

លេខ/No: D90/II

Written

GENERAL, 15 June 2008

ឯកសារទទួល	
DOCUMENT RECEIVED/DOCUMENT REÇU	
ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/Date de reception): 7, 7, 2008	
ម៉ោង (Time/Heure): 14:30	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: C.A. FRY	

GENERAL: POLICY (EXECUTIONS FROM 1971)

Q. 1. You have said that it was “stipulated in the political line of the Party, the line stipulating that for those sent to S21, it had already been decided to smash them all,”¹ You have also said that the “Party political line regarding the enemy” that enemies “absolutely had to be smashed” had existed since before the creation of Office 13, that is since before 1971, and had been “disseminated throughout the country,” being “taught and studied and implemented throughout the country” because it was “global” in scope, applicable for the entire Party, the military, the state power at the grassroots, and security offices everywhere.²

When exactly were these particular political lines of the Party, stipulated, by which Party personalities or Party committees?

Before and after 17 April 1975, how frequently, in what specific contexts, and by what particular means were they taught and studied?

After the creation of S21, exactly which Party personalities, Party committees, Party levels (eg, Centre, zone, sector, district, cooperative), ministries and offices, and military units were aware of the existence and functions of S21, including its smashing of prisoners?

GENERAL: POLICY (DK CONSTITUTION AND CPK STATUTE)

Q. 2. Before the decision by the Central Committee on 30 March 1976 (ERN 00003136-00003142), the Democratic Kampuchea Constitution and new CPK Statute were promulgated, both in January 1976.

We point out that Article 10 of the Constitution provided for an unspecified “highest level of punitive sanction” for “opposition and wrecking activities of a systematic character that endanger the state”, while declaring that other “crimes” must be dealt with through “re-education and refashioning within the context of state or popular organs”.

We also point out that Article 4 of the Party Statutes provided that:

Any Party member or Party echelon that opposes the political line of the Party, the ideological stance of the Party, the organizational stance of the Party or the Party Statutes; that causes fissures in the Party's internal solidarity and unity; that creates factions; that conducts activities to wreck the Party, the revolution or the people; that abandons their Party duties; that brings about a breach in

¹ CIJ interview of Duch (English), 7 August 2007, p.7.
² CIJ interview of Duch (English), 7 August 2007, p.8.

បញ្ជីចម្លងត្រឹមត្រូវ	
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវ (Certified Date/Date de certification): 07, 07, 2008	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA	

secrecy endangering the Party, revolution or people; that causes a loss of Party funds or property; that behaves immorally or as a hooligan, or that does not engage in lifestyle meetings for three consecutive months, etc, is in violation of the Party's organizational discipline and must be lightly or severely disciplined, as follows:

- a. criticism-warning;*
- b. transfer of/removal from duties;*
- c. exclusion from the Party/various punitive sanctions in accordance with the crime, e.g., whether systematic anti-Party activities or Party-betraying activities.*

Can you clarify the meaning these articles, especially the phrases "opposition and wrecking activities of a systematic character that endanger the state" and "highest level of punitive sanction" in the Constitution and "systematic anti-Party activities or Party-betraying activities" and "severely disciplined" in the Party Statute?

GENERAL: STRUCTURE (CENTRAL DOCUMENTS AND ARCHIVES)

Q. 3. You have spoken about the existence of "archives within Office 870"³ In this regard, we would like to discuss the "telegrams" sent from units and localities to the Centre, each of which has a list of named persons to which the communication is to be copied and also specifies that they are to go to "office" (*muntir*) and/or "documents" (*èkāsar*).

Can you clarify to what "office" and "documents" refer to in this context?

GENERAL: STRUCTURE (COMMUNICATIONS)

Q. 4. We would also like to discuss examples of "telegrams" for another purpose: to help us clarify the meaning of salutations indicating the addressee and routing of these documents. These include, among others, the following: "Respected Brother," "Respected and Beloved Brother," "Respected Organization," "Respected and Beloved Organizatoin," "Brother Pol," "Beloved Brother Pâ," "Respected and Beloved Brother Pâ," "Respected and Beloved Brother 009," "Brother 89," "870," "Respected and Beloved Chief [sic] of 870," "Respected and Missed Office 870," "Beloved Office 870," "Respected and Beloved Office 870," "Respected Organization 870," "Office 870," "Respected and Beloved Brother Office 870," "Missed and Beloved Com 870," "Brother Office 870 and Brother Vi," "To Comrade Yi via Office 870," "Respected and Beloved Office 81," and "Respected Office 81".

Can you identify who the various addressees are, particularly in those cases where the code 870 is mentioned?

Can you clarify how messages were received and sent by 870?

GENERAL: STRUCTURE (30 MARCH 1976 AUTHORITY TO SMASH)

Q. 5. To raise again the 30 March 1976 Decision (ERN 00003136-00003142). We recall that with regarding to smashing inside and outside the ranks, it stipulates that:

³ Duch pv (English Draft), 2 June 2008, p.3.

~~1978/No. D90/II~~

- In the grassroots context, the Zone Standing Committee decides.
- Around the office(s) of the Centre, the Committee(s) of the Office(s) of the Centre decide(s).
- In independent Sectors, the Standing Committee decides.
- In the Army of the Centre, the General Staff decides.

We also note that, in January 1976, both the Constitution and the Party Statute stipulated decision-making procedures by which punishments could be imposed.

- Article 9 of the Constitution promised: "*Courts constituted as People's Courts belonging to the people "would" embody the people's justice and defend the people's rights and democratic freedoms" while "punishing all counter-revolutionary activities and activities opposing the people's state";*
- Article 4 of the Statute promised: "*Party discipline must be implemented through a conscientious assessment, analysis and judgment premised absolutely on the principle of collectivity, and in this collective context, it is in addition imperative to endeavor to involve multiple echelons in accordance with the importance of the particular problem.*"

It appears from everything you have told us that the promises of the Constitution and the Statute were never fulfilled, and that Pol Pot, Nuon Chea and Son Sen usurped authority with regard to security and smashing levels within the Party, acting through you.

If so, how did this come about?

Did the 30 March 1976 decision in effect supersede the Constitution and Statute?

If any case, can you clarify to us the exact meaning of the phrase "Around the Office(s) of the Centre, the Committee(s) of the Office(s) of the Centre decide(s)"?

Which "office(s)" and "committee(s)" are meant?

Is this a euphemistic reference to S21 itself, or does it allude to other organs?

GENERAL: STRUCTURE (CENTRE MILITARY/SECURITY COMMITTEE)

Q. 6. Apparently, a Military Committee at the Party Centre level had existed since at least 1970, from which time it until at least 1975 it had been chaired by Pol Pot (FBIS OERN 00168654). "The Research and Documentation Center" of Ieng Sary's Democratic National Union Movement said in a September 1996 paper that there was a secret "*Security Committee*" within the Military Committee of the Central Committee, and within this yet another "*secret committee*" headed by Nuon Chea, with Son Sen as its "*member*" and Yun Yat described as an "*advisor*" to her husband. This research paper alleges that together "*Pol Pot, Nuon Chea, Son Sen [and] Yun Yat*" made all decisions about "*killings and massacres*", although they also relied on "*some members*" of the Standing Committee who were either members of the Security Committee or Zone Secretaries, "*such as Ta Mok and Sao Phim*", and although Von Vet was put "*provisionally in additional charge of security to replace Son Sen*" when the latter was assigned to military duty at the "*eastern front*" bordering on Viet Nam (IS Gen Evid OERN 00081213-00081222: The Research and Documentation Center of the

~~1518/No. D90/H~~

Democratic National Union Movement, *"The True Fact [sic] About Pol Pot's Dictatorial Regime, 1975-78"*, 8 September 1996).

Asked during a taped interview in December 1996 to clarify the September document, Sary indicated that in fact there was a single Committee responsible for both military and security affairs. After 1975, Sary said, the Committee's formal composition included Pol Pot, Nuon Chea, Son Sen, Sao Phim and Ta Mok, but in practice its work was mostly conducted by Pol Pot, Nuon Chea and Son Sen, with the assistance of Son Sen's wife, Yun Yat alias At. Sary said of Sao Phim and Ta Mok that although in name, *"they were still there"* in the Military Committee, *"in concrete terms, it was [a]s if they weren't in it."* Asked who had made the decision that resulted in the execution of Khmer Republic *"military officers, senior officials, 'secret agents' and number of other categories"* of people in the period immediately after 17 April 1975, Sary said it was made *"once Phnom Penh was liberated"* by *"only three persons: namely, Pol Pot, Nuon Chea and Son Sen"*, who *"were the ones who figured out what to do about the problem of intellectuals, the problem of mandarins and soldiers, all such big shots. They were the only ones who made decisions, and they were bigger than everyone else."* Also according to Sary's statements on this occasion, Pol Pot, Nuon Chea and Son Sen similarly oversaw, again with the informal assistance of Yun Yat, the intra-Party purges and executions that occurred in Cambodia after 17 April 1975. He asserted that these were *"matters that Pol Pot, Nuon Chea and Son Sen decided among themselves, without asking"* others on the Standing Committee, including himself. Thus, he claimed: *"They didn't ... ask me, although I was in Phnom Penh, about security work, military work. There's confusion because I was on the Standing Committee, and I was Pol Pot's brother-in-law, but the truth is that I knew nothing of all that."* At the same time, Sary alleged, however, *"the way things were organized"* was that *"each of the Zones was independent such that they could kill anyone they wanted. They could do whatever they wanted."* For example, he said, *"whatever Sao Phim wanted to do in this Zone, kill or whatever, he didn't have to ask the upper echelons."* (IS Gen Evid OERN 00062452-00062509, 00003660-00003669; Translation at 00003660-00003669).

Can you comment on these statements, and in particular provide any clarification with regard to the existence or non-existence of a Centre Military and/or Security Committee, their composition, functions and relations to S21?

GENERAL: POLICY (14 MAY 1976 MEETING)

Q. 7. In his recent book, *Deliberations on Cambodian History from the Beginnings to the Democratic Kampuchea Period* (Published document: Phnom Penh: Reahu, 2007), Khieu Samphan suggests that the Party line underwent a fundamental change towards making a priority of purging of internal enemies, as a result of a meeting of the Standing Committee on 14 May 1976, which discussed armed conflict with Vietnam with Khieu Samphan in attendance (Minutes in IS Gen Evid OERN 00000810-00000826). He accuses the Vietnamese of having imposed an "ultimatum" on Cambodia by refusing to accept the Cambodian position on the location of the border with Vietnam⁴ and maintains the Vietnamese negotiating position was taken by Pol Pot and others in May 1976 as proof of an ongoing (post-17 April 1975) Vietnamese intent to "put an end" to him in order to integrate Cambodia into an "Indochina

⁴ Khieu Samphan, *Picharăna Âmpi Pravoatăsas Kâmpuchea Pi Daoem rahaut dâl sămăi Kâmpuchea Pracheathipatei* ["Deliberations on Cambodian History from the Beginnings to the Democratic Kampuchea Period"] (Phnom Penh: Reahu, 2007), pp. 193-194, 238.

Federation” under Vietnamese control ⁵ therefore Cambodia and Vietnam would be constantly fighting each other along the border. ⁶

Moreover, *Deliberations* maintains that it was the combination of past and renewed interference and other threats from Vietnam that “*pushed Mr Pol Pot and the CPK leadership group into arriving at the conclusion that ‘the only way for Cambodia to survive was by smashing Vietnam’s insiders’*” within the CPK. ⁷

In particular, Khieu Samphan interprets Pol Pot’s remarks at this 14 May Standing Committee meeting as a veiled warning to former Issarak cadre about whose previous links to Vietnam caused him to suspect the might oppose his position because of sympathies with Vietnam. ⁸ He says that Pol Pot “*wished to refer to cadre who had come out of the nine-year war [i.e., 1945-54], among them Sao Phim, but elliptically, without naming them, but it was very obvious that they were not to nurture any further hope with regard to Vietnam, and they were requested to cease any further contact and cooperation with Vietnam.*” ⁹ It further remarks that “*just prior to this,*” Pol Pot also issued a warning, albeit indirectly, by talking about various other countries that had been subject to threats, such as Russia in 1920-21, Albania ... He stated: “*it is not easy to attack from the outside ... unless there are enough forces on the inside to support external aggression*” adding that: “*smashing opposition forces on the inside is the most important prerogative.*” ¹⁰

Can you comment on Khieu Samphan’s analysis?

GENERAL: POLICY (SMASHING VERSUS RE-EDUCATION)

Q. 8. You have stated that Prey Sâr was a place where Son Sen at first instructed you to try to re-educate “*liberal*” (undisciplined) elements, specifically those removed from their unit after their superiors were smashed for alleged treason. ¹¹ You have explained that people held there had an “*intermediary status between ordinary people and prisoners.*” ¹²

⁵ Khieu Samphan, *Picharâna Âmpi Pravoatâsas Kâmpuchea Pi Daoem rahaut dâl sâmai Kâmpuchea Pracheathipatei* [“*Deliberations on Cambodian History from the Beginnings to the Democratic Kampuchea Period*”] (Phnom Penh: Reahu, 2007), p.263.

⁶ Khieu Samphan, *Picharâna Âmpi Pravoatâsas Kâmpuchea Pi Daoem rahaut dâl sâmai Kâmpuchea Pracheathipatei* [“*Deliberations on Cambodian History from the Beginnings to the Democratic Kampuchea Period*”] (Phnom Penh: Reahu, 2007), pp.241-242.244.

⁷ Khieu Samphan, *Picharâna Âmpi Pravoatâsas Kâmpuchea Pi Daoem rahaut dâl sâmai Kâmpuchea Pracheathipatei* [“*Deliberations on Cambodian History from the Beginnings to the Democratic Kampuchea Period*”] (Phnom Penh: Reahu, 2007), p.238.

⁸ Khieu Samphan, *Picharâna Âmpi Pravoatâsas Kâmpuchea Pi Daoem rahaut dâl sâmai Kâmpuchea Pracheathipatei* [“*Deliberations on Cambodian History from the Beginnings to the Democratic Kampuchea Period*”] (Phnom Penh: Reahu, 2007), p.242.

⁹ Khieu Samphan, *Picharâna Âmpi Pravoatâsas Kâmpuchea Pi Daoem rahaut dâl sâmai Kâmpuchea Pracheathipatei* [“*Deliberations on Cambodian History from the Beginnings to the Democratic Kampuchea Period*”] (Phnom Penh: Reahu, 2007), p.242.

¹⁰ Khieu Samphan, *Picharâna Âmpi Pravoatâsas Kâmpuchea Pi Daoem rahaut dâl sâmai Kâmpuchea Pracheathipatei* [“*Deliberations on Cambodian History from the Beginnings to the Democratic Kampuchea Period*”] (Phnom Penh: Reahu, 2007), pp.242-243.

¹¹ CIJ interview of Duch (English), 27 March 2008, p.2 (D63 ERN 00194546).

¹² CIJ interview of Duch (English), 27 March 2008, p.5 (D63 ERN 00194549).

~~1618/No: D90/H~~

Can you tell us whether this was part of a general Party policy of differentiating between “traitors” who had to be smashed and suspect elements who might be redeemable and allowed to survive after “re-education”?

If so, by what Party organs or personalities was such a policy formulated, when, how was it disseminated, and how was it implemented in places other than S21? We ask this in light of evidence of the existence of a differentiation between “heavy” and “light” prisoners at Office 13 during the five-year war¹³ and after 17 April 1975 in local security offices, and of labour re-education camps run under the authority of various ministries (e.g., the Ministry of Foreign Affairs’ Office 1 at Chrang Chamres¹⁴).

GENERAL: POLICY (BANDASAK, KINH, SÂNTESÂMPOAN, ETC)

Q. 9. Although you have stated that S21 was used primarily for smashing enemies within the ranks, we note several documents indicating its involvement in the smashing of members of parliament, secondary school and university students, teachers, soldiers (including officers, NCOs and enlisted men), police, gendarmes, kinh (“informants”), sântesâmpoan (“pacification agents”), and other persons allegedly linked to the Khmer Republic, for example the S21 lists entitled “Names of Prisoners Who Were Already Smashed on 22 March 1976 (OERN 0009136), “Names of Prisoners Croaked at Office S21Ko” (OERN 00006744-0006747) and “Names of Prisoners Not Underlined”(OERN 00090137). We do see that such persons are a minority among S21 prisoners smashed (from an analysis of D/36 Annex A and D43/Annex B ERN 00171429-00171798).

However, we wonder whether you can clarify for us what CPK policy was vis-à-vis each of the above categories, and – in particular – whether or not there was a policy of smashing all of the members of each of these categories?

If so, by which Party personalities or organs were such policies formulated, when, and how were they disseminated?

If not, what were the policies with regard to such categories, by which Party personalities or organs were they formulated, when and how were they disseminated?

GENERAL: POLICY (MONKS AND ARISTOCRACY)

Q. 10. Similarly, we note another document indicating the involvement of S21 in the smashing of old society monks and members of the royal family (OERN 00068682). It lists ten former monks and six members of the royal family detained and executed in 1976-1978.

¹³ CIJ interview of Duch (English), 27 March 2008, p.5 (D63 ERN 00194549).

¹⁴ Van Piny *alias* Teut, “The First Responses of Van Piny *alias* Teut, Chairman, Office K17,” 20 November 1977, pp.5-11; Van Piny *alias* Teut, “Presented with Respect to the Party,” 23 November 1977, pp.11-12; Van Piny *alias* Teut, “Responses of Van Piny *alias* Teut, Post: K17 Office Committee, Front Section: History of the Activities of Van Piny Himself,” 16 February 1978, pp.31-32;46-50,55 (somewhere in IS Gen Evid OERN 00068305-00068510; mentioned in summary 00068305-00068510 ET-V26.Summary.doc).

~~4758/No: D90/H~~

Although you have spoken about this before, in view of this evidence, we wonder whether can you clarify again for us what CPK policy was vis-à-vis monks and members of the royal family and – in particular – whether or not there was a policy of smashing all of the members of each of these categories (with the obvious exception of Prince Sihanouk and certain members of his family)?

If so, by which Party personalities or organs were such policies formulated, when, and how were they disseminated?

If not, what were the policies with regard to such categories, by which Party personalities or organs were they formulated, when and how were they disseminated?

GENERAL: POLICY (CIA/KGB)

Q. 11. You have stated that you believe that Pol Pot knowingly used S21 to get people he considered to be "*enemies of the revolution*" falsely to confess to being CIA and/or KGB agents in order to justify their execution, and more broadly that the Standing Committee knowingly used S21 to get such false "*confessions*" from and thus "*eliminate those who represented obstacles*" to the revolution.¹⁵ You have also said that it was Son Sen who instructed you that you were looking for CIA and KGB agents, and it was S21 interrogators themselves who "*initially used*" these words with prisoners and "*proposed*" the prisoners use them in their "*confessions*."¹⁶

For us, this leaves unanswered the question of on what basis – if any – Pol Pot, Nuon Chea and Son Sen (and perhaps others in the Standing Committee and Central Committee) came to the conclusion that those sent to S21 were "*enemies of the revolution*" or "*obstacles*" to it.

Can you elaborate on this for us, commenting in particular on whether or not you believe that there was any genuine dissidence within the Party and military ranks about the Party leadership and Party line in various spheres, especially among Standing Committee and Central Committee members (e.g., Sao Phim, Vorn Vet, Ros Nhim, Kung Sophâl alias Keu, Mèn San alias Ya, Koy Thuon alias Thuch, Kâng Chap alias Sè, Um Neng alias Vi, etc.)?

GENERAL: POLICY (JUNE 1978 PARTY LINE OF SAVING HUMAN BEINGS")

Q. 12. An article in the CPK magazine Revolutionary Flag, Special Issue, May-June 1978, entitled "*Learning from Important Experiences in the Fulfillment of the Party's First Semester 1978 Political Tasks*" (00064551-00064585) forward a new policy of leniency vis-à-vis "*persons who received their assignments from the enemy*" promising to forgive almost all of them as long as they ceased their supposedly traitorous activities.

Characterizing this as policy that aimed to "*gather forces*" and "*attack the enemy*" at the same time, it declared:

¹⁵ CIJ interview of Duch (English), 1 April 2008, p.4 (D67 ERN 00177634).

¹⁶ CIJ Interview of Duch (English), 5 September 2007, pp.6-7.

~~IS/No: D90/II~~

"First, any individual who was part of the traitorous networks of the Yuon or the CIA prior to 1968 is not to be penalized if they have subsequently engaged in no activities. We stipulate that they were confused by the difficult circumstances of those times."

"Second, from 1968 to 1970. ... there is to be no penalty for having joined the CIA of the Yuon at this time, either. We stipulate that our struggle at that time was pretty difficult, and one could therefore take the easy way out. This wasn't correct, but we can forgive it."

"Third, from 1970 to 1975. Subjectively, we were going from strength to strength. However, even if someone was confused enough to join the CIA to the Yuon, they also won't be penalized, either, because the question of defeat or victory was still posed. An error is an error, but we consider such an error an internal one."

"Fourth, from 1975 to the present. We would like to bifurcate this: Those who joined the enemy and engaged in activities opposing the Communist Party of Kampuchea and the regime of socialist collectivism must all be punished because they engaged in activities consciously and with a willingness to be of service to the CIA and the Yuon. As for those individuals who have remained in confusion ever since 1975 and from now on don't engage in any further activities, no matter whether or not they display their errors, will not be penalized as long as they cease their activities and go all out to improve themselves and fulfill their tasks. This is in accord with the Party's line of saving human beings, because if we attack one, it doesn't affect just one, it affects while reducing the number of our enemies. But if they continue their activities further, then their frontier is clear, and the Communist Party of Kampuchea must therefore eliminate them."

By adopting this policy, the article suggested, the Party would be able to mobilize "a force for squeezing out the enemy" elements among the masses and in the Party who had previously made mistakes. It would "prevent the enemy from causing a stampede into his trap," from winning over to the enemy side those "who had made minor errors" that "weren't yet acute," and who therefore could and should be "saved" and be used "to carry out shock counter-assaults against the enemy." Those who had previously been "CIA" or "joined the Yuon" could and should be used against diehard enemies.

Can you comment on this article?

GENERAL: POLICY (LOCAL EXCESSES)

Q. 13. The "confessions" of Koy Thuon (OERN 00006781-00006789, 00005869-00005872, 000006003-00006007, 00005980-00006032, 00006930-00006936, 00005967-00005968), Sieng Pauy alias Sean (D43/IV OERN 0017461-000174751 and IS Gen Evid 00005357-00005374 with summary translation 00005357-00005374 ET J374) and Nheum Sim alias Saut (D43/IV OERN 00173918-00173921 and IS Gen Evid 0001725-00017271) indicate that prisoners variously "confessed"

~~1008/No. D90/H~~

either to violating the Party line by not smashing people who were supposed to be smashed, or conversely by smashing people who were not supposed to be smashed, i.e., killing too little or killing too much.

How did such content in the "*confessions*" come about?

Were you given instructions in this regard by any of your superiors or by any policy documents?

If so, which superiors, when and how, or by what policy documents?

If not, why do "*confessions*" contain such references to these supposed opposite kinds of violations of the Party line?