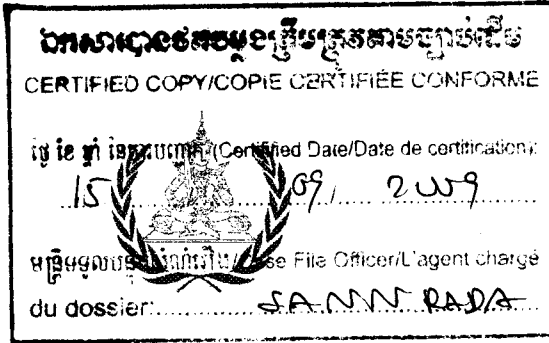


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ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Kingdom of Cambodia
Nation-Religion-King

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
 Extraordinary Chambers in the Courts of Cambodia
 Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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/Instruction
លេខ/No: 002/19-09-2007

កំណត់ហេតុនៃការស្តាប់បម្រើសាក្សី
 Written Record of Interview of Witness
 Procès-verbal d'audition de témoin

On the tenth of March, two thousand and nine, at 12:45 hours, at the Kandal (កណ្តាល)
 village, Malai (ម៉ាលៃ) sub-district, Malai (ម៉ាលៃ) district, Banteay Meanchey
 (បន្ទាយមានជ័យ) province;

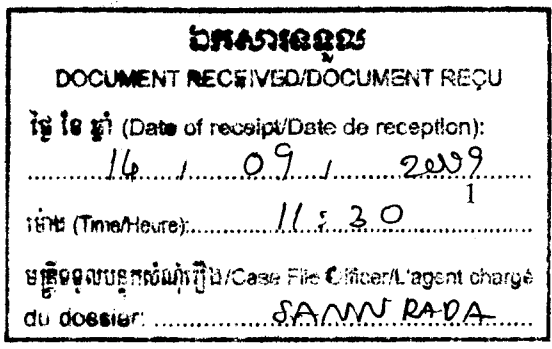
We, ÈM Hoy (ឈម ហ៊ឺយ) and Philip Caine, Investigators of the Extraordinary Chambers,
 being assigned by the Rogatory Letter of the Co-Investigating Judges, dated 27 January
 2009;

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. Samorn NIL (សាម៉ន នីល), as sworn Interpreter of the Extraordinary
 Chambers;

Original KH: 00287700-00287709



~~07/11/2007/4~~

Recorded the statements of KHAM Phán (ខាំ ផាន់), a witness, who provided the following information regarding his personal identity:

The undersigned, PHAN Van (ផាន់ វ៉ាន់) alias KHAM Phán (ខាំ ផាន់), born in 1960 in Peam Chimiet (ពាមជីមៀត) village, Peam Chimiet (ពាមជីមៀត) sub-district, Koh Nhèk (កោះញែក) district, Monduliri (មណ្ឌលគិរី) province.

He is Laotian of Khmer nationality; and his current occupation is a farmer.

His father, Laing (ឡាំង), revolutionary name was Sovann (សុវណ្ណ) and Hâm (ហម), is “deceased”, and his mother, KHĂM Kân (ខាំ កន), is “deceased”.

His present address is in Kandal village, Malai sub-district, Malai district, Banteay Meanchey province.

He is married to HUN Vy (ហ៊ុន វី), “alive”, and is the father of 3 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 can read or write Thais and Laotian 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: Before 17 April 1975 where did you live? And what did you do?

A: In about 1970, when I was young, my father sent me to study at B-20 and K-17. B-20 was the Office of the Centre and K-17 was the food production place of the Centre. At B-

~~02/07/2007/4~~

20 there were NUON Chea (នួន ផា), POL Pot (ប៉ុល ពត), and a number of intellectuals included KHIEU Samphan (ខៀវ សំផន), HOU Nim (ហ៊ុន នីម), and HOU Yun (ហ៊ុន យុន). Ta Mok (តា ម៉ុក) and SON Sen (សុន សែន) came to this Office occasionally. Briefly speaking, all the leaders of the sectors and zones came to meet here. B-20 and K-17 located between Kampong Cham (កំពង់ចាម) and Kampong Thom (កំពង់ធំ) provinces. At B-20 they had me study telegram and work as a courier for senior cadres. At that time all children of the cadres from the sectors and up were sent to study there. The teacher of those children was Sim (ស៊ីម) (female) (deceased). My telegram teacher was Yos (យ៉ូស) (deceased). In early 1974 they sent me back to my birth village where I worked with my father (Laing alias Hâm). I was a telegram translator and also a personal messenger for my father.

Q: What did you do when you stayed with your father?

A: I worked at K-17 in Sector 105. This K-17 (different from the K-17 at the Centre) of Sector 105 was in Phnom Kroal (ភ្នំក្រាល), Koh Nhèk district, Monduliri province.

Q: Are there any signs of that Office still remaining?

A: The stilts and structure are still remaining and they are now surrounded by a fence.

Q: Who else were working in that Office?

A: My sister Bo Phann (បូ ផាន់) alias (Han ហាន) who is now living in Anlung Veng (អន្លង់វង់), Ta Lây (តា ឡាយ) and Ta Thin (តា ធីន) who were arrested. Thin (ធីន) was the chairman of Office K-17 of the Sector. Ta Lây was the security chief and a bodyguard of my father. My father was the secretary of Sector 105.

Q: What was the role of Office K-17?

A: Office K-17 was in charge of general work within Sector 105. Office K-17 composed of a place for holding the assembly, a place for making report on work and studying, and other sections included military, economics, transportation, and hospital. Sector 105 covered only Monduliri province. From 1975 to 1979 Monduliri province was an autonomous Sector. All types of works were reported directly to the Centre. Ta Ya (តា យ៉ា) (deceased) was the secretary of the Northeast Zone.

Q: What did the telegrams you translated talked about?

A: During that time most of the telegrams I translated were about instructions, work plan, food production, and reports. The reports were about internal issues, managing forces, and military activities along the border. At that time there were two translators, Sy (ស៊ី) (deceased) and me.

Q: What was the format of the document?

A: They used a technical format like that I had learnt at B-20. The upper echelon had their own code numbers which the ordinary people could not know of. At that time they used a slogan "keeping confidential is a victory".

Q: Were the telegrams you received written in code numbers or in hand writing text?

A: Each telegram was coded with numbers and coming out in handwriting. I translated that numbers coded telegram into text in handwriting, and then gave it to my father's secretary. After my father had read it, he responded back to the upper rank. I translated his response and then sent it back to the sender.

Q: Each time you received or sent out a telegram did you keep its original copy as a record?

A: I kept both of the numbers coded and the text copies. They were kept for at least 6 months until there was an order from the upper rank to burn them up; then I could do it.

Q: Did they use code numbers when they sent it out or in?

A: The leaders used different code numbers which were changed very often except the code number of the Centre. The Centre code number was 870.

Q: Did you still remember code numbers of those at the Centre?

A: I still remember the code of Ta KHIEU Samphan and NUON Chea office which was called K-3; and POL Pot office was K-1. My younger brother, Vann (វ៉ាន់), worked at K-1. IENG Sary was B-1, and IENG Thirith was K-2.

Q: For most of the documents your father ordered you to send out, where were they sent to?

A: Many documents were sent to K-3. And K-3 was like an administration office.

Q: Where did you mostly receive the documents from?

A: Mostly I received them from K-3.

Q: Did you have any communication with Office K-2?

A: At that time I never had any communication with office K-2. Office K-2 mostly communicated with K-3 directly.

Q: Did you ever receive any telegram regarding the purge of the Cham and the Vietnamese?

A: There was none at that time. If a purge was to take place, [the instruction about it] would be given in the great assembly during the policies studying session in Phnom Penh. Mostly they called sector and district committees to go to study at the Centre. The district and the sector committees took turn in going to study at K-3. The commune level was not called to study up there, but they went to study at the sector level. Senior cadres always did life view (self criticism). During that time there were 12 moral codes which we always kept in the pocket and read them as needed. At that time they held a meeting

once in every three days. They had to meet in order to set out work plan. If a unit failed to hold that meeting in three day, the chairman would be removed. They had this practice up to 1997.

Q: When senior cadres came to attend a meeting, did you also attend it?

A: No, I was young at that time.

Q: If you didn't attend, how did you know about the meeting?

A: At that time I was my father secretary. At the Sector Office, there was an education hall for the Sector. At the district level there was also a district education hall. They searched for the enemy through education, study, self criticism and report.

Q: Did you ever see any documents related to the confession?

A: I never saw it. When they wanted to arrest a cadre, they usually called that leader to study and then arrested him. And later they announced that that person was a traitor. The Centre gave the information to the sector level, and the sector passed on the information to the district level. For example, when they arrested Ta Chuon (តា ជួន), they had informed the sector level.

Q: Did your father ever speak about his fear of himself being arrested.

A: My father never told me about that, but I used to hear him talking with his colleagues. One day, at a dinner, my father talked with Ta Ya, Ta Sây (តា សយ), Ta Vâng (តា វង់), and Ta Chhin (តា ឈិន) about the abolition of currency and the attack on the Vietnamese in Tuyo Saing (តុយោសាំង) area (Mondulkiri). At that time my father suggested to Ta Ya should make a protest against that during the assembly meeting because Ta Ya was his senior. After the assembly Ta Ya, Ta Vâng, and Ta Chhin disappeared.

Q: Who else worked under your father?

A: Under my father were Khâm Phoun (ខាំ ភួន) (a deputy in charge of politic), Ta Sarun (តា សារុន) (a deputy), Mei (មី) (a deputy in charge of education), Châm (ចាំ) (a deputy), Ra (រ៉ា) (a deputy in charge of general issues), Ân Sy (អន ស៊ី) (a deputy and was the secretary of Keo Seima (កែវសីមា) district), Chuon (ជួន) (a deputy in charge of the provincial Commercial Unit), Sophea (សុផា) (in charge of Sector military), Hvieng (ហ្វឺង) (Sophea's deputy), La (ឡា) (deputy military), Maing (ម៉ាំង) (deputy military), and Paing (ប៉ាំង) (deputy military).

Q: Were any of these people purged?

A: In 1976 my father Laing, Khăm Phoun, Mei, Chăm, Sophea, La, Ra, and Chuon were purged. Others died after 1979 except Maing is now living in Keo Seima, and Ta Sarun is living in Anlung Veng.

Q: Who replaced your father after that?

A: After that Ta Sarun replaced my father until the arrival of the Yuon. Ta Sarun at that time was the secretary of O Raing (អូរាំង). When Ta Sarun became the secretary of Sector 105, Uncle Loak (ឡាក់) (died) became his deputy and held that position until the arrival of the Yuon.

Q: Where was the security office of Sector 105?

A: The security office of Sector 105 was in Phnom Kraol under Ta Sophea control (also called Ta Sophea's office). Vann knows more than I about that security office.

Q: Did you know about any killing that took place in your Sector?

A: During my father era, there was no killing; but during Ta Sarun era the arrests of the whole families were made; but I don't know where those families were taken to be killed.

Q: Which sectors did they bring the prisoners from?

A: The prisoners were brought in from districts within Sector 105. The majority of the prisoners, who had been arrested and put in the security office, were accused of practicing black magic and incantation (witchcraft). Some soldiers were arrested and put there also.

Q: Did you ever visit that security office?

A: I never went there. That office was about 7km away from Office K-17.

Q: Were any new people evacuated to Sector 105?

A: There was none. But there were people evacuated from the Vietnam border.

Q: Did you know about K-1?

A: I didn't know about it, but my younger brother PHAN Vanny (ផាន់ វ៉ាន់នី) studied literacy there. At that time POL Pot had no child, so he adopted Vanny. Vanny is now about 40 years old. He is a policeman at Peam Chimiet village, Nang Khilik commune, Koh Nhèk district, Mondulkiri province.

Q: In what year did you come to Phnom Penh with your father?

A: In late 1977.

Q: Who else came to Phnom Penh with your father?

A: There were my father, Ta Khăm Phoun who was my uncle, my father bodyguard named Deum (ដើម) and me. When we arrived at the office of Commerce of Sector 105

near K-17 (in front of the royal Palace), they separated us by dropping me and Deum off at the office of Sector 105. They told me “your father will come back this evening”. Then they took me and my father bodyguard out for a sight seeing of Phnom Penh city. My father and Ta Khăm Phoun were taken to K-17. After I returned from the sight seeing trip, I rushed to the office of commerce, a place I and my father were supposed to stay during the night. At that time as I went up stair inside the house, I saw the dead bodies of my father and Ta Khăm Phoun inside it.

Q: Where else did they send you to after the dead of your father?

A: They sent me to grow vegetables in Arei Ksät (អរិយក្សត្រ). About three months later they sent me to work as a driver for IENG Thirith (អៀង ធីរិទ្ធ) at K-2. My daily work was to drive IENG Thirith to visit hospitals and to K-3 to meet with Ta KHIEU Samphan alias Hem (ហ៊ែម) and NUON Chea. Generally, IENG Thirith visited Russia Hospital. I was IENG Thirith driver until the Vietnamese attacked and arrived.

Q: Did IENG Thirith ever tell you about the meeting?

A: No.

Q: Did IENG Thirith ever speak about the hospital matters?

A: No. My role was only to drive her to work and to wash the car. Sometimes I walked with her to the hospital and carried a briefcase for her. But at the Office K-3, they didn't let me go in, and only the leaders were let in.

Q: How were the conditions of the patients when you were in the hospital with IENG Thirith?

A: There were not many skilled staffs at the hospital. Most workers were women brought in from the salt farm to work there. There were too many wounded patients in each hospital. IENG Thirith ordered the hospital to expand the roof in order to accommodate the increasing number of the patients. Most patients were wounded people sent from the battlefield. The hospital lacked of hygiene system, and bad smell was wide spread in the whole facility. THIUON Thioeun was a technical trainer for the newly arrived medics, who were mostly the girls from the salt farm. They were trained for only a few days before they were sent to undertake their work. Chinese medics were seen in every hospital but not many.

Q: What happened to former skilled medics?

A: I don't know.

Q: Why didn't they provide enough training to those medics?

A: Because it would not catch up with the situation; and there was not enough time.

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Q: Were there any medicine production facilities?

A: There was a production facility in the area of the current Health Ministry (it was previously a medicine production plant). That plant was able to produce Penicillin and Streptomycin. I knew about this because I saw the labels on the bottles were written in Khmer.

Q: Did you ever accompany IENG Thirith to other provinces?

A: I never accompanied her to province. I only went around with her within Phnom Penh, and never saw her traveling out to any provinces except going to the cholera vaccine production lab which was controlled by her daughter, Neat (នាង). This plant located in Chroy Chângvar (ច្រាំងចង្វារ). Neat is currently serving in the National Election Committee of Pailin province.

Q: Did you ever hear that they conducted some medical experiments on human or animal?

A: I never heard that because Phnom Penh a small area.

Q: During the time you stayed with IENG Thirith, did you know about the purge?

A: Aunt Sou (ស៊ី) and Aunt Pâk (ប៉ាក់) were arrested. Aunt Sou was IENG Thirith deputy in charge of hospitals; and Aunt Pâk was also IENG Thirith deputy in charge of medicine production. These two aunties were accused of being the traitors.

Q: What method did they use to arrest them?

A: The method they used to arrest leadership was to call them to study. One day Aunt Sou asked me to take her to the Messenger Office on the river bank called K-17. There a messenger took her inside that Office. One week later IENG Thirith announced in a meeting that Sou and Pâk were the traitors.

Q: Did IENG Thirith order those arrests?

A: I cannot confirm that.

Q: Did IENG Thirith try to do anything to prevent the arrest of those two?

A: after the arrest of those two, IENG Thirith announced in her Office K-2 "we all must be very careful not to cause any mistakes like those two persons". Aunt Sou's husband was not arrested. His name was Phân (ផាន់), working at the Propaganda unit (died). Phân was close to POL Pot. Aunt Pâk and Aunt Sou were the professors previously, and they fled into the jungle in the 1960s. I worked at Office K-2 which was the work place of IENG Thirith. It was also served as her residence.

Q: Besides those, were there any other arrests taking place at Office K-2?

A: They arrested many more people at that Office, especially those in the rank of the office chairmen. Later on they also arrested Aunt Sou driver named Muon (មួន).

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Q: Did you know any other names at Office K-2?

A: I knew Uncle Chhun (ឈុន) (but do not know if he died or still alive) who was the chairman of Office K-2 and later took Aunt Sou place as IENG Thirith deputy. As for Phai (ផៃ), he replaced Chhun as the chairman of Office K-2. He is currently living in Khla Ngoap (ខ្ពាងាប) village in Malai district. Others were Run (រុន) and Siek (ស៊ែក) who were IENG Thirith secretaries, and Dăm (ដាំ) who was the chief of the driver group. Run and Dăm are now living in Kamrieng (កំរឿង) district, but Siek where about is not known. Nèp (ណែប) and Nai (ណៃ) (a one leg amputee) were in charge of telephone then. They are now living in Malai commune, Malai district, Banteay Meanchey province. Rei (រឿ) (female) was IENG Thirith cook; she is now living in Srè Ambel (ស្រែអំបិល), Koh Kong (កោះកុង) province.

Q: Did you ever see senior leaders coming to Office K-2?

A: I saw IENG Sary, her husband, coming every evening except when he was out of the country. As for other senior leaders, I never saw any of them. But I saw car coming to pick up IENG Thirith to go out.

Q: What was IENG Thirith role at the Ministry of Social Affairs?

A: IENG Thirith was over all in charge of the entire Ministry of Social Affairs. K-2 was the working place of the Minister of Social Affairs.

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 and thump printed on it.

After the Written Record was read out to the witness, the witness refused to sign it.

This interview ended at 18:50 minutes on the same date.

Witness

Interpreter

Investigators

[Signature/Thumbprint]

[Signature]

[Signatures]