

ឯកសារទទួល
DOCUMENT RECEIVED/DOCUMENT REÇU

ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/Date de reception):
..... 13 / 01 / 2010

ម៉ោង (Time/Heure): 16:00

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: *Ratanak*

ទទួល/៖ ១១/២



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

ឯកសារបានថតចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
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ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date /Date de certification):
..... 13 / 01 / 2010

មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier: *Uch Arun*

កំណត់ហេតុនៃការស្តាប់បម្លើយសាក្សី
Written Record of Witness Interview

On the sixth day of October, two thousand and nine at 0905, at the Documentation Center of Cambodia, Phnom Penh.

We, MEAS Bora (ម៉ាស បូរ៉ា) and Thomas G. Morrow, Investigators of the Extraordinary Chambers, being assigned by the Rogatory Letter of the Co-Investigating Judges, dated 09 September 2009,

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

Noting Rules 24, 28 and 60 of the ECCC Internal Rules,

With LENG Heng An, as sworn Interpreter of the Extraordinary Chambers,

Recorded the statements of CHHANG Youk (អាំង យូក), a witness, who provided the following information regarding his personal identity:

1

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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Original KH: 00386463-00386474

~~003/N:0911/2~~

The undersigned CHHANG Youk, no alias, unmarried, was born on 22 January 1961 in Sangkak Number 2 (សង្កាត់លេខ២), Khan Tuol Kork (ខ្នងតោក), Phnom Penh. He is of Cambodian nationality. Currently, he is the Director of the Documentation Center of Cambodia. His father, KÈV Tin (កែវ ទិន), is deceased, and his mother, KÈV Nan (កែវ ណាន), is alive.

His present address: # 66, Sihanouk Boulevard, Phnom Penh.

The witness has no criminal record.

The witness declared that he can read, write and understand the Khmer language.
 The witness declared that he cannot read or write other languages.
Therefore, the original of this Written Record is written in the Khmer language.

We instructed the witness that an audio or video recording was being made of this Interview.

The witness told us that he is not related to either the Charged Persons or to any of the Civil Parties.

The witness took an oath, in accordance with Rule 24 of the ECCC Internal Rules.

We notified the witness of his right against self-incrimination, in accordance with Rule 28 of the ECCC Internal Rules.

Questions - Answers:

Q: Could you give your personal notes about the receipt and types of the documents?

A: I have my personal notes, but other people do not understand its meaning, and it only means to me.

Q: Did you make notes of all documents when you received?

A: Yes, I did. If the documents were short, I would photocopy and keep them; if long, I would make notes in my book.

Q: During the interview, we will show you the names of the documents, but it is not necessary to show ERN because it is not very important to you. The importance is the document title and DC-Cam Number.

A: Yes.

Q: The first document is Democratic Kampuchea Legal Document entitled “Communist Party of Kampuchea Statute”, ERN: 00053007-00053080, dated January

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~~002/N: 0311/2~~

1976 (DC-Cam D00674). Does DC-Cam possess the original of this document?

A: Yes, DC-Cam possesses the original of this document.

Q: To your knowledge, where was the document from 1975 to 1979?

A: I think the documents was in many locations because it was distributed to all locations and places. At that time, there were places for teaching politics to the cadres, so it was distributed to the cadres to study. Thus, this document was in the hands of the cadres.

Q: Could you tell about the discovery of the document and its placement?

A: I went to clean the rooms in Tuol Sleng; I saw documents scattered in the rooms, and I collected, compiled and placed them. I saw that document during the time I cleaned at Tuol Sleng once a month until around 2000.

Q: Were those documents dated?

A: The data were entered, but they were not dated when we collected. As for the data entry, if the documents came in a pile, we wrote the same date. If the documents were scattered, we waited until we collected more; then we entered the data.

Q: The second document is “Constitution of Democratic Kampuchea” (OERN00089841-00089852), dated 6 January 1976. Does DC-Cam possess the original of this document?

A: I would like to add a little. That constitution document was published many times, and it had different appearances but with the same meaning. There were French and English versions of that document. The document in English version was in Sweden. Like the first document, in the Democratic Kampuchea regime, that document was in the hands of the cadres and how the document was received is the same to the first document. I personally collected this document.

Q: The third document is “Decisions of the Central Committee regarding a number of matters”, dated 30 March 1976 (OERN00003136-00003142, DC-Cam D00693). Does DC- Cam possess the original of this document?

A: DC-Cam does not possess the original of this document. Perhaps DC-Cam received from David CHANDLER.

Q: The fourth document is “Guidance of the Central Committee of the Communist Party of Kampuchea on the Party’s Policy towards Misled Persons who have joined the CIA, served as Yuon agents or joined the KGB and Opposed the Party, Revolution, People and Democratic Kampuchea” (DC-Cam D01399), dated 20 June 1978. Does DC- Cam possess the original of this document?

A: Yes, DC-Cam possesses the original of this document.

Q: Where did you get this document from?

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~~១១/៧.១១/២~~

A: I got it from David HAWK. In 1980s, he came to research Khmer Rouge documents, collected the documents and put them in seven cabinets. He gave me all the documents, and I named them "Hawk Collection". The documents that he sent me weighed 550 pounds and were sent to me from America on 28 June 2000.

Q: How did he obtain that document?

A: As far as I know, he collected from officials. He did not know what document was.

Q: So to know how he collected that document, should we meet him?

A: Yes.

Q: The fifth document "Standing Committee Meeting Minutes on the Party's Four Year Plan to Build Socialism in All Fields, 1977-1980" (OERN00075817-00075926, DC-Cam D00591), dated 21 July 1976. Does DC-Cam possess the original of this document?

A: I obtained this document from Ben Kiernan in 1995; I did not know the date of the receipt, but we may know if we research or enquire Ben Kiernan.

Q: Will it be the research in DC-Cam, or will we meet him personally?

A: I think both because I think that the scholars in 1980 kept the originals. Usually, this document was rarely distributed to others not close to him.

Q: The sixth document "Conference I of Legislature I of The People's Representative Assembly of Kampuchea", dated 13 April 1976 (ERN00053603-00053645, DC-Cam No: D21227). Do you possess the original of this document?

A: DC-Cam possesses the original of this document. I also found that document in Tuol Sleng prison.

Q: The seventh document "Announcement of Steady and Absolute Combat Against the Yuon Enemy Aggressors and Expansionist Land Swallowers", dated 3 January 1979 (OERN00021108-00052520, DC-Cam D10837). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document. Like the previous documents, that document was found in Tuol Sleng prison.

Q: The eight document "Directive by Office 870", dated 3 January 1979 (OERN00052507-00052520, DC-Cam D00479). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document. I also found that document in Tuol Sleng prison.

Q: The ninth document "Meeting Minutes of Secretaries and Deputy Secretaries of Divisions and Independent Regiments", dated 1 March 1977 (OERN00052304

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00052311, DC-Cam L00045). Does DC- Cam possess the original of this document?
A: DC-Cam did not obtain this document from Tuol Sleng; we received from the Ministry of Interior, on 12 March 1996. DC-Cam possesses the original of this document. It is in the type of LON Nol documents. In 1980, the Vietnamese took them various buildings to place them in the Ministry of Interior.

Q: When you received the LON Nol documents, did the documents already have the titles, or did you put the titles?
A: Those documents already had the titles.

Q: When you received the documents piece by piece, did you place them in a safe place?
A: Yes. Only I had the keys of the storage room of that document.

Q: The tenth document "Standing Committee Meeting Minutes on the Standing [Committee's] visit to Northwest Zone", dated 20-24 August 1975 (OERN00008485-00008483, DC-Cam L01022). Does DC- Cam possess the original of this document?
A: DC-Cam possesses the original of this document, and how I discovered this document is the same to the ninth document. The documents of the letter L type were put the same dates.

Q: Who can I further contact to enquire about the source of this document?
A: I have once given you the names; he was a Vietnamese expert, and there were some Khmers living abroad.

Q: When you went to receive the documents at the Ministry of Interior, did you go alone? Who did you meet?
A: I went alone. There were two or three reasons why they gave the document. First, they needed to prepare the rooms to work in, so they needed to remove the documents, and second, I had permission from the Prime Minister, so they gave the document to me. As for the people who gave the document, I think there were two levels, the low level and the high level. The low level did not understand the content of the documents; they just collected and kept them. The high level knew about the overall importance of the document. As far as I know, he just worked with the experts, but he did not know the value of the documents because, at that time, they collected the documents to have office space, and they collected and piled the documents in a place. I would like to add more about the ninth document; that document also says about moral offenses.

Q: The eleventh document "Report about the activities of the enemy in the Northwest Zone", dated 29 May 1977. (OERN00008497-00008501, DC-Cam L0001436). Does DC- Cam possess the original of this document?
A: DC-Cam possesses the original of this document, and it is also the letter L

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document.

Q: The twelfth document “About the grasp and implementation of the political line of mobilizing the forces for the Democratic National Front of the Party”, dated 22 September 1975 (OERN 00072400-00072406, DC-Cam D00676). Does DC- Cam possess the original of this document?

A: DC-Cam does not possess the original of this document. I obtained this document from Ben Kiernan. I received it in 1995; I do not recall the month. If you want to know the date I received the document from Ben Kiernan, I can search for you.

Q: Can you tell about the background of this document?

A: I do not have a written note, but I have a correspondence letter between Ben Kienan and me. Ben Kiernan told me that he received from KHIEU Kanharith.

KHIEU Kanharith was the chairman of *People’s Newspaper* (កាសែតប្រជាជន) at that time. I wrote a letter to KHIEU Kanharith to make an enquiry to him, and he replied that he gave the original to BEN Kiernan, but BEN Kiernan told me that he received only the copied document. I believe Mr. KHIEU Kanharith because there was no photocopy machine at that time; only UNHCR had a photocopy machine, and Sundh Lina was a section head of UNHCR. Currently, she is an ambassador in the Foreign Ministry of Sweden.

Q: Do you have a document showing that Mr. KHIEU Kanharith gave the document to BEN Kiernan?

A: Yes, I do. Regarding this, OENG Pich (អ៊ឹង ប៊ុច), the chairman of the Tuol Sleng Office, also gave documents to the scholars. I have a correspondence document between the scholars with OENG Pich. Some researchers borrowed but did not return.

Q: The thirteenth document “Report of the Communist Party of Cambodia to Angkar 870”, dated 17 May 1978 (OERN0002146-00021049, DC-Cam D02131). Does DC-Cam possess the original of this document?

A: DC-Cam possesses the original of this document, and I obtained this document in mid-1996. Regarding how we received it, it is also the same to the confessions of the Khmer Rouge.

Q: The fourteenth document “Meeting of All Offices in the Ministry of Social Affairs”, dated 01 June 1978 (OERN0000526-00000582, DC-Cam D02131). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; this document is related to IENG Thirith, and there were handwritings of Steve HEDER, written after receiving the document from me. It is the document in the notebook type, and I collected from Tuol Sleng. I found it between 1995 and 2000.

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Q: Why does not it have DC-Cam number?

A: Perhaps Steve HEDER was the one who put this document because if a document is requested by OCP, it has DC-Cam number.

Q: How do you recognize one's handwriting?

A: We examine the phrases, the documents and the written languages.

Q: This document is related to IENG Thirith; why was this document at Tuol Sleng?

A: The Khmer Rouge cadres had their notebooks. I think that this document belonged to a cadre who had been a medic; then he was sent to Tuol Sleng. Some notebooks were written in from 1973 to 1978. I collected approximately 500 such notebooks. I collected from Tuol Sleng and other places. Some books have the names of the books' owners, and some do not have the names. There were two or three notebooks of the victims; the rest belong to the Khmer Rouge cadres.

Q: The fifteenth document is "Meeting Minute of Division 920 by Comrade Sây (ស័យ) and Rên (រ៉ែន)", dated 16 December 1976 (OERN00052333-00052335, DC-Cam L00254). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is the type of LON Nol documents.

Q: The sixteenth document is "Weekly Report of the Sector 5 Committee", dated 21 May 1977 (OERN00275587-00275597, DC-Cam L01425). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is in the type of LON Nol documents.

Q: The seventeenth document "Telegram 54 - Radio Band 290 - Respectfully Presented to Respected Brother", dated 21 April 1978 (OERN00017027, DC-Cam D002118). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is the type of SON Sen documents. In the original, it had only Sarun (សារុន) (KHOM ឌុម), and it says about moral offenses. DC-Cam obtained it on 12 March 1996. I would like to clarify that LON Nol documents and SON Sen documents have the same source, the Ministry of Interior. We set the date 12 March 1996 as the date of the document receipt, but the process of the document receipt lasted more than a day.

Q: In the document, there was a writing ប៊.ប៊.ភី. Are there other writings showing the document sources? Do you have a table of these writings?

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~~ស្រី/លី-១១/១~~

A: I have this table, and I gave it to the Office of Co-Prosecutors. If you want to know more, ask Craig ETCHESON.

Q: The eighteenth document “Telegram 324 - Radio Band 1230 – Report about a number of events”, dated 11 April 1978 (OERN00020994-00020997, DC-Cam D02106). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is also the same to the type of the letter L documents. I scanned this document and sent it to Steve HEDER. It is one of ten thousand documents that we commonly named it *At Risk Document*.

Q: The nineteenth document “Telegram 8 - Radio Band 371 - Presented to Respected Brother”, dated 21 April 1978 (ERN 00185203, DC-Cam D02119). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is also the type of SON Sen documents.

Q: The twentieth document “Telegram 09 - Radio Band 326 - Respected Brother”, dated 25 April 1978 (OERN 00021014, DC-Cam D02119). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is also the type of SON Sen documents.

Q: The twenty-first document “Telegram by IENG Sary”, dated 17 December 1978 (OERN00003595, DC-Cam D00114). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is also the type of SON Sen documents.

Q: The twenty-second document “To Ren Fung Company, Hong Kong”, dated 7 July 1978 (OERN00066356-00066357, DC-Cam D23677). Does DC- Cam possess the original of this document?

A: DC-Cam does not have the original; I have only the copied document, and the original is in the National Archives. I obtained it in around 1995 or 1996.

Q: The twenty-third document “Advice from 870”, dated 3 January 1979 (OERN00002978-00002981, DC-Cam D01993). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is the type of SON Sen documents. I would like to clarify that this handwriting was written by the Vietnamese after 1979.

Q: How do you know?

A: I know because I read it; I can read some Vietnamese language.

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ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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Q: The twenty-fourth document “To Angkar”, dated 11 May 1978 (OERN00021043). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is also the type of SON Sen documents.

Q: Do you have anything to add regarding this document?

A: No, I do not.

Q: The twenty-fifth document “With Respect to Beloved Brother Pol”, dated 30 November (OERN 00008594, DC-Cam L01045). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document, and it is the letter L document.

Q: The twenty-sixth document “To Beloved and missed Mo. [Office] 81”, dated 30 August (OERN00001237-00001239, DC-Cam D01780). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is the type of SON Sen documents.

Q: The twenty-seventh document “Telegram 62 Band 1474 – Respectfully Presented to Respected and Beloved Mo-81”, dated 04 August 1977 (OERN00001248-00001251, DC-Cam D02123). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is the type of SON Sen documents.

Q: The twenty-eight document “Report of the Situation in Every Domain in the Whole of the Twin Sectors”, dated May 1978 (OERN00021019-00021029, DC-Cam D02123). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; it is also the type of SON Sen documents.

Q: The twenty-ninth document “Revolutionary Flag, Special Issue, December 1977- January 1978” (OERN00064512-00064550). Does DC- Cam possess the original of this document?

A: DC-Cam possesses the original of this document; this document was scanned from the original, so there is no DC-Cam number. It is the document obtained from Tuol Sleng.

Q: The thirtieth document “Revolutionary Flag, Special Issue, October - November 1977” (OERN00000267-00000277). Does DC- Cam possess the original of this

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document?

A: DC-Cam possesses the original of this document; this document was from Tuol Sleng or possibly from individuals.

Q: The thirty-first document "Minutes of Meeting on Health and Social Affairs", dated 10 June 1976 (OERN0001747-00017160, DC-Cam D00707). Does DC-Cam possess the original of this document?

A: DC-Cam does not possess; I obtained it from Ben Kiernan, and it is the document I enquired Mr. KHIEU Kanharith about.

Q: When did you obtain the copied document?

A: I obtained it in 1995.

Q: Do have anything to add?

A: As far as I know, this document was also used in court in 1979.

Q: The thirty-second document "Standing Committee Meeting Minutes", dated 22 February 1976 (OERN00000713-00000720, DC-Cam D00682). Does DC-Cam possess the original of this document?

A: DC-Cam does not possess; I received it from Ben Kiernan. The receipt was the same to the previous one. All the handwritings on this document were written by BEN Kiernan. I received this document in 1995.

Q: Was the handwriting written on the originals or the copied documents?

A: This handwriting was written on the copied document, but it was not the original handwriting.

Q: The thirty-third document "Standing Committee Meeting", dated 9 October 1975 (OERN00019108-00019126, DC-Cam D00677).

A: DC-Cam does not possess. It was the same to the above; DC-Cam received it from Ben Kiernan.

Q: Who wrote the handwriting on that document?

A: It was written by Ben Kiernan.

Q: The fiftieth document is a letter of King Norodom Sihanouk (ERN00078640-00078624). Please clarify the source of this document.

A: This letter was on the homepage; I collected and kept it. After that, the homepage was closed. The document shown to me lost some pages; I have given the complete document to Abraham (OCIJ Analyst). The content in this letter was used in three books of Samdech. For instance, "The Shadow of Angkar" published by Monument Book. The first book he wrote was in French language and sold to a printing house, but it has not been published; it has been revised many times and given different titles.

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- One copy of the Written Record was provided to the witness.
- The Written Record was read out to the witness; the witness had no objections and signed it.
- After the Written Record was read out to the witness, the witness refused to sign it.

End of the interview: at 1815 hours on the same date.

Witness	Interpreter	Investigators
[Thumbprint]	[Signature]	[Signatures]
CHHANG Youk		