



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

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
Claudia FENZ
Jean-Marc LAVERGNE
YA Sokhan
YOU Ottara
Martin KAROPKIN (Reserve)
THOU Mony (Reserve)

The Accused: NUON Chea
KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
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)	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

3

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

6 [09.13.50]

7 MR. KOPPE:

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

10 QUESTIONING BY MR. KOPPE:

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

16 MR. PECH CHIM:

17 Yes, that is correct.

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

22 [09.15.30]

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

7

1 terms of the level of education, as the female, Khom, <completed
2 primary school and> was young. And she <went on to hold a senior
3 position>, and <when she was a small girl, she stayed in the
4 district. But, she had left the district for a long time, so> she
5 knew only a few <people>.

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

8 A. Through my observation, they were both hard-line followers or
9 radicals, or in Khmer, we would say they were <inflammable> red.
10 And <they inflamed everyone. So, there were> reactions from
11 people living in the district <when they were working there>.

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

14 I withdraw the question.

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

18 A. If you compare the two women, Boeun was of a better status,
19 both in terms of popularity and work <performance and the
20 public's perceptions. Boeun was better.>

21 [09.18.22]

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

24 A. She was more mature and more experienced than Khom. Khom was
25 <younger and less experienced>. However, they both were committed

1 to the Party.

2 Q. Last question about Khom. You have testified that she died
3 quite early, and that she had died of a swollen stomach disease.
4 What do you mean by "a swollen stomach disease"?

5 A. I did not know the actual cause of her death. I only knew that
6 she was sick, and I actually took care of her in District 105.
7 Before her death, she became mentally unstable and she cursed a
8 lot. Especially she was cursing me a lot since I was taking care
9 of her. And then we had a Vietnamese physician to treat her. We
10 -- her condition somehow became better, but later on she followed
11 her husband -- that is, about a year after she was discharged.
12 And then we heard that she died. Probably she died from this
13 oedema -- that is, her abdomen area was swollen.

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

16 A. I think it would be better if the treating doctor <could>
17 provide that explanation to you, because I can't.

18 [09.21.35]

19 Q. Very well. I understand your answer, Mr. Pech Chim. I would
20 like now to move on to another point. It's a small point, but I
21 want to have clarity on this.
22 During your testimony today, and yesterday and the day before,
23 you specifically said that you left District 105 in February 1977.
24 However, this question was asked to you as well by the
25 investigators. That is document -- document E319.1.18, questions

9

1 172 and 173, Mr. President. Question -- I will read that to you,
2 Mr. Pech Chim, and then I want to hear your answer. The
3 investigators ask you:

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

9 Your answer is: "I arrived in the Central Zone on 14 February
10 1976, not in 1977."

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

13 A. I'd like to make an amendment to that statement, to 14
14 February 1976. So, in fact, before that I had attended a study
15 session at the Party's school, where Nuon Chea was an instructor.
16 <And, I finished the study in February. I remember it as a
17 benchmark. After the liberation, I came to study in Phnom Penh.>
18 Then I left for the area. So, I was there for 2 months and 14
19 days before I was transferred to the Central Zone.

20 [09.24.24]

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

22 A. It's 1976.

23 Q. I apologize. I misheard you.

24 And did you have no business anymore in Tram Kak district after
25 February 1976?

10

1 A. Yes, that is correct.

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

5 Mr. President, I would like to show to the witness one page from
6 document E3/2107, and I would like to show him the Khmer ERN
7 0068049.

8 MR. PRESIDENT:

9 Yes, you may proceed.

10 [09.26.20]

11 BY MR. KOPPE:

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

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

20 Question: "Here is the document with ERN 00068046-0068082 that I
21 would like you to read. We want you to read page 4, which has ERN
22 49 at the end."

23 Your answer: "The substance of this writing said, 'The
24 Re-Education Centre 105. Up to date, we have smashed the enemy of
25 15,000 persons. Please the Party be informed. The Re-Education

11

1 Centre 105. Signed An.

2 This writing was really the writing of An, who was the chairman
3 of Krang Ta Chan Re-Education Centre. These writings seem to
4 belong to two writers. The two lines at the bottom were An's
5 writing, starting from 'Please the Party be informed' down to the
6 signature, which was signed by An. But I do not know were the
7 four lines above."

8 [09.28.59]

9 My first question: Do you remember giving this answer to the
10 investigators?

11 MR. PECH CHIM:

12 A. That was the matter dealt with An, and the district
13 chairperson, Khom. And from what I can see, the handwritings are
14 of two individuals. So it is hard to say that the statement is
15 one hundred percent accurate. And in this particular report, it
16 was about the total number of people, and of course An knew about
17 this. As for me, I was not aware of this, as I did not have
18 anything to do with this report, as I worked elsewhere. If there
19 was any request to me, <asking for rice> then I would receive it
20 <and distributed the rice accordingly. If there were any
21 requests, I would take it to the sector personally. Usually, I
22 did not make a written request. I orally submitted> it to <him>
23 for consideration <at a later stage. Then, he would decide
24 whether the request should be met or not.>

25 Q. Mr. Pech Chim, it seems to be a bit odd that this note,

12

1 relating to 15,000 possible victims at Krang Ta Chan, is divided
2 into two handwritings, or is consisting of two handwritings,
3 rather. Can you explain to us why it is that you say these are
4 two handwritings into one annotation on this document?

5 [09.31.16]

6 MR. LYSAK:

7 Mr. President, my objection is simply to the leading part of that
8 question, which was suggesting that there was something odd.
9 That's in fact contrary to the testimony of this witness, who has
10 explained that it was not unusual for other people, assistants,
11 to write the substance of texts. He testified that a number of
12 times. So, I have no objection to an open question, but leading
13 the witness by suggesting there's something odd about it is
14 inappropriate.

15 MR. KOPPE:

16 I find the discussion on leading questions a very interesting
17 one, since I think the Prosecution is not doing anything else but
18 asking leading questions. So, I think I should be able to ask
19 this question. It's also a cross-examination, what we're doing
20 here. So, I think I should be able to ask whether it's odd, yes
21 or no, that this annotation, which seems to play an important
22 role in the Closing Order, consists of two handwritings. Whether
23 that's odd or whether that's usual. I think that is an entirely
24 appropriate question.

25 [09.32.31]

13

1 MR. LYSAK:

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

4 BY MR. KOPPE:

5 Q. Fine. Is it usual or is it odd that, in this annotation, we
6 can distinguish apparently two handwritings, two forms or two
7 different handwritings?

8 MR. PECH CHIM:

9 A. In my view, I think that the report was correct, but there
10 were two different handwritings. <One line> below belongs to one
11 person, and five lines above <belonged to> another person's. <Or,
12 the phrase, "Please be informed", was written by one person and
13 the other person was An, chief of District 105 office.> I cannot
14 comment on it, so it was the practice in Angkar, and it was
15 Angkar's methods, and it is up to the Chamber to <handle and
16 analyse it accordingly>. It's beyond my capacity to comment on
17 this.

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

14

1 A. That I do not know.

2 [09.35.28]

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

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

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

11 Mr. President, that is document E127/7.1.8, English, ERN
12 00901570; Khmer, ERN 008932767776. I don't -- the French ERN is
13 00978648-00978649.

14 MR. PRESIDENT:

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

17 [09.37.50]

18 BY MR. KOPPE:

19 I apologize, Mr. President. That is Khmer, 00893277; English, ERN
20 00901569; French, 00978648.

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

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

25 Answer: "As part of the Kampong Svay commune committee, I did not

15

1 wish to harm anyone who did something wrong, but the commune
2 level had the right to report to the upper echelon. I had rights
3 to report to the upper echelon; for example, when people did not
4 have enough rice to eat, or when they produced only two tonnes of
5 rice per hectare. With this regard, Grandfather Mok issued an
6 order that the commune, district and sector levels did not have
7 the authority to make arrests or kill people."

8 Question: "What levels did the commune level have rights to
9 report to?"

10 "The commune level had rights to report to the district level,
11 but in order to make a report about a person, the commune
12 committee of five-seven members had to hold a meeting to have an
13 agreement before making the report to the district level."

14 [09.39.28]

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

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

20 "Was Grandfather Mok in the zone committee?"

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

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

24 Answer: "Grandfather Mok made this announcement prior to 1975,
25 during a wrap-up meeting held annually in forest, participated by

16

1 the commune, district and provincial committees, and the
2 regiments. After 1975, there was another meeting in the
3 provincial town of Takeo, in the presence of Grandfather Mok, and
4 Saom, who was in the Sector 13 committee, announced that soldiers
5 with the ranks from second lieutenant to colonel were not to be
6 harmed."

7 [09.40.56]

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

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

12 Now, this Southwest Zone cadre, who worked in Sector 25, talked
13 about two meetings in which Ta Mok announced that soldiers with
14 the rank from second lieutenant to colonel were not to be harmed.

15 My first question: Were you present at either of these two
16 meetings?

17 MR. LYSAK:

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

22 BY MR. KOPPE:

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

25 Q. Mr. Pech Chim, this Southwest Zone cadre, Sector 25 cadre,

17

1 talks about two meetings, a meeting prior to 1975 and a meeting
2 after 1975. Do you recall having attended -- having attended
3 either one of these two meetings?

4 MR. PECH CHIM:

5 A. I only attended the meeting after 1975 <at> the Party <school
6 after the Sector Party Congress>, where Ta Mok also attended.
7 <There was such an announcement and proposal. As for> the <first>
8 meeting that was held in the forest, I did not attend. Maybe it
9 could have been Khom <or other people> attending the meeting. It
10 was hardly possible to convene the meeting of all members <at
11 that time. People spread news from one person to another.>

12 [09.43.35]

13 Q. I understand, so I will focus on that second meeting, in the
14 provincial town of Takeo. This cadre talks about after 1975.
15 Would you be able to tell us more exactly when this meeting took
16 place in Takeo, during which Ta Mok and Ta Saom were present?

17 A. In Takeo it was after the liberation. In Takeo province the
18 meeting was held after 1975. It was held in one of the houses
19 along the river edge, north part of the provincial town. That was
20 the learning session over there and the sector committee and the
21 district committee, including the <Zone's> military <commanders>,
22 attended. But as for those who were designated with other tasks,
23 they were absent in that meeting and of course that meeting was
24 held then, and there was that announcement.

25 [09.45.12]

18

1 Q. You remember, Mr. Pech Chim, yesterday we spoke about a
2 four-day meeting in May 1975 in Phnom Penh; a meeting between
3 20th and 24th May. The meeting in Takeo province, was that after
4 the meeting in Phnom Penh on 20th May and further, 1975?

5 A. The meeting held in Takeo took place after the meeting in
6 Phnom Penh. For clarification, there were a lot of meetings held
7 here and there at that time, so I may be confused myself. I did
8 not know which happened first and what happened later. At that
9 time we did not keep proper records, we did not have the
10 recording system, we only took a few notes, so those meetings
11 which I convened and I prepared myself I could recall. I attended
12 various meetings and then I got the instructions and then I
13 disseminated the instructions. But there were several meetings
14 held here and there at that time; I cannot recall them all
15 [09.46.52]

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

20 A. Yes, that is correct. But the announcement was made here and
21 there and I did not know specifically where he made that
22 announcement. But I can confirm the statement that that was the
23 announcement at that time.

24 Q. Do you remember if any other cadres from District 105 were
25 present at this meeting? More specifically, do you remember if

19

1 Boeun was present at this meeting as well?

2 A. No, he was not. If I refer to the meeting held in Takeo
3 province, Boeun (sic) was not there. He would have talked at 25th
4 or he may have heard from others and then he spread the words.
5 That could have been possible as well.

6 [09.48.50]

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

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

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

14 A. Yes, that's correct, the woman. For that, Boeun was present in
15 the meeting in Takeo. But in the meeting held at Sector 25, it
16 was Poeun (phonetic) -- Poeun (phonetic) was a man. <Poeun
17 (phonetic) was the office chief. Later, I left the area. So, I
18 did not know what assignment had been given to him.>

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

20 A. Approximately 50 to 60 people. There were representatives from
21 the military, from the base, there was no one representing the
22 department because Ta Mok attended himself, and as for the
23 military they would convene, they would invite the commanders
24 from the regiment or division to come and they also extended the
25 invitation to the district and commune, but to some communes

20

1 only, not all of them. They were of similar rank, but there were
2 different tasks designated to them, that's why certain communes
3 attended and others did not. They had to wait to listen for
4 further instructions from the district. There was a principle of
5 specialty; in other words they had to listen to the instructions
6 from their upper echelon.

7 [09.52.10]

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

10 A. On that day there was no Meas Muth. There was one person, he
11 was the -- I cannot recall his name, <he passed away;> he was the
12 son-in-law of Ta Mok, he was from the division, but he passed
13 away. I recall his name now; his name was Ren. On that day, Meas
14 Muth did not attend. He had another assignment with Division 2
15 who was responsible for the <National Road 4> between <Chaom Chau
16 and> Kampong Som. Soeung was there and Ren was there. He was
17 responsible for the Kampong Som port <as> the representative from
18 the navy base <>. Others, there were representatives from all the
19 divisions from the Southern Zone but there was no representative
20 from the division from the Northern Zone.

21 [09.54.12]

22 Q. Thank you, Mr. Pech Chim. I will be asking you maybe a
23 difficult question in terms of memory. But if you think back on
24 this meeting and the people who attended, do you know if anybody
25 that you saw during this meeting, or any person who is still

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1 alive and who could also speak to us about what was being said
2 during the meeting?

3 A. I do not remember any of them. I only recall that <from the
4 superior level>, there was Ta Mok, Phen, Saom, and on that day,
5 Khom did not attend. <She> had asked for leave to visit <her>
6 family. And at the sector level, it was Sector 13 and <commanders
7 of all sector's divisions who attended the meeting>. I do not
8 recall others. Meas Muth was not there but Ren was there. And
9 <Roeun> was there as well -- his alias was 05 (phonetic).

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

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

17 [09.56.56]

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

21 A. No, it was not.

22 Q. My last question in relation to this meeting. You confirmed
23 that it was Ta Mok who spoke and it was Ta Mok who gave the
24 instruction in relation to ranking officers. Did Saom himself
25 also speak?

1 A. Whenever Ta Mok spoke, Saom did not speak. Only when Ta Mok
2 did not say anything, then he would explain. That was the rule
3 and the working procedure: if the senior, if the superior spoke,
4 then the subordinate must not speak, so Saom did not speak at
5 that meeting. And then he asked whether or not people had taken
6 notes, whether people had got what was given, so it was that firm
7 and clear.

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

12 MR. PRESIDENT:

13 Deputy Prosecutor, you may proceed.

14 [09.59.20]

15 MR. LYSAK:

16 Yes, Counsel is again leading and actually completely misstating
17 the testimony that has been confirmed. The instruction not to
18 harm those -- that was testified to, was not to harm those -- the
19 alleged instruction -- not to harm those between the rank of
20 second lieutenant and colonel. There are five ranks above
21 colonel, five ranks below second lieutenant. So to now try to
22 lead the witness and suggest this meant that all ranking
23 officers, it's one of the reasons I would add, you need to call
24 this witness. This information is patently wrong. It makes no
25 sense. But in any event, you should not be turning testimony of a

1 limited range of ranks into an instruction about all ranking
2 officers.

3 BY MR. KOPPE:

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

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

10 MR. PECH CHIM:

11 A. Yes, that's what we all understood at that time.

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

15 [10.01.26]

16 MR. LYSAK:

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

19 MR. KOPPE:

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

23 MR. PRESIDENT:

24 You are not allowed to put that kind of question to the witness,
25 as it is a kind of leading question that would elicit a

24

1 suggestion or a conclusion from the witness.

2 [10.02.23]

3 MR. KOPPE:

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

10 MR. PRESIDENT:

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

15 BY MR. KOPPE:

16 Q. I will rephrase the question, Mr. Pech Chim. The instruction
17 of Ta Mok in relation to soldiers with the ranks from second
18 lieutenant to colonel, that they were not to be harmed, that is
19 clear. What was your impression at the time, or what was your
20 understanding at the time, what the fate should be of soldiers
21 with no ranks or soldiers with ranks lower than second
22 lieutenant?

23 MR. PECH CHIM:

24 A. For those who had lower ranks would be spared as you could
25 imagine, that was logical, because for those that were within the

1 ranks from second lieutenant to colonel would be spared, would
2 not be touched.

3 [10.04.33]

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

6 A. I don't know about that. As the soldiers who arrived at the
7 <cooperative>, none of them <came with> any rank of lieutenant
8 colonel or colonel at all, and <to be honest,> mostly we only
9 received widows <and ordinary people>. And as for higher-ranking
10 officers, I did not see one at the time and I don't want to give
11 you a presumption on this issue.

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

16 We heard the testimony a few weeks ago, Mr. Pech Chim, of a woman
17 who lived in Tram Kak district, who was and still is a Cham and
18 she testified that she was at one point in time, several times
19 actually, forced by local cadres to eat pork. Do you know
20 anything about local lower ranking cadres forcing Cham people to
21 eat pork in Tram Kak district?

22 A. I heard about that matter which was raised during a meeting.
23 The problem was that the dining hall was for communal eating so
24 in that instance the soup was cooked with pork and as the Cham
25 people did not eat pork, then the staff there gave them different

1 soup, probably fish; if not fish then they gave them something
2 else to eat instead of pork. And that's how they resolved the
3 issue. So it is my understanding that those Cham people were not
4 forced to eat pork as the issue was resolved by the people
5 working there. <But, I don't know whether or not they were forced
6 by their immediate supervisors, who might have said this and that
7 to them. I myself only solved the problem based on the middle
8 path, not affecting anyone.>

9 [10.08.15]

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

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

14 A. The Vietnamese people issue had been resolved when they were
15 exchanged to return to Vietnam. And in certain instances, when
16 the husbands were Vietnamese, some of them decided to return to
17 Vietnam and left behind their wives. <Or, both husbands and wives
18 could go back to Vietnam together.> And in other instances they
19 would share the children, for example one child would return to
20 Vietnam with the husband and another child would remain in
21 Cambodia with the wife. And to my understanding that's how we
22 resolved the Vietnamese people issue, and that principle applied
23 to the later years of the regime as well. So I would like to make
24 everybody clear on this issue and the principle regarding the
25 dealing with the Vietnamese people. At that time while I was

1 there, we tried to apply the principle in a better way although
2 sometimes there were shortcomings. And after I left I believed
3 they would do the same. As the situation kept changing, so I
4 cannot say for sure whether the principle had been applied in a
5 manner that I had applied before I left.

6 [10.10.50]

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

10 A. No, there was no such thing because Vietnamese had been
11 severely mistreated by the former Lon Nol regime <that strongly
12 attacked and pushed them down to the lower parts>, and when we
13 took control of the country, we considered Vietnamese people as
14 our allies or our friends. <Brother Saom talked about the Front
15 and the Vietnamese at the sector level.> And when we proposed
16 that they should return to Vietnam and only two days later they
17 all agreed to return to Vietnam. <It was easy and there were good
18 points about that. We acknowledged that they had come to help us.
19 And, we came to terms with them that> now <that> there were no
20 more troubles <in our country they should> return to Vietnam. And
21 we made that arrangement for them to do so. So, <> those
22 <Vietnamese> who had come to Cambodia before, returned <together>
23 after we made that proposal. And we did that based on the
24 guidelines or instructions from the upper echelon -- that is,
25 from Ta Mok. <So, he made a solution for them.> And let me

28

1 restate that they had been mistreated by the former regime --
2 that is, the former Lon Nol regime, in particular by the former
3 Lon Nol soldiers. <However, I did not witness the incidents. I
4 only heard people say that the "Yuons" had been killed and dumped
5 into the rivers. That's done by the soldiers, not the civilians.>

6 [10.12.52]

7 MR. PRESIDENT:

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

10 Court officer, please assist the witness in the room for the
11 witnesses and <experts> and at 10.30 invite him as well as the
12 duty counsel back into the courtroom.

13 The Court is now in recess.

14 (Court recesses from 1013H to 1031H)

15 MR. PRESIDENT:

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

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

19 MR. KOPPE:

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

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1 questions to this witness, and then hopefully, he would give the
2 same answers as he has given to the investigators.

3 [10.33.22]

4 BY MR. KOPPE:

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

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

12 MR. PECH CHIM:

13 A. They were all dead except Mr. Meas Muth. He was in charge of
14 Sector 13 with Saom. Saom was dead too. <Cheat> (phonetic) is
15 still alive. Muth is still alive. And the rest were all dead.

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

20 [10.35.30]

21 MR. LYSAK:

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

1 specific document.

2 BY MR. KOPPE:

3 I apologise, Mr. Prosecutor. I -- you're right. Withdraw the last
4 question.

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

8 MR. PECH CHIM:

9 A. I have given the names to the Court for a long time -- for two
10 <or three> years when you went to ask me at my house. I told that
11 some of them had already died and other was still alive -- are
12 still alive. <Some people who had gone to work with me in the
13 Central Zone already died.> And some who are still alive are in
14 the military in the present government. But I don't want to be
15 long-winding into this matter. <They are holding positions in the
16 current government.>

17 [10.37.36]

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

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

25 Q. Another question I have for you, Mr. Pech Chim, is about the

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1 arrest of Sae, also known as Kang Chap. What can you tell us
2 about the arrest of Sae? I'm not sure if I'm pronouncing it
3 correctly -- S-E (sic). Sae.

4 A. Sae alias Kang Chap went along with me when I went to work in
5 the rubber plantation. <An> worked with Brother Pauk in Sector
6 41, and <Sae alias Chap went to Siem Reap formerly known as> the
7 old North Zone.

8 Q. Do you know why he was arrested?

9 A. No, I don't. He was attached to Siem Reap for a few months --
10 around three to four months. He was arrested. And then Brother
11 Pauk told me that Sae was arrested. And I asked why, and he only
12 said that it was the order from the upper echelon. And then I
13 remained silent. It was the decision of the upper echelon. I
14 dared not inquire any further. And I was only focusing on the
15 task I was assigned to. And I was only told that it was the order
16 of the upper echelon that he was to be removed.

17 [10.41.05]

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

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

22 JUDGE LAVERGNE:

23 Counsel Koppe, can you tell us where you got this information
24 from? And <if, by any chance,> these are confessions that were
25 obtained at S-21 under torture.

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1 MR. KOPPE:

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

5 JUDGE LAVERGNE:

6 I'm sorry. I am the one putting a question to you, Counsel Koppe.
7 <From where -- what> is the source <behind these claims>?

8 [10.42.34]

9 MR. KOPPE:

10 In the case file.

11 JUDGE LAVERGNE:

12 <Do not scoff at us>. Which elements in the case file allow you
13 to assert such a thing?

14 MR. KOPPE:

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

18 JUDGE FENZ:

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

21 MR. KOPPE:

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

23 JUDGE LAVERGNE:

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

25 MR. PRESIDENT:

1 Mr. Deputy Prosecutor, you may proceed.

2 [10.43.38]

3 MR. LYSAK:

4 Thank you, Mr. President. I can answer the question. He's making
5 a reference to the S-21 confession of Kang Chap. It's document
6 E3/2792. There's a list -- a very long list of implicated persons
7 at the end -- hundreds of persons. And the witness is number 47
8 on that list. Let me just make two points. Earlier, Counsel also
9 attempted to put a question to a witness that was a -- from the
10 content of an S-21 confession when he asked whether it was Chou
11 Chet or Kang Chap had stated that Saom was aggressive, and then
12 withdrew the question. Attempts to put before this Chamber
13 information that is certainly believed to be induced by torture
14 is inappropriate when you are putting it forward for the truth of
15 the matter, which is what he was doing with this question related
16 to Saom. With respect to this question, I think there is a
17 legitimate question that can be made -- certainly not for the
18 truth of the matter. It would be absurd, and we believe it is
19 absurd on its face for the hundreds and thousands of people who
20 were identified as traitors using torture. What would be relevant
21 would be to know whether the fact he had been implicated was
22 communicated to him by Ke Pauk or someone else. So, to the
23 extent, that is the question -- whether the -- this confession
24 was then used in the regime and communicated to people I think
25 would be appropriate. To use it for the truth of the matter is

1 entirely barred. So I just wanted to state our view because some
2 things that he is doing today are entirely inappropriate. If he
3 keeps trying to use S-21 confessions for the truth, we may need a
4 standing order on this. But there are permissible questions, and
5 we want to make that clear as well.

6 [10.46.15]

7 MR. KOPPE:

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

1 decision.

2 [10.47.52]

3 JUDGE FENZ:

4 Counsel, on exactly what do you want a decision? Do you want a
5 treatise on the use torture-tainted evidence dealing with all
6 eventualities?

7 MR. KOPPE:

8 No, no, no, no, no--

9 JUDGE FENZ:

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

20 [10.48.45]

21 MR. KOPPE:

22 Thank you, Judge Fenz. I think the position of the Trial Chamber
23 is clear when it comes to the use of torture-tainted evidence.
24 Whether I'm referring to that at this point in time is unclear.
25 What I do like and I think is possible of course within the realm

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1 of today is your ruling whether I am allowed to ask this specific
2 question and your reasoning. So my specific question I think has
3 been asked already. I think I heard also the answer. But please
4 tell me if I can ask this question again.

5 MR. LYSAK:

6 Before you -- I just want to make sure I understand what the
7 question is. If the question in any form or fashion is suggesting
8 to the witness whether there's truth that he was part of a
9 network, I object. If the question is simply was he -- was this
10 communicated to him that he had been named in an S-21 confession,
11 that's an entirely appropriate question. But if he's asking this
12 to try to suggest that it's true that there was a network of
13 traitors, that's entirely precluded by the Convention.

14 [10.50.05]

15 MR. KOPPE:

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

20 (Judges deliberate)

21 [10.54.41]

22 MR. PRESIDENT:

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

1 BY MR. KOPPE:

2 I will. Thank you, Mr. President.

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

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

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

11 Can you expand a little bit on the mistreatment of the Khmer Krom
12 by the Vietnamese? How do you know this? What happened to them?
13 [10.56.26]

14 MR. PECH CHIM:

15 A. I heard of it by word of mouth. And at the time, Ta Mok also
16 made an announcement that the Vietnamese mistreated Khmer Krom
17 <and that they already entered Kiri Vong by that time. He told us
18 to fight. His word was 'attack'.> And some <people and his mother
19 said, "You've been beaten by the 'Youns', haven't you? That's why
20 you were making noise. You must have been defeated by the
21 'Yuons.'" That was to show that the residents of Takeo, Kampot,
22 Prey Veng and Svay Rieng knew very well that the "Yuons" had
23 ill-treated Cambodians. You all in this very courtroom might know
24 that as well!> That's why there was a sentiment of hatred from
25 our ancestor, our previous generations. We did not like the

1 Vietnamese. <We loathe them so much.>

2 Q. And did those Khmer Krom victims' maltreatment by the
3 Vietnamese tell you or others why they were mistreated by the
4 Vietnamese?

5 A. No, they didn't. But <they came over and> there was an
6 announcement. And <> later on, it was disseminated from one to
7 another. <As Khmer people by blood, we have lived with the
8 Vietnamese for nearly 200 years>. We have shared border with the
9 Vietnamese. And <when they mistreated us, we were hurt and
10 outraged. But, what could we do in response? Did we fight back?
11 No, we did not. And, we believed that the problem would somehow
12 settled down. So, when the Zone and the Sector made decisions on
13 that matter, the district level that was close to the people
14 would deal with food for them accordingly>. When they came to ask
15 us for, for example, <rice, oil, vegetables and> food, we could
16 help them. But that was all we could help.

17 [10.59.03]

18 Q. Were any of these Khmer Krom people who had come from Vietnam,
19 were they mistreated in your district because they were Khmer
20 Krom?

21 A. That I do not know. When I was there, I did not know about
22 that.

23 Q. Let me rephrase it. Was there any policy in relation to the
24 Khmer Krom who had just come from Vietnam in terms of how they
25 were to be treated for food, health, and education? Were they

1 treated the same way as everybody else?

2 A. As a matter of principle, there is a political line for the
3 Khmer Krom. In other words, we had to warmly welcome them. We had
4 to treat them very well. Because they were <hungry, suffering and
5 persecuted, not killed, but persecuted> by the Vietnamese, <who
6 had inflicted difficulties on their lives. So,> they had to
7 desert their home in Vietnam to come to Cambodia. <In my opinion,
8 I was very pleased to have helped find solutions for them because
9 they had suffered pain and distress>.

10 [11.00.43]

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

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

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

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

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

20 A. It carries several meanings when in regards to the kinds of
21 <moral> offences. <Cursing or swearing at someone was a moral
22 offense.> It could be the affairs between a man and a woman. And
23 it's about the disrespect to the elders or the <humiliation or>
24 mistreatment by men toward women. Or sometimes, the women
25 themselves <had affairs with other women's> husbands. These kinds

1 of offences were considered moral offence.

2 [11.02.57]

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

6 A. In my capacity as a cadre in the managerial role, I never saw
7 any subordinate cadres who committed a moral offence against any
8 woman. However, there was one instance who was a former resistant
9 coming down from the mountain. <When he arrived, he was not
10 assigned to work in the district office.> He was assigned to stay
11 in an office in Prey Kduoch, as he was not fit to work in the
12 commune or district office. And that person was not directly my
13 subordinate. And in fact, I heard about this story from his
14 younger brother that he did not -- or he was suspended from
15 working in the office. <I was surprised as I assumed that he had
16 been assigned with some work there.> And from my further
17 investigation, I heard that he had a moral offence with the wife
18 of a former soldier. And for that reason, he was removed. And I
19 did not involve in his removal from that office, but it was done
20 by the upper echelon. <That's the only case I knew of. Now, he is
21 dead.>

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

25 A. Yes. There were regulations on that. It was part of the

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1 education and as people who were involved in that would be sent
2 to work in the field, <engaging> in the rice farming activity or
3 in raising pigs. And as to the period of refashioning, <there was
4 no fixed period for that. And,> it varied depending on the
5 behaviour of that individual. <Did that person re-correct or
6 rectify himself not to make more mistakes? Did he/she learn the
7 lesson? Then, it would be fine.>

8 [11.06.32]

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

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

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

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

24 A. When we talked about the right of an individual, everybody is
25 equal at all level, either at the <village,> commune, district or

1 a provincial level. So it means that men and women had to do the
2 same kind of work. And we had respective male and female chiefs
3 of the unit for the male and female units. And as men and women
4 were put in separate units, the moral offence issue was rarely a
5 case. <These were good things that we had. We seldom had moral
6 offenses.> The shortcomings are that the cadres were young and
7 were <just learning to work. They had not learnt yet and remained
8 ignorant,> and as a result, it led to <conflicts and clashes>
9 when they led those people to work. <They were not competent
10 yet.>

11 [11.09.40]

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

20 A. Allow me to clarify. In fact, there was no such conflict. At
21 that time, the front was at the front or was the public face, and
22 the Party was behind <working as usual>. So from the point of
23 view of the general public or the population, they did not see
24 the Party; they only saw those people working at the front. But
25 they did not see the Party behind the front. And later on, people

1 made a joke <which could be perceived as real.>. There was one
2 person <close to Ta Keav. Ta Keav and Khom performed the Party's
3 work while Nhev and I engaged> in the work for the <Front> and he
4 talked behind <our> back, <insulting us> that those people who
5 worked at the front could not move any further beyond the militia
6 unit. <They could only remain with the Front. He apparently
7 mocked at us, but I did not respond.> And I recall that that
8 person named Houn (phonetic). He passed away. And <I informed
9 Brother Saom about that.> Saom later on clarified that when you
10 referred to the front, the front belonged to the Party. <That's
11 what he said.> And after that, everybody seemed to understand and
12 the situation quieted down. But before that, there was confusion
13 and there <seemed> to be a separation between those working for
14 the front and those working for the Party. And that is all on the
15 issue of the front and the Party. <Later on, the issue was
16 addressed.>

17 [11.13.11]

18 Q. Thank you, Mr. Pech Chim. Another topic that is a follow-up
19 question of an earlier question of the Prosecution relating to
20 something you said in your statement E3/401. It is English, ERN
21 00381025; Khmer, 00373475; and French, 00426214. You were shown
22 -- because of the statement -- a document with An's signature and
23 an annotation on the top of that document saying that the persons
24 referred to in that document were to be smashed. Now, there's two
25 things that I would like to ask your clarification about. You

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1 said that if names in confession were crossed in red ink that
2 that would mean that this person would be purged. Now, I would
3 like to ask you about these specific words: "crossing" and "a red
4 ink". Was it always crossing of names? Was it always red ink
5 being used? Can you give us some more details about that?
6 A. Allow me to clarify. The crossing was done by my superior. And
7 in my instance, <I once sent it to Muth, who forwarded it to>
8 Khom. Muth <and Khom were husband and wife. I was not sure
9 whether Khom sent it to the sector or not. That was> the report
10 by An. And when we -- when I received it back, it was in an
11 opened envelope, and some names had been crossed <while others
12 were not crossed>. And <I sent it back to Khom, who asked me to>
13 put <the letter> in another envelope <> and <send it by way of>
14 messenger. <We agreed on that and sent it to Saom>. And that's
15 how I observed the crossing done <on several people>. And in
16 <that regard, I took the opportunity to see Brother Saom and
17 made> a proposal to <him> to be lenient to <those individuals
18 whose names had been crossed. As a result, 15 people were
19 released. Then, he allowed me to take those people out and to
20 give them rice and have people clean a proper place for them to
21 stay.> And <> that's how I learned about the existence of Krang
22 Ta Chan Security Centre. Previously, I thought it was located up
23 in the mountain, but only through the communication, I learnt of
24 its location. <I am telling you honestly and I am not hiding
25 anything from you. At that time we did the work at the low level.

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1 We were supposed to know only what happened at our level. There
2 were other levels where secret things were kept from us. They
3 wouldn't let us know what happened at other levels. It would take
4 us a long time to know that much. If we tried to learn about
5 other levels too quickly, we would be surely noted.> And that is
6 all.

7 [11.17.05]

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

13 A. I think you have repeated that question several times. And I
14 have already given my adequate response to that. And please, I'd
15 like not to repeat what I have said or I have made in the
16 statements. And you may refer to my previous statements <>. I do
17 not want to repeat responses to the questions, as there might be
18 variation or discrepancies and that would lead to <contradictions
19 of my original statements and thus rendering a loss to their
20 quality. Up to now, I have responded to questions for five days
21 already.>

22 [11.18.24]

23 MR. PRESIDENT:

24 Mr. Pech Chim, it is your obligation to respond to the questions
25 put to you. Secondly, the Chamber has to consider the evidence

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1 being put in this confrontational way like what we are doing now
2 in this Court in order for us to evaluate the validity and the
3 weight of such evidence before we are able to render our legal
4 opinion. Your previous statements are of course a source of
5 evidence. However, your testimony here before us is also an
6 evidence for the Chamber. We understand about your previous
7 statements. And if we are able to take those statements and form
8 our legal opinion, it would <not be> necessary <for the Court to
9 hold this public hearing and> to invite you here for further
10 testimony. <This is the value of evidence that the Court will
11 take into consideration and use as a basis to write its
12 judgment.> 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 <or other questions> which are
8 prohibited in the proceedings before this Chamber. And if the
9 question is not objected, or if the Chamber does not allow it,
10 then you shall respond to that question. And Counsel Koppe,
11 please repeat your 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 <decisions
17 were> made by the upper echelon, <people at the office> would
18 <implement> it.

19 [11.23.00]

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

25 A. After the arrival of the Vietnamese, some people learnt about

1 that. Since we all fled in our own way <into the forests>, we
2 only learnt that some people died. And yes, I heard that Ph
3 died.

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

5 A. I do not know the cause of his death. I only know that he
6 died.

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

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

15 [11.25.43]

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

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

21 Q. I believe that we have tried to determine how many communes
22 Tram Kak had at the time. So the ones that we have, I will name
23 for you. And then would you please be so kind to add the ones
24 that you still remember. We have Kus, Samraong, Trapeang Thum
25 Khang Tboung, Trapeang Thum Cheung, Tram Kak, Nhaeng Nhang, Srae

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1 Ronoung, and Ta Phem. That is eight communes. Others -- six
2 others -- did we not get that well? It might be Popel -- can you
3 name the other ones?

4 A. After Ta Phem, it was Angk Ta Saom, Leay Bour, Popel, Cheang
5 Tong, and please add the one that I just said if it ends up to
6 14, then it's correct. Then there are two more, Khpob <Trabaek
7 (phonetic), Khpob Run> and then Boeng <Srangae> (phonetic). That
8 should be all.

9 [11.28.12]

10 MR. KOPPE:

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

12 JUDGE FENZ:

13 And this is for Counsel Koppe. We have just learnt that we'll
14 probably not have a transcript available during the break. So we
15 have promised on the other hand a ruling after the break on your
16 question. So my question here is: Would you be able to repeat the
17 question that you actually want a ruling on, because we won't
18 have - we're likely won't have the transcript during lunchtime?

19 My understanding was that it is not so much this one question
20 which has been answered anyway, but one aspect related to torture
21 evidence you wish to have clarified. So perhaps --

22 MR. KOPPE:

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

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1 belonging to Sae's network. That was my question.

2 [11.29.33]

3 JUDGE FENZ:

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

5 MR. KOPPE:

6 Yes.

7 JUDGE FENZ:

8 Yes.

9 MR. PRESIDENT:

10 Thank you. The time is appropriate for a lunch break. We will

11 take a break now and resume at 1.30 this afternoon.

12 Court officer, please assist the witness in the room for the

13 witnesses and <experts> during this lunch break, and invite him,

14 as well as the duty counsel back into the courtroom at 1.30.

15 And security personnel, you are instructed to take Khieu Samphan

16 to the waiting room downstairs and have him returned to this

17 courtroom before 1.30.

18 The Court is now in recess.

19 (Court recesses from 1130H to 1334H)

20 MR. PRESIDENT:

21 Please be seated.

22 The Court is now back in session and before I hand the floor to

23 the defence team for Mr. Khieu Samphan, the Chamber would like to

24 inform counsel Koppe that a reasoned decision to your question to

25 the witness, Pech Chim, this morning, is not ruled upon now as

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1 the Chamber needs time to review the actual transcript and the
2 relevant legal frameworks.

3 The Chamber would like to hand the floor to Khieu Samphan's
4 defence to put questions to Mr. Pech Chim.

5 [13.35.36]

6 MR. KOPPE:

7 Mr. President, with permission of counsel for Mr. Khieu Samphan,
8 I would like to ask a question following up on the earlier
9 discussion in respect of the redacted version of the statement of
10 this witness. We now have received the non-redacted version.

11 "caviarder" is the French word, I understand, for redacted, so I
12 would like to ask one quick follow up question to the witness,
13 specifically with respect of E127/7.7.1.4.

14 [13.36.20]

15 BY MR. KOPPE:

16 Q. Mr. Pech Chim, earlier I asked you a question whether you know
17 if any former cadres from the Southwest Zone or Northwest Zone
18 still lives in Oddar Meanchey province, you answered this
19 question coming from investigators as well and you referred to
20 two people that I would like to ask you further questions about.
21 In Answer 45, you referred to a person called Hoeun who now is a
22 major general and also an advisor to the Prime Minister and to
23 Keo, a brigadier general, and that both of them are living nearby
24 Trapeang Prasat market. These two men, Hoeun and Keo, were they
25 cadres from the Southwest Zone or the Northwest Zone?

1 MR. PECH CHIM:

2 A. I would like to clarify that I do not know these two persons
3 <Hun (phonetic)> and <Khieu (phonetic)>.

4 [13.37.43]

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

12 MR. LYSAK:

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

17 MR. KOPPE:

18 Maybe you can help me.

19 MR. KONG SAM ONN:

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

21 MR. PECH CHIM:

22 A. Hoeun is a military cadre, Keo was also a military cadre and
23 <currently, they are station at Trapeang Prasat.> They have been
24 military officers till the present time and they were attached to
25 a division, a military division and they are both advisers at the

1 moment.

2 [13.39.55]

3 BY MR. KOPPE:

4 Q. Thank you for your clarification but my question was: were
5 they Southwest Zone cadres or Northwest Zone cadres?

6 MR. PECH CHIM:

7 A. They were from the Southwest Zone, actually from Kampot
8 province.

9 MR. KOPPE:

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

11 [13.40.15]

12 MR. VERCKEN:

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

23 <So,> my first series of questions is going to concern the civil
24 war between 1970 and 1975.

25 [13.41.27]

1 BY MR. VERCKEN:

2 Q. In your region, I would like to know if you can describe the
3 fighting that took place there, the bombing, <> the warlike
4 events that took place in Tram Kak district between 1970 and
5 1975. I would like to know, if according to you, according to
6 your vision of things, if you noted <whether there was heavy
7 fighting resulting in> many victims<. What can you tell us about
8 that>?

9 MR. PECH CHIM:

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

24 [13.44.15]

25 We thought very hard as to what we could do in order to overcome

1 the dire situation and the only solution that we reached was to
2 counter attack in order to survive and to defeat the other side.
3 We had our force and for the male unit, including the elder ones
4 would engage in food supply to the front battlefield. That is all
5 just in a summary.

6 And in fact the rice was transported in hand made container; the
7 container was indeed useful as it could contain rice for the
8 soldiers at the front battlefield.

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

11 [13.45.40]

12 Q. You're right; absolutely. My question was <very> long, but it
13 involved especially the fighting and the <intensity> of the
14 fighting. And therefore, did you note yourself - or, did you hear
15 about any fighting taking place around Angk Ta Saom? Is it <a>
16 place <that> you know <of? Do you know whether> there <was>
17 intense fighting in the area around Angk Ta Saom?

18 A. Yes, in fact the fighting was more intensified in Angk Ta Saom
19 area than in the Takeo provincial town and after the battle was
20 concluded in Angk Ta Saom area, it became more intensified in the
21 provincial town of Takeo.

22 Q. Thank you. Now, I would like to ask you if you <somehow became
23 aware of the fact that> North Vietnamese soldiers, who were
24 present in Cambodia between 1970/1975, were using the Khmer
25 villagers as human shields to face the bombings of the Khmer

1 Republic and their allies. Was this a practice of the North
2 Vietnamese soldiers <that you> were you informed of, <or not>?

3 A. No, it did not happen in the village. But those soldiers
4 stayed in the forest, however, sometimes they came down to the
5 village to ask for food<. At that time, Angkar did not allow them
6 to stay in the villages,> they mainly stayed hidden in the
7 forest.

8 [13.47.58]

9 Q. Thank you. By the way during this period - again that is to
10 say between 1970 and 1975 -- were you informed of what the Khmer
11 Republic forces -- that is to say the Lon Nol Army and the South
12 Vietnamese <army>, which were <its> allies -- were you aware of
13 the fact that they were committing atrocities against the
14 Vietnamese who were living in <your> district?

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

19 Q. Mr. Pech Chim, please let me interrupt you, <because> I was
20 not speaking about the North Vietnamese, <but rather,> I was
21 speaking about the South Vietnamese <in this instance. And> I
22 asked you if the South Vietnamese were committing atrocities
23 against the Vietnamese who were living in your district? Or were
24 the Lon Nol soldiers doing that as well?

25 A. I did not see the event that happened between Vietnamese and

1 Vietnamese. Of course there were fighting by both Vietnamese in
2 Sla Kou and in Angk Ta Saom. In particular, the militia -- the
3 militia in about 10 villages within <Tram Kak> district stayed
4 close together and fought with them. And this is just a brief
5 summary of the event. In the open form, the South Vietnamese
6 soldiers stayed with the Lon Nol soldiers and they joined hands
7 in the battlefield. So when they joined hands in the battlefield,
8 it was in a rather larger scale and when the Lon Nol soldiers
9 came to engage in the battlefield alone, they would engage in a
10 smaller scale and usually they would leave their base to engage
11 in the skirmish.

12 [13.51.52]

13 Q. I'm going to try to be a bit more specific with my question to
14 help you answer it. What I would like to know is if you have
15 information <concerning> massacres, atrocities, <abuses,> that
16 allegedly were committed by the Lon Nol army <or> by <its> South
17 Vietnamese allies, against the Vietnamese civilian population
18 living in your district. That's what I would like to know; either
19 you have information about that, either you were aware of certain
20 atrocities that took place or not. And if you <> were aware,
21 please describe what you know.

22 A. No, I was not aware of that. Yes, in my previous response I
23 did not fully understand your question and please try to make
24 your question straight to the point and please make it short and
25 simple as I am rather fatigued now and my recollection is also

1 not that good. Thank you.

2 [13.53.28]

3 Q. Fine. I promise I will do my best. Now I would like to revisit
4 a question that was put to you the day before yesterday -- that
5 is to say 22nd April 2015 -- a question put to you by Mr. <>
6 Lysak. It was 10.33.13 in the morning and the International
7 Co-Prosecutor asked you the following -- and I'll read his
8 question. <He said:>

9 "<Mr.> Witness, now I would like to speak about the Vietnamese
10 connected to Tram Kak district, I would like to know what
11 happened to the Vietnamese who were living in that district and
12 in Takeo province after" <-- and I highlight --> "17th April
13 1975."

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

1 the Vietnamese soldiers." <End of quote.>

2 [13.55.43]

3 So my question is the following: The International Co-Prosecutor
4 asked you a question that <focused> on the period after 17 April
5 1975. And <having heard this question and its> answer <once more>
6 today, can you confirm that your answer indeed concerns the
7 period after 17 April 1975?

8 A. Allow me to clarify the matter. Maybe I was confused in my
9 statement. The Vietnamese withdrawal actually took place in 1972,
10 that is before the liberation in 1975. At that time, Angkar made
11 an arrangement for the repatriation of the Vietnamese and that
12 took place in 1972, though I cannot recall the month.

13 Q. Thank you, Mr. Pech Chim, for this clarification. Now, I'm
14 going to speak about another topic and I'm going to put to you a
15 few questions <on> affiliation <>. I would like to ask you if you
16 know, first all, if there was any kind of kinship link between Ta
17 Tith and Ta Mok?

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

19 Q. Thank you. Now I would like to know if you know a person
20 called Sim, who was probably the <deputy> secretary of Treang
21 district. And if you know this person, do you know if Sim had a
22 wife by the name of Sem?

23 A. Sim had a wife named Sem and Sim died at the refugee camp
24 named <Phou> Noy (phonetic). As for Sem, I had not seen that
25 person since we departed.

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1 [13.58.51]

2 Q. Thank you, Mr. Pech Chim. On 17 March 2015, before this
3 Chamber, witness Riel San testified. He was a former hospital
4 chief and he came on 17 March 2015. It is transcript E1/278.1,
5 and just after 10.53.24 <>, he spoke about Yeay Khom's character.
6 This is Ta Mok's daughter who was the head of Tram Kak district
7 and this is what he said.

8 The following question was put to him. "Can you describe to the
9 Chamber what kind of district chief Yeay Khom was and what
10 happened to <him>?"

11 This is the answer: "Back then, Yeay Khom was district secretary
12 <but later> she became crazy. She couldn't stop speaking. When I
13 met her, sometimes she would order <me> to cut down big trees
14 <and> to dig <into the> soil <> to pull out roots. But in fact,
15 she was <> simply mad." End of quote.

16 [14.00.28]

17 This morning when you were questioned about Ta Mok's daughter,
18 Sem, you spoke about her mental <instability> and my question is
19 therefore: Since you were the deputy of Khom, was she already
20 mentally unstable before she left her post at the district? What
21 did you note with regard to that?

22 A. At that time we were thinking of how we could find a physician
23 to treat her condition and we actually found a Vietnamese
24 physician. In fact from what we observed, she <had psychological
25 problems>, but I would not really say that she was mentally

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1 unstable but she had some psychiatric issues and she was pretty
2 determined in what she said. If she said she wanted to do
3 something, she would do it and she got this condition once, and
4 actually when she was ill with that condition, she went for a
5 treatment in Vietnam, she recovered and for the second time we
6 tried to find a Vietnamese physician to provide her with the
7 treatment <at Trapeang Thma village>, but unfortunately, it
8 failed and <some traditional healers said she went ill because>
9 she became an unwedded wife to Ta Muth; although later on we
10 tried to organise a symbolic wedding ceremony following our
11 tradition so that she would <heal but, it did not work. I tried
12 everything. I kept going around looking for people that would be
13 of some help for her. Sometimes, I did not even have time to rest
14 or sleep. But, when I approached her, she threw a barrage of
15 swearwords at me-->

16 Q. Mr. Pech Chim, I want to stop you immediately <because -- Mr.
17 Pech Chim,> I would like to know <> whether she continued working
18 up until when, <for example,> you found the Vietnamese doctor for
19 her. When you found the Vietnamese doctor for her, was she still
20 at her position? <Yes, or no?>

21 A. Yes, she was there when the Vietnamese physician was treating
22 her and <she recovered from> the illness <> for few months and
23 then she fell ill again, so it took several times for her to be
24 treated.

25 [14.03.29]

1 Q. Thank you. Was that Vietnamese doctor affiliated to <-- he was
2 --> was he working for the Khmer Rouge regime <or was he a
3 doctor? Where did he come from> exactly, <and> which position
4 <did he hold? In which> hospital <>?

5 A. The physician who was staying close to each other in the
6 jungle. At that time, whoever we could ask for help, we would ask
7 for help and those Vietnamese physicians were in the forest. And
8 actually for the Vietnamese troops, they came fully equipped with
9 midwife, physician, and other medical personnel<, including
10 surgeons>. So whenever we needed help, we sought assistance from
11 them.

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

14 A. No. I don't I never heard of Nam Soeun (phonetic).
15 [14.05.15]

16 Q. Thank you. <Now,> I would like to very quickly talk about Ta
17 Mok's personality with you and I would like to ask <a> somewhat
18 traditional question here. Do you know the expression, or the
19 proverb that <goes>, "above Ta Mok, is only his hat"? Do you know
20 that expression and <if you do,> what does it mean <>?

21 A. Well, it was an old saying as such actually, it was only the
22 word produced by Ta Mok himself. <I don't think it should be
23 considered as a proverb of the nation.> I do not really know
24 whether or not this was spoken by Ta Mok himself or it was by his
25 own driver who says that nobody else is above Ta Mok; "above Ta

1 Mok is the hat and above the hat is the sky". That was it. I
2 think it was kind of mockery terms; it was not an old saying as
3 such. That was mocking in nature and being sarcastic, but I do
4 not know whether Ta Mok would use it but I've heard it from
5 others as well. I have come on the truck and I heard that when I
6 came to visit my hometown in 2000. I heard people talk about that
7 too. It took me one whole day to reach Phnom Penh and then I went
8 all the way to my hometown. I did not actually have time to
9 sleep.

10 [14.07.14]

11 Q. Very well. Yesterday you talked about the relationship between
12 Ta Mok and Pol Pot and you referred to the fact they were in
13 conflict with one another. And I believe you said <-- but specify
14 if you can -- you reckoned that this was> in late 1978, early
15 1979<>. My question is whether you were aware of conflicts or
16 tensions between Pol Pot and Ta Mok before that period - that is,
17 1978/1979? <Do you know if there was any tension> between the two
18 politicians? And for the <sake> of completeness, may I also ask
19 you whether you were aware whether Pol Pot feared Ta Mok to the
20 best of your recollection?

21 A. <> I knew at that time but when the situation was all over,
22 then I learnt that. Then when there was serious confrontation in
23 one of the congresses, then <I> was <removed. Ngun (phonetic)
24 reported to> Ta Mok <to remove me. I returned home> and then
25 later on -- it was in 1999 -- <my> name <appeared on a list, but

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1 Ngun (phonetic) marked it out>. So that was a brief summary of
2 that. And then I came back home and worked <at home>. And <'05'>
3 took me back to work with him <in Prasat district>.

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

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

10 [14.10.05]

11 MR. PRESIDENT:

12 Mr. Witness, please hold on. International Prosecutor, you may
13 proceed.

14 MR. LYSAK:

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

22 BY MR. VERCKEN:

23 I am not asking the witness to speculate. If he is able to answer
24 the question, he can. I just want to know whether he had heard
25 the expression "above Ta Mok <there is> only his hat". <To be

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1 very clear,> I am not asking you to speculate, Witness; all I'm
2 asking you to tell us whether you are aware of the existence of
3 tension or conflict between Ta Mok and Pol Pot during the period
4 of Democratic Kampuchea.

5 MR. PECH CHIM:

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

9 [14.11.54]

10 MR. PRESIDENT:

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

16 Counsel, you may proceed with your question.

17 [14.12.25]

18 BY MR. VERCKEN:

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

21 Mr. Witness, I would now like to put a question to you regarding
22 your brother. You were interviewed by the tribunal investigators
23 on several occasions, including on 26 June 2006. The reference is
24 E127/.1.4 (sic) in Answer 8, you stated that your <biological>
25 brother, called Kit, had replaced Prak Yut as the head of the

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1 <region or> sector <-- it's the same thing here -- number> 13.

2 Can you tell us on what date your brother replaced Prak Yut?

3 MR. PECH CHIM:

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

9 Q. Perhaps, <to> assist you somewhat, still with regard to the
10 same question. When you were interviewed on 28 February 2013 by
11 the Tribunal investigators, and the reference is E127/.1.3
12 question/answer 1, you stated that you had been sent to the
13 Central Zone at the same time as Prak Yut. And <> later on, Mr.
14 Prak Yut appeared before this Chamber in the first trial segment
15 on 26 January 2012. The reference is E1/34.1 at 11.23.41, and he
16 stated that he had been transferred to the Central Zone between
17 February and April 1977.
18 My question to you is as follows: This information you provided
19 and which Prak Yut also gave this Chamber, <did it> enable you to
20 recall <when, on which date did you leave, but also on which date
21 did> Prak Yut <leave; and consequently, when> your brother
22 <arrived? Does this information refresh your memory concerning
23 these dates?>
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

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. <Very well>, but the 13th <> of what month, <and which year?>
10 Because the 13th in itself doesn't mean <much.>

11 A. It was in 1976.

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

1 have given, which are inconsistent -- that is, 1976 or 1977. <>

2 [14.19.43]

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

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

13 Q. Mr. Witness, I have before me the translation of the
14 "Revolutionary Flag", <dated> 6th June 1977, and it is document
15 E3/135, which announces that in June 1977 the "red honorary
16 medal" was <awarded> to your district, Tram Kak, for the year
17 1976. Now, were you assigned to Tram Kak district at the time
18 when you were awarded this "red honorary medal"?

19 A. Yes, I was there at that time and Ta Mok <> presented it to
20 me. He <laid it on the table. He> actually did not hand it over
21 by hand <and I was sitting at> the table. He brought it along
22 with him and then he just placed it on the table and said, "Give
23 it to Party 105 and all other cadres who had endeavoured to work
24 on the rice production. <You've scored number 1>", and <the flag
25 was placed before me. He just mentioned> that <the> honorary flag

1 was actually equivalent to a gold medal.

2 [14.23.12]

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

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

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

13 Q. Then if you <> have <no> idea, <then> why would you speak
14 about it spontaneously?

15 A. I did not know if she was promoted, and if she was when was it
16 I did not know because I left already. If there was a promotion
17 of anybody, I did not know when. And at that time, in the
18 promotion of people, they would disappear one month, or two
19 months or so, they would disappear. People <who> were promoted
20 <were> not even known to people in that locality or the province,
21 then they disappeared <even before a meeting or a congress was
22 held to announce their appointment at the provincial or sector
23 level>. So there was frequent removal and appointment in order to
24 be responsive to the developing circumstances <of the war>, but
25 since I left there already I did not know anything at all that

1 happened after that. As for <Boeun, I often> shared the
2 information with <her regarding her work, both easy and difficult
3 one. She dared to make requests to me and I told her not to be
4 mean and be merciful towards> the people <she> managed. <I>
5 helped <her. Her commune was an assistant to the district>.

6 [14.26.13]

7 Q. Very well, sir. Thank you for this clarification. My next
8 question to you has to do with the geographical features of your
9 district. <I would like to know whether> the eastern border of
10 Tram Kak district aligned with the railway line? <Did> the
11 railway line <and> the eastern border of Tram Kak district
12 <align>?

13 A. It was along the line -- along the National Road <to the west
14 of the town>, but towards the North, it was <Chhak (phonetic)
15 that> covers <Rumchang> commune in Treang district. Because <we
16 could not access that area through Treang and only through> Tram
17 Kak could <we> access to that area that's why they cut part of
18 Treang district. <That was the war geographical tactic. They
19 could access the area and we could not pass through it. The south
20 was similar. The railway line was in the east. So,> they had some
21 reserve plot of land adjacent to it, then they could transport
22 the ammunition along that <area>. There was no buffer, then they
23 <took> that area.

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

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1 A. <The road was straight.> If we <go about half way, we get to a
2 curve section of the road,> then we reach the <area. When we
3 arrive at the Y-shaped section of the road, we just cross to the
4 north. We don't need to enter the provincial town. And, the
5 railway station is right there. It is divided by the railway. I
6 think this is a good way to help you understand my point
7 quickly.>

8 [14.29.06]

9 Q. Thank you, sir. But I would like you to focus for the time
10 being on my question. Let me repeat it: Did the railway line cut
11 across the territory of Tram Kak district, yes or not? <Or
12 whether> to <reach> the railway <line, one had> to <leave> the
13 territory of Tram Kak district?

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

16 Q. Do you know a place called Ou Chambak? And if you know that
17 place, where is it in Tram Kak district? Let me repeat the name,
18 it is Ou Chambak.

19 A. No, I don't. Maybe you used another name to refer to the same
20 location because I have never been near that area so I am not
21 that familiar with <it.>

22 [14.31.06]

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

1 A. I am not sure and I cannot not recall it; maybe I have never
2 been there or maybe I have but I cannot recall it because the
3 name Ou Chambak refers to a creek or a river <in west of the
4 provincial town> but to me there is no creek or river there and
5 there could have been a creek or river in Treang district.

6 Q. Fine, <> thank you for this clarification, <Sir>.

7 Do you know if during <the> Democratic Kampuchea regime, canals
8 were built; canals that would start at <freshwater lake in>Takeo,
9 <> in order to irrigate Tram Kak district?

10 A. I do not understand your question.

11 [14.32.58]

12 Q. Do you know if during the <1975-1979> regime, canals were
13 built that would go from Takeo lake all the way to Tram Kak
14 district in order to irrigate the district? Are you aware of
15 <such works, or not>?

16 A. I think I can recall that and that happened after I had left,
17 the canals were built under the supervision of San (phonetic) and
18 one day I returned, maybe I came to visit the area and <called on
19 him> and I spoke to him as to what he was building and he said he
20 was building a <water> pumping station, <I met Brother> San
21 (phonetic) <there, he asked me to stay there overnight with him>,
22 but <I told him that I could not stay overnight there as I was
23 hurried to get to my final destination and that I would return
24 the next morning. He said it's up to me. So, after chitchatting
25 with him for a while, I went to Angk Roka in order to stay>

1 overnight <there. But, upon arrival at Angk Roka>, a messenger
2 came to call me <with a letter asking me to return that night,>
3 so I left in the middle of the night to return to Kampong Cham
4 and arrived at dawn, as I was so busy with my work at that time.

5 Allow me to repeat that canals were built by San (phonetic).

6 Q. Do you know if this canal was built from Takeo lake onwards or
7 was it built from Tram Kak onwards, do you know? Where did the
8 <construction of the> canal start?

9 A. I am unsure, so I prefer not to respond to your question and I
10 believe it started in Takeo and it went up <to Leay Bour. I met
11 San (phonetic) when he worked on that one. Now, you are asking me
12 about Tram Kak. Then,> there was another canal built in Tram Kak
13 district, <starting from Khpob Trabaek (phonetic) where it was
14 split in two. Two routes were combined. You ask me about only
15 one. How can I answer? Two ends of the route meet up that way.
16 What should I answer? I'd rather not answer this question>.

17 [14.36.06]

18 Q. Yesterday one of the Judges <of this Chamber> put questions to
19 you about the possible visit of Mr. Nuon Chea and Khieu Samphan
20 to worksites <where> canals were being built. And you said in
21 fact that -- and I quote here -- this was after 11.39.54
22 yesterday morning, and you said, "I knew that <he> came <at that
23 time> but I do not know exactly where <he> went or where I met
24 <him. He> went there and there was someone by the name of Sen
25 <who> went to the co-operatives. As far as I remember, I never

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1 accompanied <him> because I had other tasks to <accomplish on>
2 the front line, other people took care of his visit, <so> I'm not
3 sure, <but he indeed> did travel to the co-operatives".

4 For the moment I will stop here and I would like to ask you,
5 first of all, the Sen (phonetic) that you spoke about yesterday;
6 is it the Sen (phonetic) that you <cited just> now?

7 A. I did not speak about Saen (phonetic) <a moment ago> and
8 yesterday I spoke about Sen (phonetic). <I know that Hou> Sen
9 (phonetic) escorted <Bong> Khieu Samphan during his visit but I
10 cannot recall as to when <they> came<. I am trying to recall
11 where I received> the delegation, <but I learnt that Hou Sen
12 (phonetic) had accompanied the delegation> and <maybe Comrade>
13 Khom went to receive the delegation as I was assigned by Khom to
14 deal with other matters. <However, this is just my assumption.>
15 And Sen (phonetic) worked in the office in Phnom Penh -- in an
16 office in Phnom Penh and he accompanied Nuon Chea and Khieu
17 Samphan during that visit.

18 [14.39.15]

19 Q. And this visit which you did not partake in as far as you
20 said, <in your understanding,> when did it happen? What year,
21 which date, which month if you remember? And who spoke to you
22 about this visit?

23 A. I cannot recall it.

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

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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
3 <Bong Khieu Samphan had visited> Tram Kak district <the other
4 days and that Hou Sen (phonetic) had taken him there. Then, I was
5 working in Kampong Cham.>

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

8 MR. PRESIDENT:

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

10 MR. VERCKEN:

11 <Yes, Mr. President.> I didn't hear <his> response in French. <If
12 we can just have his answer -- in French.>

13 [14.42.00]

14 MR. PRESIDENT:

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

18 MR. PECH CHIM:

19 A. Regarding the visit by Khieu Samphan, at that time I had been
20 transferred to the Central Zone and I came to visit Takeo
21 province and I was told by the people at Office 105, that Khieu
22 Samphan had come to visit the area accompanied by <Hou> Sen
23 (phonetic). He came to visit about the rice production and about
24 the <crops-growing> in the district. That is all.

25 [14.43.15]

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1 MR. VERCKEN:

2 That's his answer, Mr. President.

3 MR. PRESIDENT:

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

6 Court officer, please assist the witness at the waiting room for
7 the witnesses and <experts> and invite him as well as the duty
8 counsel back in to the courtroom at 3 o'clock.

9 The Court is now in recess.

10 (Court recesses from 1443H to 1501H)

11 MR. PRESIDENT:

12 Please be seated.

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

20 MR. VERCKEN:

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

23 MR. PRESIDENT:

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

25 [15.03.02]

1 QUESTIONING BY MR. VERCKEN:

2 Q. Mr. Pech Chim, yesterday you referred to work plans in your
3 district <before this Chamber.> You explained that between 1975
4 and 1979, the worksites that were established in your district
5 were <first> established at the initiative of the district <and
6 after> approval <at> the sector level. My question to you is as
7 follows: Did sector officials visit <> the <future> worksites
8 before approving <district projects? Or, from your experience,>
9 did the <sector level rely on the proposals submitted at the
10 district level>?

11 <I'll start again.> Let me repeat my question, sir. Whenever
12 there were plans to establish worksites in your district, were
13 such works or<> work plans, as you said yesterday, proposed by
14 the district? Was it the district that took the initiative to
15 establish such worksites?

16 MR. PRESIDENT:

17 Counsel, please put your question to the witness again. It
18 appears that the battery of the witness' headset was gone just
19 now.

20 [15.06.30]

21 BY MR. VERCKEN:

22 Q. Between 1975 and 1979, <the> worksites established in your
23 district: were they established <based on an> initial proposal of
24 the district level?

25 MR. PECH CHIM:

1 It was the -- under the direction of <the sector and> the
2 district. We consulted among the district committee, and then
3 once we agreed, we decided to implement it. But, of course, it
4 was in line with the direction of the zone. For example, they
5 would advise on the construction of a dam, then we would locate
6 the appropriate place to construct that dam, and we would take
7 out the map, if any, then we would consult among each other on
8 the shape and the general specificity of the dam. So, again, it
9 was not the sole decision of the district, but it was the
10 collective decision of the zone together with <the sector and>
11 the district.

12 [15.08.23]

13 Q. <And to use your example, once the district level had decided
14 on the location of a dam,> did they send <zone or region
15 officials> on the ground to verify, or they just rely on the
16 <decision made at> the district <level>?

17 A. Yes, that was correct. Under the guidance of the zone, then we
18 would locate the place, and then once we agreed on the place to
19 construct the dam, we would show them to the area, and then once
20 we got the approval, then we would implement the construction.

21 Q. Thank you, Mr. Witness. I'll move into another <line> of
22 questioning regarding the circulation of envelopes, either
23 <sealed> or open, between the Krang Ta Chan Security Centre, the
24 district office and the regional office. I'll start by summing up
25 what you said regarding the circulation of such envelopes. So if

1 I understand your statement correctly, you explained that
2 <sealed> envelopes containing <the> lists of detainees at Krang
3 Ta Chan would leave the security centre and were sent to the
4 district office. You didn't open them, and you forwarded them to
5 the regional office, which would then open them and decide as to
6 the fate of the detainees at Krang Ta Chan. It would put the
7 documents <back> in a <sealed> envelope, and send it to you, so
8 that you would then forward the <> envelope to Krang Ta Chan.
9 Have I properly summed up the description you gave of the sealed
10 envelopes and the itinerary of the sealed envelopes from Krang Ta
11 Chan?

12 [15.11.41]

13 A. The envelope sent from Krang Ta Chan, sometimes actually it
14 was not sent through Krang Ta Chan. It was sent directly to the
15 <sector> office. But sometimes it was sent through 105. <There
16 were many prisoners in the five districts.> If it <related> to
17 Tram Kak, then it would send through Tram Kak, but if it
18 <related> to Treang or Kiri Vong, then it did not send through
19 that, so that was the procedure. <They were not sent> to Tram
20 Kak, <but to the sector> and <if they were related to any
21 specific district, the sector would seek meeting with each
22 district separately. If> there was anything that we could
23 protest, then we would, but we had to be backed up by the reasons
24 and proper justification, otherwise we would dare <not> protest.
25 Q. Thank you for this clarification, sir.

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1 I would like to remind you in passing of your statement to the
2 OCIJ investigators, <dated> 19 June 2014. The reference is
3 E319.1.18 and it is question and answer 86. So I'll read the
4 question and <the> answer: <>

5 Question: "In principle, <did> the powers of a district secretary
6 <encompass> all security <issues>: the security centres, the
7 arrests, and all <the> worksites in the district <?>"

8 Answer: "They did not have the powers to arrest people; however,
9 they could put in place security measures and resolve problems to
10 make sure there were no traitors. The security centres came under
11 the jurisdiction of the regional officials of the Party. The
12 district secretary was in charge of propaganda, education, and
13 food supply. He was also in charge of resolving the daily
14 problems of the inhabitants, eliminating traitors, and mobilizing
15 forces to fight against the enemy." End of quote. <>

16 [15.14.55]

17 My question to you is as follows: Eliminating traitors in this
18 answer you've given regarding the definition of your role as
19 district secretary, what does that mean, practically? Eliminating
20 traitors, <at that point in time>.

21 A. Let me clarify. That was the instruction of the front, and it
22 was the instruction of the district. I could not explain any
23 further, so we tried to re-educate them, and if they had a
24 conflict, we would try to compromise and mediate the conflict,
25 and we had to rebuild our solidarity. That was the role of the

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1 district committee chair, so that was our role, and I did not do
2 anything further than that.

3 Q. So when you responded to the investigators saying that your
4 role was to suppress traitors, you meant that <your role was> to
5 re-educate <traitors>? Is that what you meant, sir?

6 A. That was the role of the district. <It's their
7 responsibility.> That was the role of the Party. They had to take
8 the firm control and responsibility of that in line of part -- of
9 the Party. And we only had the right to propose, but the overall
10 decision was decided by the Party representative, that was the
11 revolutionary Party line. So the Party representative would take
12 control of everything in the leadership. And for the committee,
13 we only -- we were only entitled to propose, but the decision was
14 up to the Party representative, and we would propose that to the
15 Party representative at the sector, and then they would forward
16 it to the decision of the Party representative at the zone level.
17 [15.18.02]

18 Q. Very well, <at the zone level>. I was going to say that you
19 yourself were a member of the Party, unless I am mistaken. We
20 have on record this statement of a witness -- that is, <witness>
21 TCW-822. That witness was <put questions about> you, and <he>
22 said <that> under Democratic Kampuchea, you had a nickname. And
23 you were nicknamed "the master of death". Do you know of the
24 existence of that nickname <for you>?

25 A. That I do not know. I did not understand what they described,

1 but we were very careful in implementing our responsibility and
2 duties. We had to avoid from being too harsh, too cruel <or going
3 too far>. But I did not know what people would describe that,
4 because that was the words of people. There were tens of
5 thousands of people. They would speak differently of different
6 situations. Maybe tens of thousands of people like it, but one or
7 two thousand people did not like it, and there were more than
8 250,000 people in Tram Kak district. So whatever they said,
9 whatever they commented, it was up to them. I do not want to
10 elaborate on. I was not resented with what they would describe
11 it.

12 [15.20.13]

13 Q. This is a <suggestion> I'm making to you, sir. Is it possible
14 to imagine that -- to avoid having to assume your real
15 responsibilities as the secretary of Tram Kak district in terms
16 of <> eliminating traitors -- you reverted the responsibility to
17 <a higher level in the hierarchy, meaning> the regional level <>?

18 A. That was not correct. That was emanating from the war, and it
19 was natural. It was the natural occurrence. A natural occurrence.
20 Nobody established it, and they named me as the <king> of <the
21 dead>, so it was up to them, and I myself knew it very well that
22 <I was not the king of the dead and I did not kill anyone>. I
23 followed the instruction. I followed the Party line. That was my
24 role. I did it. I was with them, so I could not excuse myself. I
25 had to do as per the instruction. But I did not put the blame on

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1 the sector. That is not my intention.

2 [15.22.00]

3 MR. VERCKEN:

4 I have no further questions, Mr. President.

5 MR. PRESIDENT:

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

7 JUDGE LAVERGNE:

8 For the record, <Counsel> Vercken, can you please give us the

9 reference of the document containing the <quote> "maître de la

10 mort", "master of death"? Can you <also> give us the ERNs?

11 MR. VERCKEN:

12 I'll look for the reference while my colleague is putting

13 questions to the witness, and I'll give it to you <later, before

14 the end of> the hearing.

15 [15.22.53]

16 MR. PRESIDENT:

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

18 QUESTIONING BY MR. KONG SAM ONN:

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

20 Q. Mr. Pech Chim, I have only a few questions to ask you. You

21 responded to some questions on 22nd April in relation to your

22 role, and in responding to that question, you said that you were

23 a member of the district committee and you were the fifth <>

24 member, and your rank at that time was equivalent to the district

25 governor now. So I would like you to enlighten the Court in

1 relation to the second, third, fourth and fifth in the committee.

2 What was their rank at that time following the liberation in
3 1975?

4 [15.24.01]

5 MR. PECH CHIM:

6 The <first> person was the Party representative, and the <second>
7 one was the Party representative as well, responsible for the
8 mass <gatherings, meetings and education>. So these <two> were
9 <Khom and Keav. The> third <were Phors (phonetic) and Cheat
10 (phonetic). Phors> (phonetic) was designated <as a member of the
11 sector's mobilization and recruitment committee,> and <she> was
12 <a member> of the district <and a deputy secretary of the
13 district> Party. And the fourth one was <Nhev> responsible for
14 military affair, and then the fifth one was myself. I was
15 responsible for economic affairs, and <actually, people at the
16 upper echelon had already organized the structure>. I only came
17 to join the team only later on. So the front was at the frontier,
18 so <I worked in the name of the Front at the frontline, handling
19 all kinds of tasks for> the district <and sector Party>.

20 Q. Thank you. Can you elaborate further as for <Phors (phonetic)
21 and Cheat (phonetic), who were members> then? What was <their>
22 responsibility and duty then?

23 A. <Phors (phonetic) and Cheat (phonetic) were> in charge of
24 women affairs. Khom alone could not control all the affairs;
25 that's why <Phors> (phonetic) assisted <her in directly

1 supervising women in> the entire province, so <on the one hand,
2 she was a member of the women mobilization committee of the
3 sector and served as a member of the district, on the other>.

4 [15.26.16]

5 Q. And you once became the secretary of the district committee.
6 Were there any changes when you were members of the district
7 committee, and when you later became the secretary of the
8 district?

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

11 Q. The changes I am talking about here <are> the restructure on
12 the -- the responsibility of the -- between the secretary and
13 member of the district committee; for example, in relation to the
14 appointment and designation of people. Were there any changes of
15 responsibility under the district at that time?

16 A. I do not understand your question. I do not quite understand
17 it. What do you really want to know specifically? Can you please
18 be precise and succinct?

19 [15.27.50]

20 Q. I just would like you to compare your role and responsibility
21 when you were a member of the district committee, and then when
22 you later became the secretary of the committee. What were the
23 differences and similarities of your role and responsibility in
24 the two positions you held?

25 A. There were no differences. When I left that, I was responsible

1 for the Party affairs, but then my place was not taken over by
2 anybody else in economic affairs, so even if I assumed the new
3 role for the Party, but I was also responsible for economic
4 affairs. I took care of the construction of dam<, canals> and the
5 rice production. The Party did not send anybody else to take the
6 place in economic affairs, but we delegated it to the commune,
7 and commune had to take care of the rice production and meeting
8 the target expected. But in terms of the differences, there were
9 no differences, but it was only an additional responsibility,
10 additional burden on me, when I assumed the new role.

11 [15.29.34]

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

17 A. Yes, I resolved many food issues. I myself did not make
18 decision in solving those issues. Usually, we, the district
19 committee, would call the commune secretary to meet us to discuss
20 the issues they had. Whatever they needed or whatever they could
21 offer the district, for instance. So the issues we discussed
22 dealt directly with the concerned commune.

23 Q. Thank you. Can you provide the Court an example of a practical
24 solution which was a concern of the commune, and which was
25 brought to your attention at the district level, and that you

1 resolved it?

2 A. As I said, we resolved many issues. I -- and I cannot recall a
3 particular instance. We resolved all kinds of issues for the sake
4 of the people in our district and cooperative. <We provided
5 supports for the people in the cooperative to take care of their
6 respective matters.> We usually dealt with issues of the living
7 condition of the people in the cooperative. As for the clothing,
8 the clothing was provided by the Party. So upon the necessity, we
9 would make a proposal to the upper echelon for certain clothing
10 to a specific unit, for example, a female unit or a male unit. In
11 one instance, we attended a meeting at the sector level, and we
12 were told that they had clothes <to distribute for the province
13 and the sector, the clothes were fully stored in the warehouse>
14 and that we could obtain <them,> and we could distribute <them>
15 to our people. So, at that time, I personally would sit on my leg
16 and <hand out> the clothes as a sign of respect to the <people>,
17 and everybody did the same <to receive the clothes from us. They
18 were nylon shirts with military uniform colours on them. They
19 were sewn and each person got a pair of clothes> That is just an
20 example for you.

21 [15.33.51]

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

1 A. On the issue of food -- for medicine supply, yes I recall it.
2 Sometimes we made a request to the people in Phnom Penh, and
3 sometimes <Khom> received some of the medicines that we
4 requested. <I received some> from Hospital 22, and then we would
5 distribute those medicine to the hospitals located in various
6 communes and in some mobile treatment units, and that happened
7 after the country had been liberated. And sometime we obtained
8 some serum for the injection of the patients, and it was locally
9 produced; however, it was rather effective as the patients
10 recovered from their illness. So, in short, we could resolve the
11 health care issue. As for the medics, usually they would carry
12 that kind of serum in a bottle with them when they went to
13 various locations within the area for the treatment, and
14 sometimes they made a joke about that serum that old people asked
15 their younger children to go and get that juice to drink as it
16 looks like it was an orange juice, but in fact it was serum.
17 [15.36.18]

18 Q. Thank you. Regarding the need of the people in your district
19 comparing to the available medicine supply, what was the
20 difference or the gap? Was the medicinal supply sufficient for
21 the need?

22 A. The medicines that we obtained, though was not in surplus, it
23 would help resolve the situation to a certain extent, as after
24 the country was liberated, we could obtain some medicine for the
25 treatment of the people in the district. And some people who had

1 their children living in mobile units elsewhere, or in Phnom
2 Penh, they could send to their parents or relatives living in my
3 district in terms of clothing and some medicines.

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

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

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

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

11 [15.38.50]

12 Q. Thank you. On <the> matter of security, did you ever receive
13 any person who came to seek your help that his or her relative
14 had been arrested and that the request was for the release?

15 A. Yes. Some people only dared to come to approach me. They did
16 not dare to approach <other people or if they approached> Khom
17 directly <she would usually ask me to care for> them. However,
18 the end result varied, as some people could be released while
19 others could not <depending on the developing situation>, and I
20 mentioned that in details during my testimony. If it was
21 reasonable that the person shall be released, and if the person
22 who came to seek the release was reasonable, then we would decide
23 to release that person. We listened to their reasons for the
24 request, and we considered them. And upon the release, the
25 release of their relatives, we would advise them to engage in a

1 productive manner. <Our requests for their releases had to be
2 justifiable and convincing for our superiors. We had to gain
3 their trust and confidence in obtaining the releases. No matter
4 how difficult it was to convince our superiors for their
5 releases, we had to keep trying and being sincere to secure the
6 releases.> So usually we -- I was approached a lot on this
7 matter. As for people in Tram Kak, usually they talked about
8 Nhev, and they said that Nhev should not <> be mean, and that
9 Nhev should be as good as myself, <Uncle Chim. I am not boasting
10 about myself. Still, some people hated me. Perhaps that was
11 simply because I could not help them.>

12 [15.41.14]

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

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

17 Q. Can you tell the Chamber in terms of the percentage of the
18 arrest in your capacity as district secretary or district
19 committee, were orders for the arrest issued mostly at your
20 level, at your lower level, or at your upper level? <From what
21 level did those orders mostly come?>

22 A. I knew when I came to work at the office, and when I was an
23 interim district secretary. In fact, when I was there, there were
24 fewer cases of arrests. I tried to avoid people being arrested.
25 Usually I would try to resolve the matters as much as I could.

1 For example, when the conflicts arose, <it was reported to the
2 Sector>. Then, I would be asked <by the Sector> to go and make an
3 enquiry on the matter, and it would -- I would discover that in
4 fact the issue came from a minor conflict of certain individuals,
5 and I made the report to my superior, and then there was no case
6 of the arrest at all.

7 [15.44.28]

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

10 A. They were very few. Mostly for those who had conflicts, they
11 would not be arrested or detained. We would go down to the base,
12 and we would educate them. And education here means that we
13 advised them briefly, to the point, on the spot, and that they
14 should learn to <forgive> each other and to compromise. So, to
15 respond to your question, there were only a handful of cases, and
16 I mean it could be 20 -- 10 to 20 per cent of all the matters.

17 Q. Thank you. And on the issue of theft, for example, stealing
18 <fruit> or stealing <cassava>, did you yourself involve in
19 resolving this kind of issue?

20 A. On the issue of stealing fruit or stealing chicken or stealing
21 rice, I <brought> that <up for solution> during the meetings, and
22 I would advise the commune <or unit> chiefs to resolve the
23 matters at their respective communes <or units>. And if people --
24 if people stole because they did not have enough food to eat,
25 then I would advise <the unit chiefs to mediate the case by

1 asking the thieves not to do that again and the others not to
2 mind them as the thieves only wanted to fill their stomachs, so
3 they should not fight to win or lose in that case>. And, of
4 course, I myself did not personally involve in making that
5 decision. It was a joint decision by the chairperson of the
6 district Party and the district committee, and if the people
7 involved <were> living nearby, then they would be called to meet
8 us. We listened to the problems, and we would advise them not to
9 do it again.

10 [15.47.19]

11 Q. Were there arrests that you could not resolve and that those
12 people had to be sent to detention centre or prison? Here I refer
13 to the nature of the arrest <made on the basis of> stealing food
14 or stealing chicken or stealing rice.

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

17 MR. KONG SAM ONN:

18 Thank you, Mr. Witness, I don't have any further question for
19 you, and allow me to read the ERN as requested by Judge Lavergne.

20 The French ERN is 01093760, the English ERN is 01050219, and the
21 Khmer ERN is 00968938, and the document number is E305/13.23.451.

22 Thank you.

23 MR. PRESIDENT:

24 Thank you, Counsel Kong Sam Onn. The hearing will adjourn today.

25 What is on your mind, Mr. Deputy Co-Prosecutor?

1 [15.49.22]
2 MR. LYSAK:
3 Mr. President, I have a request to the Chamber in relate --
4 before this witness is excused. This is the first time in two
5 years I've asked for this, but a major inconsistency has emerged
6 between the testimony of this witness during my examination and
7 questions from Judge Lavergne and questions from counsel. I'm not
8 asking for myself to engage in re-examination, but I would like
9 to request the Chamber to ask a couple of questions of this
10 witness to clarify this matter. What I'm referring to is that
11 during my questioning and Judge Lavergne's, this witness
12 testified that there was an instruction from the sector chief to
13 purge the enemy officers, which instruction -- excuse me -- was
14 then conveyed by district chief Khom at the meeting. Today, we
15 heard that there was an instruction from Ta Mok that at least
16 certain ranks were not to be harmed. I note the witness said that
17 that was the instruction. He used the words at the time. This is
18 a fundamental issue here, and I believe that before this witness
19 is excused, it would be beneficial to the -- to all of us -- for
20 the Chamber to ask a few questions to clarify the witness's
21 testimony with respect to there being these two different
22 instructions, particularly in view of there being hundreds of
23 documents from Tram Kak recording the arrests of lieutenants and
24 ranking officers. So that is my request, that the Chamber put a
25 couple of questions to the witness to try to clarify this matter.

1 (Judges deliberate)

2 [15.51.53]

3 MR. PRESIDENT:

4 The Chamber will grant the Prosecution five more minutes to put
5 questions to clarify the issue, and the defence teams will be
6 afforded the same time -- that is, five minutes <to examine the
7 witness regarding this issue>.

8 [15.52.20]

9 QUESTIONING BY MR. LYSAK RESUMES:

10 Thank you, Mr. President.

11 Q. Mr. Witness, you heard a little of what I just said. The
12 reason I'm on my feet now is we've heard two pieces of
13 significant testimony from you in regards to what happened to Lon
14 Nol officers. You told me, and you told Judge Lavergne, that
15 there was an instruction from sector chief Saom relating to the
16 purges of officers, and that when we asked you about evidence
17 that had been provided about a district meeting, you confirmed
18 that Yeay Khom had conveyed the instructions regarding purges of
19 officers. You were also shown a number of documents from Tram Kak
20 relating to the arrests of Lon Nol officers. This morning, you
21 were asked by counsel about a meeting that another witness had
22 testified to, and you described a meeting with Ta Mok, where he
23 gave an instruction relating to certain ranks of officers,
24 indicating that they were not to be harmed. You indicated, the
25 words you used were "that was the instructions at the time".

1 Can you please clarify for us your testimony on this? How is it,
2 as you've acknowledged, that Lon Nol officers were executed, and
3 why is it that Yeay Khom conveyed an order to purge enemy
4 officers in view of your testimony regarding the meeting with Ta
5 Mok?

6 MR. PECH CHIM:

7 A. Allow me to clarify that that was the regulations, and the
8 regulations were sent down from Ta Mok to the sector, and the
9 sector to Yeay Khom, and that was the chain of command, and
10 that's how it worked, as the waterfall, it falls from the -- from
11 the height down to the lower part.

12 [15.55.12]

13 Q. We understand that the instructions came from above, Mr.
14 Witness. What I'm trying to figure out is how do you explain
15 these two different instructions? Was there a point in time where
16 the instructions changed and the policy became to purge enemy
17 officers? And if so, when was it that that occurred?

18 A. I do not fully understand your question, so I -- it is rather
19 confusing for me -- and I think I have spoken in details on this
20 issue.

21 MR. PRESIDENT:

22 Mr. Witness, you have provided contradictory statements, and that
23 is why we are seeking clarification from you, so that you can
24 explain to us the reasons for the discrepancies, and what you
25 have just spoken, even in the Khmer language, is difficult to

1 understand. It is not a matter of interpretation. It is a matter
2 of the statement that you made, which is rather confusing. And,
3 of course, Mr. Witness, you were reminded at the beginning of
4 your testimony that you have the obligation to only tell the
5 truth.

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

7 [15.57.32]

8 BY MR. LYSAK:

9 Q. The question is fairly straightforward. If it is true, as you
10 said this morning, that Ta Mok gave an instruction not to harm
11 officers between certain ranks, if that is true, why is it that
12 sector secretary Saom instructed Yeay Khom, and Yeay Khom
13 instructed the district and commune chiefs to purge enemy
14 officers? Did the instructions change at some point?

15 MR. PECH CHIM:

16 A. Sooner or later, they would know about those people, and of
17 course, they knew -- they knew about that after the 17 April
18 date. Khom convened a meeting after that to raise the matter and
19 what we had to do as to the ranks or the range of ranks of those
20 former officers, and that happened after 17 April, and of course,
21 Khom received instructions from him, from Ta <>.

22 Q. Let me just try one more time a slightly different way. I gave
23 you two large documents during my questioning, E3/4095 and
24 E3/2107. These are two notebooks that came from Krang Ta Chan.
25 From the cover, a number of months in 1976. In one of these

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1 books, there are 105 prisoners who are recorded -- that's E3/409,
2 and E3/2107, which covers the period of December '76 to January
3 '77, there are 90 people listed as being arrested and
4 interrogated. The majority of these people, Mr. Chim, are former
5 Lon Nol soldiers or officers. Was the district deciding itself to
6 arrest these people, or was it making this decision pursuant to
7 instructions from the upper echelon?

8 [16.00.37]

9 MR. PRESIDENT:

10 Witness, please wait, and Counsel Kong Sam Onn, you have the
11 floor.

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

14 MR. KONG SAM ONN:

15 From what I heard that the Chamber granted the Prosecution five
16 minutes, and I think the time ran out, and I believe the
17 statements made by the witness, despite the discrepancies, the
18 <witness> has no obligation to make sure that his or her
19 statements are consistent. That is the discretion of the Chamber
20 as to which statement is credible and which is not, and if we are
21 granted time to clarify the discrepancies, I don't think this is
22 a way <to ascertain the truth>.

23 MR. PRESIDENT:

24 Witness, please respond to the question.

25 MR. PECH CHIM:

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

6 [16.02.55]

7 MR. PRESIDENT:

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

10 BY MR. LYSAK:

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

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

17 MR. PECH CHIM:

18 A. There were two phases. When Khom convened the meeting, I knew
19 we received the instruction from the sector. I learnt from Khom.
20 In that meeting, there was the record of the meeting, and then
21 they decided along the line of the direction of the sector,
22 <targeting the officers between the ranks of second lieutenant
23 and colonel,> that is to the best of my recollection. As for the
24 arrest and the number of people to be arrested, I did not witness
25 the arrest and I did not see the implementation, and I myself did

1 not carry out the arrest, and I never issued any instruction to
2 the commune to carry out the arrest.

3 [16.04.55]

4 MR. LYSAK:

5 Thank you for the opportunity to ask more questions. I appreciate
6 the time.

7 MR. PRESIDENT:

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

10 MR. KOPPE:

11 No, Mr. President, we don't have any questions. I think the
12 answers of the witness were crystal clear.

13 MR. KONG SAM ONN:

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

16 [16.05.38]

17 MR. PRESIDENT:

18 Thank you. The hearing is now coming to an end, and the hearing
19 shall adjourn now and resume on Monday<, 27th April 2015 and the
20 following days>, and we will hear the key documents relating to
21 <Tram Kak cooperative and> Krang Ta Chan Security Centre, so the
22 Chamber invites all Parties to attend the hearing <as scheduled>.
23 And Mr. Pech Chim, we thank you very much for taking time to
24 answer to the questions put by the Parties and the Chamber. Your
25 testimony is very crucial to ascertaining the truth. So your

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1 testimony is coming to an end now, so you are excused from the
2 courtroom. You may go to your <residence or any destination you
3 wish to go. The Chamber wishes you a safe journey back.>

4 And Duty Counsel, we thank you, you Mr. Moeurn Sovann, for
5 accompanying the witness.

6 Court officer, please facilitate the <transportation> of Mr. Pech
7 Chim with the Witness and Expert Support Unit to his residence or
8 any destination he wishes to go>.

9 And security guards are instructed to bring the Co-Accused, Mr.
10 Nuon Chea and Mr. Khieu Samphan, back to the detention facility
11 <of the ECCC> and have them back in this courtroom on the 27th
12 April 2015 before 9 a.m.

13 The Court is now adjourned.

14 (Court adjourns at 1607H)

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