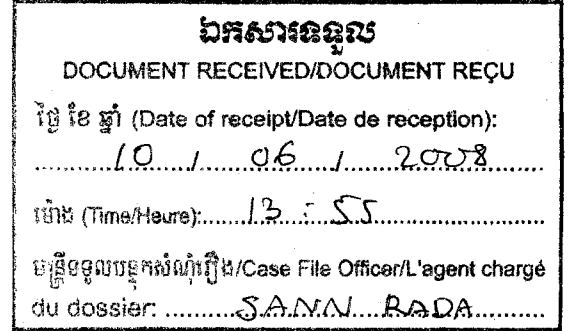


លេខ/No: D87



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**

**កំណត់ហេតុនៃការស្តាប់ប្រយ័ត្ន**

**Written Record of Interview of**  
**Charged Person**

**លេខស៊ើបអង្កេត/Investigation**

**លេខ/No: 002/19-09-2007-ECCC-OCIJ**

On the second of June, two thousand and eight, at 9:13 a.m.

We, **You Bunleng (ឃុំ ប៊ុនហ្គុង)** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers,

with **Mr. Ham Hel (ហាម ហ៊ែល)** 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 (តាន់ហ៊ីង ដាវ៉ាណូ)** as sworn interpreters of the Extraordinary Chambers

Interviewed the Charged Person identified below:

**Kaing Guek-Eav (កាំង ហ្គេកហ៊ាវ) 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 ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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

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 Boite postale 71, Phnom Penh. Tel: +855(0)23 218914 Fax: +855(0) 23 218941.

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 26 May 2008:

- Mrs. Chea Leang ជា លាង is represented by Mr. Pich Sambath (ពេជ្រ សម្បត្តិ), Senior Assistant Co-Prosecutor
- Mr. Robert Petit is represented by Mr. Vincent de Wilde d'Estmael, Senior Assistant Co-Prosecutor.

Mr. Kar Savuth (កាវ សាវុត្ត) and Mr. Francois Roux, Co-Lawyers for the Charged Person, who were duly informed of this interview by Summons dated 26 May 2008, and were able to examine the case file from that date, were both present.

**Interview**

**Questions-Answers:**

**Statement by the Co-Investigating Judges:** Today, we will question you in Case File N°2, first on the role of the other Charged Persons in this case and, second, on the Crimes mentioned in the Introductory Submission by the Co-prosecutors for which you have not been questioned. Regarding the first point, we will start with the relations between S-21 ស៊ី២១ and the bodies controlling the Party.

**Question by the Co-Investigating Judges:** A number of messengers have been identified, whose role was to liaise between Son Sen សុនសេន / Nuon Chea ឆួនជា and S-21 ស៊ី២១, in particular Pâng ប៉ង់ and Noeun ឆឿន (concerning Son Sen សុនសេន ), Toeung ឡឿង, Chiv ជីវ alias Sot សុត, and Sin ស៊ិន (for Nuon Chea ឆួនជា ). To what extent were these messengers aware of what was happening at S-21 ស៊ី២១ (executions, torture, ill treatment of prisoners...)?

**Answer by the Charged Person:** These messengers liaised with S-21 ស៊ី២១ under instructions from their superiors, or at my request when documents needed to be collected. Their only role was to convey correspondence. They did not enter the S-21 ស៊ី២១ centre itself, but came to my house. I did not have the right to talk to them about the contents of the documents (I only

spoke to the superiors). To sum up, I think that the messengers knew nothing of what was happening at S-21 ស២១ .

**Question by Co-Investigating Judges:** Which documents were exchanged via these messengers?

**Answer by the Charged Person:** They were annotated confessions, generally with a covering letter that I would sign. It also happened that I received correspondence from the superiors, but more rarely. Son Sen ស៊ិនសែន did not like to send instructions by letter, he preferred to use the telephone. I remember that he sent me a letter drawing my attention to the need to avoid too many people being denounced in the confessions. During the Nuon Chea ឆ្លូងជាំ era, I believe I received four letters, very short (3 or 4 lines every time) but I cannot remember their content.

**Question by the Co-Investigating Judges:** It seems surprising, if you received only four very short letters, that you do not remember their content.

**Answer by the Charged Person:** I affirm that I do not remember. All this is very old. I add that for important cases, Son Sen ស៊ិនសែន and Nuon Chea ឆ្លូងជាំ did not use messengers but summoned me directly.

**Question by the Co-Investigating Judges:** You have indicated that when Son Sen ស៊ិនសែន was your immediate superior, you addressed annotated confessions to the "upper echelon". What does this expression mean? In addition to Son Sen ស៊ិនសែន , who received the confessions? Where were they kept? Who could access them?

**Answer by the Charged Person:** Personally, I only sent the confessions to Son Sen ស៊ិនសែន , first, and then to Nuon Chea ឆ្លូងជាំ . Even Son Sen ស៊ិនសែន 's deputy - Seat Chhè សៀតធី alias Tum ទុំ, or Brother 81 - did not have the right to know the contents of the confessions. I do not know who else apart from Son Sen ស៊ិនសែន and Nuon Chea ឆ្លូងជាំ had access to the confessions; I can only say that I sometimes received instructions to rectify the confessions. I had asked Nat ណាត and Hor ហ៊ី to audio-record the confessions, but Son Sen ស៊ិនសែន told me that Nuon Chea ឆ្លូងជាំ did not like to listen to the confessions and preferred to read them. Afterwards, we stopped recording them except in certain cases, for instance when the victim could not write. As for the conservation of the confessions, I do not know much. I can simply indicate that, one day, Son Sen ស៊ិនសែន told me that the windows of his house had been

~~លេខ/No: D87~~

broken. He was wondering whether the purpose was to steal watches from S-21 ស៊ីង្ស (all goods confiscated at S-21 ស៊ីង្ស were sent to Son Sen សុនសែន to be stored in the Central Office State warehouse). His wife thought rather that the thief had wanted to steal secret document from S-21 ស៊ីង្ស. This led me to think that the confessions were kept at his place.

Son Sen សុនសែន lived at Office 870, i.e. Tonlé Bassac ទន្លេបាសាក់, with POL Pot ប៉ុលពត, Nuon Chea ឆួនជា, KHIEU Samphan ខៀវសំផន and maybe IENG Sary អៀងសារី. They ate their meals together. I think the confessions were stored for archiving within Office 870. Concerning the internal organisation of Office 870, I confirm everything I declared on 4 December 2007 (pp.5 and 6 of the French version).

**Question by the Co-Investigating Judges:** You have explained that S-21 ស៊ីង្ស was subordinate to the Standing Committee. Were all the members of the Standing Committee aware of the existence and functioning of S-21 ស៊ីង្ស, and what was going on there (executions, torture, ill-treatment of prisoners...) and, in particular, the fact that every person sent to S-21 ស៊ីង្ស had to be killed?

**Answer by the Charged Person:** All the work carried out at S-21 ស៊ីង្ស was done under Son Sen សុនសែន's instructions, who presented himself as the representative of Angkar អង្គការ (work relating to rice production was under the control of the Military Staff and security work was under Angkar's control). The other members of the Standing Committee did not have the right to contact S-21 ស៊ីង្ស directly, they had to go through Son Sen សុនសែន. For instance, Mok ម៉ុក, Sao Phim សោភឹម, Ieng Sary អៀងសារី and Vorn Vet វ៉នវ៉េត could not give direct instructions to S-21 ស៊ីង្ស. Only Son Sen សុនសែន could do it, Son Sen សុនសែន having Nuon Chea ឆួនជា as his superior, the latter being under Pol Pot's ប៉ុលពត authority. Naturally, as members of the Standing Committee, these leaders knew about the political line of the Party and, in particular, the decision dated 30 March 1976, of which I have already spoken. But they were not informed of the practical details. To give a precise answer to your question, all Standing Committee members knew, of course, that every person sent to S-21 ស៊ីង្ស had to be executed. Likewise, the entire Standing Committee knew that torture was practiced in all security centres. What I meant is that they did not know the torture methods used in detail.

**Question by the Co-Investigating Judges:** You have identified four hierarchical levels of leadership within the Party: Standing Committee Members and Reserve Members, Central

លេខ/No: D87

Committee Full Rights Members, Central Committee Candidate Members, and the Assistants Committee. Which of these levels were aware that executions were being carried out at S-21 ស២១ ? If there was such awareness, how was it known?

**Answer by the Charged Person:** Concerning the decision dated 30 March 1976, I would remind you that personally, as a middle level cadre, I was only informed when I had access to the present proceedings. I may thus suppose that only the full rights members of the Central Committee were informed. Conversely, concerning torture and executions, everyone knew, since it had existed since 1971, long before the creation of S-21 ស២១. When I say everyone, I mean every member of the population, since they were directly threatened by the security centres. People could see their relatives disappearing, under the pretext of summoning for a re-education session, and they understand what was happening when they did not see them coming back. In particular, before 1975, the inhabitants of Amleang អមលាំង were fully aware of the functioning of M13 ម១៣. What was going on was known at all levels of society, although not in detail.

**Question by the Co-Investigating Judges:** Could you give us more details concerning the reasons why the security centres and S-21 ស២១ were created? You have indicated that all the security centres functioned in the same way, pursuant to a decision of the Central Committee. Could you give us any more information concerning the exact content of that decision? When was it made? By whom? To whom was it disseminated and how? In addition, were there "labour re-education" annexes similar to Prey Sâr ព្រៃស within the other security centres?

**Answer by the Charged Person:** The political line was disseminated by the superior. Take the example of M13 ម១៣, the superior was first Chhay Kim Hor ឆាយគីមហ៊ុន alias Hok ហុក, then Vorn Vet វ៉ុនវ៉េត, then Son Sen សុនសែន. M13's ម១៣ mission was not to arrest people, but to receive prisoners sent by the superior, to interrogate and execute them. It was specified that we did not have to right to keep confiscated goods and that sexual relations with female detainees were forbidden. In 1972, M13B ម១៣-ខ was created at my request, which may be seen as a means of freeing people. From that time onwards, there almost no one was freed from M13A ម១៣-ក (actually, just one, Hâm In ហាំមឺន). Prior to that, there had been eight, including François Bizot. In 1973, POL Pot ប៉ុលពត and Nuon Chea នួនជា created a secret Office in the village of Chrâk Sdech ច្រកស្តេច, Peam ពាម Subdistrict, Kampong Trâlach Leu កំពង់ត្រឡាចលើ District, Kompong Chhnang កំពង់ឆ្នាំង Province. At that time, Son Sen សុនសែន moved into the DâmNak Smach

តំណក់ស្នាម train station. From that point onwards, the situation became considerably harder (for example, freeing Hâm In ហាមអ៊ិន was particularly difficult).

More generally, as regards the organisation and functioning of the other security centres, I am not able to provide any details.

Concerning definition of the political line, I confirm what I declared in the afternoon of 7 August 2007.

**The Interview was adjourned at 12:00 a.m.**

**The Interview was resumed at 2:20 p.m. on the same day.**

**Question by Co-Investigating Judge YBL:** Did the leaders go to the field to work at the Zone or Sector levels? Conversely, were there meetings of Zone or Sector heads organised in Phnom Penh, in addition to the Annual Meeting?

**Answer by the Charged Person:** Concerning the first question, I am not in a position to answer concerning all leaders but I remember two examples of Pol Pot ប៉ុលពត making field trips: He had gone to Kompong Thom កំពង់ធំ and was furious to hear the Secretary of the Sector (I note that *tâmbân* តំបន់ is translated sometimes as “Region”, sometimes as “Sector”), declare that “*rice cultivation for the year was an experience*”; that is what Son Sen សុំសែន told me when Taing តាំង, Secretary of the Sector, was subsequently arrested and conducted to S-21 ស២១ . Another example: I read a text (maybe in the Revolutionary Flag) reporting that Pol Pot ប៉ុលពត had visited the West Zone, where he had given his support to the Secretary of the Zone, Chou Chet ជូជេត alias Si ស៊ី) who was warning the members of the Zone Committee against any favouritism for the benefit of their relatives.

Concerning the second question, there was an annual meeting of the heads of Zone and also, sometimes, extraordinary meetings. I remember at least one example of a Zone Secretary coming to Phnom Penh: Kè Pork កែពក, Secretary of the Centre Zone, who was summoned by Pol Pot ប៉ុលពត, and “promenaded” by Pâng ប៉ង in the small dark streets within the Office 870 perimeter, which led him to believe that he was going to be arrested. That’s what he told me in 1990 when I met him at K18 ក១៨, in the city of Trat ត្រាត, in Thailand.

**Question by the Co-Investigating Judges:** In Lorn អ៊ិនសែន alias Nat ណាត, alias Sèm សែម, and Chhim Sâm-aok ឈឹមសំអោក alias Pâng ប៉ង informed you of the name, rank and functions of various Party leaders. When exactly and in what circumstances did they speak to you?

**Answer by the Charged Person:** One day, shortly before my marriage at the end of 1975, Nat told me that Son Sen សុនសែន was very happy because he had just been promoted to the Standing Committee, of which he was not a member beforehand. At that time, Nat ណាត explained to me that the Party Secretary was Brother Pol ប៉ុល (Pol Pot ប៉ុលពត), that the First Deputy-Secretary was Brother Nuon (Nuon Chea ឡានជ៉ា), that the Second Deputy-Secretary was Brother Phim ភឹម(Sao Phim សៅភឹម alias Yăn យ៉ាន់), that the third Deputy-Secretary was Ta Mok តាកម្ពុក, that Brother Vãn វ៉ាន់ (Ieng Sary អៀងសារី) was a full rights member, that Brother Vorn វ៉ន (Vorn Vet វ៉នវ៉េត) was a Reserve Member and that the seventh member of the Standing Committee was Brother Khieu ខៀវ (Son Sen សុនសែន). He also described the organisation of the military section, the four members of which had been appointed to the Assistants Committee, which gave them political responsibilities (Meas Mut ម៉ាសមុត, Sou Met ស៊ូម៉េត, Sâm Bit សំប៊ិត and the nurse, Soeung សៀង). When he explained all this to me, Nat ណាត told me he was disappointed because he had not been promoted himself.

I tended not to believe Nat ណាត and, thus, I interrogated Koy Thuon កុយធ្នូន on this issue, when he was detained at S-21 ស២១, and Koy Thuon កុយធ្នូន confirmed. Pâng ប៉ង himself also confirmed this information one day when he came to S-21 ស២១.

**Question by the Co-Investigating Judges:** You have stated that, when important people were to be arrested, they were monitored extremely closely beforehand. Could you clarify the meaning of “important persons” and give examples? Which Party personalities or Committees had the authority to decide the arrest such important persons and which Party Committees, Offices or personalities were responsible for monitoring their arrest?

**Answer by the Charged Person:** For me, important persons were the members of the Central Committee, but this could change. Thus, a Divisional Deputy-Secretary such as Ly Vay លីវ៉ាយ alias Sour Sophan សួរសុផាន could be considered an important person.

The first case I knew of was Suos Neou សួសនេវ៉ា alias Chhouk ឈ្មួក. Son Sen សុនសែន telephoned me, asking me to gather all the confessions involving this person, because “the brothers were

going to meet within the next three days to discuss the arrest". I note that on this occasion, I made 7 copies of the excerpts from the confessions in question, in order to check the number of members of the Standing Committee. Son Sen សុនសែន said nothing when I gave him these copies and my conclusion was that there were indeed 7 members of the Standing Committee.

Subsequently, Son Sen សុនសែន told me that he had read the confessions before the Standing Committee and that Pol Pot ប៉ុលពត had asked what the chances were of Suos Neou ស្លូសនេវ៉ា alias Chhouk ឈុក being a traitor. Son Sen សុនសែន replied 50%, and Sao Phim សោភឹម laughed, saying that for him, it was 100%.

I remember that in the case of Koy Thuon កុយធ្នួន, he was removed from all his functions before his arrest.

As regards Chou Chet ជូជេត alias Si សី, I also had to report to the superiors. When I saw him arrive at S-21 ស២១, I thought that there were two causes for the arrest: his denunciation in the confessions, but also, Ta Mok's តាម៉ុក insidious suggestions to Pol Pot ប៉ុលពត. I then asked Pâng ប៉ង for further information. In particular, I asked him if Vorn Vet វ៉នវ៉េត had defended Chou Chet ជូជេត. That is when Pâng ប៉ង explained to me that Vorn Vet វ៉នវ៉េត was a difficult man at meetings and that he (Pâng ប៉ង) had been asked to bring Brother Hèm ហែម (Khieu Samphan ខៀវសំផាន) in place of Vorn Vet វ៉នវ៉េត. That is how I learned that Khieu Samphan ខៀវសំផាន had participated in the meeting. I was immediately persuaded that Pâng ប៉ង was telling the truth since I knew that Vorn Vet វ៉នវ៉េត had opposed Pol Pot ប៉ុលពត several times. I feared that I would not be believed when I reported all this, but I was reassured when I read in the Introductory Submission that Khieu Samphan ខៀវសំផាន had participated in 14 meetings of the Standing Committee out of 19.

As regards the arrests of Sao Phim សោភឹម and Vorn Vet វ៉នវ៉េត, I did not report, and I do not know the decision making process. For Sao Phim សោភឹម, Son Sen សុនសែន telephoned me, simply saying "our brothers understand each other".

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.



~~លេខ/No: D87~~

At 18.10 p.m., we asked the Greffiers to read aloud this Written Record of Interview of Charged Person as recorded.

After the Written Record was read aloud and heard, the Charged Person stated that he had no objections and agreed to sign.

|                   |                                  |                |              |           |                            |
|-------------------|----------------------------------|----------------|--------------|-----------|----------------------------|
| Charged<br>Person | Lawyers for<br>Charged<br>Person | Co-Prosecutors | Interpreters | Greffiers | Co-Investigating<br>Judges |
|-------------------|----------------------------------|----------------|--------------|-----------|----------------------------|