

ឯកសារទទួល
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ថ្ងៃ ខែ ឆ្នាំ (Date of receipt/Date de réception):
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: Ratana K.



ព្រះរាជាណាចក្រកម្ពុជា

ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

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/Instruction

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

កំណត់ហេតុនៃការស្តាប់បម្លើយសាក្សី

Written Record of Interview of Witness

Procès verbal d'interview de témoin

On the eighth of December two thousand and nine, at 1:15 p.m. at the Srah Chhouk
(ស្រះឈូក) Village, Trapeang Prey (ត្រពាំងព្រៃ) Commune, Anlung Veang (អន្លង់វែង)
District, Otdar Mean Chey (ឧត្តរមានជ័យ) Province,

We, Thomas KUEHNEL, Investigator of the Extraordinary Chambers, being assigned by
the Rogatory Letter of the Co-Investigating Judges, dated 24 July 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 NIL Samorn (នីល សាម៉ន) as sworn Interpreter of the Extraordinary Chambers,

Recorded the statements of PHÂN Chhên (ផាន់ ឆេន), a witness, who provided the
following information regarding his personal identity:

Original KH: 00414481-00414491

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ 1

ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១

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ឯកសារច្បាប់ចម្លងត្រឹមត្រូវតាមច្បាប់
CERTIFIED COPY/COPIE CERTIFIÉE CONFORME

ថ្ងៃ ខែ ឆ្នាំ ត្រឹមត្រូវបញ្ជាក់ (Certified Date/Date de certification):
12 / 01 / 2010

មន្ត្រីទទួលបន្ទុកសំណុំរឿង/Case File Officer/L'agent chargé
du dossier: Ratana K.

The undersigned PHĂN Chhên (ផាន់ ឆេន), alias/revolutionary name [none], was born in 1932 at Porn Teuk Tbaung (ពងទឹកត្បូង) Village, Kus (គុស) Commune, Tram Kak (ត្រាំកក់) District, Takeo (តាកែវ) Province. He is of Khmer nationality and is a layman at the Thammaream Pagoda (ធម្មារាម). His father LĂK Phăn (ឡាក់ ផាន់) is deceased, and his mother TIM Chuon (ទឹម ជួន) is deceased. His current residence is at Srah Chhouk (ស្រះឈូក) Village, Trapeang Prey (ត្រពាំងព្រៃ) Commune, Anlung Veang (អង្គឃាំង) District, Otdar Mean Chey (ឧត្តរមានជ័យ) Province. He is married to ROAT Sên (រ៉ាត សែន), living, and is the father of one child.

[X The witness has no criminal record.]

X The witness declared that he can read, write and understand the Khmer language.

X The witness declared that he can read the French, English, and Thai languages.

Therefore, the original of this Written Record is written in the Khmer language.

X We advised the witness that an audio or video recording was being made of this Interview.

X The witness told us that he is not related to either the Charged Persons or to any of the Civil Parties.

X The witness took an oath, in accordance with Rule 24 of the ECCC Internal Rules.

X We notified the witness of his right against self-incrimination, in accordance with Rule 28 of the ECCC Internal Rules.

[☐ We provided the witness with a letter of assurance, in accordance with Rule 28(3)(b) of the ECCC Internal Rules.]

Question - Answer:

Q: Prior to 17 April 1975, where did you live? And what did you do?

A.1: Prior to 17 April 1975, I lived at Ang Montri Pagoda (វត្តអង្គមន្រ្តី) from when I was a child until I was ordained. I was ordained as a novice at 12 years of age. Two years later, in 1952 when the French put in a place a treaty making Cambodia independent, I went to study at Seihakratanaram Pagoda (វត្តសីហៈរតនរាម) (Takeo Province). Then I went to study at Preah Vihear Khpuos Pagoda (វត្តព្រះវិហារខ្ពស់). Later I studied at Ang Thnaot Pagoda (វត្តអង្គឆោត), Tram Kak District, Takeo

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Province. Next I studied at Ponleu Pagoda (វត្តព្រីង), Touk Meas District, Kampot Province. Later I studied at Sovann Botum Pagoda (វត្តសុវណ្ណបតុម), Mukh Kampoul District, Kandal Province. Next I was at Ang Rokar Pagoda (វត្តអង្គរកាវ), Tram Kak District, and later in 1955 I studied for five years while staying in Monk's Residence 22 at Koh Pagoda (វត្តកោះ) in Phnom Penh. While I was studying in Phnom Penh, Mr. CHÃO Sēng (ចៅ សេង) was the Minister of Education. While I was studying in Phnom Penh, I studied the French language and received a diploma. Midway, Samdech CHUON Nath (ជួន ណាត) had me join the commission for the great seven-day seven-night ceremony. I studied in Phnom Penh up until 1959 when I left the monkhood and went to work for the French at the Chup Rubber Plantation for ten years. Later I resigned from the rubber plantation and returned to my birthplace to be a farmer.

Q: What year did you join the revolution?

A.2: I joined the revolution in 1971 and was chairman of my village, Porng Teuk Tbaung Village.

Q: Who brought you into the revolution?

A.3: The commune brought me into the revolution.

Q: Who in the commune brought you into the revolution?

A.4: Soeun (សៀង), the commune chairman, was the person who brought me into the revolution.

Q: When you joined the revolution, what was the designation of the Sector? Of the district?

A.5: At that time it was called Tram Kak District or District 105, located in Sector 13.

Q: Had a Zone been set up then?

A.6: There was a Zone. It was called the Southwest Zone.

Q: Who was the district secretary? Who were the district members? Who was the Sector secretary? Who were the Sector members?

A.7: Khom (ឌឹម) (Ta Mok's daughter) was the secretary of Tram Kak District. The deputy district chairman was Nhēv (ញ៉ែវ). The members were Keav (គាវ) and Phi (ភី), and there was one more. That's all I know. In Sector 13, Saom (សោម) was

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ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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the Sector secretary, Phèn (ផែន) was the Sector deputy secretary (small build, dark-complexion).

Q: Did you know Muth (មុត)?

A.8: I knew Muth. He was responsible for the military. I knew him well.

Q: Who was chairman of the Southwest Zone at that time?

A.9: Ta Mok was chairman of the Southwest Zone.

Q: When you first joined the revolution, what did they have you do?

A.10: They had me train teachers in my commune. At the time they called it Culture and Social Action; they did not call it Education and Training.

Q: When you started working in the commune, what was the commune called?

A.11: It was called Kus Commune.

Q: When you first began working in Kus Commune, what did you do?

A.12: At that time there was a plan from upper-echelon to build a meeting site in every village. The commune had 33 villages, but one was not built in every village; only about ten or more were built. Among those ten was the one in Kraing Ta Chan. In 1972 there was heavy aerial bombing; building those meeting sites was done out of fear of that aerial bombing.

Q: Why did upper echelon instruct the construction of those meeting buildings in the villages?

A.13: Because of the heavy aerial bombing. We built the buildings in the forest, not inside the villages, in order to keep them from being discovered.

Q: You said that upper echelon instructed the construction of the meeting buildings. Who do you mean by upper echelon?

A.14: Upper echelon was the district (District 105). Let me clarify: before the many meeting sites were built, three helicopters landed to capture me at my house. Later, instructions came for me to evade.

Q: Where did those helicopters come from? And why did they want to capture you?

A.15: Those three helicopters came from South Vietnam. They wanted to capture me because I worked in the commune, and I was the person who gave permission for the former government people to come and go. They saw my signature on the permits, and after a while they knew that I governed Kus Commune; so they came to capture me.

Q: What years were you the chairman of Kus Commune?

A.16: In 1973 I became the chairman of Kus Commune for a brief period of time.

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ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១

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- Q: What was the point of building those meeting sites in the villages?
- A.17: They were to build forces, meaning to build many forces, pillar persons, then Youth League, then induct them into the Party. Meetings had to be held once every month or once every half-month, depending upon their level.
- Q: Those chosen to be forces, did they join voluntarily or were they coerced to join?
- A.18: They volunteered to join, but their qualifications and biographies were assessed before they were allowed to join.
- Q: What year did Kraing Ta Chan become a detention office?
- A.19: In mid-1973, the district took that location for use as the district's own detention office. They told us that the commune was no longer allowed to be involved with that site.
- Q: Did the district order modifications to all of the more than ten villages where meeting sites had been built, or what exactly?
- A.20: No, it was just Kraing Ta Chan that was cut-off from the supervision of the village and commune.
- Q: For what use did the district take the Kraing Ta Chan Office?
- A.21: They used it to reeducate the people who were arrested and taken there.
- Q: You said that in mid-1973 the district used Kraing Ta Chan as a office for reeducating people. Who gave those orders?
- A.22: Phi (ភី), Duch (ឌុច), the district youth chairman, and Ǻn (អ័ន), were their commission that they brought in to represent Kraing Ta Chan.
- Q: When did you first get to know Phi, Duch, and Ǻn? How did you get to know them?
- A.23: I knew them before they came to work at Kraing Ta Chan. I knew them because the district had appointed them to work in my commune, but I had not known them before that, because they had lived in different communes inside that same district.
- Q: The decision to use Kraing Ta Chan as a reeducation office: Did the district make that decision on its own, or was the decision made at a higher level?
- A.24: A decision came from upper echelon. I did not personally hear that decision, but I learned of it from word passed on.
- Q: Who at upper echelon made the decision?
- A.25: Sector level, Saom, made the decision. He sent Nhēv (the person responsible for the military), Phi, Ǻn, and Duch to be in charge of the work there.

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ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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Q: Before the decision to use Kraing Ta Chan as an office of the district, what office did you work in?

A.26: I worked in the Kus Commune office; it was located at various sites, such as Ang Ta Ngil (អង្គតាឈីល) Village, Trapeang Ta Sok (ត្រពាំងតាសុក) Village, Ansaong Ro (អន្សាងរោទី), Chheu Teal Kav (ឈើទាលកាវ), and Trapeang Chheu Teal (ត្រពាំងឈើទាល). At that time, I worked at each of those offices for one or two days at a time.

Q: Before the Kraing Ta Cham office belonged to the district, what were its dimensions?

A.27: Before the Kraing Ta Cham office belonged to the district, there were two long buildings for holding prisoners, and those buildings were in the forest for secrecy purposes so they could not be seen.

Q: Was the Kraing Ta Chan office surrounded by a fence?

A.28: There was no fence surrounding it before the district took charge of it; but after the district took charge, they surrounded it with a wire fence with wooden posts.

Q: Before the district took charge of Kraing Ta Chan, were there any prisoners that the commune had arrested and was detaining there?

A.29: The commune had no prisoners or security people there; none of the other communes had any either.

Q: After the district took charge of the Kraing Ta Chan office, how did the office change?

A.30: They built buildings with wire netting and installed another level of ceiling to prevent prisoners from escaping.

Q: Were the prisoner buildings above ground, or dug into the ground?

A.31: From what I saw there were only above-ground buildings.

Q: Were those buildings ordinary houses, or was there something different about them?

A.32: The buildings were ordinary houses; they just added steel netting, that's all.

Q: After they fenced in the Kraing Ta Chan office, what were its dimensions?

A.33: I estimate that the office was approximately 50-60 meters wide and approximately 90-100 meters long.

Q: How many buildings were there in the Kraing Ta Chan office?

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ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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A.34: According to what I knew, there was one building for the security personnel to sleep, a small thatch-roofed kitchen oven building, and two prisoner buildings.

Q: Was the prisoner interrogation site located inside or outside the office compound?

A.35: The interrogation site was inside the office compound; it was a small building at the south corner of the office.

Q: Can you describe the interrogation building?

A.36: The interrogation building was open and was square, about 1.5 meters on each side, thatch-roofed, and there were no walls.

Q: You said that Phi, Duch, and Ǻn worked in the Kraing Ta Chan office. Were there any others?

A.37: Phi, Duch, and Ǻn were the chairmen, but there were other forces such as Chēng (ចេង), Penh (ពេញ), and Chān (ចាន). Phi was later taken away and killed near the foot of the mountains when the Yuon came. Ǻn and Chēng were taken away and killed (1979) at Thnal Baek Kus (ផ្ទាល់បែកគុស), called Veal Boeng (វាលបឹង). Chān was killed when the Yuon soldiers arrived. Penh died of illness. As for the youngsters that cooked, I have not mentioned them because they were not involved.

Q: Were the youngsters that cooked prisoners or were they Kraing Ta Chan office staff?

A.38: The youngsters that cooked in the Kraing Ta Chan office were not prisoners, but there were two teams of cooks; the cooks for the prisoners and the cooks for the staff.

Q: Initially who was chairman of the Kraing Ta Chan office?

A.39: There was just the district, and I just came and went, because they had me help be responsible for it. They said that I was useless because I was a Buddhist layman and was not decisive toward the prisoners. So they did not use me for any major work. Since I was commune chairman there, they had me go back-and-forth to help look after things, but I never tortured or interrogated prisoners.

Q: We would like you to clarify and tell us: At the very beginning you were the chairman of the Kraing Ta Chan office, is that correct? But you say that you were never involved in making arrests or killing anyone. Is that accurate?

A.40: Yes.

Q: Who appointed you as chairman of the Kraing Ta Chan office?

A.41: The district, but I want to clarify that I was not the chairman of the Kraing Ta Chan office. I was the commune chairman, and they just had me help go back and forth to the Kraing Ta Chan office, that's all. I released 40 persons. I can only

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ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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remember the names of four of them: Muok (មួក), Chhong (ឆុង) (now a layman at Koh Ka-aek Pagoda (វត្តកោះក្អែក)), Oar (អ័រ) (I hear that is a minister in Phnom Penh, but if you want to know for sure, ask Chhong), and SÂY Sèn (សយ សែន) (now living south of Ponnareay Pagoda (វត្តពណ្ណារាយ) in Kus Commune). I released SÂY Sèn when I returned from Prey Kduoch (ព្រៃក្នុង) and saw him imprisoned at Kraing Ta Chan. At that time, he was very young, and I asked Ân and Phi to release him to look after the water buffaloes. They agreed. There was one other time when I took another 40 persons to go live at Prey Kduoch. Houses were built for them to live in there. When I took those 40 people to Prey Kduoch, I made a request to the district and the Sector to take them. But when I initially released those 40 persons, and I not made the request. Because of this, Saom was very angry at me and he intended to kill me, but Ta Mok helped me. If Ta Mok had not helped me, Saom would have killed me. After that they assigned me to take people to set up a village and build residences.

Q: How old was SÂY Sèn at that time? What year did you meet him?

A.42: At that time, SÂY Sèn was about 12 or 13 years old. I met him in late 1974 when I returned from Prey Kduoch. He saw me and he walked up to me and asked me to help him. I felt sorry for him, and made a request that they have him tend the water buffaloes.

Q: What year did you release those 40 persons? What year did you take them to Prey Kduoch?

A.43: I released those 40 persons in late 1973, and I took them to Prey Kduoch in 1974. In 1974 they had me leave Kus Commune to go live at Prey Kduoch. I made the trip in a cart pulled by a pair of cattle, and I took along two or three bags of rice. I want to clarify one more thing to make it clear: In the very beginning, the detention site, when I was there, I knew that no one was killed at that site. Even though it is true that the district did take people away, they took people away from the office only during the nighttime. So in 1979 when the Yuon came, some of the brothers and sisters told me that there were many bodies at the Kraing Ta Chan site, but I had not known about that before.

Q: How were those people sent away?

A.44: I will say what I know, that is, suppose that if tonight they had to take ten people away: they would have a list of those people's names already. As for me, does that mean that I did not know what was happening? No, I knew what was going on. They let me know what they were doing, but I had no authority. That is, they just let me know, that's all. Then they organized their forces that were supervising there to continue with the work. I knew about this, but I did not dare say anything

Original KH: 00414481-00414491

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ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១

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to them, and had no right to speak in the defense of anyone. When they took the people away, they had their list, and I examined it. This is why Phi (in 1979 or 1980) was taken away and killed at the site where Phi had killed others, because Phi was the person responsible for taking the people away to be killed.

Q: When they took the people away, does that mean they were taken away to be killed, or what exactly?

A.45: They told me that they were taking them to put them in the second office; but two or three days later, I followed up to see, and they had not taken the people to the second office.

Q: When they took people to the second office, where were those people taken?

A.46: They were taken away and killed; but sometimes they did take people to the second office: that was why they were able to lie about it.

Q: How did they transmit the lists of people that were to be killed?

A.47: A messenger brought the lists to Ān. Next, Ān arranged the forces to take the people away and then handed them over to Phi. Phi was responsible at the location where they were waiting to take the people away to be killed. I never saw the names in the lists; but, as for people entering and leaving the prison, I knew who was who. They did not have Ta Chim (ជឹម) do any major work in the district either, because he was a former teacher, a former government official, and so he did not have total faith in the revolution.

Q: Was Chim the chairman of the District 105 Committee, or what exactly?

A.48: Yes.

Q: How many prisoners were at the Kraing Ta Chan office in 1973?

A.49: There were only about ten or eleven; at the very most there were only ten. It was the district that sent the people in.

Q: You said that in late 1973 you released 40 persons, yet in the Kraing Ta Chan office there were only about ten prisoners. Can you explain that?

A.50: At that time, those 40 persons had not yet reached the Kraing Ta Chan office. They had taken all 40 and left them in the custody of the villages, two or three to a house, and I questioned them all, because at that time I was in charge of the commune and was the person who organized sites for evacuees too. All of them had only made minor mistakes. I made the release on my own, and so they made trouble for me. It was 1974 when I took 40 people to Prey Kduoch to set up a village. Those without wives were allowed to take wives; those without husbands were allowed to take husbands. Houses were built, and land was distributed to them.

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Q: Now we will focus on what happened inside the Kraing Ta Chan office. In 1974 after the district seized control of the Kraing Ta Chan office and turned it into a detention office, how many prisoners were there? What categories of prisoners were there? And where had they been arrested and brought in from?

A.51: In 1974, I had already left Kraing Ta Chan, so I don't know. They transferred me to Boeng Srangae (បឹងស្រងៃ) in Kampong Speu Province, and later I made a request to Ta Mok to return to Takeo. Later I went to work in the rubber plantation, where I did not do anything during the first year.

Q: There is information from others who say that you went to Boeng Srangae or Prey Kduoch (Kampong Speu) in mid 1975. Can you clarify this?

A.52: That's not correct. I was there in 1974. In 1975, I went to Prey Kduoch in Kampong Speu Province, and I saw the aircraft return. I was frightened and assumed that the aircraft had come to drop bombs. I did not know that Phnom Penh had already been liberated.

Q: Before you left the Kraing Ta Chan office, how were the people that had been arrested and placed in the Kraing Ta Chan office treated?

A.53: At that time, most of the prisoners were accused of being links or henchmen of the other side. They were said to KGB, CIA, or White Khmer, and were arrested and placed in Kraing Ta Chan. Back during that period, no one died at Kraing Ta Chan. They took prisoners away from the office during nighttime, and they said that they were being taken to the second office, meaning Office 204. At that time I just believed they were taking those people to Office 204, but two or three days later I investigated and learned that they had not taken the prisoners to the second office: they had killed them near the foot of the mountains.

Q: How many prisoners were in the Kraing Ta Chan office in 1974?

A.54: I estimate that in 1974 there were not yet very many, but in 1974 there began to be many. In 1974 when I took those 40 people, they were still in prisoner status. Therefore, not many were left; as for later on, I don't know. There were not very many prisoners at that time, but after I was gone people say that lines of people were brought into the office.

Q: When you say "lines of people," what do you mean?

A.55: They brought in lines/strings [ខ្សែ], meaning they were all tied up.

X One copy of the Written Record was provided to the witness.

X 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.

Original KH: 00414481-00414491

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The interview was completed at 3:40 p.m. on the same day, and was read aloud to the witness at 9:40 a.m. on 9 December 2009; the reading was completed at 12:05 p.m. on the same day.

Witness**Interpreter****Investigators**

[Thumbprint]

[Signature]

[Signature]

[Signature]

PHÂN Chhên

(ផាន់ ឆេន)

Original KH: 00414481-00414491

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11

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