

ឯកសារបានថតចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
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ថ្ងៃ ខែ ឆ្នាំ ត្រូវបញ្ជាក់ (Certified Date /Date de certification):
 25 / 01 / 2010

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

~~D277/11~~



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
Bureau des Co-juges d'instruction**

សំណុំរឿងព្រហ្មទណ្ឌ
Criminal Case File /Dossier pénal

លេខស៊ើបអង្កេត/Investigation/Instruction

លេខ/No: 002/19-09-2007-ECCC-OCIJ

កំណត់ហេតុនៃការស្តាប់បង្ហើយដើមបណ្តឹងរដ្ឋប្បវេណី

Written Record of Interview of Civil party

Procès-verbal d'audition de partie civile

On the eighteenth of December two thousand and nine, at 0915 hours at the
Extraordinary Chambers in the Courts of Cambodia.

I, Bernard Brun, Investigator of the Office of the Co-Investigating Judges of the
Extraordinary Chambers in the Courts of Cambodia (the "ECCC"), being assigned by the
Rogatory Letter of the Co-Investigating Judges, dated 07 July 2009 and extended until 25
December 2009,

Noting the Law on the Establishment of the Extraordinary Chambers in the Courts of
Cambodia, dated 27 October 2004, (the "ECCC Law");

Noting Rules 23, 25 and 59 of the ECCC Internal Rules;

Noting the ongoing judicial investigation against **NUON Chea and other charged
persons** in relation to charges of **Crimes Against Humanity** and **Grave Breaches of the
Geneva Conventions of 12 August 1949**, offences defined and punishable under
Articles 5, 6, 29 (new) and 39 (new) of the ECCC Law; dated 27 October 2004.

With **Leng Heng An**, as sworn Interpreter of the Extraordinary Chambers in the Courts
of Cambodia,

Original KH: 00418472-00418481

ឯកសារទទួល
DOCUMENT RECEIVED/DOCUMENT REÇU

ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/Date de réception):
 25 / 01 / 2010

ម៉ោង (Time/Heure): 13:06

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

Recorded the statements of the civil party mentioned below, who provided the following information regarding his personal identity:

The undersigned SOU Sotheavy (ស៊ូ សុទ្ធាវី), alias /revolutionary name Vy (វី), born on 15 March 1936 in Kantuot (កន្ទួត) Village, Tralach (ត្រាឡាច) Commune, Treang (ត្រាំង) District, Takeo (ព្រះវិហារ) Province. He is of Cambodian nationality and an organization staff. His father, SOU Yoeng (ស៊ូ យ៉ឹង), is deceased, and her mother, KAUUV Sokun (ក្បួន សុគុន), is deceased. Present Address: House Number 760, National Road Number 5, Sangkat Kilometre Number 6, Khan Ruessei Keo (ឃុំស្បៀងកែវ), Phnom Penh city. He is unmarried, and is father of an adopted child.

- The person declared that he does not read or write Vietnamese but can speak it.
- The person declared that he cannot read or write any foreign languages.

The written record is written in the Khmer language.

- The civil party declared as follows: I agree to be interviewed by you today, in execution of the above-mentioned Rogatory Letter.
- The civil party waived the right to the presence of a lawyer in a separate, signed written document, annexed to this written record of interview.
- We advised the civil party that an audio recording will be made of this Interview.

Questions and answers :

Q: In the previous interview, you said about the Khmer Rouge soldiers, how did you know they were Khmer Rouge soldiers?

A1: Because at that time they were wearing black clothes with a cap; they were armed.

Q: Did you see the insignia on their uniform?

A2: I did not see because I was too shocked.

Q: You said that the people who stayed with you were killed. Did you hear gunshots? Did you witness it?

A3: I did not know because I was cooking outside. I heard the gunshots, but I did not know who were killed.

Q: How many soldiers were there?

A4: I could not estimate, but many of them came; they were all in black uniform.

Q: Why did not they kill you at that time?

A5: Because I stayed outside at that time, and those who were shot were inside. From 1970 to 1975, the Olympic (អូឡាំពិក) Stadium was the military base where soldiers stayed there, and the military planes and helicopters were placed there.

Q: Why did the soldiers shoot the people there to dead?

A6: I did not know; I just knew that the place was a military base.

Q: You were transferred from place to place; at that time, did you see many Khmer Rouge soldiers?

A7: At that time, all people were forced at gunpoint to walk forwards, and we had to walk away from those soldiers.

Q: You said about *new people* and *old people*; what do they mean?

A8: At that time, I did not know. Once I had been evacuated to a place, I just knew how *new people* and *old people* lived. *Old people* were people living in the areas liberated by Khmer Rouge on 18 March; thus they were called *18 March people*.

Q: When you were evacuated from Phnom Penh city from place to place, did you see corpses along the way?

A9: At first, I saw only at Olympic Stadium. From Olympic Stadium to Praek Hau (ប្រាក់ហ្លួវ), I did not see dead bodies, but from Praek Hau to Bati (បាទី) district, Takeo province, I saw dead bodies along the way. At that time, I did not pay attention to count the number of the corpses because the armed Khmer Rouge soldiers were behind.

Q: Were the corpses you saw soldiers or civilians?

A10: Civilians. At Praek Hau pagoda, I saw a monk's dead body.

Q: You mentioned in the civil party application that you travelled from Kandal province to Bati district, Takeo province; did you go on your own, or were you forced to go?

A11: I was forced to go. I wanted to go to my birth place along the National Road Number 2, but I was forced to travel along the National Road Number 1.

Q: In your civil party application form, you said you had long hair and were wearing female clothes; once you were forced to have your haircut and dressed as male. Why did you obey them?

A12: When I arrived in my home village, I was forced to have my hair cut and dressed as male.

Q: Were you requested to work in a cooperative?

A13: They did not make a request; they just forced me to work.

Q: What work did you do there?

A14: I dressed as male; I dug creeks and built large dams.

Q: In the document, you said that to get more food, you had to have sex with male members in the mobile unit. Were the members in the mobile unit the people who worked with you or the people who controlled you to work?

A15: They also worked like me.

Q: Did they request you to have sex first, or did you first request to do so?

A16: They requested first; at that time, I did not want, but to have enough food, I had to exchange by having sex with them.

Q: After having sex with them, did they give you more food?

A17: Yes, they gave more food.

Q: At that time, do you think that only you were a male who had sex with males, or other people also did this?

A18: Not only I did this; if other people had not done this, they would not have known about it because I did not show behaviour as a male having sex with males.

Q: Was it risky if the Khmer Rouge knew?

A19: It was very risky; if the Khmer Rouge had known, they would have killed me.

Q: Once your leg got wounded, and you went to a place for curing your leg. When you returned to your mobile unit, you had sex with two leaders. Were these people Khmer soldiers or civilians?

A20: They were the Khmer Rouge unit chiefs. At that time, they forced me to have sex with them, and they pulled my hair to give them an oral sex; I was beaten because I refused to do so.

Q: From the time you were evacuated from Phnom Pen to your home village, was it the first time you were raped?

A21: Yes, it was the first time.

Q: Did these two unit chiefs force you to have sex with them every night?

A22: No, only once. Later one, I requested a village chief to allow me to go to live in his village.

Q: Was Krang Sbaek (ក្រាំងស្បែក) village in the same district with the same unit chiefs?

A23: In a different commune, but the same district and same leaders.

Q: What happened in that village?

A24: Because I became elderly, I was assigned to work in Group 3 for the elderly. At that time, because I was weak, I decided to have sex in exchange for rice to eat.

Q: How did they know that you had sex there?

A25: Because I was caught in act by the village chief while I was having sex in the rice store house.

Q: You were arrested and sent to a prison. Where was the prison located?

A26: That prison was called Krang Chheh (ក្រាំងចេ្កង); it was far away from the village I lived in; I spent the whole morning to walk to that prison.

Q: Did the militiamen go with you at that time?

A27: At that time, the militiamen went with me; I was tied at the back.

Q: Why did not they kill you?

A28: Because the village chief knew me, and he knew that I was a good person, and the villagers liked me, so the village chief had me refashion myself at Krang Chheh.

Q: Please describe the living conditions at Krang Chheh prison.

A29: When I first entered, I saw a blackboard on the wall, and there were many torturing tools such as pincers and whips. When I arrived at that prison, I did not hope to survive.

Q: Did they detain only homosexuals in that prison?

A30: No, those who did something wrong were sent to that prison.

Q: Were there many prisoners?

A31: There were many prisoners; they detained prisoners in small and big pits. A small pit contained 10 prisoners, and I did not know many people were in a big pit. The pits were deep, and they had palm-leafed roofs.

Q: How long did you remain in that prison?

A32: I did not know how long. In the prison, they had those who had minor offences cultivate vegetables in the morning.

Q: Did they have you cultivate vegetables?

A33: When I first arrived, they did not have me cultivate vegetables. Later on, they had me pluck morning glory for cooking soup.

Q: Were there many guards at the prison?

A34: Yes, there were.

Q: Did you meet the prison chief?

A35: The prison chief named KOEM Savān (គឹម សាវ៉ាន់); I met him when I first arrived at the prison.

Q: How long after you met KOEM Savān did you have first experience with him?

A36: At first, they had me pluck morning glory for cooking soup; I was guarded by two militiamen. They asked me my biography and asked me 'if I had watched pornography'. Then I told them about sex. After I plucked morning glory, they sent me back to the pit. At that night, two militiamen came to call me; I was very frightened.

Q: You said that you had massage experience; is it true?

A37: Yes, it is.

Q: At that time, did the prison chief, KOEM Savăn, had the two militiamen call you to come to massage him?

A38: Yes, he did. At that time, it was 12 at night; I was very frightened.

Q: Were you raped at that time?

A39: He did not rape me; but he told me that if I wanted to live comfortably, I had to give him pleasure.

Q: Why were you sent to Sanlung (សង្កែង) Re-education Office?

A40: That prison chief was also afraid because he committed this act too, so he sent me there.

Q: You said that life at Sanlung Re-education Office was harder than in Krang Chhes; is it true?

A41: Yes, because the Sanlung Re-education Office was for detaining prisoners in general, such as spy prisoners accused of being KGB or CIA and even prisoners who were the same Khmer Rouge. This prison was the district prison located in Angkor Chey (អង្គរជ័យ) district in Khmer Rouge regime, which before Khmer Rouge regime, that district was called Treang (ទ្រាំង) district in Takeo province; after Khmer Rouge regime, it was changed back to the name Treang district.

Q: Besides the district level prison, were there prisoners of other levels?

A42: I heard from the chairman of Sanlung prison that there was another prison called Krang Tachan (ក្រាំងតាចាន់) prison located in Tram Kak (ត្រាំកក់) district, Takeo province.

Q: You said that you were forced to perform hard labour; they had you break stone. Can you confirm it is true?

A43: Yes, at that time, they had me break one cubic metre of rock per day. A militiaman called Sorn (ស៊ិន) told me about how to break stone, but I still could not break. He shared his food to me because he had a lot of food.

Q: What did you return to him for thanks?

A44: He told me that he was a soldier, and he did not have love, so I understood what he said; I had sex with him.

Q: Is it true that at Sanlung prison, another soldier beat you up to force you to have sex with him?

A45: Yes, it is true. He forced him to have sex by beating with a gun butt.

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Q: In Sanlung prison, were your legs shackled every night?

A46: All the prisoners were shackled.

Q: Did you see many prisoners disappearing?

A47: The prisoners disappeared every night. The prisoners who were taken out at night never returned. When I worked outside, I smelt these corpses. I saw the corpses in the pits; the pits were made by bombs dropped in Lon Nol's regime.

Q: Do you remember how long you remained in the prison?

A48: Approximately three or four months.

Q: Why were you released?

A49: I was released because of the reform; they sent new people from Takeo province near Vietnam to live near Phnon Penh city. Sorn told me to return to live in my home village in Chek (ចែក) village, Doung (ដូង) commune, Bati (បាតិ) district.

Q: Do you remember in which year?

A50: Perhaps in 1977 or 1978.

Q: In that village, you said that the Khmer Rouge arranged your marriage; who were the Khmer Rouge you referred to?

A51: I referred to the military unit chief in charge of that place.

Q: Do you recall the name of the person who told you to get married?

A52: I did not know; I just knew that he was the unit chief.

Q: During the wedding, how many women were there for you to choose?

A53: They did not allow me to choose; they arranged numerical order by having women to stay at one side and men to stay at another side; then they turned off the light, and they had men and women walk towards each other to catch each other's hand. There were 117 couples in that ceremony. That ceremony was present by the military unit chief; village and commune chiefs were not present. We could not escape because there were many soldiers guarding around that place.

Q: Did you have to make love with you at that night?

A54: At that night, we did not make love; we slept on opposite sides, and the unit chief assigned the militiamen to eavesdrop below the house.

Q: At that that, were you and your wife forced to have sex by threat?

A55: My wife and I were forced to have sex by threat, and at last, I had sex with my wife because we were afraid of being killed.

Q: How did the Khmer Rouge know that you and your wife had sex or did not have sex?

A56: The militiamen took turns to eavesdrop below the house, and I also saw them from the house.

Q: How long did you live with your wife?

A57: We stayed together for approximately one year; we had one child. We got separated when they sent me to Ta Pèk (តាពែក) mountain prison.

Q: Are your wife and child still alive?

A58: I did not know because we got separated in 1978 when I fled to Vietnam.

Q: Why were you sent to Ta Pèk mountain prison?

A59: Because I loved Sorn who was a unit chief in Chek (ចេក) village, and another unit chief saw it.

Q: Did another unit chief know because you wife had complained?

A60: No, she did not. I had told my wife that I did not have a feeling with her. I asked her to forgive me if I loved another person.

Q: Wasn't Ta Pèk mountain prison a prison? Was it just a workplace that they sent you back home after you finished your work?

A61: Yes, it was.

Q: Were you raped by many soldiers when you worked at Ta Pèk mountain prison?

A62: Yes, I was. Approximately ten soldiers raped me until I got fainted.

Q: Why were you raped by those ten soldiers?

A63: Those soldiers knew about me through other soldiers.

Q: Did you complain to the unit chief?

A64: I did not complain; if I complained, we all including I would have been killed.

Q: After you recovered, did you flee to Vietnam?

A65: Yes, I did.

Q: Did you complain to the Vietnam authority about this?

A66: I did not complain because, in that situation, I hardly found accommodation.

Q: Did you have a check-up with a physician?

A67: I did not have a check-up; I used only Khmer traditional medicine.

Q: To date, do you still have chronic diseases from being treated in Khmer Rouge regime?

A68: One of my eyes became dazzled. Because I was beaten by a gun butt, and my leg got wounded because of being shackled. I cannot walk far; if I walked long, my leg will swell.

Q: To date, do you have consequences as the result of being raped many times in Khmer Rouge regime?

69: My back aches; I cannot sit long.

Q: Do you have to have a medical check-up at hospital regularly?

A70: I did not dare to go to hospital because I was afraid of being discriminated.

Q: As a civil party, what do you expect from the trial proceedings?

A71: I want justice, and I want to know if the Khmer Rouge leaders know what happened in that regime. I want to know if they ordered the lower levels to commit these acts, or the lower levels did by themselves without orders from the upper levels.

End of the interview at 1215 hours of the same date.

The original of the audio-recording was signed by the Investigator(s), the interpreter and thumbprinted by the civil party.

A copy of the Written Record was provided to the civil party.

Having read the Written Record, the civil party had no objections and signed it.

Having read the Written Record, the civil party refused to sign

The Written Record was read out by the interpreter; the civil party had no objections and signed it.

The Written Record was read out by the interpreter; the civil party refused to sign

ដើមបណ្តឹងរដ្ឋប្បវេណី

**Civil Party
Partie civile**

[Thumbprint]

អ្នកបកប្រែ

**Interpreter
Interprète**

[Signature]

អ្នកស៊ើបអង្កេតតាមដីកាចាត់ច្រវ័ង្សស្រុកស្រែចម្រុះ

**Investigator(s) acting under Rogatory Letter
Enquêteur(s) agissant sur commission
rogatoire**

[Signature]