

ឯកសារទទួល
DOCUMENT RECEIVED/DOCUMENT REÇU

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



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

កំណត់ហេតុនៃការស្តាប់បង្ហាញសាក្សី

Written Record of Interview of Witness

Procès verbal d'interview de témoin

On the ninth of December two thousand and nine, at 2:00 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 24 October
2004,

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

With NIL Samorn (នីល សាម៉ុន) 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: 00414440-00414449

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ព្រៃនប់ រាជធានីភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១

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

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ឯកសារបញ្ជាក់ថាជាកម្រងច្បាប់ដើម
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ថ្ងៃ ខែ ឆ្នាំ នៃការបញ្ជាក់ (Certified Date/Date de certification):

12 / 01 / 2010

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

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 (អន្លង់វែង) 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: We know that in 1975 you were transferred to work at a different place, at Prey Kduoch (ព្រៃក្អួច), the former Office 204 site that they dissolved. But how many prisoners remained at the Kraing Ta Chan Office when you left? Where were they from? What was their sex? How old were they? And what were the reasons for their arrests?

A.1: I do not know how many prisoners remained there. When I reached Prey Kduoch, Office 204 had been dissolved already. I am certain that Office 204 no longer existed. So then, they sent me there to organize the villages and the commune.

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

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Q: From what you learned from the locals, how many people were killed and detained at the Kraing Ta Chan Office during the Democratic Kampuchea regime?

A.2: I do not know that at all; no one ever told me that.

Q: Who does know the number of prisoners killed at the Kraing Ta Chan Office? And who controlled the lists of the prisoners who were killed or detained there?

A.3: I think that no one remains; they have all disappeared. Furthermore, I was not there; but if I had been there, I would probably would have known.

Q: Among those who disappeared, who maintained the prisoner documents at the Kraing Ta Chan Office ?

A.4: They have all disappeared. They included Phi (ភី), Duch (ឌុច), Chēng (ចេង), and Ān (អាន់).

Q: Now I want to show you a document (ERN00068046-00068082). Please look at page 4, numbered ERN00068049. We would like you to read page 4 and tell us what the meaning of this page is. After that, please look at the following pages.

A.5: On top it states: *Reeducation Office 105, up until today 15,000 enemies have been smashed. District Reeducation Office.* It is probably dated on the 20th, and it is signed, probably by Săn (សាន់) or Ān (អាន់).

Q: According to what you know, in general did Reeducation Office 105 mean the Kraing Ta Chan Office?

A.6: Yes, they were the same. Previously they used the name the Kraing Ta Chan Office, not Reeducation Office 105. I say that Reeducation Office 105 was the Kraing Ta Chan Office based on my examination of two points. First, I examined the name District 105. Second I examined the name of the supervisor.

Q: Have we ever shown you this document before? Have you ever seen this document before?

A.7: I had never seen it before. I first saw it a moment ago.

Q: We noticed that you put on your glasses to read. In this light are you able to read this document by yourself?

A.8: I can read just the large letters. I cannot read all the small letters.

Q: So as for page 4, can you read it clearly?

A.9: It's clear.

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3

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

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Q: After page 4, you cannot read the small letters very clearly on those pages, but you can read some of those pages. Therefore, after reading them, can you tell us about your understanding of what you have read?

A.10: I can see the names of prisoners, what their offenses were, and the villages and subdistricts where they lived.

Q: What were Ān's responsibilities? What did Ān make reports about? What reports did Ān send to upper echelon?

A.11: How would I know? I only knew some things; but they made reports like that and sent them to the district. I don't know what reports they made regarding the responses.

Q: Did Ān frequently make reports? What type of reports? Were there reports on each individual prisoner, or were there weekly reports or situation reports?

A.12: That was their planning, the plans set for them to carry out, and I don't know. While I was in the commune, I saw Ān come frequently, but I don't know if he took reports there or what exactly. At that time work was compartmentalized. They knew about their work. We knew about our work. That was except for the committee where they assigned the work. People with different jobs to followed up to see if a person was a pillar person, a Youth League person, or a Party member.

Q: Did you ever see or know about the interrogation methods? Were the responses recorded? And were the responses sent to upper echelon?

A.13: Ordinarily they would make such records and send them to upper echelon. The responses were like what is written in the document that you have shown me.

Q: I want to show you a document (Khmer language ERN 00082724-00082728 and English language ERN 00276593-00276597). Please read this document. Focus on the names in this document and the handwriting in the document. Have you ever seen this document before? Have we ever shown you this document before? With your eyes, can you read this document?

A.14: I had never seen this document before you handed it to me. I am able to read much of this document; it is clearer than the previous one.

Q: As you read this document does it pertain to Security Office 105 or what was called the Kraing Ta Chan Office, or what exactly?

A.15: I see the date 7 August 1977, T.13 (ត.១៣) with the name Prāk (ប្រាក់), who gave the order, and the same signature of Ān. I think that this is a Kraing Ta Chan Office document. T.13 means Sector 13.

Q: After Ān's name, what else did you see in this document?

A.16: I see the names of people arrested from the villages and communes. Some were former policemen. Some were former soldiers. Some had studied in America.

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Q: Who was Prāk (ប្រាក់)?

A.17: I wonder about that too. Perhaps Phèn (ផែន) was moved and Prāk (ប្រាក់) was someone from outside they brought in to work. In 1977 I had already transferred to work at the rubber plantation.

Q: In the document that you are looking at, in those four or five pages, is it in the form of the reports that Ān made for dispatch to upper echelon and is it a sample of the reports that were sent to upper echelon and the orders that upper echelon sent back to Ān, or what exactly?

A.18: From what I see, it is exactly that.

Q: Can you explain this document a little for us?

A.19: This seems to be a sample biography because the person is in the framework of an element and has inclinations. They always did that.

Q: In the handwriting about instructions, what kind of instructions were they?

A.20: This is a report that they made for the district, and the district then gave it to the Sector, and the Sector sent orders back.

Q: When the Sector sent order back, how did they send those orders?

A.21: They sent orders through the district.

Q: And subsequently the district sent the orders to Ān, correct?

A.22: Correct.

Q: When you see the word *smash* there, what is your understanding of the meaning?

A.23: That meant to kill.

Q: You told us that the district had you help watch over the Kraing Ta Chan Office, and that is why you could enter and leave the office. What was your intention in entering and leaving?

A.24: Just to forbid the people from entering and leaving the detention site, because it was their secret location. They did not want anyone to know about it.

Q: You were able to enter and leave the Kraing Ta Chan Office. According to your observations, were the prisoners leg-shackled? And were the prisoners serious or minor offenders?

A.25: In their detention site, some prisoners were shackled. They shackled only the prisoners they determined to be serious offenders. As for the minor offenders, they were not shackled.

Q: Were the shackles steel or wood?

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A.26: The shackles were made of steel; there were rings for holding their feet.

Q: What was the state of the prisoners at that time? Were they thin or starving?

A.27: Average. Average in appearance. It was just that the food was not tasty; but I never heard them say that anyone had died from starvation. And as for my coming and going there, that was only for short periods of time.

Q: Why did they consider the Kraing Ta Chan Office site to be secret?

A.28: Because they did not want the people to see it and know the names of the prisoners or know where the prisoners had been arrested and brought in from.

Q: Now we want the interpreter to read a document that is an interview with a person who was once held at the Kraing Ta Chan Office (ERN00225503). We want you to listen to the responses of the witness. An excerpt from this interview: "The investigator asks: How many interrogators were there? And what did they question you about? The witness responds: There were three interrogators and there was one soldier who was a guard. At the time I responded in denial. Then the interrogator had the soldier who was guarding take me back and shackle my legs. The investigator asks: Do you remember the names of the three interrogators who questioned you? The witness responds: I still remember one. His name was Chhen (ឆែន). He was the chairman, and Ǻn was his deputy, and Duch was the member. The investigator asks: Do you know where Chhen is living? And where are Ǻn and Duch living? The witness responds: Ǻn is dead. Chhen is living in Anlung Veang." These are the responses of a former Kraing Ta Chan prisoner who is still alive and whose name we are unable to tell you. We interviewed them recently. Can you recall the events like those spoken of, or did you participate in the interrogations of prisoners, or did you observe others conducting interrogations?

A.29: When Duch was there, I was not there. When Ǻn and I were together, I entered and left the Kraing Ta Chan Office. When I worked at Kraing Ta Chan, Duch had not yet arrived. I want to clarify that. I do not deny it.

Q: Do you remember if you ever participated in the interrogation of anyone?

A.30: I did participate, and if Phi (ផី) were not there in the interrogations, I could not. As for my participation, that was only to listen, and Ǻn was the recorder.

Q: We want to clarify that after listening to the interview that was read aloud to you, you recall that you did attend prisoner interrogations, but that what was read aloud is incorrect because during the period that you were there, Duch was not there; he only came later. Is that correct?

A.31: Yes.

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Q: During the interrogations of prisoners, in your assessment, as for the methods of interrogation, did Ǻn create the interrogation methods by himself, or were there instructions from above?

A.32: Phi was the interrogator and Ǻn was the recorder. When Phi questioned and the prisoner did not respond, Phi was the person who used hot or cold methods to get the responses. Phi was the person who received the instructions to interrogate the prisoners.

Q: From whom did Phi receive instructions on interrogation methods?

A.33: From the Sector and the district.

Q: How do you know that?

A.34: Because that was customary in their work.

Q: Please describe the hold and the cold methods. How were they different?

A.35: Cold methods were pleading, coaxing, trickery/ruses, when they were told that whenever they responded they would not be tortured. Hot methods were when they were questioned but did not respond; then they would be beaten or tortured, they were beaten with whips.

Q: From what you observed at the time, did they ever use plastic bags to cover the heads of the prisoners to suffocate them?

A.36: When I was there I never saw that.

Q: As far as you can remember, who from upper echelon came to look at Kraing Ta Chan?

A.37: Other than the district, no one else ever came.

Q: Did you ever see Ta Mok come to look at the Kraing Ta Chan Office?

A.38: He never went there. He was high-ranking. He was very busy with his work.

Q: You said that Ta Mok never went to look at the Kraing Ta Chan Office. How could Ta Mok have intervened to release you when you had the problem because you had released 40 prisoners?

A.39: After they scolded me, I was afraid and I reported directly to Ta Mok. When I saw those people in the houses and I talked with them, they had not done anything substantial wrong, so I released them. That's why they made trouble for me. Later I reported this directly to Ta Mok.

Q: You worked at commune level. How were you able to report directly to Ta Mok?

A.40: I was afraid at the time. I met with him in person, because Ta Mok, when you spoke to him in person, he would feel sorry for you and he would help.

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7

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

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Q: How did you know Ta Mok so clearly? And how were you able to personally meet with him?

A.41: I had known him ever since he came in from the forest.

Q: After they sent you to work in Kampong Speu, did you ever enter the Kraing Ta Chan Office again prior to 1979?

A.42: I did enter, but it was not for work; I just entered to visit with the people I had worked with and had gotten to know previously.

Q: Did you enter Kraing Ta Chan frequently? In what years?

A.43: I only entered once: that was in late 1975 when I went to stay with Ta Am (អាំ).

That was because later they sent me to work at Chambak (ចំបាក់), Samraong Yang (សំរោងយ៉ាង) after I had a dispute with the woman that you asked me about previously.

Q: I want to ask you about when you visited Kraing Ta Chan in late 1975. At that time how had Kraing Ta Chan changed?

A.44: The site had not expanded, but there were more prisoners than before.

Q: When you say that there were more prisoners than before, how many prisoners do you think were there?

A.45: Like I informed you in the original document, they were brought from Takeo Province, but I did not go inside the prison to look. There were probably hundreds of prisoners there.

Q: At that time, had the staff increased at Kraing Ta Chan?

A.46: I did not know them all. I only met the leaders; then I left.

Q: Who was chairman of Kraing Ta Chan at that time?

A.47: At that time, Phi, Ǻn, and Duch were there. Phi was a member of the district, and Ǻn was the Kraing Ta Chan office chairman. So then, Phi was a chairman above Ǻn.

Q: What was the conflict with that woman? And what did you do after that? Where?

A.48: It was because I had criticized Lun (លុន), the commune chairman, and I was the commune deputy. When Lun had not yet brought his wife to live with him, he was immoral with the wife of CHHONG Kīt (ឡុង គីត) (the former Office 204 chairman). I built and criticized him about that matter during a lifestyle meeting. Then the woman, who was district secretary and was a member of the Sector, took Lun's side, and then they transferred me to Chambak to make fertilizer. Later I

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

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reported to Ta Mok, and Ta Mok took me to Takeo to help issue oil to the soldiers. Later, in 1977, he sent me to work at the Chamkar Andaung (ចំការអណ្តូង) Rubber Plantation.

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.

The interview was completed at 5:55 p.m. on the same day.

Witness

Interpreter

Investigators

[Thumbprint]

[Signature]

[Signature]

[Signature]

PHÂN Chhên

(ផាន់ ឆេន)

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9

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

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