

០០២/៧: ០២១៤/២១



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-OCLJ

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

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កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី
Written Record of Witness Interview

On the second of December two thousand and nine, at 1445 hours, at the Extraordinary Chambers in the Courts of Cambodia,

We, SVAY Samnang (ស្វាយ សំណាង) & Bernard BRUN, Investigators of the Extraordinary Chambers, being assigned by the Rogatory Letter of the Co-Investigating Judges, dated 08 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. UN Sam An (អ៊ុន សំអន), as sworn Interpreter of the Extraordinary Chambers,

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

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Original KH: 00408429-00408453

ឯកសារប្រាកដកម្មច្បាប់តាមច្បាប់វិញ
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ថ្ងៃ ខែ ឆ្នាំ ច្បាប់តាមច្បាប់ (Certified Date/Date de certification): 17 / 12 / 2009
មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier: Ueh ARUN

Recorded the statements of SOUTR Tocung (ស្មូត្រ ទឿង), a witness, who provided the following information regarding his personal identity:

The undersigned SOUTR Tocung, alias: no, aged, 61 years old, was born in Lac (ឡើ) Village, Ta Lao (តាឡោ) Commune, Andoung Meas (អណ្តូងមាស) Disitric, Ratanakiri (រតនគិរី) Province. He is of Cambodian nationality, ethnicity: Lao-Tumpoun (ឡាវ-ទំពួន), and a farmer.

His father, Ya (យ៉ា), is deceased, and her mother, Yim (យីម), is deceased.

Present Address: Ou Chheu Kram (អូរឈើក្រាម) Village, Stueng Käch (ស្ទឹងកាច់), Khan Sala Krau (ខណ្ឌ សាលាក្រៅ), Pailin (ប៉ៃលិន) Province. He is married to BUON Phum (បួន ភូម), alive, and is father of nine children.

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 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 me that he is not in relation with 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 and answers:

Q: According to information that we received from various witnesses and the charged person named KAING Guek Ev (កាំង ហៀងអ៊ាវ) alias Duch (ឌុច), who identify your position in the Democratic Kampuchea regime between 1975 and 1979, you were one of NOUN Chea’s (នួន ជា) messengers. Up to now, what is

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 ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១
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your thought given that your identity and position in the Democratic Kampuchea have been identified?

A1: I was in charge of guarding outside K-1 (ក័១) with 10 forces. I was never a NUON Chea's messenger.

Q: Where did you stay when you were off duty?

A2: When I was out of duty, I had to stay at Yo-10 (យ៉ូ១០) under the supervision of KHĀM Mi (ខាំ មី), who was the commander of the Protection Regiment (វរៈសេវាជំរកងការពារ).

Q: Had you known Phnom Penh prior to the period where you were assigned to work at Yo-10?

A3: I had never known Phnom Penh before I was assigned to work at Yo-10. I knew it right when I was transported to work there.

Q: When you were working at K-1, were you ever taken to go sightseeing around Phnom Penh?

A4: I never went sightseeing. I went only at the places where I was assigned to work, for instance at K-7 (ក័៧) and later on I was transferred to work at K-1 with Ta NUON Chea. K-7 was the place for people to stay temporarily and it was called like that at that time.

Q: Witnesses whom we previously mentioned said that you were a NUON Chea's messenger and finally, before the Co-Investigating Judges, you were also identified by the charged person KAING Guek Eav alias Duch as a NUON Chea's messenger. Can you clarify this point one more time?

A5: I think Duch confused because there were two people with the same name: Toeung, one was SAUTR Toeung and another was KHĀM Toeung (ខាំ ឡើង) who had the same ethnicity as mine. KHĀM Toeung was also from Rattanakiri Province, Andoung Meas District but different commune. He was not my relative.

Q: You said that Duch confused, is that right?

A6: Yes, it is.

Q: How about other witnesses who also said that you had been a NOUN Chea's messenger?

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A7: Some people hated me and just said I had been a NUON Chea's messenger. I think they just laid blame on me.

Q: But Duch is far away from you. Does he have any conflict with you?

A8: I never knew Duch and I was far away from him. I only met him once at Borei Keila (បុរីកីឡា).

Q: How did you meet Duch at Borei Keila? How could you identify him as Duch?

A9: I used to see Duch at Borei Keila when I went to check my forces that were standing by there.

Q: Please confirm us again. You say that you only met Duch once at Borei Keila. Is that right?

A10: Yes, it is.

Q: So, you had never met him before, is that right?

A11: Yes, it is.

Q: If you had never met Duch before, how could you identify him as Duch?

A12: I knew Duch when I saw him walking at Borei Keila, but I did not know where he was walking to.

Q: Do you think the way you knew and identified Duch as you mentioned to us now can convince yourself and others?

A13: I believe in that story and I think others also get convinced.

Q: In relation with your answer before the Co-Investigating Judges yesterday, the representative of Co-Prosecutors raised that a witness named SÂ VĪ (សំ វី) had mentioned about Toeung. The witness also said that Toeung was an Um Number Two's (អំទីពីរ) messenger. What is your position regarding to SÂ VĪ's statement, who stated that you were a NUON Chea's messenger named Toeung?

A14: In 1975, VĪ was very young. I did not know VĪ in Phnom Penh. I just knew him after 1979.

Q: So, what do you think about SÂ VĪ's statement mentioning you as a NUON Chea's messenger?

A15: I do not believe that because VĪ used to have a conflict with me while we were challenging for the position of village chief. That was the reason why VĪ stated that I had been a Ta NUON Chea's messenger. But I never knew VĪ in 1975.

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Q: We have many witnesses who also identify you as a NUON Chea's messenger. Do they have any conflict with you?

A16: No. Some people just make a rumour.

Q: We recall you again through our previous questions. Do you think what you have told us up to now is not yet true?

A17: I have told you all true. Since I have not yet met or seen any of them, I do not believe it yet.

Q: In case we bring a few witnesses who know you as Toeung and a NUON Chea's messenger in the Democratic Kampuchea. Will you accept that?

A18: This is a difficult question for me to think and I cannot answer it.

This interview paused at 1620 hours on the same day and continued at 0930 hours on the third of December two thousand and nine.

Q: Today, do you have any observation with regard to our meeting yesterday?

A19: I would like to talk about three points of the truth. They are about my escorting of *Ta* NUON Chea during his visit to China, second about my position as *Ta* NUON Chea's bodyguard and third about my position as messenger delivering mails. I want to clear all any doubt.

Q: What are the truths that you want to tell us?

A20: First, I want to talk about the time when I went with *Ta* NUON Chea on his visits to China and Korea.

Q: Why did you go to China and Korea with Mr. NUON Chea?

A21: Because I was representing *Ta* NUON Chea's bodyguards.

Q: Were there only you or other bodyguards going there?

A22: There were me, Dan (ដាន), Rân (រ៉ាន) (who was close bodyguard) and three Sector committees named *Um* Nhim (អំញឹម), *Um* Baur (អំប៊ូរ) and another man, whose name I cannot recall.

Q: Besides those names you have just mentioned, were there other leaders going?

A23: No, only *Ta* NUON Chea.

Q: How long was the visit to China for? How long to Korea?

A24: It was about one week in China and about one week in Korea.

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Q: When did those visits take place?

A25: The visits to China and Korea probably took place in 1977.

Q: What did they do for a week in China?

A26: During the visit, they did nothing but observing people planting agricultural products.

Q: Did Mr. NUON Chea say anything during the visit to China?

A27: I do not recall that, I only know that during a party he talked about economic activities.

Q: Do you recall which rank of Chinese officials who hosted Mr. NUON Chea?

A28: I do not recall that because I stayed far from NUON Chea.

Q: But that visit was not a private visit, was it?

A29: It was official visit travelling by airplane.

Q: Was there only the delegation or civilians were also on board?

A30: Not only our delegation but also civilian foreigners were on board.

Q: In 1977, could ordinary people travel by airplane abroad?

A31: No, all was delegates.

Q: Do you recognize the airplane company?

A32: No.

Q: Did that airplane belong to military or civilian?

A33: It was Boeing airplane belonging to China

Q: What was NUON Chea's role in visiting China?

A34: He was on the visit to China as the President of the People's Assembly.

Q: In relation to the visit to China, do you have anything else to add?

A35: No, I do not have anything else to add.

Q: For another one-week-long visit to Korea, what did they do?

A36: During the visit to Korea, they did the same as in China, namely going to countryside.

Q: Do you know the rank of the hosting officials who hosted the delegation?

A37: I saw some Koreans hosting us but I do not know about their position or role. But I think they were in the same position as the Chinese hosts.

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Q: Do you have anything else to add about the visits to China and Korea?

A38: No.

Q: You said that you stayed for about a week in China. Where did you stay?

A39: It is hard to answer because there were too many houses.

Q: Did you stay in hotel or the Cambodian Embassy?

A40: In an ordinary house but I do not know whether it was the Cambodian Embassy.

Q: Did you stay with NUON Chea?

A41: Yes, but in different room.

Q: Did you know whether Mr. NUON Chea met with the Cambodian Ambassador to Beijing?

A42: I did not know.

Q: Up to now, do you know whether Cambodia had its Ambassador to Beijing at that time?

A43: I can recall that Thau (ថ្ងៃ) was a Cambodian Ambassador to Beijing but I do know his family name.

Q: Did Thau escort Mr. NUON Chea during his visit to China?

A44: No.

Q: During the visit to China, was it your first time to escort NOUN Chea?

A45: It was my first time.

Q: Before you went to China with Mr. NUON Chea, had you known whether Mr. NUON Chea had been on visit abroad before?

A46: I did not know if he had been abroad before.

Q: In relation to the second point, what do you want to tell us about?

A47: I was a *Ta* NUON Chea's bodyguard, who had duty to safeguard him day and night for his safety. *Ta* NUON Chea's close bodyguard was Rân.

Q: When did you become Mr. NOUN Chea's bodyguard?

A48: I became *Ta* NUON Chea's bodyguard probably in mid-1975 until the time when I went to Beijing probably in 1977.

Q: Before you became Mr. NUON Chea's bodyguard, what had you done?

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A49: Regarding to my story before 1975, I have mentioned already when I met with previous investigators.

Q: Besides what you have told us earlier, what else do you want to tell us with regard to your duty as Mr. NUON Chea's bodyguard?

A50: I was safeguarding around *Ta* NUON Chea.

Q: Were you trained to be bodyguard?

A51: No, I was trained only when I became a soldier fighting against LON Nol's soldiers.

Q: During the training to be soldier, who was the trainer?

A52: The trainer was named Phèn (ផែន), who was from Hanoi. But he died before attacking into Phnom Penh.

Q: Within the period you were Mr. NUON Chea's bodyguard and when he travelled inside the country, where did you escort him to?

A53: I used to escort him to Borei Keila (បុរីកើត), provinces and rural areas.

Q: How many times did you escort Mr. NUON Chea to Borei Keila?

A54: About thrice.

Q: What did Mr. NUON Chea do when he went to Borei Keila each time?

A55: He went to open study session. That is all I know. But I do not know what he talked about at that time because I was in charge of safeguarding outside.

Q: During study session at Borei Keila, were there other leaders participating besides Mr. NUON Chea?

A56: First category of participants was from Sectors and the second category was from the youth. I only know that *Ta* NUON Chea went to the study session but I do not know whether other senior leaders participating.

Q: You accompanied Mr. NUON Chea to rural areas. Where did you go?

A57: Mostly, NUON Chea went to Battambang (បាត់ដំបង), the East and Takéo (តាកែវ).

Q: Where in the East did he go?

A58: To SAO Phim's (សោ ភីម) place.

Q: What did he do when he went to Battambang?

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

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A59: In Battambang, he went to meet with *Ta* Nhim (តារ៉ាម៉ិម), a Sector committee.

Q: Besides *Ta* Nhim's position as a Sector committee, did he hold any other position?

A60: It was the only thing I know.

Q: When did you go to Battambang?

A61: Probably in 1976 and 1977.

Q: What else did Mr. NUON Chea do?

A62: Besides meeting with *Ta* Nhim, NUON Chea went to observe people working at rural areas and cooperatives such as Pursat (ពោធិ៍សាត់), Kampong Speu (កំពង់ស្ពឺ), Battambang, Kampong Chhnang (កំពង់ឆ្នាំង) and in the Eastern Zone.

Q: When you went to visit cooperatives with Mr. NUON Chea, did you ever observe people working there?

A63: I saw many people working.

Q: How was the situation of the people working there?

A64: I saw them working very hard. I think that it was the Sector committees who forced them to work that hard.

Q: Through your understanding, they were working very hard was because the Sector committees forced them to or they forced people to work hard because of Mr. NUON Chea's visit?

A65: When *Ta* NUON Chea went there, he instructed people to work hard but when *Ta* NUON Chea left back, the Sector committees forced people to work even harder. I know that *Ta* NUON Chea planed to provide people three meals a day and one dessert per week. But the cooperative chiefs and Sector committees did not follow the plan. Because he saw people becoming skinny, he went to visit closely at cooperatives. For my forces were soldiers, we had rice three meals per day and a dessert per week. But ordinary people did not get as what had been planed because the Sector committees did not follow the plan.

Q: Did Mr. NUON Chea ever blame cooperative chiefs and Sector committees in charge?

A66: At that time he called them to study at his criticism meeting.

Q: What did you hear from his conversation?

A67: He said that they must produce three tons of rice per hectare.

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

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Q: Did Mr. NUON Chea tell Sector committees that if they did not follow the plan he would remove them from their position?

A68: I only know that a number of Sector committees were removed from their position but I did not eye-witness it.

Q: Do you know where those who were removed from their position were sent to?

A69: I do not know.

Q: When you saw people working in the rice paddy fields, did you think they were local people or evacuees from city?

A70: They were mixed of local people and city evacuees.

Q: Did you ever hear that at that time people died of starvation or overwork?

A71: Yes, I used to hear that people died of starvation and overwork.

Q: When you went to the Eastern Zone, what did Mr. NUON Chea do there?

A72: *Ta* NUON Chea met with SAO Phim in that year.

Q: What did he do with SAO Phim?

A73: I did not know about that because he met with SAO Phim inside the house

Q: Besides meeting with SAO Phim, what else did Mr. NUON Chea?

A74: After meeting with SAO Phim, he returned to Phnom Penh.

Q: How many times did Mr. NUON Chea go to the Eastern Zone?

A75: I do not recall that; sometimes he went there with other people.

Q: In relation with SAO Phim, how much did you know during your time as a Mr. NUON Chea's bodyguard?

A76: I did not know.

This interview recessed for 15 minutes.

Q: Besides Mr. NUON Chea's work as you mentioned above, did he ever go to observe people building dams or water canals?

A77: I used to go with him twice but he also went with other people. One of the dams where I used to go with him was called 1 January Dam (ទំនប់១មករា) in Kampong Thom (កំពង់ធំ) Province.

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Q: Going to observe 1 January Dam meant that Mr. NUON Chea went to observe people working there. Is that right?

A78: Yes.

Q: Were there many people working there?

A79: Hundreds of them.

Q: How large was that dam?

A80: It was very large.

Q: Upon the arrival at the place, do you recall whether Mr. NUON Chea said anything to the people?

A81: He encouraged people to try hard to preserve water for planting rice.

Q: Did Mr. NUON Chea talk while people were working or people stopped working and listened to him?

A82: When he was talking, people were asked to stop working and listen to him.

Q: When you went to observe at the work site of the dam, were there other leaders going with?

A83: No, only NUON Chea.

Q: When Mr. NUON Chea went to observe that dam, were there many bodyguards going with him?

A84: Only *Ta* NUON Chea's car and a truckload of bodyguards.

Q: Within the period of two years where you were a Mr. NUON Chea's bodyguard, were there any assassination attempts on Mr. NUON Chea's life?

A85: I do not know about that.

Q: When you were a bodyguard, did you ever receive order to strengthen the security?

A86: I received order to strengthen security to resist against the enemy.

Q: When you were a bodyguard, did you ever receive direct order from Mr. NUON Chea to this or that?

A87: I did not receive direct order from *Ta* NUON Chea. I received order from "Kèn" (កែន), deceased, who was in charge of controlling us.

Q: Besides your duty to safeguard around Mr. NUON Chea's place, did Kèn ever order you to do any other different work?

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A88: No, only being security guard.

Q: We would like to turn back a little bit. Still, we are not so clear about all work in relation with building big dams in Khmer Rouge regime. Did Mr. NUON Chea always go to observe building those dams?

A89: Yes.

Q: Since you used to go with Mr. NUON Chea frequently, do you recall any specific event happening?

A90: I am not so sure about that because I do not know any people.

This interview paused at 1120 hours on the third of December two thousand and nine and continued at 1400 hours on the same day.

Q: In relation to Mr. NUON Chea's visit to Takeo. What did he go to do there?

A91: He went to meet with *Ta Mok* (តាម៉ុក). I used to go to Takeo with *Ta NUON Chea* once.

Q: Do you know what the Mr. NUON Chea's purpose of meeting with *Ta Mok* was?

A92: I do not know about that because they talked inside the house.

Q: Do you know what else Mr. NUON Chea did besides meeting with *Ta Mok*?

A93: I do not know.

Q: Did Mr. NUON Chea only meet with *Ta Mok* or did he go to other places?

A94: *Ta NUON Chea* met only with *Ta Mok* at his house and then the former returned to Phnom Penh.

Q: How long did Mr. NUON Chea meet with *Ta Mok*?

A95: *Ta NUON Chea* met with *Ta Mok* for about one day.

Q: Besides you, who else accompanied Mr. NUON Chea to Takeo?

A96: It is not so clear for me. But besides me, there were about four to ten people.

Q: Among those four to ten people, who had the same duty as you that you can recall?

A97: I can recall only me, Sîn (ស៊ីន), Rân and Dan.

Q: Do you know where Rân and Dan live nowadays?

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A98: *Ta Sîn* is deceased. I do not know whether Dan is deceased or if alive where he is living. Rân, I heard that, is a health practitioner in Pailin (ប៉ៃលិន).

Q: Do you have any additional information in relation with Mr. NOUN Chea's visit in Takeo?

A99: That is all because I do not know much about his business.

Q: Besides escorting Mr. NUON Chea, did you know whether Mr. NUON Chea used to go to Takeo or other Zones? Did you ever hear of any?

A100: I did not know because forces were switched.

Q: How many forces did normally escort Mr. NUON Chea to do his work?

A101: As I mentioned earlier, there were about more than ten forces; at most fifteen.

Q: How many people were assigned to escort Mr. NUON Chea to meet with *Ta Mok*?

A102: Fourteen.

Q: When observing at work site of dams or water canal, how many forces were assigned to safeguard Mr. NUON Chea?

A103: As I have just mentioned. There were about ten people.

Q: In relation to the third point you want to tell us concerning documents, what do you want to describe about?

A104: Point three; I was a messenger delivering mails for *Ta NUON Chea*. I received mails from *Ta NUON Chea* and delivered them to *Ta Duch*.

Q: Did you ever receive anything back from Duch?

A105: I used to fetch mails from Duch to deliver back to *Ta NUON Chea* directly. But I never tore up to read mails. Duch's place was called S-21 (ស៊ី-២១) but I never entered the compound of S-21.

Q: So, where did you meet with Duch when you delivered and fetched mails from him?

A106: I met with Duch at the entrance of his house but I am not sure if it was his house or S-21.

Q: Were the mails sealed or stamped?

A107: The mails were not sealed or stamped. They were just written the receiver's name, for instance, if a mail was for NUON Chea, NUON Chea's name was written on its envelop and if for Duch, Duch's name.

Q: Were the mails enveloped?

A108: The mails were enveloped.

Q: Did you know about the content of the mails at that time?

A109: I did not know about the content of each mail because they were enveloped.

Q: Besides delivering mails from Mr. NUON Chea to Duch and vice versa, who else did you deliver to and from?

A110: As far as I know, no one else.

Q: How frequently were the mails delivered?

A111: Mail delivery was not so frequent; sometimes once in more than a week depending upon the urgency of the case. But I do not know about other people.

Q: How long did it take from Mr. NUON Chea's place to Duch's?

A112: From *Ta* NUON Chea's place to Duch's it took me one hour by a blue CL motorcycle as Duch mentioned yesterday. He was not wrong but I did not respond.

Q: Who assigned you to fetch documents from S-21?

A113: Sometimes, NUON Chea directly assigned me to but mostly I was assigned through Kèn.

Q: At that time, the traffic was not so crowded as nowadays, why did you spend one hour to go to Duch's place?

A114: Less than one hour. If I say one hour I might have been wrong because from NUON Chea's place to Duch's was only three kilometres.

Q: You previously stated that all Duch mentioned yesterday is true. Is that so?

A115: Yes, that is true.

Q: Therefore, we recall what Duch said yesterday: "Toeung was a NOUN Chea's messenger from 15 August 1977 until the time when NUON Chea went on the visit to China. I would like to emphasize that Toeung was a NUON Chea's messenger even before that period but I do not recall when. He came to my house only from 17 August 1977. I would like to add that I used to send some *Tokkè* coconuts (ដូងតុកកែវ) to *Pou* (ពូ) Nuon through Toeung."

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A116: The story mentioned by Duch is true. However, I might have forgotten the story of sending *Tokkè* coconuts to Mr. NUON Chea.

Q: One more point. Duch said that: “Toeung was the messenger I frequently met the most; Chiv (ជីវ) alias Sot (សុត) did not come frequently; and Sin even rarely came. Toeung came to get confessions approximately every three or five days. When *Pou* Nuon wanted to meet with me he asked me to leave S-21 and at that time, his messenger Toeung phoned me. Secret codes were used, for instance, if we had to meet at Borei Keila, terms ‘*Leu Tuol*’ (លើទួល) was used and if we met with at the Buddhist Institute, terms ‘*Moat Tik*’ (មាត់ទឹក) was used.” Is what mentioned by Duch true?

A117: It is true but I would like to correct some points, for instance, Chiv’s alias name was not Sot, while Sin was Sin but Sin. For secret codes, for instance, if they met at Borei Keila, the terms ‘*Leu Tuol*’ was used and if we met with at the Buddhist Institute, terms ‘*Moat Tik*’ was used I did not about that. These secret codes might have been used by other people or NUON Chea and Duch for their direct communication. I also do not know about Chiv and Sin or they might have gone by themselves.

Q: Personally, did you know what S-21 was used for at that time?

A118: At that time, I did not know S-21 was the detention centre; I just knew that it was Duch’s work place.

Q: With regard to S-21 story, what else do you want to add that is not covered in our questions?

A119: I do not have anything else to add.

Q: At that time, did you know S-21 was a security centre?

A120: When I was a messenger delivering mails between Duch and NUON Chea I did not know S-21 was the Security Centre. I knew that later on.

Q: Since when did you know that S-21 was the Security Centre?

A121: I do not recall that.

Q: How did you feel when you delivered mails to S-21?

A122: I felt normal. I did not feel scared at all.

Q: When you rode the motorcycle from K-1 to S-21 across the city, what was the city like?

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A123: The city was so quiet; there were only soldiers. Later on, there were garment factory workers.

Q: In relation to statement provided by the charged person, KAING Guek Eav alias Duch, whom you met yesterdays, concerning the story: “Toeung came to meet with me in 1977 or 1978. I asked if he was married. I can recall clearly about our chat. He explained that he had one son named Fron (ជ្រូន). I knew that Toeung was ethnic minority people. The way he spoke was quite different from ordinary Khmer people”?

A124: What Duch mentioned is true, except the story about my wife and child because I got married in late 1979.

Q: So in conclusion, are a lot of points mentioned by Duch yesterday saying that he knew you and used to talk to you true?

A125: Yes, they are true. When I received mails from him, I always chatted with him.

Q: During your chat, what did you talk about?

A126: We just chatted for fun; we did not mention about content of the mails.

Q: So, please confirm us again. You never entered into the compound of S-21, did you?

A127: I never entered; I was not allowed to.

Q: If we ask you to recall and draw a map of surrounding area of S-21. Can you do that?

A128: I do not remember; I cannot draw a map.

Q: When you arrived at S-21, did you ever chat for fun with the bodyguards there?

A129: No, I never chatted nor I knew any of them.

Q: With regard to your response in December 2007, you stated that you knew about the disappearance and arrest of people and their detention at security centre. How did you know?

A130: I heard rumours; I did not eye-witness.

Q: Do you know about the disappearance of any specific people?

A131: I do not know.

Q: Even though you worked in Phnom Penh, you also used to rural areas. Do you know whether there were security centres in rural areas?

A132: I never heard of any.

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

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Q: You said you saw soldiers in Phnom Penh at that time. Did you also see military bases when you went to Pursat, Battambang and the Eastern Zone?

A133: No.

Q: Did you ever visit any hospital with Mr. NUON Chea?

A134: I never visited any hospital with NUON Chea. I only went with him to visit the building of dams and water canals. When he went to rural areas, only cooperative chief was welcoming.

Q: When going to visit a specific place, did they ever stop by at any place on the way?

A135: No, never. For instance, if their destination was 1 January Dam, they would go straight to that place.

Q: Where did you live before 1975?

A136: Before 1975 I lived at B-20 (ប្រំប៉ូ).

Q: What was B-20?

A137: B-20 was the name of an office. B-20 was located in Kilometre No. 10 Village (ភូមិគីឡូម៉ែត្រលេខ១០). I stayed in B-20 for a few months.

Q: At Kilometre No. 10, did you go to visit any work site with NUON Chea?

A138: No, because I did not yet stay with NUON Chea.

Q: When you went to visit any work site with NUON Chea, did you ever recognize that it was the place you had been living before?

A139: No.

Q: So, you could not recognize any place where you had been living before, could you?

A140: No, I could not.

Q: When you went to Pursat with NUON Chea, did you know whether the train was available to be used?

A141: Railway existed but was not used.

Q: We would like to turn a little bit. In relation to Unit Yo-10 where you were working at, can you explicate about duty of this unit besides what you have told us?

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A142: Yo-10 was the major security forces for *Angkar* who were leading cadres.

Q: Regarding *Angkar* who was the leading cadres, who were classified as leadership cadres?

A143: *Angkar* was POL Pot and NUON Chea. *Angkar* referred to senior leaders.

Q: So, as far as you knew, how many senior leaders were there?

A144: I knew only these two.

Q: Were there any senior leaders going to Mr. NUON Chea's place?

A145: There were but I did not know who because I was working outside.

Q: Did IENG Sary (អៀង សារី), IENG Thirith (អៀង ធីរិទ្ធ) and KHIEU Samphan (ខៀវ សំផន) ever go to Mr. NUON Chea's workplace?

A146: Yes, they did.

Q: Did you know the positions of IENG Sary, IENG Thirith and KHIEU Samphan at that time?

A147: IENG Sary was in charge of the Ministry of Foreign Affairs; IENG Thirith was in charge of Social Affairs and KHIEU Samphan was the Chairman of the United Front inside and outside the country.

Q: When you were a Mr. NUON Chea's messenger, did you ever deliver mails to IENG Sary, IENG Thirith and KHIEU Samphan?

A148: No, only between NUON Chea and Duch.

Q: When did you know that IENG Thirith was in charge of Social Affairs?

A149: I knew about her position since I was a messenger delivering mails.

Q: How did you know about this since you were just delivering mails between Duch and NUON Chea?

A150: I heard from an official announcement.

Q: Did IENG Sary, IENG Thirith or KHIEU Samphan have their own bodyguards or did they take bodyguards from your unit?

A151: I do not know about that.

Q: Did your unit provide bodyguards only for NUON Chea or also for others?

A152: Only for NUON Chea.

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Q: Please explicate about the structure at Yo-10.
A153: KHAM Mi was the regiment chairman.

Q: Did you know how many people working in that regiment?
A154: Approximately 30 people.

Q: So that regiment was small, wasn't it?
A155: Because of lack of people. I might not understand the military structure there.

Q: In that unit, did they ever call for a meeting of many people?
A156: No, never.

Q: So, do you think Yo-10 was structured like military?
A157: Yo-10 was exactly like military. For instance, when guests from other country came to visit, they would take soldiers, our team, to safeguard.

Q: In short, it meant that there were approximately 30 people in Yo-10. Is it true?
A158: Yes, because we could not grab others.

Q: Do you know a man named OEUN Tan (អឿន តាន)?
A159: I do not.

Q: Do you know a man named Sot?
A160: I know Sot but I do not know his family name.

Q: Besides all duties you have mentioned above, were you ever been ordered to arrest people?
A161: No.

Q: Did you observe the disappearance of any people at K-1?
A162: I do not know.

Q: So, it meant that at K-1 no one disappearance. Is that true?
A163: No, only transferring.

Q: Did they return later on?
A164: I never saw them returning.

Q: Did you ever inquire for them?
A165: I doubted that they might have disappeared or died when the Vietnamese attacked into the country.

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

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Q: Later on, did you ever check the lists of prisoners arrested and detained at S-21?

A166: I never saw any.

Q: Did Mr. NUON Chea ever talk with you within the internal meeting at K-1 about traitors or enemies burrowing from within?

A167: No.

Q: During that meeting, did Mr. NUON Chea ever talk about any measure taken against the traitors?

A168: I was close to him, so I did not know.

Q: While opening study session for bodyguards, did they ever talk about traitors?

A169: *Ta* NUON Chea talked about this point.

Q: While opening study session, did Mr. NUON Chea explicate about the ethics of soldiers, for instance, not to kill people nor rape women?

A170: There was handout describing about 12 points of the ethic, including must be straightforward, must not touch women, must not steal, must not lie and so on. That is all I recall. In short, we must fulfil our tasks well and straightforward.

Q: Who educated those 12 points of the ethic?

A171: They were included in a booklet I used to read.

Q: What were you done if you violated that ethic?

A172: If I violated that ethic, I would be dead.

Q: It means that if you violated any ethic, you would be arrested and killed. Is that true?

A173: Yes.

Q: How did you know?

A174: Some people told me.

Q: Can you clarify any specific names that violated that ethic and were killed?

A175: I do not know.

Q: Did you know how people were killed or smashed?

A176: I do not know.

Q: How did you know people were taken away and killed?

A177: I heard from someone but I do not recall the name because it was just a chat.

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Q: Was that person a soldier or civilian?

A178: He was a civilian working outside.

Q: But at that time, a civilian who talked about that kind of thing was not afraid of personal danger?

A179: There were education, criticism and rebuilding.

Q: Were education and criticism conducted very frequently?

A180: About once a month.

Q: Did Mr. NUON Chea ever attend at that education/criticism meeting?

A181: No.

This interview paused at 1615 hours on the same day and continued at 0900 hours on the fourth of December two thousand and nine.

Q: We continue interviewing Mr. SAUTR Toeung as we planned yesterday. Please tell us about workplace and residence of Mr. NUON Chea in Phnom Penh within the period where he was fulfilling his duty in the Democratic Kampuchea regime?

A182: I saw Mr. NUON Chea working at K-1, K-3 and Borei Keila. K-1 was located near river bank; K3 was near Phsar Thmei (ផ្សារថ្មី) Market.

Q: What was different work between K-1 and K-3?

A183: Work at K-1 and K-3 was the same but sometimes *Ta* NUON Chea stayed in K-1 and some other time, he stayed in K-3.

Q: Do you know what kind of work he did there?

A184: I do not know about that I only know about his place.

Q: Were K-1 and K-3 used for work only or for residing also?

A185: K-1 and K-3 were changeable workplaces. Normally, *Ta* NUON Chea stayed in K-1.

Q: Yesterday, you said that you were working outside K-1 and K-3. Is that correct?

A186: Yes, I was working outside.

Q: When you received mails from Mr. NUON Chea and delivered them to Duch and vice versa, how did you hand over mails to Mr. NUON Chea?

A187: Sometimes I handed over mails directly to *Ta* NUON Chea and sometimes I gave him through Kèn, who was the deputy-chairman of Office K-1.

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

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Q: When you handed over mails directly to Mr. NUON Chea, was he working alone or were there other staff working there?

A188: He was working alone.

Q: Did you know about Office S-71 or Office 870?

A189: No, I did not.

Q: You said that you were a messenger delivering mails, did you know if there were mails from other Offices and where those mails were retained at archives?

A190: There were mails but they were not through me.

Q: Did you see any telegram or mail entering?

A191: I knew mails from other places but I did not receive them. Of telegrams, I never saw nor knew any.

Q: When you went to meet with Duch and fetched mails for Mr. NUON Chea, did you know where those documents were retained after handing over them to Mr. NUON Chea?

A192: I did not know.

Q: Were there many documents containing in each mail that you received from Duch or NUON Chea?

A193: Some mails were thick; some were thin.

Q: In 1979, when the Vietnamese soldiers liberated Cambodia and you ran to Thai-Cambodian border, where were those documents taken to?

A194: The documents were burned off. I did not participate in burning those documents off but I knew they burned them because when I ran away and turned back, I saw smoke. I knew that they were burning documents off.

Q: In relation to previous questions, you stated that you did not know where those documents were retained. How could you assume that those documents were burned away?

A195: This was just my assumption.

Q: When the K-1 and K-3 staff ran away, did you see them holding any document?

A196: I saw them holding backpack but I did not know what was inside.

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Q: Did you know about the arrest or disappearance of PHÔK Chhay (ហោក ផាយ) alias Tuoch (តូច), SOEU Va Si (សៀ វ៉ាស៊ី) alias Doeun (ឌៀន), Pàng (ប៉ង), Thē (ថៃ) and VORN Vēt (វ៉ន វើត)?

A197: I heard about their disappearance but I did not eye-witness.

Q: When and how did you know about their disappearance and arrest?

A198: It was not publicly announced in any meeting; I heard that from my colleagues.

Q: Yesterday, you told us that the meeting was conducted regularly once a month. Was that meeting conducted only for your unit or for outsiders also?

A199: This meeting was not conducted only for my unit but the people from Sectors also attended it. There were hundreds of people attending the meeting once a month.

Q: Where was the meeting with the people from Sectors conducted?

A200: Meeting was at Borei Keila.

Q: We receive information that in January 1978, there was a Chinese woman named Deng Yingchao (ឌីង ឃីងចៅ) visiting Cambodia. The witnesses also said that that woman was accompanied by NUON Chea, KHIEU Ponnary (ខៀវ ប៉ុណ្ណារី) and IENG Thirth to Siem Reap (សៀមរាប) Province. Did you go with them when Mr. NUON Chea went to Siem Reap Province with Deng Yingchao?

A201: At that time, I did not go with them.

Q: Do you recall whether in January 1978 any Chinese delegation came to visit Cambodia?

A202: I did not know. I only knew that there was a circus team from China coming to perform at Chaktomuk Theatre Hall (សាលាមហោត្រព័ត្តមុខ), Phnom Penh. I knew that because I was guarding there.

Q: During the performance of that Chinese circus team, to any senior leaders such as POL Pot, NUON Chea, IENG Sary and so on go to watch that show?

A203: I knew that NUON Chea went to watch that show but I did not know about other leaders because I was outside.

Q: Do you recall in August 1978, there was information that a Danish Communist delegation came to visit Cambodia and met with Mr. NUON Chea?

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A204: I did not know.

Q: Since that visit was announced on radio, did you listen to radio?

A205: I did not listen to radio. I only knew about the visits of the Chinese and Korean to Cambodia.

Q: You have mentioned about Korea. In this world there are two Koreas, North Korea and South Korea. Which Korea do you refer to?

A206: I refer to North Korea.

Q: We are not yet clear about what Duch stated in front of you on the second of December two thousand and nine. He said that you worked with him in relation with mail delivery from 15 August 1977 until you accompanied Mr. NUON Chea during his visit to China and Korea. Why did not you continue working with Mr. NUON Chea and Duch at S-21 anymore?

A207: I forget completely. What Duch stated is correct but I do not recall.

Q: Can you confirm how long it was from August 1977 until the time you accompanied Mr. NUON Chea to China?

A208: It was about one year; I cannot recall exactly.

Q: It meant that Duch knows you every well. Is that correct?

A209: Yes, he knows me very well.

Q: When you returned from China, who replaced you in delivering mails?

A210: I did not know.

Q: Did you know whether someone else replaced you in delivering mails?

A211: There was someone else but I did not know who.

Q: Please explicate the reason why previously, you did not tell the truth before our investigators, the Co-Investigating Judges in confronting with Duch, and again before us on 2 December 2009.

A212: It was because previously, I was too scared to answer on 2 December 2009. The reason that I was scared it was because I was afraid that I would be accused of killing people. Now I understand clearly that I was just a messenger and bodyguard but I was not a killer. So I have thought it over and decided that I must dare to say.

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ 24

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

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- One copy of the Written Record was provided to the witness.
 - The Written Record was printed out for the witness to read and correct by himself; the witness had no objections and signed on the corrected version.
 - After the Written Record was read out to the witness, the witness refused to sign it.
- End of the interview: at 1000 hours on the fourth of December two thousand and nine.

Witness	Interpreter	Investigators
Thumbprint	Signature	Signatures
SOUTR Toeung	UN Sam An	SVAY Samnang, Bernard BRUN

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ 25
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