

~~លេខ/No: D120~~



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

Criminal Case File /Dossier pénal

លេខ/No: 002/14-08-2006

លេខស៊ើបសួរ/Investigation

លេខ/No: 002/19-09-2007-ECCC-OCIJ

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កំណត់ហេតុនៃការសួរចម្លើយ

**Written Record of Interview of
Charged Person**

On the twenty-seventh of November, two thousand and eight at 9h:05 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 ហែល and Mr Ly Chantola លី ច័ន្ទគុណា 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 and TANHEANG Davann តាន់ហ៊ីង ដាវ៉ាណូ, as sworn
interpreters of the Extraordinary Chambers,

Interviewed the Charged Person identified below:

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

ឯកសារបញ្ជាក់ថាជាចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification): 01 / 12 / 2007
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA

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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 Robert Petit and Mrs Chea Leang ជា លាង, were duly notified of this interview by Notification Letter, dated 28 October 2008:

- Mrs Chea Leang ជា លាង was represented by Mr Pich Sambath ពេជ្រសម្បត្តិ, Senior Assistant Co-Prosecutor,
- Mr Robert Petit was represented by Mr Alex Bates, Senior 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 by Summons, dated 28 October 2008, and were able to examine the case file from that date, were both present.

Interview

Questions and answers:

Question by Co-Investigating Judge ML: We would first like to ask a general question regarding your relations with the Democratic Kampuchea leaders after 1979. Can you elaborate on your statements on 24 June 2008 regarding the discussions between those leaders, their decisions and their functions?

Answer by the Charged Person: I confirm my statements of 24 June 2008. I have nothing much to add. I would like to recall that I arrived in Samlaut សំឡូត on 30 December 1979 and stayed there until 25 June 1986, when I left for K-18 near Trat ត្រាត in Thailand, in order to prepare for my stay in China. That was in September 1986. When I was in Samlaut សំឡូត I worked as a teacher, having refused to work in a transportation unit as requested. The only time I met NUON Chea ឆន ជា was in 1983: He had come to Samlaut សំឡូត to supervise the work of SOU Met ស៊ី ម៉េត and at that time he had a meeting with me at which he blamed me for not having properly destroyed the documents at S-21 and said he knew that I had worked with KHIEU Samphan ខៀវ សំផន instead of

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him on 6 January 1979. I had the opportunity to see NUON Chea ឡាន ជា again at a political education session conducted in late 1983 or early 1984 after declaration of the dissolution of the Communist Party of Kampuchea (CPK). It was on this occasion that NUON Chea ឡាន ជា declared that “communism was only a means towards patriotism”.

I saw SON Sen សុន សែន once, when I arrived in Trat ត្រាត on 25 June 1986. I stayed in China from September 1986 to July 1988, at which time I worked regularly with SON Sen's សុន សែន wife YUN Yat យុន យ៉ាត, who was hierarchically superior to me. I saw him again when I joined the publishing unit as part of the schoolbook-publishing project led by comrade Leng ឡេង.

In sum, after 1986, I did not meet any leaders with exception of NUON Chea ឡាន ជា, SON Sen សុន សែន and YUN Yat យុន យ៉ាត.

Question by Co-Investigating Judge ML:

After having reviewed the S-21 prisoner lists, it appears that about 100 persons were arrested from the Ministry of Foreign Affairs, the first of these persons having arrived at S-21 on 13 February 1976 and the last having arrived on 10 December 1978. What can you tell us with regard to IENG Sary's ឡេង សារី knowledge of, and role in, these arrests? Did you know at that time where these persons had been arrested and where they had been detained before arriving at S-21?

Answer by the Charged Person: In general, I think there were no detention centers for persons from the Ministry of Foreign Affairs other than S-21. I know that S-71 had a secret detention facility located near Wat Botum វត្តបុទុម, but I do not know how many people were taken from that facility to be killed directly. I only recall one case of a prisoner being detained at Wat Botum វត្តបុទុម before being transferred to S-21: POL Pot's ប៉ុល ពត doctor, a woman called KUOK Suy Chhinh កួក ស៊ុយឈីញ.

You ask me what I know about Boeng Trabek បឹងត្របែក. I think this center was comparable to Prey Sar ព្រៃស for S-21. At Boeng Trabek បឹងត្របែក there was a “committee of Office K-17”, which was chaired successively by Uk Savan ឡុក សាវ៉ាន, then after his arrest, by LUON Sao លួន សៅ. Other facilities for the purge or reeducation of intellectuals were organized in the same way, such as K-10, led by Min Mine មីនមីន (of whom I have already spoken as being dishonest, having taken the watch of a detained intellectual).

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It should be noted that, after his arrest, the Secretary of Office S-71, CHHIM Sâm Aok ឈឹម សំអោក alias Pâng ប៉ង, presented himself as the “Secretary of the S-71 ministerial committee”. He had around 10 offices under his control (B1, K-10, K-17, Chraing Chamres, ...). The deputy secretary of Office S-71 was Lin លីន and, under him, KHAM Mi ខាំ មី who controlled Unit 180 (which was similar in size to a division).

As regards the division of labour between Pâng ប៉ង and IENG Sary អៀង សារី, I do not have any knowledge. I recall that I was very far from IENG Sary អៀង សារី and only saw him twice, as I have already pointed out. I can confirm, however, that based on our working principles, before arrests at the Ministry of Foreign Affairs, IENG Sary’s អៀង សារី decision was certainly needed. There was only one exception, which I have already mentioned; that of CHÃO Seng ចៅ សេង , arrested under a false name without IENG Sary អៀង សារី knowing.

I received the list of persons arrested before they arrived at the prison. Until 15 August 1977, SON Sen សុន សែន sent the list to me; after that, it was generally Pâng ប៉ង who delivered the list, sometimes Lin លីន.

Question by the Co-Prosecutor (Alex Bates): Can the Charged Person elaborate on what he knows about the organization of the Ministry of Foreign Affairs, particularly in view of the confessions? Who were IENG Sary’s អៀង សារី deputies and were some of them later detained at S-21?

Answer by the Charged Person: I do not have any information on the organization of the Ministry of Foreign Affairs. I have forgotten the details, not having focused on that organization. I only remember that I met POL Pot’s ប៉ុល ពត nephew SO Hong សុវ៉ា ហុង in 1978, who was in control of the staff at the Ministry of Foreign Affairs and who may have been IENG Sary’s អៀង សារី deputy. I believe he is still alive.

Question by Co-Investigating Judge YBL: We present the confession of MEAK Touch ម៉ាក តូច (D43/IV, ERN 000174100). The annotation on the top right hand side reads “Comrade Van វ៉ាន់”. Can you comment on this?

Answer by the Charged Person: I have seen several confessions annotated in this way. The annotation was made by NUON Chea ឆ្មារ ជ័រ. If SON Sen សុន សែន had addressed

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IENG Sary អឿង សារី, he would have written “*Brother Van វ៉ាន់*”, not “*Comrade Van វ៉ាន់*” as did NUON Chea ឆ្មុន ជា.

The confession was sent to the unit head for two reasons: on the one hand, to inform the unit head of enemy activities within that unit, and on the other hand, to allow him to contemplate the arrest of implicated persons. In the case of MEAK Touch ម៉ាយ តូច alias Kèm កែម, who was ambassador to Laos, in the copy shown to me there were no other persons implicated. So it was only for the first reason that the confession was sent to the unit head.

You point out to me that, if some confessions clearly had “*Comrade Van វ៉ាន់*” written on them whereas others did not, it is probably because not all the confessions of persons from the Ministry of Foreign Affairs were sent to IENG Sary អឿង សារី. In fact, I do not know the details of how the superiors worked amongst themselves. It is possible that in the absence of IENG Sary អឿង សារី the confessions were sent to Pâng ប៉ង, but that is an assumption on my part.

Question by Co-Investigating Judge ML: Did you work with messengers other than Cheam ជាម with regard to the Ministry of Foreign Affairs? SUOS Thy ស្មូស ធី has said that someone named “Pin ពីន” brought prisoners from the Ministry of Foreign Affairs to S-21 on 23 January 1978. More generally, what was the role of messengers in the system of communication between S-21 and the ministry and what documents did you exchange with them?

Answer by the Charged Person: It is possible that there were other messengers, but I do not remember. Until 15 August 1977, the arrest lists were handed to me directly by SON Sen សុន សែន. After that date, they were delivered by Pâng ប៉ង, then after his arrest, by Lin លីន. The messengers from the Ministry of Foreign Affairs and other ministries had the sole function of bringing the arrested to S-21. None of them were allowed to deliver confessions. Only SON Sen’s សុន សែន messengers (Phân ផាន et Noeun នឿន) and later NUON Chea’s ឆ្មុន ជា (Toeung តឿង and Chiv ជីវ) could do so. There were only two exceptions: first, NUON Chea ឆ្មុន ជា told me that, under his orders, certain confessions could be sent through Pâng ប៉ង and, second, when Toeung តឿង and Chiv ជីវ accompanied NUON Chea ឆ្មុន ជា to China, Lin លីន delivered the confessions.

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Question by Co-Investigating Judge YBL: You previously provided us with an organizational chart of S-71 which shows the different offices relating to S-71 carrying the initial "K", with the exception of "B1". Why was that office designated by the initial "B"? Does that refer to the Khmer word for "foreigner", « ឃ »?

Answer by the Charged Person: "B" refers to the Ministry of Foreign Affairs. I have included B1 into the organizational chart of S-71 because one prisoner confessed that he came from "B1-S-71". I can not specify on the difference between "B1" and the different "K".

Question by Co-Investigating Judge YBL: You have explained that people arrested at the Ministry of Foreign Affairs were sent directly to S-21. However, the confession of MEAK Touch ម៉ាយ ទួច indicates that he was first sent to B1, then "to a place under the authority of comrade Meah's ម៉ែ unit", before he was sent to S-21.

Answer by the Charged Person: I would like to specify that B1 and the unit headed by Meah ម៉ែ (I do not know what unit that was) were undoubtedly not "detention centers", but simply places where those arrested were deprived of their freedom of movement: they were not chained or handcuffed.

Question by Co-Investigating Judge YBL: Do you know how MEAK Touch ម៉ាយ ទួច was called back from abroad and, more generally, who appointed ambassadors? Was it the Ministry of Foreign Affairs?

Answer by the Charged Person: I do not know how MEAK Touch ម៉ាយ ទួច was summoned back from Laos. I suppose it was POL Pot ប៉ុល ពត who made such a decision and that the letter that was sent to him was signed by IENG Sary អៀង សារី. Equally, I assume that it was POL Pot ប៉ុល ពត who decided on the appointment of ambassadors to other countries and that the credentials were then signed by IENG Sary អៀង សារី, but again, that is an assumption on my part. I have never seen such a letter. The only document I saw was MEAK Touch's ម៉ាយ ទួច wife's passport. In fact it was simply pieces of paper stapled together containing different stamps.

Question by Co-Investigating Judge YBL: What categories of prisoners were sent from B1: were they intellectuals, ambassadors or others?

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Answer by the Charged Person: First, there were party members who served at B1. There were also intellectuals who were supposed to be sent abroad to work as ambassadors (for example Nat ណាត, Teanh ទាញ, Chhay Kim Hor គាយ គីមហ៊ី). There were also party members who had worked abroad and were summoned back to the country (for example MEAK Touch ម៉ាយ ទួច, Sean An ស៊ាន អាន). And then there were intellectuals living in foreign countries, for example students in France. Finally, there were former GRUNK ambassadors (for example Y Sob Kunthy អ៊ី សុបគន្ធី, HUOT Sambath ហ្គុត សម្បត្តិ, CHEA San ជា សាន, etc. 23 people in all).

(The Interview was adjourned at 12.05 p.m.)

(The Interview resumed at 2.10 p.m. on the same day.)

Question by the Co-Investigating Judges: MEAK Touch ម៉ាយ ទួច arrived at S-21 on the same day as the Deputy Minister of Foreign Affairs, VÃN Piny វ៉ាន់ ពីនី, on 20 November 1977. Was there a connection between the two arrests and do you remember their arrival?

Answer by the Charged Person: If I remember correctly, there was no relation between the two arrests. MEAK Touch ម៉ាយ ទួច had been summoned back from Laos. For VÃN Piny វ៉ាន់ ពីនី it was more complicated: one day SON Sen សុន សែន asked me why I had not yet sent him VÃN Piny's វ៉ាន់ ពីនី confession. I answered that VÃN Piny វ៉ាន់ ពីនី was not at S-21, which was correct. Two or three days later, SON Sen សុន សែន asked me the same question again, claiming that VÃN Piny វ៉ាន់ ពីនី had indeed been arrested. I asked for one or two days to look into the case. I ordered my staff to gather all the prisoners from the Ministry of Foreign Affairs and to search for the revolutionary name of VÃN Piny វ៉ាន់ ពីនី and his wife. I sent the information to my superior and just three days later VÃN Piny វ៉ាន់ ពីនី arrived at S-21.

Question by the Co-Investigating Judges: Did you receive specific instructions before VÃN Piny វ៉ាន់ ពីនី, MEAK Touch ម៉ាយ ទួច or San Pau's សានប៉ូ arrival, whose confession (ERN 00174132) also contains the annotation "Comrade Van វ៉ាន់"?

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Answer by the Charged Person: If I remember correctly, there were no specific instructions. The upper echelon did not have any specific interest in these people, who were not members of the central committee.

Question by the Co-Investigating Judges: There is no copy of VÃN Piny's វ៉ាន់ ពីនី confession on the Case File with the annotation "Comrade Van វ៉ាន់ ". However, the witness Laurence Picq has declared that IENG Sary អៀង សារី had this confession in his possession as well as that of LEAN Serevuth លៀន សិរីវុឌ្ឍ. What can you tell us with regard to these two confessions? Do you remember sending them to the upper echelon and do you know if they were sent to IENG Sary អៀង សារី?

Answer by the Charged Person: I recall that all confessions, without exception, were sent to the superior (in general I kept a copy). Regarding these two confessions, I cannot confirm that they were sent to IENG Sary អៀង សារី. With exception of VÃN Piny វ៉ាន់ ពីនី, I do not know these persons (Laurence Picq and Lean Serevuth). VÃN Piny វ៉ាន់ ពីនី belonged to the steering committee of the "Association G n rale des Etudiants Khmers" and I knew him. I remember that around 15 days after VÃN Piny's វ៉ាន់ ពីនី arrival at S-21, P ng ប៉ង came to see me, as he regularly did, and told me that POL Pot ប៉ុល ពត had blamed him for not working as well as me with regard to this arrest (alluding to the fact that he had thought that this person had already been arrested).

Question by the Co-Investigating Judges: MEAK Touch ម៉ាយ ទួច arrived at S-21 on 20 November 1977. He signed his confession on 9 February 1978. You summarized the content of the confession on the first page, dated 21 February 1978, and he was executed on 31 March 1978. How can these different dates be explained and did you receive specific instructions at that time and if so, by whom?

Answer by the Charged Person: With regard to the date of arrival, the S-21 list cannot be depended upon because, in application of the principle of secrecy, SUOS Thy សួស ធី was not always informed immediately of the name of people arriving. In such cases, he registered the name later on. In some cases, such as for CHOU Chet ជូ ជេត, no arrival date or execution date was recorded. Concerning the date on my summary of MEAK Touch's ម៉ាយ ទួច confession (21 February 1978), it is possible that the interrogator did not send the confession to me immediately and verified it before transmission (I probably summarized that confession quickly, as in such cases there was time pressure). I assume

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that I then waited for the execution order from my superior. In any case, I never received orders from IENG Sary អៀង សារី, with whom I was never in contact.

Question by the Co-Investigating Judges: On the first page of MEAK Touch's ម៉ាយ ទួច confession, we note that the upper right hand side is marked "2" (and, on the black and white copy, the bottom right corner is marked "4"). What does that signify?

Answer by the Charged Person: I do not know.

Question by the Co-Investigating Judges: On top of the page, in the middle, there is an annotation in Vietnamese that reads "*confession*". Why is that?

Answer by the Charged Person: This annotation was surely added by the Vietnamese in 1979.

Question by the Co-Investigating Judges: Are you the author of the summary on the first page of MEAK Touch's ម៉ាយ ទួច confession?

Answer by the Charged Person: Yes.

Question by the Co-Investigating Judges: This morning you stated that MEAK Touch ម៉ាយ ទួច had not implicated further persons. But annexed to the confession there is a list of 60 names entitled "*list of those who joined in my activities*"¹.

Answer by the Charged Person: This list, which does indeed seem to be an annex to the confession, was not attached to the document that was presented to me this morning. I have seen it for the first time today and I note that this document is signed by MEAK Touch ម៉ាយ ទួច. So I would like to correct what I said this morning. The confession must have been transmitted to IENG Sary អៀង សារី in order for him to provide suggestions on further arrests.

Question by the Co-Investigating Judges: After examining the content of MEAK Touch's ម៉ាយ ទួច confession, we note that you made several annotations: your summary mentions several names implicated in the confession: on page 3, the name of the Vietnamese ambassador Dinh ឌីញ is underlined; on page 4, one of the names in the summary (PHOUN Sy Pasoet ភួន ស៊ីប៉ាស៊ីត, Deputy Prime Minister and Minister of

¹ Tr.Note: official English translation of title not accurate

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Foreign Affairs of Laos) is cited but not underlined; page 6 contains the name of MUT Samân ម៉ុត សាម៉ាន, which is not underlined and is not mentioned in the summary. Can you explain the meaning of these annotations, and in particular, why some names appear in the summary and others do not?

Answer by the Charged Person: I do not remember. I will need time to re-read the materials and I will give you a written explanation later after having read the entire confession.

Question by the Co-Investigating Judges: Can you indicate which of the persons in the list of 60 names annexed to MEAK Touch's ម៉ាក តូច ឡូច confession were later arrested and sent to S-21?

Answer by the Charged Person: I will provide a written answer.

Question by the Co-Investigating Judges: The term "*arrested*" appears next to a number of names. Was it clear to the author or the reader of these annotations that this meant that the designated person had also been executed?

Answer by the Charged Person: I note, from the start, that MEAK Touch ម៉ាក តូច ឡូច himself is the author of these annotations, since these persons were arrested before him. Nevertheless, it was clear at that time that when someone was marked as having been arrested, this meant that the person had also been killed. Those who had the power to arrest also had the power to decide on execution. At the time of this decision, on 30 March 1976, there were four categories of persons with such powers: the members of the Standing Committee, the Zone Secretaries, the Secretary of the General Staff, and the Secretary of the Office 870 Committee.

We informed the Co-Prosecutors, the Charged Person and his Lawyers that the next interview will be held on 28 November 2008 at 9 a.m.

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

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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.

ជនគ្រូតបោន
Charged person

មេធាវី
ជនគ្រូតបោន
Lawyer for Charged person

អ្នកបកប្រែ
Interpreters

ក្រឡាបញ្ជី
Greffiers

សហចៅក្រម
ស៊ើបអង្កេត
Co- Investigating Judges