

លេខ/No: D238



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
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លេខ/No: 002/14-08-2006
លេខស៊ើបសួរ/Investigation
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ឯកសារទទួល
DOCUMENT RECEIVED/DOCUMENT REÇU
ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/date de réception):
..... 20/11/2009

កំណត់ហេតុនៃការសួរចម្លើយ
Written Record of Interview of
Charged Person

On the tenth of November, two thousand and nine at 9.10 a.m.,

We, **You Bunleng** ឬ **ប៊ុនហ្គ័ង** and **Marcel Lemonde**, Co-Investigating Judges of the
Extraordinary Chambers in the Courts of Cambodia,

With Mr Ham Hel ហាម ហ៊ឺល Mr. Som Ratana សោម រតនា and Mr Ly Chantola
លី ច័ន្ទតុលា as Greffiers,

Noting the Law on the Establishment of the Extraordinary Chambers in the Courts of
Cambodia, dated 27 October 2004 (the “ECCC Law”),

Noting Rule 58 of the Internal Rules of the Extraordinary Chambers,

With OUCH Channora ច័ន្ទចាន់ណុរ៉ា and Bell Sak Pheakdey (ហែល សក្កីភក្តី), as sworn
interpreters of the Extraordinary Chambers,

Interviewed the Charged Person identified below:

ឯកសារបានថតចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ តែការបញ្ជាក់ (Certified Date /Date de certification):
..... 20/11/2009

~~២៥៦/No:D238~~

Name: **Kaing Guek Eav កាំង ហ្គេកក្រីវ** 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 ECCC Law,

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

The Co-Prosecutors of the Extraordinary Chambers, Mr William Smith – Acting International Co-Prosecutor and Mrs Chea Leang ជា លាង, were duly notified of this interview during the interview on 22 October 2009:

- Mrs Chea Leang ជា លាង was represented by Mr TAN Senarong Assistant Co-Prosecutor,
- Mr William Smith was represented by Mr Vincent de Wilde d’Estamel, Senior Assistant Co-Prosecutor.

Mr Kar Savuth កាវ សាវុត្ត and Mr Francois Roux, Co-Lawyers for the Charged Person, were duly informed of this interview during the interview on 22 October 2009 and were able to examine the case file from that date. Mr. Kar Savuth is present; Mr. François Roux is absent.

Interview

Question by the Co-Investigating Judges: The “confessions” of the ex-teacher Khèk Bin ខែក ប៊ិន alias Sou ស៊ី, apparently a former Northwest Zone Sector 4 and Thailand border liaison cadre who was transferred to the Ministry of Foreign Affairs in March 1977 and then arrested on 1 June 1977, exist in two almost identical versions, both dated 27 July 1977¹. The former has two coversheet notes². The text of this copy of these “confessions” also has marginal notes and other mark-ups, including an appendix of the persons implicated in it³. The second copy of Khèk Bin’s ខែក ប៊ិន “confessions” also has two coversheet annotations⁴.

Can you identify the author(s) of the various annotations and mark-ups on both versions of Khèk Bin’s ខែក ប៊ិន “confessions,” explain the route by which these “confessions”

¹ D43/IV Annex 29 OERN 00174021-00174028 and D43/IV Annex 61 OERN 00174445-00174496.

² D43/IV OERN 00174021.

³ D43/IV OERN 00174024-00174028.

⁴ D43/IV OERN 00174445.

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reached "Brother Nuon ឆ្លង", and what role – if any – he played in any possible follow-up arrests or non-arrests of persons implicated in them, whether in the Northwest Zone, the Ministry of Foreign Affairs or elsewhere?

Answer by the Charged Person: The annotation “*Respected Brother,*” and “*1. These responses implicate Comrades Khheng ខ្មែង, Ren រ៉េន, Khauy ខ្យយ, Kou គូ, Muoch មួច, etc. At the same time, moreover, they implicated Krin គ្រិន. 2. The namelist at the end sums up the persons who are implicated by name as traitors. 3. The other two photocopied lists are marked as Sou ស៊ី, Deputy Secretary, Sector 4. Not sure whether this is the same Sou ស៊ី or what. Maybe it should be Suy ស៊ីយ, but the transcriber misheard.*” was written by SON Sen សុន សេន. As for the note: “*Brother Nuon ឆ្លង already received a Copy*”, this was written by NUON Chea ឆ្លង ជា.

Regarding the second version⁵, the long note dated 27 July was also written by SON Sen សុន សេន: “*Implicates Comrade Khheng ខ្មែង, Comrade Ren រ៉េន, Comrade Khauy ខ្យយ, Comrade Kou គូ and Comrade Muoch មួច. 2. The namelist of persons implicated as traitors is at the end of the document. 3. The reproduced document has a namelist of traitors and their plans. 4. Comrade Krin គ្រិន seems to be more and more clearly implicated.*”

I wrote the Roman number “I”, circled. I believe I wanted to specify that this was the first part of the confession. I must have sent two separate documents, but we only have the first one here. I draw this conclusion from the note “II”, circled, by SON Sen សុន សេន, concerning the plans of the traitors.

There is a second annotation on the upper left hand side, but I cannot decipher it. In any case, it is not my handwriting here. Maybe it is NUON Chea’s ឆ្លង ជា handwriting but I am not sure.

Regarding the annotations on page ERN 00174022 I do not know who noted in red, “*Who knows all the names*”. The signature in black, dated 14 July 1977, was written by Sou ស៊ី, the author of the confession.

On page 00174024, the annotations in red are in the handwriting of SON Sen សុន សេន.

Opposite the name, YI Yon យី យ៉ុង, is written “*was arrested; was taken from 24*”.

⁵ D43/IV ERN 00174445.

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Opposite the name Kâng Sarân កង សារ៉ាន់ is written “*this contemptible went to Northeast with the contemptible T. Ol*” (that was TIV Ol ទីវ សុល). And then: “*escaped then the enemy arrested and liquidated him*”. (I recall this matter: in 1967, when I joined the maquis, I was supposed to go to the northeast; but after the desertion of Kâng Sarân កង សារ៉ាន់, the chain was cut. Kâng Sarân កង សារ៉ាន់ returned to Phnom Penh and asked the queen to pardon him before being executed by the Lon Nol លន់ នល់ police in March 1968.)

Opposite the name KUNG Sakun គង់ សាកុណ, SON Sen សុន សេន wrote “*In the state publishing house, when SENG Bunthân សេង ប៉ុនច័ន was arrested, he became afraid and hung himself. Only his wife remained*”.

Opposite the name ING Kimseng អ៊ឹង គីមសេង and MAI Lun ម៉ៃ លុន, he wrote “*has been arrested*”.

On page 00174025, the annotations in red are also by SON Sen សុន សេន.

Opposite number 17 (HENG Hy ហេង ហ៊ី): “*has been arrested (there is a photo as well as a letter mentioning lessons on the CIA which I submitted to you before, Brother)*”. I believe “Brother” here is referring to POL Pot ប៉ុល ពត. In my opinion, two copies of this confession were transmitted, one sent to POL Pot ប៉ុល ពត for decision and the other to NUON Chea ឡួន ជា to ensure implementation.

Opposite number 19 (Say សាយ) and 21 (Hour ហួរ) is written “*has been arrested*”.

Opposite number 22, HEM Yât ហែម យ៉ាត wrote: “*we don't know who, perhaps the contemptible Keng កេង*”.

Opposite number 26 (CHHUOR Sarét ឡួរ សារ៉េត) is written “*unknown*”.

On page 00174027, the annotations in red were by SON Sen សុន សេន.

Opposite number 57, PING Kimsea ពីង គីមស៊ី: “*has been arrested (answered that comrade POENG Sây ពឹង សយ is also CIA)*”.

Opposite numbers 59 (Chhoeun ឈឿន), 60 (Han ហាន), 61 (Khort កុរត), 62 (Tho ថូ), 63 (Mân ម៉ាន) and 70 (Nov នៅ), is written “*has been arrested*”.

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Opposite numbers 68 (Ren រ៉េន) and 69 (Khaury ខ្យាយ): “not yet arrested”.

Opposite number 74 (Lai): “not remember if person has already been arrested, I believe already arrested.”

To summarize concerning the use to which this confession was put, I transmitted the document to SON Sen សុន សែន via his messenger. SON Sen សុន សែន must have prepared the document and asked POL Pot ប៉ុល ពត for a decision. I do not know whether the note by NUON Chea ឆ្លូន ជា was written before or after POL Pot's ប៉ុល ពត decision. I think, although this is not clearly stated in the document, that NUON Chea ឆ្លូន ជា was responsible for ensuring that POL Pot's ប៉ុល ពត decision was properly implemented and therefore sent the decision to various zones. In fact, I am drawing my conclusions on the basis of the decisions of 9 October 1975 and 30 March 1976: every week SON Sen សុន សែន had to prepare documents on security matters and submit them to POL Pot ប៉ុល ពត for decision. In fact, I only saw one document annotated by Pol Pot ប៉ុល ពត: the confession of LONG Muy ឡុង ម៉ុយ alias Chuon ជួន (D93/III).

I suppose NUON Chea ឆ្លូន ជា needed a copy of the confession to ensure its application by the various ministries or zones. But I am only sharing my conclusions based on the situation I was in, that is to say from a certain distance.

Question by the Co-Investigating Judges: We have shown you the confession of Pich Phân ពិជ ផិន alias Mai Phau, member of the State Rubber Plantations communication unit (Document dated 27 July 1977)⁶. Can you identify the author(s) of the various annotations and mark-ups? Can you comment those annotations and what they mean? Who received this document?

Answer by the Charged Person: On page 00175121 I wrote “S” in a square box, which means “secret”. SON Sen សុន សែន wrote all the rest: “Give two copies to Angkar. Not read yet. 2/8/77. A summary for Angkar. 14/10/77. The summary has been read.”

On page 00175172 all of the notes in red were written by SON Sen សុន សែន
“Highly confidential.”

⁶ D43/IV Annex 96 ERN 00175121-00175187.

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1/To give to you a summary of the Mai Phau ម៉ែ ផ្លូវ documents. Our people have made a detailed excerpt so that we can understand the whole content. But, the document should be further well read. I am reading it now. I will give it to you later.

2/ He implicated comrade Phuong ភ្នំ ងង heavily from the beginning to the end.

3/ Security concludes at the end that the background of joining the CIA is clear. For the rest, he talked only about the group that has already been uncovered. The whole content of the story consistently implicates Bang Phuong ភ្នំ ងង and it is difficult to have any part of the story removed, because if it is removed, the story would then be different.

4/ It is also difficult for me to examine as I do not know much about the events of that time. As for Bang Phuong ភ្នំ ងង, I have some information that he is linked to our comrades, who left the capital to join him secretly. If it is as he said, why did he not allow us to arrest our comrades. 14/10/77”

In red in the left margin of the same page: “Two copies of this document have already been given to you. 2/8/77. I would like to examine this matter and give me your comments so I can advise security.”

It is clear to me that when SON Sen សុំ ផែន says “you” or “Angkar” he is referring to POL Pot ប៉ុល ពត. I think that SON Sen សុំ ផែន saw the document on two occasions. On 2 August 1977, he sent two copies to Angkar, making it clear that he had not yet read the document and asking for comments. On 14 October 1977 he made his own comments on the document. As to the substance I can make nothing of it personally because I do not know Mai Phau ម៉ែ ផ្លូវ and I can only rely on the annotations by SON Sen សុំ ផែន.

You have asked me why SON Sen សុំ ផែន annotated the document after 15 August 1977 rather than NUON Chea ឆ្លុំ ជា. I confirm that, with effect from 15 August 1977, I transmitted confessions to NUON Chea ឆ្លុំ ជា and not to SON Sen សុំ ផែន, but I noted that the latter continued to make notes on S-21 documents until at least 11 November 1977. I have only seen one document annotated by SON Sen សុំ ផែន which was sent to NUON Chea ឆ្លុំ ជា: the confession of Hung Kien alias Ing Vét អ៊ឹង វ៉េត. That was in May 1977 and I suppose that Pol Pot ប៉ុល ពត had delegated his powers to NUON Chea ឆ្លុំ ជា. According to Sâ Sien ស សៀន, POL Pot ប៉ុល ពត had decided to take time off to prepare the official announcement of the Communist Party of Kampuchea.

The interview was adjourned at 12:18 p.m.

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At 2:05 p.m. the same day, we resumed the interview.

Question by the Co-Investigating Judges: During your interview on 20 October 2009⁷, you spoke of the confessions of KUNG Kien គង់ គៀន alias *ING Vét* អ៊ឹង វ៉េត, from division 164 (00017305-00017351). You stated:

"Another example is KUNG Kien គង់ គៀន alias ING Vét's អ៊ឹង វ៉េត confession (secretary of battalion 631, 63rd regiment, 164th division): I forwarded the document to SON Sen សុន សែន on 21 May 1977. He annotated it on 23 May 1977, writing "to the attention of brother NUON ឡួន personally, secret. (1) This document is very clear; (2) The majority of the persons implicated are in the unit of comrade MUT មុត, another part is in 33 and 35." NUON Chea ឡួន ជា wrote in the margin, on a date which is not legible, in May 1977: "already noted for the attention of Comrade Mok ម៉ុក." These documents show that SON Sen សុន សែន requested the advice of NUON Chea ឡួន ជា prior to making his decision."

Can you identify Mok ម៉ុក in this context and explain why those confessions had to be drawn to his attention?

Answer by the Charged Person: MEAS Mut's ម៉ាស មុត unit was under the supervision of SON Sen សុន សែន, as Chief of general staff. As for Sectors 33 and 35, they were in the Southwest Zone, which was under TA Mok's តាម៉ុក control. Therefore TA Mok តាម៉ុក was informed in order to organize the arrests.

Question by the Co-Investigating Judges: There is an appendix at the end of this document entitled "On the List of Traitorous Forces Within My Network" (pp.49-51) which listed 65 names. Four are noted as "arrested"; 12 as "removed by the Organization"; three as "removed abroad by the Organization"; and the following either have an "X" by their name or their name is underlined.

Can you explain what "removed by the organization" and "removed abroad by the Organization" means in this context?

Can you explain what it means when the names have an "X" by their name or their name is underlined?

Answer by the Charged Person: I did not take part in writing this list. I note that the reference to "arrested" and "removed by Angkar" are done in the same handwriting as the

⁷ D225, p.4 (fr) p.4 (Eng.)

confession of KUNG Kien គង់ កៀន. It is therefore he, KUNG Kien គង់ កៀន, who made the notes. I would like to make clear that, as regards the reference to “*removed abroad by Angkar*”, I know that the Marine unit was sent to China to undergo training there. Perhaps that is what is being referred to here.

With regard to the names marked with an “x”, I observe that these are people who did not belong to Division 164. However, I also note that there are a certain number of other names where no cross is marked although they belonged to Sector 33, for example (number 22, 25, 26, 27, 32 etc.). Consequently I have no explanation for the existence of these “x’s”. This is the same thing for the underlined names. Perhaps SON Sen សុន សែន made these marks and notes, but I cannot state this for sure.

Question by the Co-Investigating Judges: You said in your interview dated 25 November 2008⁸ that the East Zone was commanded by Peou Hak, who was arrested and sent to S-21. We present two documents to you. The first is a summary dated 2 October 1976 regarding the "traitorous activities" of three people PEOU Hak ពៅ ហាក់, YI Luy យី លុយ and PAV Bun Sinh⁹ ប៉ាវ ប៊ុនស៊ីញ. This summary appears to have been written by you.

Answer by the Charged Person: I am indeed the person who wrote this summary. The confessions of these three people being linked to each other, I drafted this summary to the attention of my superiors. I no longer remember why these people were arrested. I know that they were denounced in several confessions. I add that I knew PEOU Hak ពៅ ហាក់, who was jailed with me at Prey Sar ព្រៃស in 1968. PAV Bun Sinh ប៉ាវ ប៊ុនស៊ីញ did not belong to the 3rd Division but to Division 703. I do not know YI Luy យី លុយ.

Question by the Co-Investigating Judges: The second document that we are presenting to you is second confession of PEOU Hak¹⁰ ពៅ ហាក់. It appears that PEOU Hak ពៅ ហាក់ was arrested and interrogated at S-79 on 19 October 1976. Can you confirm whether S-79 was the East Zone security centre? Do you know who was running this security centre? You stated on 25 November 2008 that PEOU Hak ពៅ ហាក់ had been arrested and sent to S21; why was this person transferred from a zone security centre to S21? Did this happen often? Who gave the order to conduct this transfer? How was this order implemented and by whom and who was in charge of overseeing the transfer?

⁸ D119, E_ERN 00242905, p11.

⁹ K_ERN 00174366-00174370.

¹⁰ ERN 00174371-00174374.

Answer by the Charged Person: First of all, I do not remember having seen this documents previously. I am quite sure that this document was not sent to S-21 but most probably to office 870, which kept it. Some of the handwriting is not very clear, but might correspond to NUON Chea's ឆ្លាន ធា handwritten. I am not able to identify the part that is clear however.

I confirm that PEOU Hak ហាក់ ហាក់ was first detained at S-79 security centre. For a cadre from the East Zone it was logical that he be arrested at a security centre of that zone. I also confirm that he was then transferred to S-21. Regarding the reasons for the transfer, I can say that most probably POL Pot ប៉ុល ពត was not satisfied, since he did not trust SAO Phim ហ៊ុន ហ៊ុន. This was quite frequent. For example LY Phèl លី ផែល was at the security centre for Sector 21 before being transferred to S-21. When POL Pot ប៉ុល ពត, NUON Chea ឆ្លាន ធា and SON Sen សុន សែន were not happy with the security centre of a zone, the transfer to S-21 was organized. I also note that only NUON Chea ឆ្លាន ធា had the power to organize such transfers: SON Sen សុន សែន was not qualified to intervene and Pol Pot ប៉ុល ពត did not get personally involved in the organization of transfers.

In fact the only zone leader whom POL Pot ប៉ុល ពត trusted was TA Mok តាម៉ុក. He practically never organized any transfers of prisoners to S-21. By the way, he detested me since 1973 and he did not want to employ me. The only two examples of prisoner transfers to S-21 organized by Mok ម៉ុក involved SEK Sat សេក សាត alias Brak ប្រាក់ on the one hand and Heng ហេង on the other, both of whom were linked to VORN Vet វ៉ែត វ៉ែត and had been implicated in confessions obtained at S-21.

To answer your question regarding the head of the security centre S-79 I have no idea at all who this person was.

Question by the Co-Investigating Judges: You say that the transfer of prisoners from the zone security centers to S-21 was relatively frequent. But all you gave us are two examples, could you give further details?

Answer by the Charged Person: For the Southwest Zone I repeat that there were only two cases, but for the East Zone there were many transfers. I remember a few important names: SUOS Nov ស្លុស នៅ alias Chhouk ឈ្មួក (Secretary of Sector 24), BUN Sany ប៊ុន សានី (head of the rubber plantation), LY Phèl លី ផែល(chief of the East Zone general staff), SO Saphân សូ សាផាន(head of Kampong Ror district) etc. I also remember that

there were a series of transfers in June 1978. I do not remember receiving any confessions collected by the zone security centres.

As regards the North Zone, after the arrest of KOY Thuon កុយ ធ្លួន, there were many arrests and transfers to S-21 but I do not know how many of these people were taken directly to S-21 and how many of them were first detained at North Zone security centres and those who remained in the zone until they were executed.

Question by the Co-Investigating Judges: Since you are talking about purges in the North Zone, are you referring to the Central Zone (former North Zone) or to the New North Zone (801)? Can you also explain when and why the Central Zone and the new North Zone were created?

Answer by the Charged Person: I was referring to the former North Zone which also included people located in Phnom Penh, in particular those who worked in the ministries. As to the conditions and the date of the establishment of the New North Zone I prefer to wait until I have read the Kè Pork កែ ពក document before answering this question. It was possibly in 1978 but I'm not sure. As to the reasons for the creation, in my opinion the aim was to limit the influence exerted by Kè Pork កែ ពក, who was becoming more and more important and who was also busy dealing with military matters because he was a member of the Centre Military Committee.

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 Lawyer.

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

At 5.20p.m., we asked the Greffiers to read out this Written Record of Interview of Charged Person as recorded.

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

ជនគ្រោះហេង	មេធាវី	អ្នកបកប្រែ	ក្រុមប្រឹក្សាបញ្ជី	សហចៅក្រម
Charged person	ជនគ្រោះហេង	Interpreters	Greffiers	ស៊ើបអង្កេត
	Lawyer for Charged person			Co- Investigating Judges