

~~អវប/No: D90~~

ព្រះរាជាណាចក្រកម្ពុជា



ព្រះរាជាណាចក្រកម្ពុជា
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Extraordinary Chambers in the
Courts of Cambodia
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
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du dossier: **C.A.FRY**

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

កំណត់ហេតុនៃការស៊ើបអង្កេត

Written Record of Interview of Charged Person

លេខស៊ើបអង្កេត/Investigation
លេខ/No: 002/19-09-2007-ECCC-OCIJ

On the twenty-fifth of June, two thousand and eight, at 9:10 a.m.

We, **You Bunleng យូ 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 អូច ចាន់ណុរ៉ា** 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.

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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 ណាង were duly notified of this interview by Notification Letter dated 26 May 2008:

- Mrs. Chea Leang ជា ណាង is represented by Mr. PICH Sambath ពេជ្រសម្បត្តិ, Co-Prosecutor Assistant,
- 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: Two Civil Parties have mentioned the name of Khieu Samphan ខៀវសំផន in relation with S-21 ស២១១:

- Bou Meng ប៊ូម៉េង (D2-1, ERN 00146766): *“One day as I was painting, we saw Khieu Samphan ខៀវសំផន. (...) When I saw him, he was alone.”*
- Chum Manh ជុំម៉ាញ alias Mey មី (D2-4, ERN 00146780): *“I know that Khieu Samphan ខៀវសំផន visited the place where I made the stove because my co-worker had told me and on his arrival that this man is Khieu Samphan ខៀវសំផន.”¹*

In light of the declarations of the Civil Parties, do you maintain that you have met Khieu Samphan ខៀវសំផន just once, in January 1979?

Answer by the Charged Person: I can but repeat that my superior was first Son Sen សុនសែន, then Nuon Chea ឆន ជា. Khieu Samphan ខៀវសំផន was an important man within the Regime but he was not my superior and I maintain that I saw him just once, on 6 January 1979. Son Sen សុនសែន came to S-21 ស២១១ four times. More precisely, he came to the entrance of the detention buildings once (the gate of the current Museum); he chaired a meeting once in April 1977 (in the building identified as E on the map I gave you on 22 ខៀវសំផន); and he came to my house twice. Nuon

¹ Traduction non officielle.

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Chea ឆន់ជា never came to S-21 ស២១, although on two occasions he observed the transfer of detainees from a hidden vantage point. The first time was the transfer of Suos Neou សួសនៅ alias Chhouk ឈូក from K7 ក-៧ to S-21 ស២១, from a place close to the Royal Palace as I have already explained. The second time was for the wives of Vorn Vet វ៉ុនវេត and Cheng Ân ចេងអ័ន. I do not know why Bou Meng ប៊ូម៉េង and Chum Mey ជុំមី said that. In any case, as far as I know, Khieu Samphan ខៀវសំផាន never visited me in S-21 ស២១.

Question by the Co-Investigating Judges: During the meeting in January 1979, did Khieu Samphan ខៀវសំផាន comment on the evacuation of S-21 ស២១ or provide elements which may have led you to conclude that Khieu Samphan ខៀវសំផាន was aware of the existence of S-21 ស២១?

Answer by the Charged Person: I repeat what I said on 23 August 2007 concerning this meeting. Nuon Chea ឆន់ជា told Comrade Toeung ទៀង that I had to go to the *Lycée Bouddhiste*. When I arrived, I was surprised to find Khieu Samphan ខៀវសំផាន there. I hesitated to enter but Lin ស៊ីន pushed me inside. Khieu Samphan ខៀវសំផាន did not speak to me in particular but in general, to the three or four persons present (none of whom I knew except for Roeng រឿង, Chairman of the State Warehouse: indeed, following the 1978 purges, there were many new faces). He only spoke about the military situation, telling us that the situation was under control and that there was no reason to worry.

Question by the Co-Investigating Judges: Did you tell Khieu Samphan ខៀវសំផាន that, a few days before, Nuon Chea ឆន់ជា had ordered you to kill the remaining prisoners?

Answer by the Charged Person: Personally, I said absolutely nothing at this meeting. I listened to Khieu Samphan ខៀវសំផាន, took leave respectfully and left. You have asked me how I could reconcile what Khieu Samphan ខៀវសំផាន had just said with Nuon Chea's ឆន់ជា instructions requesting me to send all the prisoners to Cheung Ek. Actually, when Nuon Chea ឆន់ជា gave me that order, I wondered whether there was going to be another mass arrest and I also thought that maybe this was the end my life, but I did not really think about the situation at the front. I believed what Khieu Samphan ខៀវសំផាន said.

Question by the Co-Investigating Judges: Yesterday you declared that Khieu Samphan ខៀវសំផាន was too important to be appointed as the head of Office 870. Yet, you declared previously

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that Office 870 used to contact and inspect S-21 ស២១ (D 13, EN version, ERN 00147571) and that the definition of the Policy for the whole country was decided in Office 870 (D31, EN versions, ERN 00154911). (D31, EN versions, ERN 00154911). Is this not contradictory? More generally, could you clarify your declarations on 4 December 2007 concerning the leadership bodies of Democratic Kampuchea, namely Office 870 and the Committee of the Working Group in charge of Office 870?

Answer by the Charged Person: I must first indicate that I have a better knowledge of the situation today compared to last August or last December. Indeed, as I went through the Case File, I understood better the organisation of the Regime. In particular, I realised that what I called the "Committee of the Working Group in charge of Office 870" at my previous interviews was in reality identified as "S71 ស២១១". I have prepared two charts summing up my understanding of the organization, on the basis of my former knowledge, then on the basis on my current knowledge. I would like to comment briefly on these two charts.

But first, I would like to try to clarify what I said yesterday regarding **Khieu Samphan ខៀវសំផន** and Office 870. Indeed, the sentence noted yesterday ("I was told that he had been appointed Head of Office 870 after the arrest of Soeu Vasy សៀវ៉ាស៊ី alias Doeun ខៀន, 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 " does not correspond exactly to what I meant. Reading it, one might think that before Soeu Vasy's សៀវ៉ាស៊ី arrest, **Khieu Samphan ខៀវសំផន** was his subordinate whereas it is exactly the opposite. It must be clear that **Khieu Samphan ខៀវសំផន** was a much more important character than Soeu Vasy សៀវ៉ាស៊ី. I believe that the confusion originates in the writings of David Chandler in his book "Voices from S-21 ស២១១" (p.64 of the English version: "the importance of Doeun's ខៀន role in Office 870 is confirmed by the fact that he was replaced by **Khieu Samphan ខៀវសំផន** , so-called head of Democratic Kampuchea"). Chandler added that **Khieu Samphan ខៀវសំផន** was "certainly the major beneficiary [of Soeu Vasy's សៀវ៉ាស៊ី downfall]." **Khieu Samphan ខៀវសំផន** uses this today as an argument to diminish his importance but it is completely wrong. He was president of the State Presidium since 1976, and remained in that position after Soeu Vasy's សៀវ៉ាស៊ី arrest in 1977. I think that from this arrest onwards, he effectively became the Head of Office 870, but this was not a promotion, just an additional task, similar to the way Nuon Chea នួនជា took Son Sen's សុនសែន position at S-21 ស២១ when Son Sen សុនសែន had to leave. **Khieu Samphan ខៀវសំផន** had very important functions: in particular, he was in charge of relations with Norodom Sihanouk នរោត្តមសីហនុ and Penn Nouth ប៉ែននុត, the former GRUNK Prime Minister. The latter was considered an important character: in 1978, it was announced on the radio that he had given his property to Democratic Kampuchea after having repatriated his assets from abroad. **Khieu Samphan ខៀវសំផន** visited rural zones with Sihanouk សីហនុ and Penn Nouth ប៉ែននុត on numerous occasions.

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He also had units under his command: the Chak Angrè ចក្រអង្រែ and Psra Toch ផ្សារតូច Electrical Power plants, the Water Works, the State Warehouses (which was the reason why Roeng រឿង was present at the meeting on 6 January 1979). To sum up, I would like to be clear on the importance of Khieu Samphan ខៀវសំផន.

Back to Office 870, what I can say is that it was the headquarters of the Party leading bodies. The charts I am giving you today do not describe the organisation of Office 870, but rather the working structure of the security centres and their links to the authorities. Amongst the seven members of the Standing Committee, three were responsible for security: Pol Pot ប៉ុលពត, Nuon Chea នួនជា and Son Sen សុនសេន. Khieu Samphan ខៀវសំផន was not responsible for this sort of work, and Pâng ប៉ង, the head of S71, was not under his authority: he reported directly to Pol Pot ប៉ុលពត. This does not mean that Khieu Samphan ខៀវសំផន did not know what was going on in this area since, in reality, everybody knew that there were disappearances and massacres. Khieu Samphan ខៀវសំផន was undoubtedly all the more aware, since Pol Pot ប៉ុលពត liked him and considered him as his pupil, and gave him privileged information. Thus, in my opinion, if Khieu Samphan ខៀវសំផន was invited to attend the meeting during which the arrest of Chou Chet ជូជេត was decided, it was not to participate in the decision but to be informed of the purge process.

Office S71 ស៧១ played an important role: it was generally responsible for the transfer of prisoners to S-21 ស២១; those who were arrested in rural zones had to go through K7 ក៧ (Centre messengers Office) before being sent to S-21 ស២១. It also had the secret prison of Botum Pagoda under its authority, the existence of which I learnt from Pâng ប៉ង (I learnt in particular that Mrs Kuok Suy Chhing គួកស៊ុយលឿង alias Năn ណាន់, Pol Pot's ប៉ុលពត personal doctor, had been arrested at the 17 April hospital and conducted to the secret prison before being transferred to S-21 ស២១). I note that I did not mention K7 ក៧ on my chart since I used the lists you gave me, upon which it did not appear. I also note that Boeung Trabèk បឹងត្របែក, successively headed by Uk Savân អ៊ុកសាវ៉ាន and Luon Săo លួនសៅ, is referred to as K17 ក១៧ (see document ERN 00022969).

The security centres in the Zones, Sectors and Districts reported to Nuon Chea នួនជា. Each Zone Chairman had the autonomy to decide on arrests, as specified on 30 March 1976. Thus, Kè Pork កែតក (Secretary of the Central Zone) decided to arrest my brother-in-law Kao Ly Thong Huot កៅលីថុងហួត alias Thoeun ធៀន without the Standing Committee knowing (the Standing Committee was only informed by my letter). You have asked me whether there was any hierarchy between the District, Sector and Zone security centres. In fact, the hierarchy was organised on the basis of the

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Party network. Each District Office was answerable to the District Secretary. In the Sectors, the Security centres were answerable to the Sector Secretary. Likewise at the Zone level. The central authority was kept informed by the Party network, as the political line had to be implemented at all levels.

Statement by the Co-Investigating Judges: The two charts provided by the Charged Person were attached to this Written Record of Interview.

The Interview was adjourned at 12:30 p.m.

The Interview resumed at 2:43 p.m. on the same day.

Statement by the Co-Investigating Judges: Here is a list of 13 written questions that we are attaching to the present Written Record, as well as the documents which are referred to in these questions, so that you may give us your written answers in order to save time.

Answer by the Charged Person: I will do it.

Question by the Co-Investigating Judges: How many detainees did you receive at S-21 ស៊ីខ្យូ from Office 870 (and its sub-units such as S-71 ស៊ីស៊ីខ្យូ)? What were the names of the S-71 ស៊ីស៊ីខ្យូ and Office 870 cadre and their family members who were detained and/or interrogated and/or tortured and killed at S-21 ស៊ីខ្យូ?

Answer by the Charged Person: On the lists I was given, I have noted between 15 and 20 names of cadre arrested from Offices K4 ក៏-៤ to K18 ក៏-១៨. In general, there was only one person per office, but for K17 ក៏-១៧ and another unit, the number of which I forgot, there were two. I remember the names of those arrested from K17: Uk Savân អ៊ុកសាវ៉ាន and Luon Săo លួនសៅ. I also remember Mìn Mine មិនមីន alias Prum ព្រុំ, and Phum ភុំ, from K10 ក៏-១០ (and not Boeung Trabèk បឹងត្របែក as I noted in my first chart). The head of S71 ស៊ីស៊ីខ្យូ, Pâng ប៉ង, was also arrested, as well as the head of Office 870, Soeu Vasy សៀវស៊ី alias Doeun ឌឿន.

Question by the Co-Investigating Judges: Who decided on the arrest of these cadres and according to what criteria?

Answer by the Charged Person: As these units were under Pol Pot's ប៉ុលពត direct authority, I believe that only he could decide to arrest them. As for the criteria, cadre could be arrested either because of their activities within the unit, or because they were implicated in the confessions.

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For example, in the case of Soeu Vasy សៀវាស៊ី alias Doeun ឌឿន, there were rumours that he did not want to stay in Office 870 any more. Pâng ប៉ង told me that he had behaved badly and, in particular, he shared an anecdote according to which Doeun ឌឿន had not given Pol Pot ប៉ុលពត all the watches that had been confiscated from people that were arrested, claiming that some of them had been stolen, which upset Pol Pot ប៉ុលពត. Finally, Koy Thuon កុយធ្នូន implicated him in his confession.

Question by the Co-Prosecutors: Does the Charged Person remember Phork Chhay's ផោកឆាយ confession, summarised in document ERN 00184379, according to which Doeun ឌឿន replaced Koy Thuon កុយធ្នូន as Minister of Commerce in July 1976?

Answer by the Charged Person: I do not remember the confession, but I agree with the content of the story. Indeed, despite what one might think from reading my preceding statement, Doeun ឌឿន was not arrested while he was still head of Office 870, but when he was Minister of Commerce. Once implicated in Koy Thuon's កុយធ្នូន confession, he became a suspect and his behaviour since 1970 was re-examined. This led to his arrest.

Concerning Pâng ប៉ង, I have already explained how Son Sen សុនសែន reproached me for letting his name appear in a confession, before asking me for the contrary.

I do not remember the grounds for arresting the other persons mentioned above. I simply remember that when Mìn Mine មិនមីន arrived at S-21 ស២១, he was searched by Hor ហ៊ី who found a Rolex watch on him. He said he had taken it from an intellectual, Hing Un ហ៊ីងអ៊ុន. Mìn Mine មិនមីន was the head of K10 ក១០, a re-education camp for intellectuals. I believe this is evidence of the cruelty of Mìn Mine មិនមីន, who used his position to abuse the people under his surveillance.

Concerning intellectuals under the Democratic Kampuchea regime, one must understand they were targets: after 17 April, they were sought out, arrested and "smashed". Yet, some of them, in particular those who had worked for the FUNK and the GRUNK were sent to re-education camps (the various "K ក"s).

We hereby inform the Co-prosecutors, the Charged Person and his Co-lawyers that the next interview shall take place on 15 July 2008 at 9:00 am.

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 5:58 p.m., we asked the Greffiers to read out this Written Record of Interview of Charged Person as recorded.

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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/