

-លេខ/No:D228-



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the  
Courts of Cambodia

**ការិយាល័យសហចៅក្រមស៊ើបអង្កេត**

Office of the Co-Investigating Judges

**សំណុំរឿងព្រហ្មទណ្ឌ**

Criminal Case File /Dossier pénal

លេខ/No: 002/14-08-2006

**លេខស៊ើបអង្កេត/Investigation**

លេខ/No: 002/19-09-2007-ECCC-OCIJ

**ព្រះរាជាណាចក្រកម្ពុជា**

**ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation-Religion-King

**ឯកសារទទួល**

DOCUMENT RECEIVED/DOCUMENT REÇU

ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/date de réception):

..... 27 / 10 / 2009 .....

ម៉ោង (Time/Heure) : ..... 14:00 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé  
du dossier: ..... C. Auy .....

**កំណត់ហេតុនៃការសួរចម្លើយ**

Written Record of Interview of  
Charged Person

On the twenty second of October, two thousand and nine at 9.10 a.m.,

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

With Mr Ham Hel ហាម ហ៊ែល 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 អ៊ូចចាន់ណូរ៉ា as sworn interpreter of the Extraordinary Chambers,

Interviewed the Charged Person identified below:

Name: **Kaing Guek Eav កាំង ហ្គេកអ៊ាវ** alias **Duch ឌុច**, male, born on 17 November 1942,

**ឯកសារបានចម្លងតាមប្រព័ន្ធគ្រប់គ្រងឯកសារ**

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ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date /Date de certification):

..... 27 / 10 / 2009 .....

មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé  
du dossier: ..... C. Auy .....

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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 by Notification Letter dated 7 October 2009:

- Mrs Chea Leang ជា លាង was represented by Mr Pich Sambath ពេជ្រសម្បត្តិ, Senior Assistant Co-Prosecutor,
- Mr William Smith was represented by Mr Vincent de Wilde d'Estamel, Senior Assistant Co-Prosecutor.

Mr Kar Savuth ការ សាវុត្ត and Mr Francois Roux, Co-Lawyers for the Charged Person, were duly informed of this interview by Summons, dated 7 October 2009, and were able to examine the case file from that date. Mr Kar Savuth ការ សាវុត្ត was present. Mr Francois Roux was absent.

## Interview

**Question from the Co-Investigating Judges:** The document entitled “Autobiography of Kè Pork កែ ពក”<sup>1</sup> concerning the mass purges in the former North Zone (304), with regard to which you have said you were “terrified”<sup>2</sup>, describes the purge process in the Zone in detail, specifying that it was conducted after Kè Pork កែ ពក was summoned to a meeting in Phnom Penh with POL Pot ប៉ុល ពត and NUON Chea ឡាន ជា. He adds that those arrested were seized in waves and transported in Phnom Penh security vehicles<sup>3</sup>. Can you tell us, to your knowledge, whether or not Kè Pork កែ ពក did indeed meet with POL Pot ប៉ុល ពត and NUON Chea ឡាន ជា and, if so, what were the consequences? Were there any mass arrests or executions of cadre from the new or the former North Zone (We have counted 179 persons listed as arrested from the North Zone between January and

<sup>1</sup> D83-Annex 00011, ERN 00164118-00164137.

<sup>2</sup> Written Record of Interview with Charged Person Kaing Guek Eav alias DUCH, 5 May 2008, pp. 4-6.

<sup>3</sup> ERN 00164127-0016434 (KH).

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August 1977)? If yes, to what extent was NUON Chea ឆ័ន ជា involved in or knowledgeable of these arrests? In particular, we invite you to examine pages 00164127-00164128, where mention is made of a seminar organized in Phnom Penh and a change of policy with regard to the Socialist Revolution.

**Response by the Charged Person:** I would like to say, first of all, that I was very close to Kè Pork កែ ពក្ក: at the time of my arrest under the Sihanouk សីហនុ Regime, in January 1968, he was present at my home (he was my superior and had come to discuss clandestine activities) and managed to escape.

I can confirm that the handwriting in this “Autobiography of Kè Pork កែ ពក្ក” is not his handwriting. I have never seen this handwriting and I do not know who wrote the document.

**Question from the Co-Investigating Judges:** On page 00164137, the year 1985 is mentioned. In your opinion, under which circumstances was this document written?

**Response of the Charged Person:** I do not know. It seems to me that this document is cited in Craig Etcheson’s report. Maybe this document was written by somebody who was taking notes during the interview of Kè Pork កែ ពក្ក by Stephen Heder in the 1990s?

Regarding the content, and in compliance with your directive, I am going to read this document in full and provide my observations to you this afternoon.

Regarding the purges in the North Zone, I can already say that the mass arrests started on 31 December 1976. I confirm that these arrests terrified me because I knew certain cadre from this Zone very well. I spoke about this to SON Sen សុន សែន and he told me that

these arrests were the result of KOY Thuon’s កុយ ធ្នូ confession; he had been arrested on 25 December 1976, but was already under house arrest since 8 April 1976, after having killed the husband of the woman with whom he had sexual relations. SON Sen សុន សែន also told me that Kè Pork កែ ពក្ក was supposed to come and see me so I could talk to him about the content of the confessions. I accepted voluntarily, but it did not happen (I do not know who opposed it). I did not see Kè Pork កែ ពក្ក again until 1988 or 1989, when we met in Thailand at K-18. I know that Kè Pork កែ ពក្ក came to Phnom

Penh at the time of the purges, in early 1977, because SON Sen សុន សែន told me about it, making fun of him because he had changed pistols from a small one to a big one. I know nothing about the meeting he is alleged to having had with NUON Chea ឆ័ន ជា and POL Pot ប៉ុល ពត, but I think that the meeting did indeed take place, in implementation of

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the decision of 9 October 1975. To reply to your question, I seriously doubt that he could have met IENG Sary អៀង សារី at that time.

**Question by the Co-Investigating Judges:** With regard to the Central Zone, we have shown you the confessions of Mao Choeun ម៉ៅ ជឿន alias Ly លី, a cadre from Central Zone Division 174. On the cover page of the confession dated 27 September 1977<sup>4</sup>, we note an annotation “*For Angkar, two copies, 1 October 1977*” and, on the cover page for 28 October 1977,<sup>5</sup> the following annotations: “*P.P ½*” and “*Two copies already transmitted to Brother NUON ឡាន, 10/11/77*”.

Can you identify the authors of these annotations? Who is “Angkar” in this context? Does this type of annotation always refer to the same person? Can you explain via what route these confessions were conveyed to NUON Chea ឡាន ជា and to the Central Zone? For what purpose and with what results, if any, with regard to the persons implicated as “enemies” in these documents?

**Response by the Charged Person:** With regard to the cover page dated 27 September 1977, the reference: “*For Angkar, two copies, 1 October 1977*”, is written in SON Sen សុន សែន handwriting, “*Angkar*” means POL Pot ប៉ុល ពត. The other handwritten passage is in Vietnamese (it is probably a description of the document) and was placed there after 1979. The other annotation, dated 28 October 1977: “*Two copies already transmitted to Brother NUON ឡាន, 10/11/77*” was written by SON Sen សុន សែន, as was the annotation “*P.P ½*”, which means in Khmer “*Central Zone*”.

With regard to the transmission of these confessions, I cannot be very specific. I have already explained on several occasions how I transmitted documents to my superiors via their messengers, but I do not know what the arrangements were between the senior leaders once this had been done. In my opinion, for the confession dated 27 September 1977, SON Sen សុន សែន asked the opinion of POL Pot ប៉ុល ពត, as in the case of Long Muy ឡុង មួយ whom we mentioned the day before yesterday; with regard to the confession dated 28 October 1977, I presume that SON Sen សុន សែន transmitted two copies to NUON Chea ឡាន ជា after having obtained a decision from POL Pot ប៉ុល ពត.

**Question from the Co-Investigating Judges:** We have shown you the confession of Phâl, Chairman of the A3 Brick Factory (under control of the Ministry of Industry),

<sup>4</sup> D43/I,V Annex 4, ERN 00174782-00174783 (KH)

<sup>5</sup> D43/IV, ERN 00174784-00174785 (KH)

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arrested on 7 July 1977. Phorn Phâl ភន ផល was apparently a former member of Division 12 of the Special Zone, which then became Division 703. Phorn Phâl ភន ផល produced a series of confessions between 6 November 1977<sup>6</sup> and 11 November 1977<sup>7</sup>. To whom were those two confessions sent? Who made the annotations on the cover page? Who is “Brother NUON ឡន”?

**Response of the Charged Person:** The cover page of the confession (ERN 00005192) bears the handwriting of three different people: above the square in the middle, I wrote “*Written Record*”. I do not know anymore why I wrote this, but I absolutely recognize my own handwriting. In the central square, the interrogator wrote, “*treacherous activities on the part of Phorn Phâl ភន ផល (who confessed to this), Chief of the A3 Brick Factory*”. At the bottom of the page, this same interrogator noted “*Finished copy 6/11/77*”. All of the other annotations were written by SON Sen សុន សេន. On the upper left hand corner, he wrote “*Have not yet read in detail, to be read, regards Division 703*”. On the upper right hand corner, he wrote “*703*”, and under the square in the middle, he marked “*To Brother NUON ឡន, one copy, 11/11/77*”.

My analysis is that this document was sent to NUON Chea ឡន ជា by SON Sen សុន សេន, who kept a copy; it was probably NUON Chea ឡន ជា who made the decision for the arrests in Division 703, only making a summary report to POL Pot ប៉ុល ពត.

You ask me what makes me to draw this conclusion. I think that if SON Sen សុន សេន had sought the opinion of POL Pot ប៉ុល ពត he would have written somewhere that he had forwarded a copy of the confession to him. Division 703 was a Centre unit, therefore SON Sen សុន សេន would normally have had personal authority to decide on arrests and executions. I think that he sought the opinion of NUON Chea ឡន ជា because he feared for his own safety and wanted to take precautions.

You also ask me why, in certain cases, SON Sen សុន សេន transmitted one copy to NUON Chea ឡន ជា, and in other cases, two copies. That reflects the implementation of S-21 internal instructions: when several units were implicated, several copies were made; for Phâl ផល, only Division 703 was concerned.

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<sup>6</sup> ERN 00001020-00001044

<sup>7</sup> ERN 00005192-00005216

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You have called my attention to the fact that we have found no trace of a summary report to POL Pot ប៉ុល ពត. Let me recall that all problems were to be reported to POL Pot ប៉ុល ពត. The decision of 9 October 1975 specified that any individual decision must be brought to the knowledge of the collective and the decision of 30 March 1976 provided for a weekly meeting, during which NUON Chea ឈួន ជា undoubtedly made his report to POL Pot ប៉ុល ពត.

**The interview was adjourned at 11:41 a.m.**

**At 2:06 p.m. the same day, we resumed the interview.**

**Charged Person:** After having read the document entitled “Autobiography of Kè Pork កែ ពក”, I can give the following additional details.

In my opinion, that is the transcript of a recorded interview with Kè Pork កែ ពក. In any event, there is no doubt whatsoever that these are the words of Kè Pork កែ ពក.

The content of this text is correct on many points, but on other points it is inaccurate. For example, what Kè Pork កែ ពក says about the purges of the Central Zone (p. 00164131-00164132-KH, 00089713-EN) is correct regarding the dates of these purges and the cadre arrested, from Sectors 41, 42, and 43 (I remember in particular Tol តុល, Sei សី, Châm ចន, Ngin ឡិន and Taing តាំង, who were transferred to S-21), totalling 50 to 60 cadre in all.

Everything he says regarding the events following the arrest of Kâng Chab កង ចាប (on the following page) is also accurate.

On the other hand, other aspects of this text contain inaccuracies.

For example, when Kè Pork កែ ពក speaks of security trucks coming from Phnom Penh, I first believed he was speaking about S-71, Pâng’s unit, which had the means to travel; but upon reflection, I believe that it was in fact Kè Pork កែ ពក himself who decided, on the basis of the documents provided by the Standing Committee, to order the arrests and transfers. I believe he was trying to clear himself of responsibility.

There is another example of this in what he said about the evacuation of the cities in 1975 (ERN 00164128-KH, 00089712-EN): he asserts that there had been a discussion following the implementation of the new political line of the Central Committee, which is false. In reality, the troops that seized Phnom Penh, that is to say troops from the East Zone, the former North Zone, the Special Zone and the Southwest Zone, evacuated the city immediately after 17 April (the Northwest Zone troops emptied Battambang បាត់ដំបង in the following days). As commanders of the former North Zone, KOY Thuon

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កុយ ធួន and Kè Pork កែ ពក participated in this evacuation and, here again, Kè Pork កែ ពក is trying to avoid his own responsibility in this recording of the interview.

I can add, regarding the mass arrests, that Kè Pork កែ ពក tried to resist, but it was impossible. He had strong feelings for the former North Zone cadre and, when people came from the Southwest Zone to replace the cadre who had been arrested in the former North Zone, Kè Pork កែ ពក was badly affected. He did everything to save his own life, but he was sensitive to the fate of the former North Zone cadre.

I would also like to go back to what I told you this morning concerning a meeting that took place between Kè Pork កែ ពក and IENG Sary អៀង សារី. After having read what Kè Pork កែ ពក says on this subject (ERN 00164134-KH, 00089714-EN), I believe that they probably did meet, but without doubt outside of their work. Similarly, when SON Sen សុន សេន told me that Kè Pork កែ ពក was going to come to see me, this was without doubt a personal initiative by SON Sen សុន សេន.

I can further state that what Kè Pork កែ ពក says (ERN 000164136-KH, 00089715-EN) concerning the arrest of Ta Keu តាកី (KUNG Sophal គង់ សុផល, Deputy Secretary of the Northwest Zone) and VORN Vet វ៉ន វ៉េត, is all accurate. Kè Pork កែ ពក told to me, when we met in 1988 or 1989 in Thailand, that after a Central Committee meeting, POL Pot ប៉ុល ពត had asked the participants to stay and watch a film projection; that TA Mok តាម៉ុក had ordered the arrest of Ta Keu and VORN Vet វ៉ន វ៉េត; and that POL Pot ប៉ុល ពត then asked Kè Pork កែ ពក, with a smile, “*Did you enjoy the film?*”. Amongst the Central Committee members who were in attendance when this occurred, I suppose that the sole survivors are NUON Chea ឆ្មារ ជា, IENG Sary អៀង សារី and KHIEU Samphan ខៀវ សំផន. It is this scene that Mrs NUON Chea ឆ្មារ ជា was alluding to when she recounted that Kè Pork កែ ពក was hiding under the bed at the time of the arrest of VORN Vet វ៉ន វ៉េត. She was not present, but she knew about this because she was POL Pot’s ប៉ុល ពត special cook.

**Statement by the Co-Investigating Judges:** We have informed the Charged Person, his lawyers and the Co-Prosecutors that the next interviews will take place on 10, 11, and 17 November 2009 at nine a.m. in room 210C.

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☒ 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 four p.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.

<b>ជនគ្រប់គ្រង</b>	<b>មេធាវី</b>	<b>អ្នកបកប្រែ</b>	<b>ក្រឡាបញ្ជី</b>	<b>សហចៅក្រម</b>
<b>Charged person</b>	<b>ជនគ្រប់គ្រង</b>	<b>Interpreters</b>	<b>Greffiers</b>	<b>ស៊ើបអង្កេត</b>
	<b>Lawyer for Charged person</b>			<b>Co- Investigating Judges</b>