

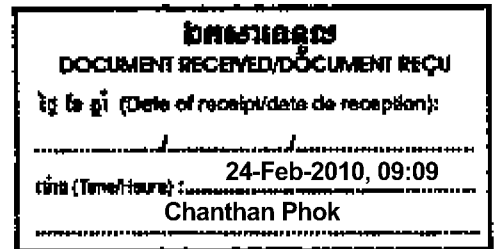


អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges

Date: 6 March 2009

To: Defence Co-Lawyers for Kaing Guek Eav alias Duch
From: LY Chantola
Horm Hel
OCIJ Graffiers
Subject: Written Questions for Kaing Guek Eav alias Duch
Ref: 002/19-19-2007-ECCC-OCIJ



Dear Defence Co-Lawyers,

Per instruction of the co-investigating judges announced during the last interview with Duch on 28 November 2008 (D121) we forward to you a list of questions and request Duch to provide his written response as soon as possible.

Attached herewith is the Khmer translation of the documents referred to in the questions.

Questions for Duch
March 2009

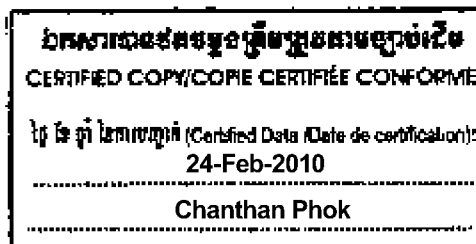
Questions in relation to Confessions

Confession of Meak Touch

During your interview by the co-investigating judges¹ on 27 November 2008 you were questioned on Meak Touch's confession². In your response to the two questions below you agreed to provide a written response:

1. If we examine the content of Meak Touch's confession we notice that you made several annotations: in the summary several names which were implicated in the confession were mentioned and on page 3³ Dinh, the name of the Vietnamese ambassador, was underlined. On page 4⁴, among those names, PHOUN Sypasit, the name of the deputy prime minister and minister

¹ ERN 00242917-00242927 KH
² ERN 00174100-00174107 KH
³ ERN 0017102 KH
⁴ ERN 0017103 KH



of foreign affairs of Lao, was mentioned. However, the name was not underlined. On page 6⁵, MUT Samén was mentioned, however it was neither underlined or mentioned on the summary page. Can you explain the meaning of these annotations, in particular, why certain names were mentioned in the summary page while others were not?

2. Can you indicate if any of the 60 persons mentioned in the list attached as annex to Meak Touch's confession was later arrested and sent to S-21?

Confession of SAN Peou

3. Can you tell us about the list of persons attached as annex to SAN Peou's confession⁶? Can you indicate whether any one amongst those was later arrested and sent to S-21?

Confession of VANN Pini

4. Can you tell us about the list of persons attached as annex to VANN Pini's confession⁷? Can you indicate whether any one amongst those was later arrested and sent to S-21?

Confession of LEAN Sereivuth

5. Can you tell us about the list of persons attached as annex to LEAN Sereivuth's confession⁸? Can you indicate whether any one amongst those was later arrested and sent to S-21?

Confession of SANN Eap alias Khon

You can review the attached extract of confession of SANN Eap alias Khon, representative of Sector 103 Commerce in Phnom Penh dated 17 April 1978⁹.

The confession dated 17 April 1978 was signed by Sè of Sector 801 and sent to "Dear beloved 870 Committee"¹⁰. Sè explained that he sent the confession to "870 Committee" so that "*the Committee could examine and the document could be used to search for traitorous network burrowing deep inside the revolutionary rank*".

6. Do you recall the confession of SANN Eap alias Khon? Can you provide us information or the background of this confession?
7. Can you clearly confirm the identity of Sè and the meaning of Sector 801?

⁵ ERN 0017105 KH

⁶ ERN 00023010-00023030 KH

⁷ ERN 00026182-00026190 KH

⁸ ERN 00024493-00024557 KH

⁹ D43/IV Annex 00173883-00173893 KH

¹⁰ 00173883 KH

8. Can you explain to us why this confession was in the possession of Sector 801?
9. Can you clearly confirm the meaning and identity of “870 Committee”?
10. Can you explain to us why the confession was sent from Sector 801 to 870 Committee? (By what means? Which Party? Which Committee? Which person(s)? etc.)
11. Were you aware that documents of this category were sent from Sector 801 to “870 Committee”?

On the same page, there is an annotation by another person “~~អ្នក~~ (already read) on 19/04/1978 and to follow-up”.

12. Do you recognize this hand written annotation? If so, who wrote the annotation?
13. What does the instruction “to follow up” mean? Do you know who was the recipient(s) of this instruction?

Finally, annotations were made on the text of the confession including the marking of certain names such as “*Khammi*”.

14. Can you explain to us why markings were made on the text of the confession including the marking of “Kammi”?

Confession of PÈN Vasai alias Tèl

During the previous interview¹¹ we showed you the confession fo PÈN Vasai alias Tèl, cadre of Dumec laboratory. You confirmed that on page – at the top left corner, “Phea” was annotated and that the confession was sent to IENG Thirith¹².

15. Do you still remember that prisoner and the situation surrounding the arrest?
16. Did you receive any instruction in relation to interrogating this prisoner? And what did the prisoner confess to? If you did receive instruction, who instructed you?
17. Several names were underlined? Who did it? Why?
18. PÈN Vasai alias Tèl worked in the Ministry of Social Actions. Does the underlining of several names in the confession mean they were the intellectuals working under the subordination of Ministry of Foreign Affairs (B1)? Why?

Confession of MOK Sam Ol alias Hong

We have examined two types of confession deriving from DC-Cam¹³ and Tuol Slèng¹⁴. The one from DC-Cam has your annotation and the interrogator’s annotation.

¹¹ Written Record of Interview with Duch, dated 28 November 2008, page 6 (Khmer) ERN 00244232-00244238

¹² ERN 00244237

We observe that the confession was made between 9 January 1978 and 27 February 1978 which was the period where NUON Chea was your direct supervisor and he was also IENG Thirith's superior. We would like to ask you the followings:

On the cover page of the confession

On the DC-Cam's scanned document¹⁵

We notice several different annotations. One annotation reads "*To Social Actions, all have been resolved*" and "*already sent to comrade Chann 28/2/78*" and another annotation was made by UY Sat alias Kim and Sari alias Poul and the indication of their respective sector.

19. Can you tell us who made those annotations? To whom were those annotations sent?
20. Can you clearly confirm the meaning of "To Social Actions, all have been resolved" and in particular the meaning of "all have been resolved"? Who made this annotation?
21. Can you tell us who sent these confessions to Chann? For what purpose? What was the result?
22. Can you recall the names UY Sat alias Kim and Sari alias Poul? What were their positions? Why did their names appear on the cover page of this confession?

On the Toul Slèng's scanned document

We notice that on the first page of the Toul Slèng's scanned document¹⁶, there is one annotation which does not exist on the DC-Cam's scanned document¹⁷: "*Reported on 9 January 1978*".

23. Was it your hand writing?
24. If so, whom did you report to? For what purpose? What was the result?

On the "Preface" page of the confession

On the confession from DC-Cam¹⁸ and Toul Slèng¹⁹

25. On the unsigned preface page of the two documents dated 9 January 1978, the writing which was likely that of interrogator there are six points and point 6 reads "*apply medium torture when he does not talk about the previous matter*"

¹³ ERN 00173049-00173056

¹⁴ ERN 00173533-00173538

¹⁵ ERN 00173049

¹⁶ ERN 00173533

¹⁷ ERN 00173049

¹⁸ ERN 00173050-00173055

¹⁹ ERN 00173

+ *subsequent matter*". In order to assist you in your response, can you tell us who could read such a report of torture outside S-21?

On other pages of the confession

On the DC-Cam's scanned document

26. On the DC-Cam's document we notice that on the remaining pages²⁰ of the text, several phrases were underlined and altered. Lines were drawn at the page margin. One of the annotations reads: "*Conclusion: CIA*"²¹. Do you recognize the person who made this annotation? Who was the recipient(s)? What was the purpose?
27. On the same DC-Cam's document, UY Sat alias Kim and Sari alias Poul were written on the cover page²² as well as in the list²³ attached to the document. We can see a red cross sign next to these names. Can you tell us the reason?

On the Toul Slèng's scanned document

On the confession which was scanned at Toul Slèng, one annotation reads: "*Request to take out some people, Duch, reported on 28/2/78*"²⁴.

28. Is it your hand writing?
29. If so, whom did you report to? For what purpose? And what was the result?

In this document, there is another document entitled "*On the history of additional activities of MOK Sam Ol alias Hong, Chairman of Malaria Eradication Hospital of the Ministry of Health, Phnom Penh*" and "*Finished on 5.3.78*"²⁵. Also, there is an annotation which reads: "*This Hong is too rampant. Initially, he even released* comrade Poeun*".

30. Is is your hand writing?
31. If so, can you confirm who is comrade Poeun? The implication on comrade Poeun seemed to affect the trust on Hong. Can you tell us the reason?

Questions in relation to NUON Chea's second request for investigative action

NUON Chea's defence lawyers submit a request to the co-investigating judges to determine the identity and the current status of some people whose names were mentioned by the co-investigating judges during their investigation process (Document D100, a copy of which is annexed to this document)²⁶.

²⁰ ERN 00173052-00173055

²¹ ERN 00173055

²² ERN 00173049

²³ ERN 00173056

²⁴ ERN 00173536

²⁵ ERN 00173537

²⁶ D100 Second request for investigative actions dated 11 August 2008 ERN 00212296-00212313 (Khmer)

32. We have already gathered information related to some of those people. For other people, whose names appear on the attached list, can you provide us in writing in relation to these names, in particular can you provide us in writing in relation to the attached table if possible on:
- their names including aliases and their position in the Democratic Kampuchea regime,
 - whether they are dead or alive, based on your knowledge, by confirming:
 - a). If dead, when and how did they die? How do you know about their death?
 - b). If alive, do you have any information which could lead us to locate them?
33. We also request you to provide us the identity of the people you mentioned in your records of interview starting from 11 August which was the day of the request. List of names is included in the back of the attached table.

* Translator's note: The word '*implicated*' in the English translation ERN 00224651 is incorrect. It should read '*released*'.

List of documents related to case 002 of NUON Chea (D100): People mentioned by Duch, question 32 and 33

Name and alias	Records about this name	Correction/ Clarification of the name	Role in the regime	Decease (D) Alive (A) Unknown (??)			In the case of death : Cause of death: - Killed at S-21 - Other reasons please clearly indicate		If alive: -All information accessible to their address
				D	A	??	S21	Clarification – Other causes	

List 3

Sao Yan alias Phim/ Sao Phim alias Yǎn ស៊ា យ៉ា វ៉ាន យ៉ា	07-08-2007 (D86/3), 04-12-2009 (D86/10), 02-06-2008 (D87), 20-11-2008 (D118) p.3								
Vorn Vet វ៉ុន វ៉េត	07-08-2007, (D86/3) 04-12-2009 (D86/10), 02-06-2008 (D87), 19-11-2008 (D117) , 25-11-2008 (D119) ,								

List 4								
Chhou Chet alias Si/ Chou Chet ជូ ជេត, alias ស៊ី	05-05-2008 (D86/27), 24-06-2008 (D89) 25-06-2008 (D90) 25-11-2008 (D119) 27-11-2008 (D120)							
Chim An [Cheng An] ចៀង អន	01-04-2008 (D86/23), 25-06-2008 (D90)							
Huot Heng alias Pal ហួត ហេង ហៅ ប៉ាល់	24-06-2008 (D89)							
Ke Pork [Ké Pok]/ Kè Pork កែ ពក	02-06-2008 (D87) 24-06-2008 (D89) 25-06-2008 (D90) 25-11-2008 (D119)							

<p>Keo Meas កែវ មាស</p>	<p>19-02-2008 (D86/14)</p>								
<p>Koy Thuon កុយ ធួន</p>	<p>19-02-2008 (D86/14) 05-05-2008 (D86/27) 06-05-2008 (D86/28) 24-06-2008 (D89) 25-06-2008 (D90) 15-07-2008 (D95) 19-11-2008 (D117) 25-11-2008 (D119)</p>								
<p>Ly Vay <i>alias Sour</i> Sophan/ Ly Vay <i>alias Suo</i> Sophan លី វ៉ាយ ហៅ ស្ទួរ សុផាន</p>	<p>02-06-2008 (D87)</p>								

Mack touch alias Kaem / Meakh Touch alias Kèm Meak Touch alias Keam មាយ ទូច ហៅ កែម	18-02-2008 (D 86/13) 27-11-2008 (D120)								
Men San alias Ya / Mèn san alias Ya ម៉ែន សាន ហៅ យ៉ា	24-06-2008 (D89)								
Nhor ញ៉	31-03-2008 (D86/22) 03-06-2008 (D88)								
Noeu phan alias Sok/ Noeuv Phàn alias Sok	27-03-2008 (D86/20)								

នៅ ផន ហោ សុខ									
Ruos Ghim/ Muol Sambat <i>alias</i> Ruos Nheum មូល សម្បត្តិ ហោ រស់ ញឹម	04-12-2007 (D86/10)								
Seat Chhe <i>alias</i> Tum/ Seat Chhè [Cchae] <i>alias</i> Tum/ SEAT Chheè សៀតឆៃ ហោ ទុំ	19-02-2008 (D86/14) 01-04-2008 (D86/23) 03-06-2008 (D88) 20-11-2008 (D118) 25-11-2008 (D119)								
Soeung សៀង	02-06-2008 (D87)								

<p>Souos Neou alias Chhouk</p> <p>ស្នួស នៅ ហៅ ឈ្មួក</p>	<p>06-05-2008 (D86/28) 19-02-2008 (D86/14) 25-06-2008 (D90) 20-11-2008 (D118)</p>								
<p>Thong Huot alias Thoeun</p> <p>ថុង ហ្គុត ហៅ ធៀន</p>	<p>18-02-2008 (D 86/13) 27-03-2008 (D 86/20) 25-06-2008 (D 90)</p>								
<p>Vean Em alias Sarun</p> <p>វៀន អែម ហៅ សារុន</p>	<p>04-12-2007 (D 86/10)</p>								
<p>Vin វិន</p>	<p>22-11-2007 (D86/8)</p>								

List 5

In Lorn <i>alias Nath/</i> In Lorn <i>alias Nat/</i> In Lorn <i>alias Nat</i> <i>alias Sèm/</i> អ៊ុន លន ហៅ ណាត ហៅ សែម	02-06-2008 (D87) 19-11-2008 (D117) 28-11-2008 (D121)								
Chhay Kim Hor <i>alias Hok</i> ឆាយ គីមហ៊ុក	02-04-2008 (D86/24) 06-05-2008 (D86/28) 03-06-2008 (D88) 24-06-2008 (D89) 27-11-2008 (D120) 28-11-2008 (D121)								
Khim vath <i>alias Hor</i> ឃឹម វ៉ាត	25-06-2008 (D90) 20-11-2008 (D118)								

ហេរ៉ា ហ៊ី									
In Huy or Nun Huy alias Sre នុន ហ៊ីយ	27-03-2008 (D86/20) 31-03-2008 (D86/22)								
Nan (Kuol Suy Chhing alias Nan?) គួក ស៊ីយលីង ហេរ៉ា ណាន់	23-08-2007 (D86/4) 29-11-2007 (D86/9) 25-06-2008 (D90) 01-04-2008 (D86/22)								
Peng / Pēng ប៉េង	03-10-2007 (D 86/7)								
Pauch (Sau Pauch?) ប៉ូច	07-08-2007 (D 86/3)								
Bou ប៉ូ	29-11-2007 (D86/9)								

On អុន	29-11-2007 (D86/9)								
Pon ប៉ុន	23-08-2007 D (86/4) 02-10-2007 D (86/6) 29-11-2007 (D86/9) 01-04-2008 (D86/23)								
Thit ទ្វីត	29-11-2007 (D86/9)								
Trov ត្រូវ	29-11-2007 (D86/9)								
Tuy ទុយ	02-10-2007 D (86/6) 29-11-2007 (D86/9)								
Song ស៊ុង	03-10-2007 (D 86/7)								
Chim Chhau <i>alias Vun</i>	03-10-2007 (D 86/7)								

វ៉ុន									
Pha Tha Chan ផា ថា ចាន់	28-03-2008 (D86/21)								
Srieng (NIM Kimsreang) ស្រៀង	03-10-2007 (D 86/7)								

List 6

Chhim Sam-aok <i>alias pang</i>	06-05-2008 (D86/28)								
ឈឹម សំអាក ហៅ ប៉ង	02-06-2008 (D87)								
	24-06-2008 (D89)								
	25-11-2008 (D119)								
	27-11-2008 (D120)								
SOEU Vasy (Vasi) alias Doeun	24-06-2008 (D89)								
សៀ វ៉ាស៊ី ហៅ ឌឿន	25-06-2008 (D90)								
	19-11-2008 (D117)								
	25-11-2008 (D119)								

Lin លីន	01-04-2008 (D86/23) 05-05-2008 (D86/27) 03-06-2008 (D88) 24-06-2008 (D89) 25-06-2008 (D90) 15-07-2008 (D95) 27-11-2008 (D120)								
Ky / Comrade KY គី	22-11-2007 (D86/8) 04-12-2007 (D86/10)								
Phan / Phorn /Phân ផាន	07-08-2007 (D86/3) 02-06-2008 (D87) 22-11-2007 (D 86/8) 19-02-2008 (D86/14) 27-11-2008 (D120)								
Nget You <i>alias Hong</i> ង៉េត យូ	05-05-2008 (D86/27) 24-06-2008 (D89)								

លោក ហុង									
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List 7									
A-Chhlak/ A-Chhlāk អា ឆ្លាក់ [“little” Sculptor]	23-08-2007 (D86/4)								
Chan Thla ចាន់ថ្លា	31-03-2008 (D 86/22)								
Chao Seng <i>alias</i> San ចៅ សេង ហៅ សាន	03-06-2008 (D88) 24-06-2008 (D89) 27-11-2008 (D120)								
Chorn ជន YUOK CHUONG <i>alias</i> Chorn យូក ជួង ហៅ ជន	07-08-2007 (D86/3) 19-11-2008 (D117) 20-11-2008 (D118) 25-11-2008 (D119)								
Dim									

Saroeun ឌីម សារឿន	29-11-2007 (D86/9)								
Dy Phon/ Dy Phôn ឌីផុន	15-07-2008 (D95)								
Hak Seang Lay Ny ហាក់ សៀងឡា យនី	05-09-2007 (D86/5)								
Ieng Sopheang អៀង សូភាង	D86/12/I/13 'Searching for the Truth'								
Kang / Kâng កង	03/10/2007 (D86/7)								
Kang Chab/ / Kâng Chab alias SÈ	05-09-2007 (D86/5) 19-11-2008								

កងចាប	(D117)								
Kao Ly/ Kao Ly Thong Huot <i>alias</i> Thoeun កៅលី ថុងហួត ហៅ ធៀន	25-06-2008 (D90)								
Ke Kim Huot/ Kè Kim Huot កែគីមហួត	01-04-2008 (D86/23)								
Kuok Suy Chhinh/ Kuol Suy Chhing <i>alias</i> Nan គួក ស៊ុយឈីង ហៅ ណាន់	25-06-2008 (D90)								
Lay Ny ឡាយ នី	05-09-2007 (D86/5)								

Ly Phel <i>alias Phen</i> លី ផែល <i>alias Phèn</i> ផែន	03-10-2007 (D86/7) 03-06-2008 (D88) 25-11-2008 (D119)								
Meng/ Mēng ម៉េង	23-08-2007 (D86/4)								
Mil Kavin <i>alias Kdat</i> មីល កាវិន ហៅ ក្អាត	03-06-2008 (D88)								
Mok Sam Ol <i>alias</i> Hong ម៉ុក សំរុល ហៅ ហុង	15-07-2008 (D95)								
Phoas/ Hu Nim <i>alias Phoas</i> ហ៊ូ នីម	19-02-2008 (D86/14), 19-11-2008 (D117)								

Ri រី	18-02-2008 (D86/13) Appendix II								
Sau Yuk ស្ងួយក់	23-08-2007 (D86/4)								
Siv Heng ស៊ីវ ហេង	03-06-2008 (D88)								
Soeng Sany សឹង សានី alias Brēv ប្រេវ	23-08-2007 (D86/4)								
Sophea/ Huot Kè alias Sophea សុភា	05-09-2007 (D86/5)								
Thak/ Thāk ថាក់	23-08-2007 (D86/4)								
Tun La ទួន ឡា	D86/12/I/13 'Searching for the Truth'								
Ung Pech/ (HENG Pech alias	D86/12/I/13 'Searching for the								

Chhân ??) អ៊ឹង ប៊ុច	Truth'								
Yim Sambat/ Yim Sambath យីម សម្បត្តិ	05-05-2008 (D86/27) 25-11-2008 (D119)								

New Records from 11 August, 2008									
Pâng ប៉ង	19-11-2008 (D117) p.3								
Keam Torth គាម ទត	19-11-2008 (D117) p.4								
Tap Bun Dine តាប់ ប៉ុនឌីន	19-11-2008 (D117) p.4								
NGOV Va ងូវ វ៉ា	19-11-2008 (D117) p.4								
SÁ Ka Pun ស កាពុន	19-11-2008 (D117) p.4								
San Eap alias KHON សាន់ អ៊ាប	19-11-2008 (D117) p.5								

ហៅ ខុន									
SOEY alias Phâng ស៊ីយ៉ា ហៅ ផង់	19-11-2008 (D117) p.5								
TIN Kim Hong alias Mi ទិន គីមហុង ហៅ មី	19-11-2008 (D117) p.8								
ROEUNG រឿង	19-11-2008 (D117) p.4								
Khang ខាង	20-11-2008 (D118) p.3								
Sokh សុខ	25-11-2008 (D119) p.6								
Kao Rit	25-11-2008 (D119) p.9								

កៅ វិត									
Sokh សុខ	25-11-2008 (D119) p.10								
Mok ម៉ុក	25-11-2008 (D119) p.10								
Muth មុត	25-11-2008 (D119) p.10								
Chan Chak Krey ចាន់ ចក្រី	25-11-2008 (D119)								
Sithon alias Mon ស៊ី ម៉ុន ហៅ ម៉ុន	25-11-2008 (D119)								
Yun Yat យុន យ៉ាត	27-11-2008 (D120)								
Uk Savân អ៊ុក សាវ៉ាន	27-11-2008 (D120)								
LUON Sao									

លួន សៅ	27-11-2008 (D120)								
Min Mine មីន មីន	27-11-2008 (D120)								
Kham Mi ខាំ មី	27-11-2008 (D120)								
So Hong ស្ងួរ ហុង	27-11-2008 (D120)								
Suos Thy ស្ងួស ថី	27-11-2008 (D120)								
Y Sob Kunthy អ៊ី សុបគន្ធី	27-11-2008 (D120)								
Huot Sambath ហ្គុត សម្បត្តិ	27-11-2008 (D120)								
Chea San ជា សាន	27-11-2008 (D120)								
Van Piny									

វ៉ាន់ ពីនី	27-11-2008 (D120)								
MUT Samân ម៉ុត សាម៉ាន	27-11-2008 (D120)								
San Pau សាន ប៉ូ	28-11-2008 (D121)								
Mân or Thân	28-11-2008 (D121)								
Teanh	28-11-2008 (D121)								
Pèn Va Sai alias Sai	28-11-2008 (D121)								