



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 30-Oct-2018, 13:25
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 April 2015
Trial Day 271

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
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Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:
Maddalena GHEZZI
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VEN Pov
SIN Soworn
HONG Kimsuon

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

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

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

Questioning by Mr. Lysak resumes..... page 3

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. PECH CHIM (2-TCW-809)	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. VERCKEN	French

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 The Chamber is going to continue hearing the testimony of

6 witness, Pech Chim.

7 <The Court greffier,> Ms. Kolvuthy, may you please report on the
8 attendance of the Parties today.

9 THE GREFFIER:

10 Mr. President, today all Parties are present except for <Son
11 Arun,> the National <Defence Counsel> of Mr. Nuon Chea who is
12 absent for health reasons. Nuon Chea is in the holding cell
13 downstairs and is following the proceedings from there. He filed
14 <a> request <to waive his right to be physically present in the
15 courtroom. The waiver of the accused Nuon Chea has been delivered
16 to the greffier. The witness, Pech Chim, will continue his
17 testimony today. He and his duty counsel, Mr. Moeung Sovann, are
18 already present in the courtroom. Thank you, Mr. President.>

19 MR. PRESIDENT:

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

21 The Chamber has received a waiver from Nuon Chea, dated the 22

22 April 2015, which notes that due to his health: headache, back

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

24 effectively participate in future hearings, he requests to waive

25 his right to participate in and be present at the 22 April 2015

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1 hearing. He affirms that his counsel has advised him about the
2 consequences of this waiver, that it cannot in any account be
3 construed as a waiver of his right to be tried fairly or to
4 challenge evidence presented to or admitted by this Court at any
5 time during this trial.

6 Having seen the medical report of Nuon Chea by the duty doctor
7 for the Accused at the ECCC, dated 22 April 2015, which notes
8 that Nuon Chea has dizziness when he moves and has severe back
9 pain when he sits for long, and recommends that the Chamber grant
10 him his request so that he can follow the proceedings remotely
11 from the holding cell downstairs.

12 Based on the above information and pursuant to Rule 81.5 of the
13 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
14 follow today's proceedings remotely from the holding cell
15 downstairs via audio-visual means. The Chamber instructs the AV
16 Unit personnel to link the proceedings to the room downstairs so
17 that Nuon Chea can follow. This applies to the whole day.>

18 [09.08.23]

19 Now the Chamber is going to give the floor to the
20 <Co->Prosecution <to> continue examining witness, Pech Chim.

21 MR. LYSAK:

22 Thank you, Mr. President. Good morning, Your Honours. Good
23 morning, Mr. Pech Chim.

24 We were discussing yesterday the positions in Tram Kak district
25 and you had told us that you attended regular district meetings

1 during the time that Yeay Khom--

2 [09.09.32]

3 MR. PRESIDENT:

4 Apparently there is a problem in the interpretation, <we> do not
5 hear.

6 JUDGE FENZ:

7 Did you press the button, we could -- is it only me or does
8 somebody else have a problem. Same here.

9 [09.09.59]

10 QUESTIONING BY MR. LYSAK:

11 Let me start over.

12 Good morning to everybody, Mr. Witness, Your Honours.

13 We were talking about the positions held by the people in Tram
14 Kak district and the structure in the district and you told us
15 yesterday that you regularly attended district meetings during
16 the time that Yeay Khom was district secretary.

17 Q. Can you tell us where were those meetings, the district
18 meetings, where were they usually held?

19 MR. PECH CHIM:

20 A. Good morning, Mr. President. Good morning, Your Honours.

21 <First,> I would like to provide a bit of clarification on the
22 <terms> district committee, district chief and <party> secretary.
23 The district secretary corresponds to district chief. <The term
24 'district chief' has been used since the past> and I was only the
25 fifth member of the district committee.

1 Now with regard to the gathering place, the meetings were held at
2 the district office<, but the number of participants was limited.
3 At Trapeang Thma, we held meetings> in the village under the
4 trees and in terms of education sessions, this took place at the
5 Party school at the sector level. <There were many people
6 attending.> And <> now with regard to the day-to-day meetings,
7 they took place under trees <and at people's houses>, sometimes I
8 could attend these meetings, sometimes <I could not attend the
9 meeting. They held meetings wherever they were based. If I could
10 not come to join the sessions I informed them.> That's all I have
11 to say about that.

12 Q. You mentioned a sector level Party school. Where was that
13 located?

14 A. <It was located behind> the Samraong commune in Tram Kak
15 district and in Paen Meas village. <The sector Party was based in
16 this area. As for> district <Party, it was based at the commune
17 location in Trapeang Kaoh village near Theat Trapeang Thnol>.

18 Q. Were meetings ever held at the Angk Roka pagoda?

19 A. Yes.

20 [09.13.56]

21 Q. What type of meetings were held at the Angk Roka pagoda?

22 A. Mr. President, Your Honours, I do not remember the kinds of
23 meetings that were held there. <Please> stick to everything that
24 I said in my previous statements because back then I had a
25 sharper memory now I have memory problems, so I'm afraid of

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1 giving you an answer <that> does not correspond to my previous
2 statements which of course would question the veracity <and
3 quality> of what I'm saying. <So, I am testifying to the best of
4 my ability.> So please, I would like to apologise for this.

5 [09.15.33]

6 Q. If you don't remember anymore, Mr. Witness, you can say that
7 and if I need to refresh you on your prior statement, I will
8 certainly do that. My last question about district meetings
9 before I move on, were there occasions were Ta Mok was present
10 during district level meetings?

11 A. No, never. He only attended education sessions at the sector
12 level and the district office was used as <the sector> school, as
13 a training centre or as a gathering place. <The area was quite
14 large and used as the sector location.> There was a training
15 session that lasted close to <one> month and there was a
16 <congress> that lasted three days which Ta Mok attended. On that
17 day, <the Khpos Trabaek> dam broke and <the sector Party>
18 therefore assigned me to manage the works to fix this <dam>, so I
19 wasn't able to attend this <congress till the end> and the
20 content of these education sessions <covered too many topics for
21 me to detail>. They <ranged from progression, good elements and
22 strategic and tactical paths, war strategy, people, social
23 classes and class positions. I already mentioned these in the
24 previous statements. Class> struggle <was discussed as well. And
25 one week before this kind of training <came to a conclusion>, <we

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1 were required> to do a bit of self-criticism <to reflect on what
2 we had learnt> and we had to say <both> good things and bad
3 things that we had in order to improve ourselves. <We had to keep
4 on improving good things and correct what we had done wrong. That
5 led to numerous deaths. Several people hung themselves to death.>
6 So that -- the struggle back then was at such a degree that we
7 risked losing our lives at any moment. <After the training
8 sessions, we heard that some people committed suicide here and
9 there. The training was the root cause.>

10 Q. Thank you for that answer, Mr. Witness. In the years 1975 and
11 1976, did Ta Mok have an office or a residence in Tram Kak
12 district where he would sometimes stay?

13 A. He was not staying in Tram Kak. He <was mobile and> would
14 often travel <to Kampong Speu or Amleang>. He did not live in a
15 specific place. From time to time he came to Tram Kak for one or
16 two days and then he would leave. <He was mobile.> So, he would
17 travel all the time and -- with the sector level soldiers. He
18 would organise meetings during his trips but I was not aware of
19 the content of these meetings because I never participated in
20 these meetings but <I knew what happened through> the sector
21 meetings <where the plan for> agriculture production <and force
22 mobilization was announced>.

23 [09.20.30]

24 Q. Thank you. Let me go back to the timeline of district
25 secretaries in Tram Kak. In your OCIJ interview, E3/4626, at

7

1 Khmer, 00373467 through 68; English, 00380135 through 36; and
2 French, 00426206; you described how Yeay Khom fell sick in early
3 1976, and later moved to Kampong Som. You stated that at that
4 time, her deputy, Ta Keav, became district secretary but only for
5 about two or three months, you testified. And you said that after
6 two or three months, sector secretary Saom came to tell you that
7 they were transferring Ta Keav to the sector. And you testified
8 that this is what Saom told you. "Ta Saom told me that Ta Keav
9 would be sent to work at Comrade Choeun's office which was then
10 called the Tnaot Toul re-education centre, located at the border
11 of Kiri Vong and Treang districts. This security centre was
12 previously called Security Centre 160." End of quote.

13 [09.22.31]

14 My question for you is; do you know whether, when Ta Keav left
15 Tram Kak, whether he was assigned a position at this security
16 centre or was he sent there to be detained? What do you know
17 about what happened to Ta Keav when he left Tram Kak district?

18 A. <As for Ta Keav, before> leaving, before his departure, <the
19 sector> asked him to <go to> work with Choeun and he went on his
20 own to work with Choeun who was an office leader or the head of a
21 <youth> re-education centre rather. Back then this centre was
22 <also> called re-education school for soldiers. <When they left
23 this school, they became soldiers.> I do not know the rest. I
24 only know that after his departure he stayed there to work <once
25 and for all> and I never travelled to that place myself after he

8

1 left. I don't even know where this centre is located. I only know
2 its name and its number, <that is,> Office 160.

3 Q. After he left Tram Kak district, did you ever see Ta Keav
4 again?

5 A. He came to the district office <once>. Apparently he went
6 <back> home and he came to visit us. We invited him to <have a
7 meal as> his <messenger like before. I asked him how he was and
8 he said he was fine and that he joined another committee there.>
9 I asked him what he was doing over there. He told me he did not
10 have any specific duties but that his job <was> helping <other
11 people, only filling the vacancy> and I answered him, "well, you
12 have to make efforts." <Then, we went apart.> That's it. So we
13 were just friends <and held each other in regard>.

14 [09.26.05]

15 Q. One last question on Ta Keav. Some of the witnesses who have
16 testified here have suggested he may have been arrested at some
17 point. Do you have any information on whether Ta Keav was ever
18 purged or arrested?

19 [09.26.28]

20 A. No. I was not aware of that. It was only later, much later
21 that someone told me that Ta Keav had been sent to Sector 35, he
22 was no longer with Ta Choeun.

23 Q. So let me move on then. After Yeay Khom and Ta Keav, the next
24 chairman or secretary of Tram Kak district was you and you have
25 given a number of statements, eight interviews already in which

1 you have stated that you became the acting secretary of Tram Kak
2 district, District 105, in May or June 1976. That you served as
3 district chief for a little more than six months and that in
4 February 1977, you left Tram Kak to go to Kampong Cham and were
5 replaced as district secretary by your brother Kit and in
6 interview E3/4628, at Khmer, 00373390; English, 00379306; French,
7 00426197; you provided a specific date for when you left Tram Kak
8 district. You stated that you were, I quote: "transferred to the
9 Central Zone on 12 February 1977." My question for you, is there
10 some reason that you remember the specific date of 12 February?
11 A. I was building a <dam at Khpos Trabaek> and something
12 happened. I just came from Angk Ta Saom <then Takeo>, Ta Mok rode
13 by with his motorcycle. He asked me to go to Takeo <in a short
14 time. He said we would be going to the north>-- he was very
15 direct <in saying words 'going to the north'>. He said Sy would
16 soon come to pick me to see him at Takeo. Then Sy arrived in his
17 car and I went into the car. <On the way to Takeo, Sy told me
18 about being moved> to go to Kampong Cham<;> that was on the 12th.
19 So, that day he <wrote a letter and> sent <his> messengers <to
20 deliver that letter to the district office, asking all communes
21 to> gather <together that evening>. <Forces from all communes
22 came together and Kit was also present.> I gave the stamp to
23 <him> that day. <Then, we made a plan for all communes that would
24 leave for Kampong Cham with us to gather forces and come
25 together> the next day, <that is>, the 13th <and we> arrived in

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1 Phnom Penh on the 13th <during the day time. And,> on the 14th we
2 <spent one day in Phnom Penh before Bong Pauk came to meet and
3 pick us up to> Kampong Cham. It is this succession of events that
4 allowed me to remember that specific date. That is to say, we
5 <prepared our journey> on the 12th and <departed on the 13th and>
6 we arrived <in Phnom Penh on> the 14th.

7 [09.31.21]

8 Q. Thank you for clarifying that. Let me now ask you -- turn to a
9 few questions about who the leaders of Sector 13 were. You have
10 again -- you have stated in your many interviews that in 1975,
11 the sector secretary was Saom alias Than, and the deputy
12 secretary was a man named Phen. And Meas Muth, at least in early
13 part of 1975, was the sector member. And in interview,
14 E127/7.1.4, at answer 1, you testified that Ta Saom was still the
15 sector secretary when you left for the Central Zone, in February
16 1977, but that he became sick and was replaced by a cadre from
17 Sector 25, named Prak. And what I want to ask you about is, one
18 of your next statement in that same interview at answer 8, you
19 testified that, quote: "later they assigned my brother to replace
20 Ta Prak." How did you learn that your brother Kit had been
21 assigned to be the chairman of Sector 13, replacing Ta Prak?

22 [09.33.15]

23 A. Some people told me about that. These were people who were
24 travelling back and forth. There was no official appointment.
25 During an assembly at the time, when someone left or was

11

1 dismissed, another person would replace him or her <on a
2 temporary basis>, there were no official appointments. People <>
3 had to serve as acting officials for three or <six> months <or
4 two months or one month>, it was a war situation and there were
5 no official appointments. There were no specific procedures,
6 sometimes you were assigned <by Ta Mok> under a <coconut> tree,
7 you were asked whether you understood the instructions, whether
8 you could remember them, whether you understood orders that were
9 given, orders that were often given erroneously. <Then, we had to
10 work them out carefully.> Those who were not intelligent had a
11 hard time understanding those instructions. Those who were
12 intelligent could understand them.

13 Q. You told us yesterday that you came back to visit Tram Kak
14 district later in 1977, when you came back for that visit, had
15 your brother Kit been appointed sector chief at that time or was
16 he still district chief?

17 A. He was <still the> district secretary. He had not yet gone to
18 the sector level.

19 [09.36.32]

20 Q. Correct me if I misunderstood, I believe that you said that
21 your brother Kit died shortly after the fall of the regime in
22 January 1979. How many times did you see your brother Kit between
23 the time that you left Tram Kak district and the time that he
24 died?

25 A. I only saw him once. <I saw him when I went to Tram Kak. I saw

12

1 him at Angk Roka. Later on, I never saw him again. But, his
2 messengers came to look for coconuts and collect rubber latex for
3 the people to mend the broken bicycle, motorcycle and car tyres.
4 I asked them for some coconuts to be planted. When I asked them
5 about him they told me that he had already come to 25. That's all
6 that I know.>

7 MR. PRESIDENT:

8 <There is a problem with the interpretation again. Court
9 officials are instructed to deal with this problem and report to
10 the Chamber immediately.>

11 <(Technical problem)>

12 <Mr. PRESIDENT:>

13 Please proceed, <the International Deputy Co->Prosecutor.

14 [09.38.51]

15 <Mr. LYSAK>

16 <Thank you, Mr. President.>

17 <Questioning by Mr. LYSAK>

18 <Mr. Witness, may I ask you to repeat your response because there
19 was no interpretation a moment ago?>

20 [09.39.56]

21 <Mr. PRESIDENT:>

22 <Mr. International Deputy Co-Prosecutor, please pause for a
23 moment.>

24 <Let's break for a moment.>

25 <(There is a technical error).>

13

1 MR. PRESIDENT:

2 It appears that there was a technical problem in the
3 interpretation booth because two interpreters are ill. <So, the
4 interpretation from one language to another is a bit slower than
5 usual. But, let's make another try and see what's going to happen
6 next. It> is, <therefore,> important for you to <spea k a little
7 slower> when you are questioning the witness.
8 <The> International <Deputy Co->Prosecutor, please proceed <with
9 putting questions to the witness>.

10 [09.40.37]

11 BY MR. LYSAK:

12 Thank you, Mr. President. I will speak slowly.

13 Q. My colleague tells me that you indicated that you saw your
14 brother, Ta Kit, once after you left Tram Kak and that was at the
15 Angk Roka. Can you tell me if that's correct, and can you also
16 tell me whether you saw him on the trip where you returned to
17 Tram Kak that you already described, or whether this was some
18 other occasion?

19 MR. PECH CHIM:

20 A. I saw him at Angk Roka when I went back to my native village.
21 That was to take care of logistical and economic matters. I went
22 to the district office which was <the concrete> house. I did not
23 meet Kit and then I left again.

24 Q. Mr. Witness, do you know whether some time in 1978, your
25 brother Kit, left his position in Sector 13 and became the

14

1 secretary of Sector 25 in Kandal province?

2 A. I do not recall the date<, day, month or year>. I was very far
3 from where he was but I heard that he had been appointed sector
4 chief. I was not able to go and meet him; I did not <ask anyone
5 about him and never came to see him> because I was very busy.
6 People who <travelled to and from that area> informed me that <he
7 had been appointed as chief of Sector 25> after the departure of
8 the former sector chief.

9 [09.43.41]

10 Q. What I want to clarify with you, was there a time in 1978 when
11 your brother transferred from being the chief of Sector 13 to
12 become the secretary of Sector 25 in Kandal province.

13 A. I have already answered your question.

14 Q. It may be the interpretation. Is it correct that your brother
15 at some point became chief of Sector 25 in Kandal, is that
16 correct?

17 A. Yes, that is correct.

18 Q. I want to turn to another subject, relating to the
19 establishment of cooperatives in Tram Kak district. You testified
20 in your interview E319.1.18, at answer 26, that cooperatives were
21 created in or around June or July 1975. And we have heard some
22 testimonies in this Trial, that cooperatives and communal dining
23 had previously been tried in Tram Kak in 1973, but that there
24 were problems and it had been discontinued in 1973, and not
25 started again until later. Do you remember the Party trying to

15

1 implement cooperatives in 1973, and can you tell us what happened
2 at that time?

3 [09.46.24]

4 A. I do not remember. Cooperatives were set up during that period
5 but I do not recall what happened. <There were two scenarios at
6 that time.> It was necessary to establish cooperatives in all the
7 communes<; one village was designated as a cooperative in a
8 commune,> but <one opinion was, how could that be possible? Where
9 should we keep people's plates and pots in each commune? Who
10 would cook for collective dining? People lived far away from one
11 another. How would they come to have meals collectively? Where
12 would they sleep? So, both commune chief and I were unable to
13 comprehend the cooperative affairs. Then,> Ta Mok <and Ta Sy>
14 came. <Ta Sy blamed us, asking who on earth made us set up
15 cooperatives and we said it was Angkar. He said he was also
16 Angkar, but how come he didn't know about that? So, there was an
17 internal problem. Then,> Ta Mok <said, "Now, let's do whatever we
18 know how to do and don't touch upon what we don't understand. We
19 will take care of that later". So, we made the first step
20 followed by more steps. Then, while they were doing it the
21 internal dispute ceased and they carried on the process. But,
22 there were both difficulty and comfort. It was hard for people to
23 go to have their meals. But, it was easy to handle rice, fruit,
24 food and vegetables. However, the people could not fill their
25 stomach and the food was not good. Perhaps, you all here

16

1 understand this. The pots were so big, but only one kilogram of
2 meat or fish was cooked with a little vegetable in those large
3 pots. So, there was a problem with food. When the cooperatives
4 had high productivity we were able to fill our stomach, but the
5 productivity was low we could not fill our stomach at all. When
6 people could not eat to get full problems arose. They had health
7 problems. Living conditions were terrible. People became
8 physically weak. When their health was deteriorating they fell
9 sick. Arguments broke out. People became exhausted. So, they were
10 disobedient.>

11 Q. Thank you for that response, Mr. Witness. Another subject that
12 we've heard testimony on in this Trial from a number of
13 witnesses, including the head monk of Kampong province, was about
14 how monks from all of Takeo province were gathered at the Wat
15 Angk Roka pagoda following 17 April 1975, and later in 1975,
16 early 1976, they were forced to disrobe and leave the monkhood.
17 What can you tell us about what happened to the monks who were
18 gathered at Angk Roka pagoda in 1975?

19 [09.50.55]

20 A. <There was a> committee of monks at the level of the province
21 which <the chief> was in charge. I was in charge of the New
22 People, their living conditions, their health; I was in charge of
23 meetings and the kitchens. <So many people were sick. So, I
24 prepared food for them. One person was> very hungry; <so he ate>
25 so <much food> that <he> fainted. He did not die, but nearly

1 died. We divided our roles.

2 As regards the monks, what I can tell you is that they were
3 <defrocked> but I do not know why. <But, my> idea at the time was
4 that they should be kept, they shouldn't be <defrocked since they
5 were already old> but <we should not allow more people to be
6 ordained. I said that, but I did not dare to say it loud enough
7 to be heard. I talked and walked the talk at the same time, but
8 for fear, I did not dare to talk loudly. The state of life was
9 like that.> I was at the pagoda. <I looked after it>. I <used the
10 wooden boards to tightly close the> doors and the <walls> in
11 order to protect the statue of the Buddha <from being taken
12 away>. After the war <ended>, the statue was there. It was Ang
13 Montreay (phonetic) pagoda in Kus <commune>.

14 [09.53.38]

15 Q. Mr. Witness, what about the Angk Roka pagoda, did you go there
16 in 1975, while monks were gathered at that pagoda?

17 A. No. I did not even attend the assembly of the monks. It was
18 the <Provincial Sangha Committee> who was in charge of that job.
19 <I did not do that.> But as I stated, I stayed in one of the
20 <monks' houses in> the pagoda. I <used the wooden boards to cover
21 its wall very tightly and> made sure <all> doors were <shut. I
22 used the> 10-centimetre nails to <tightly close the doors.>

23 Q. Mr. Pech Chim, to perhaps refresh your recollection, let me
24 read a couple of excerpts of testimony that we've heard. First is
25 from the reverence Em Phoeung, the head monk of Kampot province.

18

1 He testified in this Court on the 16th of February this year at
2 E1/263.1, between 9.43 and 9.46 in the morning. He gave the
3 following testimony. Quote: "Those monks who came to stay at Angk
4 Roka, most of them came from Takeo province. They were told to
5 stay in this pagoda to be ready to do other work for the new
6 regime. On my first arrival, I was not ordered to do anything but
7 later we were told that you cannot be staying as a monk. Any monk
8 should leave the monkhood or be defrocked and they will not allow
9 anyone to be in the monkhood." And later the same day at 10.58 in
10 the morning, he testified that the Khmer Rouge cadre who chaired
11 the meeting at Angk Roka came with armed militia men. And we also
12 heard from a witness Vann Soan, a former messenger and guard at
13 Krang Ta Chan. He testified that the meeting at Angk Roka at
14 which the monks were defrocked was chaired by Yeay Khom, Ta Mok's
15 daughter, the Tram Kak district chief. This is E1/ -- this is a
16 testimony on the 3rd March 2015, at 14.04 to 14.06 in the
17 afternoon.

18 Does that refresh your recollection, Mr. Witness, that the
19 district committee and specifically the district chief, Yeay
20 Khom, were involved in defrocking the monks at Angk Roka pagoda?

21 [09.58.15]

22 (Short pause)

23 [09.58.59]

24 MR. PRESIDENT:

25 Mr. Witness, have you understood the question or didn't you

1 understand the question which explains why you are not answering
2 the question?

3 MR. PECH CHIM:

4 A.I heard the question but I do not understand the question.

5 MR. PRESIDENT:

6 Mr. Prosecutor, please rephrase your question because the witness
7 did not understand it. <That's why he didn't respond.> Please
8 rephrase it.

9 Q. The question, Mr. Witness, is it correct that Tram Kak
10 district chief, Yeay Khom, was the one who ordered the defrocking
11 of monks at the Angk Roka pagoda?

12 [10.00.05]

13 A. Yes, that's true. I would like to specify that the ceremony or
14 the meeting took place in several steps or rather each person had
15 to manage his own part. I was in charge of <production dealing
16 with the living conditions and rice> supplies <for the people>
17 and Yeay Khom was in charge of <her own group which was assigned
18 with different tasks>. Not everyone <was called to do that>
19 because everyone had his or her specific tasks.

20 Q. Can you tell us, Mr. Witness, did the -- did Yeay Khom decide
21 to do this herself, or did the Tram Kak committee receive
22 instructions that the monks were to be disrobed?

23 A. The district committee of Tram Kak could not give orders to
24 <Mr.> Khom because <Mr. Khom> was the <chief>. The district
25 committee was only there to obey <Mr. Khom> but Khom would

20

1 receive orders from the sector or from Ta Mok, personally.

2 Q. Were you aware of the orders that Yeay Khom received from
3 either the sector or Ta Mok, regarding the disrobing of monks?
4 [10.02.40]

5 A. No. I did not know.

6 Q. Let me turn to another subject, Mr. Witness. This regards the
7 Vietnamese--

8 MR. PRESIDENT:

9 Time has come for a break. <Due to lack of human resource, the
10 interpreters request for support as the work is too overwhelming
11 for them. We take a break now and resume at 10.30.>

12 < Court officer, please assist the witness at the waiting room
13 reserved for witnesses and experts during the break time and
14 invite him, as well as his duty counsel, back into the courtroom
15 at 10.30.>

16 (Court <recesses> from 1003H to 1031H)

17 MR. PRESIDENT:

18 Please be seated. The Chamber <is back in session and> gives the
19 floor to the <Co->Prosecution to continue examining the witness.

20 BY MR. LYSAK:

21 Thank you Mr. President.

22 Q. Mr. Witness, I want to turn to the subject of the Vietnamese
23 people who lived in Tram Kak district. What can you tell us about
24 what happened to the Vietnamese people who lived in Tram Kak and
25 Takeo province after the 17th of April 1975?

1 [10.32.19]

2 MR. PECH CHIM:

3 A. At the time <> Vietnamese soldiers were everywhere in Tram Kak
4 district. It wasn't only civilians. There were soldiers
5 everywhere including in the forest <buying and selling
6 commodities. They contacted us to buy pigs and rice. On the one
7 hand, we had our soldiers and the Vietnamese troops on the other.
8 Before they came in to buy stuffs they needed to ask for
9 permission from us. We didn't just let them trade freely. At that
10 time, we sold rice in bulk.>

11 <Later on, Angkar and> the Party <facilitated> with the
12 Vietnamese <to let them return to their country. Later,> the
13 Vietnamese <returned and all> the Vietnamese <soldiers returned>
14 to Vietnam. <It took them only two nights to empty the area.> I'm
15 talking of <only> Vietnamese soldiers. <At that time, we> also
16 requested that Vietnamese civilians be repatriated <along with
17 the Vietnamese troops>. So they went back to Vietnam one after
18 another. And that is how we were able to restore peace between
19 Cambodia and Vietnam. <Everything went back to normal at that
20 time.> There were <no> armed conflicts between Vietnamese and
21 Cambodian <soldiers>. Vietnamese civilians and Cambodian
22 civilians also lived in peace. That is what happened.

23 [10.35.00]

24 Q. And what was the reason that Vietnamese civilians, as well as
25 soldiers, were repatriated? What was the reason that all

1 Vietnamese and not just the soldiers were asked to leave the
2 country?

3 A. The decision was taken by Angkar. I was a low-level officer
4 and I could not understand the principal underpinning such
5 decisions. They <> accepted our request that they be returned
6 back to their country in order to live together <in peace and
7 without conflicts>.

8 Q. Did the district receive any instructions on what to do if
9 there were Vietnamese who refused to leave and who stayed in Tram
10 Kak?

11 [10.36.44]

12 A. No. <Some> Vietnamese had married Cambodians and had children
13 <who were> mixed blood.> Vietnamese were authorised to live
14 together with their spouses. There were no problems with that
15 category of people.

16 Q. Just to make sure I understood correctly, you're saying that
17 Vietnamese who had married Khmer were allowed to stay at this
18 time? Did I understand that correctly?

19 A. Yes, that is correct.

20 Q. And do you remember whether there were any Vietnamese who were
21 not married to Khmer who refused to leave and stayed in Tram Kak?

22 A. I do not remember.

23 Q. Do you remember whether in this arrangement with Vietnam,
24 whether there were exchanges in which when the Vietnamese were
25 sent to Vietnam, Khmer Krom were sent to Cambodia?

1 [10.39.05]

2 A. All I remember is that Vietnamese were sent back to Vietnam<.

3 But, no> Khmer Krom <was exchanged by being sent to> Cambodia.

4 That is all I remember.

5 Q. Could you explain what you meant by that? In the translation I

6 got, was that Vietnamese were sent back by Khmer Krom. Could you

7 explain what you meant by your last answer?

8 A. I would like to specify that the Vietnamese army was organised

9 in the territory of Cambodia following some negotiations with

10 Cambodia and after that, Cambodia asked Vietnam to repatriate

11 Vietnamese back to Vietnam and we subsequently asked Vietnamese

12 civilians to go back to Vietnam so they all left and went back

13 together to Vietnam. But as for mixed couples - that is,

14 Vietnamese who are married to Cambodians, <they> were allowed to

15 continue living in Cambodia.

16 [10.41.14]

17 Q. Mr. President, with your leave, I would like to provide a

18 document to the witness to see if -- refresh his recollection on

19 this. It's document E3/2048, at Khmer, ERN 00079090; English,

20 00276563 through 64; and French, 00611660. Again, it's E3/2048.

21 With your leave, may I provide a copy to the witness?

22 MR. PRESIDENT:

23 Please proceed.

24 BY MR. LYSAK:

25 Q. Mr. Witness, the document that I've provided to you is a

24

1 report sent from Popel commune, a person named Chorn (sic), in
2 early May 1977 and the reference I want to ask you about is the
3 first paragraph which states - refers to 64 Khmer Krom families,
4 a total of 228 people, having been received in an exchange with
5 Vietnam. Does this refresh your recollection on whether there
6 were exchanges arranged in which Vietnamese were sent to Vietnam
7 and Cambodia received Khmer Krom from Vietnam?

8 [10.43.30]

9 MR. PECH CHIM:

10 A. I do not recall the details of such an exchange. The person in
11 charge of this particular task was Khom <who> worked in
12 collaboration with Chorn. Chorn was tasked with assembling all
13 war-<displaced people> in all the communes and all the districts
14 <in the whole province. Chorn was the one who responsible for
15 that.> And he would report the number of these persons the
16 district officials. <The communes were already> informed and the
17 officials at the district <level had to be informed as well
18 because they had to distribute rice and> clothing to those
19 refugees. So there were very specific sections tasked with such
20 work. <But, not everyone was involved in this. Only Chorn and
21 Khom did.> That is all I can tell you.

22 Q. Can you tell us who Chorn was? What was his position in Tram
23 Kak?

24 [10.45.34]

25 A. Chorn was a mobile worker <in the province in the sector>. He

1 moved about in the sector running errands. At the time, all
2 <people working in> Sector <13 of Takeo province were
3 concentrated in Tram Kak district. So, Chorn was in Tram Kak and>
4 he went about carrying out work <in Treang, Angkor Chey, Kiri
5 Vong or Prey Kabas. He went around> to find out how many <people>
6 were <evacuated from 108, from Kiri Vong, Treang and so on to
7 Tram Kak. The lists of these people were in his hand. So> he was
8 the one who knew <how many> Vietnamese were <present>. As for
9 myself, I was only in charge of clothing and rice supplies. That
10 is the summary I would give of the situation at the time. May I
11 also point out that Chorn was not one of the district <authority>
12 officials, nor was he an official at the level of the province.
13 <He> was a <mobile, floating> cadre. <When he went to 109, he met
14 with people at 109. Whenever he went to Treang he met with people
15 there and this applied to Kiri Vong, too. So, he made and
16 received reports wherever he went. He communicated to those
17 people in this manner. When the people he met reported about any
18 problems concerning the living conditions and health of the
19 people, he would take note and try to solve them.>

20 [10.47.50]

21 Q. This person, Chorn, who we've been talking about, was this the
22 Chorn who was the husband of Yeay Boeun?

23 MR. PRESIDENT:

24 <Pech Chim>, please answer the question because your microphone
25 was not on when you were speaking.

1 MR. PECH CHIM:

2 A. Chorn was indeed Boeun's husband. Boeun was the Party head at
3 the level of the commune - that is, Cheang Tong commune.

4 Q. And at some point, did Chorn become the chief of Popel
5 commune?

6 A. Yes, he was chief of that commune at a point in time, for a
7 very short time. That was because at the time there was no one in
8 charge of that commune. He was subsequently removed to take care
9 of <the overall> mobile units <in the province. Again,> someone
10 came to replace him in that position.

11 [10.50.01]

12 Q. You've described how Chorn had this task of assembling all
13 refugees and then reporting to his superiors. Are you referring
14 to people who were Khmer Krom refugees who had left Vietnam and
15 entered Cambodia? Is that who you mean by refugees?

16 A. No. (inaudible) track of all those refugees. <Let me clarify.
17 During the war time, people in Kaoh Andaet and Kiri Vong tried to
18 have a grasp of the refugees.> In fact, he did not assemble those
19 refugees. All he did was -- do <was preparing the lists> of those
20 refugees and <sent the lists> to the district <and sector> level.
21 He was not a cadre of <any specific> district committee. He was a
22 cadre at the level of the sector and was assigned to carry out
23 <mobile work activities>.

24 Q. And the one thing I want to clarify and make sure I understand
25 because of translation, the people that Chorn had responsibility

1 for reporting on, who you call refugees, were these just people
2 who had came - come to Tram Kak from Kiri Vong or were these all
3 evacuees - all New People who had come to Tram Kak after 17 April
4 1975?

5 [10.52.16]

6 A. Everyone, all the refugees, all the war-displaced persons. His
7 task was to <list the number> of all those people.

8 Q. And one more, just so I'm clear on this, did this include the
9 people who had been moved from Phnom Penh starting on 17 April
10 1975?

11 A. The evacuees were counted at the level of the district and
12 <Chorn alone could not handle it> since there was a lot of work.
13 <Ta Mok was in charge of the Zone Military. When evacuees arrived
14 at any house in any village, Chorn would walk around to collect
15 their information.> That was the situation at the time<. As for
16 me,> I was in <the> village.

17 [10.54.27]

18 I <held meetings,> cooked <Khmer> noodles <and distributed rice>
19 in order to feed all these evacuees. I also housed them in the
20 homes of the villagers. <Some women still breastfed their
21 children while others were pregnant.> Some of the refugees were
22 widows and they were housed in homes where there was some space
23 for housing such people. They were also sent to cooperatives
24 where they were given ordinary food rations, on the same footing
25 as the others - they received the same rations. They were also

1 <given> huts <with> thatch<-roofs and bamboo panel floors or
2 wooden floors according to the ability of the cooperatives. I
3 held meetings to supervise and educate them. Then, they were
4 fighting with one another. So, I entertained them with some art>
5 performances <and dancing> for purposes of educating them. <Then,
6 they stopped fighting. I did that to the best of my capacity>.
7 Our objective was to make sure everyone lived in <peace,
8 happiness and harmony and that our country was prosperous and
9 resilient. We stood united as one nation and had to guarantee
10 that. Let me clarify.> There were six million inhabitants in our
11 <liberated areas and another> six million <people> evacuated from
12 Phnom Penh. So food ration <was one can of rice> for <three
13 people> and <then one> can for six people - <that was in the
14 place where life was better off>. As for places where there
15 wasn't enough food, <life was even> harder.

16 [10.56.48]

17 Q. Thank you, Mr. Witness. Let me turn to some questions -
18 specific questions about the New People - the evacuees who came
19 to Tram Kak after 17 April 1975. Did you know a pagoda in Ta Phem
20 commune called Wat Champa Leuk?

21 A. The Popel pagoda. I know the pagoda but what you have said is
22 not quite accurate. I know Popel pagoda. That pagoda is not the
23 Champa Leuk pagoda. Popel pagoda is <near Slar Ku (phonetic)
24 bridge> but the Champa Leuk pagoda is in Angk Ta Saom, it's in
25 Angk Ta Saom, to the west of Angk Ta Saom.<These are the two

1 different pagodas>.

2 Q. Yes, I think we're talking about the same place. My question
3 may have been translated - my understanding, it was in Ta Phem
4 commune not Popel commune but you knew this Wat Champa pagoda. My
5 question; was Wat Champa one of the places where evacuees were
6 gathered when they arrived in Tram Kak district?

7 [10.59.10]

8 A. I do not remember. I welcomed them on the national road and I
9 took them to the commune and then they were very few who
10 travelled to Champa Leuk pagoda where commune representatives had
11 come to welcome and feed them. So<, > commune <clerks> had come to
12 welcome them in order to bring them to their respective communes.
13 <But, not all of them were kept at Champa Leuk pagoda. From the
14 west on the road to Tram Kak, the commune chiefs lined up to
15 welcome them>, Ta Mok was there and the number of evacuees that
16 they were to take in had been decided by their superiors and once
17 they arrived at their destinations, they were housed and
18 <provided with clothes>, they were fed. That's all I can say
19 about this.

20 [11.01.08]

21 Q. Let me see if I can refresh your recollection a little by
22 reading a little number of the - some of the testimony that we've
23 heard so far about Wat Champa Leuk. A witness who testified in
24 this trial, Kev Chandara - this was in E1/255.1, on the 2nd of
25 February 2015, at 13.46 to 13.49 in the afternoon - he lived

1 right next to the Wat Champa Leuk pagoda and testified that he
2 saw thousands of evacuees gathered there and that he also saw Ta
3 Mok there. And before the Chamber, is an OCIJ statement from a
4 cadre who worked at the Tram Kak district office, who I must
5 identify now as 2-TCW-822. In his statement, E319.1.32 at Answer
6 113, he gave the following testimony:

7 "Question: 'What do you know about the killing of soldiers,
8 families of Lon Nol soldiers and civilians in Takeo province?'
9 Answer: 'At that time, the Khmer Rouge announced their victory.
10 Phnom Penh is defeated. After that, people were evacuated from
11 Phnom Penh to Wat Champa Leuk pagoda located three kilometres on
12 the west Angk Ta Saom, Tram Kak district. For seven days, the
13 Khmer Rouge made propaganda that they were seeking soldiers with
14 rank to register their names. Having rounded up these people,
15 they took them away. This was their common practice. Hundreds and
16 thousands of people were taken away. Having taken all these
17 soldiers with rank, for example second and first lieutenants,
18 only ordinary people remained.'" End of quote. Now, Mr. Witness,
19 does that refresh your recollection about what happened at Wat
20 Champa Leuk pagoda after the 17th of April 1975?

21 [11.04.16]

22 A. Back then, I did not partake in this kind of work. Khom was
23 present. <She was the party chief.> She was representing the
24 Party. I had not yet been promoted to member of the district
25 committee. The district chief was in charge of the logistics<,

31

1 managing and dealing with living conditions and food for the
2 people in all communes>. So, I was in Cheang Tong, <Popel and
3 Leay Bour communes> back then and Khom was in charge of <all
4 communes> but I saw nothing regarding the officers of the Lon Nol
5 army. I suspected that these kinds of measures had been taken
6 against the bad elements but no one dared to say anything.
7 Everybody was quiet because we had to toe the line, follow the
8 political line. We were expected just to do our work and just to
9 focus on our work. As we say in Khmer, <"Your hair is on your
10 head".> .

11 [11.06.32]

12 That's it. So I experienced this terrible regime like everyone.
13 <You should know about this. Life was not easy.> Thank you.

14 Q. You mentioned a little while ago that Ta Mok was in Tram Kak
15 following the 17th of April, when evacuees arrived. How long was
16 Ta Mok in the district and do you know whether he was at Wat
17 Champa Leuk?

18 A. He stayed there for a while but I cannot tell you how long
19 exactly. At Champa Leuk pagoda he was there, as well as at Angk
20 Ta Saom. He would eat over there and he would work elsewhere, so
21 he never stayed put. He never would stay put in a given place. So
22 he -- in fact we had to move around because it was wartime.

23 [11.08.25]

24 Q: Mr. Witness, there are also a number of references to Wat
25 Champa Leuk and to what happened to Lon Nol officers immediately

1 after evacuees arrived in Tram Kak. There are a number of
2 references in some of the surviving documents that I would like
3 to read to you now to get your response. In document E3/2107,
4 E3/2107, and this is a Krang Ta Chan notebook, and the notes at
5 Khmer ERN, 00068050; English, 00290205 through 06; and French,
6 00655726; these are notes for a prisoner named Chou Sovann and
7 they state as follows, quote: "His father was subdistrict chief.
8 Angkar made the assignment from Wat Champa. He is dissatisfied
9 that Angkar arrested his father and took him away." Mr. President
10 there are two documents that I am going to be using with this
11 witness, this E3/2107, and also a notebook, E3/4095. With your
12 leave I would like to give those to the witness and his counsel
13 so they have the opportunity to read the names as I ask these
14 questions. So I'd like to provide, with your leave, documents
15 E3/2107 and E3/4095 to the witness.

16 MR. PRESIDENT:

17 Please proceed.

18 [11.11.32]

19 BY MR. LYSAK:

20 Q. So, Mr. Witness, and perhaps your counsel can help you with
21 this, in E3/2107, the reference I just read was at Khmer page,
22 00068050. It was a reference for a person -- notes from the
23 interrogation of a person Chou Sovann. And the second
24 (inaudible), 00655751; these are the notes for a prisoner named
25 Som Phy (phonetic) which read, quote: "Husband in the military, a

1 second lieutenant in Phnom Penh. Angkar arrested the husband
2 right after they arrived." End of quote.

3 In the other notebook I provided, E3/4095, if you look at Khmer,
4 00271130, that's 271130; English, 00747296; French, 00721270;
5 there's the following note for a prisoner named Sok Siny, a
6 former primate in the Takao military police, quote: "Shortly
7 after the liberation Angkar listed and took away all those with
8 military ranks, none of whom are staying with us nowadays. Now
9 it's making the military list once again targeting us or someone
10 else." End of quote.

11 [11.13.55]

12 And the last excerpt I want to read to you is from document, a
13 different document, E3/2048, E3/2048, at Khmer, 00079089;
14 English, 00276562 through 63; French 00611659. This is a report
15 to Tram Kak district Angkar from Cheang Tong commune identifying
16 two former Lon Nol ranking officials. The note though, that I
17 want to refer you to, says the following: "His father was a map
18 draftsman in Takao. When we liberated it he came out to Wat
19 Champa and our Angkar removed him."

20 So, I've read to you, Mr. Witness, a number of excerpts from
21 documents recounting removal or arrests of Lon Nol ranking
22 officials when people arrived in Tram Kak, including at Wat
23 Champa. Does this refresh your recollection that there were
24 arrests and removals of ranking officers following the 17th of
25 April 1975, in Tram Kak district?

1 [11.15.03]

2 MR. PECH CHIM:

3 A. I was not aware of this. Khom was the district representative
4 and I was at a lower level.

5 Q. Let me ask you about something that you've previously
6 testified about then. When you came to this Court in 2013, on the
7 1st July 2013, and I'm citing here to your trial testimony; it's
8 E1/215.1, at 11.39 in the morning. You were asked the following:
9 "Question: 'Is it right that Angkar gave instructions about
10 purging enemy officers?' Answer: 'Yes, it is correct'". And in
11 the afternoon you were questioned by Defence Counsel about how
12 you knew this, and you gave this testimony, and this is the same
13 day at 15.04 through 15.08 of the afternoon. Quote:

14 "Question: 'How did these instructions reach you? How did you
15 know that such a policy or plan apparently existed?' Answer:
16 'There were meetings. These kinds of things were not learned
17 during education sessions, but they were learned during meetings
18 at the sector level,'" Continuing below: "Question: 'Who
19 instructed you, or who told you to purge enemy officers?' Answer:
20 'The people at the upper echelon, because at the district level
21 we reported to the sector and the sector to the zone. So we
22 followed the instructions from the upper echelon'. Question: 'But
23 what kind of instructions and who were the people telling you
24 this?' Answer: 'People at the sector level who instructed this.
25 They had to conduct purges and thorough inspection would be

1 carried out before people would be purged. In other words,
2 investigation into the people's conduct and whether they were
3 falling into the categories of those who had to be purged." ' End
4 of quote. My follow up question to you about this testimony you
5 gave is who was it at the sector level who gave these
6 instructions?

7 [11.19.43]

8 A. It was Saom, alias Than.

9 Q. And when and where was it that sector secretary Saom gave
10 these instructions?

11 A. Normally -- well it was the Party line in fact. We had to
12 distinguish the bad elements from the good elements, but he did
13 not give us instructions to purge these people. When I said that
14 this kind of solution had been the right one, maybe I was
15 mistaken. So, maybe my answer was not quite right, and sometimes
16 I answered erroneously to the questions and I could not correct
17 myself. I could not <follow the questions>. That day I was really
18 tired and I was bombarded with questions so I said, I would just
19 say yes<>. So please accept my apologies for my mistaken answers.
20 So I would like to indeed correct my answers now.

21 Q. Could you explain what you mean by that? You just said that it
22 was the Party line to purge bad elements. How did you know that
23 it was the Party line to purge bad elements, Mr. Witness?

24 [11.22.04]

25 A. Well, according to the politics of the Party when we were told

1 that they were bad elements, this meant that these were not good
2 elements for the Party. That's all I understood from this policy,
3 from this Party policy.

4 Q. Let me ask you a very specific question, Mr. Witness. The
5 instructions that were provided to the district, did the district
6 receive instructions from the sector about whether there were
7 certain ranks of Lon Nol officers who were to be purged?

8 [11.23.26]

9 A. I don't understand your question clearly; can you please be
10 more specific?

11 Q. Let me try this another way. One of the key pieces of
12 testimony this Court has heard came from the former deputy chief
13 of Tram Kak district hospital. A witness named, Riel Son. And in
14 his testimony at this trial and in his OCIJ interviews,
15 specifically I'll reference E3/5511, at answer 9, and also
16 E319.1.21, at answer, starting at answer 40. He gave the
17 following testimony about instructions that were provided in Tram
18 Kak district. Quote: "The chiefs of the district, the communes,
19 the villages and unit members were invited to attend a
20 conference. The conference participants were informed of what
21 categories of people to be purged. The conference was attended by
22 the district committee. There was a planned purge. People who
23 were targeted to be purged included; soldiers from the rank of
24 adjutant or warrant officer and above in the army and from first
25 deputy chief and above in the administration." End of quote.

1 Now, Mr. Witness, did the district chief or district committee
2 have authority itself to decide that certain groups were to be
3 purged, or was that something that could only be decided at a
4 higher level?

5 [11.27.00]

6 A. Back then it was Khom who <announced the plan in a meeting>
7 aiming at eliminating officers and I didn't do anything <and I
8 did not remove anyone>. The communes <got the instruction or the
9 plan and> executed that <plan> instead of me. Back then during
10 the meeting, I said that there were good people and bad people.
11 So, since I did not do this work; the others took charge of doing
12 that work instead of me, that's all I dared to do back then.

13 Q. Mr. Witness no one is saying that you were responsible for
14 these purges. We're trying to find out where these instructions
15 came from. My question to you was, did the district chief have
16 authority to make a decision like this, herself, to decide that
17 certain groups were to be purged? Or was that something that
18 could only be decided by a higher level than the district?

19 A. This kind of decision could only be taken at the higher level.

20 Q. Now in your testimony back in 2013, you also told the Court
21 about a political training session you attended for about 20 days
22 in Phnom Penh at which Nuon Chea was the instructor. And at
23 E1/215.1 of your testimony, at around 11.31, you gave the
24 following testimony.

25 "Question: 'When Nuon Chea was teaching you did he ever cover

1 subjects like internal and external enemies?'" This was your
2 answer: "Yes he did, he covered all aspects. Without having
3 covered the subject of enemies, people would never know how to
4 identify enemies from friends." End of quote.

5 My question for you today, at this 20 day long political training
6 session run by Nuon Chea, or the district secretaries, did he
7 talk about Lon Nol officials and soldiers or remnants of the
8 former regime? Are you able to remember - I realise this is a
9 long time ago - are you able to remember any discussion by Nuon
10 Chea on that subject?

11 [11.30.38]

12 A. I do not remember because that was a very, very long time ago.
13 Regarding study sessions and the Party line which consisted in
14 making the distinction between <friends> and the enemy in the
15 liberated zone, it was said at the time in the liberated zone
16 that those who served the interests of the enemy were considered
17 as the enemy and those who had been in the <enemy's> zone<, but
18 served those who were in the liberated zone were considered to be
19 friends. I also questioned this, but no one could respond.> As
20 regards the people who were evacuated from Phnom Penh, <I asked
21 who were friends and who were enemies. Some> of them who took
22 part in our struggle <by providing us and our soldiers with> rice
23 and they supported us, but <at that time, we lost touch with them
24 and could not trace where they were. We did not go in search for
25 them, either. So, how could we find them?>

1 If we considered everyone as the enemy we would have lost, we
2 would have lost a lot of our supporters. That was what was said
3 at that time during the <study session and> meeting<. Then, no
4 one could find a solution. Uncle Nuon mentioned the class enemy
5 in a general sense of the Party line and in term of the rich and
6 the poor.> They also talked of the class struggle, the repressed
7 class, and the oppressors, the class that was oppressing the
8 others. <So, I studied very hard and tried to follow the lessons.
9 I also straightened myself along the line. They did not say so
10 and so was flexible or inflexible. They only referred to classes.
11 They also said that those in high positions were not good. They
12 also referred to those who used to hold high positions and ranks.
13 They> were <very> afraid of Lon Nol's men, <they> had to be
14 vigilant <for Lon Nol's people>. Well that is all I can tell you.
15 [11.34.30]

16 MR. PRESIDENT:

17 Mr. Pech Chim, thank you. Thank you, Prosecutor. It is time for
18 us to take the lunch break now. The hearing will resume at 1.30
19 p.m.

20 Court officer, please take the necessary measures to ensure that
21 the witness is able to properly rest <in the room reserved for
22 witnesses and experts> during the break and bring him as well as
23 his duty counsel <back at about 1.30>.

24 Security officers, please <take> the Accused <Khieu Samphan> back
25 to the holding cell <downstairs> and bring <him> back to the

1 courtroom at 1.30 p.m.

2 The hearing is <in recess>.

3 <THE GREFFIER:

4 Please rise.>

5 (Court recesses from 1136H to 1331H)

6 MR. PRESIDENT:

7 Please be seated. We are resuming our proceedings, and we'll give
8 the floor to the Prosecution to continue examining the witness.

9 MR. LYSAK:

10 Thank you, Mr. President. Just one preliminary matter: we --
11 obviously, we're moving a little slower because of the
12 translation and other issues with this witness. I anticipate that
13 I have -- this is obviously a very important witness. I have one
14 more session of questions relating to Tram Kak, Kraing Ta Chan
15 and maybe a little more, and then I'd like to pose questions to
16 this witness also on the Central Zone. I'm assuming we will not
17 be calling this witness back later in the trial. He has
18 information relating to that.

19 [13.33.20]

20 So, in view of the -- having to go a little slower with this
21 witness, and his importance, we would -- I've talked to the civil
22 parties, we would request to have an additional session, which
23 means that I would finish today and they would use the first
24 session tomorrow morning. So that's our request in order to be
25 able to cover the issues that this witness has.

1 JUDGE FENZ:

2 Just to clarify, the request for an additional session is a
3 combined request from the Co-Lead Lawyers and the -- yes, thank
4 you.

5 (Judges deliberate)

6 [13.34.46]

7 MR. PRESIDENT:

8 Are you asking for a session today, or you need the entire
9 morning period tomorrow as well?

10 MR. LYSAK:

11 We're just asking for the first session tomorrow morning, so we
12 would finish by the morning -- morning break, combined between us
13 and the civil parties.

14 MR. PRESIDENT:

15 Thank you very much.

16 MR. KOPPE:

17 Just to be clear, we're completely unprepared for any questioning
18 on issues relating to the Central Zone. I wonder why this request
19 is coming now, and not earlier. I'm also asking myself the
20 question how far the upcoming questions on matters relating to
21 the Central Zone is in fact within the scope of this second
22 trial? So, there's all kinds of questions that I have that are
23 not answered at this stage. So, I would like to have some more
24 clarity and clarification from the Prosecution as to what exactly
25 - I mean if he questions on the rubber plantation, I suppose

1 that's fine, but if it goes beyond that, then I would have a
2 problem.

3 [13.36.15]

4 MR. LYSAK:

5 I can respond very easily to that. He shouldn't be baffled at
6 all. I specifically brought up this issue when we were talking
7 about the witness statements, the new witness statements that
8 have been obtained. The purge of the Central Zone is a direct
9 issue in this trial. This Chamber has already said --
10 particularly with elderly witnesses -- that we're going to cover
11 all of the relevant issues, and not be in a position where we're
12 having to call back witnesses. So, no one should be surprised at
13 all that this witness is going to be examined on this issue,
14 which is one of the direct issues that are part of this trial.

15 [13.36.24]

16 MR. KOPPE:

17 I'm trying to keep up with all this, Mr. President, Your Honours,
18 but I'm simply -- I'm not prepared for this, for these questions.
19 I mean, there's all kinds of new statements that have arrived in
20 our case file. There are so many issues. I don't see any reason
21 why we should expect that this witness couldn't come back at one
22 point in time. He seems quite fit. So, I really don't see the
23 necessity to move ahead to an issue that we have at this point
24 very little, or relatively little, grasp of. So it's -- I find it
25 very problematic that we move about -- that we move on, on this

1 issue, like it is a very normal request. It isn't.

2 MR. LYSAK:

3 I'm sorry, Mr. President, but the procedure in the first trial
4 was that every witness would be examined on the entire scope of
5 the trial. And with elderly witnesses in the first trial, the
6 scope expanded beyond Case 002/01 to include all Case 002 issues.
7 So it has always been the order of this Court that all witnesses
8 are examined on the full scope of the trial. We have never wanted
9 to put ourselves in the position of having to repeatedly call
10 back witnesses. So, I take great issue with this -- with this
11 assertion.

12 (Judges deliberate)

13 [13.41.44]

14 MR. PRESIDENT:

15 The Prosecution application has been objected to by the Nuon Chea
16 defence. The Chamber needs to consider a number of relevant
17 points. It therefore cannot rule on this matter now. It will
18 render its decision after the break.

19 Mr. Prosecutor, please proceed with your examination of the
20 witness.

21 BY MR. LYSAK:

22 Thank you, Mr. President.

23 Mr. Witness, I've provided you and your counsel with a couple of
24 documents. I want you to, if you could, refer to E3/2107,
25 E3/2107, and particularly at Khmer ERN 00068051, that's 68051;

1 English, 00290207; French, 00655727. And this is a note in
2 relation to prisoner Thou Thip, which states -- I quote: "After
3 Angkar held a meeting on 24 January 1977 to announce that Chan
4 Raingsey's group had all been smashed by the Revolution, and not
5 a single man remained." End of quote.

6 Q. My question to you is: Do you know -- do you remember who Chan
7 Raingsey was?

8 [13.43.48]

9 MR. PECH CHIM

10 A. Mr. President, I only heard his name. I didn't know who he
11 was. At the time, I was a child. I heard the name during the
12 colonial period.

13 Q. There is a reference in these notes to a meeting having been
14 held on the 24 January, 1977. This was just a couple of weeks
15 before you left for the Central Zone, where it was announced that
16 this group had been smashed. Do you have any recollection of what
17 this meeting was about?

18 A. I do not recall that. I did not attend that meeting.

19 [13.45.41]

20 Q. In the same notebook, if you could now turn to Khmer, page
21 00068067, that's 68067; English, 00290235; and French, 00655749.
22 There are notes there for a prisoner Yin Born, who was a former
23 Khmer Rouge soldier, who had tried to flee because he was unhappy
24 with the food and had not been allowed to marry his fiancée. And
25 specifically, the notes say -- quote: "He and a colleague both

1 had fiancées in the village, and they had requested Angkar three
2 or four times to marry, but Angkar would not permit it." End of
3 quote.

4 Can you explain why, during the Khmer Rouge regime, people had to
5 get Angkar's approval for the person they would marry?

6 A. I was not aware of the story regarding <these> two persons.
7 <Generally speaking, those who wanted to get married needed to
8 ask for the authorization. The man needed to ask for the
9 authorization and asked the woman for her consent before >the
10 marriage <could> be celebrated. It was impossible for any
11 marriage<> to be celebrated without <the authorization>. They
12 also needed the <consent> of the parents, brothers and sisters
13 <>or the guardian <who was the local chief.> <That was the
14 principle. >However, I wasn't aware of the story of <the two
15 persons because there were many cases and I don't know who was in
16 charge of the area. However, that woman was not Khom because at
17 that time it was >in <1970 or> 1971.

18 [13.48.25]

19 Q. The translation I've just received said 1971. Were you talking
20 about 1971 or were you talking about during the Khmer Rouge
21 regime?

22 A. As a matter of fact, it was as of 1970. That was the <way they
23 organized. It was under the same regime. In 1971, the regime
24 organized marriages. Requests for marriages were brought to the
25 attention of unit chiefs or> group <leaders who then approved

1 them before the wedding took place. Then, more and more people
2 wanted to marry. So, marriages> involving <hundreds of> couples
3 <were organized>, and for those marriages to be conducted, <the
4 unit chiefs made requests to> the superior. <So, if we did not
5 marry many couples at the same time it would have taken us for
6 ages to process couple by couple marriages. We did not want
7 people to marry because we wanted to build up our army to speed
8 up and conquer the battles. We did not want to prolong the war.
9 We did not want the people to marry when they were still young.
10 We wanted them to wait to be a bit more mature. That was our
11 policy. But, some officials did not give people clear
12 instructions about that policy and only gave them a brief
13 summary. So, conflicts arose. But, since people had deeply loved
14 each other we had to arrange marriages for them.>

15 [13.50.07]

16 Q. I'm a little confused by your answer. You talked about a law.
17 Were you talking about a law during -- a law from the Khmer
18 Republic government? Or are you talking about a law during the
19 Khmer Rouge regime, while the Khmer Rouge was in power?

20 A. <Allow me to clarify>, the <Khmer government's> law <did not
21 exist and not apply in those areas>, and <they were under> the
22 <revolutionary> law. <It was the law of leniency. It was not a
23 clearly-defined law.> It had to do with coordination,
24 facilitation, and <arrangement because we did not want the people
25 to marry when they young. It was just facilitation.>

1 Q. How was this Revolutionary law, or Party principle, whatever
2 you want to call it, how was this communicated to cadres, to
3 Party members such as yourself?

4 A. For example, in the Tram Kak district, there was <Comrade>
5 Khom as chief. In the Southwest Zone was Ta Mok. In the sectors,
6 there were chiefs as well. <But, it was not precise and not
7 forbid us from doing it. They only instructed us to facilitate,
8 educate and hold meetings to demonstrate that only young men and
9 women were able to represent, defend and liberate our country. If
10 young men and women were not engaged our country would not be
11 strong and would not move forward. Only all of us worked together
12 did we make progress. So, men and women competed with one
13 another. Women raised their hands to show they were going into
14 the battlefields and that they were not going to marry. It's
15 decision and commitment in the meeting. Then, the men were
16 ashamed. So, they decided to join the army. There were many
17 soldiers as more and more people joined the army. Then, we were
18 able to liberate the country very quickly in 1975. That's the
19 idea. This is how they handled the work. Some people were too
20 serious and strict. When it was too strict it broke up. So, we
21 had to learn to make things easy and deal with the people's
22 feelings. Then, things went well. I did that. If things were too
23 complicated we organized the art performance the whole night. We
24 had to understand the art. We had art performances for three
25 months. There was no dispute at all. People were happy and even

1 young boys and girls sang songs. So, It was easy and things went
2 so well. We used arts to lead and politics to persuade. If we led
3 by force using weapons we would win and be defeated.>.

4 Q. Do I understand correctly that the practices or rules relating
5 to marriage that were followed in Tram Kak district had been
6 communicated to you by the upper echelon? Is that correct?

7 A. Yes, that is correct.

8 [13.54.48]

9 Q. And you mentioned that there was -- there came a time where
10 there was too many couples getting married, and that you needed
11 to start group marriages. Do you remember what year it was that
12 you started group marriages?

13 A. After the people <went to join the army in villages, women
14 helped with transports. It was a bit relief and when there were
15 more requests for marriages the unit chiefs told the parents to
16 organize the wedding at home and the commune chief had to be
17 informed as well. There were brothers and sisters and/or
18 relatives attending the wedding. Sometimes, the> marriages
19 <involved> four or five couples <or one couple>, because at the
20 battlefield there were no <demand for more people as the army
21 grew enormously in size. The water receded. So, marriages were
22 organized without any conflict.>

23 Q. And the decision to have group marriages, was that a decision
24 made by the district itself, or was that also an instruction from
25 the upper echelon?

1 A. The upper level officials gave their authorization, and it was
2 up to us to organize those marriages, whether they were
3 individual or collective. We consulted the communes and the
4 district in order to celebrate such marriages, <that was done at
5 the same time,> but we also had to consult the parents of those
6 involved, and in particular, the couples themselves. <We needed
7 to be sure whether they consented to the marriage or not.>

8 [13.57.22]

9 Q. Let me move on to another subject. The next area I want to ask
10 you about concerns reports from Krang Ta Chan that were sent to
11 the district, and then on to the sector. In your OCIJ interview,
12 E3/401, at Khmer, 00373475; English, 00381025; French, 00426213
13 to 214; you gave the following testimony:

14 Question: "Can you explain to us what they did with the
15 confessions sent from the Krang Ta Chan Security Centre? And
16 where did they take them to?"

17 Answer: "The confessions and reports which were in the enclosed
18 envelope, and sent from the Krang Ta Chan Security Centre to the
19 sector, had to go through the district first. The district then
20 sent them on to the sector by the district messenger. One or two
21 days later, the sector sent the decision, writing on the
22 confessions, back to the district." And continuing further below
23 in the same answer -- quote: "For the decision and confession
24 that related to the people of District 105, which was sent in an
25 open envelope, I would read them. If there were some names in the

1 confessions were crossed by the red ink, it meant that the sector
2 level had decided that these names were to be purged. 'To purge'
3 meant 'to kill'. The district then sent these names to the Krang
4 Ta Chan Security Centre who was responsible for implementation."

5 End of quote.

6 [13.59.36]

7 What I would like to do now, Mr. Witness, and with your leave,
8 Mr. President, is to provide you a few examples of confession
9 reports from Krang Ta Chan for -- to ask some questions.

10 MR. PRESIDENT:

11 You may proceed, Mr. Victor Koppe.

12 MR. KOPPE:

13 Thank you, Mr. President. My request is if -- whether the
14 Prosecution would also be so kind to read the following sentence
15 of that answer, especially the sentence which starts, "If the
16 names in the confession were not crossed by red ink --"

17 MR. LYSAK:

18 I'm reading from an outline. If Counsel wishes to use this in his
19 examination, he can. I don't think that's an appropriate
20 objection.

21 [14.00.37]

22 MR. KOPPE:

23 I'm always reprimanded for not citing all -- the whole passage of
24 the answer, so clearly the following-up part of this answer is
25 very relevant, and I think the witness is entitled to have that

1 part of his answer read to him as well.

2 MR. LYSAK:

3 Counsel, I'm happy to do that. Can you tell me again which part
4 you would like to read? Or can you just read it yourself?

5 MR. KOPPE:

6 Sure. "If the names in the confession were not crossed by the red
7 ink, it meant that the sector level had decided to release them
8 back to their village. The district did not have the right to
9 cross any name in the confession with the red ink. The district
10 only had the right to receive the decision from, and implement
11 the decision of the sector level."

12 [14.01.33]

13 MR. LYSAK:

14 Mr. President, what I'd like to do now is to provide a few of
15 these confession reports to the witness, and specifically
16 starting with document E3/2012, that's E3/2012.

17 MR. PRESIDENT:

18 Yes, you may proceed.

19 BY MR. LYSAK:

20 Q. Mr. Witness, what you've been given are three reports, all
21 from Krang Ta Chan, or from the educational office of District
22 105. Each of them contains some handwritten annotations. The
23 first page, which is the first page of E3/2012 is a 30 July 1977
24 report from An, and it has an annotation up in the top left-hand
25 corner that reads, "'Smash them all', dated 7 August 1977, Tor

1 13, Prak".

2 [14.03.56]

3 The second confession example report is dated -- also dated the
4 30 July 1977. The annotation in the upper left-hand corner reads,
5 "It is okay to smash. 7 August 1977, Tor 13, Prak". And the third
6 report is dated the 11 July 1977, from An. It has two
7 annotations: one at the top left that says, "To be smashed". And
8 then next to two names that appear in the confession, two people
9 that had been implicated, there is an annotation that reads, "To
10 be arrested".

11 My first question is: Do you recognize Krang Ta Chan Chairman
12 An's handwriting and signature in these documents?

13 MR. PECH CHIM

14 A. Yes, I do. But as for the signature and the handwriting, I
15 recognize that it belongs to An. But these three letters <were>
16 issued <after I left>, -- I <was in Kampong Cham in> July 1977, I
17 actually <left in February>, because I was no longer there. I had
18 already left.

19 [14.05.50]

20 Q. I understand that. Can you tell us who Prak was, and what Tor
21 13 was?

22 A. Prak was in Sector 13. When Saom was sick, he had to be
23 hospitalized, then Prak came to take his place. An was there at
24 the time.

25 Q. And the instruction "to smash", what did that mean?

1 A. "To smash" means two things: One is to eliminate. It doesn't
2 mean to execute, but to eliminate. In other words, to eliminate
3 the sense of class, <repression of other people,> exploitation of
4 other people, so we have to get rid of all of this mindset. We
5 have to get rid of all bad <deeds, ideas and thoughts from our
6 mind, feeling and brain.> That is what that means in one sense.
7 The other one is to eliminate, to get rid of everything.

8 [14.07.51]

9 Q. Mr. Witness, you were shown these documents during your OCIJ
10 interviews, and let me read -- remind you what you said in two
11 different interviews about these documents. First, in interview
12 E3/401; at Khmer, 00373475; English, 00381025; French, 00426214;
13 when you were asked about these documents, and the meaning, you
14 said -- quote: "On this document, Prak, who was the secretary of
15 Sector 13, made an annotation authorizing execution." And in your
16 Interview E3/4628, E3/4628; at Khmer, 00373391; English,
17 00379307; French, 00426199; you said -- I quote: "This word,
18 'smash', was a reference to killing." End of quote.

19 Mr. Witness, when a prisoner confession report was sent to the
20 sector and it came back with an instruction to smash, that meant
21 to kill the prisoner; correct?

22 A. That is correct. To eliminate means to smash <or annihilate>.
23 That is it. <In terms of feeling and stance>, we get rid of the
24 <position> of class in the society. <It has two meanings and I
25 clarify it for you to understand. Regarding these letters,> I did

54

1 ask <and tell> Prak. When Prak was there, and Saom actually left
2 <afterward> when he was <discharged from the hospital>. But I had
3 already left for <and stayed in> Kampong Cham for nine months
4 already.

5 [14.10.07]

6 Q. Alright. In the testimony of yours that I read a few minutes
7 ago, where counsel was kind enough to add a little more of it,
8 you testified that while you were Tram Kak district chief, you
9 received confession reports which you sent to the sector and that
10 you received instructions back from the sector on who was to be
11 killed, who was to be released, which you sent to Krang Ta Chan
12 for implementation. I want to show you now, with your leave, Mr.
13 President, a report -- confession report from prison chief An,
14 from August 1976. It's document E3/4098, E3/4098, and it is on
15 Khmer, 00271030 to 31; English, 00322114 through15; and French,
16 00623837 through 838.

17 Mr. President, with your leave, may I provide E3/4098 to the
18 witness?

19 MR. PRESIDENT:

20 You may proceed.

21 [14.11.56]

22 BY MR. LYSAK:

23 Now, Mr. Witness, when you look at this document, there are two
24 different documents copied on the pages, so if you would look at
25 the left side, what I want to refer you to is the left side of

1 the first page, that is on Khmer page 271030, and then on the
2 next page, the right side of the document. This is a report from
3 Krang Ta Chan, Chief An, dated 4 August 1976, a period during
4 which you were the district chief. It's regarding the confessions
5 of two prisoners: Lay Thi , a former Lon Nol sergeant; and Toan
6 Tien, a former drug store assistant, who were accused of
7 criticizing the Revolution and planning to flee to Thailand. And
8 what I want to refer you to is the annotation in the upper left
9 hand corner of the first page, an annotation that states "to be
10 interrogated then smashed". Do you recognize the handwriting of
11 that annotation?

12 MR. PECH CHIM:

13 No, I do not recall. I do not recognize this handwriting and
14 neither do I recall this signature.

15 [14.13.47]

16 Q. Now you testified that sometimes what you got back from the
17 sector office when you sent them confession reports were names
18 marked in red. Did you also sometimes get back confession reports
19 with handwritten instructions on them like this document?

20 A. I do not see any cross sign. I do not see the red <scripts>
21 there, but I saw An. This letter -- this one was issued by An.

22 Q. My question is: Did sector chief Saom only respond by putting
23 red crosses or did the sector office sometimes write instructions
24 in handwriting?

25 A. He merely put a cross sign beside it and he did not make any

1 additional comments and he forwarded it to Khom, and Khom
2 reviewed it, after which he would refer it to An and I did not
3 dare do anything without letting Khom know.

4 Q. You, in your testimony -- trial testimony in 2013 - this is at
5 E1/215.1 at about 12.01 p.m., right around noon, you gave the
6 following testimony:

7 Question: "You said you requested for some release of the people
8 from Krang Ta Chan security. Do you know what happened to those
9 who were not released?"

10 Answer: "I don't know what happened to them or where they should
11 have gone, but I believe they died. Only some people were
12 spared." End of quote.

13 [14.1748]

14 My first question: Did you have the authority yourself to decide
15 whether prisoners at Krang Ta Chan were released or was it only
16 the sector or higher levels that could make that decision?

17 A. This issue of the prisoner, it was under the exclusive control
18 of the sector. It was the matter within the sector's
19 responsibility. I only got the information from the base. They
20 actually brought up the story of <about> 10<-15> people. At that
21 time, they requested to me that I was lenient on that and I
22 requested to others and <>when I came back to the office, I made
23 that request to the sector based on the request from the base. I
24 had the authority at that time to request for people to be
25 released from the security centre. I did have that authority to

1 request at that time, and when I made that request, he agreed,
2 but then he said that I had to review it again whether or not
3 certain people would be involved in politics, and others who were
4 not, I had to review it again before deciding to release those
5 prisoners. But then later on he decided that those people be
6 released.

7 [14.19:10]

8 Q. And when you say that you were instructed to review whether
9 people were involved in politics, what do you mean by that? What
10 do you mean by "people who were involved in politics"?

11 A. Those who were arrested and imprisoned, whether or not they
12 were related to serious political matters -- if it was the case,
13 then we would have to handle them differently. If they had done
14 anything to do with that, then they would be arrested. So Khom or
15 the militia in the commune would see, then they would arrest
16 them, but when I went there I actually found out different
17 things. It was not really serious wrongdoing, <I dared protest
18 for the level of their offences to be reduced,> then I <made a>
19 request to the sector. I did not actually request to Khom. I
20 requested to the sector because the prisoners were under the
21 control of the sector. At that time, they instructed me to
22 review. Of course, at that time, I knew that some of them were
23 released, but others were not and I did not know because I could
24 not find out the reason to request for their release because that
25 was the affairs of the upper authorities or other people had the

1 intention to do it and I did not dare to interfere too much
2 otherwise I would be in trouble myself.

3 [14.21.10]

4 Q. That's what I wanted to ask you about. Did you worry if you
5 asked too often for prisoners to be released that you might be
6 viewed as suspect? Did you worry about that?

7 A. <> I was concerned, but I had to be based on the reason. The
8 things that were not related to politics, in other words, if they
9 did not <go> against the other people and if I knew for sure that
10 they were good people, gentle and obedient, and they were
11 <well-disciplined and> hard-working, so we had all the trust in
12 him, then I would request to the upper authority. I would help
13 them happily.

14 [14.22.20]

15 Q. In OCIJ interview, E34626 -- E3/4626, at Khmer, 00373465
16 through 66; English, 00380133 through 34; French, 00426204; you
17 made the following statement -- quote:

18 "As for people who had problems at the base, for example those
19 who had committed immoral acts, were educated locally by the
20 village and the commune, but if they still did not obey the rules
21 after being educated, the commune would ask for an opinion from
22 the district committee, which composed of Khom, Keav, Nhev and
23 Meas, and the relevant commune committee. We would then hold the
24 meeting to discuss the matter and make the decision. In the
25 meeting at the district level, the Party secretary was the one to

1 make the final decision on the fate of the person being educated,
2 but the district level had to consult with the sector Party first
3 before any specific decision was made. The sector Party would
4 then make a final decision. The district Party was the one to
5 implement the decision of the sector Party."

6 Mr. Witness, when the district asked the sector for an opinion or
7 asked for guidance and the sector responded, was that response
8 considered an order or instruction that you were obliged to
9 follow and implement?

10 A. That decision was the instruction. <It was not the absolute
11 order.> And it was also a guideline on the working procedure at
12 the district level.

13 [14.25.27]

14 Q. And did you know whether the sector had to consult with the
15 zone, the level above it, before responding with decisions on
16 executions or arrests?

17 A. In principle, they had to seek consultation. But did they seek
18 consultation in every matter? That is beyond my knowledge.

19 Q. I want to ask you about an incident you described in your
20 Interview, E34626 -- E3/4626, and the reference is at Khmer,
21 00373469 through 470; English, 00380137; and French, 00426208.

22 You were asked in the interview how Ta Mok -- Ta Mok was informed
23 or reported to regarding Krang Ta Chan and this is what you said
24 - quote:

25 "I thought he was briefed with either verbal report or written

60

1 report about the Krang Ta Chan Security Centre by the sector. I
2 did not report to him, but I knew about that because in one day
3 at the table of the sector level meeting, I overheard the sector
4 report to Ta Mok about the matters of the security centre. I
5 overheard Ta Saom tell Ta Mok that the group had been resolved.
6 As I understood it, the phrase 'had been resolved' meant that the
7 group was already purged." End of quote.

8 [14.27.46]

9 You were describing here a conversation you heard at a sector
10 level meeting. Where were sector level meetings, like this, held?

11 A. That word was said following the meeting<, the congress> and
12 they <> talked to each other, only the sector and Ta Mok. <> They
13 were speaking in confidential manner. They only said that the
14 matter had already been resolved, so at that time the
15 participants of the meeting had already left the meeting and both
16 of them talked to each other about that, but I, at that time, did
17 not leave. I remained there. In the normal working procedure,
18 when there was an approval, they would approve it orally, and
19 they only spoke one or two words of approval and that was it. It
20 was not without any -- it was without any documentation
21 whatsoever. They only said the issue was resolved and that was
22 it.

23 [14.30.02]

24 Q. How often did Ta Mok attend sector level meetings?

25 A. After the assembly, when everyone had left, he came and

61

1 subsequently he told us where we were gathered. <Later on, he did
2 not pick any specific location to speak. He would tell Saom
3 wherever they met.> One day I was at home at the Trapeang Thma
4 office. He came looking very tired<, sat down and asked me
5 whether Saom was around. I said 'yes'. Then, he asked me to fetch
6 Saom. I asked a messenger to ride a bicycle to the north. Shortly
7 after, I saw Saom coming on a bicycle. At that time, we had only
8 bicycles. He came to meet and work together secretly,> but I
9 didn't <dare to> attend that discussion and <only> after <he
10 left, the plan was revealed. Saom gave further instruction and>
11 he explained the plans of action and he convened a meeting of
12 officials <from every district> and he gave them those plans of
13 action, so <I only knew what they discussed in study sessions and
14 meetings and> it was not possible for me to know what he had
15 <discussed privately with Saom>.

16 [14.31.57]

17 Q. And can you tell me where were these sector level meetings
18 held? Were they held somewhere in Tram Kak district?

19 A. Customarily, when Ta Mok went there, that was in Tram Kak
20 district. <It was the security area. Meetings <were> not held in
21 Kiri Vong <and were rarely convened in Angkor Chey. They were
22 held in> Tram Kak. <Before> Ta Mok <went to the meetings,
23 invitation letters> were sent to all the districts, and since I
24 was there as the host, I had to welcome everyone and to feed
25 them. So we had to prepare food, rice, to welcome people who came

1 from Kiri Vong<, Kaoh Andaet, Treang, Angkor Chey> and other
2 places. If the meeting lasted for only <one> day, we had to
3 <give> them <food and accommodation> for <that> day. If it lasted
4 a week, we had to <give> them <food and accommodation> for a
5 week.

6 Q. And, before I move on to another subject, was there a Sector
7 13 office in Tram Kak and if so, where was that office?

8 A. The Sector 13 office was in Tram Kak district, <there was a
9 party school in the sector office compound. I studied at the
10 school until the war ended> and after the war I built a <bigger>
11 one in <a village to the north>. That was a more convenient
12 location. They did not take the office, but they used it for
13 work. They came to work there. Ta Mok also went to work there.
14 <Ta Mok> didn't <run any congress for long>. They would go there
15 <to talk in meetings for one or two hours. He read out loud. We
16 took notes. Then, he left right away. After> that the sector
17 chief would then <interpret the content of his lectures and> hand
18 <it> down to the lower levels -- officials at the lower levels --
19 what Ta Mok had told them. That is all. <>.

20 [14.34.38]

21 Q. I want to ask you about one other incident or meeting relating
22 to Ta Mok that you discussed in your interviews. This was in
23 interview, again Interview E34626, at Khmer, 00373471; English,
24 00380138; French, 00426209; and here you were testifying about
25 another discussion that you heard between sector secretary, Saom;

1 and zone secretary, Ta Mok. I quote:

2 "After the sector assembly ended, I heard Ta Saom and Ta Mok
3 discuss another problem, which involved a group of 60 people who
4 were living in Cheang Tong and Kbal Ou villages in Tram Kak
5 district. These 60 persons were implicated by others. Ta Saom
6 asked Ta Mok how to resolve this problem." End of quote.

7 My first follow-up question: Do you remember, Mr Witness, this
8 group of 60 people who had been implicated? Had they been
9 implicated in confessions from Krang Ta Chan or had they been
10 implicated by a -- in confessions that came from a different
11 security office that had been communicated to you?

12 [14.36.40]

13 A. Regarding those 60 people, in fact, the arrest followed
14 confessions from the West Zone. At the time, Boeun was also
15 present <that day>. He was aware of everything. He knew
16 everything. He knew many things that happened. Ta Mok asked him
17 how the problem was going to be resolved and he answered by
18 saying that they should ask Chim to solve that problem because
19 those 60 people were people who had been involved in the secret
20 struggle so Boeun -- people, 60 people who had been involved in
21 this secret struggle -- asked why they had been arrested. <Ta Sy
22 was arrested.> He said that they had been implicated and it was
23 after those 60 people were arrested that they were implicated.
24 <They were kept in Cheang Tong village. Since the Party confided
25 them in me, I decided to take care of them. I regularly checked

64

1 only two houses because I did not know the rest of them. I
2 accepted them to manage the houses> and they are still alive
3 today. <They have no problem.>
4 Let me seize the opportunity to say <one word to> the United
5 Nations <before Your Excellency, ladies and gentlemen>, the
6 members of the <Communist Party of> Kampuchea were only fighting
7 with one another, <and that's why> they <suffered a great loss>,
8 because we have the case of these 60 persons who were engaged in
9 this struggle. <The secret struggle force in villages was
10 composed of that many people. Sy was living in the area, but> I
11 do not know exactly the nature of the problem <he> had with Ta
12 Mok. So there were lots of conflicts between <these> people
13 during that period. <Sy would blame people in cooperatives. They
14 did not come to terms for many things. Sy was a learned person.
15 Ta Mok was a bit below him, but he was more decisive. Ta Sy
16 studied politics at Pali School>.
17 [14.40.10]
18 <When the French war ceased>, he had gone <with Vietnamese. He
19 did not go to Hanoi, but he went directly to Vietnam with the
20 Vietnamese> and he subsequently returned to Cambodia. <So, they
21 might want to show they were different. One person might have
22 thought he had been an old-timer while the other might also have
23 had the same thought in mind>. Apparently there was a struggle
24 between two veterans who <wanted to gain a strong image,
25 respectively. Ta Mok was the Zone Chief of Sihanouk. Later on, Ta

65

1 Chong was a deputy in Kaoh Kong. He was a former monk from
2 Thailand. He was a Khmer-Thai person. Then, Chong disappeared and
3 so did Sy. Only Ta Mok remained. That's all I want to say and
4 analyse the problem. They> couldn't tolerate one another since
5 there were internal conflicts. In fact, it is rather that those
6 internal problems are the root of the current trial which is
7 unfolding. <How can we completely resolve this problem? What will
8 be the correct resolution?>

9 [14.41.05]

10 MR. PRESIDENT:

11 Thank you, Mr Pech Chim. It is time for us to take a break now.
12 Judge Fenz, do you have any questions to put to the prosecutor?

13 JUDGE FENZ:

14 Two questions to the prosecutor. In relation to the request for
15 additional time and Counsel Koppe's objection, when it comes to
16 the part of the argument that dealt with the scope, just to
17 clarify, does the Prosecution wish to ask questions which are
18 outside the scope of Case 002 as defined by the decision on
19 severance?

20 MR. LYSAK:

21 Not at all, Your Honour, these are questions within the scope of
22 Case 002/02.

23 JUDGE FENZ:

24 Thank you. Then the second question doesn't need to be asked.

25 [14.42.51]

1 MR. PRESIDENT:

2 <>

3 <The Civil Party Lead Co-Lawyer, please go ahead.>

4 MS. GUIRAUD:

5 Thank you, Mr. President. I would like the Chamber to be properly
6 informed so that it may take its decision during the break. We
7 intend to use an hour 20 minutes to put questions, 20 minutes
8 regarding forced marriages<, by my colleague,> and I'll <need one
9 hour. So I am also asking you to consider the request for
10 additional time, independently of the issue of whether or not you
11 will authorize> questions regarding the Central Zone.

12 I don't know whether what I'm saying is clear enough. It had been
13 envisaged that we'd have one hour 20 minutes, 20 minutes for my
14 colleague for forced marriages, and one hour for myself, which
15 means that if we start today we would not be able to conclude by
16 the end of the day<, anyway>. So we want to be able to continue
17 tomorrow morning <during the first session,> in order to complete
18 the questions we have <planned> for this witness. I would
19 therefore request the Chamber to take into account this
20 application independently of the Prosecution's motion and the
21 objection of my learned friend regarding questions <related to>
22 the Central Zone.

23 [14.44.20]

24 I hope it is clear <for> the Chamber, <who appears to be>
25 somewhat perplexed, <as for> the Parties<>. We had envisaged that

1 we would need <a half-day plus Friday, because this witness was
2 planned for two and a half days. So that brings us to Friday at
3 noon, and if you grant <us> an additional session, you could in
4 fact grant the same amount of time to the Defence, in order to
5 ensure equal time for the Parties.> <Those are the remarks> I
6 <will rely on the wisdom of the> Chamber <regarding this point>.

7 JUDGE FENZ:

8 Well, we heard it, but what is now the combined request? How much
9 time the Prosecution and Co-Lead Lawyers -- how much more time
10 the Prosecution and Co-Lead Lawyers ask for, combined?

11 MR. LYSAK:

12 My friend can correct me if I misunderstand, but if they have the
13 morning session -- the first morning session -- tomorrow, that is
14 about an hour and 15 minutes, so I think they would finish in
15 that. What she's saying is that if they start at 3 o'clock, they
16 need an hour and 15 or an hour and 20, so the last session this
17 afternoon is shorter than the first morning session. I think
18 that's --

19 [14.45.12]

20 JUDGE FENZ:

21 Could you answer the question? How much extension is requested?

22 MR. LYSAK:

23 The exact same thing we asked for before, which is just the first
24 session tomorrow morning.

25 JUDGE FENZ:

1 Thank you.

2 MR. PRESIDENT:

3 Judge Lavergne, please proceed.

4 JUDGE LAVERGNE:

5 Thank you, Mr. President.

6 Mr. Prosecutor <Lysak>, this question is for you. I understand is
7 that you don't want to <put questions that extend> beyond the
8 scope of Case 002/02. <But the> questions you want to ask have to
9 do with the Central Zone<, which was formerly> the North Zone.
10 Now it appears that in the Severance <Order>, in the annex to
11 that <Order>, we had only envisaged to deal with policies
12 regarding <internal> purges, in a <very> general manner, and we
13 even have a footnote, Footnote Number 9, in which we had
14 indicated that we could <possibly consider> extending the
15 examination of factual matters regarding <the internal purges in>
16 the North and East Zone, but that would require an application
17 for an extension of the scope <of Case 002/02>. I <must admit
18 that I> don't <quite understand> what your position <is>
19 regarding these matters that have to do with the Central Zone.

20 [14.46.57]

21 <MR. LYSAK>:

22 Let me be clear. The people who are the victims of this purge in
23 the Central, which is the old North Zone, so it's part, there are
24 two zones that are part of that internal purge. The Central Zone
25 is the old North Zone, so it's part of that, but the victims of

1 this purge that are the subjects of this questioning were people
2 who went to S-21, so the testimony on the subject relates to S-21
3 and the issue of purges of cadres, which of course are connected.
4 So I hope that -- and I think it will be very clear from the
5 witness's interview as well and from the questions I will ask
6 which part of the case they relate to.

7 [14.47.56]

8 MR. KOPPE:

9 S-21, I understand. So the questions will be relating to S-21.
10 That is the crime site that we're dealing with in effect.

11 MR. LYSAK:

12 Yes, there's also a section -- segment of this trial called
13 "Internal Purges", so it's relevant to both of those. There's
14 obviously a significant overlap connection between that.
15 In answer to your other question, Judge Lavergne, I know you're
16 referring to a footnote. I believe that was in the Severance
17 Decision. I would need to consult with the office to know whether
18 we would have any intention to do that, but not at this time. My
19 present request has nothing to do with expanding the scope of the
20 trial.

21 MR. PRESIDENT:

22 It's possible that the Prosecution is wrong because it would mean
23 that this morning's hearings are longer than those of the
24 afternoon. <That's the past practise. Now, we have cut off half
25 an hour. So, the amount of time is equal>. It's possible that

70

1 tomorrow morning, it will be shorter <because> the Chamber <only
2 deals with the questioning proceedings and informs the Parties of
3 their rights in the morning. So, it is shorter. This is what I
4 can clarify. Now, it> is time for us to take our break. We shall
5 resume before 10 past 3.00.

6 < Court officer, please assist the witness at the waiting room
7 reserved for witnesses and experts during the break time and
8 invite him, as well as his duty counsel, back into the courtroom
9 at 3.10 p.m.>

10 <The Greffier:

11 Please rise.>

12 (Court recesses from 1450H to 1512H)

13 MR. PRESIDENT:

14 <Please be seated.> The Court is back in session. <First, the>
15 Chamber is going to rule on the request from the Prosecution
16 which was formulated a little while ago.

17 The Chamber grants an extra session<, that is, tomorrow morning>
18 to the Prosecution and to the Lead <Co->Lawyers of the civil
19 parties. <Second,> the Parties will have to put questions that
20 fall within the scope of Case 002/02. In the event of any
21 concrete objection, the Chamber will rule on a case <by> case
22 basis.

23 <The International Deputy Co-Prosecutor>, you may continue.

24 [15.14.03]

25 BY MR. LYSAK:

71

1 Q. Mr. Witness, let me quickly follow up on the answer that you
2 gave just before the break regarding the 60 people who had been
3 implicated. You indicated that these people were eventually
4 released and that they are still alive; can you give us the names
5 and locations of some of these 60 people?

6 MR. PECH CHIM:

7 A. Regarding these 60 people, these were people who were living
8 in the cooperative in Cheang Tong commune. I based myself on
9 information transmitted to me by <Boeun> because he was based in
10 this commune. <I don't remember other names>. I only remember
11 <another name> Chea <or Ta Chea>, who was next to the pagoda <in
12 Moeung Char village>. I don't know if he is still alive <or dead
13 today>. And the other ones lived in Kbal Ou village <and other
14 areas>. And these were people who were waging a secret struggle.
15 And I would like to specify that I gathered this information
16 through Boeun. <He trusted me and told me all these things>. This
17 was <the> place where people were waging a secret struggle. <Sy
18 was> working <and was> living there. And they were connected with
19 people in the city. And this was a time of Hu Nim, Hou Youn and
20 Pol Pot. And Ta Mok was outside of this network. He would travel
21 to the provinces. And when Hu Nim, Hou Youn were <wanted>, our
22 network hid them in the village of Kbal Ou. And it was <Boeun>
23 who was in charge of hiding them. And when Sy was arrested, the
24 60 villagers were questioned. Whereas they were part of the Khmer
25 Rouge network, they were blamed for belonging to the Vietnamese

1 network. And I learnt all of this <> through <Comrade> Boeun. And
2 I <was asked to> receive the people from Boeun to re-educate <and
3 advise> them. They could not betray us, so we would welcome them
4 with open arms<, heart and pleasure. I wanted them to live in
5 peace and survive because they were not bad elements. They did
6 not betray.> They just <earned> their living in an honest way
7 <and carried out normal activities at home and in the farmland
8 and rice fields.> That's all I can tell you.

9 [15.18.43]

10 Q. A couple of just very quick questions and I would let others
11 follow up on that. This incident in which 60 people were
12 implicated and you followed up, did this take place during the
13 time you were in Tram Kak district -- that is, between April 1975
14 and February 1977; yes or no?

15 A. It was before that period. We solved that problem before that
16 period. In fact, this problem occurred only after Sy's arrest.
17 <Sy's arrest came to the knowledge of Tram Kak district only
18 after it had taken place.> I don't know exactly when Sy was
19 arrested because I was not aware of everything. And you could
20 maybe tell me yourself. In fact, I was simply told <by Boeun>
21 that Sy had been arrested. And after his arrest, all people in
22 Kbal Ou <village> were denounced <because they were implicated
23 with the network>. And they belonged to our network. This is all
24 I knew.

25 [15.20.14]

1 Q. That's why I asked you if this took place while you were in
2 Tram Kak, Mr. Witness. We know from S-21 records that Chou Chet
3 alias Sy was arrested in March 1978. Would I be correct then that
4 if this took place while you were in the Central Zone in March
5 1978, so these 60 people could not have been implicated by Chou
6 Chet if he was only arrested in 1978? Is that correct?

7 A. I'm not sure of that. It's up to you to get that information.
8 I'm just talking to you about the facts that I was aware of. We
9 were at the Party school in Trapeang Thnal <where he assigned
10 those people to me to look after>. Boeun <was> afraid <of looking
11 after them, so he assigned them to me. But, I heard that he had
12 guaranteed 100% that those people were not traitors.> And <he>
13 asked me to support <him with some comments. Then, we decided to
14 handle it that way.> So I cannot tell you when these 60 people
15 were arrested. But in any case, it was before I left for Kampong
16 Cham.

17 [15.22.10]

18 Q. And before I move on to that issue, let me just mention one
19 name to you. There was one significant Southwest Zone cadre who
20 was arrested before February 1977, whose name was Achar Kong
21 (phonetic). He was the Southwest Zone hospital chairman and a
22 member of the Zone Committee. Do you remember Achar Kong
23 (phonetic)?

24 A. (Microphone not activated)

25 [15.23.03]

1 MR. PRESIDENT:

2 Witness, please answer the question because just before that, the
3 <microphone> was not activated so the Parties could not hear you
4 and neither could the interpreters.

5 MR. PECH CHIM:

6 A. No, I do not know him.

7 [15.23.29]

8 BY MR. LYSAK:

9 Q. Let me move on now to the period that you moved from Tram Kak
10 to Kampong Cham. And what I want to focus on is a meeting that
11 you described in Interview E319.1.18 at answers 60 through 65.
12 You were describing here your trip from Tram Kak to Kampong Cham.
13 You described how you stopped one day in Phnom Penh and you
14 described a meeting of high-ranking Party leaders that you went
15 to. You stated that the meeting lasted approximately one hour or
16 more and covered many issues, and that there were approximately
17 50 to 60 participants. Can you please tell the Chamber who the
18 high-ranking Party members were who attended this meeting in
19 Phnom Penh?

20 [15.25.02]

21 MR. PECH CHIM:

22 A. The <people> chairing the meeting were Pol Pot, Ta Mok, Ke
23 Pauk <and Sae, who> had brought some forces there. <I do not
24 remember the other members of the meeting. The content of the
25 meeting was the instructions on work directions. I was assigned

1 to work in the rubber plantations while the rest of cadres, who
2 came with me, were left to Bong Pauk. Pauk was managing and
3 dealing with all districts because the former district cadres had
4 gone into the jungles. Some of the newcomers were in charge of
5 districts while others were in charge of communes according to
6 the actual needs>. I was not sure of the exact number of people
7 <coming together>. I think there were about 50 people maybe.
8 Let's say 50. Yes. So they were <superiors> as well as
9 subordinates together. <Sae> (phonetic) alias Chap also <came
10 along>. There was no education session. It was simply a meeting
11 <where short instructions on work directions> were given in order
12 to <re->organise the sector because <the former district
13 officials> had escaped into the forest. So we had to restructure
14 the sector in order to avoid regionalism and in order to avoid
15 everybody trying to be a boss. And <I was interested and
16 understood that we had to make sure> that there was no
17 discrimination <or egoism or gossip> against the cadres. All of
18 -- this is what was discussed during that meeting.

19 [15.27.39]

20 The next day, <Bong> Pauk <took us> to Kampong Cham <where we
21 spent two nights>. And <in> the <following morning>, he summoned
22 people to a conference during which he <briefly> informed them of
23 the situation. So the district cadres, as well as the commune
24 cadres <from the Central Zone>, came to this meeting, where he,
25 Ke Pauk, <allocated> the responsibility to <all districts.> And

1 then <after the meeting was concluded,> he <assigned> me to the
2 rubber plantation <as requested>. Later, he went to <monitor my
3 work. He told me to re-organize everything by myself.> And then I
4 organise the work by assigning tasks to the different cadres <who
5 worked together in a consistent manner>.

6 Q. Thank you for that response, Mr. Witness. If I can ask you to
7 do your best for the remainder of the day, to focus on answering
8 my questions. I wish I had hours to talk to you because your
9 information is fascinating to me, but I have a little time. So if
10 you do your best to respond to my specific questions, we'll get
11 through this quicker.

12 In regards to the people who were present, was Nuon Chea present
13 at this meeting?

14 A. I don't remember, in fact. I cannot tell you if <Nuon Chea>
15 was present or not because I don't remember. In any case, <Bong>
16 Khieu Samphan was not present.

17 [15.30.07]

18 Q. Let me refresh your recollection, Mr. Witness, with what you
19 told OCIJ at E319.1.18 at Answer 60. When you were asked who
20 attended this meeting, this is what you said:

21 "The high-ranking people included Pol Pot, Ta Mok, Nuon Chea, Ke
22 Pauk, Son Sen, and there were also other intellectuals such as
23 Thiounn Thioeunn, Minister of Health, and Thiounn Mumm." End of
24 quote.

25 Does that refresh your recollection, Mr. Witness, that the people

1 present at this meeting also included Nuon Chea and Son Sen and
2 some intellectuals?

3 A. I could -- that was all I could recollect. When I was young,
4 my memory was very good, but now I am at this age, I am forgetful
5 <and weak>, becoming more forgetful and that was all I could
6 recollect.

7 Q. Now, in regards to Khieu Samphan, you were asked in the
8 interview if he was at the meeting. Your response was "I am not
9 sure". I want to read to you an excerpt from an interview of one
10 of the other cadres from the Southwest, who travelled with your
11 group to the Central Zone, worked for a woman named Yut. And in
12 Interview 319/21.3.51 at Answer 36, she gave the following
13 testimony -- quote:

14 [15.32.07]

15 "We stayed one night in Phnom Penh on the campus of a university
16 whose name I do not remember. Yut and the other 10 cadres
17 attended the meeting with Ta Mok and Khieu Samphan. I know that
18 because Ta Mok came to pick them up for the meeting by car and
19 they returned that night. Yut told me in person that Khieu
20 Samphan would come to perform an inauguration for us the next
21 morning." End of quote.

22 Does any of that refresh your recollection about whether Khieu
23 Samphan was at this meeting or whether you saw him at any time
24 while you were in Phnom Penh on your way to Kampong Cham?

25 A. At the time, it was a brief moment and there were many people

1 coming, and I do not recall. I could recognise some faces, but I
2 did not know others. And some just came briefly <to give a
3 keynote speech>. I <do not have any details> on this point. I
4 apologise.

5 [15.33.42]

6 Q. Thank you for clarifying that. Where did this meeting take
7 place?

8 A. Tuol <Preah> Srey (phonetic) school in the morning. When we
9 got there, it was in the evening, so I took <dinner and> the
10 night rest over there. <Bong Pauk and Sae> stayed inside the room
11 for the meeting. And as for the planning, <Bong Pauk,> Ta Mok,
12 <and Sae>, and others were there to receive the planning. And
13 they came out of the meeting, and then they gave us a bit of
14 instructions, and then they left. And those who were in the
15 meeting, the combatants -- male and female -- we were all there
16 and we listened to that instruction. And then the truck came to
17 pick us up all the way to Kampong Cham province. At Kampong Cham,
18 Pauk <had> the <food prepared> for us, <then we took the night
19 rest. His force or local district officials> there <attended> the
20 meeting <with> us <the whole day. At the end of the meeting, we
21 divided tasks and directions of work.> And afterwards, we simply
22 went to undertake our respective task.

23 Q. Okay. I'm trying to focus at this time just on the meeting in
24 Phnom Penh. Which leaders -- which of the high-ranking leaders
25 spoke at this meeting?

1 A. At the meeting, there was only one person <speaking>. There
2 were around 10 people coming, but only one person spoke. Another
3 simply came to accompany him. Only Pol Pot spoke at that meeting.
4 And he simply said that there were traitors in the Central Zone
5 and they'd all gone into the forest. <He said, "Now, we turn you
6 all into cadres and we rely on our male and female combatants to
7 do this difficult piece of work. You can imagine how difficult it
8 is, but we have to make efforts to smooth difficulties out of our
9 way> and the Party has already given us the task, so we <have> to
10 accomplish the task assigned<">. That was the direction. <Other
11 senior officials did not make any comments.>

12 [15.36.30]

13 Q. Let me just read a short excerpt from your interview. This is
14 again E319.1.18 at Answer 64 through Answer 65 - quote:

15 "During the meeting, Pol Pot said about betrayal in the zones.
16 And it was also written on blackboards. Pol Pot did not use the
17 word 'purges', he said that this zone is traitorous. I assign you
18 comrade to go. You are my right hand man, deal with it. Can you
19 do it?" End of quote.

20 You said that there was something written on the blackboard at
21 this meeting. What do you remember being written on the
22 blackboard?

23 A. He wrote several bullet points of directions. At that time, to
24 my recollection, there were only a few bullet points. The first
25 bullet point was to control the situation. Second was to delegate

1 the task and assign the task <working together to make progress>
2 in order to accomplish the goal. And <don't be regionalist,
3 don't> be too proud of ourselves, not to be arrogant, not to
4 over-praise ourselves, and we do not have to have the
5 individualist perspective. In order words, we do not have to mind
6 that we are from the zone <or> from that zone, we had to <clear
7 our mind off this view>. So that was a brief meeting. It was very
8 brief indeed, and it was only to give the direction <like a
9 learning session.>

10 [15.38.39]

11 Q. Did Pol Pot, during this meeting, talk about Koy Thuon, the
12 former chairman of the North Zone?

13 A. Let me try to recollect. He made mention a few people, but I
14 do not recollect. But I do recall that he did mention Koy Thuon.
15 He said that Koy Thuon had betrayed the Party. But I did not know
16 the detail actually. At that time, he just made mention that, and
17 I simply followed. I did not know the background story of the
18 betrayal by Koy Thuon. So that was the one he mentioned at the
19 time, to my recollection. <He did not mention anyone else.>

20 Q. Did he tell you that as you were sitting in this meeting, Koy
21 Thuon was under arrest and being tortured and interrogated at
22 S-21?

23 A. As usual, the arrest was not made known. They never told
24 anybody of the arrest. They only said that one of our members had
25 betrayed us. That was <the word they used>.

1 [15.40.22]

2 Q. All right. I want to now cover -- you indicated that one of
3 the instructions at this meeting was that there were traitors in
4 the zone you were going to. You indicated that you were told they
5 had fled to the forest and you needed to find them. In your
6 interview, E3/5786, at Answer 1, you gave the following testimony
7 about one of the north -- one of the cadres at the rubber
8 plantation zone after you arrived. I quote.

9 "At the beginning before that woman became my deputy, the deputy
10 was a man who was from Preaek Kak in the Central Zone. However,
11 after he had worked with me for about one month, he was removed
12 by Ke Pauk, who said that man had been implicated by others and
13 had an affair with a woman in Preaek Kak." End of quote.

14 My first question: Did Ke Pauk tell you who it was who had
15 implicated this deputy at the zone rubber plantation?

16 [15.41.56]

17 A. No, he did not. At that time, the decision was all up to him
18 alone. He <made> the <overall> decision, and he would give the
19 order to me to implement. But I did not implement that order
20 because I was at that time being engaged in getting the rubber
21 latex. And I could not do it desperately without knowing the
22 rationale. But once <someone implicated that person he asked his>
23 messenger <to come> to take <that man. So, I just turned that
24 person in as requested. I gave Dorn to him through his
25 messenger.> With him, I could resist against his order as well,

1 sometimes. And we had some young people who <had> certain ability
2 to <help me with my> work. But generally, <after I sent those
3 people to his office> they could not stay with him for a long
4 time. He would remove them one after another. And I question him
5 as well why people could not stay with him. And he told me that
6 well, those people had betrayed the Party, so they had to be
7 removed. And I told him that well, if you did not have any clear
8 reason for removal, you simply listen<ed> to orders of the
9 implication by others, that would not be good.< I told him not to
10 trust the implications and that he should have assessed their
11 stances to find out if those people were really bad or good. To
12 me, they were good people. One day>, he also came to me for other
13 forces<, asking even for the district chief from me. That made me
14 clear that> he did not understand what was happening on the
15 ground. <He did not have the full picture of the work situation.>
16 That's why whenever I <sent> people to work with him, he would
17 remove them most of the time. But I ran out of people to send to
18 him because after all, they could not work with him. <So, I
19 refused to send more people to work with him because two of my
20 people had already disappeared. I was not saying they had died,
21 but they had disappeared.>

22 [15.44.40]

23 MR. LYSAK:

24 Mr. President, with your leave, at this time I'd like to provide
25 to the witness, document E3/2956. It is a prisoner list from S-21

1 that records the list of -- a list of persons from the old North
2 Central Zone who were arrested between -- in February and March
3 1977, including a number of people from the rubber plantation.

4 MR. PRESIDENT:

5 Mr. Victor Koppe, you may proceed.

6 [15.45.27]

7 MR. KOPPE:

8 Thank you, Mr. President. While agreeing that technically, the
9 question falls within the scope of the second trial because it
10 relates to S-21, I think I should also reveal that I feel quite
11 uncomfortable with this line of questioning because I'm simply
12 not, at this stage, having enough understanding as to where the
13 Prosecution wants to go to. While, technically, all parties in
14 this courtroom should know what has transpired in the North Zone,
15 what has happened with regard to purges, et cetera, but I think
16 it's the first time in this courtroom in the second trial that I
17 really don't know where the Prosecution is going to and what is
18 his line of questioning leading to. All of a sudden, we're
19 dealing with purges in the North Zone, Central Zone, S-21. We are
20 unprepared for this. And like I said again, it is within the
21 scope. Technically, that is true. But we are unprepared to
22 understand really what's going on.

23 [15.46.40]

24 MR. LYSAK:

25 I honestly do not know. I'm not sure how to respond to that.

1 JUDGE FENZ:

2 We take this as an observation.

3 MR. LYSAK:

4 May I provide this document to the witness, Mr. President?

5 MR. PRESIDENT:

6 You may proceed.

7 MR. KOPPE:

8 Fine. And I object. I object to this line of questioning. I mean,
9 we're not usually in the habit of saying that we don't know what
10 is going on this trial. But this time, I feel quite uncomfortable
11 with what is happening right now. So I object to this line of
12 questioning. It is not technically outside the scope, but it is
13 outside of the agreement that we all have, that we are dealing
14 here with Krang Ta Chan and Tram Kak, and that once we deal with
15 S-21, we deal with S-21 and the purges in the North Zone. And all
16 of a sudden on a Wednesday afternoon, we're talking about
17 something that we are ill prepared for. So I object.

18 [15.47.49]

19 MR. LYSAK:

20 If I may respond? If counsel is not prepared, that is his fault.

21 This witness testified about this in his original interviews.

22 This has been part of the charges of the indictment since it was
23 issued in 2010. If he doesn't understand where I am going, that's
24 his problem. I think it's absolutely clear, this has been part of
25 the case, it's part of the case we're trying. We have a witness

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1 here who has direct relevant information. And if he's not
2 prepared, that's not your problem, it's not my problem, it's only
3 his own problem.

4 [15.48.26]

5 MR. KOPPE:

6 It's my client's problem, to begin with, as well. I remember we
7 had a whole discussion about which documents we should be putting
8 on the interface so that the other parties are well prepared.
9 Documents that everybody knew that was -- documents that were
10 about the facts that we were discussing. And for the first time,
11 we are saying that we do not know at this stage where the
12 Prosecution is going, we get this answer. So I strongly object to
13 what's going on here right now.

14 (Judges deliberate)

15 [15.49.46]

16 MR. PRESIDENT:

17 The objection by the defence counsel for Nuon Chea is not
18 sustained. The Chamber has made it clear that the parties can put
19 the questions to the witness within the scope of Case 002/02. And
20 the questions that have been put by the prosecutor to the witness
21 are indeed relevant to Case 002/02. So the prosecutor may
22 proceed. And witness is instructed to respond to the question put
23 by the prosecutor.

24 BY MR. LYSAK:

25 Thank you, Mr. President.

1 Q. Mr. Witness, in this list I've just provide to you, I want to
2 refer you, if you can to numbers 29 through 37 on the list. There
3 are a total of 84 central old north zone cadres who are
4 identified on this list as having been arrested between
5 mid-February and the end of March 1977. Numbers 29 through 37 are
6 nine cadres from the zone rubber plantation, who were arrested
7 mostly in mid-March 1977, about one month after you say you
8 arrived at the Central Zone rubber plantation. One of them,
9 number 29, Sam Sarom alias Man is identified as being a chief of
10 the Preaek Kak rubber plantation. My first question is: Looking
11 at this list of nine people, can you tell us is one of these
12 people the deputy from Preaek Kak who you described was arrested
13 on the instructions of Ke Pauk?

14 [15.52.00]

15 MR. PECH CHIM:

16 A. I would like to clarify that I do not recall the number. At
17 the time, they only used their <revolutionary names>. And since
18 here, there <are> full name<s and they are somewhat complete,
19 but> I do not recall. But there was actually one person from
20 Preaek Kak. Ta Pauk took him away. One of them <was> taken away.

21 Q. If you look at this list, you'll see that in addition to their
22 full names, their revolutionary aliases are there also. Can you
23 look at those aliases, and in particular, the person who was
24 identified as being from Preaek Kak, and tell me whether you
25 remember any of these people and whether you can identify the

1 person -- the deputy who was arrested?

2 A. I'm afraid I am not sure. Because they were newcomer<s> and
3 <they all disappeared>. I do not recognise them, I could not
4 answer these questions without precise answer.

5 [15.53.43]

6 Q. Let me ask you this, Mr. Witness. Does seeing the names of
7 these people refresh your recollection that in fact there were a
8 lot more than just one cadre from the zone rubber plantation who
9 was arrested after you arrived there?

10 A. (Microphone not activated)

11 MR. PRESIDENT:

12 <Mr.> Witness, please repeat your answer because you answer<ed>
13 before the microphone was activated.

14 MR. PECH CHIM:

15 A. At the time, Brother Pauk <sent> the forces to take <two
16 people> away. The first time they came <and> took away the
17 deputy. And then the second time, they took <another person
18 away>, but I do not recall the name. And I looked through this
19 list, I did not know who was who and I did not -- I do not recall
20 who was taken away at that time. <He had just begun work for four
21 or five days. So, I can't tell you who that person is on this
22 list at this moment.> At that time, I was <newly> assigned with
23 the new task too and I did not know <all of> these people by
24 their names. So I could not simply guess in my answer.

25 [15.55.20]

1 MR. LYSAK:

2 Fair enough, Mr. Witness.

3 Mr. President, one more document I would like to provide. This is
4 another S-21 list of people from the North Zone. It is document
5 E3/3861. This is a list of prisoners from the North Zone who were
6 smashed on the 8th of July 1977. It lists 173 prisoners from the
7 central old north zone who were killed at S-21 that day,
8 including a number of cadres from the zone rubber plantation.
9 Again, I'd like to present this to the witness and see if he
10 recognises any of the names.

11 MR. PRESIDENT:

12 You may proceed.

13 BY MR. LYSAK:

14 Q. In this list, Mr. Witness, the numbers -- the prisoner numbers
15 I want you to refer to are numbers 53 through 59 and numbers 140
16 and 141 on the list. To repeat, numbers 53 to 59 and numbers 140
17 to 141. And I believe, in the middle column you'll find the
18 aliases of these people. Are you able to find those numbers and
19 can you look at those names and tell me whether you remember any
20 of the zone rubber plantation cadres whose names appear in this
21 list?

22 MR. PECH CHIM:

23 A. When I first arrived, there was no deputy at that time <at
24 Preaek Kak>. They had all gone. They had been taken away <before
25 I arrived. So,> I did not know their names either.

1 [15.58.43]

2 Q. And one last subject that I will quickly finish on. In your
3 testimony relating to your time in the Central Zone, you
4 identified a cadre named Cham. In interview E127/7.1.3 at Answer
5 9, you identified Cham as Ke Pauk's right-hand man who worked at
6 the zone office. And in interview E319.1.18 at Answer 205, you
7 testified Cham was the office chairman of the Central Zone of Ke
8 Pauk. He was in charge of security work. My question for you is:
9 Do you know if this Cham was the same Cham that was the person
10 who Ke Pauk had assigned to supervise the construction of the 1st
11 January Dam? Do you know if it was the person?

12 A. I don't remember. Chham actually, not Cham but Chham. He was
13 the right-hand man of Ke Pauk and he was sent to be in charge of
14 the construction of 1st January Dam. To my recollection, Chham
15 <stayed near my area, I used to see him. Sometimes, the> meeting
16 <was held at> the office of Chham. <But, when he> came from
17 Kampong Cham <I saw him. Bong Pauk asked me to see him at> the
18 1st January Dam. <I went and met Chham there at that time>.

19 [16.01.06]

20 MR. LYSAK:

21 Thank you very much for answering my questions today, Mr.

22 Witness.

23 Mr. President, we have no further questions.

24 MR. PRESIDENT:

25 Thank you.

1 The hearing today has come to an end. The Court adjourn<s> now
2 and resume<s> tomorrow on Thursday the 23rd of April, starting
3 from 9 a.m. in the morning. Tomorrow, the Chamber <will> resume
4 examining the testimony of Mr. Pech Chim. We would like to thank
5 Mr. Pech Chim for answering all the questions put by the Parties.
6 I wish to inform you that your testimony has not been concluded.
7 So we would like to invite you to come to provide testimony
8 again. <Now, you can return to the place where you are staying at
9 the moment. The Chamber> would like to <thank Mr. Moeung Sovann,>
10 the duty counsel, <and ask you> to accompany the witness <during
11 his testimony before the Chamber> tomorrow. And <Court> official,
12 <in collaboration with the staff of the Witness Expert Support
13 Unit, WESU,> please bring the witness, <Mr. Pech Chim, back to
14 the place where he is staying at the moment and have him
15 returned> to the courtroom before 9 a.m. <tomorrow>.
16 Security <personnel> are instructed to bring <the two Accused,>
17 Mr. Nuon Chea and Khieu Samphan, back to the detention facility
18 <of the ECCC> and have them back into this courtroom before 9
19 a.m. < tomorrow.>
20 The Court is now adjourned.
21 (Court adjourns at 1602H)

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