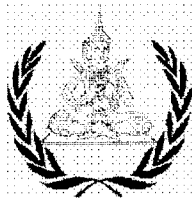


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ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation - Religion - King

អង្គជំនុំជម្រះវិសេសវិសេសនៃតុលាការកម្ពុជា

**Extraordinary Chambers in the
Courts of Cambodia**

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត

Office of the Co-Investigating Judges

សំណុំរឿងព្រហ្មទណ្ឌ/Criminal Case

លេខ/No: 002/14-08-2006

លេខស៊ើបអង្កេត/Investigation

លេខ/No: 002/19-09-2007-ECCC-OCLJ

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| ឯកសារទទួល |
| DOCUMENT RECEIVED/DOCUMENT REÇU |
| ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/Date de reception): 20 / 01 / 2009 |
| ម៉ោង (Time/Heure):..... 13 : 50 |
| មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: SAMV RADA |

កំណត់ហេតុនៃការស្តាប់ចម្លើយសាក្សី

Written Record of Interview of Witness

On the twenty first of November, two thousand and eight, at 0900 hours, at Kandal
កណ្តាល village, Malai ម៉ាលៃ subdistrict, Malai ម៉ាលៃ district, Banteay Meanchey
បន្ទាយមានជ័យ province.

We, SIM Sorya, Investigator of the Extraordinary Chambers, being assigned by the
Rogatory Letter of the Co-Investigating Judges, dated 26 May 2008,

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

Noting Rules 24, 28 and 60 of the ECCC Internal Rules,

With Mr....., as sworn Interpreter of the Extraordinary Chambers,

Recorded the statements of KHĂM Phăn ខាំ ផាន់ (maiden name), a witness, who provided
the following information regarding his personal identity:

Translated from the Khmer original: 00239934-00239940_KH

| |
|-------------------------------------------------------------------------------------------------------|
| ឯកសារទទួលបានតាមប្រព័ន្ធស្របតាមច្បាប់ស៊ើប |
| CERTIFIED COPY/COPIE CERTIFIÉE CONFORME |
| ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវបញ្ជាក់ (Certified Date/Date de certification): 23 / 01 / 2009 |
| មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé du dossier: K.K. Ratanak |

~~PHAN Van ជាន់ វ៉ាន់~~ 125/160

The undersigned KHĂM Phăn, revolutionary name PHAN Van ជាន់ វ៉ាន់ (currently used name) born in December 1960 in Peam Chimiet ពាមជីមៀត village, Peam Chimiet ពាមជីមៀត subdistrict, Koh Nhêk កោះញែក district, Monduliri មណ្ឌលគិរី province. He is of Cambodian nationality, and is a plantation farmer.

His father, Sovăn សុវណ្ណ alias Hâm ហាម alias Laing ឡាំង, his race is unsure whether Tumpuon or Phnorng, is deceased, and his mother, Kân កន, Laotian, is deceased.

His current address is at Kandal village, Malai subdistrict, Malai district, Banteay Meanchey province.

His wife HUN Vy ហ៊ុន វី is living and he is the father of 3 children.

The witness has no criminal record.

The witness declared that he can read, write and understand the Khmer, Thai and Lao languages.

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.

Questions and Answers:

Question: Could you describe your background?

Answer: I grew up in Peam Chimiet village. My parents did rice farming to earn a living. Before 1970, I studied in the forest in the vicinity of Au Tang អូរតាង, Au Leav អូរលាវ in Ratanakiri រតនគិរី province, near the Vietnamese border. At that time, I was young and I had to follow my parents to live in the forest. The leaders who were in the forest included Ta Ya តាយ៉ា, Ta Vâng តាវង់ alias Vy វី, Ta Thângsy តាថងស៊ី (who died after the Vietnamese came in 1979) and Ta Laing តាឡាំង (my father). In mid 1970, I went to live in office B-20 ប្រ-២០ next to Kilometer 10, Boeng Kēt បឹងកេត. It might be in Steung Tràng ស្ទឹងត្រង់

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district of Kampong Cham កំពង់ចាម province. I learned how to translate coded typewritten documents with Ming [aunt] Sim មីង ស៊ីម at that office. Ming Sim was arrested during the 3-year regime because her husband was from Hanoi. I forget the names of Ming Sim's husband and those of senior leaders at office B-20. B-20 was the Center office at that time. That office B-20 was supervised by the senior leaders included POL Pot, NUON Chea, KHIEU Samphan and SON Sen but IENG Sary and IENG Thirith were not there at that time. They both lived outside the country. Office B-20 comprised of military, economics, and administrative sections as headquarters through which the forces and logistics were distributed to the areas surrounding Phnom Penh. In 1973 I went to live with my father in Âr Buon Kraom អរហួនក្រោម. From 1975 to late 1977, I went to stay in Phnom Kraol ភ្នំក្រាល at K-17 ក-១៧ office where the provincial committee [members] worked. My father was the secretary in charge of this K-17 office and I was his secretary translating coded typewritten documents. Those coded typewritten documents were sent from the district level to my office and also to/from the Center. I was the only person who translated those coded typewritten documents. There was a group of typewriters and each of them was in charge of one district and they were also receiving from and sending [the documents] to the Center. I was the only one who did the writing. And later, I do not know their whereabouts because I have never been to my home village. But, I heard that Ta Sarun តាសារុន went there and arrested all of them.

Question: While you were doing your typing of coded documents from 1975 to 1977, what did know about the reporting work?

Answer: The district offices mostly reported on the dam and canal construction, crop production, healthcare, the monitoring of forces, good or bad elements, traitorous or peaceful alliance elements. K-17 office mostly issued instructions back to the districts and prepared a district performance report and sent to the Center on a daily basis. In responding to a report on the bad elements, the instructions from office K-17 was that [the person] be re-educated at the base for the first and second offenses and be called for re-education at the Phnom Kraol Dam Security Office for the third offense. This Security Office was managed by the Battalion 2 chairman Lēng ឡេង (a Jaray ចារាយ from Ratanakiri province, and is deceased). Those who were brought for re-education in Phnom Kraol Dam Security Office included those who broke disciplines, committed immoral offense, stealing/robbery and work evasion. In each case, the offender had to prepare a biography. The Center never made any order to the K-17 office for any arrest. One day, it was probably in late 1976 or early 1977, Ta Chhin តាឈិន telephoned to my father (Hâm ហម alias Laing ឡាំង) telling him that the General Staff (SON Sen សុន សែន) called him

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to a meeting. I heard this from my father. Before the arrest of Ta Chhin and Ta Sây តាសាយ (Ta Chhin's deputy), my father held two positions. His first position was Zone deputy secretary to Ta Ya តាយ៉ា and the second position was Sector 105 secretary. Therefore, my father had the rights (authorities) over Ta Chhin and Ta Sây. At that time, Sector 105 was autonomous and had the rights to report directly to the Center. As for military matters, the Sector reported directly to the Center and the Sector directly reported other administrative matters to the Zone and the Center. After the death of Ta Chhin, Ta Sây and my father, all Sector's matters were directly reported to the Center.

Question: Who and which of office of the Center were your typewritten documents sent to?

Answer: I mostly sent [them] to office 870. For equipments, healthcare or social affairs and matters other than security I had to type in plain language (non-coded) and sent to KHIEU Samphan alias Hèm. When he sent back his instructions/assignments he signed them and used the name Hèm. For instance, when he made assignment to the Sector level, then the Sector (K-17) would further assign to the trade or economic section to receive logistics support at the central level such as petroleum, machinery, medicines and cloth etc. In return, the Center also requested for husk rice from the Sector. My typewritten documents regarding security matters were sent to NUON Chea alias Uncle Nuon or Brother number 2. There were coded numbers but I could not recall right now. It had to be written in coded letters. I could not understand the contents of those coded letters. It was only my father who could understand those contents because there was another set of secret codes for reading them. Before my father's death, NUON Chea regularly instructed on security matters such as to be vigilant of Vietnamese enemy or insider enemy, the ambition of Vietnam, and ideological tasks for education to the district level. In addition, NUON Chea sent the typewritten messages to the Sector level such as Ta Sophea តាសុផា (who was member of Sector committee in charge of military affairs or chief of Sector military) or my father and other cadres to go to study in Phnom Penh. My father and Ta KHĂM Phoun តាខាំភួន (Sector deputy chief) were killed while they were sent to study in the final session in Phnom Penh. Before my father and Ta KHĂM Phoun were called to go to study, there was a typewritten letter in an ordinary writing (non-coded) form from NUON Chea to K-17 office calling the Sector deputy chiefs in charge of education, including Ta Sau តាស៊ូ, Kim An គីម អាន alias Mey ម៉ី and another district chief Chă̄m ចាំ to go to study and they disappeared for ever. At that time, my father and I were not aware of anything before that arrest.

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Question: Please describe the incident that caused your father and KHĂM Phoun to death.

Answer: One day, I received an urgent typewritten letter in an ordinary writing from NUON Chea, ordering my father and KHĂM Phoun to go to study in Phnom Penh. My father's body guard Doeng ជឹង, my father, KHĂM Phoun and I went on board the helicopter which was sent from the Center. It was flown by a pilot named KHĂM Toeung ខាំ ទៀង. At that time, my father, KHĂM Phoun and I did not carry any gun but the helicopter pilots and their guards were all armed. Usually, those who came to Phnom Penh for the meeting had to leave the gun at the Sector office and they could not bring along any gun. At that moment, I observed that, though KHĂM Phoun's son Khăm was arrested, the relationship between KHĂM Phoun and my father remained intact. When we arrived at Pochentong, the K-17 group comprised of its leader Ta Kou តាកូ alias Ta Ki តាកី went to receive us in an ordinary manner (as they usually did from time to time). All of us including my father, Ta KHĂM Phoun and I were searched by Ta Ki group for weapon which was not allowed to be brought along. I did not see that Ta KHĂM Phoun picked and took with him any metal. My father and Ta KHĂM Phoun took a ride in an ordinary car and Ta Doeng តាជឹង and I took a ride in a jeep behind them. When we arrived at the Sector 105 Trade Department Office in front of the Royal Palace, Ta Ki told my father that "Brother! You go to K-17 and return for dinner in the evening". Ta Doeng and I were taken by the K-17 people to go for a walk in front of the Royal Palace and to various places. In the evening, I returned and prepared dinner for my father as I usually did. I went upstairs to make up the bedroom and at that moment I did not know that he returned. Then I saw my father's bedroom door left open and when I entered inside I saw my father was dead lying down to his right hand side on the bed. It looked like he was in his normal sleeping position with his head on his right hand. There were bleeding cuts from beatings on the left side of his head and bullet hole on his left temple. I did not see any blood stain spattered over the mattress or the wall next to the corpse of my father. In the middle of the room, I saw a piece of angle-shape metal like a door metal piece of about half meter in length with a small blood stain on it. I saw the corpse of Ta KHĂM Phoun with face against the ground and lied next to the door. There was a bullet hole in his mouth and another hole on his left temple. I saw the corpse of Ta KHĂM Phoun with his hand gripping a pistol loaded with 22mm calibre bullets គ្រាប់ពិន្ទុ. I did not see and could not identify the bullets that hit Ta KHĂM Phoun and my father and I did not see any blood stain on Ta KHĂM Phoun. There was a little blood, approximately a half full of a glass, bleeding from Ta KHĂM Phoun's temple and only a little blood on his mouth. I observed that the blood was not squirting to a far distance or covered any large part in the room and there was no sign of resisting and convulsion. Based on the friendship between the two, they could not kill each other. Later, I went and

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reported to K-17 and K-17 prohibited me and relatives from going near the corpses. My father's corpse was burned up and K-17 group told me that my father's ashes were sent to Ta Sarun at his home village because at that time, Ta Sarun became the provincial secretary. Later, my elder sister Han ព្រង who was living in the home village told me that Ta Sarun's group was ordered by the Center to ransack my father's office K-17 and took all equipments and that all members of my group at office K-17 (Phnom Kraol) were arrested. I requested for permission to celebrate a ritual ceremony for my father but it was not granted. Later, when I was working as IENG Thirit's driver, I requested her for permission to join a ritual in my home village but she refused my request for fear that it would affect her.

Question: After the death of your father, where did you live and work?

Answer: I was transferred to plant vegetables at Areykhsät អារឹយក្សត្រ, the production place for supporting K-17 office, for two months. K-17 office was the protocol group for liaison with the Center. Later, I came to drive for IENG Thirit, the Minister of Social Affairs. The Ministry of Social Affairs located in K-2 ក-២ which was opposite the western corner of DN (national defense compound). I drove her to visit the medical colleges at various hospitals everyday. Sometimes, I drove her to meet with Chinese guests and sometimes to the meetings at Borey Keila បុរីកីឡា and when her husband (IENG Sary) had to go along she had a ride with her husband. They mostly attended the meetings at Borey Keila, at the invitation by NUON Chea and POL Pot, to study about political lines. Other leaders also attended those meetings.

The interview paused at 1140 hours on the same day.

The interview resumed at 1225 hours on the same day.

Question: Did you know what happened to CHĀN Kim ចាន់ គឹម, deputy chairman of Division 920 and Sophea, Sector 105 military chairman?

Answer: I did not know because at that time I was restricted and not allowed to know much things. Such restriction began since I was sent to plant vegetables at Areykhsät.

Question: Did you know what happened to Svay ស្វាយ and Kasy កាស៊ី?

Answer: I did not know what happened to Kasy. However, in the life view meeting Svay was announced to have committed immoral offense with women. I did not attend that life view meeting. (As far as I know), later that night he shot one district committee member to death and fled into the forest for one week. During that week, he was accused of having connection with Vietnam. Later he ran out of bullets and committed suicide by hanging himself in the forest nearby his house. His wife had already been arrested and detained in the security office.

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Question: As per your observation, what incident caused Angkar to kill your father?

Answer: One day when I was preparing meals for my father who was meeting with Ta Ya, I could hear their discussion. In that discussion my father suggested that Ta Ya talk to Angkar for a negotiation with Vietnam and not to fight with Vietnam. That suggestion was also agreed by Ta Chhin, Ta Sây and Ta Vieng who were also present in that meeting. Later, Ta Vieng was assigned to go to negotiate with Vietnam in the vicinity of gasoline pipeline area in Sèn Monorom សែនមនោរម្យ district of Mundulkiri province. That gasoline pipeline was connected from Vietnam into Cambodian territory during the American-Vietnam war. Shortly before that meeting, there was a telegram from the General Staff to have them fight and occupy the gasoline pipeline area. That was the most serious matter that led to a suspicion and the arrest of Ya when he went to attend the meeting in Phnom Penh and later Ta Chhin, Ta Sây and finally my father were arrested.

- One copy of the Written Record was provided to the witness.
- The Written Record was read out to the witness; the witness had no objections and signed it. [Signature/Thumbprint]
- After the Written Record was read out to the witness, the witness refused to sign it.

The interview ended at 1340 hours on the same day.

Witness

Interpreter

Investigator

[Signature]

[Signature]