00194690

Declassified to Public
06 September 2012

ការ/ស D93

EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA
OFFICE OF THE CO- INVESTIGATING JUDGES

Criminal Case File No.: 001/18-07-2007-ECCC/OCIJ

Filed to	: Office of the Co-Investigating Judges
Submitting Date	: 2nd of June 2008
Party Filing	: Co-Lawyers for the Civil Parties
Language	: Original in Khmer and English
Type of Document	: **Confidential**

ឯកសារដើម
ORIGINAL DOCUMENT/DOCUMENT ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ ទទួល (Date of receipt/Date de reception): 02 / 06 / 2008
ម៉ោង (Time/Heure): 8:50
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA

Civil Parties Co-Lawyers' Request for further Investigations according to Rule 66 (1) Internal Rules

---

Filed by:

Co-Lawyers for the Civil Parties

Hong Kim Suon
Yung Phanit
Kong Pisey
Silke Studzinsky

ឯកសារបានថតចម្លងត្រឹមត្រូវតាមច្បាប់ដើម
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME
ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification): 04 / 06 / 2008
មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SANN RADA

Distribution:

Co-Investigation Judges

You Bouleng
Marcel Lemonde

Co-Lawyers of Kaing Guenk Eav

Kar Savuth
Francois Roux

Co-Prosecutors

Chea Leang
Robert Petit

I. Procedural Background

1. On 16th of May 2008 the Office of the Co-Investigating Judges *("OCIJ")* issued its notice of conclusion of Judicial Investigation.
2. On 19th of May 2008 the Civil Parties' Co-Lawyers received the notification of this decision.
3. Herewith, the Civil Parties' Co-Lawyers submit, according to Rule 66 (1) of the Internal Rules *(IR),* their request for further investigations.

II. Introduction

4. The Civil Parties PHUNG Sunthary and CHUM Sirath request to interview the Charged Person about details of the fate of their relatives who were killed in S 21.
5. Both Civil Parties have been admitted recently in this case. Therefore, they were not in a position to request earlier for further investigations.
6. The Charged Person knew the relatives of the Civil Parties personally and it is believed that he knows details about what happened to them.
7. The Civil Parties have a deep personal interest to learn in detail about the circumstances of the harm their family members suffered in S 21 and the Charged Person will be able to provide them with this information.
8. The Civil Parties request these investigations now because it is uncertain that they will be able to procure this information during the trial stage, due to time factors and other uncertainties. The Civil Parties have a strong desire that the proceedings go ahead and that the trial begins as soon as possible. At the same time they have waited a very long time in agonizing uncertainty to find out what happened to their beloved.
9. On 26th of May 2008 the Co-Investigating Judges summoned the Charged Person to be interviewed again on 2nd, 3rd, 24th and 25th of June 2008.
   Therefore, the proceedings will not be delayed significantly by this request.

III. Request of Civil Party PHUNG Sunthary

10. The father of PHUNG Sunthary- Mr. PHUNG Ton- was detained in Tuol Sleng on 12th of December 1976. DUCH knew him personally and will recall him without any doubts.

Mr. PHUNG Ton was the Honourable Dean of the University in Phnom Penh

11. The following questions should be asked:

(i) Who ordered and decided the detention of Mr. PHUNG Ton in the Tuol Sleng S 21 center? For what reasons? When was the detention decided?

(ii) How was he treated in Tuol Sleng? Was he tortured? Which measures were put on him? Who ordered them?

(iii) Was he interrogated? By whom? What were the results of the interrogations?

(iv) Did DUCH have personal contact with Mr. PHUNG Ton at Tuol Sleng? If yes, how did it happen?

(v) Why did Mr. PHUNG Ton "live" rather a long time (nearly 6 months) at S 21 compared to other prisoners? Because he did not 'confess'?

(vi) How did he die and where?

Documents show that he was medically examined and in bad health at last on 6th of July 1977.

(vii) Who ordered that he be killed? Was this decision already taken a long time before?

Mr. KENG Vansak, who lives in France, declared that this decision was already taken long time before.

IV. Request of Civil Party CHUM Sirath

12. The Civil Party CHUM Sirath has lost two younger brothers, CHUM Sinareth, CHUM Narith and his wife. DUCH was a teacher at Skoun and it is understood that he knew CHUM Narith who is of the same origin and was a teacher as well- but not at Skoun.

CHUM Narith was mentioned in the confession of Hu Nim[1] and described as someone who was part of a group of liberal intellectuals.

13. The following questions should be asked:
   (i) Who ordered and decided the detention of his two brothers and his sister-in-law? When and how did the detentions happen? Did the detention of Sinareth and Narith occur at the same time?
   (ii) To which treatment were the three persons subjected in Tuol Sleng? Were they tortured? Did they confess under torture? If yes, what did they say?
   (iii) Did KEM Sovannary have a child and what happened to him/her?
   (iv) How, where and when were they killed?
   (v) Does DUCH know where the family of KEM Sovannary lives now?
   (vi) Can Duch provide any additional information about the killed people?

Respectfully submitted

Co-Lawyers for the Civil Parties

Hong Kimsoun
Lawyer from Cambodian Defenders Project

Yung Phanit
Lawyer from Cambodian Defenders Project

Silke Studzinsky
Lawyer

Signed the 2nd of June 2008.
Phnom Penh

[1] David P. Chandler, Ben Kierman, Chantou Boua in, "Pol Pot plans the Future", page 268, 270