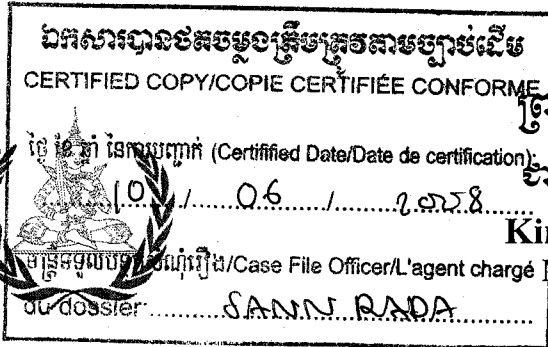


លេខ/No: D88



ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

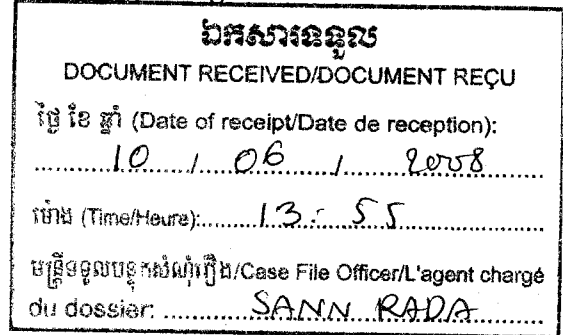
Extraordinary Chambers in the Courts of Cambodia

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

Office of the Co-Investigating Judges
Bureau des Co-juges d'instruction

លេខស៊ើបអង្កេត/Investigation

លេខ/No: 002/19-09-2007-ECCC-OCIJ



កំណត់ហេតុនៃការសួរចម្លើយ

Written Record of Interview of Charged Person

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

We, You Bunleng (យូ ប៊ុនហ្គ្រង) 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 ចាន់ណរ៉ា) and Tanheang Davann (តាន់ហ៊ីង ដាវ៉ាន់) as sworn interpreters of the Extraordinary Chambers

Interviewed the Charged Person identified below:

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 ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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

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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 26 May 2008:

- Mrs. Chea Leang ជា លាង is represented by Mr. Tan Senarong តាន់សែណារ៉ុង, Assistant Co-Prosecutor
- Mr. Robert Petit is represented by Mr. Vincent de Wilde d'Estmael, Senior Assistant Co-Prosecutor.

Mr. Kar Savuth (ការ 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:

Question by the Co-Investigating Judges: When did you hear of Nuon Chea ឆ្លូនជា for the first time? What did you know about him? How did you hear about him? What were his revolutionary names? What did you know about his role in the DK Regime? Did you ever meet him before 15 August 1977 and, if yes, how many times? Could you describe the details and context of each of these meetings?

Answer by the Charged Person: The first time I heard of Nuon Chea ឆ្លូនជា was in 1971, in the Special Zone where there were only intellectuals. He was referred to by the name "Brother NUON ឆ្លូន" and introduced as the Party Deputy-Secretary, very close to Pol Pot ប៉ុលពត. Subsequently, as I explained yesterday, I learned that in 1973, Pol Pot ប៉ុលពត and Nuon Chea ឆ្លូនជា had opened a secret office in the village of Chrak Sdech ច្រកស្តេច, Peam ពាម Sub district, Kampong Tralach Leu កំពង់ត្រឡាចលើ District Kompong Chhnang កំពង់ឆ្នាំង Province.

I heard of Nuon Chea ឆ្លូនជា several times, but met him personally only on 15 August 1977, when he replaced SON Sen សុនសែន. Before that, I had only seen him from a distance, at big meetings, such as the 17 April commemoration in 1976 and 1977, and on 30 September 1976, for the

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commemoration of the establishment of the Party. In such circumstances, he was always seated to the left of Pol Pot ប៉ុលពត, who chaired the ceremonies.

As regards the circumstances in which I heard speak of Nuon Chea ឆ្លានជា before 1977, I refer to what I declared previously regarding the floating corpse on the Tonlé Bassac ទន្លេបាសាក់ (Written Record dated 5 September 2007) or his presence when Chhouk ឈូក was transferred from K7 ក៧ to S-21 ស២១ (Written Record dated 22 November 2007) or at Ly Phél's លីផែល exhumation (Written Record dated 3 October 2007), or regarding the arrest of Mil Kavim មីលការីន alias Kdat ក្តាត (Written Record dated 7 August 2007).

Question by the Co-Investigating Judges: After re-reading your declarations on 7 August 2007 concerning the arrest of Mil Kavim មីលការីន, the impression is that Nuon Chea ឆ្លានជា himself gave you instructions and thus, that this scene occurred after the month of August 1977. Could you clarify this?

Answer by the Charged Person: There must have been some confusion during that interview. The scene referred to occurred before 15 August 1977. They were, indeed, Nuon Chea ឆ្លានជា's words, but SON Sen សុនសែន reported them to me. But all the anecdotes mentioned in the following sentences of the same Written Record are posterior to 15 August 1977 and I experienced them in Nuon Chea ឆ្លានជា's presence.

Question by the Co-Investigating Judges: You declared (WR of 05/09/2007) that SON Sen សុនសែន often talked to you about the speeches and conversations of other members of the Standing Committee. Did Nuon Chea ឆ្លានជា also do this when he replaced SON Sen សុនសែន? And what did SON Sen សុនសែន tell you regarding Nuon Chea ឆ្លានជា?

Answer by the Charged Person: When I reported to SON Sen សុនសែន, the working session was very different: when he was not happy with something, he would clean his glasses, taking time to think and to explain everyone's conceptions to me. Thus, we had the opportunity to talk. On the contrary, when Nuon Chea ឆ្លានជា disagreed, he tended to shout and threaten. I refer you to my declaration on 7 August 2007 regarding the implication of Ieng Sary អឿងសារី's daughter, the brother of Nuon Chea ឆ្លានជា's wife's or even Khieu Samphan ខៀវសំផន. You are

asking me why Nuon Chea ឆ្លានជំនឿ used the expression “to be sent as a diplomat” to refer to someone’s arrest and execution. I do not really have any explanation except that it often happened that people sent to the Ministry of Foreign Affairs, allegedly to become diplomats, disappeared for good. This was the case for Chhay Kim Hor ឆាយគីមហ៊ុរ, In Nat អ៊ុនណាត, Kè Kim Huot កែគីមហ្វុត and many others.

As regards what SON Sen សុនសែន told me about Nuon Chea ឆ្លានជំនឿ, I remember that he told me one day that Nuon Chea ឆ្លានជំនឿ wanted to have Seat Chhè សៀតឆៃ alias Tum ទុំ appointed as a full rights member of the Central Committee, but that the other Standing Committee members disagreed. Seat Chhè សៀតឆៃ alias Tum ទុំ thus remained a Reserve member. That’s about it.

Question by the Co-Investigating Judges: It results from your explanations that Nuon Chea ឆ្លានជំនឿ himself removed certain persons implicated in the confessions from the lists drafted by S-21 ស៊ីហ្វ?

Answer by the Charged Person: Yes.

Question by Co-Investigating Judges: Can it be said that you feared Nuon Chea ឆ្លានជំនឿ more than SON Sen សុនសែន?

Answer by the Charged Person: Yes, as I already explained. With SON Sen សុនសែន, it was possible to talk and even argue. That is what happened for example when SON Sen សុនសែន criticized me concerning the mention of Pâng’s ប៉ង name in a confession (see Written Record dated 2 April 2008): I told SON Sen សុនសែន that he was giving me conflicting instructions. I could not have said that to Nuon Chea ឆ្លានជំនឿ. Nuon Chea ឆ្លានជំនឿ would never give explanations: when he would order something, he would just say that this was the "truth of the proletarian class". I remember one day, I complained about his sending entire, non-annotated confessions to the base, which made me fear massive, disorganised arrests. Nuon Chea ឆ្លានជំនឿ replied to me that “*The base also knows how to work*” which meant, “*focus on your work, mind your own business*”, in accordance with the political line based on secrecy: to each his own work (that’s what they called the "action line").

Question by the Co-Investigating Judges: Did Nuon Chea ឆ្លានជំនាញ annotate confessions like SON Sen សុនសែន?

Answer by the Charged Person: Yes, on several occasions, I saw confessions annotated by Nuon Chea ឆ្លានជំនាញ. Generally, he would indicate that it be sent to the relevant unit. For example, I saw “to be sent to Brother Văn វ៉ាន់ (Ieng Sary ឃៀងសារី)”, and also, “to be sent to Zone ½” which meant the Central Zone headed by Ké Pork កែពក. There are examples of confessions annotated by Nuon Chea ឆ្លានជំនាញ in the DC-Cam book entitled “A History of Democratic Kampuchea”. I remember that, in 1999, the journalist Nate Thayer showed me a confession containing an annotation by Nuon Chea ឆ្លានជំនាញ. I do not remember precisely what he had written or which confession, but I remember that I explained to Nate Thayer that the square handwriting was Nuon Chea ឆ្លានជំនាញ’s whereas the round handwriting was SON Sen’s សុនសែន.

I do not remember the precise date of Nuon Chea ឆ្លានជំនាញ’s annotations but, for instance, I remember that on the confession Nate Thayer showed to me, there was my handwriting, SON Sen’s សុនសែន handwriting and Nuon Chea ឆ្លានជំនាញ’s handwriting at the same time.

Question by the Co-Investigating Judges: Did you give the confessions directly to Nuon Chea ឆ្លានជំនាញ? Did you know what he did with these confessions, where he kept them and to whom he showed them?

Answer by the Charged Person: I did not give the confessions directly. I used the messengers, Toeung ទៀង, Chiv ជីវ or Sin ស៊ីន. Once, while Nuon Chea ឆ្លានជំនាញ was in China with Comrade Toeung ទៀង, Lin លីន – Pol Pot ប៉ុលពត’s messenger – came to collect the confessions. Regarding the second part of the question, I do not know. I simply noted that sometimes, Nuon Chea ឆ្លានជំនាញ asked Pâng ប៉ង to come and see me to obtain clarification on certain points.

Question by the Co-Investigating Judges: Did Nuon Chea ឆ្លានជំនាញ ever order you to use torture to obtain confessions? Did he ever order to use specific forms of torture on particular detainees?

Answer by the Charged Person: No. As opposed de SON Sen សុំនសេន, Nuon Chea ឡានជា never got involved in interrogations. His attempt to intervene in the interrogation of Mil Kavin មីលការវិន having failed, he subsequently limited his requests to obtaining confessions.

Question by the Co-Investigating Judges: Did Nuon Chea ឡានជា take this type of decision alone or were other members of the leadership involved? If yes, whom? If not, were the others informed and how?

Answer by the Charged Person: Pol Pot ប៉ុលពត decided on Security work but Nuon Chea ឡានជា was his representative. As Secretary of the Party, Pol Pot ប៉ុលពត did not want to come across as cruel and hid himself behind Nuon Chea ឡានជា, who played the part of the "bad guy". To this end, Pol Pot ប៉ុលពត used Nuon Chea ឡានជា's weaknesses: he was too talkative, merciless and was weakened by his links with SIV Heng ស៊ីវហេង. SIV Heng ស៊ីវហេង, the husband of Nuon Chea ឡានជា's aunt, had come from Thailand with him , but had left the Party to join LON Nol's លន់នុល ranks. He was thus a traitor.

Pol Pot ប៉ុលពត did everything to avoid contact with S-21 ស២១, but I remember one time when he could not do otherwise: it was during the massive arrests in the East Zone. Pol Pot ប៉ុលពត asked an assistant of the General Staff to call me to check whether Sithon ស៊ីថុន alias Mōn ម៉ុន, the chief of staff for the Eastern Zone, was amongst the persons arrested. Pol Pot ប៉ុលពត had considered him a traitor for a long time but Sao Phim សោភឹម had promoted him. Since the standing instructions were to respond only to a direct superior, I did not answer the military staff assistant. Some time later, Pol Pot ប៉ុលពត called me himself to obtain an answer, which I then gave him. All this shows that Pol Pot ប៉ុលពត avoided relations with S-21 ស២១.

However, Nuon Chea ឡានជា made certain decisions alone, but sometimes he had to raise it with Pol Pot ប៉ុលពត. I noticed for instance that he decided on certain arrests immediately, in my presence. That was the case for example for the arrest of S-21 ស២១ cadres, or for his refusal of my request for to free Chhay Kim Hor ឆាយគីមហ៊ី, or to remove Khieu Samphan ខៀវសំផាន's name when he was implicated. At other times, he did not decide immediately and asked Pol Pot ប៉ុលពត

beforehand. For instance, concerning my request to free Nhor ញ៉ំ, he initially seemed to be in favour, but came back later with a negative answer. I can give another example: SON Sen សុនសែន telephoned me to inform me of the imminent arrest of Chảo Seng ចៅសែង alias San សាន (founder of the *l'Institut de Pédagogie du Groupe Sud*, for the training of professors), asking me to keep this information secret and to record the detainee under the name "Chen Suon ចិនសួន" (I found references to this detainee in the document ERN 00171472, series n°1472). This happened in August 1977. Three days later, I started to work with Nuon Chea ឆួនជា, who confirmed the secret nature of the operation, telling me that even if someone from the Foreign Affairs Ministry came to ask me for information, I had to answer that "*Brother Vǎn វ៉ាន់ should ask Brother n°2*". Only Pol Pot ប៉ុលពត could have given such instructions. Even if he was above him hierarchically, Nuon Chea ឆួនជា could not have opposed Ieng Sary ឿងសារី in such a way, the latter having expressed his intention to promote Chảo Seng ចៅសែង from K10 ក១០ (Boeung Trabek បឹងត្របែក Centre) to B1 ប១ (Headquarters of the Ministry of Foreign Affairs).

The Interview was adjourned at 12:40 a.m.

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

The Charged Person: To supplement what I said this morning, I would like to state that the decision to arrest Chảo Seng ចៅសែង revealed a serious conflict between Pol Pot ប៉ុលពត and Ieng Sary ឿងសារី. Pol Pot ប៉ុលពត most certainly wanted to take the opportunity to warn Ieng Sary ឿងសារី, which is something Nuon Chea ឆួនជា could not do. This was the only case where a detainee was registered under a false name at S-21 ស២១, which shows how important this case was for Pol Pot ប៉ុលពត.

Concerning the hierarchy between Standing Committee members, SON Sen សុនសែន could not contact SAO Phim សោភឹម and Ieng Sary ឿងសារី directly. He had to go through Nuon Chea ឆួនជា, whereas he could have contacted Kè Pork កែពក directly, for instance.

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Question by Co-Investigating Judges: We have noted that one of the “biographies of detainees” produced at S-21 ស៊ីង្ស (see, for example, ERN 00091671, 00068148, 00068149, 00021366, 00088813), specify, among other things, that the arrested persons were first held elsewhere, especially at the Ministry of Commerce, at Office K17 ក១៧ and at Tuol Trea តួលត្រា village.) Can you explain what these documents mean? In particular, were these prisoners first detained by S-21 ស៊ីង្ស cadre, combatants or couriers, or by the local authorities, or both sets of authorities working together? We have also noted that some S-21 ស៊ីង្ស entry logs specify the name of the person who delivered prisoners to S-21 ស៊ីង្ស. For example, in the “confessions” file of Nou Pech ឡូប៉ិច alias Sin ស៊ីន - a returnee from abroad who, before his arrest, was assigned to Office K17 ក១៧ : ERN 00022969-00022973) – it is indicated that the person who delivered Nou Pech ឡូប៉ិច and other prisoners from K17 ក១៧ was “Rin រិន”. Can you clarify whether such "deliverers" were normally S-21 ស៊ីង្ស cadre, combatants or couriers, or personnel of the unit from which the prisoners came?

Answer by the Charged Person: As I already explained to you, it happened that S-21 ស៊ីង្ស staff went to pick up persons who had already been arrested. In that case, the superior indicated that prisoners had to be picked up in such and such unit and S-21 ស៊ីង្ស only took care of transportation - the trucks did not have any S-21 ស៊ីង្ស identification plates, as it was an extremely secret operation - without ever holding the prisoners anywhere except S-21 ស៊ីង្ស. In any case, from 1977, this stopped and other units took care of transportation (for instance, Divisions 170, 290 and 310, as well as the other Ministries: foreign affairs, social affairs, etc.).

As regards Rin រិន, who undertook the transportation of Nou Pech ឡូប៉ិច alias Sin ស៊ីន, he was a member of the K17 ក១៧ staff.

You ask me how the arrests were organised in the Ministries that did not have military or police forces at their disposal. In fact, the staff of these Ministries used tricks to take them to S-21 ស៊ីង្ស discreetly. For instance, Ya យ៉ា was told he was going to a medical examination when taken to S-21 ស៊ីង្ស. As for the Ministry of Foreign Affairs, there was a messenger who brought the prisoners to S-21 ស៊ីង្ស, named Cheam ជាម, who was roughly my age (that is why I already explained that the witness Chèk Sâm ចែកសំ, who said he was a Foreign Affairs Ministry messenger and declared

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Nuon Chea ឆ្លូតជា, Khieu Samphan ខៀវសំផុន and Ieng Sary អៀងសារី attended my wedding, is not a serious witness: he was an S-21 ស២១ staff member). To sum up, people from those Ministries were not "detained" within the Ministry when arrested but discreetly led to S-21 ស២១.

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 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 Person	Lawyers for Charged Person	Co-Prosecutors	Interpreters	Greffiers	Co-Investigating Judges
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