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អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the
Courts of Cambodia

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King

ឯកសារទទួលបាន	
DOCUMENT RECEIVED/DOCUMENT REÇU	
ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/date de reception):	
12 / 08 / 2010	
ម៉ោង (Time/Heure) : 11h - 09	
អ្នកបម្រើករសំណុំរឿង /Case File Officer/L'agent chargé	
Dossier: SANN RADA	

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des Co-juges d'instruction
សំណុំរឿងព្រហ្មទណ្ឌ
Criminal Case File /Dossier pénal
លេខ/No: 002/14-08-2006

កំណត់ហេតុសួរចម្លើយ
Written Record of Interview of
Charged Person
Procès-verbal d'interrogatoire

លេខស៊ើបសួរ/Investigation/Instruction
លេខ/No: 002/19-09-2007-ECCC-OCIJ

ឯកសារចម្លងត្រឹមត្រូវតាមច្បាប់	
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME	
ថ្ងៃ ខែ ឆ្នាំ ឃ្លាត/ឃ្លាត (Certified Date /Date de certification):	
12-Aug-2010, 14:33	
Sann Rada	

The thirteenth day of December two thousand and seven, at nine fifteen a.m.

We, **You Bunleng យូ ប៊ុនឡេង** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers, with Mr. **Ham Hel ហាមហើល** and Mr. **Ly Chantola លី ច័ន្ទតុលា** as Greffiers

Noting the Law on the establishment of the Extraordinary Chambers, dated 27 October 2004
Noting Rule 58 of the Internal Rules of the Extraordinary Chambers

With **OUCH Channora អ៊ុច ចាន់ណូរ៉ា** and **TANHEANG Davann តាន់ហ៊ីរ៉ាង ដាវ៉ាន់**, sworn interpreters of the Extraordinary Chambers

The Charged Person identified below has appeared before us:

KHIEU Samphan ខៀវ សំផន alias **Hem ហែម**, born on 27 July 1931 at Commune of Rom Chek រ៉ូមចេក, District of Rom Duol រ៉ូមដួល, Province of Svay Rieng ស្វាយរៀង, Cambodia កម្ពុជា

Charged with **Crimes against humanity** and **Grave Breaches of the Geneva Conventions of 12 August 1949**, offences defined and punishable under Articles 5, 6, 29 (New) and 39 (New) of the Law on the establishment of the Extraordinary Chambers, dated 27 October 2004.

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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Original KH : 00156612-00156620

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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 ជាណាង were duly notified of this interview by Notification Letter dated 05 December 2007:

- Mrs. Chea Leang ជាណាង is present.
- Mr. Robert Petit is represented by Mr. William Smith, Deputy Co-Prosecutor.

Say Bory សាយប៊ុនរី and Jacques VERGES, Co-Lawyers for the Charged Person, who were duly notified of this interview by Summons dated 05 and 07 December 2007, and have been able to examine the case file since that time, are both present.

INTERVIEW

Questions and answers

Question by the Co-Prosecutors:

Before starting the interview, we would like to raise a concern regarding the notifying of the right of the Charged Person to remain silent. This issue was raised recently before the Pre-Trial Chamber.

Statement by the Co-Investigating Judges:

As the Pre-Trial Chamber noted, the Internal Rules of the ECCC provide that the suspect or the Charged Person must be reminded of the right to remain silent at “all stages of the proceedings”. This means at the stage of the preliminary investigation, upon commencement of the judicial investigation, at the opening of the trial hearing, et cetera. As a consequence, the Co-Investigating Judges do not intend to change their practice so as to recall the right to remain silent before the commencement of every interview.

The lawyers for the Charged Person:

We would like to put on record our reservations in relation to the presence of investigators during interviews.

Question by the Co-Investigating Judge You Bunleng:

From 17 April 1975 until 6 January 1979 when did you first enter Phnom Penh?

Answer:

I do not remember the exact date but I remember that when I arrived in Phnom Penh, Phnom Penh had been emptied. It was about 7 to 10 days after 17 April 1975.

Question by the Co-Investigating Judge Marcel Lemonde:

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Where did you come from? With whom were you living beforehand?

Answer:

For about 10 days I had been at the headquarters of Pol Pot ប៉ុល ពត to the West of Udong ឧតុង. I would like to assert that I did not participate in the work of the headquarters. I was just present (in the headquarters) and observed the events upon which Pol Pot ប៉ុល ពត briefed me once in a while.

Question by the Co-Investigating Judge Marcel Lemonde:

Who else was present with you at that time?

Answer:

I think that there were just the two of us. Nuon Chea នួន ជា may have been there, too, but I am not sure. There were also some commanders from the army - who commanded the battle to overthrow Phnom Penh, who came on a regular basis: Ta Mok តាំ ម៉ុក or his deputies (who was the commander of the Northern zone), or Koy Thoun ក្យូ យ៉ូន or his deputy, Kè Pork កែ ពក. And there may have been Sao Phim សៅ ភឹម as well (commander of the Eastern zone), but he only came occasionally. Generally, it was the people from his own zone who came.

Question by the Co-Investigating Judge Marcel Lemonde:

Was Son Sen ស៊ីន សែន present at that time?

Answer:

Yes of course, but he had his own headquarters which was located nearby.

Question by the Co-Investigating Judge You Bunleng:

When did you join the revolution?

Answer:

From 1967 when I fled Phnom Penh. Then I joined the zone of Ta Mok តាំ ម៉ុក at Kampong Speu កំពង់ ស្ពឺ.

Question by the Co-Investigating Judge Marcel Lemonde:

What was your role at that time?

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Answer:

I did not hold any position or function at that time. I was in hiding. I continued to do so until 1970 when there was a coup d'état.

Question by Co-Investigating Judge Marcel Lemonde:

Yet you wrote in your book entitled *Cambodian Modern History and My Subsequent Position* (pages 47 and 48 of the French version and in the Khmer version pages 37 to 38) you were present when there was an attack at Kap Kang កាប់កង in the Trapéang Kraleung ត្រពាំងក្រឡឹង district.

Answer:

Yes, it was true, but I did not participate directly or indirectly. I was simply present at that time.

Question by Co-Investigating Judge Marcel Lemonde:

It seems that you want to distance yourself from the attack, although you spoke in flattering terms in your book.

Answer:

I felt strongly at that time. I expressed my feelings for the fighters in that attack.

Question by Co-Investigating Judge Marcel Lemonde:

So let us come back to your role.

Answer:

While I was still hiding, I went to Oral ខ្ពីរ៉ាល់ mountain with Ta Mok តាម៉ុក. Around September 1970, we crossed the Tonle Sap towards the area of Stoeung Chinit ឆ្នាំងជីនិត river. At that place we met with Pol Pot ប៉ុលពត and Nuon Chea ឆ្មារ៉ុនជា, I saw them for the first time.

Before that Pol Pot ប៉ុលពត was in the Rattanakiri រតនគិរី region and he only came to the Stoeung Chinit ឆ្នាំងជីនិត river area after the coup in 1970. During that meeting I learned that Pol Pot ប៉ុលពត (I knew him as Salot Sâr សាត់ស័រ) was the party secretary. He asked us to provide our identity and to supply our social origins. I responded to him that I was an intellectual, and Pol Pot ប៉ុលពត responded that, "You are a son of the ruined feudal class". I was surprised because my family was poor. I also remember that Nuon Chea ឆ្មារ៉ុនជា asked Mr.

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Pok De Komaប៉ុកខឹកុមារ, why he joined the revolution. He responded because he hated the monarchy, and Nuon Cheaនួនជា said that, “No, you are a feudalist from the Sisowathស៊ីសុវត្ថិ dynasty and you are against the Norodomនរោត្តម family”. And Pok De komaប៉ុកខឹកុមារ, was very angry at Nuon Cheaនួនជា.

Question by Co-Investigating Judge You Bunleng:

Between 1970 and 1975, did you stay permanently with the Khmer Rouge leaders?

Answer:

Yes, because my role was to establish the liaison with King Norodom Sihanoukនរោត្តមសីហនុ. And when the United Front of Kampuchea was established after the coup d'état in 1970, Prince Norodom Sihanoukនរោត្តមសីហនុ knew neither Pol Potប៉ុលពត nor Ta Mokតាំម៉ុក. I was the only one who could establish relations with the prince. It was at that time that I was presented officially as the leader of the resistance movement. My official title was deputy chairman of the National United Front of Kampuchea and commander in chief of the People’s Liberation Army of Kampuchea.

I was considered as the leader of the Khmer Rouge since then. But it was not the real situation of my position. The real leader was Pol Potប៉ុលពត. I would like to clarify that he was the political and ideological leader but not the military leader.

Question by Co-Investigating Judge Marcel Lemonde:

And who was the military leader then?

Answer:

In fact, each zone secretary had his own army. It was not the same as in Vietnam or the case of Mao Tse Tungម៉ៅសេតុង. I saw different zone secretaries coming to Pol Pot’sប៉ុលពត headquarters often.

Question by the Co-Investigating Judge You Bunleng:

You indicated that a few days after 17 April 1975 you entered Phnom Penh. With whom did you travel to Phnom Penh? Where did you stay? What was your reaction when you arrived in Phnom Penh?

Answer:

Nuon Cheaនួនជា and Pol Potប៉ុលពត brought me from Udongឧតុង to Phnom Penh. They brought me to the buildings of the railway station and we stayed there around a month before going to the Silver Pagoda and then to the Bassac waterfront.

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As for my reactions upon arrival in Phnom Penh, I thought that I would meet relatives and friends. But I noticed that all the residents were evacuated.

In relation to the evacuation I knew some things before I arrived in Phnom Penh, because the soldiers talked about that issue. They said that they could not advance because there was a big mass of people being evacuated. When I asked them for clarification, they told me that there was an order to evacuate Phnom Penh.

I would like to confirm that a number of armies entered Phnom Penh. There was confusion and conflicts between the Khmer Rouge soldiers to take over Phnom Penh, but I only discovered these problem after the event.

Question by Judge You Bunleng:

When you arrived in Phnom Penh, were there any persons who took part in your trip; for example, Hou Nimហ៊ុនីម and Hou Yunហ៊ុយន់, et cetera?

Did you see the residents who were evacuated along the road?

Did you talk to Pol Potប៉ុលពត and Nuon Cheaនួនជា about these issues?

Answer:

I was alone with Pol Potប៉ុលពត and Nuon Cheaនួនជា; Hou Nimហ៊ុនីម and Pok De Komaប៉ុកឌីកុមារ stayed at Stoeung Chinitស្ទឹងជីនិត and Hou Yunហ៊ុយន់ was rarely present.

As for the response to the second question, I did not meet anyone during my trip to Phnom Penh. Finally, in relation to point number 3, I respected the instructions from the party that we cannot express our feelings, any feelings, other than in meetings. At the meeting everybody felt happy, but as for me, I was unhappy.

Question by the Co-Investigating Judge You Bunleng:

When was that meeting held, where and who attended that meeting?

Answer:

In fact, there was no meeting. I was at the railway station with Pol Potប៉ុលពត, Nuon Cheaនួនជា and the other persons who frequently visited the place to get instructions from Pol Potប៉ុលពត. The other persons were happy, and I tried to hide my unhappiness. We could not criticise the political line other than during meetings, but when we talked to Pol Potប៉ុលពត it was the same as talking to the party because he was the party secretary. At

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first I expressed my disagreement with him. At that time, he told me about the story of Gorky, who expressed his feelings to Lenin in relation to the famine and war.

Pol Potប៉ុលពត wanted to tell me that, "You, intellectuals, your feet are not attached to the ground".

Question by Co-Investigating Judge Marcel Lemonde:

It seems surprising that you did not learn the plan, or the decision, to evacuate people from Phnom Penh, and you learned about the decision of this evacuation from a simple soldier. Yet you said you had lived with the leaders of the Khmer Rouge for many years.

Answer:

Actually, I learnt the information on the evacuations from a group of soldiers. Those soldiers did not tell me directly, but they were talking among themselves and I overheard. They were telling to each other that they could not enter Phnom Penh, nor turn back because people were leaving Phnom Penh.

As for myself, since I did not have any freedom to move about freely, I did not know about this issue. And what is more, Chak Kreyចក្រី who was in charge of the army from the Eastern zone, did not know about this either.

So, I would like to assert that the issue of the evacuation and the decision of the evacuation, I, myself, was not involved.

I would like to remind you that the work of the party was highly secretive. Everyone was supposed to do their own job and everyone was warned not to interfere with other people's tasks or want to know any other people's work.

Question by the Co-Investigating Judge Marcel Lemonde:

Have you learnt what Norodom Sihanoukនរោត្តមសីហនុ said concerning the evacuation of Phnom Penh, and your role in that evacuation?

Answer:

I remember having read in the introductory submission that Norodom Sihanoukនរោត្តមសីហនុ said that I suggested the delay of his return to Phnom Penh because there was a risk of epidemic disease. I would like to assert that I could not liaise directly with the Prince, Norodom Sihanoukនរោត្តមសីហនុ. I could liaise with him only through formal telegrams. I had no control over my task. All those telegram messages had to be reviewed (actually dictated) by Pol Potប៉ុលពត.

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So, in this instance, I believe I could not inform him about this issue when he was in Beijing or Pyongyang.

Question by the Co-Investigating Judge Marcel Lemonde:

We will now show you a letter posted by the King on his web site.

Answer:

All that was a long time ago. I may have forgotten, but there is a possibility that this letter was dictated by Pol Pot ប៉ុល ពត.

Question by Co-Investigating Judge You Bunleng:

The question is whether or not you confirm the content of your book, entitled *Cambodian Modern History and My Subsequent Position*.

Answer:

I confirm most of the important content of the book. but as for certain points in the book according to my later research, I wish to also modify my analysis on certain points.

As to the reasons for evacuation of the people from Phnom Penh, what I wrote in my book was based solely on my conversation with Pol Pot ប៉ុល ពត. After I gathered some more documents I realised the reason for the evacuation, which was mainly in order to preserve security (presence of CIA agents and former Lol Nol លទ្ធផល soldiers), was correct compared to the situation at that time.

Similarly, I read the books by William Shawcross and Vickery, as well as a report by the "AID team", which has revealed that Cambodia needed assistance from overseas. If there wasn't such assistance or aid from abroad, then half the Cambodians would become slaves and a majority of them would have starvation rations.

That report says that Cambodia would have to transform its swords into the ploughshares in order to survive. I will give you the modified content of my book at a later stage.

Question by Co-Prosecutor Chea Leang:

When you entered Phnom Penh did you enter during the day or at night time, and what means of transport did you use to enter Phnom Penh?

Answer:

I entered Phnom Penh during the day. Pol Pot ប៉ុល ពត took me to Phnom Penh in a jeep which was confiscated from the Lol Nol លទ្ធផល soldiers.

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I can add that I think we travelled along National Road Number 4, specifically we left Udong ឧតុង through Kampong Speu and I remember that we passed by Pochentong airport.

Question by Co-Prosecutor Chea Leang:

When did the discussions about the evacuations of Phnom Penh by the soldiers take place and where?

Answer:

It was in the headquarters west of Udong before the departure to Phnom Penh.

Question by Co-Prosecutor Chea Leang:

When you arrived in Phnom Penh with Pol Pot ប៉ុល ពត and Nuon Chea នួន ជា did you ask any questions?

Answer:

It was then that I expressed my feeling and I had a discussion with Pol Pot ប៉ុល ពត, as I mentioned earlier in this interview. Other explanations were given later in the meeting at the Silver Pagoda.

There was a break at 12:30 p.m.

At 2:40 p.m. on the same day, we continued the interview.

Mr. Robert Petit was represented by Mr. Stuart FORD, Assistant Co-Prosecutor.

Question by Co-Investigating Judge Marcel Lemonde:

Could you explain the composition and roles of the central committee and the standing committee of the party, indicating your role in the two organisations?

Answer:

Democratic Kampuchea was a communist regime and it was not very different from other communist regimes, in particular, Vietnam; the party leads the state.

In Vietnam, Vinh Than Phat and Vinh Hu Tho were the well-known dignitaries who played the role of leaders of the resistance movement for liberation of South Vietnam, but in fact the power was in the hands of the workers party of Vietnam. Le Duan was the name of the party chairman for South Vietnam. In Cambodia, Prince Norodom Sihanouk នរោត្តម សីហនុ, former head of the National United Front of Kampuchea, was appointed as head of state. He did not want to serve in that position and his resignation from the position was approved in April 1976. As a consequence, I replaced him as the head of state in my capacity as the President

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Mail Po Box 71, Phnom Penh Tel:+855(0)23 218914 Fax: +855(0) 23 218941.
Chambres extraordinaires au sein des tribunaux cambodgiens, Route nationale 4, Choam Chao, Dangkoa, Phnom Penh
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of the State Presidium of Democratic Kampuchea, but as I already explained, I didn't have any power just like the two other members of the Presidium, Sao Phimស្រីម (Eastern zone secretary) and Ruos Nhimរស់ញឹម (North-western zone secretary)

In principle, the most important body was the central committee, but in practice it was the standing committee. We can compare this to the parliament and the government in a parliamentary regime; it is the government that conducts the day-to-day business of the state.

Therefore, the central committee did not have effective power as opposed to the standing committee, and in this committee, based on the principle of centralised democracies, the most important persons were the secretary and deputy secretary, who were Pol Potប៉ុលពត and Nuon Cheaនួនជា. In the central committee, the only persons who had real power were the chairman of the military unit and the zone secretary and sector secretaries. Both the political line and decision making process were all established at the standing committee.

All the decisions were circulated to the level of the standing committee so that they could be implemented at the local level.

The secretary and the deputy secretary exercised their power in between the general meetings, meaning they decided on everything within the framework of the tasks decided by the general meeting. This means that Pol Potប៉ុលពត played a very significant role.

Question by Co-Investigating Judge You Bunleng:

How often were the general meetings held?

Answer:

Before the liberation they were not very frequent. The first general meeting was held in 1960 in Phnom Penh, it was held in a house close to the railway station. The second general meeting was held in 1971 in the north-west zone, somewhere near Stoeung Chinitស្ទឹងជីនិត. The third and last general meeting was held in 1976, in Phnom Penh in the Borei Keilaប៊ូរីកីឡា sports centre.

The central committee convened a meeting every 6 months from 1970 onwards. The standing committee met frequently, probably about every 7 to 10 days or more regularly in emergencies.

Question by Co-Investigating Judge Marcel Lemonde:

What was the composition of the central committee and the standing committee?

Answer:

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The standing committee consisted of seven members: Pol Potប៉ុលពត, Nuon Cheaនួនជា, Von Vetវ៉េនវ៉េត, Sao Phimសៅភឹម, Ta Mokតាំម៉ុក, Son Senសុនសែន and Ieng Saryអៀងសារី. I would like to add that it was not necessary to have all the members in order that the meeting could be convened.

The central committee consisted of more than 30 members, but I don't remember the names of all those members. Among them was Meas Mutម៉ាសមុត, Ta Mok'sតាំម៉ុក son-in-law, the secretary of one of the military sectors attached to Kampot province. Afterwards it was transformed into the marine force.

There was another member named Soeu Va Syសៀវ៉ាស៊ី, alias Doeunឌៀន (he was the chairman of Office 870), and another member of the central committee was Koy Thuonកុយធ្មួន, and Kè Porkកែកក. And I was also a member of this central committee, first as an intern member in 1971 until 1976 when I became a full-rights member.

The "intern members" might be also called "candidate members", but I don't know of any "reserve members".

Question by Co-Investigating Judge Marcel Lemonde:

You have said you participated in "expanded" meetings of the standing committee. So can you tell us about this participation?

Answer:

The introductory submission has indicated that I had participated in 14 out of 19 meetings. I forget the exact number, but it's around that, given that I am only aware of the meetings I attended.

As I have already explained, during the course of those meetings, the issues of national defence, the national reconstruction as well as the conflict between Vietnam and Democratic Kampuchea were discussed. During the expanded meetings of the standing committee, I never took the floor.

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.

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

At 5 p.m., we had the Greffier read aloud this Written Record of Interview of Charged Person as recorded.

After having been read aloud and heard, the Charged Person had no objections and agreed to sign.

Charged Person	Lawyers for Charged Person	Co-Prosecutors	Interpreters	Greffiers	Co-Investigating Judges
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