

~~កម្ម/No: D95~~



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
សំណុំរឿងព្រហ្មទណ្ឌ

លេខស៊ើបអង្កេត/Judicial Investigation

លេខ/No: 002/19-09-2007-ECCC-OCIJ

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កំណត់ហេតុនៃការស៊ើបអង្កេត

Written Record of Interview of
Charged Person

On the fifteenth of July, 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 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 ដាវ៉ាន់ 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.

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

ឯកសារបានចម្លងតាមប្រព័ន្ធគ្រប់គ្រងឯកសារ	
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification): 18 / 07 / 2008	
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SAMN RADA	

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The Co-Prosecutors of the Extraordinary Chambers, Mr Robert Petit and Mrs Chea Leang ជា ណាង, were duly notified of this interview in the Written Record of Interview dated 25 June 2008:

- Mrs Chea Leang ជា ណាង is represented by Mr Pich Sambath ពេជ្រសម្បត្តិ, Assistant Co-Prosecutor,
- Mr Robert Petit is represented by Mr Stuart Ford, 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 on 25 June 2008 and were able to examine the Case File from that date, were both present.

Interview

Questions and answers:

Question by Co-Investigating Judges When did you hear of Ieng Thirith អៀងធីរិទ្ធ for the first time? What did you know about her? How did you hear of her? What were her revolutionary names? What do you know regarding her role in the DK regime? Have you met her and if so, how many times? Please tell us the details and context of each of these meetings?

Answer by the Charged Person Like I told you last time, a head supervisor told me about Ieng Sary អៀងសារី when I was in high school in 1961. At that time, he also mentioned the name of Ieng Sary អៀងសារី 's spouse. The first time I had the opportunity to meet Ieng Thirith អៀងធីរិទ្ធ was in 1964 when I sat the *baccalauréat*. She was a member of the jury for the English oral examination. That is the only time I met her personally. After 1975, I saw her from a distance twice a year for the 17 April and 30 September commemorations. I saw her another time in 1978 at a training session directed by Pol Pot ប៉ុល ពត. During this training, I learned that she was not a member of the Central committee.

I knew that Ieng Thirith អៀងធីរិទ្ធ was in Hanoi between 1970 and 1975 where she ran a radio station. At that time, SON Sen សុនសែន's wife – Yun Yat យុនយ៉ាត – was in charge of Social Affairs. This changed after 1975. Ieng Thirith អៀងធីរិទ្ធ took charge of the Ministry while Yun Yat យុនយ៉ាត took over education. I heard that these two women were often in conflict. Ieng Thirith អៀងធីរិទ្ធ's revolutionary name was Phea ភី, Yun Yat យុនយ៉ាត 's was At អាត.

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When people were arrested within the Ministry of Social Affairs or within the Ministry of Health, Lin លីន was in charge of accompanying them, I personally had no contact with Ieng Thirith អៀងធីរិទ្ធ, either directly, or via the messengers.

I can also say that I heard Ieng Thirith អៀងធីរិទ្ធ was the last daughter in her family and that she was capricious and quarrelsome. As for her sister, Khieu Ponnary ខៀវប៉ុណ្ណារី alias Yim យឹម, Pol Pot ប៉ុលពត 's wife, I never met her either. I heard that she had become mad since 1968.

Question by the Co-Investigating Judges How many detainees from the Ministry of Social Affairs did you receive at S-21 ស២១ after April 1976?

Answer by the Charged Person I cannot be precise regarding the figures, yet I believe there were no detainees from the Ministry of Social Affairs before March 1976. I cannot be positive, but it seems that way to me.

Question by the Co-Investigating Judges What were the names of the cadre from the Ministry of Social Affairs and family members who were detained and/or interrogated and/or tortured and killed at S-21 ស២១?

Answer by the Charged Person I remember several names. There was HONG ហុង for instance, whose full name was MOK Sam Ol ម៉ុកសំអុល . He was the Chairman of the Military Hospital for the Special Zone before 1975.

I also remember Ieng Thirith អៀងធីរិទ្ធ's deputy, Seun Phâl Kun ស៊ីនផលគុណ alias Sou ស៊ូ. There were also two nieces of Nuon Chea នួនជា as well as their husbands, who were Hanoi trained cadre (Nuon Chea នួនជា 's nieces had been trained in Beijing). In addition, I can cite Dy Phôn ឌីផុន, who was a dentist. On this matter, I can say that Nuon Chea នួនជា called me in to tell me that Dy Phôn ឌីផុន was to be neither interrogated nor eliminated but just kept at S-21 ស២១. I have always wondered why. He is the only example of a prisoner spared further to a superior order. I lost track of Dy Phôn ឌីផុន after 7 January 1979.

Question by the Co-Investigating Judges Why do S-21 ស២១ lists state all hospital workers to be from the Ministry of Social Affaires and not the Ministry of Public health? Does that mean the Ministry of Public Health existed only on paper and that in reality the Ministry of Social Affairs was in charge of the whole Health sector?

Answer by the Charged Person This question falls outside my competency. All I can say is that Doctor Chuon Choeun ជួនចៀន, Minister of Health, was a powerful man. He wanted to deal exclusively with the training of doctors and treatment techniques. In

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particular, he did not want to hear anything about arrests. Staff Management was thus assigned to Ieng Thirith អៀងធីរិទ្ធ's Ministry of Social Affairs. This is my own vision, on the basis of Pâng's ប៉ង reports. According to Pâng ប៉ង, Chuon Choeun ជួនឿន was the only one in Kampuchea who could criticise Pol Pot ប៉ុលពត. He would tell him: "If you do not let me train the young, my knowledge will be lost." Before 1975, when the United States offered to negotiate with the Khmer Rouge, Chuon Choeun ជួនឿន declared he was in favour of such negotiations, contrary to the political line. I think he enjoyed exceptional freedom of expression in his capacity as an intellectual. You ask me whether he was arrested and if not, why he was spared. Actually, Chuon Choeun ជួនឿន recently passed away. I do not think he was arrested, because Pol Pot ប៉ុលពត had a lot of respect for him.

I believe that the Minister for Social Affairs was in charge of arrests, as document DCCam ERN 00000652 or ERN 00173049 (D32/IV) shows. This document relates to MOK Sam Ol ម៉ុកសំអុល alias Hong ហ៊ុង. Nuon Chea នួនជា annotated it on the bottom left hand corner ("*already submitted to Comrade Chan ចាន់ 28/2/78*") and SON Sen សុនសែន on the top left ("*problem already solved by Social Affairs*"). You ask me why this document is annotated by both SON Sen សុនសែន and Nuon Chea នួនជា : in February 1978, SON Sen សុនសែន was not my direct superior any more but was still overseeing these matters. This means that I kept him informed by phone, but that I stopped sending him the confessions; therefore, I do not know how MOK Sam Ol ម៉ុកសំអុល 's confession ended up in his hands.

I would like to specify that Pol Pot ប៉ុលពត attempted to intervene in the operations of both the Ministry of Social Affairs and the Ministry of Health more than in other Ministries, perhaps because he was not happy with their work. It might also have been because of the presence of Chinese people at the hospital and in the laboratories. I remember that once, Lin លីន came to my home (Lin លីន and Pâng ប៉ង could come any time). He was very angry at Ieng Thirith អៀងធីរិទ្ធ because she had set up a hot water system to wash dishes. Lin លីន told me that this was an arrangement to be carried out at the Communist stage, not at the Socialist stage. I think Lin លីន was overseeing Ieng Thirith អៀងធីរិទ្ធ 's business because he felt he had Pol Pot ប៉ុលពត 's support.

Question by the Co-Investigating Judges A note, ERN00173050, accompanies the confession of MOK Sam Ol ម៉ុកសំអុល , Chairman of the Malaria Hospital (ERN 00173051-00173056), and indicates that he was tortured.

Answer by the Charged Person This document "*details on the written record of MOK Sam Ol ម៉ុកសំអុល confession*" is the report issued to me by the interrogator. It indeed indicates at point 6 that "medium" torture was used.

Question by the Co-Investigating Judges Was this confession sent back to S-21 ស២១ via messengers of the Ministry of Social Affairs or via SON Sen សុនសែន ou Nuon Chea ឡូនធី ? Was the opinion expressed by the Ministry taken into account?

Answer by the Charged Person Concerning the relations between S-21 ស២១ and the Ministry of Social Affairs, I repeat my previous explanation: confessions were exclusively sent to SON Sen សុនសែន first and then to Nuon Chea ឡូនធី . The S-21 ស២១ Director was not allowed to communicate them to anyone else or he would have been in danger. Thus, I never communicated directly with the Ministry of Social Affairs. You have shown me document ERN 00040769 (list of interrogated enemies) which mentions that MOK Sam Ol ម៉ុកសំអុល belongs to the "Social Affairs" unit. This confirms what I was saying above regarding the respective roles of the Ministry of Health and the Ministry of Social Affairs. It does not mean that I was in direct relations with the Ministry of Social Affairs. I maintain that I dealt only with SON Sen សុនសែន and then Nuon Chea ឡូនធី . As regards the handwritten statement by which I asked to see the document and which I signed, I do not remember its meaning.

Question by the Co-Investigating Judges MOK Sam Ol ម៉ុកសំអុល alias Hong's ហុង confession (ERN00173056) ends with a list of 20 names of implicated persons. Were these persons subsequently arrested and detained at S-21 ស២១ ?

Answer by the Charged Person I remember that at least 6 of them were sent to S-21 ស២១ , but I do not remember the exact date of their arrest. Thus, I do not know whether it occurred before or after this confession: the numbers in question are 2 (Madam Sotheary សុទ្ធារី), 7 (Niek នាគី alias Sieng Por Sè សៀងប៉ៅសែ), 8 (Mèn Sitho ម៉ែនស៊ីថូ alias Dân ជន), 9 (Saom សោម), 19 (Toch Phoeun តូចភឿន), 20 (Sérey Vuth សើរីវុធ). I do not remember the other 14.

Question by the Co-Investigating Judges You said that while you were Deputy Director of S-21 ស២១ some detainees had been given to doctors for their surgery training. Were these doctors civilian or military personnel? To which hospitals were these detainees sent? Was the Ministry of Social Affairs involved in all this?

Answer by the Charged Person I heard of this when Thäch Chea's ថាច់ជា wife was taken for surgical experimentation. A doctor who worked at S-21 ស២១ , originating from Division 703, requested this. He was a military doctor from Nat's ណាត Division, thus one of the latter's subordinates. Since I had just been assigned to my duties, I do not remember who it was. I do not know where Thäch Chea's ថាច់ជា wife was taken. I only

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remember that I discussed this matter with Nat ណាត at the National Police Headquarters, where S-21 ស៊ី ២១ was then located. This case had no relation with the Ministry of Social Affairs.

Question by the Co-Investigating Judges Who recruited the members of the medical staff at S-21 ស៊ី ២១? Were they trained? Did they belong to the Ministry of Defence or the Ministry of Social Affairs?

Answer by the Charged Person None belonged to the Ministry of Social Affairs. They all came from Division 703.

The Interview was adjourned at 11:52 a.m.

The Interview resumed at 14:12 p.m. on the same day.

Question by the Co-Investigating Judges According to the document referred to under ERN 00069186-00069190, 00069260-00069298 (DC-Cam interview of Ae Li អែលី), « a woman named Phâl ផាល and a man named Pheap ភិព » were in charge of Ieng Thirith អៀងធីរិទ្ធ 's communications with S-21 ស៊ី ២១ . Have you heard of them? Have you met them? Who might have met them at S-21 ស៊ី ២១ ?

Answer by the Charged Person I persist in saying that I never had any contact with Ieng Thirith អៀងធីរិទ្ធ , either personally, or via messengers. I know neither Ae Li អែលី nor Phâl ផាល nor Pheap ភិព . I have never heard of them. One thing sounds odd in Ae Li អែលី 's testimony: she indicates that Ieng Thirith អៀងធីរិទ្ធ came to O'Russey garment factory with body guards. This seems hardly plausible to me : there were two garment factories : the "Independent Regiment 75" answering to SON Sen សុនសែន and O'Russey answering to either the Minister of Industry or Office 870. As regards industries, Ieng Thirith អៀងធីរិទ្ធ was - to my knowledge - in charge of the pharmaceutical industry only.

Question by the Co-Investigating Judges Who decided on the arrest of cadre from the Ministry of Social Affairs? What were the criteria for such arrest decision to be made? Who conducted the arrests?

Answer by the Charged Person Lin លីន would come to inform me of the arrival of detainees coming from the Ministry of Social Affairs. There were no written documents. I know nothing more concerning the conditions of arrest. Sometimes, only one prisoner was brought to me, such as in MOK Sam Ol ម៉ុកសំអុល 's case. Sometimes, there were

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two persons at the same time, sometimes more. As for the criteria of the arrest, I think that as per usual, there were two possibilities: either the superior (i.e. SON Sen សុំនសេន and then Nuon Chea នួនឆា) noticed that people were implicated in the confessions, he would then summon the head of the unit – in that case Ieng Thirith អៀងធីរិទ្ធ – to make the decision; or, second possibility, a problem would arise within the unit, in which case the head of the unit would report to the superior who would then decide on the arrest by sending me the report by the head of the unit, as I explained for the director of the Kompong Som port in my interview dated 24 January (ERN 00159568 or 00001889).

Question by the Co-Investigating Judges Did Ieng Thirith អៀងធីរិទ្ធ 's name appear in confessions? If so, how frequently? Why was she not arrested? Were the names of her daughters (Minh ម៉ីញ, Neat នាថ and Ra រ៉ា) or her son-in-law (Poeun ពៀន) mentioned in confessions? If so, why were they not arrested?

Answer by the Charged Person I do not remember having seen a confession implicating Ieng Thirith អៀងធីរិទ្ធ. I believe I read somewhere (maybe in David Chandler's book on S-21 ស២១) that she was implicated once, but I cannot say more. As for her daughter, Minh ម៉ីញ, and her son-in-law, Poeun ពៀន, I remember they were implicated once, but I cannot remember by whom. Yet, when I reported this to Nuon Chea នួនឆា , he laughed at me.

Question by the Co-Investigating Judges You have explained that when someone was implicated in a confession, SON Sen សុំនសេន or Nuon Chea នួនឆា would summon the head of the relevant unit to discuss the arrest. What happened when they disagreed?

Answer by the Charged Person I only attended two or three discussions of that kind. I remember in particular a discussion between SON Sen សុំនសេន and Comrade Sokh សុខ, Secretary of Division 170, concerning an implication in Chan Chak Krey's ចាន់ចក្រី confession. Sokh សុខ was not in favour of the arrest; he affirmed that the implicated person did not belong to Chan Chak Krey's ចាន់ចក្រី network. In that case, there were no arrest and Sokh សុខ was not bothered for his behaviour.

I believe that in this sort of situation, the head of the unit found a way to express his disagreement without directly opposing his superior. I also noted that the superior often sent the annotated confession to the head of the unit for his advice, instead of summoning him.

You have asked me the percentage of arrests carried out further to implication in confessions. I cannot answer that question. I know there were many. For example, SON Sen សុំនសេន immediately had the persons implicated by Koy Thuon ក័យធ្មួន arrested. I protested, telling him it was unbelievable to arrest so many people, but he told me in a

threatening tone: “this is the confession of the despicable Khuon ឃុន (Koy Thuon កុយ ធ្មុន)”. I was unable to oppose the arrest.

Question by the Co-Prosecutors Can the Charged Person say whether Ieng Thirith អៀង ធីរិទ្ធ had other responsibilities in addition to the pharmaceutical industry and hospitals?

Answer by the Charged Person I do not know.

Question by the Co-Prosecutors Does the Charged Person know of any case where Ieng Thirith អៀង ធីរិទ្ធ opposed the arrest of a person from the Ministry of Social Affairs?

Answer by the Charged Person No.

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.

A copy of the original audio-visual recording was provided to the Charged Person.

At 17:20, 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/