



**BEFORE THE CO-INVESTIGATING JUDGES
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**

FILING DETAILS

Case No: 003/07-09-2009-ECCC/OCIJ **Party Filing:** International Co-Prosecutor

Filed to: Co-Investigating Judges **Original language:** English

Date of document: 10 June 2011

CLASSIFICATION

**Classification of the document
suggested by the filing party:** CONFIDENTIAL

Classification by OCIJ: សម្ងាត់/Confidential

Classification Status:

Review of Interim Classification:

Records Officer Name:

Signature:

**INTERNATIONAL CO-PROSECUTOR'S SECOND REQUEST FOR
FURTHER INVESTIGATIVE ACTION REGARDING SOU MET
AND RELATED CRIME SITES**

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APPLICATION TO ADMIT THE VALIDITY OF THE INVESTIGATIVE REQUEST

1. On 7 June 2011, the Co-Investigating Judges issued their Decision on Time Extension Request and Investigative Requests by the International Co-Prosecutor Regarding Case File 003 (the “Decision”),¹ by which they rejected as invalid four requests filed by the International Co-Prosecutor alone: three Investigative Requests including this instant Request² and one Request for the extension of the deadline for submission of Case 003 Civil Party Applications.³ The International Co-Prosecutor, pursuant to Internal Rule 39 (4) and Articles 8 and 9 of the Practice Direction on Filing of Documents before the ECCC, re-files this Investigative Request and requests that the Co-Investigating Judges recognize its validity as an action being executed after the expiration of a time limit on such terms as they see fit.
2. The basis for the re-filing of this Request, after the expiration of the time limit prescribed in Rule 66 (1), is that the Co-Investigating Judges have clarified in the Decision their interpretation of the Internal Rules with regards to the formalities deemed necessary for one Co-Prosecutor to file such requests alone. This Investigative Request was rejected on the basis of two procedural technicalities and was not considered on its merits. The Co-Investigating Judges have found that in order for a Co-Prosecutor to act alone there must be a formal delegation of power under Rule 13(3) or a disagreement that has been registered pursuant to Rule 71(1) of the Internal Rules.⁴ While the International Co-Prosecutor is appealing the Co-Investigating Judges interpretation of the Internal Rules in respect of the registration of disagreements, the Co-Prosecutors have now recorded the exact nature of their disagreement in respect of this Investigative Request in a signed document, dated today, and placed in a register of disagreements kept by the Greffier of the Co-Prosecutors.
3. As one of the formalities, deemed necessary by the Decision, has now been met, and without prejudice to the appeal to be filed by the International Co-Prosecutor in respect

¹ OCIJ Decision on Time Extension Request and Investigative Requests by the International Co-prosecutor regarding Case 003, D20/3, 7 June 2011 (“Decision”)

² International Co-Prosecutor’s First Case File 003 Investigative Request to Admit Additional Documents and Observations on the Status of the Investigation, 18 May 2011, D17; International Co-Prosecutor’s Second Request for Further Investigative Action Regarding Sou Met and Related Crime Sites, 18 May 2011, D18; International Co-Prosecutor’s Third Investigative Request Regarding Meas Mut and Related Crime Sites, 18 May 2011, D19.

³ International Co-Prosecutor’s Request for an Extension of Time for the Filing of Civil Party Applications in Case 3, 10 May 2011, D15.

⁴ Decision, para. 5.

of this issue, the International Co-Prosecutor respectfully requests the Co-Investigative Judges to admit this Investigative Request as valid and now examine its substance on the merits. Exercising discretion in this way will ensure that administrative legal technicalities do not impede the fairness, legal certainty and transparency of the proceedings pursuant to Rule 21 (1) and the International Co-Prosecutor's fundamental right to request further investigative action at the conclusion of an investigation pursuant to Rule 66 (1).

INTRODUCTION

4. Pursuant to Internal Rule 66 (1), the International Co-Prosecutor hereby files with the Co-Investigating Judges ("CIJ") this Second Request for Further Investigative Action Regarding SOU Met and Related Crime Sites (the "Request") identified in the Second Introductory Submission notified to the Co-Investigating Judges on 7 September 2009, in particular S-22 Security Centre and SOU Met's authority and involvement in these crimes, as Chairman of Division 502, the DK Air Force.⁵
5. This Request draws attention to the specific sections of the Second Introductory Submission for which significant further investigation is necessary and identifies specific investigative steps that should be taken by the CIJ. Very limited field investigation and legal and factual analysis have been conducted thus far regarding S-22 Security Centre and the suspect SOU Met. It is the opinion of the International Co-Prosecutor that the investigation conducted cannot be considered as complete. The International Co-Prosecutor refers to and incorporates by reference his observations in paragraphs 3 – 19 of the First Investigative Request in this case.
6. Except for the transfer of Case File 002 documents to Case File 003⁶ and the issue of the exact role and responsibility of SOU Met, no further investigative action is requested by the International Co-Prosecutor as for the Kampong Chhnang Airport Construction Site as such, which was the focus of extensive OCIJ investigations in Case File 002.

S-22 SECURITY CENTRE

⁵ Acting International Co-Prosecutors' Notice on Filing of the Second Introductory Submission, 7 September 2009, D1/1.

⁶ International Co-Prosecutor First Case File 003 Investigative Request to Admit Additional Documents and Observations on the Status of the Investigation, 18 May 2011.

Status of Investigation regarding the S-22 Security Centre

7. The only witness interviewed regarding the S-22 Security Centre, SRENG Thi, has confirmed the existence of the centre, which was located in Phnom Penh, area of Steung Mean Chey, close to the current High School Chea Sim Samaki (previously called Teuk La-Ak School), and operated under the command of Division 502 from as early as 1976 until at least 1978.⁷ The Security Centre compound contained three long halls fenced with barbed wire, where about 300 Division 502 light offence prisoners were detained and placed under the surveillance of 40-50 guards. Prisoners were handcuffed, shackled, interrogated, tortured and subjected to forced labour.⁸ The witness thinks that serious offence prisoners were taken out from S-22 - at least, all those Division 502 cadres whose rank was superior to company commander.⁹
8. Significant additional investigation is required to ascertain the truth regarding the allegations in the Second Introductory Submission, and fully investigate the crimes committed at this site. Such investigation should include the conducting of interviews with Division 502 high-ranked cadres, S-22 cadres and other S-22 survivors. Although it does not expressly state that the investigation is incomplete, the Site Identification Report refers to only one interview (being that of SRENG Thi).¹⁰ The International Co-Prosecutor notes that in a previous interview, the witness provided the names of two potential witnesses.¹¹ No attempt was apparently made to identify, locate or interview either those individuals or any other person in relation to S-22.
9. The International Co-Prosecutor requests that the investigative actions described hereunder be carried out to ascertain the truth of the allegations in the Introductory Submission, including the establishment and operation of the site, SOU Met and Division 502's responsibilities in relation to the Security Centre, the origin, composition and total number of its victims, the crimes committed at the site, and the transfer of victims from the Security Centre to S-21 or to S-24.

⁷ Site Identification Report, S-22 site, Phnom Penh, 9 December 2010 (notified on 22 April 2011), D2/21, pp. 2-3, 13; Written Record of Interview of Sreng Thi, 1 December 2010, D2/18; Written Record of Interview of Sreng Thi, 6 January 2009, D166/71.

⁸ Site Identification Report, S-22 site, Phnom Penh, 9 December 2010 (notified on 22 April 2011), D2/21, p.3; Written Record of Interview of Sreng Thi, 1 December 2010, D2/18 (A15, A33, A35).

⁹ Written Record of Interview of Sreng Thi, 1 December 2010, D2/18, A18.

¹⁰ Site Identification Report, S-22 site, Phnom Penh, 9 December 2010 (notified on 22 April 2011), D2/21

¹¹ DC-Cam Interview of Sreng Thi, 24 October 2003, D1.3.32.47, p.15.

Investigations requested in relation to the S-22 Security Centre

10. Matters to be investigated:

- (a) Division 502's responsibility for the S-22 Security Centre and the specific authority structure within the Centre or for any other Division 502 Security Centre;
- (b) The establishment and operation of the S-22 Security Centre (or any other Division 502 Security Centre), the number and composition of the victims, procedures relating to arrests, imprisonment and interrogations (if any) of the victims, the conditions under which the victims were imprisoned and the mistreatment to which they were subjected, including forced labour, beatings and torture;
- (c) The role of the Division 502 cadres, and especially SOU Met, in arresting and imprisoning victims at S-22 Security Centre who were later transferred to S-21, S-24 or any other security centre, the circumstances of those transfers, and whether individuals identified in confessions obtained at S-21 were subsequently arrested and imprisoned at S-22 or any other Division 502 Security Centre; the circumstances under which individuals confessing at S-22 or any other Division 502 Security Centre were determined to be "enemies" or "traitors" by SOU Met or his subordinates and were subsequently transferred to S-21, S-24 or any other security centre;
- (d) Disappearances and/or executions of S-22 prisoners, both within the compound and elsewhere in the area, as well as the location of any grave site; and
- (e) To which units any victims released from the S-22 Security Centre were transferred.

11. Specific investigative actions to be undertaken:

- (a) Re-interview witness SRENG Thi regarding the whereabouts of other S-22 victims and S-22 guards or interrogators;

- (b) Identify and interview KHĂN and PHĂN alias Rân, both cited by SRENG Thi in his DC-Cam interview as having been detained at S-22 - KHĂN being described as knowing “many prisoners and many guards of S-22”;¹²
- (c) Re-interview KAING Guek Eav alias DUCH regarding the existence, location and operation of S-22 (or any other Division 502 Security Centres), as several reports sent by SOU Met to him establish that DUCH was aware that arrests and interrogations were conducted by SOU Met and or his subordinates within Division 502 prior to transfer of some alleged traitors to S-21 by Division 502’s own means of transport;¹³
- (d) Interview or re-interview any Division / Brigade Secretaries or cadres possibly still alive who participated in General Staff meetings with SOU Met (Meetings of Division Secretaries or Committees, Regiments, Economics or Logistics)¹⁴ regarding their knowledge of S-22 Security Centre or other existing Division 502 Security Centres, the General staff policies regarding security matters and the role of SOU Met in the purges, including:
- i. CHHAY, Division 175;
 - ii. VAN, Division 280;
 - iii. PHEA, Division 210;¹⁵
 - iv. (re-interview) IENG Phan, Division (Intervention Brigade) 221;¹⁶
 - v. DY, Division 703.¹⁷

¹² DC-Cam Interview of Sreng Thi, 24 October 2003, D1.3.32.47, p.15.

¹³ DK Report from Sou Met on behalf of the Division 502 Committee entitled "Report on Confession of a person named Ham Hang after having deserted 4 times", 1 August 1976, D1.3.12.6; DK Report from Sou Met, Division 502, to Duch, 1 April 1977, D1.3.23.3; DK Report from Sou Met to Duch, 30 May 1977, D1.3.28.35; DK Letter from Sou Met to Duch, 1 June 1977, D1.3.30.17; DK Report from Sou Met to Duch, 1 June 1977, D1.3.30.16, D4.1.640, D4.1.641; DK Report from Sou Met, Division 502, to Duch, S-21, 2 June 1977, D1.3.30.18 and D4.1.642; DK Report from Sou Met to Brother Duch, 28 July 1977, D1.3.23.4; DK Report from Sou Met, Division 502, to Duch, 10 August 1977, D1.3.30.22; D1.3.23.5; DK Report from Sou Met to Brother Duch, 4 October 1977, D1.3.23.5.

¹⁴ For example, DK Military Meeting Minutes dated 16 May 1976 (D1.3.27.8), 1 June 1976 (D1.3.8.2, D4.1.632), 2 August 1976 (D1.3.27.10, D4.1.79), 12 August 1976 (D1.3.27.11), 18 August 1976 (D1.3.27.12, D4.1.80), 30 August 1976 (D1.3.27.13), 16 September 1976 (D1.3.27.16, D4.1.82), 19 September 1976 (D1.3.27.18), 30 September 1976 (D1.3.27.19, D4.1.84), 9 October 1976 (D1.3.27.20, D4.1.85), 11 November 1976 (D1.3.27.21), 21 November 1976 (D1.3.27.22), 15 December 1976 (D1.3.27.23, D4.1.87), 19 December 1976 (D1.3.8.9) and 1 March 1977 (D1.3.27.26, D4.1.91).

¹⁵ Identified in Written Record of Interview of Khum Kin, 30 November 2009, D4.1.849. Sokh Chhien believes that Phea is deceased in Written Record of Interview of Sokh Chhien, 19 August 2009, D4.1.858.

¹⁶ See Written Record of Interview of Ieng Phan, D4.1.846.

¹⁷ Identified in Written Record of Interview of Chhouk Rin, 21 May 2008, D4.1.408; Ieng Phan believes Dy is deceased in Written Record of Interview of Ieng Phan, D4.1.846, p.4.

- (e) Interview or re-interview Division 502 cadres on the existence and operation of S-22 (or any other Division 502 Security Centres), including:
- i. (re-interview) HEN Sophal alias Chhum (m), a former Division 170 commander and high cadre of Division 502¹⁸, presumably PHAL, Second Deputy of SOU Met, as identified by PECH Dari and SENG Mon;¹⁹
 - ii. (re-interview) Commander SOKH Chhay alias Chhay (m), chairman of Battalion 531, based in Pochentong and in charge of all civilian airports of Pochentong, Siem Reap, Kampong Som, Kampong Cham and Battambang;²⁰ and his Deputy LUN;²¹
 - iii. (re-interview) CHAN Man alias Chuop Sokhem alias Khon (m), Ta LOVEY's messenger and driver;²²
 - iv. Commander BAI (m), Laotian ethnic from the North East, chairman of Battalion 532 or 533, based at Pochentong Market,²³ having replaced YUNG Chron alias Hak;²⁴
 - v. PECH Dari (m), Division 502 cadre;²⁵
 - vi. THUOK (m), Division 502 regiment Commander and Ta LOVEY's Secretary at Kampong Chhnang airport;²⁶
 - vii. MON (m), Division 502 regiment Commander at Kampong Chhnang airport;²⁷

¹⁸ Written Record of Interview of Hen Sophal, D4.1.837.

¹⁹ Written Record of Interview of Pech Dari, D1.3.13.7, SOAS/HRW Interview of Pech Dari, 27 July 2005, D1.3.13.7; Written Records of Interviews of Seng Mon, 14 February 2009 and 22 July 2009, D4.1.601 and D4.1.854; Written Record of Interview of Sreng Thi, 6 January 2009, D4.1.553, at ERN 00282224.

²⁰ Written Record of Interview of Sokh Chhay, D4.1.841; identified in Written Record of Interview of Ou Leang, D2/2; Written Records of Interviews of Seng Mon, 14 February 2009 and 22 July 2009, D4.1.601 and D4.1.854.

²¹ Named in Written Record of Interview of Seng Mon, 22 July 2009, D4.1.854, p.3.

²² Written Record of Interview of Chan Man alias Chuop Sokhem alias Khon, D4.1.508.

²³ Identified in Written Record of Interview of Ou Leang, D2/2, Sokh Chhay believes Bai was Chairman of Battalion 533 and that he is deceased: Written Record of Interview of Sokh Chhay, D4.1.841.

²⁴ OCIJ S-21 Prisoners from Division 502: A Review, D9/2, no. 354 (sources: D1.3.28.147, D1.3.28.40 and D1.3.28.24).

²⁵ SOAS/HRW Interview of Pech Dari, 27 July 2005, D1.3.13.7.

²⁶ Identified in Written Record of Interview of Som Chhom, 10 December 2009, D4.1.822, at ERN 00422368; Written Record of Interview of Srun Chey, 11 December 2009, D4.1.823, at ERN 00426308; Written Record of Interview of Khin Vat, 6 April 2009, D4.1.513, at ERN 00315914; Written Record of Interview of Kung Kim, 9 January 2009, D4.1.556, at ERN 00278685.

²⁷ Identified in Written Record of Interview of Loeng Kimchhong, 11 February 2009, D4.1.503, at ERN 00290658.

- viii. YENG, who replaced Soeung as supervisor of workers at Kampong Chhnang airport;²⁸
 - ix. PHAN Pech (m), Deputy Chief for Telegrams, Battalion 531, Division 502;²⁹
 - x. NEOUN (f), who supervised criticism meetings at Pochentong Airport;³⁰
 - xi. SOME, a colleague of Ou Leang at Pochentong;³¹
 - xii. DOH, General Staff cadre who knows SOU Met well;³²
 - xiii. KHLOENG, Division 502 helicopter pilot.³³
- (f) Conduct further investigations to identify additional former cadres, guards and prisoners at the Security Centre S-22, as well as other persons with knowledge of the operations of other Division 502 Security Centres.

ROLE OF SUSPECT SOU MET

Status of Investigation regarding SOU Met

12. Although very limited investigations have been conducted in Case File 003 regarding SOU Met,³⁴ the evidence on the Case File indicates or confirms that SOU Met alias SOU Samet alias Brother 65 was Secretary of RAK Division 502 throughout the period under investigation, that he had direct command, authority and control over the direct perpetrators who committed the crimes described in the Introductory Submission, and that he was also personally involved in those crimes. There is also evidence to believe that SOU Met was a member of the RAK General Staff and a member of the Assisting Committee of the Central Committee,³⁵ and that, in these senior positions, he actively participated in the creation of the common criminal plan and in its implementation. His position as a commander of the entire DK Air Force, his membership of high level bodies with the Party and the Army, and his close relationships with members of the

²⁸ Identified in Written Record of Interview of Som Chhom, 10 December 2009, D4.1.822, at ERN 00422368; Written Record of Interview of Chan Man alias Chuop Sokhon alias Khon, 4 March 2009, D4.1.508, at ERN 00292825.

²⁹ Written Record of Interview of Phan Pech, 28 September 2008, D4.1.242; Cited in Cambodia Daily Weekend, "Let Bygones be Bygones", 1-2 March 2008, D1.3.7.8.

³⁰ Identified in Written Record of Interview of Ou Leang, D2/2

³¹ Identified in Written Record of Interview of Ou Leang, D2/2

³² Identified in SOAS/HRW Interview of Pech Dari, 27 July 2005, D1.3.13.7.

³³ Identified in SOAS/HRW Interview of Pech Dari, 27 July 2005, D1.3.13.7.

³⁴ Witness Records of Interview of Ou Leang, D2/2, Nop Hat alias Ky Hat alias Nop Hon, D2/3, Chhouk Rin, D6, Sreng Thi, D2/18, and Kaing Guek Eav alias Duch, D12.

³⁵ Written Record of Interview of Kaing Geak Eav alias Duch, 27 April 2011, D12, at page 3.

CPK Standing Committee, especially SON Sen, establish that he was a senior leader of Democratic Kampuchea. The extent of the crimes committed by himself and by those under his command, the large number of victims,³⁶ the period over which the crimes were committed, and the wide geographical area on which the crimes took place (namely S-22, S-21, and S-24 in Phnom Penh, Kampong Chhnang Airport Construction Site and any other Air Force sites), also confirm that SOU Met is a person most responsible for the crimes committed from 17 April 1975 to 6 January 1979.

13. While a significant amount of documentary evidence has been transferred from Case File 002 to Case File 003, particularly military meeting minutes, DK reports sent by SOU Met to DUCH and evidence regarding Kampong Chhnang Airport work site, the investigation is not complete as SOU Met's role in the crimes has not been fully and thoroughly investigated. Only three witnesses,³⁷ two of whom have marginal or no knowledge of SOU Met's activities during the DK period,³⁸ have been interviewed on the issue of SOU Met's authority and participation in the common criminal plan. The interview with DUCH is incomplete as numerous matters that should be put to Duch were not raised and key documents were not shown during the interview. The International Co-Prosecutor also notes that, although he is a suspect who is implicated by witnesses and documentary evidence (mainly in Case File 002 documents transferred to Case File 003), SOU Met has not been interviewed or informed that he is under an investigation. Evidence from potential civil parties and complainants has not been collected either.
14. Extensive additional investigation is therefore required to ascertain the truth regarding SOU Met's exact role in the crimes, individually and as member of a joint criminal enterprise, including his participation in the creation and coordination of the common criminal plan, his command and control of the direct perpetrators, his issuance of orders for the commission of the crimes, his awareness of the commission of the crimes, and his seniority within the RAK and CPK apparatus.
15. The International Co-Prosecutor reiterates his request formulated in the Introductory Submission that SOU Met be arrested and placed under provisional detention. SOU

³⁶ See for example Office of the Co-Investigating Judges S-21 Prisoners from Division 502: A Review, D9/2.

³⁷ Witness Records of Interview of Chhouk Rin, D6, Sreng Thi, D2/18; and Kaing Guek Eav alias Duch, D12.

³⁸ Chhouk Rin and Sreng Thi.

Met should be notified that he is the subject of an investigation, advised of his rights and afforded the opportunity to access the Case File and provide evidence regarding the alleged crimes and his participation therein.

Investigations requested in relation to SOU Met

16. The International Co-Prosecutor requests that the specific investigative actions described below be carried out to ascertain the truth of the allegations in the Second Introductory Submission, including the following facts:
 - (a) SOU Met's roles in the CPK and RAK prior to 17 April 1975, including his appointment as Deputy Secretary of Division 1;
 - (b) SOU Met's appointment as Secretary of Division 502 (Air Force) shortly after the fall of Phnom Penh, and his command, authority and control of the Division throughout the period under investigation;
 - (c) SOU Met's membership of the Assisting Committee of the CPK Central Committee and RAK General Staff, and his attendance at meetings of these bodies, as well as at other meetings (such as those with POL Pot, NUON Chea and / or SON Sen) at which the crimes, including the purges of internal enemies, were planned, discussed and coordinated;
 - (d) SOU Met's participation in the crimes, including (i) his command, control and supervision of the Division 502 direct perpetrators of the crimes at S-22, any other Division 502 Security Centre and at Kampong Chhnang Airport work site; (ii) his ordering or authorisation of arrests, unlawful imprisonment, interrogation (occasionally by himself), torture and execution of Division 502 or other Divisions members considered as enemies, traitors or other undesirable elements as well as the use of forced labour and other inhumane acts; (iii) his authorisation of the transfer of prisoners under Division 502's responsibility to S-21 or S-24, his potential disclosure of Division 502 confessions to S-21, his receipt of S-21 confessions implicating Division 502 personnel and his involvement in arrests of supposed enemies identified in those confessions; (iv) his awareness of the crimes through attendance at crime sites such as Kampong Chhnang Airport, receipt of reports and interaction with perpetrators such as DUCH and senior cadres within Division 502,

including secret or special forces; (v) and his participation in political indoctrination through which the common criminal plan was communicated and implemented.

- (e) Authority structure, hierarchy and command chain within Division 502, including: Regiments 51, 52, 53; Battalions 501, 503, 504, 505, 511, 512, 513, 514, 521, 522, 523, 524, 528, 531, 532, 533, 534, 535 (and former Battalions 119, 121, 122, 123, 124).

17. The specific investigative actions requested by the International Co-Prosecutor with respect to SOU Met are as follows:

- (a) Re-interview DUCH regarding SOU Met's participation in the crimes and ask him to comment the following documents:
 - i. Nine DK Reports sent by SOU Met to DUCH between 1 August 1976 and 4 October 1977, by which SOU Met informs DUCH directly that, based on his own analysis of S-21 confessions, of confessions obtained from prisoners at Division 502 or after personally interviewing the prisoners, he determined that they were enemies or traitors, sent them to DUCH and requested the latter to detain and interrogate them and to send back their confessions to enable him to identify further enemies;³⁹
 - ii. At least five S-21 Confessions of Division 502 cadres bearing annotations indicating that copies were sent to SOU Met: confessions of SREI Sareuan (SREY Saroeun), DEANG Phika , UK Van alias Vin , NAY Chap and SUON Heuang;⁴⁰

³⁹ DK Report from Sou Met on behalf of the Division 502 Committee entitled "Report on Confession of a person named Ham Hang after having deserted 4 times", 1 August 1976, D1.3.12.6; DK Report from Sou Met, Division 502, to Duch, 1 April 1977, D1.3.23.3; DK Report from Sou Met to Duch, 30 May 1977, D1.3.28.35; DK Letter from Sou Met to Duch, 1 June 1977, D1.3.30.17; DK Report from Sou Met to Duch, 1 June 1977, D1.3.30.16, D4.1.640, D4.1.641; DK Report from Sou Met, Division 502, to Duch, S-21, 2 June 1977, D1.3.30.18 and D4.1.642; DK Report from Sou Met to Brother Duch, 28 July 1977, D1.3.23.4; DK Report from Sou Met, Division 502, to Duch, 10 August 1977, D1.3.30.22; D1.3.23.5; DK Report from Sou Met to Brother Duch, 4 October 1977, D1.3.23.5..

⁴⁰ Case File 002 Document S-21 Confession of Srei Sareuan (Srey Saroeun), former member of Battalion 521, Division 502, 3 October 1977, D2-15.53 (document being submitted by the International Co-Prosecutor); S-21 Confession of Srei Sareuan (Srey Saroeun), 19 October 1977, D1.3.1.10; Case File 002 Document S-21 Confession of Deang Phika, 6 October 1976, former Chief of Printing House, D288/6.2.23 (document being submitted by the International Co-Prosecutor); S-21 Confession of Uk Van alias Vin, Member, Battalion 503, Division 502, 24 September 1977, D1.3.1.12; S-21 Confession of Nay Chap, 27 August

- iii. Additional documents regarding Division 502 security matters, concerning in particular the placement of two persons in the “bad elements unit”⁴¹, the categorisation by Division 502 of 14 youth cadres as “enemies” who continued to be active though closely watched⁴² and their subsequent transfer to S-21 on 8 November 1976 and execution on 21 December 1976;⁴³ a list describing the composition of the 2nd Air Battalion of Division 502, including 9 people to be “taken out”, four of whom were noted as “no-good elements”;⁴⁴ a document from S-24 mentioning Division 502 members among prisoners having infectious diseases;⁴⁵ and
- iv. The list of 355 S-21 Prisoners from Division 502 compiled by the Office of the Co-Investigating Judges, which includes names of numerous high-ranked cadres such as secretaries / deputy secretaries of Company,⁴⁶ Committee members of Battalions,⁴⁷ Committee members of Regiments,⁴⁸ Committee members of Division 502 Office⁴⁹ or Deputy Secretary of Division 502.⁵⁰
- (b) More specifically, ask DUCH to answer the following questions:
- i. Whether all Central Divisions had their own Security Centres; whether DUCH had knowledge of the existence of S-22 located in Steung Mean Chey area or of any other Division 502 Security Centre;
- ii. How and when prisoners were transferred by Division 502 from S-22, any other Division 502 Security Centre and Kampong Chhnang Airport work site

1977, D1.3.1.5; S-21 Confession of Suon Heuang, Deputy Secretary of Battalion 511, Division 502, 29 August 1977, D1.3.1.11.

⁴¹ DK Report from from Kân and Mut, Division 502, to “Respected Brother”, 18 March 1976, D1.3.12.4.

⁴² Two versions of the same DK Report from Division 502 to S-21 Committee Chief, undated but likely dated September-October 1976, D1.3.12.8 and D1.3.30.1.

⁴³ OCIJ S-21 Prisoners from Division 502: A Review, D9/2, nos. 36, 38, 84, 96, 122, 136, 167, 192, 260, 266, 267, 284, 285, 338, 343, 345, 348, 349, 354.

⁴⁴ Name List of Cambodia Revolution Soldiers, 01- ??-1976, D1.3.5.22.

⁴⁵ Case File 002 Document, Office 24 Report signed by Huy entitled “Names of people who have infectious diseases” including 4 from Division 502, 24 March 1977, D108/31.25 (document being submitted by the International Co-Prosecutor).

⁴⁶ OCIJ S-21 Prisoners from Division 502: A Review, D9/2, such as nos. 5, 12, 13, 17, 240, 246, 261, 272, 295, 312, 317, 323.

⁴⁷ OCIJ S-21 Prisoners from Division 502: A Review, D9/2, nos. 21, 45, 68, 71, 142, 166, 172, 173, 197, 207, 216, 218, 233, 274, 282, 283, 299, 303, 307, 334 and 354.

⁴⁸ OCIJ S-21 Prisoners from Division 502: A Review, D9/2, nos. 37, 109, 195, 303, 342.

⁴⁹ OCIJ S-21 Prisoners from Division 502: A Review, D9/2, no. 86.

⁵⁰ OCIJ S-21 Prisoners from Division 502: A Review, D9/2, no. 279.

- to S-21 or S-24; whether SOU Met issued orders for those arrests and transfers or was otherwise involved or aware of the arrests and transfers;
- iii. Whether SOU Met ever communicated verbally with DUCH or whether the communications were conducted exclusively in writing, directly, through other cadres, or with the involvement of SON Sen or NUON Chea;
 - iv. Whether it appears from the evidence put to DUCH that SOU Met occasionally conducted interrogations himself or through subordinates to determine himself whom among the Division 502 arrestees were internal enemies;⁵¹ how DUCH reconciles this with the 30 March 1976 Central Committee Directive regarding the power to smash enemies within and outside the ranks;⁵² whether military cadres from Divisions 310 and 450 were effectively arrested by Division 502⁵³ and transferred to S-21 and under which circumstances; whether DUCH knew the origin of the prisoners transferred by Division 502 (S-22, Kampong Chhnang Airport work site, other operational airports or units, other Division 502 Security Centres)
 - v. Whether confessions obtained from S-21 prisoners were provided to SOU Met, sometimes at his own request,⁵⁴ as indicated by the evidence above and whether SOU Met took action to investigate or arrest further enemies identified in those confessions. In particular, the CIJ should examine the newly disclosed copies of S-21 confessions, retrieve other copies of all S-21 confessions of former cadres from units, companies, battalions and regiments within Division 502, review them for any annotations referring to SOU Met, and then ask DUCH to comment on them;
 - vi. Whether confessions obtained from Division 502 prisoners were sent to DUCH along with the prisoners transferred from Division 502 to S-21; which criteria (rank, role, traitorous network, ambiguous confessions requiring specific interrogation skills, etc.) or directive determined SOU Met to send prisoners to S-21;

⁵¹ DK Report from Sou Met, Division 502, to Duch, S-21, 2 June 1977, D1.3.30.18 and D4.1.642.

⁵² DK Decision of the Central Committee Regarding a Number of Matters, 30 March 1976, D1.3.19.1.

⁵³ DK Report from Sou Met to Duch, 30 May 1977, D1.3.28.35; DK Report from Sou Met to Brother Duch, 4 October 1977, D1.3.23.5.

⁵⁴ See for example DK report from Sou Met, Division 502, to Duch, 10 August 1977, D1.3.30.22.

- vii. Who authored the annotations on the Report from SOU Met to DUCH dated 28 July 1977 (“Interrogate [him] right now”); who authored the annotations on the five abovementioned S-21 Confessions of Division 502 cadres which indicate that copies were sent to SOU Met;
 - viii. To elaborate in detail his following statement made in the interview conducted on 27 April 2011: “Also, before making any decisions, SON Sen...always asked for comments and assistance from the heads of the divisions.”⁵⁵ Specifically, he should be asked to explain how this relates to SOU Met’s involvement in the purges and work of the RAK General Staff.
 - ix. To describe all meetings (including RAK General Staff / Division meetings, and larger study sessions) he attended at which SOU Met was also present; and
 - x. To name any other surviving cadres who would be familiar with SOU Met’s positions and activities during the period under investigation.
- (c) Interview HIM Huy, MAM Nay or any other S-21 cadre, messenger or guard regarding the existence of the S-22 Security Centre, the purges within Division 502, the transfer of prisoners to S-21 or S-24 by Division 502 after their arrest, detention and interrogation by Division 502 special forces, the communication between Division 502 and S-21 through messengers, telephone or telegraph and the exchange of confessions between S-21 and Division 502.
- (d) Interview or re-interview OCIJ, DC-Cam or SOAS/HRW Case File 002 witnesses as to SOU Met’s specific authority, role, responsibility and participation in the crimes committed, including but not limited to HEN Sophal alias Chhum alias Phal;⁵⁶ SOKH Chhay alias Chhay;⁵⁷ CHAN Man alias Chuop Sokhem alias Khon;⁵⁸ HEUAN Phoap alias Pheap;⁵⁹ KEO Leou alias Keo Sophal;⁶⁰ PECH Dari;⁶¹ PHI Yun;⁶² PHAN Pech alias Pech;⁶³ SENG Mon;⁶⁴ SET Pov;⁶⁵ and KEV Kin.⁶⁶

⁵⁵ Written Record of Interview of Kaing Guek Eav alias Duch, 27 April 2011, D12, at page 5.

⁵⁶ Written Record of Interview of Hen Sophal, 31 August 2009, D4.1.837.

⁵⁷ Written Record of Interview of Sokh Chhay, 27 October 2009, D4.1.841.

⁵⁸ Written Record of Interview of Chan Man alias Chuop Sokhem alias Khon, 4 March 2009, D4.1.508.

⁵⁹ SOAS/HRW Interview of Heuan Phoap alias Pheap, D1.3.13.3

⁶⁰ DC-Cam Interview of Keo Leou, 15 February 2005, D1.3.32.18; Written Record of Interview of Keo Leou, 6 March 2008, D4.1.1147.

- (e) Conduct confrontations between witnesses identified above, where necessary to verify and confirm information, including one confrontation between PHAN Pech alias Pech and SOKH Chhay alias Chhay and one between PECH Dari and SENG Mon and HEN Sophal alias Chhum alias Phal.
 - (f) Interview SIN Sot described by CHHOUK Rin as a “former Khmer Rouge soldier and current prisoner at Prey Sar Prison who used to work with SOU Met”.⁶⁷
 - (g) Fully investigate the participation of SOU Met and Division 502 in the East Zone purge, as several witnesses⁶⁸ indicated that, in May 1978, leaflets were dropped from aircrafts or helicopters (DK Air Force), telling the East Zone soldiers to drop their weapons following the treason of their leaders, including SAO Phim, and ordering them not to obey SAO Phim’s orders anymore. One witness also mentions that many aircrafts flew over the East Zone forces and machine-gunned them at Lor Khdach.⁶⁹
 - (h) Conduct further investigations to identify additional former CPK cadres and members of Division 502 who are familiar with SOU Met’s role during the period under investigation, with his background prior to April 1975 and his continuous role in the DK after January 1979.
18. Interview the four Accused in Case 002 (NUON Chea, IENG Sary, KHIEU Samphan and IENG Thirith) regarding the roles and authority of SOU Met, including his membership of the Assisting Committee of the Central Committee and the RAK General Staff, his leadership of Division 502, and his interaction with and influence

⁶¹ SOAS/HRW Interview of Pech Dari, 27 July 2005, D1.3.13.7.

⁶² Although she is reported deceased in D2/1, the Co-Investigative Judges are invited to collect evidence in this regard; DC-Cam Interview of PHI Yun, 12 November 2002, D1.3.32.31.

⁶³ Written Record of Interview of Phan Pech, 28 September 2008, D4.1.242; Cited in Cambodia Daily Weekend, “Let Bygones be Bygones”, 1-2 March 2008, D1.3.7.8.

⁶⁴ Written Records of Interview of Seng Mon, 14 February 2009 and 22 July 2009, D4.1.601 and D4.1.854.

⁶⁵ Case File 002 Document SOAS/HRW Interview of Set Pov, 31 August 2005, D224.34 (document being submitted by the International Co-Prosecutor).

⁶⁶ Written Record of Interview of Kev Kin, 12 February 2009, D4.1.504.

⁶⁷ Written Record of Interview of Chhouk Rin alias Sokh, 24 March 2011, D6. The person named SIN Sot in Chhouk Rin’s interview appears to be different from the witness SIN Sot already interviewed in Case File 002 by OCIJ (17 February 2009, D4.1.506) and DC-Cam (23 February 2003, D1.3.32.2).

⁶⁸ Written Record of Interview of Kè Pich Vannak, 4 June 2009, D4.1.520, p. 10; Written Record of Interview of Chhèm Hoeng, 31 May 2009, D4.1.449, p.3; Statement of Heng Samrin (Interview by Ben Kiernan), D4.1.989, at ERN 00651901; Written Record of Interview of Kim Vun, 28 July 2009, D4.1.621, p.4; Case File 002 Document, Written Record of Interview of Meas Soeun, D292/88, A62 (document being submitted by the International Co-Prosecutor); Case File 002 Document, Written Record of Interview of Ruos Savi, D125/178, pp. 3, 4 (document being submitted by the International Co-Prosecutor).

⁶⁹ Statement of Heng Samrin (Interview by Ben Kiernan), D4.1.989, at ERN 00651901.


over SON Sen to the extent that a witness called him the “de facto number 2 to SON Sen”.⁷⁰

19. Summon SOU Met, notify him of the matters for which he is being investigated, inform him of his rights, and offer him the opportunity to answer questions and provide evidence regarding all of the matters described above and the allegations made against him in the Introductory Submission.

CONCLUSION

20. The International Co-Prosecutor requests the CIJ to:
- (a) take all of the investigative steps described above;
 - (b) perform all additional activities deemed necessary as a result of those investigations;
 - (c) place the evidence gathered as part of those investigations on the Case File as soon it is received by them.

Respectfully submitted,

Date	Name	Place	Signature
10 June 2011	Andrew CAYLEY International Co-Prosecutor	Phnom Penh	



⁷⁰ SOAS/HRW Interview of Pech Dari, 27 July 2005, D1.3.13.7.