

~~លេខ ១២៣១/១៩~~



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

លេខស៊ើបសួរ

Investigation/Instruction

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

ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

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មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier: Ch. Yun

កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី

Written Record of Interview of Witness

Procès verbal d'interview de témoin

On the thirty-first of October two thousand and nine, at 9:40 a.m. at Lumtong Thmei (លំទងថ្មី) Village, Lumtong (លំទង) Commune, Anlong Veang (អង្គជំរំ) District, Otdar Mean Chey (ឧត្តរមានជ័យ) Province,

We, CHAY Chandaravann (ចាយ ច័ន្ទតារាវណ្ណ), Investigator of the Extraordinary Chambers, being assigned by the Rogatory Letter of the Co-Investigating Judges, dated 24 July 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 (none), as sworn Interpreter of the Extraordinary Chambers,

Recorded the statements of CHHAOM Sè (គោម សែ), a witness, who provided the following information regarding his personal identity:

Original KH: 00401297-00401307

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ 1

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

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ឯកសារយោងត្រឹមត្រូវតាមច្បាប់

CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):

17, 12, 2009

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

Uch Arun

The undersigned CHHAOM Sè (ឆោម សែ), no alias, age 49, was born at Dei Kraham (ដើក្រហម) Village, Prey Rumdeng (ព្រៃរំដេង) Commune, Kirivong (គីរីវង់) District, Takeo (តាកែវ) Province. He is of Khmer nationality and is a farmer and chairman of the Kirivong District Association of Military Veterans. His father CHAOM Sâm (ឆោម សំ) is deceased, and his mother KIM Mân (គីម ម៉ែន) is deceased. His current residence is at Lumtong Thmei (លំទងថ្មី) Village, Lumtong (លំទង) Commune, Anlong Veang (អន្លង់វែង) District, Otdar Mean Chey (ឧត្តរមានជ័យ) Province. He is married to Ân Sopheap (អែន សុភាព), living, and is the father of four children.

- [X The witness has no criminal record.]
- X The witness declared that he can read, write and understand the Khmer language.
- X The witness declared that he cannot read or write any other languages.
- Therefore, the original of this Written Record is written in the Khmer language.

- X We advised the witness that an audio or video recording was being made of this Interview.
- X The witness told us that he is not related to either the Charged Persons or to any of the Civil Parties.
- X The witness took an oath, in accordance with Rule 24 of the ECCC Internal Rules.
- X We notified the witness of his right against self-incrimination, in accordance with Rule 28 of the ECCC Internal Rules.
- [We provided the witness with a letter of assurance, in accordance with Rule 28(3)(b) of the ECCC Internal Rules.]

Question - Answer:

Q: Please briefly describe your background prior to 17 April 1975.
 A.1: I joined the revolution in 1970. I joined voluntarily because of the coup that overthrew Prince Sihanouk and the appeal of Prince Sihanouk to join the Front in the forest to liberate the nation. Initially I joined the district military at Preah Bat Choan Chum (ព្រះបាទជាន់ជូន) located in Kirivong District adjacent to the border with Bourei Cholsar (បូរីជលសារ) District, Takeo Province. Soth (សុទ្ធ), the district military chairman, sent me to Chhouk (ឈ្នួក) District, Kampot Province in order

to assemble forces to cooperate with the North Vietnamese to begin combat against the South Vietnamese in the vicinity of Nareay (នារាយណ៍) in Chhouk District. There was bombing by the South Vietnamese at that time. Later we assembled forces at Srae Chaeng (ស្រែចែង) on the Kampot Province border and divided the forces into two groups. They had those of large build attack into Kampong Speu City. They had those of smaller build like myself go cooperate with the Vietnamese army at a Vietnamese military headquarters inside Vietnamese territory.

In approximately late 1970 and early 1971, we built a Cambodian military unit in the vicinity of Tuol Phtuck (ទួលផ្អែក), Tuol Phtuck Commune, west of Trapeang Andaeuk (ត្រពាំងអណ្តើក) on the border between Kampot and Takeo and Kampong Speu provinces in order to open a combat campaign to counter the operations of LON Nol soldiers led by LON Nol's younger brother in the vicinity of Kat Phluk (កាត់ភ្លុក). The unit was designated Battalion 6 and had a personnel strength of more than 300. I was chairman of a six-man squad. That operation was called "The Eye of the Great Revolutionary Fire" [អគ្គិនេតមហាបដិវត្តន៍].

- Q: When was the Special Military Zone created?
- A.2: During approximately 1972 the Special Military Zone was created. It included Battalion 111, Regiment 152. Special Military Zone Commandcr VÂN Vet (វ៉ាន់វេត) made preparations to attack into Phnom Penh. I was in Division 11, which had SAUR Saroeun (ស្ងួរ សារឿន) as chairman and was stationed south of Phnom Penh. Later Division 11 was integrated with Division 14, which had San (សាន) as chairman, to create a single division, Division [ក្រុងព័ន្ធ] 11, with SAUR Saroeun as division commander and Ta San (សាន) as deputy division commander.

- Q: When was Division 801 created?
- A.3: After 17 April 1975, probably in November, my division left Phnom Penh and went to Ratanakiri in order to assess the situation along the northern border. This was because Division 11 was a unit of the Center that could move throughout the country. Division 801 was created in Phnom Penh during the General Assembly at the Olympic Stadium during approximately September. The Special Military Zone had three divisions: Division 703, Division 605, and Division 801. I was the deputy commander of Company 11 in the newly-created Division 801.

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Q: Do you know someone named Chhang (ឆាង)?

A.4: Chhang was the deputy chairman of the Re-education and Corrections Office (មន្ទីរអប់រំកែប្រែ) at Au Kansaeng (អូរកន្សែង) along with me. He had previously been with San in Division 14. Then later when Divisions 11 and 14 were combined he worked in the division with me. However when Division 801 was created, Chhang mostly worked around the Division 801 headquarters before the creation of the Re-education and Corrections Office at Au Kansaeng. Ta SAUR Saroeun's code number was 05, and Ta San's code number was 06.

Q: What was your role in Division 801 when you arrived in Ratanakiri?

A.5: I was deputy chairman of Company 11, Battalion 1, Regiment 81, Division 801. Division 801 had three regiments, designated 81, 82, and 83. Regiment 81 was in the Bar Kaev (ប្រវែកវ៉ៃ) District Town, Andoung Meas (អណ្តូងម៉ាស). Regiment 82 was in Siem Pang (ស៊ីមប៉ាង), on the Lao border. Regiment 83 was in the Dragon's Tail (Veun Sai (វ៉ែនសៃ) District) at Kok Lak (កុកឡាក់), and it included Special Unit 802, which was near the headquarters; Artillery Unit 803 which surrounded the headquarters; Transportation Unit 806; Women's Combat Unit 804, which also surrounding the headquarters; and Hospital 805, which also surrounded the headquarters.

Q: When was the re-education and corrections office at Au Kansaeng created?

A.6: This office was created in late 1976 and early 1977 in the vicinity of Au Kansaeng. It was subordinate to Division 801. This office was located in Ban Lung (ប៉ានលុង) District, La Ban Siek (ឡាប៉ានសៀក) Commune, adjacent to the national highway of the provincial town up to Au Kansaeng Khang Kraom (អូរកន្សែងខាងក្រោម) and on up to Phnom Svay (ភ្នំស្វាយ). This office was created during the situation of the internal enemy movement occurring throughout the country. This office was created to hold prisoners who were Division 801 soldiers who were free elements [សមាសភាពសេរី] and who had inclinations and who had been implicated in responses. Free elements meant that they were undisciplined and went around shooting and throwing freely [ដើរចាញ់បោះសេរី] and used critical words that had a negative impact on the Party. There were meetings to discuss this inside the division, during which Ta SAUR Saroeun requested me from Regiment 81 to become the chairman of the Au Kansaeng Re-education and

Corrections Office [មន្ទីរអប់រំកែប្រែអ្នកឆ្មៃ], because at that time a new division was created and some cadres and troops were recruited out of Division 801 to create Division 920, which was to be based in Mondulkiri. At that time, Ta 06 alias Ta San became the Division 920 commander. As for me, Ta SAUR Saroeun did not assign me to go with Division 920 because he had known me since the resistance era and he trusted my steady spirit. He told me that I need not go with Division 920, and he had me become the chairman of the Au Kanseang Re-education and Corrections Office.

Q: What was the structure of the Division 801 Re-education and Corrections Office at Au Kansaeng?

A.7: I was the chairman in charge of leadership and general political affairs. CHHIM Tim (ឈឹម ទឹម) was deputy chairman in charge of techniques and arranging the guard and taking prisoners to work. Chhang (I have forgotten his family name) was the member and was in charge of prisoner interrogation. There was a six-man security guard. In total, including me, Chhang, Tim, and the security personnel there were nine persons. The security personnel were: Comrade Lay (ឡាយ), who is handicapped and who I met two or three years ago at Anlong Veang and who previously lived in the vicinity of Tumnap Dach (ទំនប់ដាច់); Comrade Chuop (ជួប), who is probably dead; Comrade Cheay (ជាយ), who is probably dead; Comrade Nhok (ញ៉ក់), whom I accompanied to Anlong Veang about two or three years ago and who has a nervous conditions and has the personality of a female; and there were two other comrades whose names I have forgotten who probably went back to their birthplaces in Sa-ang (ស្នាង). CHHIM Tim died in 1981.

Q: Please describe the prisoner control methods at the Au Kanseang Re-education and Corrections Office.

A.8: In early 1977, there were approximately 50 prisoners. The prisoners were organized into three groups. Each group had from ten to twelve persons and was placed in one cell. These initial 50 prisoners were all soldiers that were free elements that had been sent in from units subordinate to Division 801 to the re-education and corrections office. At that time there were not yet any prisoners who were ordinary people from the cooperatives or who were rubber plantation union workers. As for the offenses of those military prisoners, they were, for instance, people who had been involved in responses and had been implicated in Phnom Penh. Aside from that, there were also prisoners who had been free in their units and had been arrested and brought to the re-education and corrections office. The persons who made the arrests were not the security personnel at my re-education and corrections office: soldiers in the individual units had arrested

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them and sent them in on the orders of division commander SAUR Saroeun. My side just waited to take custody of them for re-education and correction. By 1978 the number of prisoners increased to more than 100. The prisoners were a mix of soldiers that had been arrested and brought in from units subordinate to Division 801, people from the cooperatives, and rubber plantation union workers. Also during 1978, we sent prisoners that had undergone re-education and correction well to the re-educations and corrections office in the vicinity of Au Tang (អូរតាំង) that was known as Re-education and Corrections Office 809, which had Vanna (វណ្ណា) as chairman (I don't know whether he is dead or alive) and Comrade Rin (រីន) as deputy chairman (He is still alive, and is said to be living in an unknown village and commune in Kratie). Office 809 was also subordinate to Division 801. It was only for holding minor offenders.

Q: Please describe the way that ordinary people or workers were arrested and sent to your re-education and corrections office.

A.9: As for the prisoners who were ordinary people or workers, their cooperative or union chairmen made the arrests and sent them in to my corrections office along with reports on the offenses of those prisoners. My re-education office did not have the right to arrest those prisoners, meaning we just took custody of them, examined the reports that were sent in, and monitored the activities of those prisoners inside the re-education and corrections office, that's all.

As for the prisoners who were people from the cooperatives, I noticed that none of their offenses were serious. Mostly the offenses that had resulted in their arrests and being sent in involved their daily lifestyle, for instance, they had freely picked and stolen vegetables or fruit to eat because they were hungry and had been arrested and sent in. The prisoners who were ordinary people were youths and family people, husbands and wives along with their children. But their small children were not prisoners: they just came to live with their parents inside the office, that's all.

As for the prisoners who were rubber plantation union workers, their offenses were, for instance, immorality in daily life, male-female sexual relations, using words critical of the party, and not following the work rules, like tapping rubber trees in such a way as to cause spills. After assessing and monitoring the prisoners and seeing that none of them had done anything serious, meaning that they could be worked with, could be corrected and re-educated, those prisoners were released to go back to their base areas.

Q: Who made the decisions to release those prisoners after they had been re-educated and corrected?

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

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A.10: We did not have the right to decide to release any of the prisoners. Only upper-echelon, meaning division commander SAUR Saroeun, could make those decisions. Our role was only to re-educate and make reports according to specific assessments of the activities of those prisoners. Then if it was seen that their offenses were not as serious as what had been charged, we made reports to ask for opinion and decision from division level.

Q: What were the overall dimensions of the Au Kansaeng Re-education and Corrections Office?

A.11: The re-education and corrections office occupied over three hectares, calculated from the road intersection, from the national highway of the provincial town up through a small mountain a little past Au Kansaeng. At that time, the area was a quiet uninhabited forest. The office was behind the current day hospital. Inside the office compound there was a place for the prisoners to do tempering work like growing potatoes and vegetables and fruit like coconuts, mangoes, breadfruits, and sugar cane, and there was also a place for the prisoners to grow rice outside the compound under guard by security personnel. Inside the office there were four prisoner buildings, each 4 by 6 meters. Each prisoner building held a group of twelve prisoners, but later on when the number of prisoners increased, three more prisoner buildings were constructed. Male and female prisoners were held in separate buildings, and the families of prisoners were placed together. Aside from this, there was a house for the cadres to work, an office building, and a house for the security personnel. Aside from this, there were two more buildings for holding special prisoners, serious offenders that demanded a high level of vigilance. They were shackled and locked-in from the outside and did not go out to do any work. There were about ten of those prisoners. There was a house for interrogations located about 50 to 60 meters from the working building. The prisoners worked from 7 until 11 a.m. Then they stopped for the noon meal. They resumed work at 2 p.m. and continued until 5 p.m. There was no nighttime work. The diet was rice mixed with potatoes. Light offenders could go outside to relieve themselves, but a guard was posted. As for serious offenders, the guards tied them with ropes and walked them outside to relieve themselves. No one relieved themselves inside the detention cells.

Q: Were there any ethnic minority or foreign prisoners?

A.12: Shortly before 1979, before the strong Vietnamese attacks in 1979, I saw that a group of six Vietnamese (civilians) had been taken prisoner on the Au Ya Dav (អូរយ៉ាដាវ) Village battlefield along the border because those people had come to do reconnaissance along Route 19, along which the Vietnamese were attempting to attack. After their interrogations were completed, upper-echelon decided to finish off [បញ្ចប់] those persons in accordance with the orders of the Division 801 commander who made the decision to finish them off. My office only had the right to interrogate and to prepare the documents and report to upper echelon for

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them to decide, that's all. And there were ethnic minority prisoners like the Jarai, the Tumpoun, and the Kreung, union workers.

In approximately 1978 more than 100 Jarai were captured and brought in from the Vietnamese border because the Vietnamese had driven these Jarai from Vietnamese territory. When the Vietnamese were preparing to strike into Kampuchean territory, they sent these Jarai into Cambodian territory along the border. This was why the front line soldiers of Division 801 searched out and captured them and brought them to the re-education office. Those soldiers were the ones who captured them and transported them straight to the re-education and corrections office. Those soldiers brought the prisoners in and left them with the office for only one night. Then they took them and killed them during the night at pits inside the re-education and corrections office compound. The orders, the decision to do that, were orders from Zone Chairman level, but at that time Ta Lav (ត្រូវ), the Zone Chairman, discussed the matter with Ta SAUR Saroeun.

Q: Describe the state of the prisoners in your re-education and corrections office.

A.13: Some of the prisoners they had arrested and sent there arrived in shackles. We placed them still-shackled right into the cells. However, some prisoners were not shackled; they could walk to work freely inside the office compound. But the office had steel shackles and wooden shackles, both long and short, for shackling prisoners in the cells when they rested at night. Those shackled at night were involved with serious offenses. Ordinary prisoners were not shackled at night; they were just locked-in from the outside, and guards were posted. In the past some prisoners had escaped and had been recaptured and brought back. Chhang was the interrogator, and he also shot to death those prisoners that had escaped.

Q: Were prisoners who were interrogated in your re-education and corrections office tortured?

A.14: There was some torture; but, not all of them were tortured. Torture to get responses was done on any prisoners that we suspected were hiding things and were not responding truthfully. And prisoners were beaten, for instance, they were beaten with whips and were electrically shocked; but there was no use of plastic bags to wrap their faces and suffocate them. Torture to get responses sometimes did not result in truthful responses. When the prisoners they had arrested arrived at the office, they were not immediately interrogated. They were left to rest in their cells for two or three days first so that we could read the documents in which the arresting units reported their activities. Only after that had been done were one or two prisoners taken for interrogation in accordance with the assessments. As for me, I never interrogated the prisoners. I was in overall charge of prisoner correction and re-education. Comrade Chhang interrogated the prisoners in the presence of a guard. Next, Comrade Chhang made the reports on the prisoners and sent them to me for me to take measures of re-educate, correct, and monitor.

When any prisoner who was an internal enemy was discovered, we prepared a

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written report to division commander SAUR Saroeun to request an opinion from him. We attended work meetings with SAUR Saroeun once every three to four months, and sometimes there were immediate and urgent meetings, because Ta Saroeun did not often come to look at the re-education and corrections office. So then, I had to report to him, and there was also an annual Zone Assembly.

Q: Did you ever see Khmer Rouge leaders such as KHIEU Samphan, IENG Sary, NUON Chea, or POL Pot come to look at the Au Kansaeng Re-education and Corrections Office?

A.15: I never saw them.

Q: What measures were taken toward any prisoners who could not be re-educated and corrected? What was done with them?

A.16: As for those prisoners, I only had the right to report to Ta Saroeun, the division commander indicating that according to assessment and monitoring, it seemed that a prisoner had not reformed. So then, I requested an opinion and decision from the division commander on what was to be done. As for this problem, sometimes Ta Saroeun said to keep them for further re-education and correction, and if after being kept for a period of time they still had not reformed, Ta Saroeun ordered them killed and gotten rid of. Generally speaking, the re-education office had no right to decide to kill any prisoner; it just had the role of taking custody of the prisoners, re-educating and correcting them, and researching the networks of the prisoners, that's all. As for deciding to arrest them and send them in, that was the right of upper echelon and the chairmen of the prisoners' units. As for military personnel who were prisoners of war and who had been captured on the battlefield, the capturing units escorted them to be executed. Most of the killings of prisoners that could not be re-educated and corrected were in late 1978; they were buried in bomb craters near Phnom Svay (ភ្នំស្វាយ). Most of the prisoners who were union workers or people from the cooperatives died from disease, not execution.

Q: I know of information from prisoners who are still alive today who have told me that one woman who had been immoral was cut open and had her gall bladder removed inside the compound of your re-education office. Is this story true?

A.17: No such event occurred. I had no authorization to do such a thing.

Q: Did Chhang ever work in radio communications?

A.18: Chhang was probably a native of Kratie, because he was in the resistance along with Ta San, the former Division 14 commander. As I know it, in the era of the war of resistance, he was in fact a radio operator; but, after he was transferred to work with me in Ratanakiri, he had no radio operator duties. He worked there in the re-education and corrections office along with me, like my deputy chairman. I made him responsible for interrogation because he was clever theoretically and technically.

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Q: Do you know someone named Sâmrit (សំរិត)?

A.19: Sâmrit was the commander of Platoon 3, Company 11. Later he transferred with Ta San to Mondulkiri; but I don't know where he is currently living.

Q: Do you know someone named Huot (ហ្វូត)?

A.20: Huot (I don't know whether he is dead or alive) was a medic in Unit 805, the Division 801 Hospital. Later on he was a medic at my re-education and corrections office. Aside from Huot, there was Siek (សឹក) (now living in Koh Thom (កោះធំ) District) who was also a medic at the re-education and corrections office.

Q: Do you know someone named Tin (ទីន)?

A.21: I do not.

Q: Please describe the governmental structure of the Northeast Zone.

A.22: After liberation day, 17 April 1975, Ta Ya (យ៉ា) was chairman of the Northeast Zone. Ta Thoat (ថាត់) was responsible for the Military Zone. When Ta Ya disappeared in 1977 after he was called to work in Phnom Penh, they said that Ta Ya had been involved with the Yuon and had collaborated with the Indochina Federation. Ta Ya was a member of the Central Committee, and was probably the seventh or the ninth person in the hierarchy. After Ta Ya, Ta Lav (ឡាវ) rose to become chairman of the Northeast Zone during 1978, and Ta Thoat was still responsible for the military. Later Ta Lav also disappeared during 1978 after being called to Phnom Penh. After Ta Lav disappeared, Ta 05, SAUR Saroeun, rose to become chairman of the Northeast Zone during 1978, but before the reformation of the Zone could be organized, there was the situation with the Vietnamese attack in 1979, and we all fled from the Yuon together right away.

X One copy of the Written Record was provided to the witness.

X The Written Record was read out to the witness; the witness had no objections and signed it. [Signature/Thumbprint]

After the Written Record was read out to the witness, the witness refused to sign it.

The interview was completed at 2:30 p.m. on the same day.

Witness

Interpreter

Investigators

[Thumbprint]

[Signature]

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[Signature]
CHHAOM Sè

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