



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា  
Extraordinary Chambers in the  
Courts of Cambodia

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

លេខស៊ើបអង្កេត/Investigation/Instruction

លេខ/No: 002/19-09-2007-ECCL/OCIJ

The year two thousand and seven, the nineteenth of November at two forty five pm.

We, **You Bunleng** ហ្ន៊ូ ប៊ុនឡេង and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers, with Mr. Ham Hel ហាម អែល and Mr. Ly Chantola លី ច័ន្ទគុណ, Greffiers,

Noting the Law on the Establishment of the Extraordinary Chambers, dated 27 October 2004,

Noting Rule 57 of the Internal Rules of the Extraordinary Chambers,

Noting the Introductory Submission by the Co-Prosecutors, dated 18 July 2007,

In the presence of [redacted], sworn interpreters of the Extraordinary Chambers.

Having been brought before us and having provided the following information regarding his identity:

Name: **KHIEU Samphan**

Alias used when in the jungle: **Hem.**

Sex: male,

Born on 27 July 1931, Commune of Rom Chek, District of Rom Duol, Province of Svay Rieng,

Nationality: Cambodian;

Name of father: Khieu Long (deceased)

Name of mother: Por Kong (deceased)

Name of wife: So Socheat (living). Having four biological children

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ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Royaume du Cambodge  
Nation Religion Roi

ORIGINAL DOCUMENT

RECEIVED ON 22 .Nov. 2007

AT 14 H 15

BY Kosal CHEA

*Kosal*

ACTING CASE FILE OFFICER

កំណត់ហេតុនៃការចូលខ្លួនដំបូង

Written Record of Initial Appearance  
Procès-verbal de première comparution

បានថតចម្លងត្រឹមត្រូវតាមច្បាប់ដើម  
Certified Copy/Copie Conforme  
ថ្ងៃទី(On/Le) ១៩ ខែ(Month/Mois) ១១  
ឆ្នាំ (Year/Année) ២០០៧  
កញ្ចប់/ Greffier ...SAMM. RADA...

Handwritten signature or initials

Present address is:



Occupation before the Revolution: I was in the jungle with a resistance group

Occupation during the Democratic Kampuchea: Chairman of the State Presidium of the Democratic Kampuchea

Criminal record: none

the person declares that he or she knows how to read, write and understand the Khmer language, and that he understands French and a little English

Consequently, the original written record is written in the Khmer language.

Having recorded the identity of this person, we advised him of the acts with which we have been seized by the Introductory Submission of the Co-Prosecutors of the Extraordinary Chambers, dated 18 July 2007, and for which he appeared before us. We informed him that the acts set out in the Introductory Submission by the Co-Prosecutors, and summarized below, were open to legal characterisation as follows:

- Violations of the 1956 PENAL CODE (Homicide, Torture, and Religious Persecution of Buddhists and Cham);
- GENOCIDE (of Buddhists, Cham and Vietnamese);
- CRIMES AGAINST HUMANITY (Murder, Extermination, Enslavement, Deportation, Imprisonment, Torture, Rape, Persecutions on political, racial and religious grounds of former officials of the Khmer Republic, feudalists, capitalists and bourgeoisie, "new people", suspected "bad elements", Buddhists, Cham, and Vietnamese, and Other Inhumane Acts);
- GRAVE BREACHES OF THE GENEVA CONVENTIONS OF 12 AUGUST 1949 (Wilful Killing; Torture or Inhumane Treatment; Willfully Causing Great Suffering or Serious Injury to Body or Health; Destruction and Serious Damage to Property not justified by military necessity and carried out unlawfully and wantonly; Wilfully Depriving a Prisoner of War or Civilian the Rights of Fair and Regular Trial; and Unlawful Deportation or Transfer or Unlawful Confinement of a Civilian).

We advised this person that he was hereby placed under judicial investigation for the acts of which he has just been notified and specified the offences with which he was charged in relation thereto:

- **Crimes Against Humanity** (Murder, Extermination, Imprisonment, Persecution and Other inhumane acts); and
- **Grave Breaches of the Geneva Conventions of 12 August 1949** (Wilful Killing, Willfully Causing Great Suffering or Serious Injury to Body or Health, Wilful Deprivation of Rights to a Fair Trial of a Prisoner of War or Civilian, Unlawful Deportation or Transfer, or Unlawful Confinement of a Civilian),

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;

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for having, throughout Cambodia during the period from 17 April 1975 to 6 January 1979:

- in his capacity as Head of State (Chairman of the State Presidium), a leader within the Centre Political Office (Office 870), and as a full rights member of the Central Committee of the Communist Party of Kampuchea (CPK),
- instigated, or otherwise aided and abetted in the commission of the aforementioned crimes;
- by directing, encouraging, enforcing, or otherwise rendering support to CPK policy and practice which was characterised by murder, extermination, imprisonment, persecution on political grounds and other inhumane acts such as forcible transfers of the population, enslavement, and forced labour;
- as part of a widespread or systematic attack targeting a civilian population;
- noting that there was a state of international armed conflict between Democratic Kampuchea and the Socialist Republic of Vietnam during all or part of the period between 17 April 1975 and 6 January 1979.

We advise the Charged Person of his right to be assisted by a lawyer of his choice or a lawyer included on the list provided under Rule 11(2)(d).

The person declares :

I have two lawyers: Mr Say Bory, a Cambodian lawyer, and Mr. Jacques Verges present at this initial appearance. Mr Verges is not officially as yet accredited by the Cambodian bar. Therefore, he is present as the legal assistant of Mr Say Bory.

We inform the person that this interview will be audio or video recorded.

We advise the person that he or she has the right to remain silent. However, if he or she wishes to make a statement, we shall take such statement immediately. We inform him that he has the right to consult with a lawyer prior to being interviewed and to have a lawyer present while the statement is taken.

We advise the Charged Person that he may, at any moment during the investigation, request that we render a decision or carry out an investigative act that he deems useful.

The person declares :

In the first place, as my lawyer Mr Verges has not yet been accredited, I do not wish to make any statement today.

Secondly, I wish to know if I am placed under provisional detention or not because all these charges are unacceptable and I have never been summoned by the Tribunal.

We advise the Charged Person that we will arrange an adversarial hearing in order to determine whether or not he will be placed in provisional detention.

The charged person declares:

I am informed that this adversarial hearing can be held immediately or postponed if I request additional time to prepare my defence and if the latter, that I would be placed in police custody for a maximum of 48 hours. After having consulted my lawyers, my answer is:

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I decide that the adversarial hearing can take place immediately but I request a suspension of the hearing to consult my lawyers.

The adversarial hearing will start today at four thirty pm.

The original of the audio and video recording has been labeled and sealed in the presence of the Charged Person and his lawyer, and has been signed by the Greffiers, the Charged Person and his lawyer.

A copy of the audio and video recording was given to the Charged Person.

At three twenty pm, we request that the Greffier read aloud the testimony of parties such as they have been transcribed.

Reading carried out, person reaffirms and signs.

**ជនត្រូវចោទ**  
Charged Person  
Personne mise  
en examen

**មេធាវីជនត្រូវចោទ**  
Lawyer of Charged  
Person  
Avocat de la personne  
mise en examen

**អ្នកបកប្រែ**  
Interpreter  
Interprète

**ក្រឡាបញ្ជី**  
Greffiers

**សហចៅក្រមស៊ើបអង្កេត**  
Co- Investigating Judges  
Co-juges d'instruction