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ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation-Religion-King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ឯកសារទទួល	
DOCUMENT RECEIVED/DOCUMENT REÇU	
ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/date de reception):	16 / 12 / 2009
ម៉ោង (Time/Heure):	12:00
មន្ត្រីទទួលបន្ទុកសំណុំរឿង / Case File Officer/L'agent chargé du dossier:	<i>Signature</i>

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

កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី
Written Record of Interview of Witness
Procès-verbal d'audition de témoin

On the 19th of November, two thousand and nine, at 11:10 hours, in Tuol (តូល) village, Chakrey (ចក្រី) commune, Phnom Preuk (ភ្នំព្រឹក) district, Battambang (បាត់ដំបង) province;

We, Thomas KUEHNEL, Investigator of the Extraordinary Chambers, being assigned by the Rogatory Letter of the Co-Investigating Judges, dated 8 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 Mr NIL Samorn (នីល សាំម៉ុន), as sworn Interpreter of the Extraordinary Chambers;

Recorded the statements of PRAK Yut (ប្រាក់ យុត), a witness, who provided the following information regarding her personal identity:

Original KH: 00404648-00404654

ឯកសារបានផ្តល់ជូនតាមប្រការស្នូលទី៥	
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:	<i>Uch Arun</i>

~~00407803/16~~

The undersigned, PRAK Yut, no alias, was born in 1947 in Kbal Au (ក្បាលអូរ) village, Cheang Torng (ជាងទង) commune, Trăm Kák (ត្រាំកក់) district, Takeo (តាកែវ) province.

She is of Khmer nationality and a farmer;

Her father, Hun (ហ៊ុន), is “deceased”, and her mother, Hoeung (ហៀង), is “deceased”;

Her present address is in Tuol village, Chakrey commune, Phnom Preuk district, Battambang province;

She is married to MEUNG Vēt (ម៉ឺង វ៉ែត), “alive”, divorced, and is the mother of 1 child (daughter).

The witness has no criminal record.

- The witness declared that she can read, write and understand the Khmer language.
- The witness declared that she cannot read or write any other languages. Therefore, the original of this Written Record is written in the Khmer language.
- We advised the witness that an audio or video recording was being made of this Interview.
- The witness told us that she 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 her right against self-incrimination, in accordance with Rule 28 of the ECCC Internal Rules.

Question -Answer:

Q: You told us yesterday that you were confident in the Revolution and a loyalist to the Revolution. Did the arrest of your husband make you to change your mind about the Revolution?

A-1: Since the arrest of my husband, I lost confidence in the Revolution because I loved my husband. I could not speak out then, but inside my self, I felt hopeless.

Q: Was this the only matter that had changed your mind [about the Revolution] or there were any other events which you had seen, which led you to change your mind about your confidence in the Revolution?

~~ms/h/0294/16~~

A-2: Because the arrest of my husband and the removal of me from the important role. After they had removed me from my position, they did not give me any important role; that made me to discontent with the Revolution. At that time I was angry, [thinking] that if the Yuon launched the attack, [I wished] the Yuon would win and kill them all.

Q: Based on your opinion, what Angkar had done to the people was justifiable?

A-3: I thought it was unjust and unfair.

Q: Can you explain what actions were unjust?

A-4: I want to speak just about my self; it was unfair when they arrested my husband. I lost confidence in the Revolution since after the arrest of my husband.

Q: We would like to know about your opinion when you were a cadre working with Angkar. You were in a responsible role, how was the system that Angkar applied on the people? Was it just or unjust?

A-5: I knew that it was wrong; it was not right although there were some persons doing good and some were doing bad; but leading people to do hard work was wrong. But [I] did not know how to do because they were the order and instruction of the upper echelon. When the upper echelon gave the instruction, I had to follow. During the time I applied [the instruction], I also knew that it was wrong, but I had to follow the order of the upper echelon. To make people work hard affected their living and human rights.

Q: In order [to be impartial] and to know the story from both sides, can you explain what were the good deeds of Angkar?

A-6: The good deeds were that we helped to improve the living condition of the poor people to an extend. But the bad thing was that when we saw people making mistakes and we did something to them [in response], it affected their feeling.

Q: You said that the human rights were affected, how did you, at that time, understand about the human rights?

A-7: At that time I understood that it was wrong when we cursed and beat up people; that affected human rights. But at that time there were not yet human rights. As for me, I personally understood that each individual could be wrong and right. But if they were wrong, we should reeducate and correct them.

Q: In the Democratic Kampuchea regime did people have the rights to travel and live freely?

A-8: The people did not have the rights. But during that time the people could have a right to travel with the restriction.

Q: Based on your opinion, was it wrong or right that people were forced to work?

A-9: During that time it was wrong, but because it was the order of the upper echelon, I had to follow it. Because it was the order of the upper echelon, I had to follow.

~~00407805/16~~

Q: You said that each individual could be wrong or right, what did you mean by that?

A-10: Wrong and right are like what we do every day. If we speak about the situation during that period, it was wrong when we used people to work hard. But if we saw them making mistakes, we should take them to be reeducated, use their mistakes as an experience, and correct them.

Q: Based on your opinion what happened to the people [who could not] be reeducated? Were they arrested, killed or died?

A-11: When they made mistakes, we had to reeducate them for the 1st time, 2nd time, and 3rd time; and we continued to reeducate them subsequently. We did not kill them immediately, but we sent them to the upper echelon for further reeducation.

Q: Did it mean that the killing was the final stage in the process?

A-12: I was not responsible for the killing of the wrongdoer. The killing was the decision of the upper echelon. When there were people making mistakes, the lower rank prepared [the case] and sent it to the upper echelon who was the educator and manager.

Q: Generally, during the Democratic Kampuchea period, there were criticism and self-criticism meetings in every place. What did that meeting mean? Did they let people talk about their idea freely [in the meeting] or did they hold [the meeting] in order to put pressure on the people?

A-13: It meant people built and educated each other. For example, a womanizing person had to speak out about his fault in order for the meeting to give some advices so that he would not repeat the same mistake again. [They] did not restrict the right of the people to speak out.

Q: Was it only in the theory or did [they] also practice it?

A-14: They also practiced it. For example, some people had changed after [they attended] the criticism and self-criticism meeting. But, if they did not change, they were sent to the upper echelon for further reeducation.

Q: Did you know anything about the 1 January Dam?

A-15: The 1 January Dam was not in Sector 41, it was in Sector 43. I did not supervise the work there.

Q: Based on our understanding, Sector 41, Sector 42 and Sector 43 had contributed their labor forces to the construction of the 1 January Dam, was it true?

A-16: Yes, there were three Sectors; but the Sectors did not control the 1 January Dam. The Sectors sent the labor forces to the Zone. The 1 January Dam was the project of the Zone, but Sector 43 was in charge.

Q: Why was Sector 43 in charge of the Dam construction project?

A-17: I did not know because that was the work of the upper echelon and the Sector 43. I just sent the labor forces to them upon their requested.

~~00407806/16~~

Q: The 1 January Dam was the project of what Zone?

A-18: It was the Central Zone which was under KÈ Pauk (កែ ពក) control.

Q: You said that you just sent the labor forces to them when they requested, is it true? And can you explain please?

A-19: Yes. How many forces the Zone requested, I had to recruit and send them to [the Zone].

Q: At that time you were the secretary of what district? And how many forces did the Zone requested from your district?

A-20: It was the Kampong Siem (កំពង់សៀម) district. I forgot the number of the forces I had sent there because it has been a long time ago. As I could estimate it, there might be 50 persons requested from my district. But I did not know how many were sent from other districts.

Q: Did you know that there were some forces already sent from your district to build the Dam since before you became the secretary of that district?

A-21: At that time there were some forces already sent from the Kampong Siem district [to build the Dam] before I took charge of that district. At that time a half part of the Dam was already built.

Q: Did you receive the request directly from the Zone asking for the forces to work at the 1 January Dam site, or did you receive the request from comrade Srēng (ស្រែង) who was then the Sector secretary?

A-22: I received the request from the Sector 41 of comrade Srēng, but I did not know Srēng.

Q: Based on our information, for the construction of that Dam, they requested about 10,000 forces from each Sector, was that figure true?

A-23: I could not tell or estimate the figure because I did not go near that Dam. I built a small dam in my commune of my district and led people to do dry season rice farming. The 1 January Dam belonged to the Zone. So, when the upper echelon asked me for some forces, I recruited the forces and sent to them.

Q: You said that you did not go near to the Dam. But earlier you said that after you arrived in Kampong Siem district, you saw that they had already built the base part of the Dam. Did you go there?

A-24: The Sector told me that part of the Dam had been completed. They told me at the time they came to request the labor forces from me.

Q: Did you know about the 6 January Irrigation Project?

A-25: I did not know about it.

~~IN/16-0984/16~~

Q: During your recruitment of forces to work at the Dam site, could any one refuse your order? And did any persons refuse?

A-26: The people did not refuse the recruitment since we recruited only 50 persons in the district. I recruited only the primary forces, and I told the communes to recruit only the primary forces also. [I] recruited the healthy persons only. I did not recruit the sick and unhealthy persons. If some people refused, I would check on their case. I would check on their cases to see whether they could go or not.

Q: What were the primary forces?

A-27: They were the youth forces, who were single and had no child.

Q: What was your measure for dealing with those who had refused to go?

A-28: Nothing happened, they stayed as usual.

Q: Did you know about the Baray Choan Dèk Security Center (បារាយណ៍ជាន់ដេក)?

A-29: I did not know it.

Q: You said that when the dam project in the Southwest Zone was built, the people could not refuse the order; and if some one refused, [he/she] would be taken to be reeducated. But, you said just now that nothing happened to those who had refused [your order]. Can you specify please?

A-30: I was in the Southwest Zone for a long time, so I could use the dictatorship there. The dam in the Southwest was a big dam project; so, if some one refused [my order], I could send [him/her] to the upper echelon for further reeducation. But with the people in the Central Zone I did not use the dictatorship because I was the new comer [in the Zone]. Because I was the new comer, I did not want the local people to dislike me. So, if some people had refused my order, I usually tolerated their refusal.

Q: Did you know about the forced transferring of the people from the East Zone to the Northwest and West Zones in May 1978 and later.

A-31: I did not know.

Q: In May 1978 you were there, why you did not know [about that]?

A-32: I was there but I did not know what they did at that time because it was the work of the upper echelon.

Q: At that time did you see or know or receive any plans from the upper echelon to prepare the people? Or did you see people being transferred?

A-33: I did not know or see that. If I saw that, I would tell you.

Q: Did you know about the killing system and the purging of the cadres and the people in the East Zone?

A-34: I was not there, so I did not know about that matter. I was in the different Zone, so if there was something happening in other Zone, I was not able to know it.

~~00407808/16~~

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.

This interview ended at 15:30 hours on the same date.

Witness

Interpreter

Investigators

[Signature/Thumbprint]

[Signature]

[Signatures]

PRAK Yut