been Huy ហ៊ុយ who would have reported to Hor ហ៊ុន. I do not contest that I could have had problems but Huy ហ៊ុយ would have been the one to be arrested. It is indeed what happened when the person responsible for Huy ហ៊ុយ's telephone escaped: Huy ហ៊ុយ was arrested upon Nuon Chea ឌុនចា's order. To deal with the problem of risks of escape one had to follow the political line: education, surveillance, purge, arrest and sending to S-21 សង្ខេប. To sum up, I did not interfere in the daily functioning of Prey Sâr វត្តស except for two exceptional cases: first, for the 30 "liberal" combatants and second, when Huy ហ៊ុយ asked my opinion on the decisions to be taken regarding Sok's សុខ family. In all other cases, decisions were taken by Huy ហ៊ុយ and Hor ហ៊ុន, as the documents ERN 00006728 and 00007270 demonstrate.

Question by the Co-Investigating Judges: You have declared that Prey Sâr វត្តស was not a place for detention but for re-education (Interview OCIJ DUCH ឌុច, 29 November 2007, ERN 00154204-00154219 (fr.), p. 4). Yet, several witnesses (such as Interview OCP CHHEA Leang ជាលាង, 18/09/2006, ERN00079713-00079721, 00096560-00096561, p.2 and DC-Cam Statement CHHANG TICH NGON *alias* Chhang Tich Ngon 19/10/2003, KDI0441/K00765, ERN 00052160-00052234-ET p.3) attest that people at Prey Sâr វត្តស could not circulate freely, were placed under the constant surveillance of guards, could not communicate between themselves and that some were placed in closed cells at night: do you confirm or deny this information, and could you provide details?

Answer by the Charged Person: It may be that these were the conditions under which the personnel were placed but I was not aware thereof.

Question by the Co-Investigating Judges: According to the elements in the case file, many detainees were transferred from Prey Sâr វត្តស to S-21 សង្ខេប, for example the combined list of S-21 សង្ខេប prisoners, (ERN00080610-00081199 and ERN00161350-00161491) shows that at least 571 persons including prisoners as well as personnel were sent from Prey Sâr វត្តស to S-21 សង្ខេប to be interviewed and executed. Could you explain the reason for these transfers? Specify whether you were involved in the decisions and how

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086/20

such transfers were carried out? Do you know why it was placed under the same authority as S-21 ស២១? Were there direct transfers from Prey Sâr ប្រៃស to Choeng Ek ជើងឯក for execution?

Answer by the Charged Person: I am not in a position to answer these questions. It is very old and I cannot remember who decided. I would tend to think it was Hor ហ៊. One must know that the persons re-educated in Prey Sâr ប្រៃស were considered to be inferior in level to 17 April People (the New People) – thus “half prisoners”. Concerning 17 April People, decisions on arrests were taken at the level of cooperative committees. At Prey Sâr ប្រៃស, it was not really a cooperative. It was a re-education centre and the persons re-educated had an intermediary status between ordinary people and prisoners. Hor ហ៊ had the power to decide arrests, that is at the regiment level, which roughly corresponded to the district level. Concerning the reasons why Prey Sâr ប្រៃស was attached to S-21 ស២១, I can explain with reference to the organisation of M-13 ម១៣. Before 17 April 1975, persons guilty of petty errors were sent to M-13B ម១៣-ខ, Sdok Srat ស្ដុកស្រាត Village, Sdok Toal ស្ដុកតោល Subdistrict, Ang Snuol អង្គស្នួល District. Most of these people were released. Those who were blamed for more serious offences were sent to M-13A ម១៣-ក, for which I was responsible, in Âm Leang អមលាំង, where they were shackled, interrogated and smashed. This functioning was applied to S-21 ស២១. Within Division 703, there were two prisons: the Psychiatric Hospital at Ta Khmao តាខ្មោច and the Special Prison in the Sisowath Monireth ស៊ីសុវត្ថម្មីវិធីវិល villa, in Phnom Penh. When the Prey Sâr ប្រៃស centre was created, during Nat's ណាត time, Prey Sâr ប្រៃស prison was not used and all the prisoners were released. Everything was reorganised on a new basis. When I replaced Nat ណាត, I kept the same organisation.

I am not in a position to tell you whether people were transferred directly from Prey Sâr ប្រៃស to Choeng Ek ជើងឯក.

Question by Co-Investigating Judges: You have indicated (Interview OCIJ DUCH ឌុច, 29 November 2007, ERN 00154204-00154219 (fr.), p. 4) that the persons living in Prey Sâr ប្រៃស were persons with disciplinary problems in their Phnom Penh units.

Who exactly were the persons sent to Prey Sâr ប្រៃស :

- Precisely which Phnom Penh units were sent to Prey Sâr ប្រៃស (S-21 ស២១ Personnel, personnel of Ministries, etc.)?
- Were there any persons coming from other provinces than Phnom Penh or persons of foreign citizenship? (Vietnamese or other) ?
- Elements in the case file indicate that the presence of women and children at Prey Sâr ប្រៃស (see for example *inter alia* S-21 ស២១ Report from Huy ហ៊ុយ of the Paddy fields, dated 7 April 1977, ERN 00007270-00007271). Can you confirm this?

026/14 163
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Answer by the Charged Person: As far as I know, no foreign prisoners were sent to Prey Sâr វ្រៃស័រ, and in particular, no Vietnamese. From the time I became responsible for S-21 ស៊ីខ័ង, there was hardly anyone from the local population. It was essentially combatants from various units and their family members, which explains the presence of women and children. S-21 ស៊ីខ័ង personnel were also sent to Prey Sâr វ្រៃស័រ in case of punishment. I indicate that they were neither beaten nor insulted. They simply had to work more than the others, they could neither circulate nor speak freely, neither could they be part of the Kampuchea Communist Party Youth League. Hence, for example, when Saom Meng សោមម៉េង (S-21 ស៊ីខ័ង interrogator) was arrested (at S-21 ស៊ីខ័ង) his brother Saom Mett សោមម៉េត (S-21 ស៊ីខ័ង guard) was sent to Prey Sâr វ្រៃស័រ.

Question by the Co-Investigating Judges: Apparently, Saom Mett សោមម៉េត could not be blamed for any mistakes. Yet, you explained that those who were sent to Prey Sâr វ្រៃស័រ were "liberals", or undisciplined. What does this mean?

Answer by the Charged Person: The "liberals" were identified through their personal behaviour, the way they spoke or work. Regarding Saom Mett សោមម៉េត, suspicion came from the arrest of his brother: he was considered a "semi-traitor" and it was therefore a political sanction. One must understand that there were two categories of suspects: first, suspects because of their relatives (for example, Saom Meng សោមម៉េង and Saom Mett សោមម៉េត or Vorn Vet វ៉ែនវ៉េត and his family), second, subordinates of arrested superior cadres. For the first category, sometimes, the whole family was arrested (e.g. Vorn Vet វ៉ែនវ៉េត), in other cases, surveillance was considered sufficient. For the second category, subordinates were closely watched. That's why, when Huy ហ៊ុយ of the paddy fields was arrested, his messenger was arrested too. And when Vorn Vet វ៉ែនវ៉េត was arrested, I worried about my personal fate.

Question by the Co-Investigating Judges: You explained that in 1978, the rice production surplus from Prey Sâr វ្រៃស័រ had been delivered to the Central Committee. Why was this decided and how did you know that there was a surplus? More precisely, why did you decide to deliver that surplus to the Central Committee rather than allow the personnel to eat normally (since at that time, rations were not sufficient)?

Answer by the Charged Person: I do not remember whether it was Phâl ផល or Huy ហ៊ុយ who gave me that information. That particular year, there had been a flood and we were short of rice. I told Nuon Chea នួនជា that I could provide rice. He appeared surprised. I wanted to help the other units and I also wanted to promote the reputations of Prey Sâr វ្រៃស័រ and S-21 ស៊ីខ័ង. As for the food regime, it was decided by the superiors and I could modify nothing.

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Question by the Co-Investigating Judges: It seems surprising that you knew about the crop surplus but not about the living and working conditions in Prey Sâr វិស័យ.

Answer by the Charged Person: The crop was once a year. I did not need to ask questions to be informed. I maintain that for the rest, I was not aware of the details. Again, I consider myself responsible for what may have been done at S-21 ស២១ and Prey Sâr វិស័យ and I feel remorse regarding what happened there, and in particular, not to have given sufficient rations to the detainees and the personnel re-educated, but I maintain that I was not aware of the details.

Question by the Co-Investigating Judges: You have explained that the arrest decisions at S-21 ស២១ could be compared to decisions taken at the District level. Yet, the District could only decide about local arrests. We know that in S-21 ស២១, arrests were carried out in other regions (Battambang for Van Nath វ៉ាន់ណាត for instance).

Answer by the Charged Person: Throughout the country, decisions regarding arrests of Party members and mid-level cadre (excluding superior cadre) were taken by the Standing Committee of each Zone. Transfers to S-21 ស២១ were decided by the Standing Committee of the Central Committee. I can give an example: Thoeun ថ្លេន, my brother-in-law, who was a cadre in the Northern Zone. When he was arrested, he clandestinely wrote me a letter that I gave to Son Sen សុនសេន, who had him released. Two or three months later, Nuon Chea ឡានចា ordered me to arrest him again. I lingered as long as I could and I was then forced to arrest him. To sum up, the Standing Committee of the zone reported to the Standing Committee of the Central Committee, which decided on the transfer to S-21 ស២១.

Question by the Co-Investigating Judges: No equivalence with the jurisdiction of the District Committee then?

Answer by the Charged Person: One may only talk of equivalence between S-21 ស២១ and a District Committee concerning decisions for the arrest of re-educated persons.

The Written Record of Interview was suspended at 12:35 p.m.

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

Question by the Co-Investigating Judges: Were some of the people living in Prey Sâr វិស័យ released? If yes, who decided that?

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Answer by the Charged Person: I can only speak of one case: the 30 combatants sent to the tank unit, I am not aware of the rest. These combatants were released in a way since after their transfer, they found themselves in a normal situation, with the right to be part of the Kampuchea Communist Party Youth League. As for the criteria to become combatants, you must not have been previously condemned or belong to the 17 April people. Son Sen សុនសេន had personally chosen the 30 combatants. These combatants were subsequently the source of various incidents, thus the operation was considered a failure and was not repeated.

Question by the Co-Investigating Judges: Who made decisions related to the arrest and execution of the personnel at Prey Sâr ព្រៃស័រ? For instance, why was Huy Srè ហ៊ុយស្រែ executed?

Answer by the Charged Person: My superior made the decision: Son Sen សុនសេន, then Nuon Chea ឌួនចា. In Huy Srè's ហ៊ុយស្រែ particular case, his radiotelephone operator had escaped and was not found. Huy ហ៊ុយ had previously been blamed for several other mistakes, so Hor ហ៊ុន drafted a report that I forwarded to the Standing Committee and Nuon Chea ឌួនចា ordered the arrest, the interrogation and the execution of Huy Srè ហ៊ុយស្រែ.

The Charged Person: I would like to go back to what I said this morning regarding persons transferred directly from Prey Sâr ព្រៃស័រ to Choeng Ek ជើងឯក for execution. I read document ERN 00006728 again. This document demonstrates clearly that 17 persons were transferred from Prey Sâr ព្រៃស័រ to Choeng Ek ជើងឯក at that time. Thus, this fact seems to be established. I was not personally aware of it. The same document shows that 160 children were transferred on that day to Choeng Ek ជើងឯក. I already explained at the reconstruction that I was not aware that trees trunks were used to kill children in Choeng Ek ជើងឯក but I never contested that children were executed there, and in large numbers.

Question by the Co-Investigating Judges: Could you also specify whether, to the best of your knowledge, Prey Sâr ព្រៃស័រ was similar in its organisation to other re-education centres in the country?

Answer by the Charged Person: While at S-21 ស៊ីម៊ូ, I was like locked up in a room and knew nothing of the functioning of the other re-education centres. I gave you the only indications I was in a position to provide, concerning M-13A ម៊ូន-ក and M-13B ម៊ូន-ខ.

Question by International Assistant Co-Prosecutor Alex Bates: You explained that you were the only one at S-21 ស៊ីម៊ូ to be able to report to the upper level. Does that mean that all reports from Prey Sâr ព្រៃស័រ had to be addressed to you and what was their frequency?

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Answer by the Charged Person: Two different tasks must be distinguished. Regarding personnel numbers and production, daily reports were sent to S-21 ស២១. I had delegated this part of the work to Hor ហ៊ុន. The reports were kept at S-21 ស២១. As I explained, if the General Staff wanted precisions on the situation in Prey Sâr ស្រែស, it convened Huy ហ៊ុយ. The second tasks related to reports about the problems concerning the personnel working in Prey Sâr ស្រែស. These reports were not regular. In any case, I confirm that I was the only one who could report to the upper level.

Question by the Co-Investigating Judges: You have just explained that you personally received all reports about problems concerning the personnel working at Prey Sâr ស្រែស. In that case, how could you not know about transfers to Choeng Ek ជើងឯក for execution?

Answer by the Charged Person: Prey Sâr ស្រែស for me was other people's work - meaning Hor ហ៊ុន and Huy ហ៊ុយ. So I tended to close my eyes and when I received these reports, I did not pay attention and forwarded them immediately to Hor ហ៊ុន. I add that I may have been informed of the transfer to Choeng Ek ជើងឯក for execution but I could have forgotten.

☒ 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 4.40 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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Meetings with Nic Dunlop and Nate Thayer

First, I'd like to recall a few old matters:

- The Cambodians who were Khmer Rouge at Sâmlaut all knew me as Duch, the Chairman of Office S.21.

With foreigners, I did not walk around making announcements telling them about my former name and job.

- Beginning in 1980 and subsequently once in a long while, Thai newspapers published photographs of me and my name and former work.

- In 1998 James, the chairman of hygiene of the ARC [American Refugee Committee] said to me (half-jokingly, half seriously) that I was the brother of Kaing Guek Eav.

About the text of the book The Lost Executioner

Chapter XVIII

- Nic Dunlop tried hard by writing in long circles to say that he had met me by accident at the Sâmlaut District Headquarters.

- I have sufficient reason to deny that, and to say that he was lying. In fact, he knew me. He had tracked me. He was looking for a chance to question me and have me show my face.

- I was never fearful, because in my work, my supervisor was a government employee. And another thing, I firmly believed that "a whole dead elephant cannot be entirely covered with a shallow basket." But to have me always walking around bragging with everyone that I was Duch, the former Chairman of S.21, that's not right.

Chapter XIX

Let me tell it as I remember it.

- After we had spoken just two or three words to one another, Nic Dunlop requested to take my photo. In fact, people who have just met for the first time like that should stand together for a photo. But here, he just photographed me, alone. I understood, but let it pass as he pleased. Immediately after taking my photo, he was so happy and excited that he lost mastery and let me recognize it [take note of his attitude].

- The second time Nic went to Sâmlaut, Nic made me feel strange for a second time, because immediately after he arrived, he did not come to find me right away; he walked around the village first. When we met, we walked together and talked. The words he wrote -- "I am not worried about Ta Mok ..." "I think just about three matters: children without schools, [filling] my stomach, and the Lord ..." -- they are true. That he went on to say that I had studied two or three religious theories somewhere, that was a fabrication, because in fact I had studied only Buddhist theory.

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- The day Nic Dunlop met me for the third time, there were three people who went to Sâmlaut at different times:

- First, the Welsh photographer. He had rented a white car. He sat and talked with me. He was somewhat elderly.
- It was a little later in the day when I saw Nate Thayer riding in a blue Land Cruiser with Pailin [license] plates.
- When I showed my face [revealed myself] to Nate Thayer, then I saw Nic Dunlop; I did not know where he had come from.

- I was willing to show myself to Nate Thayer because I had seen that he had entered deeply amongst the Khmer Rouge leaders at Ânlung Vêng. And, I hoped that it would in fact be exposed throughout the world so no one, in particular Ta Mok's group, would be able to covertly mistreat me. And, I had faith in the Far Eastern Economics Review as well.

- It was when I had already shown my face that the Welshman and Nic Dunlop took photos, one after another. Nate Thayer did not take photos. He spoke with me. At the time, I did not see any voice or video recorders.

- The words which Nic Dunlop wrote in the book The Lost Executioner, that I had told him this or that about S.21, in fact were the words I had spoken to Nate Thayer - most were the words I had spoken to Nate Thayer.

- Seaparely, the history of my contacts with Professor Kè Kim Huot were the words I had reported to the UNHCHR at the Hotel Monorom (Battambang) from 30 April through 4 May 1999. At that time, Nate Thayer was lurking around with Christophe Peschoux, Ruth Hugo, Heng Ham Kheng, and Father Bernard.

Nic Dunlop and the Welshman ran off and disappeared after they had photographed me.