

~~លេខ/No. D89~~



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

ឯកសារទទួល
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កំណត់ហេតុនៃការស៊ើបអង្កេត

Written Record of Interview of
Charged Person

On the twenty-fourth of June, 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 ចាន់ណរ៉ា and Tanheang Davann តាន់ហ៊ីង ដាន់ណុន 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.

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

ឯកសារច្បាប់សម្រាប់ប្រើប្រាស់តាមច្បាប់ដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification): 01, JULY, 2008
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: C.A. FRY

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The Co-Prosecutors of the Extraordinary Chambers, Mr. Robert Petit and Mrs. Chea Leang ជា លោក ជាតិ were duly notified of this interview by Notification Letter dated 26 May 2008:

- Mrs. Chea Leang ជា លោក ជាតិ is represented by Mr. YETH Chakriya យ៉ែតចក្រិយា Deputy Co-Prosecutor
- Mr. Robert Petit is represented by Mr. Alex Bates, 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, are both present.

Interview

Questions-Answers:

Question by the Co-Investigating Judges: When did you hear of Ieng Sary អៀងសារី for the first time? What did you know about him? How did you hear of him? What were his revolutionary names? What did you know about his role in the DK Regime? Have you ever met him and if so, how many times? Please describe the details and context of these meetings?

Answer by the Charged Person: The first time I heard of Ieng Sary អៀងសារី, it was at Kompong Thom កំពង់ធំ junior high school where I sat for the first cycle secondary school diploma. I went to see the head supervisor (Nea Kim Sui នាគីមស៊ីយ៉ែ, who was a Khmer Krom ខ្មែរក្រោម) and he told me that Ieng Sary អៀងសារី was a respectable politician as well as his wife, the first to graduate with a bachelor degree in English literature.

The second time I was told about Ieng Sary អៀងសារី was when he fled to the jungle in 1964. A fellow school student – who lived with me in Pagoda number 3 and whose uncle was head of the subdistrict – told me that three people had escaped to the jungle, Saloth Sâr សាឡុតស, Ieng Sary អៀងសារី and Son Sen សុនសេន and that the subdistrict had been ordered to arrest them.

After 1970, I heard on the radio that Ieng Sary អៀងសារី was the permanent representative in Beijing ប៉េកាំង. After 1975, I saw him once from a distance, at the “Cité des Sports”, for the 17 April or 30 September commemoration (it was the first time I saw him; he did not speak then because only Pol Pot ប៉ុលពត spoke); and a second time on 6 January 1979, driving in his car on Sihanouk Boulevard near the Chinese Hospital. He gazed at me with a concerned look and I thought it was because of the attack against the foreign visitors during which one of them was

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killed. I recall that on 3 January, **Nuon Chea ឆ្មុនជា** had ordered me to have all the remaining S-21 ស២១ prisoners executed. I had asked to keep the four soldiers responsible for this murder to interrogate them. It was only on 7 January when the Vietnamese troops arrived, that **Nane ណាន** executed them.

To summarize, I never met **Ieng Sary អៀងសារី** personally. I never spoke with him.

Before 1979, **Ieng Sary's អៀងសារី** revolutionary name was **Vann វ៉ាន់**. Subsequently, he used others such as **Nên ណែន**.

Concerning **Ieng Sary's អៀងសារី** successive functions, I do not remember the exact date he was appointed Vice Prime Minister and Minister of Foreign Affairs, but I know that this appointment was officially proclaimed in the document dated 30 March 1976 which indicated that there were three Vice Prime Ministers: **Ieng Sary អៀងសារី** alias **Vann វ៉ាន់**, **Vorn Vet វនវេត** alias **Vorn វន** and **Son Sen សុនសេន** alias **Khiev ខៀវ**.

Ieng Sary អៀងសារី was implicated in one confession: **Chey Suon ជ័យសួន**, a former Khmer resistant (arrested under Sihanouk's សីហនុ rule, and then, successively Secretary for Zones 31 Zone 25, and after 1975, head of the Agricultural Committee with the honorary title of Central Bank Governor). He was jealous of **Ieng Sary អៀងសារី** because of his family ties with **Pol Pot ប៉ុលពត**. He found it shocking that he was appointed Minister even though he spoke Khmer with a Vietnamese accent. **Son Sen សុនសេន** reproached me for allowing Comrade **Vann វ៉ាន់** to be implicated in a confession.

I would like to add that in 1990, I discovered that **Ieng Sary អៀងសារី** had saved three children, which led me to have a lot of respect for him. Actually, to be more accurate, I assumed he was the only one who could have spared them since the parents had all been arrested at the Minister of Foreign Affairs. Their names were **Nat ណាត**, **Teanh ទាញ** and **Toch Kham Doeun តូចខាំខៀន**. You ask me whether this means that these persons had been arrested upon **Ieng Sary's អៀងសារី** orders. Actually, I think it is rather upon **Pol Pot ប៉ុលពត** or **Nuon Chea's ឆ្មុនជា** orders and that **Ieng Sary អៀងសារី** received the order. Indeed, this was the usual procedure, as document ERN 00172999 shows. This document contains annotations by **Son Sen សុនសេន** concerning staff members of the Ministry of Foreign Affairs. In practice, **Pol Pot ប៉ុលពត** would take the decision, **Son Sen សុនសេន** had it executed and **Nuon Chea ឆ្មុនជា** controlled it. The person responsible for the unit in question – in this case **Ieng Sary អៀងសារី** – was involved in the procedure to an extent since he was invited to accept the decision (in any case, this is the

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way I see it; personally, I never took part in these decisions). There was one exception when Chao Seng ចៅសេង was arrested at the Ministry of Foreign Affairs without Ieng Sary's អៀងសារី knowledge. My interpretation is that it was a way for Pol Pot ប៉ុលពត to send a warning to Ieng Sary អៀងសារី, since the latter had promoted Chao Seng ចៅសេង from Boeng Trabek បឹងត្របែក to B1 ប១. He liked to be surrounded by intellectuals, whereas Pol Pot ប៉ុលពត saw them as potential spies, which explains their disagreements.

Question by François Roux: How were arrests and transfers to S-21 ស២១ organised in practice? Who was in charge of them?

Answer by the Charged Person: Son Sen សុនសេន either ordered S-71 ស៧១ (in practice Lin លីន and Pâng ប៉ង) to proceed with the arrests and transfers; or the messenger for the Ministry of Foreign Affairs (Cheam ជាម) drove the person to be arrested to S-21 ស២១ by car.

S-71 ស៧១ was under Son Sen's សុនសេន direct command. However, Cheam ជាម was out of his reach and I believe he received his orders from Ieng Sary អៀងសារី. Tomorrow, I will give you a chart of the security services of Democratic Kampuchea, that I shall briefly comment.

Question by the Co-Investigating Judges: How many detainees from the Ministry of Foreign Affairs did you receive at S-21 ស២១? Could you cite the names of cadre from the Ministry of Foreign Affairs and members of their families who were detained and/or interrogated and/or tortured and killed at S-21 ស២១?

Answer by the Charged Person: I cannot give you numbers but if you leave me some time, I could identify on S-21 ស២១ lists the names of people from the Ministry of Foreign Affairs. I can add that the magazine "Searching for the Truth" which Judge You Bunleng យូប៊ុនឡេង showed me mentions 26 diplomats. I remember 6 of them. Chea San ជាសាន, Huot Sambath ហ្លុតសម្បត្តិ, Meakh Touch ម៉ាយតូច alias Kêm កែម, Yuos Thol យូសថុល alias Deam ដាម, Seang An សៀងអាណ and Heng Sokh Kheang ហេងសុខខេង.

Question by the Co-Investigating Judges: How many students, diplomats and former Cambodian cadre from GRUNK / FUNK did you receive at S-21 ស២១ when they returned from abroad?

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Answer by the Charged Person: Most of the 26 persons mentioned above belonged to either the GRUNK or the FUNK (only the last four cited were members of the Communist Party of Kampuchea). I cannot remember all the intellectuals returning from abroad that I received at S-21 ស២១ but I know there were a number of them. In particular, I recall having discovered among the items seized from the arrested persons, the notebook of an engineer who had written “*I am determined to find oil for the Nation*”.

Question by the Co-Investigating Judges: Did the Minister of Foreign Affairs know about the arrest of the four foreigners whose bodies were burned?

Answer by the Charged Person: I do not think so. Son Sen សុនសេន sent two of them and Nuon Chea នួនជា sent the two others. I know it was Division 164, headed by Meas Mut មាសមុត, that arrested them but I do not think that the Ministry of Foreign Affairs was informed thereof.

Question by the Co-Investigating Judges: You mentioned that Ieng Sary អៀងសារី had spared three children who were to be sent to S-21 ស២១, thereby opposing DK policy concerning the murder of children. What were these children’s names? Do you know where they are today? Did Ieng Sary អៀងសារី get in trouble for having saved these children? If not, could you explain why Ieng Sary អៀងសារី chose to save these three children in particular and not others? Why did he take the risk?

Answer by the Charged Person: I assume that these children are still alive today. The last I heard of them was in 1991. I saw the son of Teanh ទាញ with my own eyes (my neighbour identified him and also indicated that Nat’s ណាត daughter was still alive). Moreover, at the same time, Nuon Chea’s នួនជា son-in-law told me that Hong ហុង, Pol Pot’s ប៉ុលពត nephew, wanted to marry his daughter to the son of Toch Kham Doeun តូចខាំខៀន. As for the reasons why these children and not others were spared, I cannot say. I would tend to think that, being young, they were still with their parents, as opposed for instance to the children of Kè Kim Huot កែគីមហ្វុត and Chhay Kim Hor ឆាយគីមហ៊ី, who were not arrested with them.

As for the possible consequences for Ieng Sary អៀងសារី of his actions, I cannot say. His relationship with Pol Pot ប៉ុលពត was special given their family ties.

The Interview was adjourned at 12:10 p.m.

The Interview resumed at 2:10 p.m. on the same day.

Question by the Co-Investigating Judges: You affirmed (on 05/09/2007) that Son Sen សុនសេន would usually tell you about the speeches and conversations of other members of the Standing Committee. What did Son Sen សុនសេន tell you about Ieng Sary អៀងសារី?

Answer by the Charged Person: As I told you this morning, Son Sen សុនសេន reproached me because Chey Suon's ជ័យសួន confession implicated Comrade Vann វ៉ាន់ in deprecating terms. On another occasion, he told me that Ieng Sary អៀងសារី was to deliver a speech at the United Nations and that he was worried concerning what Ieng Sary អៀងសារី was going to say but that he had been reassured after a conversation with Pol Pot ប៉ុលពត .

You have asked me if Ieng Sary អៀងសារី could be perceived as holding a unique position in the Standing Committee or whether he was in a situation similar to the others. I have never really thought about that question. Actually, Son Sen សុនសេន rarely spoke of Ieng Sary អៀងសារី . He often spoke of Nuon Chea ណួនជា and Ta Mok តាម៉ុក. He never spoke of Sao Phim សោភឹម, Chou Chét ជូជេត, Khieu Samphan ខៀវសំផន, and Huot Heng ហួតហេង alias Brother Pal ប៉ាល់ for example.

Question by the Co-Investigating Judges: After 1979, were there any modifications in the organisation of the regime? For instance, you explained that you went to Beijing ប៉េកាំង in 1986 with a passport. Who issued it?

Answer by the Charged Person: As I recall, the UN recognised Democratic Kampuchea as the only legitimate representative of Cambodia. Khieu Samphan ខៀវសំផន would go there regularly to deliver speeches and the permanent ambassador was Thioun Prasith ថ្លួនប្រាសិទ្ធិ. Ieng Thirith អៀងធីរិទ្ធ, who at the time had the title of Inspector responsible for Foreign Affairs, signed my personal passport. As for Ieng Sary អៀងសារី, I believe that he was then responsible for budgetary affairs but this is not official information.

Concerning the functions of the various leaders after 1979, I can say that Pol Pot ប៉ុលពត was the commandant in chief of the army, and that his deputy was Ta Mok តាម៉ុក. Son Sen សុនសេន was Chief of Staff with Kè Pork កែពក as deputy. As for Nuon Chea ណួនជា , he was very close to Pol Pot ប៉ុលពត : Upon my return from China I noted that he received all meeting minutes,

including those in which he had not participated, in order to follow-up on the implementation of Pol Pot ប៉ុលពត decisions. To this end, he had his own staff, i.e. Sean ស៊ាន who reported to him. As I already explained, he was disliked by all the cadre because Pol Pot ប៉ុលពត used him to play the role of the bad guy.

As for me, I was under the authority of K18 ក-១៨, Son Sen's សុនសេន Office, based close to Trat ត្រាត in Thailand. Pol Pot ប៉ុលពត, Nuon Chea នួនជា and Khieu Samphan ខៀវសំផន all had houses there and would hold meetings when they had to work together. Actually, those who met the most often were Pol Pot ប៉ុលពត, Nuon Chea នួនជា and Son Sen សុនសេន. Khieu Samphan ខៀវសំផន took part more rarely. As for Ieng Sary ឿងសារី, I never saw him on these occasions. I would add that I never participated personally in these meetings but that, as the place was quite small, I was kept informed by rumours.

Question by the Co-Prosecutors: The Charged Person previously explained that before an arrest, the head of the relevant unit was consulted. Does the Charged Person have any particular reason to think that this was not the case for the Ministry of Foreign Affairs and its head, Ieng Sary ឿងសារី?

Answer by the Charged Person: No. However, I note that Ieng Sary ឿងសារី would sometimes go abroad (unlike Pol Pot ប៉ុលពត, Nuon Chea នួនជា, Vorn Vet វ៉ុនវ៉េត and Son Sen សុនសេន who, to my knowledge, remained in Cambodia from 1975 to 1979). Thus, I do not know how arrests were carried out when Ieng Sary ឿងសារី was abroad.

In any case, it seems obvious to me that Chao Seng's ចៅសេង arrest occurred without Ieng Sary's ឿងសារី knowledge and this was an exception: I remain convinced that Pol Pot ប៉ុលពត wanted to send a warning to Ieng Sary ឿងសារី, otherwise S-21 ស២១ would not have been asked to keep the information secret and to change Chao Seng's ចៅសេង name to Chen Suon ចិនសួន.

Question by the Co-Investigating Judges: When did you hear of Khieu Samphan ខៀវសំផន for the first time? What did you know about him? How did you hear of him? What were his revolutionary names? What did you know about his role in the DK Regime? Did you meet him before 1979? If so, how many times? Please describe the details and context of all these meetings?

Answer by the Charged Person: The first time I heard of Khieu Samphan ខៀវសំផន, it was in relation to the assault of which he was a victim in 1959-1960: he had been molested and

undressed in the street by a commando led by Kou Run គូរុន, head of Sihanouk's សីហនុ secret services. The case had been abundantly commented by the media. Subsequently, like anybody else, I followed the political career of Khieu Samphan ខៀវសំផន, who was a public figure. In 1966, I went to his electoral circumscription with Nat ណាត and I then noted how popular he was. Although he had hardly spent anything on his campaign, he obtained 14,000 votes while his competitors, Top Pân តុបប៉ាន់ and Pân Isara ប៉ាន់ឥសារ៉ា only got a few hundred.

From the moment Khieu Samphan ខៀវសំផន went underground and I joined the revolutionary ranks myself, I never had any contact with him until the meeting on 6 January 1979, which I have already talked about; a meeting attended by only four or five people including myself.

The only time I saw Khieu Samphan ខៀវសំផន, from a distance, was at the commemoration of the 17th of April in 1978, at the Olympic Stadium: he was then at the tribune, next to Pol Pot ប៉ុលពត, Nuon Chea ណួនជា, Vorn Vet វ៉ុនវ៉េត and Chuon Choeun ជួនចៀន. Khieu Samphan's ខៀវសំផន revolutionary name was Hem ហែម. Later, Pol Pot ប៉ុលពត had him called Nân ណន.

Concerning his role, I can say he was an important character even though he was not a member of the Standing Committee. I know that numbers nine and ten of the Central Committee were Koy Thuon កុយធ្នួន and Mên San ម៉ែនសាន alias Ya យ៉ា. I cannot affirm whether Khieu Samphan ខៀវសំផន was in the 8th or 11th position, but I know he had Pol Pot's ប៉ុលពត trust. I was told that he had been appointed Head of Office 870 after the arrest of Soeu Vasy សៀវស៊ី alias Doeun ឌឿន, but this hardly seems plausible to me since he was more important than that and I cannot believe that he could have been "downgraded" in such a way.

Concerning Khieu Samphan's ខៀវសំផន responsibilities, I can say that Comrade Chorn ជន, Director of the Chak Engrè Electrical power plant, declared that he was under Khieu Samphan's ខៀវសំផន authority. Nuon Chea ណួនជា threatened to "send me as a diplomat" when I reported Khieu Samphan's ខៀវសំផន implication by Chorn ជន.

I always wondered why Khieu Samphan ខៀវសំផន, who was a Doctor of Economics, respected Pol Pot ប៉ុលពត that much. I tend to share the analysis of Henry Kissinger, who declared at Pol Pot's ប៉ុលពត death "if you want to know why there were massacres in Cambodia, read Khieu Samphan's ខៀវសំផន thesis". Indeed, I think that he used Pol Pot's ប៉ុលពត ideas on the necessity of a quick revolution.

Regarding the transfer of the royal sword to Khieu Samphan's ខៀវសំផន Office, my only source of information was Pâng ប៉ង but I have no reason to doubt what he said because although he was pretentious, he never lied. He told me that the busts of the four kings of

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Cambodia had been thrown in the river, that Genie Dâng Koe ដំរីកី monuments had been destroyed and that the royal sword had been transferred to Khieu Samphan's ខៀវសំផាន Office, all on Pol Pot's ប៉ុលពត orders. Pâng ប៉ង claimed he was very close to Pol Pot ប៉ុលពត and tried to impress us by showing that he knew everything.

Question by the Co-Investigating Judges: Who was responsible for establishing the tariffs for merchandise?

Answer by the Charged Person: This was defined in the decision dated 30 March 1976. It was necessary to organise foreign trade, especially with China. I do not know exactly which service was responsible for that task.

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 5.50 p.m., we asked the Greffiers to read out this Written Record of Interview of Charged Person as recorded.

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

Charged Person	/signature/
Lawyers for Charged Person	/signatures/
Co-Prosecutors	/signatures/
Interpreters	/signatures/
Greffiers	/signatures/
Co-Investigating Judges	/signatures/