



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**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: 001/18-07-2007

**កំណត់ហេតុនៃការចូលខ្លួនដំបូង**

Written Record of Initial appearance

Procès-verbal de première comparution

The year two thousand seven, the month of July, the 31<sup>st</sup> day, at 7:44 hours.

We, **You Bunleng ឬ ប៊ុនហ្សៀង** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers, with Mr. Ham Hel **ហាម ហ៊ែល** and Mr. Ly Chantola **លី ច័ន្ទតុណ** as Greffiers

Having seen the Law on the Establishment of the Extraordinary Chambers dated 27 October 2004

Having seen Internal Rule 57 of the Internal Rules of the Extraordinary Chambers

Having seen the Introductory Submission of the Co-Prosecutors number 008 dated 18 July 2007

In the presence of **Uch Channora អ៊ូច ចាន់ណូរ៉ា**, **Heng Ham Kheng ហេង ហាំខេង**, and **Yuk Bunna យុក ប៊ុនណា** as sworn interpreters of the Extraordinary Chambers

Having been presented to us and having provided information regarding personal identity as follows:

**KAING Guek-Eav កាំង ក្សេកអ៊ាវ**, birth registered name **Kaing Cheav កាំង ជ័រ**, subsequently that name was changed by an astrologer to **Yim Keav យឹម គាវ**. People in my village of birth call me

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ភ្នំពេញ ប្រអប់សំបុត្រលេខ71 ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩១៤

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**Keav ភាវ.** In 1956 at the local level, I requested that my father change my name and reduce my age. My father agreed to change my name to **Guek-Eav ហ្គេកភាវ.** Other names by which I am best known by are **Duch ដុច** and one other, **Hàng Pin ហង់ប៊ុន ពិន.** Sex, male. According to birth certificate, born on 17 November 1942, and officially during the Sangkum Reasniyum era 15 February 1945. In the Military Court, I used the name Kaing Guek-Eav and the birth date 15 February 1945. My actual village of birth is Peou Veuy ពៅវើយ Village, Peam Bang ពាមបាង Subdistrict, Stong ឆ្នាំង District, Kampong Thom កំពង់ធំ Province. Nationality: Khmer. Occupation before being arrested by the Military Court: Teacher.

Father's name: **KAING Ky កាំង គី** (Born in 1915, died in 1990.) Mother's name: **MEAS Kimsiev មាស គឹមសៀវ** (Born 1923, surviving.) Wife's name: **CHHIM Sopha ឈឹម សុផល** (Born 1946, died in 1995). Number of children: 04. Residence: Au Toteum អូរទទឹម Village, Ta Sanh តាសាញ Subdistrict (probably), Samlaut សំឡូត District, Battambang បាត់ដំបង Province. Former charges: Charged concerning the Khmer Rouge, arrested on 05 January 1968 on the charge of collaboration with foreigners to destroy the peace of the Kingdom, sentenced to 20 years, and released on 03 April 1970.

- Having declared himself to be able to read, write, and understand Khmer and French, and having some knowledge of English and Thai, the original of this document is written in Khmer.

After having recorded the identity of this person, we advised him of each of the facts filed with us through the Introductory Submission of the Co-Prosecutors of the Extraordinary Chambers number 008 dated 18 July 2007 and through the Court Order that this person appear before us. We advised this person that we charge him on the facts about which have just notified him, and on the type of offense charged:

Kaing Guek-Eav alias Duch is charged of supervising the security center S-21 during 1975 through 1979, a place in which countless abuses were committed under his authority against the civilian population (Abusive detention, torture, and other inhumane acts, massacres, etc.) which were under a framework of systematic or general implementation of policy which are crimes against humanity. The offenses appear in and are punishable by Article 5, Article 29 (New), and Article 39 (New) of the Law on the Establishment of the Extraordinary Chambers dated 27 October 2004.

- This person does not yet have a defense lawyer, and we advised this person of his right to have a defense lawyer of his own choosing or a lawyer named in the registry in accordance with Internal Rule 11(2)(D) of the Internal Rules of the Extraordinary Chambers.

This person declared that:

- I have one already, since being imprisoned in the Military Prison, and I made a request to maintain this lawyer to defend me in all stages of legal procedure, and submitted it to my lawyer on 20 July 2006. My lawyer is Kar Savuth កា សាវុត្តិ, and there is one additional international lawyer.
- We have informed this person that the international lawyer must complete some forms before being able to defend a case in front of the Co-Investigating Judges, and at this time he may only accompany the Cambodian lawyer.
- We have already notified this person that the presentation of information regarding these charges will be audio-visual recorded.
- We have told this person of his right to remain silent and to not respond to questions, but should this person wish to make remarks, we may accept and record those remarks immediately. We have told this person that he has the right to consult with his lawyers before being questioned and the right to demand the presence of his lawyers during this questioning.

This person announced that:

I want to meet with both of my lawyers first.

**Stopped the Written Record of Initial Appearance at 8:30 hours to await the lawyers.**

We had the Greffiers read aloud the Written Record of Initial Appearance of the charged person as recorded.

- It having been read aloud and heard, the charged person had no objections and agreed to sign.

Charged Person	Interpreter	Greffiers	Co-Investigating Judges
K. Guek-Eav	Heng Ham Kheng Uch Channora Yuk Bunna	Ly Chantola Hem Hel	You Bunleng Marcel Lemonde

At 11:34 on the same day,

We, **You Bunleng** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers, with Mr. Ham Hel and Mr. Ly Chantola as Greffiers, began to continue the Written Record of Initial Appearance

Done in the presence of **Uch Channora** and **Yuk Bunna**, sworn interpreters of the Extraordinary Chambers, and Lawyer Mr. Kar Savuth accompanied by international lawyer Mr. Francois Roux, the defense lawyers for the charged person named above.

- We told the charged person that at any time during the investigation he has the right to request the Co-Investigating Judges to issue a court order to carry out any investigation which he understands would be useful and that he has the right to consult with his lawyers at all times.
- We told the charged person that we would set up any necessary Adversarial Hearing to decide whether or not to temporarily detain him.

The above person continued, saying I request to object to my detention since 8 (10 according to the Military Court) May 1999 until the present, more than 8 years. I request to express my dissatisfaction on this illegality.

We asked this person if he had any health problems.

This disease which bothers me is an ear disease. I cannot lie down and place pressure on it. This has occurred for the past 5 or 6 years. One other thing, hemorrhoids, but I never reported this to them, and another thing, I am easily fatigued. I take Bactrime and Erythromicile to treat my ear. I request that a doctor examine me.

- The original audio and visual recording was sealed in front of the charged person and his lawyers, and was signed by us, the Greffiers, the charged person, and his lawyers.
- One copy of the audio and visual recording was provided to the charged person.

At 12:00 hours, we had the Greffiers read aloud this Written Record of Initial Appearance of the charged person as recorded.

- It having been read aloud and heard, the charged person had no objections and agreed to sign.

Charged Person	Interpreter	Greffiers	Co-Investigating Judges
K. Guek-Eav Lawyer Kar Savuth	Yuk Bunna Uch Channora	Ly Chantola Hem Hel	You Bunleng Marcel Lemonde