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06 September 2012

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អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the
Courts of Cambodia

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des Co-juges d'instruction
សំណុំរឿងព្រហ្មទណ្ឌ
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លេខ/No: 001/18-07-2007-ECCC-OCIJ

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation Religion King

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កំណត់ហេតុនៃការសួរចម្លើយ
Written Record of Interview of
Charged Person
Procès-verbal d'interrogatoire

The first of April, two thousand and eight, at 9:10 a.m.

We, **You Bunleng យូ ប៊ុនឡេង** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers,

with Mr. **Ham Hel ហាម ហែល** and Mr. **Ly Chantola លី ច័ន្ទតុលា** as Greffiers

Noting the Law on the establishment of the Extraordinary Chambers, dated 27 October 2004

Noting Rule 58 of the Internal Rules of the Extraordinary Chambers

With **Ouch Channora អ៊ូច ចាន់ណូរ៉ា** and **Tanheang Davann តាន់ហ៊ីង ដាវ៉ាន់**, sworn interpreters of the Extraordinary Chambers

The Charged Person identified below has appeared before us:

Kaing Guek-Eav កាំង ហ្គេកភ័វ alias **Duch ឌុច**, male, born on 17 November 1942

Charged with **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 Law on the establishment of the Extraordinary Chambers, dated 27 October 2004.

The original of this record is written in the Khmer language.

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ភ្នំពេញ ជាតិ សាសនា ព្រះមហាក្សត្រ
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ឯកសារច្បាប់តប្បវត្តិយុត្តសាមញ្ញដើម
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The Co-Prosecutors of the Extraordinary Chambers, Mr. Robert Petit and Mrs. Chea Leang ជា ណាង were duly notified of this interview by Notification Letter dated 13 March 2008:

- Mrs. Chea Leang ជា ណាង is represented by Mr. Pich Sambath (ពេជ្រ សម្បត្តិ), Senior Assistant Co-Prosecutor
- Mr. Robert Petit is represented by Mr. Alex Bates, Senior Assistant Co-Prosecutor.

Kar Savuth កាវ សាវុត្តិ and Francois Roux, Co-Lawyers for the Charged Person, were duly informed of this interview by summons dated 13 March 2008, and have been able to examine the case file since that time. François Roux is present. Kar Savuth កាវ សាវុត្តិ is absent.

Interview

Questions-Answers:

Question by International senior assistant Co-Prosecutor Alex Bates: Yesterday, you mentioned the employment of children. It seems that all over the country, very young children were employed, especially as guards, and one might think that these children were recruited because they were easily impressionable and indoctrinated. What is the opinion of the Charged Person on this matter? What was the exact situation in S-21 ស២១?

Answer by the Charged Person: It is correct that very young children were employed at S-21 ស២១ and elsewhere. They were assigned physical tasks but were sometimes used as guards or for the distribution of food. Regarding the possibility of easy indoctrination, I would say that since they were very young, it was like a blank piece of paper on which one could write whatever one wanted.

Question by the Co-Investigating Judges: Was there a precise political line on child recruitment? Were they used to denounce traitors within their families?

Answer by the Charged Person: The only line was that only poor peasants and average peasants from lower classes were to be trusted. Concerning the children I recruited for S-21 ស២១, they were of pure origin: they were peasant children I could trust and to my knowledge, there was never any denunciation of traitors within their families. I speak for myself, I do not know about the others.

Question by the Co-Investigating Judges: On 19 February 2008, you acknowledged [Written Record of Interview, DUCH ឌុច, 19/02/2008, ERN 00164630-0064640 (fr.) p.6] having written some of the pages of a document [ERN 00014091 and ERN 00014150]. You asked to see the

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original document (interrogator's report on Kè Kim Huot កែគីមហ្វុត 's interrogation). The procedure to obtain the original is pending. However at this stage we can present you a photocopy. Do you agree to answer on the basis of this document?

Answer by the Charged Person: Yes. I do not insist on seeing the original document any more. I would like to state that I will not rely on my memory any more since I have noticed several times recently that I made mistakes in my answers. I have already explained to you that at first, I did not want to recognise a photo of myself published in Nic Dunlop's book. Likewise, I declared that I knew of the practice that consisted in forcing detainees to honour caricatures of dogs but that I had never encouraged this practice. It is actually false: after having read Mâm Nai's ម៉មណៃ (ERN 00077925-926) and Tuy's តូយ (ERN00077473) notes relating to the training I organised for the interrogators on 28 May 1978, I must confess that I did encourage this practice. I was the only one in S-21 ស២១ who had the right to take the mike during training.

Likewise, Judge You Bunleng យូប៊ុនឡេង gave me a document last time concerning the list of Lon Nol's លន់នុល former civil servants hidden among the New People (ERN 00173458-00173465). I had forgotten about this document but today, I acknowledge that I wrote it, upon Nat's instructions.

To sum up, I do not trust my memory any more and to get back to Kè Kim Huot កែគីមហ្វុត 's confession, I would say, on the fact that he was forced to eat his own excrement for instance, that if I rely only on my memory, I would tend to refuse the idea that I was aware of it. But in reality, I was mainly interested in the content of the confessions and did not really pay attention to the manner in which prisoners were treated.

Question by the Co-Investigating Judges: It appears from Kè Kim Huot កែគីមហ្វុត 's written confession that the victim entered S-21 ស២១ in July 1977 (ERN 00014091 or colour version ERN 0173514) and that he was still there nine months later, that is, at the end of April 1978 (ERN 00014186-00014187 and following). Why was the victim kept for such a long time before being "smashed"? What information does that provide on the conditions of torture and interrogation of the victim?

Answer by the Charged Person: The reasons for that were essentially political. Ta Mok តាម៉ុក had ousted Kè Kim Huot កែគីមហ្វុត from the Southwest Zone before 1970, with three other intellectuals, Khèk Pên ខែកប៉ែន alias Sou ស៊ី, Chea Huon ជាហ្វួន alias Vanh វ៉ាញ and Um Chhoeun អ៊ុំឈឺន alias Mai ម៉ៃ. Ta Mok តាម៉ុក was always against the intellectuals. Finally, the Central Committee decided to send the four of them to the Northwest Zone where they were all appointed sector Secretaries. All this explains why my superiors accorded great importance to his confession, and that until its completion, ending the interrogation was out of the question. Regarding the use of

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torture, I had assigned Tuy តូយ to the interrogation. I no longer dare to declare that the tortures described were not used. Actually, I acknowledge they were.

Question by the Co-Investigating Judges: On Kè Kim Huot កែគីមហ្វុត 's confession again, it seems that your name is mentioned amongst the students of Stong ស្តង District's primary school as one who was particularly interested in democratic liberal presentations (ERN 00014110). However, your name does not appear on the list of persons involved in traitorous activities at the end of the confession (ERN 00014146) as opposed to the other names mentioned in the confession. Did you know that Kè Kim Huot កែគីមហ្វុត 's confession suggested that you were a suspect? Did you give instructions that your name be removed from the list of persons involved in traitorous activities? Were there any other confessions that mentioned you?

Answer by the Charged Person: I read this confession at the time and I know that he involved me. I did not dare to delete this part; I preferred to leave it to my superiors to decide. I do not know why my name no longer appears at the end. In any case, I did not intervene to have it removed from the list. Two persons involved me in their confessions: Kè Kim Huot កែគីមហ្វុត and Vorn Vet វ៉ុនវេត . Each time I preferred to leave the text as it was. Had I intervened, I would have lost my honour and my authority amongst my subordinates. You are asking me why Kè Kim Huot កែគីមហ្វុត declared that I was interested in democratic liberal ideas; I think this is because when I was his student, in the final year of primary school (1956-57), he gave me two books which did not follow the Party's political line.

Question by the Co-Investigating Judges: This leads to the question of the value you accorded to the content of the confessions. Did you think they reflected the truth? Did your ideas on this evolve over the years?

Answer by the Charged Person: I explained myself several times on that point during the 1999 interview. In fact, I did not believe them. In Koy Thuon's កុយធ្លួន case for instance, I was sure it did not correspond to the truth (particularly regarding what he said about two Americans named Feckly and Cerruti) but I had no evidence to demonstrate it. Even the Standing Committee, in my opinion, did not really believe in it: it was about finding excuses to eliminate those who represented obstacles. Very early on, Son Sen សុនសែន ordered us to find CIA agents (I also told you that he called in Nat and I in 1975 and blamed us for not finding CIA agents in S-21 ស៊ីខ័្វ, unlike Section 32). In fact, when the CIA or the KGB were mentioned, I immediately understood that it did not mean the persons cited were members of these organisations but rather that we were dealing with people considered by Pol Pot ប៉ុលពត to be enemies of the Revolution, somewhat like during the Great Proletarian Cultural Revolution in China. In reality, already back at M-13 ម៊ី១៣, I knew that the

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confessions did not reflect the truth. I was forced to work in the service of a criminal organisation all my life and I assume my responsibility for that.

Question by Co-Investigating Judge Marcel Lemonde: You have explained to us several times that your work consisted in focusing on confessions, which was the most important work, and that you were not aware of the details of the way S-21 ស៊ី២១ functioned, this job being delegated to others. Today, you admitted that since the very beginning you knew the confessions had no value. Is that not acknowledging that you deliberately sent thousands of people to their deaths, knowing there was nothing to blame them for? Did you not, like others, have at least the possibility to flee, given your position in the hierarchy?

Answer by the Charged Person: I did not have the right to withdraw. It was monitored by my superiors. Only those who fought the Vietnamese at the border could escape, like for instance, Heng Samrin ហេងសំរិន and Hun Sen ហ៊ុនសែន. The latter at the time had the same rank as me, that is, commander of a regiment but he had combatants under his orders and was at the border, which was not the case for me. As for me, I saw no one leaving Phnom Penh. Even Vorn Vet វ៉ែនវ៉ែត was not able to leave. Personally, I had a three-monthly laissez-passer signed by a certain Khang ខាង, pseudonym for someone the exact identity of whom I was unaware. But when I saw Khieu Samphan's ខៀវសំផាន handwriting, it seems to me that it was his. You have shown me the first page of Kè Kim Huot កែតឹមហ្វុត 's confession (ERN 000173509). I did write in red "report 30/04/1978" but I do not know who wrote at the bottom left "Khieu Samphan ខៀវសំផាន alias Hem ហែម". Going back to my laissez-passer, it only allowed me to move around Phnom Penh and I sometimes had to show it at checkpoints, particularly near to the offices of the Central Committee. I had no means of getting a laissez-passer allowing me to move around the whole country. I did not have any rank insignia. I did have a Honda 90 motorbike, but that was not enough to travel freely.

Question by the Co-Investigating Judges: There is, certainly, at least one moment where you could have escaped: at the time of the general collapse of 1979.

Answer by the Charged Person: At the time, everybody feared the Vietnamese, and as a civil servant under Pol Pot ប៉ុល ពត, I was amongst the first threatened.

Question by international senior assistant co-prosecutor Alex Bates: Given the explanations of the Charged Person, according to which he did not believe in the content of the confessions, what can he say about the document quoted by David Chandler in his book "Voices from S-21" at p.67? In this document, dated 5 May 1977, concerning the confession of Seak Chhè សៀកឆៃ alias Tum តុំ the Charged Person wrote "I have never seen a single cadre victimized by enemies' trickery aimed to paint him black."

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Statement by the Co-Investigating Judges: The relevant document (ERN 00010525 OCP) is annexed to this Written Record as well as a photocopy of page 67 (English version) of David Chandler’s book.

Answer by the Charged Person: I did write this document. I was defending the Party’s line. Interrogators had to have a strong position towards prisoners who had to be considered as enemies. All the propaganda was structured around this question. This is part of the crimes I was ordered to commit and for which I acknowledge my responsibility.

The Written Record of Interview was suspended at 12:35 a.m.

At 2:35 p.m. on the same day, we continued the interview.

Kar Savuth កាវ សាវុត្តិ is now present.

Question by the Co-Investigating Judges: Could you elaborate on your interview with Vorn Vet វ៉ែត and his interrogation?

Answer by the Charged Person: Vorn Vet វ៉ែត and his deputy Cheng Ân ចេងអ័ន were arrested at the headquarters of the Standing Committee (Office 870) by Comrade Lin លីន and his men. Ta Mok តាម៉ុក organised the operation. He arrived at my office around 6:00 pm. Early the next morning I went to visit him. We were alone in that meeting. The purpose of my visit was first to ask for his forgiveness, as I respected him very much, and also to ask his opinion on Pol Pot ប៉ុលពត. That is when he called me “filthy killer”. I did not respond to this but asked him not to talk to me like that and we both cried. The interview lasted no longer that half an hour. I addressed him with respect but he could not really criticize me for my action since he was the one who trained me in torture and interrogation techniques. He was in a sort of dead-end and knew that I could not avoid my work, otherwise I would be punished. I had a lot of respect for him: he had helped me personally, refused to punish me after detainees escaped from M-13 ម១៣ leaving wounded guards behind and authorised me to release several persons. And he accepted the creation of M-13B ម១៣-ខ, a structure from which prisoners could be released.

Question by the Co-Investigating Judges: If your relations with him were that good, why did you allow torture in this case?

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Answer by the Charged Person: Pon ប៉ុន and I were the only ones who could make this decision. Pon ប៉ុន tried to persuade him to speak, but since he persisted in refusing to speak, there was no other solution than torture. I note, nonetheless, that in this case, the torture was reasonable (he was showered with ice-cold water - and not like the Khmer version of the Written Record dated 19 February 2008 states “plunged in ice-cold water” – and exposed to a fan). One must not forget that Nuon Chea ឆ្លាន់ជានី was following this closely and that he needed a full confession. I specify that although I respected Son Sen and Vorn Vet វ៉ែត , I feared Nuon Chea ឆ្លាន់ជានី. It is not the case any more today and I am ready to tell him what I think to his face.

Question by the Co-Investigating Judges: What did Vorn Vet វ៉ែត tell you when you discussed Pol Pot ប៉ុលពត ?

Answer by the Charged Person: He told me Pol Pot ប៉ុលពត took many precautions "like a sleeping bird raising its legs to prevent the sky falling on its head". He added that he was personally suspected by Pol Pot ប៉ុលពត since he had thousands of workers under his orders.

Question by the Co-Investigating Judges: if you had this conversation with Vorn Vet វ៉ែត, and in light of what you explained to us this morning, is it not because you were wondering about the evolution of the regime and the crimes it committed? Did you share your concerns with Vorn Vet វ៉ែត ?

Answer by the Charged Person: No, the purpose of this conversation was to protect myself from faults for which Pol Pot ប៉ុលពត could blame me. The idea was to behave in a way that would not give Pol Pot ប៉ុលពត excuses to arrest me easily. After this meeting, I never saw Vorn Vet វ៉ែត again. I was very ill at ease with him. I received his confession, read it and forwarded it to the superiors. Nuon Chea ឆ្លាន់ជានី then decided to have him executed. He also asked me what the "despicable" Vorn Vet វ៉ែត had said. I reported Vorn Vet វ៉ែត's words regarding the workers he had under his orders. Nuon Chea ឆ្លាន់ជានី replied that Vorn Vet វ៉ែត did not work alone at the Ministry of Industry. Other persons shared power with him.

Question by the Co-Investigating Judges: You said you did not fear Nuon Chea ឆ្លាន់ជានី any more, are you ready to confront him

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Answer by the Charged Person: We all swore an oath before the flag to serve the Party, the (proletarian) class and the People of Cambodia. I am ready to tell Nuon Chea ឆ្លៀតជា: *“Our Party seriously afflicted our People. If you accept your responsibility like I do, we must ask for the People’s forgiveness. If you do not accept, then we shall discuss the details. A number of witnesses can confirm what I say.”*

The original of the audio-visual recording was sealed before the Charged Person and his lawyers and was signed by us, the Greffiers, the Charged Person, and his lawyers.

One copy of the original audio-visual recording was provided to the Charged Person.

At 6.05 p.m., we had the Greffier read aloud this Written Record of Interview of Charged Person as recorded.

The Written Record having been read aloud and heard, the Charged Person had no objections and agreed to sign.

Charged Person	Lawyers for Charged Person	Co-Prosecutors	Interpreters	Greffiers	Co-Investigating Judges
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brought into the Communist movement by Saloth Sar and his wife, Khieu Ponnary. He had accompanied Sar to Office 100 in 1963 and had nursed him through bouts of malaria and other ailments. By 1977, however, probably because of his association with the Eastern Zone and with intellectuals of his generation in the Party then being purged, Siet Chhe's credit had run out. Perhaps, as he suggested in his confession, other Party members were jealous of his high status. His arrest was a clear indication that loyalty in the CPK was never a two-way street. Indeed, because Siet Chhe was thought to have betrayed his trust—or perhaps, as he claimed, because he was innocent and still hoped for intercession from Pol Pot—his interrogations were particularly severe. Moreover, just before his arrest he had been working closely with Son Sen. His former mentor, to avoid being implicated himself, was probably zealous in pushing for a confession.

Like Keo Meas, Siet Chhe tried to send private memoranda to the “upper brothers” from S-21. The fact that these documents survive in the archive suggests that they never left the prison. Siet Chhe's high status, however, probably kept Duch and his colleagues from destroying them. They are worth quoting in detail.⁷⁰

In the first of them, written a week after his arrest, Siet Chhe denied the charges leveled against him. Three days later, he wrote to “Brother 89,” Son Sen:

I am suffering horribly, brother! Never in my life have I run into anything like this! When my daughter was in the enemies' [Lon Nol's] prison, I thought it was a normal thing—a struggle between the enemy and us! Now that I'm confined in the revolution's prison (*kuk padevat*) on the other hand, I can't understand it, it's enormously confusing, but in the end I can see clearly that it was the CIA group, the Vietnamese consumers of territory, and people working for the KGB who have dropped me into the revolution's prison.

Siet Chhe told Son Sen that “three traitors” had slandered him. He claimed to have reported everything about the issue “to the Organization in detail through S-21.” By communicating directly with the “upper brothers” he hoped to negotiate his fate. Later in the memorandum, however, he noted that “I have always understood without any firsthand knowledge [of the place] that once entering S-21, very few leave; that is, there's only entering; leaving never happens. Brother, if this is the case, I have no way out.”

His appeal for mercy is rendered more poignant by what seems to be its transparent honesty, its breathlessness, and, as we shall see, by the

brutality of Duch's response. Siet Chhe was terrified. He knew that he was about to be tortured. He wrote:

At S-21 for a week now, the staff have not used any methods at all against my body. I have only been shackled. The staff have taken good care of me. According to the people responsible for me, after five to seven days I would enter stage 2, that is, the stage of being tortured.

Beloved brother! I know I am finished! No matter how the comrades take me and beat me, break my bones to bits, there will be nothing new to report. It is certain that there will be only the flow of blood and feces, or death.

Please rescue me in time, brother. No matter how I die, I will be loyal to the Party to the end.

If you don't rescue your younger brother, he will certainly die! And I will agree to die by my own hand, not allowing the Party Security (*santesuk pak*) to smash me [and thus] saving the honor of Party Security for-smashing of [genuine] enemies . . .

This is the final time. . . . Brother, please rescue your younger brother in time. I would be happy to grow rice with my wife and children on a collective farm. I don't need to have any official position. You need not think of that. . . . Please save me, just let me live.

Duch's reply, written after Chhe had been tortured, took issue with the prisoner's contention that he had been framed by treacherous associates. “Painting people black” was an enemy trick, Duch wrote, but the CPK was “so far advanced” that it was always able to detect and overcome such trickery. He went on to say that

in my historical observations, I have never seen a single cadre victimized by trickery aimed to paint him black. The Party doesn't pretend to be worried by this issue. Speaking to be easily understood, [let me say that] there has never been a single cadre who has come into *santebal* because of trickery to paint him black. . . . What's your understanding of the problem, brother?

Looking at the problem: does it arise because the CPK has been deceived by the enemy into painting you black, or because you haven't been straightforward with the CPK? It's my understanding that you haven't been straightforward with the CPK. What's your understanding? I ask you to consider this problem and resolve it. When we agree, we can work together.

Siet Chhe was hard to crack. In June Duch altered his approach. In what may be the cruelest document in the S-21 archive, the interrogator Tuy wrote to Siet Chhe:

Write out the story of [your] sexual activities with your own child in detail because from the standpoint of the masses, this [offense] has been clearly observed. You don't need to deny this. Don't let your body suffer more pain because of these petty matters.

Handwritten: 177639

~~177640-1-07~~

00010525

Dear brother Tum,

1) I propose to raise a few issues to discuss with you to find a common understanding so that we could reach an agreement.

A) Painting people black was an enemy trick. He used it in the past and continues to use it so far, as well as in the future.

What is your understanding of the problem, brother?

B) The CPK was so far advanced that it was always able to detect and overcome such trickery. Nowadays, it controls increasingly the situation by destroying such trickery. Similarly, in the future it will be able to control the situation and to eliminate such trickery.

In my historical observations, I have never seen a single cadre victimised by trickery aimed to paint him black. The Party does not pretend to be concerned by this issue. Speaking to be easily understood, let me say that I have never seen a single cadre sent to the Security Center because of trickery to paint him black.

What is your understanding of the problem, brother?

C) Looking at the problem: does it arise because the CPK has been deceived by the enemy into painting you black, or because you have not been straightforward with the CPK? It is my understanding that you have not been straightforward with the CPK.

What is your understanding of the problem, brother?

2) I ask you to consider this problem and solve it. When we agree, we can work together.

Thinking of you with hope
Duch's signature
5/5/77