

CAMBODIA: MARCH 30, 1997 GRENADE ATTACK

Posted March 29, 2005: A Tragedy of No Importance
Detailed article and investigation on the grenade attack
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FBI answers to Helms' questions

On February 19, 1999, the FBI responded to a series of questions put to it by Senator Jesse Helms, Chair of the US Senate Committee on Foreign Relations. The questions appear in bold type.

US Department of Justice
Federal Bureau of Investigation
February 19, 1999

The Honorable Jesse Helms
Chairman
Committee on Foreign Relations
United States Senate
Washington DC 20510 - 6225

Dear Mr Chairman:

The following are responses to your questions regarding the FBI's investigation in Cambodia which you raised in your letter of January 25, 1999, to Director Freeh. Unfortunately due to the pending nature of this ongoing investigation, the FBI is unable to provide complete and thorough responses to your questions. It is our hope that at the conclusion of this investigative matter, either through written responses or a briefing, whichever you prefer, we will be able to more fully address the issues and concerns of the Committee.

1) Please provide a list of the 56 witnesses interviewed in the course of the investigation, as well as copies of each interview report.

As you are aware, witnesses often cooperate with the FBI with the understanding that their cooperation remains confidential, often due to possible threats to their safety. Witness statements also are potentially evidentiary or testimonial in nature. As this case is still a pending matter and possibly subject to future litigation, the forwarding of interview reports (FD 302s) is not appropriate at this time.

2) Why was the Commander of the Phnom Penh Municipal Police Force not made available for an interview during the course of the investigation? Did the US protest this?

On April 4, 1997, and April 29, 1997, the case agent (CA) reviewed Reuters Television coverage and

other videos related to the crime scene. These videos depicted a senior police officer, on scene, almost immediately after the explosions. This officer was later identified by Investigative Commission members as Colonel Mok Chito, Commander of the Phnom Penh Municipal Police Force, and nephew of 2nd Prime Minister Hun Sen.

On April 30, 1997, CA inquired of General Teng Savon, the Investigative Commission Commander, as to why Mok Chito was not on the Commission and that the CA wished to interview him. General Teng Savon stated that, "He decides who is on the Investigative Commission" and that Mok Chito was not available. On May 2, 1997, CA advised US Ambassador Kenneth Quinn of this lack of cooperation, among others. Both met with Co-Deputy Prime Minister (CPP) Sar Kheng regarding this issue.

3) On Page Six, there is reference to Hun Sen's "Bodyguard Force" (2nd Battalion, 17th Regiment), However on Page Seven, a Bodyguard Unit #2, 17th Division is referenced. Are these one and the same?

Both Units are the same. The Traditional Army Regimental reference is 2nd Battalion, 17th Regiment. When the battalion was designated as Hun Sen's bodyguard unit, it was simply referred to as Bodyguard Unit #2. The First Prime Minister was protected by Bodyguard Unit #1 formerly, the 1st Battalion, 17th Regiment.

4) It appears as though Bodyguard Commanding General, Huy Pised, and the on-scene commander, Chhin Savon, were uncooperative in the investigation. Is this an accurate description of their attitudes? Who has ultimate authority over these troops?

Brigadier General Huy Pised, the Commander of Unit #2 was moderately cooperative and made numerous gratuitous remarks to the CA in an attempt to establish a rapport. His subordinate, Major Chin Savon, the on-scene troop commander during the March 30 grenade attack, was not cooperative. Chin Savon openly expressed shock that the CA had obtained photos of him at the crime scene.

Unit #2 can only be deployed by Hun Sen or General Huy Pised. This was established and recorded via FD-302. The unit is removed from Ministry of Defense command authority.

5) On Page Nine, the report states that Rainsy became agitated when the FBI informed him that "there were genuine questions about the allegations and motives of the grenade throwers." What were those questions? Was this an insinuation that Rainsy was somehow involved in the attack? Why is there no elaboration on this in the report?

Those are not the words of the CA and do not appear in the report. Rainsy was informed by CA on May 22, 1997, that the investigation was not complete at that time; but, even if it were, Rainsy would not be receiving a copy of the report. It was politely and professionally explained to Rainsy that the CA had no authority to release any official documents or reports other than the sketch artist's drawings depicting the three subjects.

6) Was Brazil ever in the custody of Nhiek [sic] Bun Chhay or anyone else in the Cambodian government? If so, when and in whose custody? Why was their contradictory information about this in the report? Why was this matter not clarified in the report?

According to the Government of Cambodia, Brazil was in the custody of General Nhieh [sic] Bun Chhay in June 1997. When the Interior Minister ordered that he be made available for interview on July 1, 1997, he received a reply that Brazil had escaped.

7) How did Brazil escape Phnom Penh in July 1997? Are his present whereabouts known? Do we assume his escape was facilitated by anyone? If so, who and when?

Brazil's whereabouts are unknown and no further information is available regarding details of the escape.

8) Did the FBI, or anyone in or affiliated with the US Government ever interview Brazil? If so, who and when?

Brazil was never interviewed.

9) Did the FBI, or anyone affiliated with the US Government, ever receive a videotape and/or other documents of or pertaining to Brazil?

The FBI received a photograph, videotape, and purported statement by Brazil to the Ministry of Interior.

10) The report ends with a charge that Sam Rainsy's party paid Chhay Vee and Chom Bon Theun to confess to the crime. Coming as it does at the end of the report, the reader is left with the impression that the FBI believes this charge. Is that indeed the case? If so, it is important that you provide the committee with the evidence of this.

No conclusions have been made concerning this issue.

11) Why does the report make no attempt to substantiate or refute this claim?

Attempts are currently being made to determine the veracity of those individuals.

12) Where did the November 13, reinterview with Chhay Vee and Chom Bon Theun take place?

The interview took place in the private home of Om Yentieng, advisor to Hun Sen.

13) Is it true that Chhay Vee and Chom Bon Theun had been arrested in August 1998 by the Hun Sen-controlled Cambodian police? If so, why was this not mentioned in the report?

An article in the Cambodia Daily dated August 31, 1998, reported that Chhay Vy was in police custody. This article was provided by Congressman Rohrbacher's office and not deemed relevant to the report as Vy was interviewed on November 13, 1998, and provided no details regarding his alleged detainment.

14) Why did the FBI reinterview these two suspects on November 13? What specific information came to light in the intervening months? How did that information come to the FBI's attention?

The two individuals were interviewed based on the newspaper article mentioned above. Additionally, the time allotted for the first interview was severely limited at the insistence of Samura Rainsy [sic]. There was not sufficient time to ask follow-up questions in order to verify their story. Since the first interview the witnesses recanted their prior statement. There was interest in following-up on their statements. Also the Cambodian Ministry of Interior (MOI) issued a statement dated 8/29/98, indicating that the witnesses had changed their story.

15) Who was (were) the case officer(s) who conducted the investigation.

There were a number of FBI personnel involved in this investigation. Their identities are confidential.

16) Who drafted the report? At what level within the FBI was the report approved? Were other agencies of the federal government involved in drafting, reviewing or approving the report. If so, which agencies and which officials?

The report is a summary of the investigation that was prepared by an analytical unit at FBIHQ. The report was approved by an FBI Assistant Director and provided to Congress as requested in the "1998 Foreign Operations Appropriation Act". No other agencies were involved.

17) At what level within the FBI were the parameters of the investigation set? For instance, who in the FBI was involved in deciding who should or should not be interviewed, authorizing those interviews, and deciding whether or not agents should leave or return to Cambodia?

Depending on the circumstances and facts surrounding a case, the parameters of any investigation are set by the CA in consultation with field office supervisory staff, FBIHQ, the United States Attorney's Office, and others. In addition, overseas investigations are further coordinated with the Ambassador in country who has the ultimate authority to allow Agents country clearance to conduct investigations in country.

18) To what extent were the State Department and the National Security Council involved in setting the parameters of the investigation? Were any State or NSC officials involved in deciding who should or should not be interviewed, authorizing those interviews, or deciding whether or not agents should leave or return to Cambodia? If so, which individuals?

The State Department and National Security Council do not set parameters for FBI investigations. However, as mentioned above, extraterritorial investigations are often coordinated with the Ambassador in country. Ambassador Quinn was consulted with and wished to be kept apprised of developments regarding this investigation which is his prerogative.

19) According to a Cambodian government report from May, 1997, several eyewitnesses claimed that several hours after the attack, two men who looked like suspects were seen boarding a helicopter with Kun Kim, the Vice-Governor of Kandal Province. They were earlier seen near the helicopter landing site in a vehicle with Him Bun Heang, an assistant to General Huy Pised. Why is this apparently relevant information not in the report?

On May 28, 1997, the CA addressed this issue with the Investigative Commander Teng Savon. Savon informed the CA that this persistent rumor regarding the two alleged suspects being flown in the Cambodian helicopter was simply not true. Investigation related to the helicopter was conducted by an Agent and was reflected in his report.

20) According to the same Cambodian Government report, the FBI agent in charge was quoted as saying "Those men who threw the grenades are not ordinary people. They are Hun Sen's soldiers." He substantiated this claim by pointing out that the perpetrators escaped into the nearby CPP compound, abetted by guards who opened the gate for them and who then denied seeing anything. Was this an accurate quote of the FBI agent in charge? Who does the FBI now believe to be the prime suspect(s) in this case? Who does the FBI believe ultimately to be behind the attack?

According to press reports, a plethora of false, inflammatory, and classified information was released by

police officers who were members of the Investigative Commission to the press. The Commission was composed of officers representing two opposing political parties. Partisan politics obviously influenced the motivations of local officials and officers. The FBI often in extraterritorial investigations finds that political motivations influence sources of information provided to law enforcement or to the media. The task of ascertaining the veracity of sources of contradictory information is often difficult in these investigations.

The remark was never made by the Case Agent. An accurate description of the conversation of May 22, 1997, between Rainsy and the CA is transcribed in the case file. As this case is still a pending matter, the current available facts do not warrant speculation as to who is responsible.

We understand the Committee's interest in this case, and we will keep you and your staff advised should there be any new developments.

Sincerely yours,

Neil J Gallagher
Assistant Director
National Security Division

Next document: US Senate investigation of the grenade attack and the FBI and State Department roles.



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