



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

24 April 2015

Trial Day 273

Before the Judges: NIL Nonn, Presiding  
YA Sokhan  
Claudia FENZ  
Jean-Marc LAVERGNE  
YOU Ottara  
Martin KAROPKIN (Reserve)  
THOU Mony (Reserve)

The Accused: NUON Chea  
KHIEU Samphan

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Arthur VERCKEN

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For the Office of the Co-Prosecutors:  
SONG Chorvoin  
Dale LYSAK

For Court Management Section:  
UCH Arun  
SOUR Sotheavy

I N D E X

MR. PECH CHIM alias TA CHIM (2-TCW-809)

Questioning by Mr. Koppe resumes ..... page 6

Questioning by Mr. Vercken ..... page 50

Questioning by Mr. Kong Sam Onn ..... page 78

Questioning by Mr. Lysak resumes ..... page 87

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
JUDGE FENZ	English
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
MR. PECH CHIM (2-TCW-809)	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 The Chamber continues to hear the remaining testimony of the

6 witness, Mr. Pech Chim.

7 Ms. Se Kolvuthy, please report the attendance of the Parties and

8 other individuals at today's proceedings.

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all parties to this case

11 are present, except Mr. Son Arun, the National Co-Counsel for

12 Nuon Chea is absent for health reasons.

13 Mr. Nuon Chea is present in the holding cell downstairs. He has

14 waived his right to be present in the courtroom. The waiver has

15 been delivered to the greffier.

16 The witness who is to continue his testimony today, Mr. Pech

17 Chim, and his duty counsel, Moeurn Sovann, are present in the

18 courtroom, and there is no reserve witness today.

19 [09.05.23]

20 MR. PRESIDENT:

21 Thank you. The Chamber now decides on the request by Nuon Chea.

22 The Chamber has received a waiver from Nuon Chea, dated 24 April

23 2015, which states that due to his health -- that is, headache,

24 back pain, he cannot sit or concentrate for long, and in order to

25 effectively participate in future hearings, he requests to waive

2

1 his right to participate in and be present at the 24 April 2015  
2 hearing. Having seen the medical report on Nuon Chea by the duty  
3 doctor for the Accused at the ECCC, dated 24 April 2015, who  
4 notes that Nuon Chea has a chronic back pain, and it gets worse  
5 when he sits for long, and recommends that the Chamber shall  
6 grant him his request so that he can follow the proceedings  
7 remotely from the holding cell downstairs.

8 [09.06.34]

9 Pursuant to the above information and Rule 81.5 of the ECCC  
10 Internal Rules, the Chamber grants Nuon Chea his request to  
11 follow today's proceedings remotely from the holding cell  
12 downstairs, via an audio-visual means. That applies for today's  
13 proceedings.

14 The AV Unit personnel are instructed to link the proceedings to  
15 the room downstairs so that Nuon Chea can follow it.

16 And before the Chamber hands the floor to the Defence team, the  
17 Chamber would like to advise Mr. Pech Chim that the Chamber  
18 received information that you are not feeling that well this  
19 morning, and if you need a break, or need to use a bathroom,  
20 please don't hesitate to inform the Chamber. Thank you.

21 The Chamber now hands the floor to the Defence teams to put the  
22 questions to Mr. Pech Chim.

23 [09.07.55]

24 MR. KOPPE:

25 Thank you, Mr. President. Good morning, Your Honours. Good

1 morning, counsel.

2 Mr. President, if you allow me, I would like to start with two  
3 preliminary points before I ask questions to the witness: First  
4 is the matter of the time that is left to us. Is it correct that  
5 we pretty much have all day to ask questions? And my second  
6 question is relating to two statements that the witness gave to  
7 the -- no, I'll just refer to the documents as E127/7.1.4 and  
8 E127/7.1.3. There are a few passages in these statements which  
9 are redacted. And I'd be actually interested in reading the  
10 answer that he had given to the investigators. Of course, there's  
11 a difference, I think, in the situation now with the charges in  
12 Cases 003 and 004, and the moment that we were given these  
13 statements. So, I was wondering whether it would be somehow  
14 possible to receive the unredacted versions. I know it's a late  
15 request, but I think it's relevant because, as the Prosecution  
16 indicated, it might be possible that this witness is not  
17 returning at one point in time.

18 So, my question is related to, specifically, question and answer  
19 44 and 45 in E127/7.1.4, and the redacted versions -- the  
20 redacted excerpts in E127/7.1.3, questions A1 and A2.

21 [09.10.11]

22 JUDGE FENZ:

23 Can I just ask a clarification? What exactly are you asking for  
24 now?

25 MR. KOPPE:

4

1 The unredacted version.

2 JUDGE FENZ:

3 To be able to read it, or to obtain it, obviously?

4 MR. KOPPE:

5 Well --

6 JUDGE FENZ:

7 Today?

8 MR. KOPPE:

9 Well, possibly, this morning or in the break?

10 [09.10.40]

11 MR. LYSAK:

12 Thank you. I can inform you a little bit. We noticed this, and a  
13 number of weeks ago made a specific request to authorize the  
14 release of the unredacted versions. We haven't received that  
15 authorization yet, but we did file a motion a number of weeks  
16 ago, maybe three, at least maybe three weeks ago. The other thing  
17 I can tell you, I think, without -- without violating. The  
18 information that -- one of the reasons we asked for that is  
19 because the information that's redacted in here actually appears  
20 in other parts -- other interviews that are unredacted. So, I  
21 think, I anticipate, that we will get that authority at some  
22 point. I don't think it will provide significant -- anything new  
23 than what counsel already knows, but we have made that request.

24 MR. KOPPE:

25 I would be very happy to hear from -- sorry, Mr. President. May I

5

1 briefly reply?

2 JUDGE FENZ:

3 Okay. Translating.

4 [09.11.50]

5 MR. KOPPE:

6 I understand that it is -- the decision is pending, but I would  
7 be very happy to hear in which documents the answer of this  
8 witness is being mentioned. Something funny?

9 JUDGE FENZ:

10 Well, in effect that's reading it out. But my question to the  
11 prosecutor is: Is there any chance through informal means to get  
12 a decision today on that? Or an answer to your request today from  
13 the Investigating Judges?

14 MR. LYSAK:

15 I'll send an email to my -- the office to see if -- we have a  
16 rather major filing going on today, but I'm sure someone can go  
17 over and make an enquiry to see if that's possible.

18 MR. KOPPE:

19 Thank you, Mr. President. And no reaction on my first question,  
20 so I presume that we have all day.

21 Mr. Pech Chim, good morning to you.

22 MR. PRESIDENT:

23 Counsel Koppe, in fact you should have one full day so that the  
24 Defence will have an equal time to the Prosecution. However, we  
25 gently remind you not to put questions that have been prohibited



6

1 by the Chamber, for example, leading questions. That would just  
2 drag on and waste the time. And I am confident that you are well  
3 familiar with this issue and instruction from the Chamber, since  
4 you've been a counsel for so many years.

5 [09.13.50]

6 MR. KOPPE:

7 I will do my best not to ask any leading questions, Mr.  
8 President.

9 QUESTIONING BY MR. KOPPE:

10 Q. Mr. Pech Chim, good morning. I would like to revisit a few  
11 issues that we discussed yesterday. I have a few follow-up  
12 questions in relation to the sector chief, Saom. Is it correct  
13 that his wife, Cheat or Chat (phonetic), is still living, and  
14 that she lives somewhere in Malai district?

15 MR. PECH CHIM:

16 Yes, that is correct.

17 Q. Yesterday we also spoke about Saom and his political views and  
18 political stance. Would you be able to tell me the same thing  
19 about Khom? Was there similarity between Saom and Khom in terms  
20 of political views in the period '70/'79?

21 [09.15.30]

22 A. The -- both of them, actually, had the same point of view in  
23 terms of political stance, as they both followed the Party's  
24 lines. However, they were different in terms of gender, and in  
25 terms of the level of education, as the female, Khom, was young.

7

1 And she was young. She led the district for a period of time --  
2 for a short period of time, and returned, so that she knew only a  
3 few senior cadres.

4 Q. Was Khom also very rigorous in her political stance? Was she  
5 radical in her policies, just like Saom was?

6 A. Through my observation, they were both hard-line followers or  
7 radicals, or in Khmer, we would say they were pure red. And that  
8 would be the reaction that you would receive from people living  
9 in the district.

10 Q. Are you aware that also Chou Chet, in his confession, talked  
11 about Saom as being very oppressive?

12 I withdraw the question.

13 Mr. Pech Chim, can you compare Saom and Khom in terms of  
14 political stance with another District 105 person, a woman named  
15 Boeun?

16 A. If you compare the two women, Boeun was of a better status,  
17 both in terms of popularity and work achievement.

18 [09.18.22]

19 Q. Would you be able to give an example why you think Boeun was  
20 better in political stance than Khom?

21 A. She was more mature and more experienced than Khom. Khom was  
22 young, so her knowledge was limited. However, they both were  
23 committed to the Party.

24 Q. Last question about Khom. You have testified that she died  
25 quite early, and that she had died of a swollen stomach disease.

8

1 What do you mean by "a swollen stomach disease"?

2 A. I did not know the actual cause of her death. I only knew that  
3 she was sick, and I actually took care of her in District 105.

4 Before her death, she became mentally unstable and she cursed a  
5 lot. Especially she was cursing me a lot since I was taking care

6 of her. And then we had a Vietnamese physician to treat her. We

7 -- her condition somehow became better, but later on she followed  
8 her husband -- that is, about a year after she was discharged.

9 And then we heard that she died. Probably she died from this  
10 oedema -- that is, her abdomen area was swollen.

11 Q. Do you know whether that had something to do with reasons of  
12 lack of food, or did it have other reasons?

13 A. I think it would be better if the treating doctor can provide  
14 that explanation to you, because I can't.

15 [09.21.35]

16 Q. Very well. I understand your answer, Mr. Pech Chim. I would  
17 like now to move on to another point. It's a small point, but I  
18 want to have clarity on this.

19 During your testimony today, and yesterday and the day before,  
20 you specifically said that you left District105 in February 1977.

21 However, this question was asked to you as well by the  
22 investigators. That is document -- document E319.1.18, questions  
23 172 and 173, Mr. President. Question -- I will read that to you,  
24 Mr. Pech Chim, and then I want to hear your answer. The  
25 investigators ask you:

1 "In your interview with the Office of the Co-Investigating  
2 Judges, on 25 October 2009, you seem to say that you arrived in  
3 the Central Zone on 12 February 1977. Now, you have just said you  
4 arrived on 14 February 1976. Were you confused with the year, or  
5 did you recall the year wrongly?"

6 Your answer is: "I arrived in the Central Zone on 14 February  
7 1976, not in 1977."

8 Just to be clear, what is your answer now? Did you arrive in  
9 February '76 or in February '77?

10 A. I'd like to make an amendment to that statement, to 14  
11 February 1976. So, in fact, before that I had attended a study  
12 session at the Party's school, where Nuon Chea was an instructor.  
13 Then I left for the area. So, I was there for 2 months and 14  
14 days before I was transferred to the Central Zone.

15 [09.24.24]

16 Q. So, the definite answer is 1977; is that correct?

17 A. It's 1976.

18 Q. I apologize. I misheard you.

19 And did you have no business anymore in Tram Kak district after  
20 February 1976?

21 A. Yes, that is correct.

22 Q. I would like now, Mr. Pech Chim, to show you a document. It's  
23 a document that you were asked questions about in your statement  
24 to one of the investigators.

25 Mr. President, I would like to show to the witness one page from

10

1 document E3/2107, and I would like to show him the Khmer ERN  
2 0068049.

3 MR. PRESIDENT:

4 Yes, you may proceed.

5 [09.26.20]

6 BY MR. KOPPE:

7 Q. I will shortly give you the English ERN. Mr. Witness, I would  
8 like to take you to your answer that you gave to the  
9 investigators, that is, document E3/5786 at question and answer  
10 39. Meanwhile, Mr. President, the English ERN is 00290205.

11 Mr. Pech Chim, I would like you to have a look at the document,  
12 and then I would like to read your answer that you gave regarding  
13 this particular page, and then ask you whether your statement is  
14 correct. French ERN 00655729.

15 Question: "Here is the document with ERN 00068046-0068082 that I  
16 would like you to read. We want you to read page 4, which has ERN  
17 49 at the end."

18 Your answer: "The substance of this writing said, 'The  
19 Re-Education Centre 105. Up to date, we have smashed the enemy of  
20 15,000 persons. Please the Party be informed. The Re-Education  
21 Centre 105. Signed An.

22 This writing was really the writing of An, who was the chairman  
23 of Krang Ta Chan Re-Education Centre. These writings seem to  
24 belong to two writers. The two lines at the bottom were An's  
25 writing, starting from 'Please the Party be informed' down to the

11

1 signature, which was signed by An. But I do not know were the  
2 four lines above."

3 [09.28.59]

4 My first question: Do you remember giving this answer to the  
5 investigators?

6 MR. PECH CHIM:

7 A. That was the matter dealt with An, and the district  
8 chairperson, Khom. And from what I can see, the handwritings are  
9 of two individuals. So it is hard to say that the statement is  
10 one hundred percent accurate. And in this particular report, it  
11 was about the total number of people, and of course An knew about  
12 this. As for me, I was not aware of this, as I did not have  
13 anything to do with this report, as I worked elsewhere. If there  
14 was any request to me, then I would receive it and then submit it  
15 to the district chief for consideration.

16 Q. Mr. Pech Chim, it seems to be a bit odd that this note,  
17 relating to 15,000 possible victims at Krang Ta Chan, is divided  
18 into two handwritings, or is consisting of two handwritings,  
19 rather. Can you explain to us why it is that you say these are  
20 two handwritings into one annotation on this document?

21 [09.31.16]

22 MR. LYSAK:

23 Mr. President, my objection is simply to the leading part of that  
24 question, which was suggesting that there was something odd.  
25 That's in fact contrary to the testimony of this witness, who has

12

1 explained that it was not unusual for other people, assistants,  
2 to write the substance of texts. He testified that a number of  
3 times. So, I have no objection to an open question, but leading  
4 the witness by suggesting there's something odd about it is  
5 inappropriate.

6 MR. KOPPE:

7 I find the discussion on leading questions a very interesting  
8 one, since I think the Prosecution is not doing anything else but  
9 asking leading questions. So, I think I should be able to ask  
10 this question. It's also a cross-examination, what we're doing  
11 here. So, I think I should be able to ask whether it's odd, yes  
12 or no, that this annotation, which seems to play an important  
13 role in the Closing Order, consists of two handwritings. Whether  
14 that's odd or whether that's usual. I think that is an entirely  
15 appropriate question.

16 [09.32.31]

17 MR. LYSAK:

18 I agree. If he asks if it's odd or usual, it is appropriate. Then  
19 he's not leading.

20 BY MR. KOPPE:

21 Q. Fine. Is it usual or is it odd that, in this annotation, we  
22 can distinguish apparently two handwritings, two forms or two  
23 different handwritings?

24 MR. PECH CHIM:

25 A. In my view, I think that the report was correct, but there

13

1 were two different handwritings. Down below belongs to one  
2 person, and five lines above that was another person's. I cannot  
3 comment on it, so it was the practice in Angkar, and it was  
4 Angkar's methods, and it is up to the Chamber to decide. It's  
5 beyond my capacity to comment on this.

6 Q. I understand. I appreciate your answer, Mr. Pech Chim. We  
7 might need a specialist on this. I have a question relating to  
8 possible forgeries of documents in Tram Kak district. Now both  
9 the earlier-mentioned Boeun and Ta San, who was also questioned  
10 here in this Trial Chamber, talked about the existence of  
11 forgeries of documents in Tram Kak district. Can you tell us  
12 anything about whether that is correct? Were documents forged in  
13 Tram Kak district? And if yes, how did that happen?

14 A. That I do not know.

15 [09.35.28]

16 Q. Would it be correct to say that before February '76 you did  
17 not hear about documents being forged?

18 A. No, I did not hear anything about it.

19 Q. I would like to turn now to another subject, Mr. Pech Chim,  
20 and that is a statement that was given by a cadre originally  
21 coming from Tram Kak district, but later -- who later moved to  
22 Sector 25. And I would like to read a passage from his statement  
23 to you, and then I would like to ask your reaction.

24 Mr. President, that is document E127/7.1.8, English, ERN  
25 00901570; Khmer, ERN 008932767776. I don't -- the French ERN is



14

1 00978648-00978649.

2 MR. PRESIDENT:

3 Mr. Victor Koppe, could you please repeat the ERN numbers again,  
4 and please slow down for the accurate record.

5 [09.37.50]

6 BY MR. KOPPE:

7 I apologize, Mr. President. That is Khmer, 00893277; English, ERN  
8 00901569; French, 00978648.

9 Q. So the question, Mr. Pech Chim, to this cadre is as follows --  
10 that's Question 5:

11 "As the Kampong Svay commune chief, did you receive an order from  
12 the upper echelon to arrest people?"

13 Answer: "As part of the Kampong Svay commune committee, I did not  
14 wish to harm anyone who did something wrong, but the commune  
15 level had the right to report to the upper echelon. I had rights  
16 to report to the upper echelon; for example, when people did not  
17 have enough rice to eat, or when they produced only two tonnes of  
18 rice per hectare. With this regard, Grandfather Mok issued an  
19 order that the commune, district and sector levels did not have  
20 the authority to make arrests or kill people."

21 Question: "What levels did the commune level have rights to  
22 report to?"

23 "The commune level had rights to report to the district level,  
24 but in order to make a report about a person, the commune  
25 committee of five-seven members had to hold a meeting to have an

15

1 agreement before making the report to the district level."

2 [09.39.28]

3 Question: "Grandfather Mok said that a district and sector levels  
4 did not have the authority to kill people. Why were many people  
5 killed in the district and the sectors?"

6 Answer: "I did not know either about the implementation, but I  
7 recall Grandfather Mok's remarks clearly."

8 "Was Grandfather Mok in the zone committee?"

9 "Yes, he was," is his answer.

10 And now comes the important part, Mr. Pech Chim: "When did  
11 Grandfather Mok make this announcement?"

12 Answer: "Grandfather Mok made this announcement prior to 1975,  
13 during a wrap-up meeting held annually in forest, participated by  
14 the commune, district and provincial committees, and the  
15 regiments. After 1975, there was another meeting in the  
16 provincial town of Takeo, in the presence of Grandfather Mok, and  
17 Saom, who was in the Sector 13 committee, announced that soldiers  
18 with the ranks from second lieutenant to colonel were not to be  
19 harmed."

20 [09.40.56]

21 Question: "You meant that soldiers from the ranks of second  
22 lieutenant to colonel were not arrested?"

23 "I did not know, because implementation was varied from sector to  
24 sector." End of quote, Mr. Pech Chim.

25 Now, this Southwest Zone cadre, who worked in Sector 25, talked

16

1 about two meetings in which Ta Mok announced that soldiers with  
2 the rank from second lieutenant to colonel were not to be harmed.  
3 My first question: Were you present at either of these two  
4 meetings?

5 MR. LYSAK:

6 Mr. President, my objection is he's just misstated to the witness  
7 what he just read. The witness described one meeting that had to  
8 do with who had authority, and a second meeting on the issue. So  
9 there were not two meetings on the issue of ranks.

10 BY MR. KOPPE:

11 We don't know that, but he's talking about two meetings. I'll  
12 formulate it more neutrally.

13 Q. Mr. Pech Chim, this Southwest Zone cadre, Sector 25 cadre,  
14 talks about two meetings, a meeting prior to 1975 and a meeting  
15 after 1975. Do you recall having attended -- having attended  
16 either one of these two meetings?

17 MR. PECH CHIM:

18 A. I only attended the meeting after 1975, behind the Party  
19 office, where Ta Mok also attended. And the meeting that was held  
20 in the forest, I did not attend. Maybe it could have been Khom  
21 attending the meeting. It was hardly possible to convene the  
22 meeting of all members.

23 [09.43.35]

24 Q. I understand, so I will focus on that second meeting, in the  
25 provincial town of Takeo. This cadre talks about after 1975.

1 Would you be able to tell us more exactly when this meeting took  
2 place in Takeo, during which Ta Mok and Ta Saom were present?

3 A. In Takeo it was after the liberation. In Takeo province the  
4 meeting was held after 1975. It was held in one of the houses  
5 along the river edge, north part of the provincial town. That was  
6 the learning session over there and the sector committee and the  
7 district committee, including the military committee, attended.  
8 But as for those who were designated with other tasks, they were  
9 absent in that meeting and of course that meeting was held then,  
10 and there was that announcement.

11 [09.45.12]

12 Q. You remember, Mr. Pech Chim, yesterday we spoke about a  
13 four-day meeting in May 1975 in Phnom Penh; a meeting between  
14 20th and 24th May. The meeting in Takeo province, was that after  
15 the meeting in Phnom Penh on 20th May and further, 1975?

16 A. The meeting held in Takeo took place after the meeting in  
17 Phnom Penh. For clarification, there were a lot of meetings held  
18 here and there at that time, so I may be confused myself. I did  
19 not know which happened first and what happened later. At that  
20 time we did not keep proper records, we did not have the  
21 recording system, we only took a few notes, so those meetings  
22 which I convened and I prepared myself I could recall. I attended  
23 various meetings and then I got the instructions and then I  
24 disseminated the instructions. But there were several meetings  
25 held here and there at that time; I cannot recall them all

18

1 [09.46.52]

2 Q. But do you confirm the statement of this Southwest Zone cadre  
3 who told the investigators that Ta Mok announced that soldiers  
4 with the ranks from second lieutenant to colonel were not to be  
5 harmed? Do you confirm this Southwest Zone cadre's statement?

6 A. Yes, that is correct. But the announcement was made here and  
7 there and I did not know specifically where he made that  
8 announcement. But I can confirm the statement that that was the  
9 announcement at that time.

10 Q. Do you remember if any other cadres from District 105 were  
11 present at this meeting? More specifically, do you remember if  
12 Boeun was present at this meeting as well?

13 A. No, he was not. If I refer to the meeting held in Takeo  
14 province, Boeun was not there. He would have talked at 25th or he  
15 may have heard from others and then he spread the words. That  
16 could have been possible as well.

17 [09.48.50]

18 Q. I hear in the English translation that you refer to "he", but  
19 it is in fact she, that's correct. We are talking about the same  
20 person, Boeun, right?

21 A. Boeun or Poeun (phonetic)? Let me ask for clarification. You  
22 are referring to Boeun or Poeun (phonetic)?

23 Q. Boeun, the woman that we spoke about earlier whom I asked,  
24 about whom I asked you to compare her with Khom.

25 A. Yes, that's correct, the woman. For that, Boeun was present in

19

1 the meeting in Takeo. But in the meeting held at Sector 25, it  
2 was Poeun (phonetic) -- Poeun (phonetic) was a man.

3 Q. Do you remember roughly how many people attended this meeting?

4 A. Approximately 50 to 60 people. There were representatives from  
5 the military, from the base, there was no one representing the  
6 department because Ta Mok attended himself, and as for the  
7 military they would convene, they would invite the commanders  
8 from the regiment or division to come and they also extended the  
9 invitation to the district and commune, but to some communes  
10 only, not all of them. They were of similar rank, but there were  
11 different tasks designated to them, that's why certain communes  
12 attended and others did not. They had to wait to listen for  
13 further instructions from the district. There was a principle of  
14 specialty; in other words they had to listen to the instructions  
15 from their upper echelon.

16 [09.52.10]

17 Q. Do you remember whether Meas Muth was also present during this  
18 meeting in Takeo provincial town?

19 A. On that day there was no Meas Muth. There was one person, he  
20 was the -- I cannot recall his name, he was the son-in-law of Ta  
21 Mok, he was from the division, but he passed away. I recall his  
22 name now; his name was Ren. On that day, Meas Muth did not  
23 attend. He had another assignment with Division 2 who was  
24 responsible for the corridor between Kampong Speu to Kampong Som.  
25 Soeung was there and Ren was there. He was responsible for the

1 Sihanouk -- Kampong Som port and the representative from the navy  
2 base was also there in the meeting. Others, there were  
3 representatives from all the divisions from the Southern Zone but  
4 there was no representative from the division from the Northern  
5 Zone.

6 [09.54.12]

7 Q. Thank you, Mr. Pech Chim. I will be asking you maybe a  
8 difficult question in terms of memory. But if you think back on  
9 this meeting and the people who attended, do you know if anybody  
10 that you saw during this meeting, or any person who is still  
11 alive and who could also speak to us about what was being said  
12 during the meeting?

13 A. I do not remember any of them. I only recall that there was Ta  
14 Mok, Phen, Saom, and on that day, Khom did not attend. He had  
15 asked for leave to visit his family. And at the sector level, it  
16 was Sector 13 and I do not recall others. Meas Muth was not there  
17 but Ren was there. And Run (phonetic) was there as well by -- his  
18 alias was 05 (phonetic).

19 Q. Yesterday Mr. Pech Chim you spoke about the problem of revenge  
20 killings, killings by soldiers of Lon Nol soldiers out of  
21 revenge, if I understood you correctly. The war had just ended.  
22 Was the issue of revenge killings due to the war a point of  
23 discussion during this meeting?

24 A. It was due to the war that was raging; it was not a personal  
25 matter.

21

1 [09.56.56]

2 Q. But the war had already ended. The meeting must have been  
3 probably after May 1975. Was the issue of revenge killings a  
4 point of discussion, or not at all?

5 A. No, it was not.

6 Q. My last question in relation to this meeting. You confirmed  
7 that it was Ta Mok who spoke and it was Ta Mok who gave the  
8 instruction in relation to ranking officers. Did Saom himself  
9 also speak?

10 A. Whenever Ta Mok spoke, Saom did not speak. Only when Ta Mok  
11 did not say anything, then he would explain. That was the rule  
12 and the working procedure: if the senior, if the superior spoke,  
13 then the subordinate must not speak, so Saom did not speak at  
14 that meeting. And then he asked whether or not people had taken  
15 notes, whether people had got what was given, so it was that firm  
16 and clear.

17 Q. Following up on your last answer, when the meeting was  
18 finished and you left, it was crystal clear to you that the  
19 instruction was not to touch, not to harm ranking officers of the  
20 Lon Nol army; is that correct?

21 MR. PRESIDENT:

22 Deputy Prosecutor, you may proceed.

23 [09.59.20]

24 MR. LYSAK:

25 Yes, Counsel is again leading and actually completely misstating



22

1 the testimony that has been confirmed. The instruction not to  
2 harm those -- that was testified to, was not to harm those -- the  
3 alleged instruction -- not to harm those between the rank of  
4 second lieutenant and colonel. There are five ranks above  
5 colonel, five ranks below second lieutenant. So to now try to  
6 lead the witness and suggest this meant that all ranking  
7 officers, it's one of the reasons I would add, you need to call  
8 this witness. This information is patently wrong. It makes no  
9 sense. But in any event, you should not be turning testimony of a  
10 limited range of ranks into an instruction about all ranking  
11 officers.

12 BY MR. KOPPE:

13 Well I haven't been in the army myself but I think second  
14 lieutenant is pretty much the lowest ranking officer, but let me  
15 make it very concrete.

16 Q. Mr. Pech Chim was it clear to you, crystal clear at the end of  
17 the day, that soldiers with the rank from second lieutenant to  
18 colonel were not to be harmed?

19 MR. PECH CHIM:

20 A. Yes, that what we all understood at that time.

21 Q. And if these ranking officers were not to be harmed, did that  
22 necessarily, automatically imply that the lower ranking soldiers  
23 were of course not to be harmed?

24 [10.01.26]

25 MR. LYSAK:

23

1 I would have no objection to an open-ended question, but he's  
2 leading the witness, trying to put words in his mouth.

3 MR. KOPPE:

4 Again, Mr. President it's standing practice in this Court, so I  
5 think I am allowed to do that, to ask whether this is the  
6 implication; I don't see any problems with this question.

7 MR. PRESIDENT:

8 You are not allowed to put that kind of question to the witness,  
9 as it is a kind of leading question that would elicit a  
10 suggestion or a conclusion from the witness.

11 [10.02.23]

12 MR. KOPPE:

13 Maybe I can seek some guidance. Maybe I just simply do not  
14 understand the concept of leading questions, Mr. President. If  
15 the Prosecution reads a passage from a statement and then asks to  
16 confirm, isn't that also a leading question? Maybe I need to have  
17 some instruction as to what exactly a leading question is in this  
18 courtroom.

19 MR. PRESIDENT:

20 It is clear in the Chamber's view that that question was a  
21 leading question, and Witness, you are instructed not to answer  
22 the last question by Nuon Chea's defence as it is considered a  
23 leading question by the Chamber.

24 BY MR. KOPPE:

25 Q. I will rephrase the question, Mr. Pech Chim. The instruction

24

1 of Ta Mok in relation to soldiers with the ranks from second  
2 lieutenant to colonel, that they were not to be harmed, that is  
3 clear. What was your impression at the time, or what was your  
4 understanding at the time, what the fate should be of soldiers  
5 with no ranks or soldiers with ranks lower than second  
6 lieutenant?

7 MR. PECH CHIM:

8 A. For those who had lower ranks would be spared as you could  
9 imagine, that was logical, because for those that were within the  
10 ranks from second lieutenant to colonel would be spared, would  
11 not be touched.

12 [10.04.33]

13 Q. And what about former military with the rank higher than  
14 colonel, what was their fate?

15 A. I don't know about that. As the soldiers who arrived at the  
16 base, none of them did not have any rank of lieutenant colonel or  
17 colonel at all, and mostly we only received widows. And as for  
18 higher-ranking officers, I did not see one at the time and I  
19 don't want to give you a presumption on this issue.

20 Q. Thank you very much, Mr. Pech Chim, for these answers. I would  
21 like to turn now to another subject, and that is -- it's only one  
22 or two questions I have -- the treatment of Cham people in your  
23 district.

24 We heard the testimony a few weeks ago, Mr. Pech Chim, of a woman  
25 who lived in Tram Kak district, who was and still is a Cham and

25

1 she testified that she was at one point in time, several times  
2 actually, forced by local cadres to eat pork. Do you know  
3 anything about local lower ranking cadres forcing Cham people to  
4 eat pork in Tram Kak district?

5 A. I heard about that matter which was raised during a meeting.  
6 The problem was that the dining hall was for communal eating so  
7 in that instance the soup was cooked with pork and as the Cham  
8 people did not eat pork, then the staff there gave them different  
9 soup, probably fish; if not fish then they gave them something  
10 else to eat instead of pork. And that's how they resolved the  
11 issue. So it is my understanding that those Cham people were not  
12 forced to eat pork as the issue was resolved by the people  
13 working there.

14 [10.08.15]

15 Q. Thank you for this answer, Mr. Pech Chim.

16 Another topic: What can you tell us about the treatment of  
17 Vietnamese people living in Tram Kak district, between 1975,  
18 April '75 and the moment you left spring 1976?

19 A. The Vietnamese people issue had been resolved when they were  
20 exchanged to return to Vietnam. And in certain instances, when  
21 the husbands were Vietnamese, some of them decided to return to  
22 Vietnam and left behind their wives. And in other instances they  
23 would share the children, for example one child would return to  
24 Vietnam with the husband and another child would remain in  
25 Cambodia with the wife. And to my understanding that's how we

26

1 resolved the Vietnamese people issue, and that principle applied  
2 to the later years of the regime as well. So I would like to make  
3 everybody clear on this issue and the principle regarding the  
4 dealing with the Vietnamese people. At that time while I was  
5 there, we tried to apply the principle in a better way although  
6 sometimes there were shortcomings. And after I left I believed  
7 they would do the same. As the situation kept changing, so I  
8 cannot say for sure whether the principle had been applied in a  
9 manner that I had applied before I left.

10 [10.10.50]

11 Q. Are you aware in the time that you were functioning in Tram  
12 Kak district of any maltreatment of Vietnamese people, or even  
13 execution, executions of Vietnamese people?

14 A. No, there was no such thing because Vietnamese had been  
15 severely mistreated by the former Lon Nol regime, and when we  
16 took control of the country, we considered Vietnamese people as  
17 our allies or our friends. And when we proposed that they should  
18 return to Vietnam and only two days later they all agreed to  
19 return to Vietnam, because now there were no more troubles for  
20 them in trying to return to Vietnam. And we made that arrangement  
21 for them to do so. So, for those Vietnam who had come to Cambodia  
22 before, returned after we made that proposal. And we did that  
23 based on the guidelines or instructions from the upper echelon --  
24 that is, from Ta Mok. And let me restate that they had been  
25 mistreated by the former regime -- that is, the former Lon Nol

27

1 regime, in particular by the former Lon Nol soldiers.

2 [10.12.52]

3 MR. PRESIDENT:

4 Thank you. It is now convenient to take a short break. We'll take  
5 a break now and resume at 10.30.

6 Court officer, please assist the witness in the room for the  
7 witnesses and civil parties and at 10.30 invite him as well as  
8 the duty counsel back into the courtroom.

9 The Court is now in recess.

10 (Court recesses from 1013H to 1031H)

11 MR. PRESIDENT:

12 Please be seated. The Court is now back in session.

13 I hand over the floor to the defence team for Mr. Nuon Chea to  
14 resume his examination of the witness.

15 MR. KOPPE:

16 Thank you, Mr. President. During the break I understood that  
17 there is no really any follow-up in relation to the redacted  
18 answers of the witness. And however, International Deputy  
19 Co-Prosecutor kindly suggested and I thank him for this. But of  
20 course, nothing prevents me from asking the same questions to the  
21 witness. So what I would do now, I would like to ask the same  
22 questions to this witness, and then hopefully, he would give the  
23 same answers as he has given to the investigators.

24 [10.33.22]

25 BY MR. KOPPE:

28

1 Q. Mr. Pech Chim -- and Mr. President, I'm just -- it's not  
2 strictly necessary anymore, but I'm referring to E127/7.1.4, it  
3 is Question 44, so I would just repeat that question and  
4 hopefully, you would be able, Mr. Pech Chim, to give the same  
5 answer.

6 The question is: Mr. Pech Chim, do you know anyone who can tell  
7 us more about Sector 13 organisational structure?

8 MR. PECH CHIM:

9 A. They were all dead except Mr. Meas Muth. He was in charge of  
10 Sector 13 with Saom. Saom was dead too. Chet (phonetic) is still  
11 alive. Muth is still alive. And the rest were all dead.

12 Q. What was it -- do you remember Meas Muth? Was that the name  
13 that you gave to the investigators who could tell us more about  
14 Sector 13? Let me -- I will withdraw that question, I will  
15 withdraw that question.

16 [10.35.30]

17 MR. LYSAK:

18 Just to clarify, what shouldn't be done here is to make  
19 connections to this information, to where this came from. I don't  
20 want to say more than that. I did not mean in any form or fashion  
21 for you to be asking these questions in the context of this  
22 specific document.

23 BY MR. KOPPE:

24 I apologise, Mr. Prosecutor. I -- you're right. Withdraw the last  
25 question.

1 Q. My question to you, Mr. Pech Chim: Do you know any former  
2 cadres from the Southwest Zone or the Northwest Zone who are  
3 still alive and living in Oddar Meanchey province?

4 MR. PECH CHIM:

5 A. I have given the names to the Court for a long time -- for two  
6 years when you went to ask me at my house. I told that some of  
7 them had already died and other was still alive -- are still  
8 alive. And some who are still alive are in the military in the  
9 present government. But I don't want to be long-winding into this  
10 matter.

11 [10.37.36]

12 Q. I appreciate your answer, Mr. Pech Chim. But would you  
13 nevertheless be so kind to tell us which cadres from the  
14 Southwest Zone or the Northwest Zone who are still alive and  
15 living in Oddar Meanchey province?

16 A. Apart from those I have informed the Court, I cannot think of  
17 any others. Those whom I know who are still alive, I have already  
18 informed the Court.

19 Q. Another question I have for you, Mr. Pech Chim, is about the  
20 arrest of Sae, also known as Kang Chap. What can you tell us  
21 about the arrest of Sae? I'm not sure if I'm pronouncing it  
22 correctly -- S-E (sic). Sae.

23 A. Sae alias Kang Chap went along with me when I went to work in  
24 the rubber plantation. He worked with Brother Pauk in Sector 41,  
25 and they was in charge of the old North Zone.



1 Q. Do you know why he was arrested?

2 A. No, I don't. He was attached to Siem Reap for a few months --  
3 around three to four months. He was arrested. And then Brother  
4 Pauk told me that Sae was arrested. And I asked why, and he only  
5 said that it was the order from the upper echelon. And then I  
6 remained silent. It was the decision of the upper echelon. I dare  
7 not inquire any further. And I was only focusing on the task I  
8 was assigned to. And I was only told that it was the order of the  
9 upper echelon that he was to be removed.

10 [10.41.05]

11 Q. Have you ever come to learn that Sae implicated you and your  
12 brother as belonging to his network?

13 A. That I do not know. It is the first time today I have heard of  
14 it.

15 JUDGE LAVERGNE:

16 Counsel Koppe, can you tell us where you got this information  
17 from? And maybe these are confessions that were obtained at S-21  
18 under torture.

19 MR. KOPPE:

20 How would you know, Judge Lavergne, whether this was coming from  
21 torture -- whether it was coming from a confession? I just asked  
22 him a general question and I'm not referring to anything.

23 JUDGE LAVERGNE:

24 I'm sorry. I am the one putting a question to you, Counsel Koppe.  
25 Where is the source of this information?

*Extraordinary Chambers in the Courts of Cambodia*  
*Trial Chamber – Trial Day 273*  
*Case No. 002/19-09-2007-ECCC/TC*  
*24/04/2015*

31

1 [10.42.34]

2 MR. KOPPE:

3 In the case file.

4 JUDGE LAVERGNE:

5 Please, please don't joke. Which element in the case file allows  
6 you to assert such a thing?

7 MR. KOPPE:

8 I'm not asserting anything. I'm asking whether he knows if Sae  
9 implicated him as being part of his network. That was my very  
10 general question and I think I'm entitled to ask that question.

11 JUDGE FENZ:

12 Counsel, what's the basis for your question? That was a very  
13 clear question to you.

14 MR. KOPPE:

15 Yes, but I'm entitled not to answer that question.

16 JUDGE LAVERGNE:

17 So then, you're dropping this line of question --

18 MR. PRESIDENT:

19 Mr. Deputy Prosecutor, you may proceed.

20 [10.43.38]

21 MR. LYSAK:

22 Thank you, Mr. President. I can answer the question. He's making  
23 a reference to the S-21 confession of Kang Chap. It's document  
24 E3/2792. There's a list -- a very long list of implicated persons  
25 at the end -- hundreds of persons. And the witness is number 47

1 on that list. Let me just make two points. Earlier, Counsel also  
2 attempted to put a question to a witness that was a -- from the  
3 content of an S-21 confession when he asked whether it was Chou  
4 Chet or Kang Chap had stated that Saom was aggressive, and then  
5 withdrew the question. Attempts to put before this Chamber  
6 information that is certainly believed to be induced by torture  
7 is inappropriate when you are putting it forward for the truth of  
8 the matter, which is what he was doing with this question related  
9 to Saom. With respect to this question, I think there is a  
10 legitimate question that can be made -- certainly not for the  
11 truth of the matter. It would be absurd, and we believe it is  
12 absurd on its face for the hundreds and thousands of people who  
13 were identified as traitors using torture. What would be relevant  
14 would be to know whether the fact he had been implicated was  
15 communicated to him by Ke Pauk or someone else. So, to the  
16 extent, that is the question -- whether the -- this confession  
17 was then used in the regime and communicated to people I think  
18 would be appropriate. To use it for the truth of the matter is  
19 entirely barred. So I just wanted to state our view because some  
20 things that he is doing today are entirely inappropriate. If he  
21 keeps trying to use S-21 confessions for the truth, we may need a  
22 standing order on this. But there are permissible questions, and  
23 we want to make that clear as well.

24 [10.46.15]

25 MR. KOPPE:

1 If I may respond, Mr. President. I would like to have a very  
2 clear ruling on this question. I'm not referring to anything. I'm  
3 referring to a possibility of this witness being somehow  
4 implicated as belonging to somebody's network. I think that is a  
5 general question, which, as formulated by me in the way that I  
6 have done should be and is permissible. If you do not say so,  
7 then I would not only like to have your decision but also a  
8 reasoned decision, because we're going to be facing this  
9 situation more often in the near future I would imagine. In  
10 addition, I would like to add that, as Prosecution of course is  
11 well aware, we have made a point of appeal -- appeal ground on  
12 this very issue. It is now or it will soon be debated before the  
13 Supreme Court Chamber whether it is in fact permissible to use  
14 elements of S-21 confessions, not in the sense to use it against  
15 the Accused but in the sense of a foundation for possible further  
16 question. So it is an issue which is going to be debated soon.  
17 However, we're also dealing now with progress in Case 002/02. So  
18 I would like to have your decision on this, but also a reasoned  
19 decision.

20 [10.47.52]

21 JUDGE FENZ:

22 Counsel, on exactly what do you want a decision? Do you want a  
23 treatise on the use torture-tainted evidence dealing with all  
24 eventualities?

25 MR. KOPPE:

1 No, no, no, no, no-

2 JUDGE FENZ:

3 If not, I suggest in order to clarify all our thoughts and focus  
4 them to tell us in writing what exactly you want us to clarify. I  
5 think there is probably agreement that torture-tainted evidence  
6 cannot be used. There is a prohibition against the use of  
7 torture-tainted evidence. I guess we also agree that you don't  
8 only use this evidence if you specifically refer to it, but if  
9 you use the information coming from it. But if not, as I said,  
10 tell us in writing what exactly you want us to clarify. This is  
11 much too wide an issue to deal with summarily without knowing  
12 what to focus on.

13 [10.48.45]

14 MR. KOPPE:

15 Thank you, Judge Fenz. I think the position of the Trial Chamber  
16 is clear when it comes to the use of torture-tainted evidence.  
17 Whether I'm referring to that at this point in time is unclear.  
18 What I do like and I think is possible of course within the realm  
19 of today is your ruling whether I am allowed to ask this specific  
20 question and your reasoning. So my specific question I think has  
21 been asked already. I think I heard also the answer. But please  
22 tell me if I can ask this question again.

23 MR. LYSAK:

24 Before you -- I just want to make sure I understand what the  
25 question is. If the question in any form or fashion is suggesting

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1 to the witness whether there's truth that he was part of a  
2 network, I object. If the question is simply was he -- was this  
3 communicated to him that he had been named in an S-21 confession,  
4 that's an entirely appropriate question. But if he's asking this  
5 to try to suggest that it's true that there was a network of  
6 traitors, that's entirely precluded by the Convention.

7 [10.50.05]

8 MR. KOPPE:

9 I'm not implying that at all. I'm asking whether he knows --  
10 whether he's aware of the fact that Sae has implicated him. That  
11 is the question that I'm asking, and I would like to know if I  
12 can ask that question.

13 (Judges deliberate)

14 [10.54.41]

15 MR. PRESIDENT:

16 The Chamber decides that -- the Chamber will rule on this point  
17 in question over lunchtime. So if you have any further question,  
18 Counsel, you may proceed.

19 BY MR. KOPPE:

20 I will. Thank you, Mr. President.

21 Q. I have a few last topics, Mr. Pech Chim. First question is  
22 related to your answer in E319.1.18, Question 244. The question  
23 that was put to you is the following:

24 "Did you know what happened to the Khmer Krom when they arrived  
25 in Kiri Vong district?"

1 Your answer is: "I was not worried about the Khmer Krom because  
2 they were mistreated by the Vietnamese, so they fled to  
3 Cambodia."

4 Can you expand a little bit on the mistreatment of the Khmer Krom  
5 by the Vietnamese? How do you know this? What happened to them?  
6 [10.56.26]

7 MR. PECH CHIM:

8 A. I heard of it by word of mouth. And at the time, Ta Mok also  
9 made an announcement that the Vietnamese mistreated Khmer Krom.  
10 And some of the Khmer Krom themselves talked to each other about  
11 that. In Takeo province, in Svay Rieng province, people over  
12 there knew very well that the Vietnamese mistreated Cambodian and  
13 Khmer Krom. That's why there was a sentiment of hatred from our  
14 ancestor, our previous generations. We did not like the  
15 Vietnamese.

16 Q. And did those Khmer Krom victims' maltreatment by the  
17 Vietnamese tell you or others why they were mistreated by the  
18 Vietnamese?

19 A. No, they didn't. But there was an announcement. And when later  
20 on, it was disseminated from one to another, we were national  
21 compatriots. We have shared border with the Vietnamese. And for  
22 Khmer Krom, they have lived in Vietnam for many years. But we  
23 have come from the same clan, that's why we share our suffering  
24 and when they were mistreated by the Vietnamese. So we try to  
25 help them when they came to us. When they came to ask us for, for

1 example, food, we could help them. But that was all we could  
2 help.

3 [10.59.03]

4 Q. Were any of these Khmer Krom people who had come from Vietnam,  
5 were they mistreated in your district because they were Khmer  
6 Krom?

7 A. That I do not know. When I was there, I did not know about  
8 that.

9 Q. Let me rephrase it. Was there any policy in relation to the  
10 Khmer Krom who had just come from Vietnam in terms of how they  
11 were to be treated for food, health, and education? Were they  
12 treated the same way as everybody else?

13 A. As a matter of principle, there is a political line for the  
14 Khmer Krom. In other words, we had to warmly welcome them. We had  
15 to treat them very well. Because they were mistreated by the  
16 Vietnamese, they had to desert their home in Vietnam to come to  
17 Cambodia. So we had to do everything we could in order to treat  
18 them well.

19 [11.00.43]

20 Q. Is it correct, Mr. Pech Chim, that both Ieng Sary and Son Sen  
21 were originally coming from Kampuchea Krom?

22 A. I am not sure about his personal background on this matter.

23 Q. So you don't know whether Son Sen and Ieng Sary originally  
24 came from Kampuchea Krom; is that correct?

25 A. Yes, that is correct. I am not sure.



1 Q. Then another topic, Mr. Pech Chim. What can you tell us about  
2 moral offences? What is the term "moral offences" mean -- what  
3 did the term mean in Democratic Kampuchea, a "moral offence"?

4 A. It carries several meanings when in regards to the kinds of  
5 offences. It could be the affairs between a man and a woman. And  
6 it's about the disrespect to the elders or the mistreatment by  
7 men toward women. Or sometimes, the women themselves committed  
8 moral offence against their husbands. These kinds of offences  
9 were considered moral offence.

10 [11.02.57]

11 Q. Have you ever become aware of instances in which a cadre  
12 sexually assaulted a woman? And if yes, would he be punished for  
13 his actions?

14 A. In my capacity as a cadre in the managerial role, I never saw  
15 any subordinate cadres who committed a moral offence against any  
16 woman. However, there was one instance who was a former resistant  
17 coming down from the mountain. He was assigned to stay in an  
18 office in Prey Kduoch, as he was not fit to work in the commune  
19 or district office. And that person was not directly my  
20 subordinate. And in fact, I heard about this story from his  
21 younger brother that he did not -- or he was suspended from  
22 working in the office. And from my further investigation, I heard  
23 that he had a moral offence with the wife of a former soldier.  
24 And for that reason, he was removed. And I did not involve in his  
25 removal from that office, but it was done by the upper echelon.

1 Q. Do you know whether there was a policy or whether there were  
2 instructions that any cadre that committed sexual offence against  
3 a woman would be punished for this moral offence?

4 A. Yes. There were regulations on that. It was part of the  
5 education and as people who were involved in that would be sent  
6 to work in the field, engage in the rice farming activity or in  
7 raising pigs. And as to the period of refashioning, it varied  
8 depending on the behaviour of that individual.

9 [11.06.32]

10 Q. Could you say something in general terms what the DK's policy  
11 was in relation to the rights of women in general? Can you make a  
12 comparison to pre-Democratic Kampuchea and a time within DK as  
13 what the rights of women were?

14 A. I did not see anything strange in terms of the national  
15 policies and the traditions in Cambodia. If one commits an  
16 offence, regardless of the status of that person or gender of  
17 that person, either a man, a woman, a father, or mother, the  
18 person would be considered as an offender. And I think the  
19 tradition -- that kind of practice and tradition lives on today  
20 in Cambodia.

21 Q. Let me rephrase my question. I'll put it in a different way,  
22 Mr. Pech Chim.

23 Did men and women have equal rights within the constitution of  
24 Democratic Kampuchea within daily life, within your district?

25 A. When we talked about the right of an individual, everybody is

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1 equal at all level, either at the commune, district or a  
2 provincial level. So it means that men and women had to do the  
3 same kind of work. And we had respective male and female chiefs  
4 of the unit for the male and female units. And as men and women  
5 were put in separate units, the moral offence issue was rarely a  
6 case. The shortcomings are that the cadres were young and were  
7 experienced, and as a result, it led to a conflict when they led  
8 those people to work.

9 [11.09.40]

10 Q. Thank you, Mr. Pech Chim. Now another topic again. You have  
11 briefly testified about the conflicts in 1975 and 1976 between,  
12 on the one hand, the district Party, and on the other hand, the  
13 district front. And I believe that at one point, Ta Saom  
14 announced that there was no difference anymore between the front  
15 and the Party. Can you tell us a bit more about the nature of  
16 this conflict -- the character of this conflict between, on the  
17 one hand, the front, and on the other hand, the Party?

18 A. Allow me to clarify. In fact, there was no such conflict. At  
19 that time, the front was at the front or was the public face, and  
20 the Party was behind. So from the point of view of the general  
21 public or the population, they did not see the Party; they only  
22 saw those people working at the front. But they did not see the  
23 Party behind the front. And later on, people made a joke. There  
24 was one person at Takeo district who engage in the work for the  
25 Party and he talked behind the back that those people who work at

41

1 the front could not move any further beyond the militia unit. And  
2 I recall that that person named Houn (phonetic). He passed away.  
3 And Saom later on clarified that when you refer to the front, the  
4 front belonged to the Party. And after that, everybody seemed to  
5 understand and the situation quieted down. But before that, there  
6 was confusion and there seems to be a separation between those  
7 working for the front and those working for the Party. And that  
8 is all on the issue of the front and the Party.

9 [11.13.11]

10 Q. Thank you, Mr. Pech Chim. Another topic that is a follow-up  
11 question of an earlier question of the Prosecution relating to  
12 something you said in your statement E3/401. It is English, ERN  
13 00381025; Khmer, 00373475; and French, 00426214. You were shown  
14 -- because of the statement -- a document with An's signature and  
15 an annotation on the top of that document saying that the persons  
16 referred to in that document were to be smashed. Now, there's two  
17 things that I would like to ask your clarification about. You  
18 said that if names in confession were crossed in red ink that  
19 that would mean that this person would be purged. Now, I would  
20 like to ask you about these specific words: "crossing" and "a red  
21 ink". Was it always crossing of names? Was it always red ink  
22 being used? Can you give us some more details about that?

23 A. Allow me to clarify. The crossing was done by my superior. And  
24 in my instance, it was done by either Khom or Muth upon receipt  
25 of the report by An. And when we -- when I received it back, it

42

1 was in an opened envelope, and some names had been crossed. And  
2 then Khom would have the letter put in another envelope sealed  
3 and sent away by the messenger. And that's how I observed the  
4 crossing done by my superior. And in some instances, a proposal  
5 to Saom was made in order to be lenient to certain individuals  
6 mentioned. And sometimes, there was request for rice to be sent,  
7 and that's how I learned about the existence of Krang Ta Chan  
8 Security Centre. Previously, I thought it was located up in the  
9 mountain, but only through the communication, I learnt of its  
10 location. And that is all.

11 [11.17.05]

12 Q. So am I to understand clearly that you -- that it was  
13 necessary that with a red pen, a name was actually crossed? So  
14 only if we could see a name being crossed with a red pen, then  
15 that would mean that this person was to be purged; is that  
16 correct?

17 A. I think you have repeated that question several times. And I  
18 have already given my adequate response to that. And please, I'd  
19 like not to repeat what I have said or I have made in the  
20 statements. And you may refer to my previous statements with the  
21 Office of the Co-Investigating Judges. I do not want to repeat  
22 responses to the questions, as there might be variation or  
23 discrepancies and that would lead to further time to be  
24 questioned.

25 [11.18.24]

1 MR. PRESIDENT:

2 Mr. Pech Chim, it is your obligation to respond to the questions  
3 put to you. Secondly, the Chamber has to consider the evidence  
4 being put in this confrontational way like what we are doing now  
5 in this Court in order for us to evaluate the validity and the  
6 weight of such evidence before we are able to render our legal  
7 opinion. Your previous statements are of course a source of  
8 evidence. However, your testimony here before us is also an  
9 evidence for the Chamber. We understand about your previous  
10 statements. And if we are able to take those statements and form  
11 our legal opinion, it would be not necessary to invite you here  
12 for further testimony. And please be mindful of that.

13 BY MR. KOPPE:

14 Q. I was asking you the question, Mr. Pech Chim, because we do  
15 not seem to have any original documents with -- where we can  
16 discern whether ink is red or blue. And we also don't have any  
17 names which are actually crossed. So I'm asking you to think  
18 clearly on what the practice was. Did the name have to be crossed  
19 out in red ink? So I apologise if I repeat my question, but it is  
20 important to understand.

21 MR. PECH CHIM:

22 A. I am happy to respond to the questions for the Trial Chamber  
23 to the best of my ability since I want justice to be done and  
24 served.

25 [11.21.05]

1 MR. PRESIDENT:

2 Mr. Witness, you have not responded to the last question by  
3 Counsel Koppe. And you are reminded that if the question is of a  
4 repetitive nature, the Chamber has its discretion to prohibit  
5 that question or concerned Parties, namely the Prosecution would  
6 be on his feet to object such question. I refer to repetitive  
7 questions or leading questions which are prohibited in the  
8 proceedings before this Chamber. And if the question is not  
9 objected, or if the Chamber does not allow it, then you shall  
10 respond to that question. And Counsel Koppe, please repeat your  
11 last question so that the witness can respond.

12 BY MR. KOPPE:

13 Q. My question was whether you know the names of people who were  
14 to be purged, who were to be physically crossed by a red ink pen?

15 MR. PECH CHIM:

16 A. Everything was there on the paper. And whatever the decision  
17 to be made by the upper echelon, they would do it.

18 [11.23.00]

19 Q. I'll move on, Mr. President, to two last points. But I would  
20 like to have -- ask questions about first, you remember  
21 testifying about a person with a handicap called Phy. Have you  
22 ever heard that Phy was executed in 1979 by the Vietnamese at  
23 Damrei Mountain?

24 A. After the arrival of the Vietnamese, some people learnt about  
25 that. Since we all fled in our own way, we only learnt that some

1 people died. And yes, I heard that Phy died.

2 Q. But did he die in combat or was he executed by the Vietnamese?

3 A. I do not know the cause of his death. I only know that he  
4 died.

5 Q. My very last question and that is a question on Tram Kak  
6 district in terms of structure. I'm not quite sure if I heard you  
7 correctly, but did you at one point say that Tram Kak district  
8 consisted of 14 villages? Or did I not hear that well?

9 A. I refer to the 14 communes and not 14 villages. There were  
10 many villages and I cannot recall the exact number of the  
11 villages. It could be above 50 or more than 100 villages under  
12 that district.

13 [11.25.43]

14 Q. Maybe I made a mistake, and I apologise for that, Mr. Pech  
15 Chim. What I meant is, how many sub-districts or communes you  
16 said that Tram Kak had. Did I hear you say 14 communes and/or  
17 sub-districts?

18 A. I just said the district comprised of 14 communes.

19 Q. I believe that we have tried to determine how many communes  
20 Tram Kak had at the time. So the ones that we have, I will name  
21 for you. And then would you please be so kind to add the ones  
22 that you still remember. We have Kus, Samraong, Trapeang Thum  
23 Khang Tboung, Trapeang Thum Cheung, Tram Kak, Nhaeng Nhang, Srae  
24 Ronoung, and Ta Phem. That is eight communes. Others -- six  
25 others -- did we not get that well? It might be Popel -- can you



46

1 name the other ones?

2 A. After Ta Phem, it was Angk Ta Saom, Leay Bour, Popel, Cheang  
3 Tong, and please add the one that I just said if it ends up to  
4 14, then it's correct. Then there are two more, Khpob Bombek  
5 (phonetic) and then Boeng Krongae (phonetic). That should be all.  
6 [11.28.12]

7 MR. KOPPE:

8 Thank you very much, Mr. Pech Chim, for answering my questions.

9 JUDGE FENZ:

10 And this is for Counsel Koppe. We have just learnt that we'll  
11 probably not have a transcript available during the break. So we  
12 have promised on the other hand a ruling after the break on your  
13 question. So my question here is: Would you be able to repeat the  
14 question that you actually want a ruling on, because we won't  
15 have - we're likely won't have the transcript during lunchtime?  
16 My understanding was that it is not so much this one question  
17 which has been answered anyway, but one aspect related to torture  
18 evidence you wish to have clarified. So perhaps --

19 MR. KOPPE:

20 Well, I'm not sure if it's torture-tainted evidence. My question  
21 was, and I try to be as literal as possible in my memory, whether  
22 Mr. Pech Chim is aware of the fact that he has been implicated as  
23 belonging to Sae's network. That was my question.

24 [11.29.33]

25 JUDGE FENZ:

47

1 At least this is the question you wish a ruling on?

2 MR. KOPPE:

3 Yes.

4 JUDGE FENZ:

5 Yes.

6 MR. PRESIDENT:

7 Thank you. The time is appropriate for a lunch break. We will  
8 take a break now and resume at 1.30 this afternoon.

9 Court officer, please assist the witness in the room for the  
10 witnesses and civil parties during this lunch break, and invite  
11 him, as well as the duty counsel back into the courtroom at 1.30.  
12 And security personnel, you are instructed to take Khieu Samphan  
13 to the waiting room downstairs and have him returned to this  
14 courtroom before 1.30.

15 The Court is now in recess.

16 (Court recesses from 1130H to 1334H)

17 MR. PRESIDENT:

18 Please be seated.

19 The Court is now back in session and before I hand the floor to  
20 the defence team for Mr. Khieu Samphan, the Chamber would like to  
21 inform counsel Koppe that a reasoned decision to your question to  
22 the witness, Pech Chim, this morning, is not ruled upon now as  
23 the Chamber needs time to review the actual transcript and the  
24 relevant legal frameworks.

25 The Chamber would like to hand the floor to Khieu Samphan's

1 defence to put questions to Mr. Pech Chim.

2 [13.35.36]

3 MR. KOPPE:

4 Mr. President, with permission of counsel for Mr. Khieu Samphan,

5 I would like to ask a question following up on the earlier

6 discussion in respect of the redacted version of the statement of

7 this witness. We now have received the non-redacted version.

8 "caviarder" is the French word, I understand, for redacted, so I

9 would like to ask one quick follow up question to the witness,

10 specifically with respect of E127/7.7.1.4.

11 [13.36.20]

12 BY MR. KOPPE:

13 Q. Mr. Pech Chim, earlier I asked you a question whether you know

14 if any former cadres from the Southwest Zone or Northwest Zone

15 still lives in Oddar Meanchey province, you answered this

16 question coming from investigators as well and you referred to

17 two people that I would like to ask you further questions about.

18 In Answer 45, you referred to a person called Hoeun who now is a

19 major general and also an advisor to the Prime Minister and to

20 Keo, a brigadier general, and that both of them are living nearby

21 Trapeang Prasat market. These two men, Hoeun and Keo, were they

22 cadres from the Southwest Zone or the Northwest Zone?

23 MR. PECH CHIM:

24 A. I would like to clarify that I do not know these two persons

25 Hoeun and Keo.

1 [13.37.43]

2 Q. I'm having your statement in front of me, Mr. Pech Chim and  
3 you're saying and I quote literally: "Another man is Hoeun, he is  
4 now a major general and also an adviser to the Prime Minister and  
5 the other man is Keo, a brigadier general. Both of them are  
6 living in nearby Trapeang Prasat market." So, I'm reading just  
7 from your statement. My only question is: Were they cadres from  
8 the Southwest Zone or Northwest Zone?

9 MR. LYSAK:

10 Mr. President, I might suggest to counsel that they read, I guess  
11 the - his Khmer national counsel isn't here but I'm pretty sure  
12 he is mispronouncing the last name but I think a Khmer speaker  
13 would be better to pronounce these names.

14 MR. KOPPE:

15 Maybe you can help me.

16 MR. KONG SAM ONN:

17 The first name is Hoeun and the second name is Keo.

18 MR. PECH CHIM:

19 A. Hoeun is a military cadre, Keo was also a military cadre and  
20 they have been military officers till the present time and they  
21 were attached to a division, a military division and they are  
22 both advisers at the moment.

23 [13.39.55]

24 BY MR. KOPPE:

25 Q. Thank you for your clarification but my question was: were

50

1 they Southwest Zone cadres or Northwest Zone cadres?

2 MR. PECH CHIM:

3 A. They were from the Southwest Zone, actually from Kampot  
4 province.

5 MR. KOPPE:

6 Thank you very much. Thank you, Mr. President.

7 [13.40.15]

8 QUESTIONING BY MR. VERCKEN:

9 Good afternoon, Witness, My name is Arthur Vercken .I'm one of  
10 Mr. Khieu Samphan's counsels. I know that you are tired, many  
11 questions have been put to you and I'm aware of course that I'm  
12 coming at the very end of this process so I'm going to try to  
13 focus my questions as much as I can and of course and I'll try  
14 not to put questions that has already been put to you by the  
15 other Parties. However, I might put to you questions that were  
16 put to you during your eight interviews but that's completely  
17 normal because you're here to repeat before the Chamber what you  
18 had said in the interviews.

19 My first series of questions is going to concern the civil war  
20 between 1970 and 1975.

21 [13.41.27]

22 BY MR. VERCKEN:

23 Q. In your region, I would like to know if you can describe the  
24 fighting that took place there, the bombing, the campaigns, the  
25 warlike events that took place in Tram Kak district between 1970

51

1 and 1975. I would like to know, if according to you, according to  
2 your vision of things if you noted if the fighting was very harsh  
3 with many victims or not, what can you say about the fighting  
4 that took place there basically?

5 MR. PECH CHIM:

6 A. The fighting during that war was very intense. It was between  
7 the former Lon Nol soldiers and the Khmer Rouge soldiers, though  
8 both sides were Khmer, and of course, it was a rather raging  
9 battle field at that time. It lasted for a few months and in fact  
10 it also engaged in aerial bombardment for about 200 days at  
11 night. I myself had to take refuge in a trench during that period  
12 at night-time and I only emerged during the day. It was an  
13 intensive aerial bombardment, if I recall it. And the aerial  
14 bombardment was to the base of the Damrei Romiel Mountain and the  
15 planes kept turning one after another to drop bombs in that  
16 particular area. It came from all directions: south and north.  
17 People were very afraid and we did not dare to use firewood as we  
18 were afraid the smoke would be detected and then we would be  
19 bombed.

20 [13.44.15]

21 We thought very hard as to what we could do in order to overcome  
22 the dire situation and the only solution that we reached was to  
23 counter attack in order to survive and to defeat the other side.  
24 We had our force and for the male unit, including the elder ones  
25 would engage in food supply to the front battlefield. That is all

1 just in a summary.

2 And in fact the rice was transported in hand made container; the  
3 container was indeed useful as it could contain rice for the  
4 soldiers at the front battlefield.

5 My response -- although it is a bit lengthy -- it is in response  
6 to your lengthy question as well.

7 [13.45.40]

8 Q. You're right; absolutely. My question was long, but it  
9 involved especially the fighting and the violence of the  
10 fighting. And therefore, did you note yourself - or, did you hear  
11 about any fighting taking place around Angk Ta Saom? Is it the  
12 place you know, by the way, and was there any kind of intense  
13 fighting in the area around Angk Ta Saom?

14 A. Yes, in fact the fighting was more intensified in Angk Ta Saom  
15 area than in the Takeo provincial town and after the battle was  
16 concluded in Angk Ta Saom area, it became more intensified in the  
17 provincial town of Takeo.

18 Q. Thank you. Now, I would like to ask you if you got to know the  
19 fact, got to know if North Vietnamese soldiers who were present  
20 in Cambodia between 1970/1975, were using the Khmer villagers as  
21 human shields to face the bombings of the Khmer Republic and  
22 their allies. Was this a practice of the North Vietnamese  
23 soldiers and were you informed of this?

24 A. No, it did not happen in the village. But those soldiers  
25 stayed in the forest, however, sometimes they came down to the

1 village to ask for food but mainly they stayed hidden in the  
2 forest.

3 [13.47.58]

4 Q. Thank you. By the way during this period – again that is to  
5 say between 1970 and 1975 -- were you informed of what the Khmer  
6 Republic forces -- that is to say the Lon Nol Army and the South  
7 Vietnamese, which were his allies -- were you aware of the fact  
8 that they were committing atrocities against the Vietnamese who  
9 were living in that district?

10 A. The North Vietnamese who were in the area did not threaten us;  
11 they spoke to us casually. And, of course, how could they  
12 threaten us because we were also armed. So this event did not  
13 happen.

14 Q. Mr. Pech Chim, please let me interrupt you. I was not speaking  
15 about the North Vietnamese, I was speaking about the South  
16 Vietnamese and I asked you if the South Vietnamese were  
17 committing atrocities against the Vietnamese who were living in  
18 your district? Or were the Lon Nol soldiers doing that as well?

19 A. I did not see the event that happened between Vietnamese and  
20 Vietnamese. Of course there were fighting by both Vietnamese in  
21 Sla Kou and in Angk Ta Saom. In particular, the militia -- the  
22 militia in about 10 villages within the district stayed close  
23 together and fought with them. And this is just a brief summary  
24 of the event. In the open form, the South Vietnamese soldiers  
25 stayed with the Lon Nol soldiers and they joined hands in the



1 battlefield. So when they joined hands in the battlefield, it was  
2 in a rather larger scale and when the Lon Nol soldiers came to  
3 engage in the battlefield alone, they would engage in a smaller  
4 scale and usually they would leave their base to engage in the  
5 skirmish.

6 [13.51.52]

7 Q. I'm going to try to be a bit more specific with my question to  
8 help you answer it. What I would like to know is if you have  
9 information relative to massacres, atrocities that allegedly were  
10 committed by the Lon Nol army and by his allies, his South  
11 Vietnamese allies against the Vietnamese civilian population  
12 living in your district. That's what I would like to know; either  
13 you have information about that, either you were aware of certain  
14 atrocities that took place or not and if you are - if you were  
15 aware, please describe what you know.

16 A. No, I was not aware of that. Yes, in my previous response I  
17 did not fully understand your question and please try to make  
18 your question straight to the point and please make it short and  
19 simple as I am rather fatigued now and my recollection is also  
20 not that good. Thank you.

21 [13.53.28]

22 Q. Fine. I promise I will do my best. Now I would like to revisit  
23 a question that was put to you the day before yesterday -- that  
24 is to say 22nd April 2015 -- a question put to you by Mr. Dale  
25 Lysak. It was 10.33.13 in the morning and the International

1 Co-Prosecutor asked you the following -- and I'll read his  
2 question.

3 [Free translation] "Witness, now I would like to speak about the  
4 Vietnamese connected to Tram Kak district, I would like to know  
5 what happened to the Vietnamese who were living in that district  
6 and in Takeo province after 17th April 1975."

7 And you answered: "Back then, Vietnamese soldiers were everywhere  
8 in Tram Kak district. Not only civilians were there, the soldiers  
9 were also in the forest and Vietnamese would trade with the  
10 Cambodians so the Vietnamese soldiers would trade with Cambodian  
11 soldiers and before doing that, the rule was that they would ask  
12 us for permission when they would buy rice from us and we would  
13 sell it in bulk. Back then, the Party made arrangements with  
14 Vietnam for the repatriation of Vietnamese to Vietnam and then  
15 the Vietnamese returned to Vietnam. I'm speaking about the  
16 Vietnamese soldiers here; the repatriation only took two days.  
17 Our request back then consisted also in repatriating Vietnamese  
18 civilians as well as the same time as the Vietnamese soldiers."

19 [13.55.43]

20 So my question is the following: The International Co-Prosecutor  
21 asked you a question that was focusing on the period after 17  
22 April 1975, and when I hear your answer today, can you confirm  
23 that your answer indeed concerns the period after 17 April 1975.

24 A. Allow me to clarify the matter. Maybe I was confused in my  
25 statement. The Vietnamese withdrawal actually took place in 1972,

1 that is before the liberation in 1975. At that time, Angkar made  
2 an arrangement for the repatriation of the Vietnamese and that  
3 took place in 1972, though I cannot recall the month.

4 Q. Thank you, Mr. Pech Chim, for this clarification. Now, I'm  
5 going to speak about another topic and I'm going to put to you a  
6 few questions about affiliation issues. I would like to ask you  
7 if you know, first all, if there was any kind of kinship linked  
8 between Ta Tith and Ta Mok?

9 A. They were in-laws, younger brother and elder brother in-laws.

10 Q. Thank you. Now I would like to know if you know a person  
11 called Sim, who was probably the district secretary of Treang  
12 district and if you know this person, do you know if Sim had a  
13 wife by the name of Sem?

14 A. Sim had a wife named Sem and Sim died at the refugee camp  
15 named Kaoh Noy (phonetic). As for Sem, I had not seen that person  
16 since we departed.

17 [13.58.51]

18 Q. Thank you, Mr. Pech Chim. On 17 March 2015, before this  
19 Chamber, witness Riel San testified, he was a former hospital  
20 chief and he came on 17 March 2015. It is transcript E1/278.1,  
21 and just after 10.53.24 in the morning, he spoke about Yeay  
22 Khom's character. This is Ta Mok's daughter who was the head of  
23 Tram Kak district and this is what he said.

24 The following question was put to him. "Can you describe to the  
25 Chamber what kind of district chief Yeay Khom was and what

1 happened to Yeay Khom?"

2 This is the answer: "Back then, Yeay Khom was district secretary  
3 and then she became crazy. She couldn't stop speaking. When I met  
4 her sometime she would order to cut down big trees or to dig soil  
5 or to pull out roots but in fact she was just simply mad." End of  
6 quote.

7 [14.00.28]

8 This morning when you were questioned about Ta Mok's daughter,  
9 Sem, you spoke about her mental problems and my question is  
10 therefore: Since you were the deputy of Khom, was she already  
11 mentally unstable before she left her post at the district? What  
12 did you note with regard to that?

13 A. At that time we were thinking of how we could find a physician  
14 to treat her condition and we actually found a Vietnamese  
15 physician. In fact from what we observed, she was psychiatric  
16 (sic), but I would not really say that she was mentally unstable  
17 but she had some psychiatric issues and she was pretty determined  
18 in what she said. If she said she wanted to do something, she  
19 would do it and she got this condition once, and actually when  
20 she was ill with that condition, she went for a treatment in  
21 Vietnam, she recovered and for the second time we tried to find a  
22 Vietnamese physician to provide her with the treatment, but  
23 unfortunately, it failed and she became an unwedded wife to Ta  
24 Muth; although later on we tried to organise a symbolic wedding  
25 ceremony following our tradition so that she would be --

1 Q. Mr. Pech Chim, I want to stop you immediately. What I would  
2 like to know is whether she continued working up until when you  
3 found the Vietnamese doctor for him (sic). When you found the  
4 Vietnamese doctor for her, was she still at her position?

5 A. Yes, she was there when the Vietnamese physician was treating  
6 her and the illness recovered for few months and then she fell  
7 ill again, so it took several times for her to be treated.

8 [14.03.29]

9 Q. Thank you. Was that Vietnamese doctor affiliated to the Khmer  
10 Rouge regime, was he working for the Khmer Rouge regime and where  
11 exactly, in which position or hospital was he working?

12 A. The physician who was staying close to each other in the  
13 jungle. At that time, whoever we could ask for help, we would ask  
14 for help and those Vietnamese physicians were in the forest. And  
15 actually for the Vietnamese troops, they came fully equipped with  
16 midwife, physician, and other medical personnel. So whenever we  
17 needed help, we sought assistance from them.

18 Q. Thank you. Do you know a person by the name Nam Soeun  
19 (phonetic)?

20 A. No. I don't I never heard of Nam Soeun (phonetic).

21 [14.05.15]

22 Q. Thank you. I would like to very quickly talk about Ta Mok's  
23 personality with you and I would like to ask somewhat traditional  
24 question here. Do you know the expression, or the proverb that,  
25 above Ta Mok is only his hat? Do you know that expression and

1 what does it mean to you?

2 A. Well, it was an old saying as such actually, it was only the  
3 word produced by Ta Mok himself. I do not really know whether or  
4 not this was spoken by Ta Mok himself or it was by his own driver  
5 who says that nobody else is above Ta Mok; "above Ta Mok is the  
6 hat and above the hat is the sky". That was it. I think it was  
7 kind of mockery terms; it was not an old saying as such. That was  
8 mocking in nature and being sarcastic, but I do not know whether  
9 Ta Mok would use it but I've heard it from others as well. I have  
10 come on the truck and I heard that when I came to visit my  
11 hometown in 2000. I heard people talk about that too. It took me  
12 one whole day to reach Phnom Penh and then I went all the way to  
13 my hometown. I did not actually have time to sleep.

14 [14.07.14]

15 Q. Very well. Yesterday you talked about the relationship between  
16 Ta Mok and Pol Pot and you referred to the fact they were in  
17 conflict with one another and I believe you said, in late 1978,  
18 early 1979, there was such a conflict. My question is whether you  
19 were aware of conflicts or tensions between Pol Pot and Ta Mok  
20 before that period - that is, 1978/1979? Was there any conflict  
21 between the two politicians? And for the purpose of completeness,  
22 may I also ask you whether you were aware whether Pol Pot feared  
23 Ta Mok to the best of your recollection?

24 A. Mr. President, I knew at that time but when the situation was  
25 all over, then I learnt that. Then when there was serious

60

1 confrontation in one of the congresses, then there was a decision  
2 to remove Ta Mok, to my recollection, and then later on -- it was  
3 in 1999 -- the name was removed, including me, as well. So that  
4 was a brief summary of that. And then I came back home and  
5 worked. And Zero Zero Five took me back to work with him.

6 Q. Mr. Pech Chim, my question is very simple, you can simply say  
7 no.

8 During the period from 1975 to 1979 -- that is, during the  
9 Democratic Kampuchea regime, to your knowledge, did Pol Pot fear  
10 Ta Mok or were there conflicts between the two persons - that is,  
11 during the Democratic Kampuchea regime, to your knowledge?

12 [14.10.05]

13 MR. PRESIDENT:

14 Mr. Witness, please hold on. International Prosecutor, you may  
15 proceed.

16 MR. LYSAK:

17 I have no objection to the question about whether there were  
18 conflicts between Pol Pot and Ta Mok between that period; I do  
19 have an objection to the question as to whether Pol Pot feared Ta  
20 Mok. I don't know how this witness would be in any position to  
21 answer that. Counsel was leading before, but as to question  
22 whether he is aware of any evidence of conflicts prior to 1979, I  
23 have no objection.

24 BY MR. VERCKEN:

25 I am not asking the witness to speculate. If he is able to answer

61

1 the question, he can. I just want to know whether he had heard  
2 the expression "above Ta Mok was only his hat". I am not asking  
3 you to speculate, Witness; all I'm asking you to tell us whether  
4 you are aware of the existence of tension or conflict between Ta  
5 Mok and Pol Pot during the period of Democratic Kampuchea.

6 MR. PECH CHIM:

7 A. No, during that period there was no conflict. They got along  
8 very well with each other. But later on, some time in 1978 -  
9 rather, recently, probably in the 1980s or 1990s, they split up.

10 [14.11.54]

11 MR. PRESIDENT:

12 Mr. Witness, please focus on the question because the question is  
13 being put to you relates to the confine of the Democratic  
14 Kampuchea period from 1975 to 1979, and you are reminded again to  
15 respond only to the question asked to you. You do not need to  
16 expand it further.

17 Counsel, you may proceed with your question.

18 [14.12.25]

19 BY MR. VERCKEN:

20 Q. Thank you, Mr. President, for this clarification, I will abide  
21 by it. Let me change subjects.

22 Mr. Witness, I would now like to put a question to you regarding  
23 your brother. You were interviewed by the tribunal investigators  
24 on several occasions, including on 26 June 2006. The reference is  
25 E127/1.4 (sic) in Answer 8, you stated that your blood brother



62

1 called Kit had replaced Prak Yut as the head of the sector – that  
2 is, Sector 13. Can you tell us on what date your brother replaced  
3 Prak Yut?

4 MR. PECH CHIM:

5 A. At that time I left already and I do not recall the exact date  
6 but I only learnt that he had come to take the place. So, at that  
7 time we had our own individual responsibility; we did not really  
8 care about others; that's why I do not recall the exact date but  
9 I do recall that, of course, he came to take the place.

10 Q. Perhaps I can assist you somewhat still with regard to the  
11 same question. When you were interviewed on 28 February 2013 by  
12 the Tribunal investigators, and the reference is E127/.1.3  
13 question/answer 1, you stated that you had been sent to the  
14 Central Zone at the same time as Prak Yut and you go on to state  
15 – and further – later on, Mr. Prak Yut appeared before this  
16 Chamber in the first trial segment on 26 January 2012. The  
17 reference is E1/34.1 at 11.23.41, and he stated that he had been  
18 transferred to the Central Zone between February and April 1977.  
19 My question to you is as follows: This information you provided  
20 and which Prak Yut also gave this Chamber enabled you to recall  
21 at what date you left and the date on which Prak Yut also left;  
22 does this help you to identify the date of the arrival of your  
23 brother?

24 A. No. I only recall the date I left. I did not know the date  
25 when my brother came in and I did not know the date when Prak Yut

63

1 came in either and I did not even bother to ask when they came  
2 in. I did not actually pay attention to it.

3 [14.16.34]

4 Q. And in order to be absolutely clear, can you remind the  
5 Chamber of the date on which you left for the Central Zone?

6 A. It was on the 13th I left. On the 13th, I got to Phnom Penh,  
7 then I stayed overnight in Phnom Penh and then I continued my  
8 journey the next day and I reached Kampong Cham on the 14th.

9 Q. Mr. Witness, I agree with you, but the 13th or 14th of what  
10 month, because the 13th in itself doesn't mean anything?

11 A. It was in 1976.

12 Q. Very well, let me press on with this question because you are  
13 inconsistent in answering this question because on the first day  
14 of your appearance you said you left for the Central Zone in  
15 1977, and this morning you said left in 1976, which is what  
16 you're confirming now. I would like us to revisit an event which  
17 would enable us, perhaps, to agree on the date. You remember the  
18 award referred to as the honorary -- the "red honorary medal",  
19 you said you received that "red honorary medal" in 1976 as head  
20 of the district. Since we're talking of economic results in the  
21 year 1976, would it not be somewhat absurd that this award, this  
22 medal was awarded to you in early 1976? Perhaps this remark will  
23 enable you to choose between the two dates you have given, which  
24 are inconsistent -- that is, 1976 or 1977. That will enable you  
25 to give a more logical answer.

1 [14.19.43]

2 A. Well, if I was mistaken, then it would be from the time when I  
3 was interviewed at my home. At that time I said it was 1976 and  
4 then other people told me it was 1977, and I insisted it was  
5 1976, but, after all, people recorded it as 1977 and I did not  
6 protest any further. But, to my recollection, it was 1976, in  
7 February 1976.

8 As for the award presentation, it was in 1975, just soon after  
9 the liberation and this is my clarification as far as that point  
10 is concerned. It is up to the Court to decide. So that was the  
11 mistake in relation to the recording of the date.

12 Q. Mr. Witness, I have before me the translation of the  
13 "Revolutionary Flag" of 6th June 1977 and it is document E3/135,  
14 which announces that in June 1977 the red honorary medal was  
15 given to your district Tram Kak for the year 1977. Now, were you  
16 assigned to Tram Kak district at the time when you were awarded  
17 this red honorary medal?

18 A. Yes, I was there at that time and Ta Mok who presented it to  
19 me. He actually did not hand it over hand by hand, but actually  
20 he just hand it over -- put it on the table. He brought it along  
21 with him and then he just placed it on the table and said, "give  
22 it to Party 105 and all other cadres who had endeavoured to work  
23 on the rice production", and then we came first, we had the first  
24 place. So that medal was placed in front of me. So that honorary  
25 flag was actually equivalent to a gold medal.

1 [14.23.12]

2 Q. Thank you for this clarification, sir, which establishes the  
3 date I've been looking for.

4 Before this Chamber you referred, on several occasions, to a  
5 woman called Boeun. Can you tell us what were the functions of  
6 that woman at the level of the district, and on what date she was  
7 assigned to those duties and responsibilities?

8 A. At that time she was the commune chief of Cheang Tong and then  
9 after I left I did not know whether or not she was promoted to  
10 the district level, that I have no idea.

11 Q. Then if you don't have an idea, why would you speak about it  
12 spontaneously?

13 A. I did not know if she was promoted, and if she was when was it  
14 I did not know because I left already. If there was a promotion  
15 of anybody, I did not know when. And at that time, in the  
16 promotion of people, they would disappear one month, or two  
17 months or so, they would disappear. People were promoted was not  
18 even known to people in that locality or the province, then they  
19 disappeared. So there was frequent removal and appointment in  
20 order to be responsive to the developing circumstances, but since  
21 I left there already I did not know anything at all that happened  
22 after that. As for Poenun (phonetic), he shared the information  
23 with me, he felt sorry for the people and we managed - we helped  
24 other people. I assisted him.

25 [14.26.13]

1 Q. Very well, sir. Thank you for this clarification. My next  
2 question to you has to do with the geographical features of your  
3 district. Tell me, is the eastern border of Tram Kak district  
4 aligned with the railway line, is the railway line the eastern  
5 border of Tram Kak district?

6 A. It was along the line - along the National Road, but towards  
7 the North, it was deviating from that, it covers one commune in  
8 Treang district. Because Tram Kak could not access to that area  
9 that's why they cut part of Treang district. They had some  
10 reserve plot of land adjacent to it, then they could transport  
11 the ammunition along that. There was no buffer, then they need to  
12 take that area.

13 Q. Should I take it then from your answer that the railway line  
14 cut across Tram Kak district at one point?

15 A. If we leave the provincial town, then we reach the  
16 intersection next to the railway, so we cross that intersection  
17 towards the north and we did not go to -- turn to the provincial  
18 town, so that was the intersection there and that was the  
19 crossroad which we --

20 [14.29.06]

21 Q. Thank you, sir. But I would like you to focus for the time  
22 being on my question. Let me repeat it: Did the railway line cut  
23 across the territory of Tram Kak district, yes or not? And to get  
24 to the railway station, did you have to get out of the territory  
25 of Tram Kak district?

67

1 A. Yes, that railway went through Tram Kak district; it also went  
2 through Treang district. That's all.

3 Q. Do you know a place called Ou Chambak and if you know that  
4 place where is it in Tram Kak district? Let me repeat the name,  
5 it is Ou Chambak.

6 A. No, I don't. Maybe you used another name to refer to the same  
7 location because I have never been near that area so I am not  
8 that familiar with --

9 [14.31.06]

10 Q. Fine. But do you know if this place, Ou Chambak, therefore,  
11 was in Tram Kak district or not or was it outside of Tram Kak  
12 district?

13 A. I am not sure and I cannot not recall it; maybe I have never  
14 been there or maybe I have but I cannot recall it because the  
15 name Ou Chambak refers to a creek or a river but to me there is  
16 no creek or river there and there could have been a creek or  
17 river in Treang district.

18 Q. Fine, fine, thank you for this clarification.

19 Do you know if during Democratic Kampuchea regime, canals were  
20 built, canals that would start at Takeo Lake in order to irrigate  
21 Tram Kak district?

22 A. I do not understand your question.

23 [14.32.58]

24 Q. Takeo, do you know if during the Democratic Kampuchea regime  
25 canals were built that would go from Takeo lake all the way to

68

1 Tram Kak district in order to irrigate the district? Are you  
2 aware of that, do you know if such canals were built?

3 A. I think I can recall that and that happened after I had left,  
4 the canals were built under the supervision of San (phonetic) and  
5 one day I returned, maybe I came to visit the area and stayed  
6 overnight and I spoke to him as to what he was building and he  
7 said he was building a pumping station, so I stayed in that area  
8 -- worksite overnight with him - that is, with San (phonetic),  
9 but in fact I stayed overnight at Angk Roka but a messenger came  
10 to call me so I left in the middle of the night to return to  
11 Kampong Cham and arrived at dawn, as I was so busy with my work  
12 at that time. Allow me to repeat that canals were built by San  
13 (phonetic).

14 Q. Do you know if this canal was built from Takeo lake onwards or  
15 was it built from Tram Kak onwards, do you know? Where did the  
16 canal start?

17 A. I am unsure, so I prefer not to respond to your question and I  
18 believe it started in Takeo and it went up and then there was  
19 another canal built in Tram Kak district, so it is rather  
20 confusing and you need to be more precise than that.

21 [14.36.06]

22 Q. Yesterday one of the Judges put questions to you about the  
23 possible visit of Mr. Nuon Chea and Khieu Samphan to worksites --  
24 worksites or canals were being built -- and you said in fact that  
25 - and I quote here -- this was after 11.39.54 yesterday morning,

69

1 and you said, "I knew that they came but I do not know exactly  
2 where they went or where I met them. They went there and there  
3 was someone by the name of Sen and Sen went to the co-operatives.  
4 As far as I remember, I never accompanied because I had other  
5 tasks to complete in the front line, other people took care of  
6 his visit but I'm not sure if he did travel to the  
7 co-operatives".

8 For the moment I will stop here and I would like to ask you,  
9 first of all, the Sen (phonetic) that you spoke about yesterday  
10 is it the Sen (phonetic) that you referred to right now?

11 A. I did not speak about Saen (phonetic) and yesterday I spoke  
12 about Sen (phonetic). Sen (phonetic) escorted Khieu Samphan  
13 during his visit but I cannot recall as to when Sen (phonetic)  
14 came to receive the delegation and Khom also went to receive the  
15 delegation as I was assigned by Khom to deal with other matters  
16 and Sen (phonetic) worked in the office in Phnom Penh -- in an  
17 office in Phnom Penh and he accompanied Nuon Chea and Khieu  
18 Samphan during that visit.

19 [14.39.15]

20 Q. And this visit which you did not partake in, as far as you  
21 said, when did it happen, what year, which date, which month, if  
22 you remember and who spoke to you about this visit?

23 A. I cannot recall it.

24 Q. Do you remember who spoke to you about this visit, how did you  
25 learn about it?



70

1 A. Yes, I recall that, at that time, I -- in fact I was in the  
2 Central Zone and when I went to visit there, I was told that they  
3 went to visit Tram Kak district.

4 Q. Fine. So someone told you, you don't remember who, is that  
5 what I must understand?

6 MR. PRESIDENT:

7 Thank you, Counsel. It is now convenient for a short break.

8 MR. VERCKEN:

9 I didn't hear the response in French.

10 [14.42.00]

11 MR. PRESIDENT:

12 Mr. Pech Chim, please respond to the last question regarding  
13 Khieu Samphan's visit, we only heard your words in Khmer and it's  
14 not been translated into English or French.

15 MR. PECH CHIM:

16 A. Regarding the visit by Khieu Samphan, at that time I had been  
17 transferred to the Central Zone and I came to visit Takeo  
18 province and I was told by the people at Office 105, that Khieu  
19 Samphan had come to visit the area accompanied by Son Sen. He  
20 came to visit about the rice production and about the vegetation  
21 in the district. That is all.

22 [14.43.15]

23 MR. VERCKEN:

24 That's his answer, Mr. President.

25 MR. PRESIDENT:

71

1 Thank you. It is now convenient to take a break and we will  
2 resume at 3 o'clock.

3 Court officer, please assist the witness at the waiting room for  
4 the witnesses and civil parties and invite him as well as the  
5 duty counsel back in to the courtroom at 3 o'clock.

6 The Court is now in recess.

7 (Court recesses from 1443H to 1501H)

8 MR. PRESIDENT:

9 Please be seated.

10 The Court is now back in session, and before I hand over the  
11 floor to the defence counsel for Mr. Khieu Samphan, the Chamber  
12 wishes to enquire the defence team whether you have many more  
13 questions to be asked, because today is Friday, and we will have  
14 to be able to estimate the time needed to put the questions and  
15 the arrangement for the transportation for the witness back to  
16 Phnom Penh.

17 MR. VERCKEN:

18 I think we'll be done by 4 p.m. or even earlier, Mr. President,  
19 but at the very latest at 4 p.m.

20 MR. PRESIDENT:

21 Thank you, and now you may proceed with your examination.

22 [15.03.02]

23 BY MR. VERCKEN:

24 Q. Mr. Pech Chim, yesterday you referred to work plans in your  
25 district. You explained that between 1975 and 1979, the worksites

72

1 that were established in your district were established at the  
2 initiative of the district with the approval of the sector level.  
3 My question to you is as follows: Did sector officials visit the  
4 sites -- the worksites -- before approving them? And did they  
5 rely on your proposals and the experience you had with regard to  
6 the proposals you made for the establishment of the worksites?  
7 Let me repeat my question, sir. Whenever there were plans to  
8 establish worksites in your district, were such works or work  
9 plans, as you said yesterday, proposed by the district, was it  
10 the district that took the initiative to establish such  
11 worksites?

12 MR. PRESIDENT:

13 Counsel, please put your question to the witness again. It  
14 appears that the battery of the witness' headset was gone just  
15 now.

16 [15.06.30]

17 BY MR. VERCKEN:

18 Q. Between 1975 and 1979, worksites established in your district,  
19 were they established at the initial proposal of the district  
20 level?

21 MR. PECH CHIM:

22 It was the -- under the direction of the district. We consult  
23 among the district committee, and then once we agreed, we decided  
24 to implement it. But, of course, it was in line with the  
25 direction of the zone. For example, they would advise on the

1 construction of a dam, then we would locate the appropriate place  
2 to construct that dam, and we would take out the map, if any,  
3 then we would consult among each other on the shape and the  
4 general specificity of the dam. So, again, it was not the sole  
5 decision of the district, but it was the collective decision of  
6 the zone together with the district.

7 [15.08.23]

8 Q. When that happened, did they send someone on the ground to  
9 verify, or they just rely on the proposal of the district?

10 A. Yes, that was correct. Under the guidance of the zone, then we  
11 would locate the place, and then once we agreed on the place to  
12 construct the dam, we would show them to the area, and then once  
13 we got the approval, then we would implement the construction.

14 Q. Thank you, Mr. Witness. I'll move into another area of  
15 questioning regarding the circulation of envelopes, either closed  
16 or open, between the Krang Ta Chan Security Centre, the district  
17 office and the regional office. I'll start by summing up what you  
18 said regarding the circulation of such envelopes. So if I  
19 understand your statement correctly, you explained that closed  
20 envelopes containing lists of detainees at Krang Ta Chan would  
21 leave the security centre and were sent to the district office,  
22 you didn't open them, and you forwarded them to the regional  
23 office, which would then open them and decide as to the fate of  
24 the detainees at Krang Ta Chan. It would put the documents in an  
25 envelope, seal the envelope, and send it to you, so that you

74

1 would then forward the said envelope to Krang Ta Chan. Have I  
2 properly summed up the description you gave of the sealed  
3 envelopes and the itinerary of the sealed envelopes from Krang Ta  
4 Chan?

5 [15.11.41]

6 A. The envelope sent from Krang Ta Chan, sometimes actually it  
7 was not sent through Krang Ta Chan. It was sent directly to the  
8 regional department office. But sometimes it was sent through  
9 105. If it relates to Tram Kak, then it would send through Tram  
10 Kak, but if it relates to Treang or Kiri Vong, then it did not  
11 send through that, so that was the procedure. If it relates to  
12 Tram Kak and Tram Kak's people, then it would be sent through  
13 Tram Kak, and if we -- there was anything that we could protest,  
14 then we would, but we had to be back up by the reasons and proper  
15 justification, otherwise we would dare protest.

16 Q. Thank you for this clarification, sir.

17 I would like to remind you in passing of your statement to the  
18 OCIJ investigators, 19 June 2014. The reference is E319.1.18 and  
19 it is question and answer 86. So I'll read the question and  
20 answer: [Free translation].

21 Question: "In principle, the powers of a district secretary  
22 covered all security problems: the security centres, the arrests,  
23 and all worksites in the district. Is that the case?"

24 Answer: "They did not have the powers to arrest people; however,  
25 they could put in place security measures and resolve problems to

1 make sure there were no traitors. The security centres came under  
2 the jurisdiction of the regional officials of the Party. The  
3 district secretary was in charge of propaganda, education, and  
4 food supply. He was also in charge of resolving the daily  
5 problems of the inhabitants, eliminating traitors, and mobilizing  
6 forces to fight against the enemy." End of quote. [Free  
7 translation]

8 [15.14.55]

9 My question to you is as follows: Eliminating traitors in this  
10 answer you've given regarding the definition of your role as  
11 district secretary, what does that mean, practically? Eliminating  
12 traitors, what did you mean by that?

13 A. Let me clarify. That was the instruction of the front, and it  
14 was the instruction of the district. I could not explain any  
15 further, so we tried to re-educate them, and if they had a  
16 conflict, we would try to compromise and mediate the conflict,  
17 and we had to rebuild our solidarity. That was the role of the  
18 district committee chair, so that was our role, and I did not do  
19 anything further than that.

20 Q. So when you responded to the investigators saying that your  
21 role was to suppress traitors, you meant that they had to be  
22 re-educated? Is that what you meant, sir?

23 A. That was the role of the district. That was the role of the  
24 Party. They had to take the firm control and responsibility of  
25 that in line of part -- of the Party. And we only had the right

1 to propose, but the overall decision was decided by the Party  
2 representative, that was the revolutionary Party line. So the  
3 Party representative would take control of everything in the  
4 leadership. And for the committee, we only -- we were only  
5 entitled to propose, but the decision was up to the Party  
6 representative, and we would propose that to the Party  
7 representative at the sector, and then they would forward it to  
8 the decision of the Party representative at the zone level.

9 [15.18.02]

10 Q. Very well. I was going to say that you yourself were a member  
11 of the Party, unless I am mistaken. We have on record this  
12 statement of a witness -- that is, TCW-822. That witness was  
13 examined and referred to you, and you said under Democratic  
14 Kampuchea, you had a nickname. And you were nicknamed "the master  
15 of death". Do you know of the existence of that nickname?

16 A. That I do not know. I did not understand what they described,  
17 but we were very careful in implementing our responsibility and  
18 duties. We had to avoid from being too harsh, too cruel. But I  
19 did not know what people would describe that, because that was  
20 the words of people. There were tens of thousands of people. They  
21 would speak differently of different situation. Maybe tens of  
22 thousands of people like it, but one or two thousand people did  
23 not like it, and there were more than 250,000 people in Tram Kak  
24 district. So whatever they said, whatever they commented, it was  
25 up to them. I do not want to elaborate on. I was not resented

1 with what they would describe it.

2 [15.20.13]

3 Q. This is a proposition I'm making to you, sir. Is it possible  
4 to imagine that to avoid having to assume your real  
5 responsibilities as the secretary of Tram Kak district in terms  
6 of suppressing, or eliminating traitors, you reverted the  
7 responsibility to the superiors at the level of the region, or  
8 the regional level, which was above the district level?

9 A. That was not correct. That was emanating from the war, and it  
10 was natural. It was the natural occurrence. A natural occurrence.  
11 Nobody established it, and they named me as the master of death,  
12 so it was up to them, and I myself knew it very well that I did  
13 not do that. I followed the instruction. I followed the Party  
14 line. That was my role. I did it. I was with them, so I could not  
15 excuse myself. I had to do as per the instruction. But I did not  
16 put the blame on the sector. That is not my intention.

17 [15.22.00]

18 MR. VERCKEN:

19 I have no further questions, Mr. President.

20 MR. PRESIDENT:

21 Thank you. Judge Lavergne, you may proceed please.

22 JUDGE LAVERGNE:

23 For the record, Mr. Vercken, can you please give us the reference  
24 of the document containing the expression "maître de la mort",  
25 "master of death"? Can you give us the reference of that



1 document, please?

2 MR. VERCKEN:

3 I'll look for the reference while my colleague is putting  
4 questions to the witness, and I'll give it to you after the  
5 hearing.

6 [15.22.53]

7 MR. PRESIDENT:

8 Thank you and Counsel Kong Sam Onn, you may proceed.

9 QUESTIONING BY MR. KONG SAM ONN:

10 Thank you, Mr. President, and good afternoon to all.

11 Q. Mr. Pech Chim, I have only a few questions to ask you. You  
12 responded to some questions on 22nd April in relation to your  
13 role, and in responding to that question, you said that you were  
14 a member of the district committee and you were the fifth -- one  
15 of the fifth or five members, and your rank at that time was  
16 equivalent to the district governor now. So I would like you to  
17 enlighten the Court in relation to the second, third, fourth and  
18 fifth in the committee. What was their rank at that time  
19 following the liberation in 1975?

20 [15.24.01]

21 MR. PECH CHIM:

22 The second person was the Party representative, and the third one  
23 was the Party representative as well, responsible for the mass.  
24 So these were very important people. [Correct interpreter]. The  
25 first second and the third was Pos (phonetic). Pos (phonetic) was

1 designated by the sector, and he was representative of the  
2 district Party. And the fourth one was responsible for military  
3 affair, and then the fifth one was myself. I was responsible for  
4 economic affairs, and I only came to join the team only later on.  
5 So the front was at the frontier, so the parties had the powers  
6 at that time in the district committee.

7 Q. Thank you. Can you elaborate further as for Pos (phonetic),  
8 who was a member then? What was his responsibility and duty then?

9 A. Pos Chit (phonetic) was in charge of women affairs. He -- Khom  
10 alone could not control all the affairs; that's why Pos  
11 (phonetic) assisted him. At that time, for women, it was for  
12 women for the entire province, so he was responsible for that.

13 [15.26.16]

14 Q. And you once became the secretary of the district committee.  
15 Were there any changes when you were members of the district  
16 committee, and when you later became the secretary of the  
17 district?

18 A. There were only changes after I left already. Actually, there  
19 was a change after I left already.

20 Q. The changes I am talking about here is the restructure on the  
21 -- the responsibility of the -- between the secretary and member  
22 of the district committee; for example, in relation to the  
23 appointment and designation of people. Were there any changes of  
24 responsibility under the district at that time?

25 A. I do not understand your question. I do not quite understand

1 it. What do you really want to know specifically? Can you please  
2 be precise and succinct?

3 [15.27.50]

4 Q. I just would like you to compare your role and responsibility  
5 when you were a member of the district committee, and then when  
6 you later became the secretary of the committee. What were the  
7 differences and similarities of your role and responsibility in  
8 the two positions you held?

9 A. There were no differences. When I left that, I was responsible  
10 for the Party affairs, but then my place was not taken over by  
11 anybody else in economic affairs, so even if I assumed the new  
12 role for the Party , but I was also responsible for economic  
13 affairs. I took care of the construction of dam and the rice  
14 production. The Party did not send anybody else to take the place  
15 in economic affairs, but we delegated it to the commune, and  
16 commune had to take care of the rice production and meeting the  
17 target expected. But in terms of the differences, there were no  
18 differences, but it was only an additional responsibility,  
19 additional burden on me, when I assumed the new role.

20 [15.29.34]

21 Q. Thank you. Regarding your experience as the district chief or  
22 district secretary of Tram Kak district during the DK period, did  
23 you ever involve in solving issues, practical issues, in your  
24 area? For instance, on the solution to food shortage or food  
25 issues, what was your actual solution to that matter?

81

1 A. Yes, I resolved many food issues. I myself did not make  
2 decision in solving those issues. Usually, we, the district  
3 committee, would call the commune secretary to meet us to discuss  
4 the issues they had. Whatever they needed or whatever they could  
5 offer the district, for instance. So the issues we discussed  
6 dealt directly with the concerned commune.

7 Q. Thank you. Can you provide the Court an example of a practical  
8 solution which was a concern of the commune, and which was  
9 brought to your attention at the district level, and that you  
10 resolve it?

11 A. As I said, we resolved many issues. I -- and I cannot recall a  
12 particular instance. We resolved all kinds of issues for the sake  
13 of the people in our district and cooperative. We usually dealt  
14 with issues of the living condition of the people in the  
15 cooperative. As for the clothing, the clothing was provided by  
16 the Party. So upon the necessity, we would make a proposal to the  
17 upper echelon for certain clothing to a specific unit, for  
18 example, a female unit or a male unit. In one instance, we  
19 attended a meeting at the sector level, and we were told that  
20 they had clothes, and that we could obtain it, and we could  
21 distribute it to our people. So, at that time, I personally would  
22 sit on my leg and get the clothes as a sign of respect to the  
23 upper level, and everybody did the same. That is just an example  
24 for you.

25 [15.33.51]

1 Q. Thank you. In relation to health care issue, did you ever  
2 receive a request from a hospital or a health care unit for  
3 medicine, and that you had to make a further request to the upper  
4 echelon to obtain it?

5 A. On the issue of food -- for medicine supply, yes I recall it.  
6 Sometimes we made a request to the people in Phnom Penh, and  
7 sometimes we received some of the medicines that we request. For  
8 instance, from Hospital 22, and then we would distribute those  
9 medicine to the hospitals located in various communes and in some  
10 mobile treatment units, and that happened after the country had  
11 been liberated. And sometime we obtained some serum for the  
12 injection of the patients, and it was locally produced; however,  
13 it was rather effective as the patients recovered from their  
14 illness. So, in short, we could resolve the health care issue. As  
15 for the medics, usually they would carry that kind of serum in a  
16 bottle with them when they went to various locations within the  
17 area for the treatment, and sometimes they made a joke about that  
18 serum that old people asked their younger children to go and get  
19 that juice to drink as it looks like it was an orange juice, but  
20 in fact it was serum.

21 [15.36.18]

22 Q. Thank you. Regarding the need of the people in your district  
23 comparing to the available medicine supply, what was the  
24 difference or the gap? Was the medicinal supply sufficient for  
25 the need?

1 A. The medicines that we obtained, though was not in surplus, it  
2 would help resolve the situation to a certain extent, as after  
3 the country was liberated, we could obtain some medicine for the  
4 treatment of the people in the district. And some people who had  
5 their children living in mobile units elsewhere, or in Phnom  
6 Penh, they could send to their parents or relatives living in my  
7 district in terms of clothing and some medicines.

8 Q. Thank you. Besides the medicine supply that you received from  
9 Phnom Penh, was there any other source of supply?

10 A. And also I received some medicine from Ta Mok, but allow me to  
11 say Ta Mok also obtained it from Phnom Penh.

12 Q. Thank you. Did you make any arrangements to purchase medicines  
13 from overseas, for instance from Vietnam?

14 A. No, I did not. We did not make that arrangement.

15 [15.38.50]

16 Q. Thank you. On a matter of security, did you ever receive any  
17 person who came to seek your help that his or her relative had  
18 been arrested and that the request was for the release?

19 A. Yes. Some people only dared to come to approach me. They did  
20 not dare to approach Khom directly. Usually, they would approach  
21 me and ask me to take them to see Khom. However, the end result  
22 varied, as some people could be released while others could not,  
23 and I mentioned that in details during my testimony. If it was  
24 reasonable that the person shall be released, and if the person  
25 who came to seek the release was reasonable, then we would decide

84

1 to release that person. We listened to their reasons for the  
2 request, and we considered them. And upon the release, the  
3 release of their relatives, we would advise them to engage in a  
4 productive manner. So usually we -- I was approached a lot on  
5 this matter. As for people in Tram Kak, usually they talked about  
6 Nhev, and they said that Nhev should not -- should not be mean,  
7 and that Nhev should be as good as myself, this -- me.

8 [15.41.14]

9 Q. Thank you. On the issue of making an arrest of anyone in your  
10 district, was the arrest initiated directly at the base level or  
11 was an authorization or order came from another level?

12 A. I have spoken quite in details on this issue.

13 Q. Can you tell the Chamber in terms of the percentage of the  
14 arrest in your capacity as district secretary or district  
15 committee, were orders for the arrest issued mostly at your  
16 level, at your lower level, or at your upper level?

17 A. I knew when I came to work at the office, and when I was an  
18 interim district secretary. In fact, when I was there, there were  
19 fewer cases of arrests. I tried to avoid people being arrested.  
20 Usually I would try to resolve the matters as much as I could.  
21 For example, when the conflicts arose, I would not believe what I  
22 was told yet. Then, I would be asked to go and make an enquiry on  
23 the matter, and it would -- I would discover that in fact the  
24 issue came from a minor conflict of certain individuals, and I  
25 made the report to my superior, and then there was no case of the

1 arrest at all.

2 [15.44.28]

3 Q. So what would be your estimate on the number of arrests  
4 arising from minor conflicts?

5 A. They were very few. Mostly for those who had conflicts, they  
6 would not be arrested or detained. We would go down to the base,  
7 and we would educate them. And education here means that we  
8 advise them briefly, to the point, on the spot, and that they  
9 should learn to live with each other and to compromise. So, to  
10 respond to your question, there were only a handful of cases, and  
11 I mean it could be 20 -- 10 to 20 per cent of all the matters.

12 Q. Thank you. And on the issue of theft, for example, stealing  
13 food or stealing coconut, did you yourself involve in resolving  
14 this kind of issue?

15 A. On the issue of stealing fruit or stealing chicken or stealing  
16 rice, I heard about that during the meetings, and I would advise  
17 the commune chiefs to resolve the matters at their respective  
18 communes. And if people -- if people stole because they did not  
19 have enough food to eat, then I would advise them so. And, of  
20 course, I myself did not personally involve in making that  
21 decision. It was a joint decision by the chairperson of the  
22 district Party and the district committee, and if the people  
23 involved are living nearby, then they would be called to meet us.  
24 We listened to the problems, and we would advise them not to do  
25 it again.



1 [15.47.19]

2 Q. Were there arrests that you could not resolve and that those  
3 people had to be sent to detention centre or prison? Here I refer  
4 to the nature of the arrest as stealing food or stealing chicken  
5 or stealing rice.

6 A. No, there was none. People who stole fruit or who stole food  
7 was not sent to be detained.

8 MR. KONG SAM ONN:

9 Thank you, Mr. Witness, I don't have any further question for  
10 you, and allow me to read the ERN as requested by Judge Lavergne.  
11 The French ERN is 01093760, the English ERN is 01050219, and the  
12 Khmer ERN is 00968938, and the document number is E305/13.23.451.  
13 Thank you.

14 MR. PRESIDENT:

15 Thank you, Counsel Kong Sam Onn. The hearing will adjourn today.  
16 What is on your mind, Mr. Deputy Co-Prosecutor?

17 [15.49.22]

18 MR. LYSAK:

19 Mr. President, I have a request to the Chamber in relate --  
20 before this witness is excused. This is the first time in two  
21 years I've asked for this, but a major inconsistency has emerged  
22 between the testimony of this witness during my examination and  
23 questions from Judge Lavergne and questions from counsel. I'm not  
24 asking for myself to engage in re-examination, but I would like  
25 to request the Chamber to ask a couple of questions of this

87

1 witness to clarify this matter. What I'm referring to is that  
2 during my questioning and Judge Lavergne's, this witness  
3 testified that there was an instruction from the sector chief to  
4 purge the enemy officers, which instruction -- excuse me -- was  
5 then conveyed by district chief Khom at the meeting. Today, we  
6 heard that there was an instruction from Ta Mok that at least  
7 certain ranks were not to be harmed. I note the witness said that  
8 that was the instruction. He used the words at the time. This is  
9 a fundamental issue here, and I believe that before this witness  
10 is excused, it would be beneficial to the -- to all of us -- for  
11 the Chamber to ask a few questions to clarify the witness's  
12 testimony with respect to there being these two different  
13 instructions, particularly in view of there being hundreds of  
14 documents from Tram Kak recording the arrests of lieutenants and  
15 ranking officers. So that is my request, that the Chamber put a  
16 couple of questions to the witness to try to clarify this matter.

17 (Judges deliberate)

18 [15.51.53]

19 MR. PRESIDENT:

20 The Chamber will grant the Prosecution five more minutes to put  
21 questions to clarify the issue, and the defence teams will be  
22 afforded the same time -- that is, five minutes.

23 [15.52.20]

24 QUESTIONING BY MR. LYSAK RESUMES:

25 Thank you, Mr. President.

1 Q. Mr. Witness, you heard a little of what I just said. The  
2 reason I'm on my feet now is we've heard two pieces of  
3 significant testimony from you in regards to what happened to Lon  
4 Nol officers. You told me, and you told Judge Lavergne, that  
5 there was an instruction from sector chief Saom relating to the  
6 purges of officers, and that when we asked you about evidence  
7 that had been provided about a district meeting, you confirmed  
8 that Yeay Khom had conveyed the instructions regarding purges of  
9 officers. You were also shown a number of documents from Tram Kak  
10 relating to the arrests of Lon Nol officers. This morning, you  
11 were asked by counsel about a meeting that another witness had  
12 testified to, and you described a meeting with Ta Mok, where he  
13 gave an instruction relating to certain ranks of officers,  
14 indicating that they were not to be harmed. You indicated, the  
15 words you used were "that was the instructions at the time".  
16 Can you please clarify for us your testimony on this? How is it,  
17 as you've acknowledged, that Lon Nol officers were executed, and  
18 why is it that Yeay Khom conveyed an order to purge enemy  
19 officers in view of your testimony regarding the meeting with Ta  
20 Mok?

21 MR. PECH CHIM:

22 A. Allow me to clarify that that was the regulations, and the  
23 regulations were sent down from Ta Mok to the sector, and the  
24 sector to Yeay Khom, and that was the chain of command, and  
25 that's how it worked, as the waterfall, it falls from the -- from

1 the height down to the lower part.

2 [15.55.12]

3 Q. We understand that the instructions came from above, Mr.

4 Witness. What I'm trying to figure out is how do you explain

5 these two different instructions? Was there a point in time where

6 the instructions changed and the policy became to purge enemy

7 officers? And if so, when was it that that occurred?

8 A. I do not fully understand your question, so I -- it is rather

9 confusing for me -- and I think I have spoken in details on this

10 issue.

11 MR. PRESIDENT:

12 Mr. Witness, you have provided contradictory statements, and that

13 is why we are seeking clarification from you, so that you can

14 explain to us the reasons for the discrepancies, and what you

15 have just spoken, even in the Khmer language, is difficult to

16 understand. It is not a matter of interpretation. It is a matter

17 of the statement that you made, which is rather confusing. And,

18 of course, Mr. Witness, you were reminded at the beginning of

19 your testimony that you have the obligation to only tell the

20 truth.

21 And Mr. Deputy Co-Prosecutor, please repeat your last question.

22 [15.57.32]

23 BY MR. LYSAK:

24 Q. The question is fairly straightforward. If it is true, as you

25 said this morning, that Ta Mok gave an instruction not to harm

90

1 officers between certain ranks, if that is true, why is it that  
2 sector secretary Saom instructed Yeay Khom, and Yeay Khom  
3 instructed the district and commune chiefs to purge enemy  
4 officers? Did the instructions change at some point?

5 MR. PECH CHIM:

6 A. Sooner or later, they would know about those people, and of  
7 course, they knew -- they knew about that after the 17 April  
8 date. Khom convened a meeting after that to raise the matter and  
9 what we had to do as to the ranks or the range of ranks of those  
10 former officers, and that happened after 17 April, and of course,  
11 Khom received instructions from him, from Ta, I mean Ta Mok.

12 Q. Let me just try one more time a slightly different way. I gave  
13 you two large documents during my questioning, E3/4095 and  
14 E3/2107. These are two notebooks that came from Krang Ta Chan.  
15 From the cover, a number of months in 1976. In one of these  
16 books, there are 105 prisoners who are recorded -- that's E3/409,  
17 and E3/2107, which covers the period of December '76 to January  
18 '77, there are 90 people listed as being arrested and  
19 interrogated. The majority of these people, Mr. Chim, are former  
20 Lon Nol soldiers or officers. Was the district deciding itself to  
21 arrest these people, or was it making this decision pursuant to  
22 instructions from the upper echelon?

23 [16.00.37]

24 MR. PRESIDENT:

25 Witness, please wait, and Counsel Kong Sam Onn, you have the

1 floor.

2 The greffier, could you liaise the information to the General  
3 Service Section that they should delay the buses?

4 MR. KONG SAM ONN:

5 From what I heard that the Chamber granted the Prosecution five  
6 minutes, and I think the time ran out, and I believe the  
7 statements made by the witness, despite the discrepancies, the  
8 Chamber has no obligation to make sure that his or her statements  
9 are consistent. That is the discretion of the Chamber as to which  
10 statement is credible and which is not, and if we are granted  
11 time to clarify the discrepancies, I don't think this is a way  
12 forward.

13 MR. PRESIDENT:

14 Witness, please respond to the question.

15 MR. PECH CHIM:

16 A. Sometimes I am afraid my statements are mixed up as I have  
17 been bombarded with many, many questions, and maybe I gave two  
18 responses to the same question. So I believe that is your honest  
19 discretion to judge my statements. And, of course, I -- my  
20 recollection is not that great.

21 [16.02.55]

22 MR. PRESIDENT:

23 Mr. Co-Prosecutor, please finalise your question as the time is  
24 running out, and maybe the Defence will also use the same time.

25 BY MR. LYSAK:

1 Yes, I just have one question if the witness will answer.

2 Q. Mr. Pech Chim, you said at the start of these proceedings that  
3 you wanted to tell the truth. There are records of hundreds of  
4 arrests of Lon Nol officers. My question to you is simple. Is  
5 this something that the district was instructed to do by sector  
6 chief Saom?

7 MR. PECH CHIM:

8 A. There were two phases. When Khom convened the meeting, I knew  
9 we received the instruction from the sector. I learnt from Khom.  
10 In that meeting, there was the record of the meeting, and then  
11 they decided along the line of the direction of the sector, that  
12 is to the best of my recollection. As for the arrest and the  
13 number of people to be arrested, I did not witness the arrest and  
14 I did not see the implementation, and I myself did not carry out  
15 the arrest, and I never issued any instruction to the commune to  
16 carry out the arrest.

17 [16.04.55]

18 MR. LYSAK:

19 Thank you for the opportunity to ask more questions. I appreciate  
20 the time.

21 MR. PRESIDENT:

22 I would now like to turn to the defence counsels. Do you have any  
23 questions to ask for clarification?

24 MR. KOPPE:

25 No, Mr. President, we don't have any questions. I think the

1 answers of the witness were crystal clear.

2 MR. KONG SAM ONN:

3 As for the defence counsel for Mr. Khieu Samphan, we do not have  
4 any further question, Mr. President.

5 [16.05.38]

6 MR. PRESIDENT:

7 Thank you. The hearing is now coming to an end, and the hearing  
8 shall adjourn now and resume on Monday next week, and we will  
9 hear the key documents relating to Krang Ta Chan Security Centre,  
10 so the Chamber invites all Parties to attend the hearing.

11 And Mr. Pech Chim, we thank you very much for taking time to  
12 answer to the questions put by the Parties and the Chamber. Your  
13 testimony is very crucial to ascertaining the truth. So your  
14 testimony is coming to an end now, so you are excused from the  
15 courtroom. You may go to your own place.

16 And Duty Counsel, we thank you, you Mr. Moeurn Sovann, for  
17 accompanying the witness.

18 Court officer, please facilitate the transfer of Mr. Pech Chim  
19 with the witness support section.

20 And security guards are instructed to bring the Co-Accused, Mr.  
21 Nuon Chea and Mr. Khieu Samphan, back to the detention facility  
22 and have them back in this courtroom on the 27th April 2015  
23 before 9 a.m.

24 The Court is now adjourned.

25 (Court adjourns at 1607H)