



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

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

1 July 2013

Trial Day 202

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:

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Victor KOPPE
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. HONG KIMSUON	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. MAM RITHEA	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PECH CHIM (TCW-505)	Khmer
MR. RAYNOR	English
MS. SIMONNEAU-FORT	French
MR. VERCKEN	French

1 P R O C E E D I N G S

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 As the Trial Chamber will -- Trial Chamber's schedule for today's
6 proceeding, today we will hear the testimony of a witness -- that
7 is, TCW-505.

8 Mr. Dav Ansan, could you report the attendance of the parties and
9 individuals to today's proceeding?

10 [09.02.32]

11 THE GREFFIER:

12 Mr. President, for today's proceeding, all parties are present.

13 On a side note, Nuon Chea is present in the holding cell
14 downstairs pursuant to the decision of the Trial Chamber
15 concerning his health.

16 It should also be noted that the National Lead Co-Lawyer for
17 civil parties are -- is absent.

18 As reported by the President, today we will hear the testimony of
19 Witness TCW-505. This witness already took an oath this morning
20 at ECCC and confirms that, to the best knowledge, the witness has
21 no relationship by blood or by law to any of the two accused or
22 the civil parties in this case.

23 This witness has Mr. Mam Rithea as a duty counsel.

24 We also have a reserve witness -- that is, TCW-386, who also took
25 an oath this morning. Thank you.

2

1 [09.03.41]

2 MR. PRESIDENT:

3 Thank you, Mr. Dav Ansan.

4 Before we commence our evidentiary hearing on the witness,

5 TCW-505, the Chamber would like to inform all parties to this

6 case that, for today's proceeding and the subsequent days, Judge

7 Ya Sokhan is absent due to his health. After consultation with

8 all the Judges of the Bench, we decided to appoint the reserve

9 Judge Thou Mony to replace Judge Ya Sokhan, who is absent, until

10 such time he returns to his seat. This is based on the provision

11 of Internal Rule 79.4 of the ECCC Internal Rules.

12 Court Officer, could you invite the witness and duty counsel into
13 the courtroom?

14 (Short pause)

15 (Witness enters courtroom)

16 [09.07.12]

17 QUESTIONING BY MR. PRESIDENT:

18 Q. Good morning, Mr. Witness. May we know your name?

19 MR. PECH CHIM:

20 A. My name is Pech Chim.

21 Q. Thank you. How old are you, Mr. Pech Chim?

22 Mr. Pech Chim, please observe a slight pause when you hear the
23 question before you respond so that your response will be
24 interpreted.

25 And so the AV Unit will operate the microphone for you, and when

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1 you see the red light on the console of the microphone, then you
2 can respond and your voice will go through the distribution
3 system. In particular, it will go through the interpreters' booth
4 and it will be interpreted simultaneously into English and
5 French.

6 Once again, Mr. Pech Chim, how old are you?

7 A. I am 77 years old.

8 [09.08.42]

9 Q. Thank you.

10 Where is your current residence?

11 A. My address is in Ph'av village, Ph'av commune, Trapeang Prasat
12 district, Oddar Meanchey province.

13 Q. What is your current address -- your current occupation,
14 rather?

15 A. I am a farmer.

16 Q. What is your father's name?

17 A. My father's name is Preap Pich. He is deceased.

18 Q. And your mother's name?

19 A. Un An is my mother's name, and she passed away.

20 [09.10.01]

21 Q. What is your wife's name, and how many children do you have
22 together?

23 A. Her name is Chrek Pich Neng, and we have five children.

24 Q. Thank you, Mr. Pech Chim.

25 As reported by the greffier, to your best knowledge, you have no

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1 relationship by blood or by law to any of the civil parties
2 recognized in this case, nor to any of the two accused -- that
3 is, Nuon Chea and Khieu Samphan, and that you already took an
4 oath this morning before your appearance before this Chamber. Is
5 this information correct?

6 A. Yes, it is.

7 Q. We would like to inform you of your right and obligation. Mr.
8 Pech Chim, as a witness appearing before this Chamber, you may
9 refuse to respond to any questions or requests for your comments
10 that might incriminate you. This is your right against
11 self-incrimination. And as requested, and in order to exercise
12 that right through WESU unit, the Chamber grant you a duty
13 counsel -- that is Mam Rithea, during your appearance so you can
14 consult with him in such a situation so that you can choose
15 either to respond or not to respond to the question.

16 [09.12.06]

17 And as a witness before this Chamber, it is your obligation that
18 you have to respond to all the questions put to you by any of the
19 Judges or parties to this case and you must tell the truth that
20 you have heard, have known, have recalled or experienced or
21 observed directly regarding any event put to you in the questions
22 by any of the Judges of the Bench or any of the parties.

23 And Mr. Pech Chim, had you been interviewed by the investigators
24 of the Office of the Co-Investigating Judges during the last few
25 years?

5

1 A. I was interviewed at the house by the agents of this Court,
2 and I was interviewed four times at the time.

3 Q. So you were interviewed four times. Can you tell us when and
4 where you were interviewed?

5 A. The interviews were conducted at my house in Ph'av village,
6 Ph'av commune, Prasat (sic) district.

7 [09.13.47]

8 Q. Can you recall the month or the years of the interviews if you
9 cannot recall the date?

10 A. It was in 2005 for one interview. It took four days. And then
11 it was again done in 2008. And recently, I was met on the 25th.
12 That is when I was invited to appear before this Chamber.

13 Q. Before you appeared before this Chamber, have you examined,
14 reviewed or listened to the written records of your interview
15 that you gave to the investigators in order to refresh your
16 memory?

17 A. Yes. Yes, I listen to the written record of my interview.

18 Q. To your best knowledge and recollection, can you tell us
19 whether the written records of your interview that you listen to
20 reflect your responses that you provided to the investigators
21 during the interview?

22 A. Yes, they are consistent.

23 [09.16.02]

24 MR. PRESIDENT:

25 Thank you, Mr. Pech Chim.

6

1 For the hearing of the testimony of this witness, the Prosecution
2 is given the floor first. And the Prosecution with the Lead
3 Co-Lawyers is allocated half a day to question this witness and
4 another half a day is allocated to the defence teams.

5 The Prosecution, you may proceed.

6 [09.16.40]

7 QUESTIONING BY MR. RAYNOR:

8 Thank you very much, Mr. President. Good morning to you, Mr.
9 President, and Your Honours. Good morning to my fellow counsel.

10 Q. And good morning to you, Mr. Pech Chim. My name is Keith
11 Raynor. I'm one of the prosecutors in this case.

12 I would like to start, please, by asking you some questions about
13 the time when you first joined the Revolution and what positions
14 you held within your district.

15 So my first question is: Can you please tell us what year it was
16 when you joined the Revolution?

17 MR. PECH CHIM:

18 A. I joined the Revolution at the district at the time. It was on
19 the 3rd of May 1970. I was a member of the district front.

20 Actually, I was a deputy of the deputy -- the deputy of the
21 district front at the time.

22 Q. Did you become the deputy of the district front immediately,
23 or were you appointed to that position a little later on after
24 joining?

25 A. At that time, there was an announcement for a meeting and I

7

1 was appointed as the deputy district front as the chief of the
2 district front was also announced at the time.

3 [09.19.11]

4 Q. So, you were appointed as the deputy of the district front
5 soon after you joined the Revolution; is that correct?

6 Mr. President, I propose to repeat the question because I've had
7 no answer.

8 Mr. Pech Chim, you joined the Revolution in 1970. You've then
9 said that there was a meeting when you were appointed as the
10 deputy -- the deputy district for the Front.

11 Was this in 1970, or later on?

12 A. I was appointed in 1970.

13 Q. Now, if we look at the leadership of the district, who was the
14 chairperson of the district party in the district?

15 A. It was Comrade Khom, a female, who was the head of the party.

16 Q. Above you at sector level, can you tell us, please, who was
17 the sector secretary back in 1970?

18 A. That person, Khom, was the district party secretary from 1970.

19 Q. I was asking, in fact, about the level above you. So, at
20 sector level, who was the sector secretary, please?

21 A. It was Soam who was the sector secretary; Sector 13, I think.

22 [09.22.29]

23 Q. And we haven't yet had -- had the number. What was the number
24 of your district, please?

25 A. It was District 105.

8

1 Q. I want to move on to the Krang Ta Chan Security Centre, and I
2 want to ask you some questions about when that security centre
3 started to operate and what the purpose of the security centre
4 was.

5 My first question is going to be based on what you told the
6 agents of this Court on the 27th of August 2009, relevant ERNs:
7 English, 00380132; Khmer, 00373464 through 5; and French
8 00426202.

9 Mr. Pech Chim, you said this to the investigators, and I quote:
10 "That centre was created since 1972 by the sector party and the
11 district party."

12 Can you help us on who at the sector party was involved in the
13 setting up of the Krang Ta Chan Security Centre?

14 [09.25.20]

15 MR. PRESIDENT:

16 The Prosecutor, could you please repeat your question?

17 BY MR. RAYNOR:

18 I'll break it down.

19 Q. Mr. Pech Chim, is it right that the Krang Ta Chan Security
20 Centre was set up in 1972, as you stated in your interview?

21 MR. PECH CHIM:

22 A. Yes, the year is correct. Or it could have been established
23 earlier than 1972. But at that time, I did not know of its
24 existence. It was the affairs of the sector, not the district.

25 Q. Now, when you got to find out about the security centre, what

9

1 did you understand to be the purpose of the security centre?

2 A. To my understanding, it was for the purpose of re-educating
3 people, that is, those bad people, so that they would become good
4 people.

5 [09.27.24]

6 Q. Thank you. I want to refer next to what you told the
7 investigators from this Court about these bad people. I refer to
8 the interview on the 27th of August 2009, that is, D232/17;
9 English ERN 00380133; Khmer, 003173465 through 6; and French,
10 00426203/4.

11 Now, Mr. Pech Chim, in this interview, you said that the bad
12 people included people who refused to join the army. Now, was it
13 a regular occurrence that people who refused to join the army
14 were sent to Krang Ta Chan?

15 A. No, it was not.

16 Q. Another category of people that you mentioned being sent to
17 Krang Ta Chan were people who went around attacking the party.
18 Can you give us some examples of what people had said when they
19 were attacking the party? What did that mean?

20 A. It means it was part of the movement to fight to win the
21 victory and that when people did something to disrupt these
22 efforts; these people were regarded as those who opposed the
23 movement.

24 [09.30.32]

25 Q. So was a distinction made between people who supported the

10

1 movement and people who opposed the movement?

2 A. At that time, there was no such distinction. That's what I
3 believed because those who joined the movement engaged in the
4 efforts to defend the country. And everyone who was engaged in
5 this movement, either directly or indirectly, locally or
6 internationally, these people could be viewed as those who also
7 shared the sympathy and also supported the movement.

8 Q. But the people who refused to fight were not supporting the
9 movement, were they?

10 A. Yes, they were. Those who did not join the movement did not
11 join the fighting.

12 [09.32.15]

13 Q. Right. And those who attacked the party were not supporting
14 the party; is that correct?

15 I'm going to ask the question a different way.

16 I want you, Mr. Pech Chim, to take some time and explain to this
17 Court, please, who the bad people were, from what groups, who
18 were sent to Krang Ta Chan in 1972 or perhaps before that. What
19 sorts of people?

20 A. People were sent to the Centre for different reasons, and I
21 never know these reasons. And I only knew what happened in the
22 confined area in my position, so I'm afraid I cannot tell you
23 about this.

24 In general, people who opposed the movement would be regarded as
25 the outsiders. I mean, those who opposed the fighting to defend

11

1 the country would be regarding -- would be regarded as the
2 enemies, I believe, in that context. And everyone who joined the
3 movement were the revolution supporters, for sure.

4 [09.34.58]

5 And for those who were detained, I think in any society such
6 people would be jailed and it doesn't happen just during that
7 period of time.

8 Q. Would it be fair for me to say, in summary, that the bad
9 people who got sent to Krang Ta Chan were the enemies?

10 A. Is this not correct? Only after investigation was carried out
11 to find out the grounds for their -- their wrongdoings, then
12 finally they would be identified as having committed any
13 wrongdoings because not everyone would be regarded as the enemy,
14 although they were detained.

15 Q. Thank you. You've clarified that.

16 Now, one other category of person that you mentioned in your
17 interview being sent to Krang Ta Chan -- and for everyone, it's
18 the same ERNs as I gave. You spoke of the Khmer Rouge soldiers
19 who defected to the Lon Nol side and the Lon Nol soldiers who
20 defected to join the Khmer Rouge were also sent to the security
21 centre to be educated and interrogated.

22 Now, can you help me? When did you first discover that some of
23 the people at Krang Ta Chan were soldiers?

24 A. I'm afraid I don't quite understand your question, please.

25 [09.37.34]

12

1 Q. In your interview, you talk about soldiers going to Krang Ta
2 Chan to be arrested and interrogated. Now, did you find that out
3 in 1972, 1973, 1974?

4 Help me. When did you discover that soldiers were being held at
5 Krang Ta Chan?

6 A. I only heard about the educational centre of the upper echelon
7 and I heard that people would be sent to that upper echelon
8 educational centre, and only in 1973 that I learned this happened
9 just right close to me. And that's when I learned about this. It
10 was in 1973.

11 Q. I want to move on now to the subject of political education.
12 Now, in the third interview you had with the investigators, which
13 was D232/17; English ERN 00380136; Khmer, 00373467 through 8; and
14 French, 00426206 -- and I'm moving on in time because this is
15 dealing with 1976. You said that later, when you were the
16 district secretary at Tram Kak, you and somebody called Boeun
17 were responsible for propaganda and education.

18 [09.40.01]

19 So, is it right, Mr. Pech Chim, that you were responsible at some
20 point for propaganda and education?

21 A. I'm afraid I don't understand your long question. Could you
22 please make it shorter and be brief?

23 Q. Were you responsible for propaganda and education; yes or no?

24 A. Yes. I worked more in propaganda and education. That was of my
25 prime task. And the other things would be handled by my

13

1 superiors. And I had nothing to do with the prisoners because I
2 would be engaging in the propaganda and education sessions and I
3 would be engaged in finding rice for people to eat. And there
4 was, at times, rice surplus that could be distributed to
5 different districts. And for those who liked such rice would be
6 distributed from our district. And it was part of my task to
7 ensure that we could find food for everyone.
8 And I loved my nation, my people. And we did our best to make
9 sure we could promote this sympathy and love for our nation. And
10 I never discriminated against anybody of any political
11 background.

12 [09.42.27]

13 Q. Thank you. Now, because you were responsible for propaganda
14 and education, I want to see if you can help the Court about what
15 sorts of things were contained in the subject of propaganda and
16 education. And I want to give you some words or phrases that were
17 used during this period to see if you can help us.

18 The first document I refer to -- but I'm not asking you to have
19 it -- is E3/10, which is a "Revolutionary Flag Special Issue"
20 from September-October 1976. At English page 00450526; French,
21 00491893; and Khmer, 00063090; the author of an article says:
22 "There are only workers and peasants in the ranks of our
23 revolution."

24 Was that also your understanding, that there were only workers
25 and peasants in the ranks of the Revolution?

14

1 A. I think I did not quite get the last part of your question
2 when you mentioned about workers and peasants. Could you repeat
3 it, please?

4 [09.45.08]

5 MR. PRESIDENT:

6 Mr. Witness, could you please hold on? And counsel Koppe, you may
7 now proceed.

8 MR. KOPPE:

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

10 Although may be not a formal objection, but I don't really see
11 the point in asking these complicated questions for this witness.

12 Why not simply ask first of all, by the way, does he know
13 something called the "Revolutionary Flag"? And second question,
14 what is -- what was his position on workers and peasants?
15 Why this endless quote from some "Revolutionary Flag" in '76? Why
16 make the question so complicated?

17 [09.45.53]

18 BY MR. RAYNOR:

19 Mr. President, the endless quote was, I think, six words. Let me
20 deal with it another way.

21 Q. Mr. Pech Chim, was it just workers and peasants in the ranks
22 of the Revolution, or were other people in the ranks of the
23 Revolution?

24 MR. PECH CHIM:

25 A. Yes, there were other people, including the petty bourgeoisie,

15

1 the intellectuals, the nationalists and the rich, and even the
2 former monarchy, including the former king, who was in range --
3 and reigned that day, also part of the Revolution.

4 Q. Can you help me on who the feudalist landowner class was;
5 which sort of people?

6 A. I'm afraid I don't know this very much, but I can say that
7 those feudalist landowners would refer to those who had possessed
8 the most land, and the poor had little land -- or less land.

9 [09.47.35]

10 Q. Now, the "Revolutionary Flag" that I'm concentrating on, on
11 another page, English, 00450529; French, 00491895 through 6; and
12 Khmer, 00063094; talks about class contradictions. I'm going to
13 read part of it to you and then ask you a question:

14 "Fundamentally, the contradictions are between the proletarian
15 class and the capitalist class. Aside from these, there are class
16 contradictions with the feudalist landowner and privileged
17 classes (sub-district chiefs, district governors, provincial
18 governors, government officials, police and soldiers)."

19 Now, the first question is, when you were responsible for
20 propaganda and education, did you know anything about class
21 contradictions?

22 A. Yes, I did.

23 [09.49.34]

24 Q. Who were the class contradictions between, or can you just
25 explain this further in your own words?

16

1 A. I think class contradictions refer to the contradictions in
2 the daily living, for example, how people lived their life. Like
3 the poor (sic) would live a luxurious lifestyle as opposed to the
4 poor, who lived a very difficult life. And the -- that gaps also
5 seen in different level and people, including the monarchy, even
6 the Buddhist monks, were classified differently.
7 There were five classes originally, as far as I remember. Later
8 on, they were reduced to fewer because they engaged in the
9 fighting and that we had to make sure that there was no longer
10 class contradictions because such contradictions would do no good
11 to our fight for our country. That's why we did our best to make
12 sure that we could live together and limit these class
13 contradictions.
14 So this is how we could resolve it.

15 [09.51.41]

16 Q. Thank you. Did you ever hear of the words "life and death
17 contradictions"?

18 A. Yes, I did.

19 Q. Can you explain that further, please?

20 A. This term is -- was not used to refer to what happened in the
21 -- for the nation. At that time, it was the contradiction between
22 people in the society. But when it comes to life and death
23 contradiction, it referred to the contradictions between
24 countries.

25 Q. I'm moving on to another "Revolutionary Flag", again to quote

17

1 part and to see if you can help us. I'm referring to E3/11, a
2 "Revolutionary Flag Special Issue" of September 1977. The
3 relevant page: English ERN 00486235; French, 00492822; and Khmer,
4 00063146. This is talking about the National Democratic
5 Revolution, and in this official document, the author states:
6 [09.53.39]
7 "We divided our enemies into three groups: first to win over
8 those enemies who could be won over, second to neutralize those
9 who could be neutralized and, thirdly, to isolate the most
10 vicious in order to attack them."
11 Now, can you help me, please? Who were, as far as you were aware,
12 considered to be enemies?
13 A. People have different understanding regarding this. Enemy in
14 this refers to the enemies regarding ideology, for example,
15 people would love or like different aspects differently. And how
16 could we eradicate such differences? And no one could ever do
17 this.
18 In previous regime, people could not get rid of this. And also,
19 this was carried on to the next regimes.
20 MR. RAYNOR:
21 Mr. President, next I'd like to refer to a statement in this
22 case. I've not been able to print it out this morning because
23 none of us could access our computers. To see if, first of all,
24 if the witness recognizes the name, I've simply written the name
25 of this witness down on a piece of paper. And can I please just

18

1 present the piece of paper to the witness to see if he recognizes
2 the name?

3 [09.56.14]

4 MR. PRESIDENT:

5 You may proceed, and Court greffier is now directed to bring this
6 document to the witness for examination, please.

7 BY MR. RAYNOR:

8 For the benefit of my learned friends, the document is D25/28.

9 Q. Now, Mr. Pech Chim, I've handed to you a piece of paper with
10 somebody's name on it. Now, this person described themselves as the
11 youth chairman in District 105. They said that they worked with
12 you, and this person actually worked at the district committee of
13 105 from 1970 to 1979.

14 Now, sir, do you, first of all, recognize the name of the
15 witness?

16 MR. PECH CHIM:

17 A. I cannot recollect it. I'm afraid I can't recall this name.

18 And I don't know whether the person is young or old.

19 [09.57.48]

20 Q. I just want to see if you can help on one topic mentioned by
21 the witness. The witness spoke of attending special meetings and
22 study sessions. And in --

23 MR. PRESIDENT:

24 Mr. Co-Prosecutor, could you please hold on? And Counsel Koppe,
25 you may proceed.

19

1 MR. KOPPE:

2 Would my learned friend be able to explain why we're going
3 through this procedure with a piece of paper showing the witness
4 a name, a person that he apparently doesn't know? We have to sort
5 of find out who the guy is. Can we be a little more concrete with
6 -- in respect to what is happening here?

7 MR. RAYNOR:

8 Mr. President, I'm simply going to put to this witness reference
9 to a meeting and see if the witness recollects it. That's all.

10 (Judges deliberate)

11 [10.00.59]

12 MR. PRESIDENT:

13 The Prosecution, you may continue.

14 BY MR. RAYNOR:

15 Q. So this witness -- I need to give some pages, Mr. Pech Chim.
16 English, 00223478; French, 00651261; and the Khmer, 000163495 --
17 I think it may be 496.

18 This witness talks about a 23rd anniversary meeting taking place
19 at Phnom Trel -- I'll spell that; T-r-e-l -- near Tany, T-a-n-y,
20 when Ta Mok -- a meeting when Ta Mok talked about enemies and
21 said that people had to inspect and monitor for enemy activity.
22 Now, did you ever receive instructions about inspecting and
23 monitoring enemy activity?

24 [10.02.56]

25 MR. PECH CHIM:

20

1 A. Yes. We monitored the enemy's activities. We needed to verify
2 whether they were the real people or the -- or the enemies.

3 Q. Thank you. I want to go back to the bad people, who were sent
4 to Krang Ta Chan from 1972 up to liberation on the 17th of April
5 1975. And I'm asking you questions about what happened to people
6 if they did not obey the rules after being educated.

7 Again I need to give some numbers. I'm referring to your
8 interview D232/17; English ERN 00380134; Khmer, 00373466; and
9 French, 00426204.

10 Mr. Pech Chim, I'm quoting to you now what you told the
11 investigators:

12 "But if they still did not obey the rules after being educated,
13 the commune would ask for an opinion from the district committee,
14 which composed of Khom, Keav" that's K-e-a-v, "Nev and me".

15 Is that correct, for people who did not obey the rules?

16 [10.05.30]

17 MR. PRESIDENT:

18 Witness, please wait.

19 The defence counsel, you may proceed.

20 MR. KOPPE:

21 For the record, Mr. President, I object to this question. The
22 prosecutor is asking the question and presenting the witness with
23 the answer at the same time, obviously leading, and should not be
24 permitted.

25 MR. RAYNOR:

21

1 It's back to the same old point again. I don't know how many
2 times I need to make submissions on this.

3 This witness has given five previous OCIJ statements. We have a
4 well-established procedure of extracts of the statement being put
5 and then supplemental questions asked. I'm adopting that same
6 procedure that we've adopted now with dozens of witnesses before
7 this Court.

8 This is not, by contrast, the same sort of incident we had last
9 week or before with Nou Mouk where one was dealing with notes
10 taken, for instance, by Mr. Kiernan. These are interviews that
11 are with OCIJ investigators. To adopt a phrase, they have
12 relevant indicia of reliability, and that's the reason why, with
13 previous OCIJ statements, we have adopted this approach.

14 [10.07.06]

15 I'm simply carrying on that approach, and I don't understand the
16 continual objection to it. So I ask, please, can I proceed or is
17 the Chamber introducing a different rule now for the examination
18 of OCIJ witnesses?

19 MR. PRESIDENT:

20 Defence counsel, you may proceed.

21 MR. VERCKEN:

22 Thank you, Mr. President. I simply wanted to add that, in certain
23 cases, the objections did serve a purpose and this is a case in
24 point.

25 [10.07.51]

22

1 This morning, this witness has been asked how many times he was
2 interviewed by the investigators and on which dates. He answered
3 that he was interviewed during four consecutive days in 2005.
4 This is not indicated anywhere, nor is his interview of 2008
5 recorded. The witness is stating that he is unable to recall how
6 many times and when he was interviewed and, in this particular
7 instance, I believe that it is very important that we know very
8 clearly what this particular witness recalls perhaps even some 40
9 years ago. And this is why I fully support the objection lodged
10 by my colleague, Counsel Koppe.

11 [10.08.58]

12 MR. PRESIDENT:

13 There are two reasons: first, the prosecutor, you need to get the
14 reconfirmation, in particular in response to this morning
15 question, as there was an incorrect year of the four interviews
16 conducted at his house.

17 Secondly, if the date of the interviews which he read before he
18 -- his appearance are correct, then the objection to any extract
19 that you make from those interviews he gave to the investigators
20 of the OCIJ is incorrect. And that is the existing practice that
21 we have implemented for almost two years before this Court.

22 So if a party thinks that it is of interest of justice and
23 finding the truth to extract a portion of the written record of
24 the interview of a witness, it is considered correct and allowed,
25 and it is not considered a leading question.

1 [10.10.35]

2 BY MR. RAYNOR:

3 Q. Mr. Pech Chim, we have on our case file records suggesting
4 that you were interviewed on four occasions in August 2009: the
5 first interview on the 25th of August 2009, the second interview
6 on the 26th of August 2009, the third interview on the 27th of
7 August 2009, and the fourth interview on the 28th of August 2009.
8 Now that I have refreshed your memory of the dates of those
9 interviews, are these the interviews that you had and the
10 interviews that you have read?

11 MR. PECH CHIM:

12 A. Your question is incorrect, in particular regarding the year.
13 I cannot recall the exact dates, as I did not bring the records
14 with me. And actually, the written records that I were given, I
15 kept it in a closet at my house and I have not read it.
16 And just to tell you, I been pretty busy in engaging in farming
17 and I am almost 78 years old, so I need to earn my living as
18 well, so I do not actually give much attention to those written
19 records of interview. I need to struggle to maintain my personal
20 life and living condition.

21 [10.12.50]

22 But just to make sure, I was interviewed four times in the past
23 and recently, I was interviewed once before my appearance.

24 I was interviewed, actually, on the 29th and some military
25 officers actually came to meet me and interviewed me regarding my

1 appearance before this Court.

2 Q. Thank you. I think we need to be absolutely clear, so what I'm
3 going to do is I'm going to hand to you copies in Khmer of the
4 interviews that took place. Can you just bear with me one moment?

5 So Mr. Pech Chim, I'm handing you the first four records of
6 interview that have some signatures and thumbprints on each page.
7 I'd like you just to look at these for one moment, please.

8 Mr. President, can these be tendered to the witness?

9 MR. PRESIDENT:

10 Yes, you may do so.

11 Court Officer, could you deliver the documents from the
12 Prosecution for the witness' examination?

13 [10.14.45]

14 BY MR. RAYNOR:

15 Q. Mr. Pech Chim, I'd like you just to take a moment and look at
16 those documents.

17 And there's also a fifth interview on the 6th of December 2009.

18 Can that please be handed up, Mr. President?

19 MR. PRESIDENT:

20 Yes, you may do so.

21 Court Officer, could you deliver the document for the witness'
22 examination?

23 BY MR. RAYNOR:

24 Q. Now, Mr. Pech Chim, having had the chance to have a look at
25 those, do you accept that they're the records of interview with

25

1 your thumbprints on the page? And does that also refresh you now
2 on the dates?

3 MR. PECH CHIM:

4 A. Yes.

5 [10.15.53]

6 Q. That having now been established, I'm going to repeat my
7 question, and to remind you of the subject. It's about the
8 procedure at Krang Ta Chan from 1972, or whenever it was set up,
9 to 1975; four people who did not obey the rules. And you told the
10 investigators:

11 "If they still did not obey the rules after being educated, the
12 commune would ask for an opinion from the district committee."

13 Now, is that correct, for bad people who did not obey the rules?

14 A. At that location, the sub-district or the district itself did
15 not have a hand to play there. It was separate affairs. If we
16 interfered in that affair, we would be in trouble.

17 As we all know, we minded my -- our own business and they minded
18 theirs. And we could see that they requested to reduce the number
19 of the people, in particular the secretary Soam. But mostly,
20 those people were good people.

21 [10.18.28]

22 I actually engaged in the investigation to inspect and then I
23 made both a verbal and written report through the district
24 party's committee -- that is, through the female, Khom, if this
25 person or that person shall be released based on my request. And

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1 then they would consider the matters that I've raised. And two
2 days later, they sent the names back and those people were
3 subsequently released. And there are other examples.

4 So we had to be specific in what we engage. And Soam, who was in
5 charge of the military at Krang Pa Chan, he could have asked me a
6 thousand times, but I would not know how to respond because I did
7 not know anything regarding that.

8 Q. Mr. Pech Chim --

9 A. Allow me to add a little bit more.

10 One day, I requested him to release the -- some people because
11 they were good people. He reviewed the case and asked me to go
12 and to return those people and instructed me to see whether they
13 were fed and whether they had any illnesses or wounds on their
14 bodies. And he asked me to give extra rice to those people. And
15 of course, I had rice with me and I brought the rice along.

16 [10.20.17]

17 Q. Forgive me. I have to interrupt because your answer has
18 nothing to do with the question I asked.

19 I want to be clear on this. Do you stand by the accounts you gave
20 to the investigators from this Court?

21 A. Yes, I stand by the statement.

22 Q. Do you understand that I'm reading out to you what you said to
23 the investigators? Do you understand that?

24 A. I couldn't get the last part of your question.

25 Q. I'm going to read to you word for word what you told the

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1 investigators when you were interviewed. And I'm then going to
2 ask you if you stand by your answer. You told the investigators
3 this:

4 "If they still did not obey the rules after being educated, the
5 commune would ask for an opinion from the district committee
6 which composed of Khom, Keav, Nev and me and the relevant commune
7 committee. We would then hold a meeting to discuss the matter and
8 make the decision."

9 Do you stand by that answer; yes or no?

10 A. Yes.

11 [10.22.54]

12 Q. You also said that, "The party secretary was the one to make
13 the final decision, but that the district level had to consult
14 with the sector party first."

15 So my question is: Is it right that the district level had to
16 consult with the sector party first?

17 A. No, that is not correct.

18 Q. So can you explain who made decisions about what to do with
19 bad people who did not obey the rules?

20 Mr. President, I don't think the witness understands. I'm going
21 to have another try.

22 If somebody was bad and didn't obey the rules at Krang Ta Chan,
23 who had the final decision about what happened to them?

24 MR. PRESIDENT:

25 Witness, please wait.

28

1 The defence counsel, you may proceed.

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. I object to this question.

4 The Prosecution raised a question which is a presumption of
5 something that did not happen. You used the word "if" something
6 were to happen. It reflects that that kind of thing did not
7 exist, and for that reason, it is of no use for the Bench to
8 deliberate on this point.

9 [10.26.02]

10 BY MR. RAYNOR:

11 Mr. President, can I just deal with it in another way by quoting
12 from the statement, please?

13 Q. Mr. Pech Chim, I'm again going to read out to you word for
14 word what you told the investigators. I'm then going to ask you
15 if you stand by what you said. On this subject, you said:

16 "The district level had to consult with the sector party first
17 before any specific decision was made. The sector party then
18 would make a final decision. The district party was the one to
19 implement the decision of the sector party."

20 Do you stand by that?

21 MR. PECH CHIM:

22 A. Allow me to make a comment. In fact, it seems that I did not
23 say that, so it cannot be used. It could be wrongly interpreted.
24 We made the report to the sector and whatever was made by the
25 sector, then we would abide by that decision. So I would ask you

1 to correct it based on my statement now. The district would make
2 a report to the sector.

3 [10.28.14]

4 Q. And the sector reported back to the district with instructions
5 of what to do?

6 A. No, because the sector already knew what happened, then they
7 would do the work at the sector office. The district only had the
8 role to transmit the matter to the sector and if they came for
9 the people, or came to take the people, we did not dare to
10 oppose. We had to give them the people that they requested,
11 because they were sure of what they did and we had to be quiet.
12 But if we were threatened then we would defend our position not
13 to give them the people.

14 MR. PRESIDENT:

15 Thank you, Prosecutor. The time is appropriate for a short break.

16 We will take a 20-minute break and return at 10 to 11.00.

17 Court Officer, please assist the witness during the break and
18 have him returned to the courtroom at 10 to 11.00. Likewise, it
19 applies to the duty counsel.

20 The Court is now in recess.

21 [Court recesses from 1030H to 1051H]

22 MR. PRESIDENT:

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

24 Once again the floor is given to the Prosecution to continue
25 putting questions to this witness. Parties are reminded that the

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1 Prosecution and the Lead Co-Lawyer for civil parties are
2 allocated half a day only and the Defence will be allocated for
3 the afternoon session. So please, try to make your questions
4 potentially to the facts of the case. Thank you.

5 [10.52.51]

6 MR. RAYNOR:

7 Thank you, Mr. President.

8 BY MR. RAYNOR:

9 Q. Mr. Pech Chim, I'm moving on now to the period after
10 liberation on the 17th of April 1975. On the 17th of April 1975,
11 what position did you hold within District 105?

12 MR. PECH CHIM:

13 A. I was still in the same position, that is, a member of the
14 district committee, and I received people who were evacuated from
15 Phnom Penh for them to settle in the cooperative.

16 Q. When you say you still had the same position, was that as the
17 deputy secretary of District 105?

18 A. At that time I was a member.

19 [10.54.22]

20 Q. I want to refresh your memory by referring to an interview,
21 and I'm going to quote word for word what you said, and ask you
22 if you stand by the answer. I'm referring to D232/14; English,
23 00379170; Khmer, 00373457; and French, 00426177; when you said:
24 "When the war ended on the 17th of April 1975, I was the deputy
25 secretary of District 105". Do you stand by that answer, yes or

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1 no?

2 MR. PRESIDENT:

3 Mr. Pech Chim, do you understand the last question put to you by
4 the Prosecution? It seems simple enough for you to respond. Can
5 you do it?

6 MR. PECH CHIM:

7 A. Yes. I myself was not sure so I need some time to think about
8 it. At that time, yes, I was the deputy secretary of the
9 district. That is, after the liberation.

10 BY MR. RAYNOR:

11 Q. My next questions are going to be about what happened to Lon
12 Nol soldiers immediately after the evacuation. Again, I'm going
13 to read part of your interviews. I refer to the interview on the
14 27th of August.

15 [10.57.23]

16 MR. PRESIDENT:

17 Witness, please wait. The international defence counsel for Nuon
18 Chea, you may proceed.

19 MR. KOPPE:

20 Thank you, Mr. President. Before my learned friend starts reading
21 the relevant passage from these statements, I think we have now
22 gone to the point that you -- that your Chamber has previously
23 indicated as a sensitive moment in the testimony of this
24 particular witness. We all know why this witness is here. So at
25 this point, I think, we should now only hear open-ended questions

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1 from the side of the Prosecution. Thank you.

2 MR. RAYNOR:

3 I am in your hands, Mr. President. If a special category of
4 evidence is now being introduced, whenever Lon Nol soldiers are
5 mentioned the Prosecution are obliged to ask open questions, then
6 of course I will. There are though, many very important issues in
7 this case which have been covered without open questions. I
8 invite the Chamber not to start introducing special categories
9 and to allow the general rule to stand, which we've already
10 referred to today, that the Prosecution is entitled to read to a
11 witness and extract from an OCIJ interview.

12 (Judges deliberate)

13 [10.59.21]

14 MR. PRESIDENT:

15 Yes, you may proceed. The Prosecution, please continue.

16 BY MR. RAYNOR:

17 Q. To give everyone the relevant ERNs again, English, 00380135;
18 Khmer, 00373467; French, 00426205; and I'm reading word for word.
19 "In early 1975, immediately after the liberation there were not
20 yet any prisoners who were the evacuees from Phnom Penh. I saw
21 some families of the Lon Nol soldiers. When I asked the wives of
22 those soldiers about their husbands, they told me that the
23 military took out their husbands during the journey. The phrase
24 'the military took out' meant disappearance. So most of those
25 women were widows." Do you stand by that answer?

1 MR. PECH CHIM:

2 A. Yes.

3 [11.01.25]

4 Q. Next, I would like to move on to the subject of the power of

5 the sector, and I want to talk about an occasion when you

6 released an arrested person. I need to give numbers. It's the

7 interview of the 27th of August, which is D232/17. The English

8 ERN is 00380138; Khmer, 00373470371; and French, 00426209.

9 The interviewer asked you, "Did you ever forget making any report
10 about certain matters to the higher level up?"

11 And your answer was, "One time there was a person arrested by the
12 militias because of a minor problem. I met and spoke with the
13 arrested and the militia unit and then I decided to release that
14 person. Later Ta Soam scolded me and asked why I dared to make
15 such a decision. He warned me not to take a personal view. I
16 apologized to him and admitted my guilt."

17 [11.03.30]

18 Now, firstly, do you stand by that answer?

19 A. Yes.

20 Q. So we're clear about Ta Soam, when Ta Soam was scolding you
21 what position did Ta Soam have within the sector above you?

22 A. He was the sector secretary.

23 Q. To be clear on the timings, you said in your interview of this
24 day, the relevant English, 00380136; Khmer, 00373467; and French,
25 000426206. You said that it was in May/June of 1976 that you

1 became the interim district secretary of District 105. Do you
2 stand by that answer?

3 A. Yes, that is correct.

4 [11.05.21]

5 Q. So Mr. Pech Chim, is this right, that we have this position
6 that you as the district secretary had released this person and
7 Soam as the sector secretary was then scolding you, do I have
8 that right?

9 A. What I did was correct. What somebody else were, was somebody
10 else's affair, so I could not say.

11 Q. Do you remember now who this person was that you decided to
12 release before Soam scolded you?

13 A. The name of the person was Vang (phonetic).

14 Q. And can you help me out on why you decided to release him?

15 A. He -- we worked together. He was in charge of a market and I
16 did not see that he made any mistake or was a traitor. So it was
17 a nature of a class contradiction and I requested to spare him.
18 So I reported that he was a good person and then it was agreed
19 that he was released.

20 [11.08.04]

21 Q. And why was Ta Soam scolding you?

22 A. He wanted us to abide by the disciplines.

23 Q. I'd like to move on please, to ask you a question that's based
24 on E3/135. That's a "Revolutionary Flag" from June 1977. Now, in
25 this document, Mr. Pech Chim, we learn that an honorary red flag

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1 was awarded to Tram Kak district because of its performance in
2 the year of 1976. Can you help me please, at all, about this
3 honorary red flag being presented to Tram Kak district?

4 A. Yes, I knew about that. It was raised that the Tram Kak
5 district be awarded and that was also for two other districts,
6 including Samlaut and Tram Kak was one of the three districts.
7 They appreciate all the work we did in the district and not just
8 the leadership level within the district. Because within the
9 three districts that were awarded there was a redundance (sic) of
10 rice production or output.

11 [11.10.30]

12 Q. Thank you. When did you find out that you had, or that the
13 district had been awarded the honorary red flag?

14 A. I cannot recall the month. It was actually after the harvest
15 season. But I cannot recall the exact date. The announcement was
16 made during the study session, and the flag was shown to
17 everybody.

18 Q. Did somebody from the upper echelons come to present the flag,
19 or how was it handed over?

20 A. On that day, the upper echelon was represented by Ta Mok, and
21 then the sectors party, that is the Sector 13, and Ta Mok made
22 the announcement at that time. It was similar to a gold medal,
23 that is, for that kind of award.

24 Q. And the meeting when Ta Mok mentioned the award, was this a
25 sector level meeting or was it a district level meeting; can you

1 help me?

2 A. It was at the sector level.

3 [11.12.40]

4 Q. And can I ask, were you present at this sector level meeting
5 when the award was made?

6 A. Yes. I participated and I was the one who received the award,
7 that is, the flag. It was considered a gold medal and I was the
8 recipient of that award and, in fact, it was the flag that was
9 presented to us, and it represented the gold medal.

10 Q. And did you display the flag in the district or what happened
11 to the flag?

12 A. At that time, actually, Khom kept the flag and later on Khom
13 became sick and I did not know what happened.

14 Q. I'm going to move on to the subject of enemies when you were
15 the district secretary. And the first source document for the
16 question is E3/760, which is a "Revolutionary Flag Issue 6 June
17 1976". So this would be from the time when you were appointed as
18 the district secretary. It talks about, at page English,
19 00509615; French, 00487760; and Khmer, 00062850; it talks about
20 the inside enemy and the outside enemy, and being constantly
21 vigilant. Can you explain this from your experience, inside and
22 outside enemies?

23 A. Inside enemy referred to the enemy within the rank of the
24 Revolution, within the army, or within the liberated zone. As for
25 the outside enemy, it refers to the enemy coming from the

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1 outside, for example, from Takeo province, or from Phnom Penh.
2 And the inside enemy refers to those enemies existed within the
3 liberated zone, or the zone under the control of the Khmer Rouge
4 at that time, because those zones were considered the liberated
5 zones.

6 [11.16.40]

7 Q. Thank you, that's clearer. I'd like to move next onto E3/742,
8 which is s "Revolutionary Flag" from April 1977; and in some
9 instructions at English page 00478501; Khmer, 0062991; and
10 French, 00499758. This instruction is given:

11 "It is imperative to indoctrinate and whip up the masses into a
12 force, to seek out the enemy, assess the enemy, analyse the
13 enemy, track the enemy, pressure the enemy, capture the enemy, to
14 smash the enemy, and to make the enemy like a rat surrounded by a
15 crowd of people, beating and smashing it."

16 Now, Mr. Pech Chim, did you ever receive instructions from the
17 sector to assess, track, capture, and smash the enemy?

18 A. <When they were published, they would be used for teaching and
19 dissemination. The Sector would distribute it further for
20 implementation and I studied it too. When someone attended a
21 study session that person could not avoid the words "smashing the
22 enemy".>

23 [11.18.58]

24 <The> word "smash" <meant> to eradicate or to get rid of them
25 from the society. It <did not> necessarily mean to kill them. <I

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1 heard that the word "smash" meant to kill them all. But it was
2 meant that> we get rid of that kind of regime and <let them>
3 return <to love the new> regime <and to love the nation>.

4 Q. I'll ask you a question, just in a minute, about the word
5 "smash". But can I deal with one other matter just quickly? And
6 it's about teaching you received from Nuon Chea, and you covered
7 this in E3/401. The relevant ERNs are English, 00381028; Khmer
8 00373478; and French 00426217, and I'm reading word for word.
9 "I saw Nuon Chea once when I went to study in Phnom Penh, at
10 which time Nuon Chea was the teacher. That was training for all
11 the district secretaries of the entire country." Do you stand by
12 that answer?

13 A. Yes.

14 [11.21.01]

15 Q. Mr. Pech Chim, can I ask, where did this training take place?

16 A. It was conducted at Borei Keila.

17 Q. Obviously, I wasn't there. Can you help me please on how --
18 roughly how many district secretaries were there at Borei Keila
19 for this meeting?

20 A. Let me clarify. It was not only for the district committees,
21 it was also for the sector committees, but the sector committee
22 session was held before the session for the district committees
23 where I participated. So for the session that I attended, it was
24 for the district committees, including all the members. There
25 were more than 800 participants, to my best estimation. Because

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1 other members from the various offices and the ministries also
2 participated in that meeting, and it lasted for almost a month
3 and it was closed on the -- the study session was closed on the
4 31st of December that year. Because by the 1st of January, we
5 went for a visit throughout the country for one week and then we
6 returned to our base. So we actually went around visiting various
7 locations throughout the country for one week, that's all.

8 [11.23.08]

9 Q. Can I just ask some more questions about the meetings where
10 Nuon Chea was a teacher? Who else was a teacher at this study
11 session? Was it just Nuon Chea or were there other teachers as
12 well?

13 A. There was only him.

14 Q. You talked about it being in December of a year. Can you help
15 me, Mr. Pech Chim, what year this was, and remember you became
16 the district secretary, you've said, in May or June of 1976? So
17 my question is, can you help us, December in what year?

18 A. It was in 19 -- it was December 1975, because the visit
19 started on the 1st of January 1976. However, there was a study
20 session that was held before the session that I participated, so
21 I actually attended the second study session. However, I did not
22 know about the nature of the first study session. And the first
23 session was instructed by Pol Pot and for the second session the
24 instructor was Nuon Chea.

25 [11.25.29]

1 Q. Now, concentrating on the session that you were at with Nuon
2 Chea, how many times was he your teacher, just once or were there
3 more than one occasions when he was speaking to you?

4 A. It was only him throughout the entire session.

5 Q. I think you've already said, but I may have missed it, how
6 long did the session go on for in days or weeks, when Nuon Chea
7 was your only teacher?

8 A. It was only him who actually gave instructions. The study
9 session plus the visit lasted for one full month, so when we
10 concluded the study session we went for a visit for one week
11 throughout the country and then we returned to our base. That's
12 all I knew about the study session that I participated and I did
13 not know about the first session. Although I knew that the sector
14 level participated in the first study session, and the one who
15 presented the document during the first study session was Pol
16 Pot, because after the first study session then the
17 "Revolutionary Flag" magazines started to be published.

18 [11.27.26]

19 Q. I just -- sorry, forgive me. I just want to break it down in
20 weeks. Can you help me, how many weeks was the study session
21 involving Nuon Chea and how many weeks was the tour that followed
22 on?

23 A. I already told you, the tour was for one week, and the study
24 session lasted for a little bit more than 20 days. So, in total,
25 it's one month.

1 Q. Thank you. Now, during the 20-odd days when Nuon Chea was the
2 teacher, was he teaching you every day, or every week? Can you
3 help me on the frequency of his teaching?

4 A. For the study session, he would come to present the document,
5 and that is for all the participants. Everybody actually took
6 note of everything that was presented by him. At that time, we
7 took note by hand, because there was no revolutionary magazine
8 yet. So we actually had to resort to shorthand writing in order
9 to include everything that he presented. So we had to use
10 acronyms.

11 [11.29.35]

12 And there were also other people belonging to his group who
13 actually took notes during the teaching and study session. And
14 then we would break up into small groups for discussion, and by
15 that time he would have left and return to his place. And then
16 when the discussion concluded by next day, then he would come
17 back again to present new documents. And that's the routine of
18 the training session.

19 Q. Now, when Nuon Chea was teaching you -- I mean, did he ever
20 cover subjects like internal and external enemies?

21 A. Yes, he did. He covered all aspects. Without having covered
22 this subject of enemies, people would never know how to identify
23 enemies from friends.

24 [11.31.01]

25 Q. I want to move onto a fresh subject, if I may, and this is to

1 do with the structure of the sector and its involvement with
2 confessions. And, again I'm quoting word for word from your
3 interview. It is E3/401, English, 00381024/5; Khmer, 00373474/5;
4 and French, 00426213 through 4. And the interviewer asked this
5 question:

6 "Can you explain to us what they did with the confessions sent
7 from the Krang Ta Chang security centre, and where did they take
8 them to?"

9 And your response was, "The confessions and reports which were in
10 the enclosed envelope, and sent from the Krang Ta Chang security
11 centre to the sector had to go through the district first".

12 Do you stand by that answer?

13 A. Yes, I do.

14 [11.32.57]

15 Q. And I just next want to deal with what sort of instruction the
16 sector would give. And you said this -- and I'm reading word for
17 word:

18 "If there were some names in the confessions were crossed by the
19 red ink, it meant that the sector level had decided that these
20 names were to be purged. To purge meant to kill."

21 Do you stand by that answer?

22 A. Yes, I do.

23 Q. Now, if the sector had put red ink -- meaning kill -- was it
24 then sent to Krang Ta Chang for them to implement, or what was
25 the procedure after the red ink?

1 A. From the sector, then they would be sent to Krang Ta Chang.

2 All would be sent to that place. No one would be spared.

3 [11.34.57]

4 Q. Thank you.

5 Mr. Pech Chim, I'm going to move now to some reports. And these
6 are reports from the Tram Kak district records that we have on
7 our case file. So I'm going to read a selection of some topics in
8 the reports, and see if you can help me. These reports are
9 collectively within E3/2048, and the first one I'd like to refer
10 to is a report with a number on the document -- is the best I can
11 give everyone -- and it's 0079087/88. That's not an ERN number.
12 That is the number of the document in its original form.

13 But, Mr. Pech Chim, this was a document where the name "Chim"
14 appeared in the document, and it was shown to you in the
15 interview. Do you remember seeing a document with the name "Chim"
16 on it during the interview?

17 A. I think I was given this document. But I noted the person was
18 by the name of Thoeng, with T-h-o-e-n-g. And I already said I
19 didn't know the name.

20 [11.37.08]

21 Q. I think that's right, with your first answer. If I just try
22 and help you -- in interview D232/16, at English ERN 00379306 --
23 I believe the Khmer would be 00373390; and the French, 00426197
24 -- you said that, "I can agree it could be my name", and you then
25 started talking about a family that had not been arrested or tied

44

1 up by you. Does that help you to refresh your memory?

2 A. No, it doesn't.

3 Q. I'm going to move on, Mr. Pech Chim.

4 I'm dealing now with some reports that are sent from communes to

5 Tram Kak district. And the first one I'd like to refer to --

6 again, still within E3/2048 -- is item 00079089. This is a report

7 from Cheang Tong, from somebody called Moeun. And I want to read

8 the report to you, and see if you can help. The report says:

9 [11.39.20]

10 "Request to make a report to beloved Tram Kak district Angkar as

11 follows:

12 The enemy situation in our bases: After having received

13 successive instructions from Angkar about being vigilant about

14 the enemy and purging the enemy offices, we have tracked,

15 examined, and found" -- and then there's a list of some people.

16 So my question for you, Mr. Pech Chim, is this: Is it right that

17 Angkar gave instructions about purging enemy officers?

18 A. Yes, it is correct.

19 Q. The next report -- still within E3/2048 -- is item 00079090.

20 And this, Mr. Pech Chim, is a report from a commune to district

21 Angkar. And it says:

22 "The 106 military families smashed by Angkar, including those who

23 died, totalling 393 persons."

24 So, can you confirm to us please that -- that military families

25 were smashed on instruction by Angkar?

45

1 A. I don't remember this. And I -- if I did it I would have
2 remembered it, but no, I don't recollect it.

3 [11.41.46]

4 Q. I just want to be clear on that. You have said already that
5 there instructions from Angkar to track and purge enemy officers.
6 But are you saying that you weren't personally involved in
7 sending instructions to smash officers or soldiers of Lon Nol? Or
8 helpers?

9 A. Yes.

10 Q. I'll try and help now with some dates, to clarify your last
11 answer.

12 When was it that you stopped being the district secretary in
13 District 105?

14 A. I don't remember the exact date, but it was after the
15 liberation.

16 Q. I think you said in the interview that you went to work at a
17 rubber plantation in February 1977. Is that right?

18 A. Yes, that's the exact date. I already took note of it.

19 [11.43.54]

20 Q. Now, I just want to go back to an earlier topic we were
21 talking about, which was the red ink from the sector. Now, this
22 -- Mr. President, I think the witness was trying to say
23 something. I didn't hear it, so I should give him the
24 opportunity. I think he was trying to say something. No, I'm
25 going to move --

1 A. I may have to ask you to verify the date again. Are you saying
2 February 1977 or '76?

3 I would like to correct this date to make sure the record is
4 clear. I left Tram Kak on February 1976. Because the study
5 session was in January, so it is true that I would be there in
6 February 1976. So that would be the precise date. And I met Ta
7 Mok on my way, when he asked me to perform my work. It was on my
8 way back to the district office when the meeting was being held.
9 Members of the district and commune were there in the office, and
10 I was coming by motorbike from work, and I took that opportunity
11 to say goodbye to them. And it was in 1976, not 1977.

12 [11.46.55]

13 Q. Mr. Pech Chim, it's very confusing with these dates, and I
14 just want to be absolutely sure by reminding you about what
15 you've said in interviews and what you've already said in Court
16 today. Now, do you recall me putting part of your interview to
17 you -- I'll read it to you again just so that we're sure. It's
18 D232/17, English ERN 00380136; Khmer, 00373467; and French,
19 00426206. And I'm reading word for word.

20 "After Ta Keav left, Ta Soam told me to replace Ta Kiev as the
21 secretary. I recalled that I became the secretary of District 105
22 about in May or June of 1976."

23 Do you stand by that answer, that it was May or June 1976 that
24 you became the district secretary?

25 A. I just would like to admit that there was another successor of

1 mine, before I took this position. And I was not actually the
2 secretary of the district. I was, more or less, an acting
3 secretary of the district. Because there was no such announcement
4 to say I was the district secretary on that date. Nonetheless, I
5 would like to agree with you anyway that it would be in June that
6 I would become the district secretary. Because my memory perhaps
7 does not serve me well. But I think that would be the date.

8 [11.50.06]

9 Q. Thank you. That's entirely understandable about your memory. I
10 just want to read perhaps one or two more of these reports to
11 Tram Kak district and clarify the issue about soldiers. I'm
12 referring to document D157.38. This is a report from Popel
13 commune, if I've said it right, to Tram Kak district. And it's to
14 request for advice from "Respected Brother of the District
15 Party". It's dated the 11th of April, but there's no year given.
16 And it says:

17 "For those people who hold a ranking position, we will send them
18 out to you consecutively."

19 Now, when you were the district secretary of District 105, how
20 many people were arrested because they were soldiers? In other
21 words, arrested to go to Krang Ta Chang?

22 A. I don't know about this. I just don't know.

23 Q. So I'm clear, Mr. Pech Chim, are you saying that when you were
24 district secretary, you don't know anything about the arrest?

25 A. I don't know. I don't remember. And I had nothing to do with

1 the arrests of the soldiers. Somebody else could have been in
2 charge of this.

3 [11.53.04]

4 Q. And I just want to clarify in one last theme about red ink on
5 confessions. Now, I want to read you again one extract from you
6 interview about these confessions. It's D2 -- sorry, E3/401;
7 English, 00381024 through 5; Khmer, 00373474/5; and French,
8 00426213 through 4. And this is about your involvement with
9 confessions coming down from the sector. You said:

10 "[...] I would read them. If there were some names in the
11 confessions that were crossed by the red ink, it meant the sector
12 level had decided that these names were to be purged. To purge
13 meant kill."

14 Now, were some of these confessions with the red ink to do with
15 former Lon Nol soldiers?

16 Mr. President, I think I should ask the question again, as I've
17 heard no response. I'll try and shorten it.

18 Mr. Pech Chim, when you read confessions with red ink on them,
19 did some of those confessions refer to former Lon Nol soldiers?

20 A. No, the confessions were not relevant to these Lon Nol
21 soldiers. They were just civilians, and I said they should be
22 released. Some of them should be released. I asked the base to
23 take them back.

24 [11.56.32]

25 MR. RAYNOR:

1 Thank you very much, Mr. Pech Chim. I've got not more questions.

2 I understand the lead civil lawyers may, Mr. President, have
3 wanted up to 10 minutes. I apologize because I've encroached
4 slightly into that time.

5 MR. PRESIDENT:

6 Thank you. Now, we would like to hand over to the Lead Co-Lawyers
7 for the civil parties to put some questions.

8 MS. SIMONNEAU-FORT:

9 Thank you, Mr. President. Indeed, as the Co-Prosecutor indicated,
10 I have no questions to put to the witness. However, my colleague,
11 Counsel Suon (sic), would require some 15 minutes in order to
12 address his questions. Thank you.

13 [11.57.27]

14 MR. PRESIDENT:

15 You may proceed, indeed.

16 QUESTIONING BY MR. HONG KIMSUON:

17 Thank you very much, Mr. President and Your Honours. And good
18 morning to the Bench and to the witness and the Court. And due to
19 time constraints I may now be straightforward to putting
20 questions to the witness.

21 I am Hong Kimsuon and I have some questions for you, Mr. Chim.

22 Q. You testified before the Co-Prosecutor about the enemies and
23 you knew very well the term "enemies" themselves. Can you clarify
24 before us whether there were any categories of enemies being
25 determined at that time, if you remember?

1 [11.58.29]

2 MR. PECH CHIM:

3 A. When I said I knew the enemies, it's because I would like just
4 to say that it was not my idea that everyone would be regarded as
5 enemies. I understood that not everyone was enemy and we should
6 not be easily fooled to believe that everyone would be enemy,
7 because people could accuse anyone of enemy. So everyone who
8 lived together would be regarded as friends. Enemies would be
9 living far apart from us.

10 Q. I thank you for this. Nonetheless, I would like you to kindly
11 just say the term "enemies", how you understood enemies to be?

12 THE INTERPRETER:

13 Counsel Hong Kimsuon's console is not activated.

14 [11.59.30]

15 MR. PECH CHIM:

16 A. Enemies were the opponents, those who opposed us and the
17 country and the people.

18 BY MR. HONG KIMSUON:

19 Q. Another question, please. During the Democratic Kampuchea
20 regime in District 105 in particular, and you were the district
21 secretary as you testified to the Co-Prosecutor. Now, regarding
22 Krang Ta Chan Security Centre, was this centre meant to detain
23 those who were accused of being enemies?

24 Please answer again as your mic was not yet activated.

25 MR. PECH CHIM:

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1 A. Indeed this centre was for detaining people who were accused
2 to having committed wrongdoings or offences.

3 Q. Thank you. You said you requested for some release of the
4 people from Krang Ta Chan Security Centre, do you know what
5 happened to those who were not released?

6 [12.01.08]

7 MR. PRESIDENT:

8 Mr. Chim, you may now respond again, because you responded when
9 the mic was not activated. So to make sure you be heard, then do
10 it again.

11 MR. PECH CHIM:

12 A. I don't know what happened to them or where they should have
13 gone, but I believe they died. Only some people were spared and I
14 -- those were the people that I requested for release and they
15 still now live in the village where I live.

16 BY MR. HONG KIMSUON:

17 Q. Thank you. Can you also explain to the people you said who
18 disappeared or gone, does that mean they all died?

19 MR. PECH CHIM:

20 A. Although I can't exactly say that they all died, it would not
21 be wise to say so because sometimes I would see one of them
22 somewhere, I just come across them. So I can't say exactly that
23 these people could have died 100 per cent.

24 [12.02.45]

25 Q. Thank you. I would like to ask you another question.

1 During the time when you were the secretary of the District 105
2 and in Tram Kak, when an ordinary person broke a hoe or any kind
3 of instrument, should they be accused of being an enemy?

4 A. During that period when I heard about this, I would go and
5 educate people that do not implicate people as an enemy when they
6 only stole some sweet potato or like some roots, that was not
7 proper.

8 Q. Thank you.

9 Now, regarding the evacuation of the population from Phnom Penh
10 in the aftermath of 17 of April 1975, can you tell the Chamber
11 whether you saw some of them being evacuated to your district?

12 A. Yes, I saw them. They were happy – rather, I was happy that
13 these people came in great number to help us in the countryside.

14 I was in the district, people were gathered from elsewhere and
15 they would be transported or brought to the cooperatives and --
16 [12.05.05]

17 Q. Thank you very much and I'm sorry to interrupt you, because we
18 are running out of time. I would like to go to another question,
19 please.

20 Were the evacuees classified, for example, in two categories of
21 former Lon Nol soldiers and so on and so forth?

22 A. That didn't happen in my area. I was in charge of looking
23 after these people, but I did not know anything about this. And
24 soldiers would also be in charge of managing the people.

25 Q. Thank you. By late 1975 or in 1976, were there any evacuations

1 of the people from District 105 of Sector 13 to the Northwest and
2 Southwest Zones?

3 A. I think I didn't quite understand your question.

4 [12.06.25]

5 Q. I asked you about the event in late 1975 and early 1976, what
6 happened in District 105 of Sector 13. The question is: Did you
7 know whether people were evacuated from this district to the
8 Northwest and the Southwest Zones?

9 A. Yes, there was the evacuation of people to the Northwest Zone.

10 Q. Thank you.

11 You mentioned about the award offer to you and your district. Can
12 you tell the Chamber what made you and the district receive such
13 reward?

14 A. We successfully did great farming because we could achieve
15 almost three tons per hectare.

16 Q. Thank you. Was that the plan rendered by the leadership of the
17 Khmer Rouge or the Democratic Kampuchea, to ensure that people
18 could have liked three tons per hectare?

19 A. That was the plan by Angkar. It was rendered down to the
20 people to ensure that this quota could be achieved and I also was
21 engaged in ensuring that it was achieved.

22 [12.08.48]

23 Q. Thank you very much. We are running our time and this is going
24 to be my last question to you. You said that Krang Ta Chan
25 Security Centre was located in District 105 and you saw it there.

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1 Did you know that this centre was there after 1975?

2 A. Krang Ta Chan Security Centre was in District 105, but it was
3 under the supervision of the Sector.

4 Q. After the January 1979 liberation, were you convinced that
5 people were killed during Democratic Kampuchea?

6 A. Yes, I was and I believe that people were killed.

7 MR. HONG KIMSUON:

8 Thank you, Mr. President. I have no further questions.

9 MR. PRESIDENT:

10 Thank you, Mr. Witness.

11 Now, it is appropriate time already for adjournment. The Chamber
12 will adjourn until 1.30 p.m.

13 Court officer is now directed to assist the witness and his duty
14 counsel during the recess and that they should be returned to the
15 courtroom when the next session resumes.

16 Security personnel are now directed to bring Mr. Khieu Samphan to
17 his cell downstairs and have him returned to the courtroom before
18 1.30 p.m.

19 The Court is adjourned.

20 (Court recesses from 1211H to 1332H)

21 MR. PRESIDENT:

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

23 Without further ado, I would like to hand over to the counsels
24 for Mr. Nuon Chea to put some questions to the witness, should
25 they wish.

1 QUESTIONING BY MR. KOPPE:

2 Thank you, Mr. President. Good afternoon, Your Honours. Good
3 afternoon, counsel. Good afternoon, Mr. Witness. I am the
4 international lawyer of Nuon Chea and I have some questions for
5 you.

6 Q. Before the lunch break, Mr. Witness, the prosecutor, the
7 gentleman who was asking questions to you, was reading to you an
8 excerpt from your statement about things that wives of Lon Nol
9 soldiers told you in the period of the evacuation of Phnom Penh.
10 Do you remember that this passage was read to you?

11 [13.34.34]

12 MR. PECH CHIM:

13 A. At that time, I managed those new evacuees and they were
14 placed into the cooperatives and I learned of the fact through
15 them. And some people told me that their husbands were removed by
16 Angkar and that's all they knew about Angkar. So then I asked
17 them to settle in the cooperatives and we will be looking for the
18 husbands. That's all how I learned of that information.

19 Q. Mr. Witness, do you remember what exactly the wives of these
20 soldiers were saying to you?

21 A. They told me about their children and that the husbands came
22 with them but halfway through they lost the husbands. So they
23 actually talked about their family members and then I put them
24 into the cooperatives, but I did not know the exact number of
25 those people.

1 [13.36.30]

2 Q. Do you remember who these women were that told you this?

3 A. I only knew that they came from Phnom Penh, but I cannot
4 recall any other details.

5 Q. But other than that they were coming from Phnom Penh, did you
6 know who they were? Did you know their names, for instance?

7 A. No, I did not and I cannot recall the names.

8 Q. Do you remember any names of the husbands that these wives
9 were speaking about, the names of the soldiers?

10 A. No, I cannot recall it.

11 [13.38.08]

12 Q. Do you remember when exactly it was that you spoke to these
13 women? Which month? How many days after the liberation of Phnom
14 Penh?

15 A. There was a meeting at Popel commune and I cannot recall the
16 date. The meeting was to receive those evacuees, so we gave them
17 food and Khmer noodle. And we asked them how they had been and we
18 were friendly with them and there were a lot of them, so I cannot
19 recall the names. And after we organized the cooperatives, we
20 placed them in the cooperatives and we asked them to settle in
21 the house with the roof made from the palm trees. So I met a lot
22 of them, but I cannot recall the names of anyone.

23 Q. Have you ever seen in your capacity -- your official capacity
24 -- lists with names of soldiers? Or have you ever seen any
25 document with these names confirming what the women had told you?

1 A. No, I did not.

2 [13.40.32]

3 Q. You testified earlier this morning, Mr. Witness, that you were
4 not personally involved in respect to whatever was happening to
5 Lon Nol soldiers. But nevertheless, you said yes to the question
6 of the prosecutor that enemy officers were purged at the
7 instruction of Angkar. Now, my question to you is: Can you
8 explain to us how you know that these enemy officers were in fact
9 purged? Who told you? Have you may be seen it? Please enlighten
10 us, Mr. Witness.

11 A. I'd like to add that I did not witness it personally and I did
12 not participate in that action, I only heard about it. It was a
13 rumour from one person to another who whispered from one person
14 to the next. That's how I learned about it and that's how that
15 kind of information was turned to me, it was not a talk in open
16 -- in the open. And if we did talk in the open, then we would
17 also be taken away.

18 That's all I want to tell you.

19 [13.43.08]

20 Q. Let me -- if you allow me, Mr. Witness, go back to one
21 sentence -- or in fact two sentences -- from the answer which was
22 quoted from the statement this morning. In your statement at ERN
23 number 00380135, you said that the phrase "'the military took
24 out' meant disappearance, so most of those women were widows".
25 Please try to explain to us how you knew that these military

1 disappeared and were killed.

2 A. I did not witness the event personally. I only received the
3 families of the soldiers. But the question that we should ask,
4 what happened to the husbands? Where did they go?

5 Q. That is a good question indeed, Mr. Witness. That is a good
6 question.

7 MR. PRESIDENT:

8 Witness, please wait until you see the red light on the
9 microphone.

10 Duty Counsel, can you raise the tip of the microphone a bit
11 higher?

12 Counsel, please put the question again.

13 [13.45.22]

14 BY MR. KOPPE:

15 Q. Mr. Witness, you raised yourself the question I should have
16 asked you. Do you know what happened to these military? So I
17 would be grateful if you could answer this question, do you know
18 what happened to them?

19 MR. PECH CHIM:

20 A. Regarding the fate of those soldiers, I did not know.

21 Q. So when these women were telling you this, in your memory it
22 was still a rumour. Have you ever spoken to these same women much
23 later, one year later maybe, two years later, so that you were
24 able to find out if these men were still missing?

25 A. No, I did not, because several months after that, I was

1 relocated to another place.

2 [13.46.58]

3 Q. So Mr. Witness, please correct me if I'm wrong, but if -- I
4 would like -- if I summarize what you have been saying, it is
5 that it was a rumour conveyed to you by the women that the Lon
6 Nol soldiers were missing -- disappeared; is that correct, just a
7 rumour?

8 A. Yes, regarding the disappearance, that is correct.

9 Q. Mr. Witness, have you ever yourself been involved in
10 executions, killing of enemies, be it internal or external?

11 MR. PRESIDENT:

12 Duty Counsel, you may proceed.

13 MR. MAM RITHEA:

14 Mr. President, this question could incriminate the witness.

15 MR. PRESIDENT:

16 Duty Counsel, you cannot respond on behalf of the witness. You
17 need to consult with the witness. You are not a defence counsel.
18 You may need to ask your client if he wishes to consult with you
19 regarding this question.

20 (Short pause)

21 [13.49.58]

22 MR. PECH CHIM:

23 I decline to respond to this question.

24 MR. PRESIDENT:

25 Defence Counsel, please move on or you may need to rephrase your

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1 question so that the witness can respond.

2 BY MR. KOPPE:

3 Q. Let me rephrase, Mr. Witness. Have you ever seen yourself,
4 executions of internal or external enemies?

5 MR. PECH CHIM:

6 A. No, I did not witness any killing in person. And my -- the
7 nature of my work, I already explained that this morning to the
8 Chamber; that is to resolve the situation regarding the living
9 condition of the people.

10 [13.51.47]

11 Q. Mr. Witness, has anybody ever told you before 17 April '75 or
12 after 17 April '75, that he or she executed enemies of the DK
13 regime?

14 A. No.

15 Q. Mr. Witness, earlier this morning, you were asked a question
16 about confessions and about the red ink from the notes on the
17 confessions. And you also said that these confessions were not
18 from Lon Nol soldiers, but rather from civilians; is that
19 correct?

20 A. Yes, that is the case.

21 Q. Do you remember if there was any specific significance to the
22 use of red ink?

23 A. No, it did not mean that way, it was in a usual setting.

24 [13.53.51]

25 Q. Would it be fair to say that you were using red ink just

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1 because you had a red pencil or pen?

2 A. If I used a red ink pen, everybody could also use a red ink
3 pen. Red ink pen did not mean that somebody would be punished, it
4 did not mean that way.

5 Q. So just to be sure, nobody told you you have to use red ink in
6 certain circumstances; is that correct?

7 A. No, nobody told me that.

8 Q. Do you still remember -- I realize it's a long time ago -- but
9 what the confessions of these civilians were about? What had
10 these civilians confessed to, do you remember?

11 A. It was minor issues. For example, for the buying and selling
12 of chicken eggs and those people were arrested and that happened
13 in Takeo and I requested for them to be released. And those
14 people they were the sellers of chicken, ducks and pigs and they
15 were arrested by the militia. So then I requested for their
16 release and then Khom agreed to it and the sector committee also
17 agreed to it. Subsequently, they were released.

18 [13.56.07]

19 Q. Mr. Witness, would it be fair to say that these confessions
20 from civilians that you were reading were mainly concerned with
21 very small and minor offences of these people?

22 A. It is my understanding that they were minor mistakes and there
23 were nothing serious about it.

24 Q. This morning, Mr. Witness, you were asked a question about
25 internal enemies and external enemies. Would you be able to

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1 explain to us one more time what in your memory the external
2 enemies were, who were they?

3 A. External enemy referred to those enemies situated outside the
4 liberated zones.

5 And I actually stated that this morning, and liberated zones at
6 that time where around the Takeo province. And so those people
7 from Takeo were called the one who the out -- who were the
8 outsiders and likewise, the Takeo people called us the outsiders
9 because we were not within their territory.

10 [13.58.29]

11 And this morning, I also touch upon this issue and also on the
12 class contradiction. In Takeo, not everybody was an enemy. Some
13 were friends as well, as they took side with the Revolution. So,
14 in order to analyse the actual details of who the enemy was, we
15 actually had to look at the activities and details and it is a
16 very complicated issue to do so. If we were to do it wrong, then
17 it will be a danger.

18 Q. Now Mr. Witness, it is correct that you said this morning that
19 in your memory, external enemies refers to enemies outside of the
20 district, but would you be able to remember or would you know
21 that if the "Revolutionary Flag" was speaking about external
22 enemies, who they were referring to? The author of an article
23 about external enemies, who was he referring to? Do you know?

24 A. I'm afraid I don't remember this. It happened a very long time
25 ago. I don't remember it.

1 [14.00.33]

2 Q. Maybe, Mr. Witness, if I ask it in a different manner, you
3 will be able to remember. Who was -- which -- who was the
4 external enemy of the Democratic Kampuchea regime in the period
5 '75, '79?

6 A. Could you please repeat that question?

7 Q. Let me help you a little bit, Mr. Witness. Which country do
8 you think -- which country did the "Revolutionary Flag" refer to
9 when they -- when it spoke about external enemies?

10 A. Yes, outsiders here refer to people abroad and insiders refer
11 to those who were inside Cambodia.

12 Q. And which people, Mr. Witness, abroad were the external
13 enemies, according to the, "Revolutionary Flag"?

14 A. I cannot answer this question.

15 Q. Let me help you a little bit, Mr. Witness. Do you remember if
16 the word "external enemy" was ever used together with Vietnam?

17 A. Yes, I'm familiar with this. Vietnam would be relevant to the
18 term, "outsiders".

19 [14.03.53]

20 Q. Very well. Now, do you remember, Mr. Witness, if in these
21 confessions from the civilians, they were ever referring to
22 Vietnam? Were they saying that they working -- were working
23 together with Vietnam?

24 A. No.

25 Q. So you never read the word "Vietnam" or the "threat of

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1 Vietnam" in one of these confessions? Is that correct?

2 Mr. Witness, I see you're not responding. My question was: Did
3 you ever read, in these confessions of civilians, that they were
4 working with Vietnam or that they were conspiring together with
5 Vietnam, or was it only speaking about minor offences?

6 A. They were talking about something else, not about Vietnam.

7 [14.05.57]

8 Q. Thank you Mr. Witness. I will move on.

9 In one of your statements -- several statements, as a matter of
10 fact -- you're using the words "education" and "re-education".

11 Would you be able to explain what you mean with the word
12 "education" and what you mean with the word "re-education"?

13 A. The terms, "education" and "learning" are used interchangeably
14 but re-education means a person should be refashioned or
15 re-educated so if he or she could not be re-educated, then he or
16 she would be given another opportunity to be re-educated until he
17 or she was refashioned.

18 Q. But is it correct when I say that before somebody, in those
19 days, was re-educated, he first was educated?

20 A. Yes. People would be taken to the study sessions where they
21 would be educated and in that -- in those sessions, people would
22 be educated on how to do good things, right things.

23 Q. And if they were not learning well during these education
24 sessions, were they then re-educated?

25 A. Yes, they were. If they could not be educated, then they could

1 be re-educated.

2 [14.08.59]

3 Q. And what does re-education mean? What would happen during
4 these re-education sessions? Do you know?

5 A. Re-education refers to the sessions where people would be
6 educated to do right things physically and mentally and that if
7 they had committed any wrongdoings, then they would be advised or
8 educated to stop doing those things and be the right person.

9 Q. And when the re-education was finished, when they were
10 successful in learning whatever they had to learn during these
11 re-education sessions, do you know what happened afterwards to
12 these people?

13 A. If a person was successfully re-educated he or she would then
14 be re-integrated into the society, where he could then be
15 assigned some normal tasks.

16 [14.10.34]

17 Q. And Mr. Witness, do you know whether this was the case for
18 everybody? Everybody who was successfully re-educated could go
19 back to the place that he or she was coming from?

20 A. No, it didn't apply to everyone because not everyone was
21 successfully re-educated. Some could not be re-educated but then
22 had to be re-educated again.

23 Q. But do you know, Mr. Witness, if there was a special
24 distinction between former Lon Nol military who were re-educated
25 or normal civilians who were re-educated?

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1 A. Things were not the same, in particular when it comes to the
2 civilians and soldiers and how they were treated.

3 Q. Could you explain to us what the difference was and how you
4 know what the difference was?

5 A. I cannot respond to this question.

6 Can Mr. President allow my duty counsel to assist me?

7 [14.13.12]

8 MR. PRESIDENT:

9 Mr. Witness, your counsel can only help you but not with your
10 response but with some idea of how to respond to not incriminate
11 yourself in such responses, but it is you who are here to testify
12 based on your memories and experiences. So, you said you don't
13 remember things. If you don't, then you just say so. And this
14 question is just a normal question and you are now instructed to
15 respond to it. Counsel Koppe, you may repeat this question
16 because the witness appears to have forgotten it.

17 BY MR. KOPPE:

18 Q. Mr. Witness, do you know -- do you remember if there was a
19 difference between the re-education of former Lon Nol military
20 and the re-education of normal civilians?

21 A. I knew something about the re-education of civilians. I had no
22 knowledge of how soldiers would be re-educated but I believe
23 they, too, would be brought to some educational sessions where
24 they could re-educated and some disappeared. If they disappeared,
25 they disappeared.

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1 I don't know how to respond to this because so long as they never
2 return, I could tell that they disappeared and -- but more or
3 less, in the re-education sessions, people will have to help
4 educate those who need to be re-educated and then one needed to
5 criticize one another for better.

6 [14.15.38]

7 Q. My question, Mr. Witness, was not about what you believe. My
8 question is about what you know. Do you know what happened to
9 military officials who were successfully re-educated?

10 A. I think, sometimes, I don't understand parts of your question.
11 That's why I find it difficult to respond fully.

12 Q. Let me try in other words, Mr. Witness. You have said that not
13 only civilians but also military officials were re-educated and
14 once the re-education was successful, they were sent back to
15 where they came from; is that correct?

16 A. Those who were successfully re-educated were seen to have
17 returned to where they belonged originally.

18 [14.17.18]

19 Q. Very well, Mr. Witness. Now, based on your knowledge, based on
20 your experience of what happened in 1975, would it be possible
21 the military who you said disappeared were, in fact, only sent
22 for re-education and returned to their homes?

23 MR. PRESIDENT:

24 Mr. Witness, could you please hold on? And Mr. Co-Prosecutor, you
25 may now proceed.

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1 MR. RAYNOR:

2 That calls for speculation and I object.

3 MR. KOPPE:

4 Mr. President, this is only a very small fragment of the
5 speculation that the prosecutor is seeking from this particular
6 witness. So allow me this -- a little speculation when it comes
7 to this particular topic. It is an important topic and we should
8 be able to discern exactly when this witness is speculating and
9 when he is not.

10 (Judges deliberate)

11 [14.22.05]

12 MR. PRESIDENT:

13 Judge Silvia Cartwright, you may now have the floor.

14 JUDGE CARTWRIGHT:

15 Thank you, President.

16 The President has asked me to rule as follows:

17 The question is speculative and of course, Mr. Koppe, you have
18 acknowledged that. If you wish to put a precise question to the
19 witness, such as, did you personally witness any Lon Nol
20 military, following re-education, who were sent home, then you
21 might have a basis for putting the question.

22 And you cannot overlook the fact that this morning, the
23 Prosecutors were asking questions based on the statement prepared
24 by the Office of Co-Investigating Judges. So there is -- the term
25 "speculative" cannot be applied to such questions.

1 [14.23.07]

2 BY MR. KOPPE:

3 Thank you Judge Cartwright. Let me -- allow me, Mr. President, to
4 rephrase the question in another manner and I will do that as
5 follows, Mr. Witness.

6 Q. I am putting it to you that the military people of whom the
7 wives were speaking in '75, were, in fact, re-educated and all
8 returned to their homes. Correct or not correct?

9 MR. RAYNOR:

10 Mr. President, I still object. In order to put the suggestion to
11 a witness, there has to be some evidential foundation for the
12 suggestion that's being put to the witness. Otherwise, we're back
13 in speculation. You can't just say to a witness, "I put it to you
14 that this is a certain scenario" unless there's some evidential
15 foundation. That's what speculation goes to.

16 [14.24.36]

17 MR. KOPPE:

18 Mr. President, I am doing exactly the same thing as this same
19 prosecutor was doing in respect of the questioning of Khieu
20 Samphan's wife. There's nothing wrong with putting something to a
21 witness and then asking him to respond. He could say, "I don't
22 know". He could say, "Yes". He could say, "No". I'm not inviting
23 him to speculate. I'm just putting something to him.

24 MR. RAYNOR:

25 If he wants to establish four lies as I did with Khieu Samphan's

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1 wife and put the matter, then it's evidentially based but this is
2 not based on evidence. It's based entirely on speculation and so
3 I repeat the objection.

4 (Judges deliberate)

5 [14.25.49]

6 MR. PRESIDENT:

7 Counsel, you can now proceed to a new question, please.

8 BY MR. KOPPE:

9 With pleasure, Mr. President.

10 Q. Mr. Witness, you have been speaking about a meeting at the end
11 of '75, a meeting during which Nuon Chea has given education
12 lessons. Is that correct? Do you remember saying that?

13 A. Yes, it is correct and I do remember having said that.

14 Q. Now, could you explain to us how you knew then, it was Nuon
15 Chea speaking to you? Did he introduce himself? Did he say his
16 name? Can you enlighten us on that?

17 A. He was the head of that school and I was an ordinary
18 combatant who attended the session as the other participants. So
19 he was the head of that school and he was known to us.

20 And the policy he introduced in the study sessions was very good
21 because it was meant to be introduced to people and they were
22 good education sessions. So I were convinced or interested by the
23 sessions and we follow what being taught.

24 [14.28.04]

25 Q. My question, Mr. Witness, was: How did this person of whom you

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1 are saying it was Nuon Chea; how did he introduce himself? What
2 did he say was his name?

3 A. He never appeared before us introducing himself, because
4 during each study session, he would just teach us and we regarded
5 him as "Om" or grand uncle. That's the way we addressed him and
6 the way he was known. And again, there was no time that he would
7 introduce himself and his roles.

8 Q. But how did you know at the time it was Nuon Chea?

9 A. I simply knew he was.

10 Q. Now you also spoke about Pol Pot addressing the session,
11 during which 800 people had gathered. How do you know now or how
12 did you know then it was in fact a person called Pol Pot that was
13 speaking?

14 A. No, I did not say that. I confirmed that actually Om Nuon or
15 Uncle Nuon who actually taught throughout the training session
16 and there was a session conducted prior to my session.

17 [14.30.42]

18 Q. I don't have the transcript in front of me of what was said
19 this morning, Mr. Witness, but I do recall you saying, you
20 testifying that also Pol Pot spoke during this meeting. Are you
21 now withdrawing that?

22 [14.31.01]

23 A. No, I did not say that this morning.

24 MR. PRESIDENT:

25 The Prosecution, you may proceed.

1 MR. RAYNOR:

2 It is only to help my learned friend because we take a note this
3 morning and what the witness said was that there had been a prior
4 session where Pol Pot had been involved, as the first session,
5 not the second one which Nuon Chea was involved in. So we have
6 the note and the witness did not say that Pol Pot was involved in
7 this session; it was the previous session.

8 [14.32.00]

9 BY MR. KOPPE:

10 Very well; no problem.

11 Q. When you saw, Mr. Witness, Pol Pot at this session, how did
12 you know it was Pol Pot speaking to the people who were
13 listening?

14 MR. PECH CHIM:

15 A. I couldn't get your question. Counsel, please repeat your
16 question.

17 Q. You have been speaking, Mr. Witness, this morning about a
18 meeting, an education meeting during which Nuon Chea was present
19 and the Prosecutor just helped me by saying that prior to that
20 meeting, there was a meeting during which Pol Pot was speaking.
21 And my question to you is how did you know that it was in fact
22 Pol Pot who was speaking?

23 A. Allow me to clarify that, my study session was conducted by
24 Uncle Nuon. He was the second person and that was the second
25 session and there was a session prior to my session. So it was

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1 likely that in the prior session -- and I'd just like to say that
2 in the first session, it was Pol Pot because it was for the top
3 people because in the first training session, only those sector
4 and zone secretaries attended the study session. That is all.

5 [14.34.43]

6 Q. But my question, Mr. Witness, is how you knew, at that time,
7 it was Pol Pot who was speaking to these top cadres?

8 A. No, I did not know.

9 Q. Can you explain to us how you knew that Nuon Chea or Uncle
10 Nuon was in fact the number two of the Khmer Rouge; did you hear
11 that there? How did that come to you?

12 A. I learned about it through my study sessions and through the
13 chain of work and through other people. They talked about the
14 position of this uncle or that uncle. As you may know, the water
15 would seep down from the top of the mountain to the base of the
16 mountain and that kind of a flow of water cannot be stopped. So
17 we all know about the position of those uncles.

18 [14.36.35]

19 Q. Mr. Witness --

20 A. So I knew the names of those uncles and that is the fact.

21 Q. We were talking about December 1975, Mr. Witness. Are you sure
22 that you heard then that Uncle Nuon was Number Two?

23 Isn't true, Mr. Witness, that the whole country didn't know about
24 Pol Pot and Nuon Chea or about Pol Pot until somewhere far in
25 1977?

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1 A. Nobody knew about the true natures of those people prior to
2 the liberation. We only knew of the Party and Angkar, but after
3 the war ended, we knew the real people behind those names and
4 especially when we came to engage in the study session, we learnt
5 about it. We just simply knew when we were there; we knew the
6 first uncle or the second uncle for instance and that is all. And
7 in fact, I did not ask anyone about who the person was, but of
8 course, when I studied with him, I knew who he was.

9 [14.38.24]

10 It is my understanding that when you ask for the method, just the
11 arrangement of the seats, we would know -- we would know who is
12 the chairman or the president of that meeting. There is no need
13 for the announcement of the chairman of the meeting, for
14 instance.

15 Q. But, Mr. Witness, I'm sure you went home after these sessions;
16 do you remember being excited telling that you knew that the
17 Number One was in fact Pol Pot and the rest of the country still
18 didn't know that? Did you tell anybody that?

19 A. There was no announcement. I was participant in the second
20 study session and I studied with uncle.

21 Q. Maybe you did, Mr. Witness, who knows, but would it be
22 possible that you were wrong in the date of the education
23 session; that it would rather be at the end of '77 than the end
24 of '75?

25 [14.40.06]

1 MR. PRESIDENT:

2 Mr. Witness, please observe the microphone first.

3 MR. PECH CHIM:

4 A. Allow me to correct it. It was not in 1975, but it was in late
5 1976 when I studied with him.

6 MR. PRESIDENT:

7 Thank you, Mr. Witness and defence counsel. We will have a
8 20-minute break now and we shall return at 3.00 p.m.

9 Court Officer, could you assist the witness during the break and
10 have him returned to the courtroom at 3.00 p.m.

11 Likewise it applies for the duty counsel.

12 The Court is now in recess.

13 (Court recesses from 1441H to 1502H)

14 MR. PRESIDENT:

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

16 And we would like to now hand over to counsel for Mr. Nuon Chea
17 to continue putting questions to the witness.

18 BY MR. KOPPE:

19 Thank you, Mr. President. We only need 10 to 15 minutes more.

20 Q. Mr. Witness, before the break, we were speaking briefly about
21 your answer to the question of the Prosecution about Angkar
22 giving instructions about purging enemy officers. What can you
23 tell us about these instructions, if they existed at all? What
24 kind of form did these instructions reach you or any other
25 people?

1 MR. PECH CHIM:

2 A. The purges of the enemies had some impact on our own people
3 and our own nation that did not necessarily affect the enemies
4 alone.

5 [15.04.38]

6 Q. My question, Mr. Witness, is how did these instructions reach
7 you? How did you know that such policy or plan apparently
8 existed?

9 A. There were meetings. These kinds of things were not learned
10 during education sessions, but they were learned in meetings at
11 the sector level.

12 Q. But who told you what and when?

13 A. No one told me. During the sessions when we were instructed on
14 the class stance -- standpoint -- and also the poor and peasant
15 class, this kind of idea was introduced in these sessions.

16 Q. That's very interest, Mr. Witness, but my question is: Who
17 instructed you to look for specific people?

18 Mr. Witness, you gave a very general answer. My question was very
19 specific. Who instructed you, or who told you, to purge enemy
20 officers?

21 A. The people at the upper echelon. Because at the district
22 level, we were responsible or report -- we reported to the
23 sector, and sector to the Zone. So we followed the instructions
24 from the upper echelon.

25 [15.08.24]

1 Q. But what kind of instructions, and who were the people telling
2 you this?

3 A. People at the sector level, who instructed this. They had to
4 conduct purges, and thorough inspection would be carried out
5 before people would be purged. Or, in other words, investigation
6 into the people's conduct and whether they were falling into the
7 categories of those who had to be purged. Otherwise, we -- other
8 people -- innocent people would be purged unnecessarily.

9 Q. Mr. Witness, you're giving very general answers. Let me
10 rephrase.

11 Can you give me one -- only one -- example of an instruction from
12 somebody with a name -- an instruction to you to purge one
13 specific individual of whom it was said he was a Lon Nol soldier
14 -- or maybe official? One example, please.

15 [15.10.15]

16 A. There were people who instructed us, and again those people
17 were at the sector, because we at the district level had to
18 receive instructions from them. But to say which particular
19 individual I purged -- and I can tell -- I can't say anything
20 about this. And for the sector level, then a person by the name
21 of Soam would be the one you would like to ask.

22 Q. But, Mr. Witness -- and this will be my final question --
23 there must be one name of a person who might not be alive today,
24 and who was purged because of you -- because of your action --
25 because you were acting on the instructions of your superior. One

1 name.

2 MR. PRESIDENT:

3 Counsel, you may now proceed.

4 MR. MAM RITHEA:

5 Mr. President, good afternoon. Again, I may wish to consult -- or
6 may need to discuss with my client before he proceeds to respond
7 to the question.

8 [15.12.23]

9 MR. PRESIDENT:

10 You may have that time.

11 MR. PECH CHIM:

12 A. Allow me to answer to that question as follows: I never
13 received an order to purge or kill anyone. I received, indeed,
14 some plan -- for example, propaganda, action plan -- where I
15 talked to people about this, but I never engaged in any execution
16 of any individual.

17 BY MR. KOPPE:

18 Q. I understand that, Mr. Witness, but I'm just trying to find
19 out what is the basis of your knowledge when you were saying
20 earlier Angkar was giving instructions about purging enemy
21 officers. How did you know that such instructions existed?

22 [15.14.32]

23 MR. PRESIDENT:

24 Mr. Witness, please hold on. And, Mr. Co-Prosecutor, you may now
25 proceed.

1 MR. RAYNOR:

2 Mr. President, I object, because that question is repetitious.

3 The question we had after the break -- it was the second question
4 after the break, "How do you know such policy plan ever existed?"

5 And it's been answered by reference to meetings at the sector
6 level. So this question repeats, almost word for word, a question
7 that has already been put and answered by this witness.

8 MR. KOPPE:

9 I'm merely trying, from another angle, Mr. President, to ask a
10 question to this witness. And he doesn't seem to know. But I
11 refrain from questioning.

12 [15.15.35]

13 MR. PRESIDENT:

14 The objection is sustained. Question is repetitious. Witness is
15 now instructed not to respond to this question.

16 Next, the Chamber would like to hand over to counsels for Mr.
17 Khieu Samphan to put questions to the witness.

18 QUESTIONING BY MR. KONG SAM ONN:

19 Good afternoon, Mr. President and Your Honours. I thank you for
20 this opportunity.

21 And good afternoon, Mr. Pech Chim. I have some questions for you,
22 please. My questions are relevant to what you experienced or bore
23 witness to during the Democratic Kampuchea regime.

24 Q. Now, regarding to your joining the Revolution -- and you said
25 you were a teacher and joined the Revolution in 1972.

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1 Simultaneously, in 1972, you became the deputy secretary of
2 District 105. My question to you is: What made you join the
3 Revolution?

4 [15.17.06]

5 MR. PRESIDENT:

6 Mr. Witness, please hold on. And Mr. Co-Prosecutor, you may now
7 proceed first.

8 MR. RAYNOR:

9 Just to help my friend; the year that was quote was 1970, and not
10 1972. Thank you.

11 BY MR. KONG SAM ONN:

12 Thank you.

13 Q. Mr. Witness, In 1970, you joined the Revolution. What made you
14 join it?

15 MR. PECH CHIM:

16 A. Immediately after the coup d'état, I joined the Revolution. It
17 was in May of that year. Because immediately -- or three days
18 after the coup d'état, we could see that this effect had already
19 great impact at the rural areas. And people joined me, and we had
20 to attend study sessions about the Front. And we had to
21 distribute rice to people for eating, and Mr. Khieu Samphan,
22 including Prince Norodom Sihanouk -- who were part of this
23 movement. Because they were -- Prince Norodom Sihanouk was
24 toppled, and we couldn't move elsewhere, and we had to join the
25 other people to go to the maquis as appealed by Prince Norodom

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1 Sihanouk.

2 [15.19.24]

3 Q. What was the purpose of joining the maquis?

4 A. It was for fighting to make sure that the former Prince could
5 be returned to power -- to return to the country, in other words.

6 Q. Are you saying that that was the objective of your fight? To
7 bring him back to the country, to be in power?

8 MR. PRESIDENT:

9 Mr. Witness, please respond again, because you made a response,
10 but then the mic was not activated, and you would not be heard.
11 So please, do that again now.

12 MR. PECH CHIM:

13 A. That struggle was meant to bring Samdech back into power.

14 [15.20.40]

15 BY MR. KONG SAM ON:

16 Q. Thank you.

17 You mentioned in the statement of your interviews -- document
18 D232/17. This document was referred to already by the
19 Co-Prosecutor. I would like to refer to Khmer ERN 0033 -- rather,
20 00373467, Khmer; and English, 00426205; and French, 00880135. The
21 question was about the structure of District 105 -- whether it
22 was changed after 1975. And you said that, "Before 1975, the
23 district structure was still the same, and Khom was the secretary
24 of the district when Keav was her deputy". End of quote.

25 In your statement, you classified the Front district office, and

1 the district parties' office. So, can you tell the Chamber
2 please, were these two institutions different?

3 A. No, there was no such classification of structure.

4 [15.22.47]

5 Q. Thank you. Oh, you may proceed --

6 A. No, there was no such classification. But the terms were used
7 interchangeably.

8 Q. Thank you.

9 In your statement -- the same document, but document E3/400;
10 Khmer ERN 00373456; French, 00426175 to 76; English, 00379168
11 through 69; I would like to read this as follows:

12 "Q: When you joined the Revolution, at the beginning, what did
13 you do?" And I would like to quote your response as follows:

14 "When I first joined the Revolution, they gathered teachers in
15 the liberated villages and organized them in the Front Movement
16 in 1970 and 1971. At the beginning, I had no specific role but
17 was still a regular teacher in my native village and commune. At
18 that time, they called teachers to go to study with Angkar in the
19 jungle, and three or four months later, Angkar came down to
20 organize the Front in Takeo province.

21 [15.24.42]

22 'Angkar' then was referred to as Soam (male) and Meas Muth, who
23 were the chairperson and the deputy respectively of Takeo
24 province. In that Front movement, I knew Teacher San (male), who
25 is now still alive; and Teacher Oeun, who is still alive also.

1 There were many other teachers whose names I do not recall. Soam
2 and Meas Muth came down from the jungle, and they called them
3 'Angkar'." End of quote.

4 I would like you to tell the Chamber your understanding of the
5 term "Angkar" used here. Now, I would like you to tell the
6 Chamber in your capacity as the secretary of the district -- and
7 how you understood the term "Angkar" and what it was referring
8 to. And which unit would be regarded as Angkar.

9 [15.26.01]

10 A. To be brief, at that time I did not know who created Angkar.
11 There were people who emerged from the jungle, and they were
12 well-received by the people at the district. And people said
13 that, look, Angkar was now -- Angkar was coming, so we had to
14 receive them. So I can't exactly tell at which rank Angkar would
15 be holding. It could be not too low or -- at the lower rank or
16 higher rank. Because here, you can say; look, there are some
17 Angkars, including the -- well, for example, World Food
18 Organization in Khmer, which is Angkar as we understand it. So
19 Angkar, to me, is a kind of name or a body of work or
20 institution. So Angkar belongs to -- kind of company or an
21 institution. That's what I understood the term to be.

22 Q. Thank you. I would like to also ask you questions concerning
23 the cooperative level.

24 When it comes to cooperatives, could a cooperative be addressed
25 as Angkar?

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1 A. I don't think I quite understand your question. But I can say
2 that a cooperative would also be known as an Angkar. Because
3 cooperative was established with some proper structure, which
4 itself was called Angkar.

5 [15.28.34]

6 Q. Thank you. What about the commune committee. Was a commune
7 committee also referred to as an Angkar?

8 A. No. Commune committee would not be called or referred to as an
9 Angkar. But at that time, people arbitrarily used Angkar as the
10 term to refer to the commune committee, although it was not
11 widely used. So, all in all, the term "Angkar" could be
12 interpreted in broad terms or in a narrow sense.

13 Q. What you have just stated; is that based on your personal
14 experience when you went to the base? Were you referred to as
15 Angkar?

16 A. It is hard to say whether that is proper or not proper, but in
17 fact it was used. Of course, when I was referred to as Angkar, I
18 actually was a bit scared --

19 [15.30.07]

20 Q. My question is: Were you referred to Angkar by the people
21 during the Democratic Kampuchea regime?

22 A. Yes.

23 Q. Thank you. What about your upper level?

24 A. Of course, yes. They were referred to as Angkar. People
25 referred to them as Angkar, but in fact we educated the people

1 that they were not Angkar. But they were the Angkar
2 representative. The Angkar itself was at a higher upper echelon.
3 So we explained that to the people for them to understand,
4 because Angkar did not refer to any individual person in
5 particular.

6 Q. Thank you. Based on your person experience, were you
7 frequently referred to as Angkar?

8 A. It was kind of a closer reference. When a person was close to
9 me, yes. I would be referred to as Angkar.

10 Q. Was there any particular feature that the people or your
11 subordinates referred to you as Angkar? Did you possess certain
12 qualification in order for you to be referred to as Angkar?

13 A. <Well, I felt, if I let go this practice, it would not be
14 good. One should not address> an individual as Angkar. I <thought
15 to myself and I immediately educated and advised them not to>.

16 [15.32.32]

17 Q. In reference to your testimony this morning, around 09.39, you
18 responded to some questions put to you by the Prosecutor
19 concerning the Krang Ta Chang office. You stated that you knew it
20 in 1974. That is, you knew about the existence of Krang Ta Chang.
21 My question to you is: Is your response correct?

22 MR. PRESIDENT:

23 Witness, please wait. The Prosecution, you may proceed.

24 MR. RAYNOR:

25 Sorry, Mr. President. I made reference to the statement in which

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1 the witness had given the date 1972 as Krang Ta Chang being set
2 up, and then the witness said it was one year later that he knew.
3 So that makes the date 1973. Thank you.

4 [15.33.50]

5 BY MR. KONG SAM ONN:

6 Thank you. I did not refer to the time of the establishment of
7 Krang Ta Chang office. The question that I put to the witness is;
8 in what year that he knew the existence of the Krang Ta Change
9 office. If you can recall the specific date, that would be great,
10 but the month or the year is sufficient.

11 MR. PECH CHIM:

12 A. No, I cannot recall it.

13 Q. I'd like to read your written record of interview -- that is,
14 D232/16. ERN in Khmer is 00373387; in French, 00426194; and in
15 English, 00379304. In response to the question as whether you
16 know the Krang Ta Chang Security Centre, you replied that, "I
17 heard about the existence of the Krang Ta Chang Security Centre
18 after the Vietnamese arrived in 1979".

19 Do you stand by this statement?

20 A. I stand by that statement.

21 [15.35.55]

22 Q. Let me confirm that you only knew the existence of Krang Ta
23 Chang office after 1979; is this correct?

24 A. I knew about it in 1973. However, this morning I stated that I
25 knew of the upper echelon, but I just did not know who the upper

1 echelon was.

2 Q. Allow me to clarify this matter; you knew that people were
3 sent to the upper echelon -- and Mr. Witness, please wait before
4 you respond to my question. Allow me to confirm that people were
5 sent to the upper echelon, but you did not know where they were
6 sent to. Is this correct?

7 A. I did not know, so that is not correct.

8 Q. Please confirm again. Is it correct or not correct?

9 A. That is not correct.

10 [15.37.51]

11 Q. Thank you. When you knew the existence of the Krang Ta Chan
12 Security Centre, after the arrival of the Vietnamese in 1979 --
13 is that statement correct?

14 A. It is.

15 Q. Please, repeat your response.

16 A. It is correct.

17 MR. KONG SAM ON:

18 Mr. Pech Chim, I have no further questions for you.

19 Thank you, Mr. President.

20 (Judges deliberate)

21 [15.39.20]

22 MR. PRESIDENT:

23 Thank you, Mr. Pech Chim. The hearing of your testimony has come
24 to a conclusion, and you may be excused from the Court. And we
25 are grateful for your time to testify before this Chamber for one

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1 whole day with patience and best effort. Your testimony may
2 contribute to finding the truth in this case, and we wish you all
3 the very best, and have a safe trip back home.
4 The hearing today has come to a conclusion. We will adjourn the
5 proceeding now and resume tomorrow -- that is, Tuesday, the 2nd
6 of July 2013, from 9.00 a.m.
7 And for tomorrow, we will hear the testimony of witness TCW-386.
8 This information is for the parties, the support staff, and the
9 general public.
10 Court Officer, in collaboration with WESU, please assist the
11 witness for him to return to his residence, or wherever he wishes
12 to go. And please do the same for the reserve witness, and have
13 the reserve witness to return tomorrow morning before 9.00 a.m.
14 And security guards, you are instructed to take the two accused,
15 Nuon Chea and Ieng Sary (sic) to the detention facility, and have
16 them returned tomorrow morning, prior to 9.00 a.m. As for Nuon
17 Chea, bring him to the holding cell downstairs, which is equipped
18 with audio-visual means for him to follow the proceeding
19 remotely.
20 The Court is now adjourned.
21 (Court adjourns at 1541H)

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