

~~D90/II/1~~

Mr. KAR Savuth and François RAUX,
Lawyers for Mr. KAING GUEK EAV,
Mr. YOU Bunleng and Marcel LEMONDE,
Co-Investigating Judges,
The Extraordinary Chambers in the Courts of Cambodia,
Phnom Penh, Cambodia

Phnom Penh, 21 October, 2008

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Criminal Case File No: 002/19-09-09-2007-ECCC/OCIJ

Subject: The submission of KAING Guek Eav's response to the Co-Investigation Judges' written questions

Your highly respected Co-Investigating Judges,

We, KAR Savuth and François RAUX, the Co-Lawyers for Mr. KAING Guek Eav alias Duch, are honoured to present to you KAING Guek Eav's response to the thirteen written questions you have asked him. The questions are attached to the record of the interview dated 25 June 2008 (reference: D90 and D90/II). Along with the response in Khmer language, we have also enclosed the unofficial translation into French of the version.

Please accept the assurance of our utmost respect.

For both Co-Lawyers,
A lawyer among the two lawyers,
(Signature)
KAR Savuth

ឯកសារច្បាប់ចម្លងត្រឹមត្រូវតាមច្បាប់ដើម		
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~~D90/H/1~~1st response**ABOUT THE SMASH**

Authoritarianism and proletarian class are the soul of a party of the Marks Lenin's class in the world. According to Pol Pot, to smash (a life of a human being) "is our authoritatively revolutionary commitment."¹

I. The basic documents for this authoritarian are from:

1. The Party's statute
2. The Strategic Political Line of the Revolutionary Struggle in Cambodia and the tactical policy for mobilizing a wider Front's force to fight the enemies within the national and democratic revolution.

These documents were adopted at the first Party's Congress on 30 September, 1960.

II. The essence of the Party's tactical policy

- a. *People are classified according their class*
 - Workers: the leading class of the revolution
 - Poor peasants and lower middle class people are the most intimate combatants of the worker class.
- b. *The enemies of the revolution:*
 - Imperialists, feudalists and reactionary capitalists
- c. *Identifying enemies based on political behaviour:*
 - To entice the undecided forces
 - To neutralize the non-violent forces
 - To isolate and smash the rest

III. The implementation of and the ongoing modifications of the line:

- From 1960-1970, attention had been entirely paid on gathering forces.²
- From 1971, emerging from the Police Office in charge of smashing people was the theory of "blood debt has to be paid by blood" which was widely disseminated. From 1971-1973, the song "the Evil Spy" was sung as parts of the implementation of the theory. This activity was consistent.

¹ The Decision on 30 March 1960

² To be sure, only Yong, the Secretary of the North Zone and a predecessor of KOY Thuon (KOY Thuon's confession), was smashed.

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- The theory to reject a candidate in whom they did not have a good faith, as set forth in the Statute¹ adopted by the second congress (perhaps in 1971).
- The theory of internal party authoritarianism which was absolutely strict, ruthless and as written in the Revolutionary Flag in 1973 that “the line of which class, a cadre of that class”
- The new theory on the special class of Khmer society² which was written perhaps in 1974 in the Revolutionary Flag. It was meant to prepare to finally abolish all of the Lon Nol’s armed forces and defrock all monks.

IV. 17 April 1975

It was the peak time of the Pol Pot’s implantation of the authoritarianism on some certain people.

V. The Decision of 30 March 1976

It was the delegation of the smashing roles to the cadres. It was therefore an assigned document whose confidentiality was strongly preserved. It was perhaps kept for the Standing Committee only.

¹ This Statute no longer considered the seniority of a potential full-right candidate as guaranteed in Party’s Statute adopted in the first congress. In the contrary, the “Qualifications 108 for recruiting a cadre” was implemented instead, the implementation of which could be arbitrary.

² The essence of the theory: “Soldiers, police and Buddhist monks are in the special class (of our society). Soldiers and police are the ones who carry the enemies’ guns to kill our people while the Buddhist monks are the ones who raise the awareness of the theory of karma and the result of an action. However, Khmer Buddhism does not take a deep root as monks were the peasants’ children; monks live on the rice from the peasants’ rice pots. Khmer Buddhism relies entirely on the Khmer peasants. In other words, when Khmer peasants are good, Khmer Buddhism is not very bad.”

~~D90/H/4~~2nd response**CLARIFICATION ON SOME ISSUES (PUNISHMENT, DISCIPLINE...)****A. First I would like to submit that:**

1. Democratic Kampuchea's Constitution and other declarations which were broadcast on radios was an open document. It was open to both the national and international domain.

This kind of document was deceitfully written¹.

2. Party's Statute and Revolutionary Flag were semi-open or also know as Party's internal documents. They were the compendium of theories for Party's members to learn from.

B. Now, I'd like to talk about the severity of punishment

1. So far as I remember, before the Coup on 18 March 1970, the terms "maximum sentence" were used as comparable with the "capital" punishment.²
2. In the Party's Statute, the term "discipline" means punishment. "Implement the discipline" means to carry out the punishment. The severe discipline to be inflicted upon somebody inside the Party was to reject him/her from the Party.

As I remember, in 1967 CHHAY Kimhor explained to me that someone could be punished by the Party's authority only after he/she was rejected from the Party first³.

The lightest discipline in the party was carried out in the form of secret criticism. I was very frequently scolded by SON Sen through telephone. Comrade Hor was scolded once for removing SEUN Sany that the confession

¹ For example, Article 20, Chapter 15 of the DK's Constitution, the first sentence, which reads "Every Cambodian has the rights to believe in any beliefs or religions," was a lie. It was written to conceal the essence of the second and, in particular, the third phrase.

² In the Penal Code written by ENG Soth, the term "capital" punishment was used.

In the military court, the government commissioner for the military court used the terms "maximum sentence".

In Kuk Thom (Grand Prison) there was a separate cell which was surrounded by a wall with a banner that reads "capital punishment" = "peine capitale" which was encrypted on the gateway. A convict, who was sentenced to death by the court, was kept in this cell. But he/she was neither taken to be killed nor was his/her sentence reduced to life imprisonment.

³ Through my personal and indirect analysis, I believe that on 8 April 1976 KOY Thuon was rejected from the Party. He lost his rights as a member of the Party and the rights as the full-right member of the Central Committee while his status as the minister of the Ministry of Commerce was also revoked.

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was cut off. The next severer discipline was seen in the withdrawal of rights to work on particular area. But this would be done discreetly. Evidently, SON Sen asked me to discreetly revoke from Comrade Hor his rights to access to the victims' confessions.

C. The serried activities

The activities, on which the Statute and Constitution focused, were the traitorous, destructive and resistant activities.

The serried destructive activities were the successive and repeated destructive activities which could not be toned down. For instance, the destructive activities of Vorng at Kampong Saom port, which was reported to me by Krin, who was the chief of the port, to me (Duch) through Angkar¹.

KOY Thuon's love affairs with women were characteristically regarded as a serried activity.

¹ Duch's Record of the Interview, 24 January 2008 (Khmer language: ERN 00159564)

~~D90/H/1~~**3rd response****CLARIFICATION ON THE TERMS OFFICE AND DOCUMENTS**

I knew very little of the work at 870.

I may presume that:

- a. The collected faxes with the annotation "Office" were for the chief of the Office. They were first for SOEU Vasy alias Doeun and KHIEU Samphan, later.
- b. The faxes with the annotation "Document" could be in the hands of a working group which was responsible for keeping all kinds of documents.

~~D90/H/H~~**4th response****CLARIFICATION ON THE MEANS OF OFFICIAL COMMUNICATIONS**

- A. By taking only the “welcoming/greeting” word for analysing the names of people who received letters and faxes, it is impossible for me to response because:
- Some cadres used several names¹.
 - In communications, the subordinate cadres used the revolutionary or code names of the superiors on the envelopes². The revolutionary or code names of the superiors were not written in the “welcoming/greeting” words³.
- B. With exception, the revolutionary or code names of the superiors had to be inevitably written on the faxes. Any fax or letter with the name of “Pol” “870” or “Office 870”⁴ was all referred to POL Pot.
- C. There were two unique faxes: the one which was addressed to “Brother 870 and Brother Vy” and the other “To Comrade Yi through Office 870.”

This was because the person concerned did not have the rights to directly communicate with Vy or Yi. Therefore, as the work was much needed, it had to be addressed to 870, which was everyone’s superior⁵.

¹ After 17 April 1975, SON Sen had used four names: Khieu, Khim, 89 and 62.

² I would write the following on the envelope to SON Sen “Respectfully to Brother 62,” to NUON Chea “Respectfully to Brother Buon (4).”

³ When I sent a letter to NUON Chea as well as SON Sen, I would write “Respected Brother” in the welcoming/greeting words; I would then end with “With Respects!” Therefore, any letter, that was sent to me and that it required me to have it sent to SON Sen or NUON Chea, required that I check its date first.

⁴ “Office 870” was also referred to POL Pot, not just referred to KHIEU Samphan. This was the policy of keeping confidentiality. Evidently, in 1990 SON Sen demanded that the Thai officers stop addressing him directly on the envelope. He preferred the letter to be addressed to his secretary.

⁵ S-21 was familiar with this kind of letter which was addressed directly to the superior. CHENG Ân’s, Krin’s and SOU Meth’s letters were among them, as an example. Any person who sent such letter gained some benefits because they were backed by their superior. In those messages, the superior advised Vy and Yi the same way as I was advised by my superior on the case of CHENG Ân’s and SOU Meth’s letter.

~~D90/H/1~~5th response**CLARIFICATION ON THE LAW AND FRAMEWORK
OF A DECISION TO SMASH**

A. About the Party's Constitution, Statute and the Decision on 30 March 1976.

I have already written that:

- The Constitution was an open document while its criminal essence was concealed.
- Part's Statute was the compendium of theories for Party's members to study from.

Now I'd like to emphasize that the Decision on 30 March 1970 was a confidential document. The confidential document was the General Command.

B. I'd like to reanalyze the internal purge process.

Through my observation, bottom-up, I noticed that the upper levels implemented the Decision on 30 March 1976 and article 4 of the Statute.

- The annotations on the confessions were used to prove that they sent the confessions to the unit concerned in order to seek their decision.
- In some cases, for example, in the case of SUOS Neou alias Chhouk, they asked the plenary of the permanent central committee¹ to make a decision.

I'd like to emphasize that the internal Party's purges and the purges among the people—which is now know as the Crimes against Humanity—was the task of all of us. Each of us had to inevitably fulfil it according our roles and responsibilities.

C. Did the Decision on 30 March 1976 nullify the Part's Constitution and Statute?

- If the principle of national and international laws are analysed, I believe that we can find the nullified points, perhaps a number of them.
- However, POL Pot, who compiled these three documents, must have aimed to make sure they were consistent and harmonized although some words were defined based on their view, for example, the terms "the People's Court" and "the People's Justice" etc.

D. About the meaning of the phrase "Surrounding the Central Office, it was the Central Office Committee who decided," I'd first like to make it clear that the term "decided" was referred to the decision to arrest, detain, interrogate and ultimately smash someone. It was also know in short as "decide to smash."

- This phrase means the Central Office Committee, of which KHIEU Samphas was the secretary, was a framework which was authorized to conduct a Party's internal smash surrounding the Central Office.

¹ S-21 was asked by SON Sen to compile those confessions which were related to Chhouk. This compilation was kept for SON Sen to report to the meeting.

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- However, in reality, there were a lot of things of which I was not aware.

What was it that it was called *surrounding the Central Office*¹. Who were, including KHIEU Samphan, the people who became the Central Office Committee?

- I'd like to emphasize that S-21 had the same rank as a regiment. The regiment committee did not possess the rights to make a decision. When there was any problem in the unit, the report had to be made to SON Sen or NUON Chea who was authorized the rights to make such decision.

I'd like to also indicate that taking the victims from the detention facility to Chheung Ek was a crime that the S-21 had to inevitably carry out on the people who had already been decided to be executed. That was also known as the core duty of the Security Office (*Santebal*).

¹ I have just learnt the document regarding the Ministry of S-71 very recently. S-71 supervised more than 10 ministries, the information I have learnt from studying the S-21 Prisoner List 1975-1978. KHIEU Samphan administered Electricity Unit at Chakangre, the information of which I was quite familiar long ago. Therefore, there must have been the Psatauch's Electricity, Water Supplies, and perhaps the State Warehouses, too.

Did these units altogether form the notion of *surrounding the Central Office*? I don't know.

~~D90/H/1~~6th response

ABOUT THE SECURITY COMMITTEE

- A. I'd like to emphasize that I can't recall anything that is significantly enough to make me recognize that there was a "Security Committee" or "Secret Committee."
- B. I'd like to maintain my assertion that the internal Party's purges and the purges among the people—which is now known as the Crimes against Humanity—was the task of all of us. Each of us had to inevitably fulfill it according to our roles and responsibilities.

The Decision on 30 March 1976—Section One—was the evidence of the Party's principle. All the documents collected by the DC-Cam were broad evidence.

- C. I'd like to assert that VORN Veth¹ had no roles in relation to S-21 even though SON Sen went to the frontline.
- D. I'd like to confirm that the Office of S-21 was the independent regiment which was under the supervision of the General Staff in the section of inventory and annual study courses².

Regarding the Santebal's work, the Office of S-21 received direct order from SON Sen, who was the representative of the Standing Central Party. NUON Chea, who was the first secretary, was second in command.

- E. The Organizational Chart concerning the Santebal's work, which I have already given to you, represents the truth as I have asserted.

¹ VORN Veth came to S-21 once. He was on his Santebal's duty to arrest Pâng. In my capacity as the chief of S-21 I worked with him with respect because he was with a letter, which ordered me, assigned by NUON Chea.

² Except during the study course in 1978 when the soldiers were mobilized to the frontlines, I was called to attending the study session with some other Phnom Penh middle-rank cadres.

~~D90/11/1~~7th response**ABOUT KHIEU SAMPHAN'S ANALYSIS**

So far as I understand, KHIEU Samphan's analysis is correct but incomplete.

A. Correct

It's correct because:

- POL Pot's conflict with Le Yun was the conflict between parties. It was truly a deadly row.
- He acknowledged that POL Pot took measures to kill his own people, members in the Party and cadres.

B. Incomplete

It's incomplete because:

- Ho Chi Minh and Le Yun claimed that they had been the fathers of the Indochina for a long time. Although in 1954 there was troops withdrawal, Le Yun still proclaimed he was the father. That's why the conflict between the parties, POL Pot and LE Yun, had escalated ever since.
- POL Pot focused too heavily on the subjective measures.
 - 1971 Statute reveals that he was considering the internal strengthening and internal purge moments.
 - The criminal slogan "the line of which class, a cadre of that class" was enforced since 1973.
 - The slogan "to win a victory over the *Yuon*, the Party, the soldiers and people must be clean" which POL Pot widely publicized was perhaps raised all together after the meeting on 14 May 1976¹.

According to my understanding, it was just an attempt to conceal their criminal nature of the slogan from 1973 by way of using the patriotic rhetoric "winning a victory over the *Yuon*."

¹ 14 May 1976 was one and a half month after the 30 March 1976. 30 March was the day in which the decision to establish the framework in which there was an authorization to smash people both within and outside the Party.

~~D90/H/1~~**8th response****ABOUT THE ELEMENTS WHOSE POLITICAL POSITION WAS NOT DECIDED**

The classification of people as “enemies” or “to-be-re-educated elements” first started from 1971. I think that was my good will as I was terrified that I demanded that Office 13 be divided into two parts: M 13A and M 13B.

My demand was accepted as it was the Party’s policy which was adopted since the first General Congress (30 September 1960).

However, the policy required that the enemies were classified into three categories:

- To entice the forces that can be lured;
- To neutralize the forces that can be neutralized;
- To isolate and smash the isolated forces.

Observation:

I had learnt this policy by heart since 1967. But I only thought that it was meant to classify high-ranking and high-salary enemies. I had never thought that I would have been used to classify the suspected ordinary people.

After 1975

- S-21 had Prey Sar to fulfil the roles of re-education and correction. It had the same function as M 13B.
- At first I didn’t understand, after reading the “Record of the Witness Interview”, why, in the rural areas, people were detained briefly and released¹. This was contradicted to the binding principle of S-21.
- In some locations, for example, the Chraing Chamres and Boeng Trabek etc. were the centres in which the intellectuals were brought, some of whom were members of the FUNK and GRUNK. These people were regarded as those whose political position was not decided—they could be friends or enemies. It’s true that these people, apparently, were assigned to do light work and have their own committee. However, the true authority was only exercised by the Office Committee who were all their Party’s members including MIN Min alias Prum (K.10), Uk Savorn and LUOCH Sao (K.17) etc.

¹ Only after I recalled the event concerning Cheng then I acknowledged that the story was true. Cheng was the driver of the truck to transport the ammunitions for the Special Zone since 1971. In 1973, he molested a married woman who hitch-hiked his truck. VORN was extremely angry. He didn’t agree to send Cheng to M 13.B as I requested. He asked me to place him in M. 13A for a month so that he could see people in handcuffs.

~~D90/H/4~~9th response**ABOUT THE EVACUATION AND THE SMASH**

- A. First and for most, I'd like to assert that the evacuation and smash that were carried out after 17 April 1975 was a premeditated crimes of the Communist Party of Kampuchea. The meaning of the presentation that MAM Nay recorded was that "Our Party was to take measure to win a victory by removing people and foreigners."¹
- B. I have not seen the relevant document at issue on the decision of the evacuation and smash though there were documents which reflected their pride.
- Our revolution was profound. We simultaneously achieved national revolution and democratic revolution. Nowadays, we were doing social revolution.² But we had to keep it confidential.³
 - The main reason for this victory was seen in the evacuation of the people and the chasing of foreigners (away from Cambodia).¹
 - All Party's candidates and cadres had to remain attached to movement in order to keep directing it.⁴
- C. Regarding the documents which had been considered as the fundamentally encrypted materials, they were:
- Strategic Political Line⁵ and tactical policy which were adopted on 30 September 1960.
 - Class analysis within Cambodian society (I'd like to assert that this document was the same at that of Mao Tse Tong's).
 - Finally, in 1974, POL Pot wrote in the "Revolutionary Flag" magazine that "...soldiers and police...are in the special class..." This writing was prepared to educate the Party's member and cadres on the notion of their positions.

¹ ERN 00078020- 00078021

² ERN 00078022

³ ERN 00078018

⁴ ERN 00078016 and ERN 00078030

⁵ This document might have vanished. However, its essence was complemented and written under the commendatory title "the confidentiality and fundamental principle of the Party..." (Party's Statute of 1976, page 1-7)

~~D90/H/1~~10th response**ABOUT THE POLICY ON
SOME ELEMENTS IN THE SOCIETY****A. Policy on Buddhism and monks**

- Previous documents¹
 - In 1968, there was an instruction to gather monk forces.
 - In 1974, POL Pot wrote in the “Revolutionary Flag” magazine that:

“Soldiers, police and Buddhist monks are in the special class (of our society). Soldiers and police are the ones who carry the enemies’ guns to kill our people while the Buddhist monks are the ones who raise the awareness of the theory of karma and the result of an action. However, Khmer Buddhism does not take a deep root as monks were the peasants’ children; monks live on the rice from the peasants’ rice pots. Khmer Buddhism relies entirely on the Khmer peasants. In other words, when Khmer peasants are good, Khmer Buddhism is not very bad.”²

- **Immediately after 17 April,**
 - Some top monks, who had led Buddhism, may have been smashed discreetly.³
 - Some other monks in Phnom Penh, provinces and cities (LON Nol’s sectors) were evacuated.
 - All monks were asked to resign from being a monk. Any monk who opposed could have been smashed⁴.
 - The things like pagodas, monasteries, schools, Buddha statues and Dharma books were successively destroyed by various means.
- **In conclusion**
These activities indicate that:
 - The strategic enemies were Karma doctrine.
 - Monks were turned to their outset origin: peasants.

¹ The document about “the Strategic line and tactical policy” did not mention about the monk forces.

² This document indicates that:

- Karma doctrine was a strategic enemy which needed to be completely and ultimately rejected.
- Monks were not regarded as the enemies like the way the soldiers and police were.

³ Patriarch Samdech HUOT Tat, based on what YOU Peng Kry alias Mon told me secretly when S-21 had just been established, had a few wives. He could have been ordered to be smashed discreetly by 703.

⁴ Venerable PRAK Sây, the head monk of Damnak Trayoeng pagoda could have been smashed for his rejection to quit monkhood. ERN 00165368//D40/26

~~D90/H/1~~**B. Policy on the royal family**

- **Previous documents**

- The class-analysis document reads that “there are about 8 000 royal family members. Though some of whom are very poor, also known as the crabs-and-snails monarch, they are very careful to preserve their royal status.¹
- The “tactical policy” document classified the royal family members into three categories:
 - To entice the forces that can be lured;
 - To neutralize the forces that can be neutralized;
 - To isolate and smash the isolated forces.

- **The Khmer royal family and the revolutionary movement**

- During the Viet Minh Esarak Khmer there were two royal members who took part in the revolutionary movement.
 1. Prince Norodom Leakhena² (first husband of Princess Sisovath Samânmeth)
 2. Prince Sisovath Buth Mony alias SOKH Butchamoeurn (Deputy-Secretary of Sector 25)
- In 1972 Prince Norodom Phourisara (former Minister of Foreign Affairs), his wife and Prince Sisovath Phach left Phnom Penh and lived with FUNK in the special zone.

- **Immediately after 17 April**

- Neither did I neither see the documents nor hear anything about the political behaviour of the Party toward the royal family members.

- **The information I received at a later date,**

- In 1977, 27 April in the open speech aimed directly at the Communist Party of Kampuchea, POL Pot criticised the royal family members by saying that “What? Phourisara, Prince Phlous, the royal members who love Khmer revolution?...”
- As for Brother Chamroeurn (Sisovath Butmony), I only learnt at a later date that he was arrested when NOEU Phan alias SOKH (former member of sector 25—former secretary of 703, Nath’s predecessor) and HUOT Se (member sector 25).

In conclusion

Through my understanding based on the subsequent events, I presume that the royal family members were the political force that was attempted to gradually be kicked out of the society.

¹ This was the case that made Khmer-class analysis unique comparing to Chinese-class-analysis document.

² Princess Norodom Leakhena has disappeared since 1954.

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POL Pot, when it comes to Buddhism, had tried to conceal it at a maximum level as his political life was in the hands of Khmer peasants.

On 27 September 1977, in the speech to the Communist Party of Kampuchea which was aimed to be open for both the national and international domains, POL Pot mentioned that "Our line is correct." Buddhist monks raise the awareness of Kamar doctrine, but the top leader of Buddhist monks, Samdech CHUON Nat, is patriotic. In 1964, A Tau Run (Secretary of State of the Ministry of National Security) went to salute Samdech CHUON Nat and asked him to attack Khmer Rouge in his preaches. Samdech CHUON Nat reproached him that "Your Excellency! Don't pierce the wound with a stick when it does not hurt." This alone made A Tau Run ran away. Back then I believed that the event was true.

Now, however, I do not dare to guarantee it though I don't dare to reject it either. The reason I recalled this is to emphasise that POL Pot took advantage of the opportunity to use Samdech CHUON Nat's influence to gain Khmer peasants' confidence in POL Pot himself.

Please be noted that Grandfather Tuon¹ who was sent to S-21 and was sent in as an ordinary citizen (he had already left the monkhood) for his involvement in politics.

I can't manage to recollect the event in relation to the other people. I'd only like to indicate that:

- He was neither sent to S-21 as a monk
- Nor was he sent for the reason of his religious practice.

- **About the royal family members**

The "Searching for the Truth" magazine dated June 2000, on pages 14 and 14, listed seven royal family members.

I have already submitted my comments with ERN 00172312 (Khmer version) to you already. I still maintain my position.

Here, I'd just like to assert that I remember that there were two ordinary citizens who changed their names and disguised themselves as the members of the royal family. I have read the confessions but I'm not sure whether those two names are among the seven noble royal family members or not.

¹ Tuon was his alias name while his real name was SREY Sithan. He was a former head monk.

~~D90/H/4~~11th response

**CRITERIA FOR IDENTIFYING AN ENEMY AND
THE INTERNAL CONFLICTS WITHIN THE STANDING
COMMITTEE**

- A. I think it is beyond my knowledge to conclude the criteria for identifying an enemy or friend.

Next, I'd like to make my observations that from 30 March 1976, through my recollection, I note that the "enemies" that POL Pot really focused on were Vietnamese's people.

Evidently, KOY Thuon confessed he was a CIA agent. Instead, SON Sen was interested only on the point in which KOY Thuon wrote about his communication with a cadre of the Vietnamese Workers Party who visited the liberated sector in Cambodia before 17 April. SON Sen said that through his observation, during that visit the sentiment between both peoples (Yuon and Khmer) was so deep. He proudly told me that his every observation was rarely erroneous.

With this respect, I believe that the criterion seemed to be consented on collecting any information in relation to find out the whether any person was the Vietnamese's person.

- B. The Permanent Central Committee of the Communist Party of Kampuchea really had conflicts:
- First, the conflict between the tendency to keep the Communist Party as independent as the Party of Vietnam and the trend to continue with the tradition of the resistance passed down from Esarak's regime (1945-1954).
 - This conflict was extreme that it could be seen in various aspects. The main aspect of the conflict was seen in the conflict between peasants and intellectuals¹.
 - Second, this conflict emerged from the narrow-mindedness of POL Pot who was suspicious of every one; VORN Veth called him a *Trâdêevech*². His position was very bad that it made people who were not enemies become enemies.

¹ At S-21 before his confession NORN Suon wrote a letter to the Standing Committee to express his resentment at the Intellectual IENG Sary who could not speak Khmer clearly and who served in the revolution only in the place where he had an easy task, ate delicious food, slept on a mattress abroad and then was promoted to higher position.

According to what I was told by comrade Pon, SUOS Noeu alias Chhouk, when being interrogated, strongly criticized intellectuals. Chhouk was hoping that NUON Chea would help find a solution but there was little hope that he could help the peasants.

² *Trâdêevech* can be translated as "paranoiaque"

~~D90/H/1~~**12th response****About the essence of Special Issue Magazine of 1978**

This document was not the tolerant policy; it was a trick to defuse the tension in the mind of the people who were being terrified of the arrests and manslaughter. The shortage of people to be armed to fight in the battles began.

I'd like to recollect that event as follows:

A. The spirit of this kind of tolerant policy, as I remember, was publicized three times through three aspects:

- The first one was through this Revolutionary Flag, the special issue, May-June 1978.
- The second one was circular
- The third one was in the political study session at the end of 1978.

B. I'd like to emphasise that:

- After reading the Revolutionary Flag and the circular, I was, at that time, truly happy because I could see that the people who had been evacuated would come into existence and would be able to join the army and the Youth League; and in the future they would be able to join the Party like others.
- Though I had known that we got busier at S-21, I was of the opinion that the situation was just temporary.
- The most special one was in the political session at the end of 1978.

At that time POL Pot was the presenter himself. He asked the local cadres not to arrest "White Khmer"¹ nor use the terms "17 April people," "New people"... He stopped S-21 from conducting an interrogation etc.

I was very happy since stopping conducting the interrogation was the political line. About three or four days after the session completed NUON Chea called to work. I maintained the principle I was taught in the study session. NUON Chea teased me about it by saying that "Look! Comrade Duch now is enormously knowledgeable about the line!"

This was the reason I could feel sure claim that the three documents were the tricks. But I could not dare to say anything back then and did not understand them deeply as I do now.

¹ "White Khmer" is referred to anyone who fled the corporative, hid themselves in the jungle and sneaked to conduct various activities.

At that time, POL Pot said that those people were too tired that they sought refuge so that they would recover from exhaustion.

~~D90/H/1~~13th response**ABOUT THE ESSENCE OF THE CONFESSIONS**

That was the nature of the confessions.

There are several reasons:

- The contents of some confessions were based on the responders' view.

For example,

- In the first and second confession, KOY Thuon gave the confession based on his own thoughts.
- The notion of "Either burn it up or pull it out to cause it uncooked" was the idea of the responders.

Observation: If the second or third person also mentioned the tactic of "Either burn it up or pull it out to cause it uncooked," it could not have been from the responses of the responders.

- The terms killing too few people or too many people may come from two sources:
 - First, it was from the victim who gave his confessions. That person, when he was in power, could have bullied other people wildly with the exception of his subordinates and partisans.
 - Second, it could have been the interrogators who were careless to let the responders be able to grasp their intention.

However, there was only one main reason. We inflicted tortures in order to force them to admit that they were traitors and that they had conducted traitorous activities. Though KOY Thuon was not tortured he had to tell his traitorous activities in his confession, too.

1. I was the one who interrogated KOY Thuon. Before KOY Thuon arrived it took me three days to make sure that I was well prepared for that. I never spoke to KOY Thuon without preparing what I wanted to say in advanced. I was afraid KOY Thuon could find my weak points. The two special guards who were tasked with guarding KOY Thuon was not authorized to speak to KOY Thuon. They were only allowed to bring a bucket to KOY Thuon so that he could urinate in it. I demanded that KOY Thuon recognize my rights that he had to report to Angkar through me. I asked him to regard me as a messenger. I asked Hor to instruct the special guards to remain vigilant at all times to make sure that KOY Thuon could not commit suicide, and that they must not be angry with KOY Thuon though he would like to curse them or anyone even my mother, let him do it. Don't be angry with him! Don't beat him! KOY Thuon reacted a few times (maybe three times). He broke the eyeglasses and a pen. He tore the papers and threw away the small table he was given to write his confession. He didn't dare to curse; he only said that "I've also served the Angkar like others..." I knew whatever he did. The special guards who guarded him called me immediately after they noticed his reaction. I did not go to the place immediately after the call. I wished to lag behind 30 minutes to an hour the time of which I wished to make KOY Thuon calm down and that he could have time to think and feel afraid some time. When I approached him I smiled and was polite to him as I had done to him even before he was arrested. I called him Brother. After his first reaction, he stopped calling me comrade. He now called me Brother [Bang]. Every time I met him I asked him to respond to only two things. First I wanted him to report to Angkar through me as I could be the messenger. Second, I asked him to stop showing his protest as it was pointless. I told him that I was young but I could understand this talk very well. I would not be fooled to let him be beaten to death. I still am of the opinion that my activities and arrangements did not have any influence in the content of KOY Thuon's confession.

2. No one knew or used this expression "Either burn it up or pull it out to cause it uncooked." Both SON Sen and I were taken by surprised by the expression. NUON Chea perhaps was surprised by it, too.