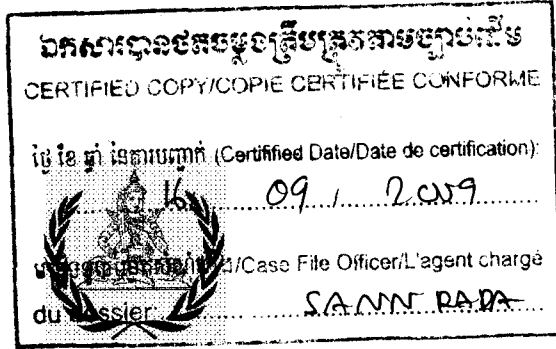
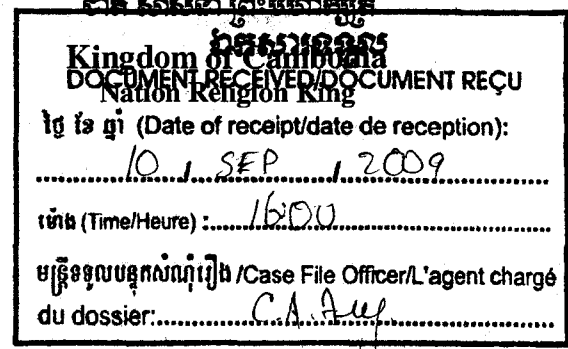


~~លេខ: ១១៧/១៣~~



ព្រះរាជាណាចក្រកម្ពុជា



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

លេខ/No: 002/14-08-2006

លេខស៊ើបអង្កេត Investigation

No:002/19-09-2007-ECCC-OCIJ

កំណត់ហេតុនៃការស្តាប់បង្ហើយសាក្សី

Written Record of Interview of Witness

On the twenty-first day of September in the year two thousand eight, at 9:00 a.m. at Daung ដូង Village, Malai ម៉ាឡៃ Subdistrict, Malai ម៉ាឡៃ District, Banteay Mean Chey បន្ទាយមានជ័យ Province.

We, SVAY Samnang ស្វាយ សំណាង and Mike DIXON, Investigators of the Extraordinary Chambers, having been assigned by the Rogatory Letter of the Co-Investigating Judges, dated 12 September 2008,

Having seen the Law on the Establishment of the Extraordinary Chambers, dated 27 October 2004

Having seen Rules 24, 28, and 60 of the Internal Rules of the Extraordinary Chambers

With the presence of Mr. SENG Phally សេង ផល្លី, sworn interpreter of the Extraordinary Chambers

Recorded the statements PHY Phoun ភី ហួន, a witness, who provided the following information regarding his personal identity:

~~CONFIDENTIAL~~ 107/3

The undersigned **PHY Phuon ភី ភួន** alias Vycheam វីជាម was born on 18 August 1947 at Kèt កែត Village, Ta Lav តាឡាវ Subdistrict, Ândaung Pech អណ្តូងពេជ្រ District, Ratanakiri រតនៈគីរី Province. He is an ethnic Charay ចារាយ of Cambodian nationality, and is a farmer. His father PATOUT Kvēk ប៉ាទូតក្បែក is living, and his mother ROS Chambêch រស់ ចាំប៉ែច is deceased. His current residence is at Daung ដូង Village, Malai ម៉ាឡៃ Subdistrict, Malai ម៉ាឡៃ District, Banteay Mean Chey បន្ទាយមានជ័យ Province. His wife SRĒNG Kimly ស្រេង គីមលី is living, and he is the father of four children.

The witness has no criminal record.

- The witness declared that he can read, write and understand the Khmer language.
 - The witness declared that he cannot read or write any other languages.
- Therefore, the original of this Written Record is written in the Khmer language.
- We advised the witness that an audio or video recording was being made of this Interview.
 - The witness told us that he is not related to either the Charged Persons or to any of the Civil Parties.
 - The witness took an oath, in accordance with Rule 24 of the ECCC Internal Rules.
 - We notified the witness of his right against self-incrimination, in accordance with Rule 28 of the ECCC Internal Rules.

Question-Answer:

Q: In order to add to the responses you provided on 5 December 2007, we request to ask you a number of other questions which you may know. According to your responses on 5 December 2007, you described a meeting to decide on evacuation plans at POL Pot's Office B5 ប្រទី ប្រទី at Taing Porn តាំងពន Village, Kampong Tralach កំពង់ត្រឡាច District, Kampong Chhnang កំពង់ឆ្នាំង Province in early April 1975, and present at that meeting were KOY Thuon កុយធ្នូន, KÈV Pôk កែវ ពក, SAO Phim សោ ភឹម, VORN Vêt វន វ៉ែត, Ta Mok តាម៉ុក, CHĒN Ân ចេន អន, SON Sên សុន សេន, NUON Chea ឆួនជា, and KHIEU Samphan ខៀវ សំផន, and at that time POL Pot led the meeting. Is that correct?

A: Yes.

Q: What time did the meeting begin? What time did it end?

A: That meeting began at 7:30 a.m. and ended around 11:00 a.m.

~~FROM: D107/3~~

Q: In that meeting, what did POL Pot, who led the meeting, explain about the evacuation plan, and how long was that explanation?

A: The meeting focused only on the plan to evacuate the people from Phnom Penh, and the explanation was made so the members of the meeting would understand and carry out that plan.

Q: What impressions were provided by each of the above named attendees on the content of the meeting?

A: The members of the meeting provided their personal impressions and opinions on the evacuation plan and agreed to the plan.

Q: What were Mr. KHIEU Samphan's opinions during the meeting?

A: Mr. KHIEU Samphan gave his opinions and impressions and agreed to the plan to evacuate the people.

Q: And Mr. NUON Chea?

A: Mr. NUON Chea also provided his impressions and agreed to the plan.

Q: Can you describe the location of the meeting?

A: The meeting was set up in an approximately 4 by 5 meter thatch-roofed and thatch-walled ordinary style wooden house. I stood next to the wall and was able to hear everything. Aside from Angkar, commanders from the battlefield also attended the meeting. There was no official written record, but POL Pot, NUON Chea, and KHIEU Samphan each individually recorded the content of the meeting.

Q: Aside from the evacuating Phnom Penh, was there any other discussion of evacuating the cities and other population centers?

A: The meeting had been set up to decide on the evacuation of Phnom Penh, but aside from that, they told all the commanders to set up meetings when they returned to their sectors and make plans to evacuate the people from the cities under their responsibilities. This information was subsequently published in the Revolutionary Flag and the Front Flag and was issued to all Party members.

Q: Where was IENG Sary during that meeting?

A: He was in Beijing with his wife IENG Thirith អៀង ធីរិទ្ធ, and he returned to the country around one week after the fall of Phnom Penh on 17 April 1975. At the time, he was a special emissary of the resistance movement and accompanied Sâmddech Sihanouk. At that time, the Foreign Ministry had not yet been created.

Q: According to the responses of the Charged Person KAING Guek Eav កាំង ហ្គេកអ៊ាវ alias Duch ឌុច dated 24 June 2008, he said that you brought people who had been arrested to S21 ស៊ីខ័្វ. What is your understanding of that point?

A: I never knew of S21 at that time; whatever he wants to say is his affair.

~~002/141~~ 0107/3

Q: Can you describe the location and the date of creation of the Foreign Ministry?

A: In late 1975, Office B1 ប្រទ, which was later called the Foreign Ministry, was created in Houses Number 1 and Number 2 on the riverside street, now the location of the Cambodia Development Council ក្រុមប្រឹក្សាអភិវឌ្ឍន៍កម្ពុជា. In 1976, it re-located to Soviet Federation Boulevard, now the location of the Council of Ministers.

Q: At B1, who was the person in highest responsibility for internal security affairs, for instance the arrests of individual staff in B1?

A: Office 870 មន្ទីរ ៨៧០ was responsible for decision-making on security affairs related to serious wrong-doing. If there was any confession, the names of those implicated were sent to Uncle IENG Sary for him to clarify and tell them who those persons were and in what sections they worked. They were subsequently arrested by military personnel from Y10 ប្រទ of Office 870. The arrests were made during the day or during the night, and the prisoners were transported away by vehicle.

Q: How many people worked at B1, and how many were arrested?

A: B1 had a staff of more than 1,000 persons, but from 1975 until 1976 there were no arrests. The majority of the arrests were made in 1977 and 1978.

Q: Can you describe the prisoners who were sent to be tempered [ធ្វើការលត់ដុំ]?

A: They were persons who had been reported to have committed minor wrong-doing, for instance not working very actively or being sick a lot; they were sent to be tempered at the rice fields and farms at Takhmao តាកម្មោ and Pun Ta Ley ពន់តាលែ, and to break rocks at the Kampong Chhnang កំពង់ឆ្នាំង airfield construction site.

Q: Who made the decisions on who was sent to S21 or to be tempered?

A: Cases of the most serious wrong-doing were taken from the implications in the confessions and reported by Duch to Office 870, then sent to B1. Office 870 sent the information to Uncle IENG Sary, who was the person who made the decisions on who was to be sent to be tempered. Uncle IENG Sary told me that those confessions were sent to him with annotations. Sometimes he received them during communal mealtimes, and sometimes they were sent to his office via secret letters.

Q: What happened to the diplomats and intellectuals who were invited to return to the country?

A: The majority were sent to be tempered at Boeng Trâbèk បឹងត្របែក to raise ducks or plant morning glory.

~~10/27/03~~

Q: If we want to learn additional information, would you grant us the opportunity to meet you later?

A: If I have the free time, I will grant you the time to meet again.

One copy of the written statement was provided to this witness.

The interview ended at 1100 hours in the evening on the same date.

The Written Record was read out to witness; the witness had no objections and signed it.

Witness
[Thumbprint]
[Signature]
PHY Phoun

Interpreter
[Signature]

Investigators
[Signatures]