



### **Former District Secretary Testifies on “Enemies” and Education**

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On Monday, July 1, 2013, the Extraordinary Chambers in the Courts of Cambodia heard evidence from witness Pick Chim, who was a District Secretary during the Democratic Kampuchea (DK) period. All parties were present for the day’s proceedings, with the exception of the Lead National Co-Lawyer for the civil parties. Accused Nuon Chea was observing the proceedings from his holding cell, due to his ongoing health conditions.

Trial Chamber President Nil Nonn began the day’s proceedings by informing the court that Judge Ya Sokhan will be absent until further notice, due to a health condition. While he is away Reserve Judge Thou Mony will fill his seat.

#### ***Prosecution Examines the Witness***

After entering the courtroom, the witness introduced himself to the court as Pick Chim, 77, a farmer with five children. Mr. Chim told the court that he had been interviewed at his house by agents of the court four times. When asked when these interviews occurred, though, he only provided three dates: one in 2005 for four days, another in 2008, most recently on “the 25<sup>th</sup>”<sup>2</sup> when he was invited to appear at this chamber.

Senior Assistant Prosecutor Keith Raynor started the examination for the prosecution by asking the witness about the time he joined the revolution and the positions he held in the Khmer Rouge. The witness was able to give a very specific answer – that he had joined the revolution on May 3, 1970. Soon after he had joined the revolution, he was appointed as a deputy of the “District Front.” On the subject of the leadership of the district, it was established that a woman called Khom was then the party secretary of district 105, and at the sector level it was Saom who was sector secretary.

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<sup>1</sup> Cambodia Tribunal Monitor’s daily blog posts on the ECCC are written according to the personal observations of the writer and do not constitute a transcript of the proceedings. Official court transcripts for the ECCC’s hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

<sup>2</sup> The month was not stated.

The examination turned to the Kraing Tachan Security Center. The witness was read an extract from his 2009 interview with the Office of the Co-Investigating Judges (OCIJ). In that interview he had said that “the center was created since 1972 by the sector party and the district party.” Mr. Chim first confirmed the year was correct but then went on to say that the center could have been opened earlier. He understood the purpose of the security center to be re-educating the “bad” people so they could become “good” people.

Mr. Raynor quoted a segment of an interview the witness had given, in which he claimed that the bad people included those who had refused to join the army. Before the chamber, the witness denied that this was a regular occurrence. A further quote was read to the court, in which Mr. Chim had said that people who were attacking the party were sent to the center. Mr. Raynor asked the witness what would constitute such an attack. Mr. Chim stated in response that anything which disrupts the aims of the party in their revolutionary struggle would constitute an attack.

The next topic of consideration was the difference in treatment between supporters and opponents of the Khmer Rouge movement. The witness initially attempted to give an evasive response to Mr. Raynor’s questioning, claiming that “there was no such distinction because those who joined the movement engaged in the efforts to defend the country. Everyone who was engaged, local, domestic, international could all be viewed as those who shared the sympathy of the movement.” After what was either a misunderstanding or a further evasive answer, and with Mr. Raynor now showing signs of frustration, a change of tack was made, and the prosecutor asked the witness to explain who the “bad” people were who were detained in the Kraing Tachan Security Center. Mr. Chim claimed that he never knew the reasons people were detained but then finally provided a straight answer, stating, “In general people who opposed the movement would be regarded as outsiders. Those who did not support the fighting to defend the country.” “Those who were detained would be detained in any society,” he asserted.

Mr. Raynor next enquired as to whether those detained could be considered “enemies.” The witness argued that they were not necessarily the enemies, as it was dependent on the outcome of ensuing investigations into their alleged wrongdoing. “Not everyone who was detained was the enemy,” he told the court. He maintained that he had heard soldiers were sent to the “upper echelons.” Only later had he learned about soldiers being sent to the security center to be reeducated and interrogated.

It was established that Mr. Chim was responsible for education and propaganda. The witness elaborated on this role explaining that his primary task had been propaganda and education – he maintained that he had not had anything to do with the prisoners. “I would be looking for rice for people to eat.... I never discriminated against anyone because of their political background,” he claimed.

On this subject, the prosecutor probed further about the contents of the education and propaganda the witness was involved in disseminating. Specifically, Mr. Raynor read the witness a number of phrases and asked him to explain and elaborate on them. He began by asking about a copy of the *Revolutionary Flag* magazine from 1976, in which it was said, “There are only workers and peasants in the ranks of our revolution.”

Mr. Raynor asked whether this was the witness's experience, to which the witness replied that the question was too long. At this point Victor Koppe, Co-Lawyer for Nuon Chea objected, claiming that he did not see the point of asking such questions with long quotes. Quickly Mr. Raynor retorted, highlighting the quote had only been six words long. Nonetheless, he rephrased the question and was able to elicit an answer from the witness, who claimed that the revolution had also contained intellectuals, petty bourgeoisie, the rich, the monarchy and the former king.

A further quote was read to the witness from the magazine, which talked about "class contradictions" "Fundamentally the contradictions are between the proletariat class and the capitalist class," it was written. Continuing, the magazine also asserted, "Aside from these, there are class contradictions with the feudalists, the landowners class, the sub-sector chiefs, governors, police and soldiers." After being asked to elaborate on class contradictions, the witness explained that they were the "contradictions in the daily living," noting, by way of example, that the differences between the lifestyles of the rich and the poor were examples of class contradictions, as were differences in the lifestyles of monks and monarchs. Mr. Chim maintained that there were five classes initially; however due to the efforts of the Khmer Rouge there were fewer later in the regime. "We had to make sure we could live with each other and get rid of the contradictions,"

"Life and death contradictions" were contradictions between different countries, according to the witness.

The next *Revolutionary Flag* quote read to the witness was from a special issue of September 1977 and discussed the national democratic revolution. "We divided our enemies into three groups," it was recalled, "first, to win over those enemies who could be won over; second to neutralize those who could be neutralized; and thirdly, to isolate the most vicious in order to attack them." The witness elucidated the detention of an enemy, arguing that different people have different conceptions, but to him the enemy is someone who "loved or liked differently." "How could we eradicate such differences? No regime has," he proclaimed rhetorically.

To the apparent irritation of Mr. Koppe, the prosecutor then showed the witness a handwritten note with a different witness's name on it, in a bid to find out whether Mr. Chim recognized the name. Mr. Raynor contended this was necessary because the prosecution had not had access to their computers that morning and so could not print a document. In any event, Mr. Chim did not recognize the named witness, who had apparently testified that he had been on the District Committee with Mr. Chim and had spoken of attending special meetings and study sessions with him. Specifically, the unnamed witness had testified that he had attended a 23<sup>rd</sup> anniversary meeting at Phnom Trail, where Ta Mok had talked about enemies and said people had to inspect and monitor for enemy activity.

Mr. Chim was asked if he had ever received instructions about inspecting for enemy activity. He told the court that he had monitored the enemy's activities, as they had needed to verify whether suspects were the "real people" or the enemies.

Changing the subject back to the "bad" people who had been sent to Kraing Tachan Security Center, Mr. Raynor enquired as to what happened to those who did not obey the rules after they had been reeducated. In his OCIJ interview the witness had said that "if they still did not obey the rules after being educated, the commune would ask for an opinion from the district

committee.” At this stage Mr. Koppe objected, claiming that the witness was being presented with an answer at the same time he was being presented the question. Arthur Vercken, Co-Lawyer for Khieu Samphan, joined this objection. In addition, he argued that the witness had been unable to recall when he had been interviewed. It was held by the president that the prosecutor should reconfirm the dates of the four interviews but that the objections had been otherwise unfounded. It was the practice of almost two years of the ECCC’s proceedings that witnesses could be read and questioned on extracts of their interviews with the court’s agents, the president stated.

As the prosecutor returned to his question, the witness now required that he be shown his thumbprint on dated statements before he eventually agreed that he had been interviewed on four occasions in August 2009, in addition to December 2009. Mr. Chim provocatively told the court that he had not given much attention to the records of these interviews; he had kept his copies of these interviews in a closet and not read them, as he was a busy farmer.

Returning finally to his question about the treatment of those who did not obey the rules after being reeducated, Mr. Raynor again asked the witness if it was the case that the commune would asked for an opinion from the district committee. Yet again the witness gave a convoluted and off-topic response, explaining that how he had lodged reports with District Committee, but not answering the question asked. As Mr. Raynor attempted to steer him back on track, the witness spoke over him, to tell the court that one day he had requested the release of a number of people, because they were “good people.” Eventually Mr. Raynor read the statement to the witness and asked the question for the third time, requesting the witness answer either yes or no to whether he stood by his statement. Mr. Chim confirmed that he did stand by his original statement.

A further period of contention and confusion ensued, as the prosecution attempted to establish how decisions were made regarding the treatment of the bad people. Mr. Chim refused to accept that the Party Secretary was the one who made a decision, having consulted at the district level. Having asked numerous times how such decisions were made, Mr. Raynor read the witness another passage from his OCIJ interview:

The district level had to consult with the sector party first before and specific decision was made; the sector party then would make a final decision. The district would be the one to implement the decision of the sector party.

However, this time Mr. Chim claimed not to stand by his previous explanation. He argued that this statement could be wrongly interpreted; however he then went on to affirm its essence by telling the court that “we [the District Level] made a report to the sector; whatever decision was made by the sector we would implement it.”

The next topic to be broached by the prosecution was the period after the liberation in April 1975. The witness was asked what position he held in District 105 after the revolution. He initially claimed he was a member of a district committee at that time; however as the prosecutor challenged this answer, and President Nonn informed him that he would have to answer this simple question, the witness accepted he was actually Deputy District Secretary at that time. This the witness only conceded after he had been read a direct quote from his prior interview, in which he had clearly said that he was Deputy Secretary in 1975. Mr. Chim had at first claimed to be unsure and to need some time to think about it before he finally gave an answer.

In what was a rare event for this witness, Mr. Chim was able to confirm his prior interview answer regarding the treatment of Lon Nol soldiers after only one request. He confirmed his prior evidence that:

In early 1975 immediately after the liberation, there were not yet any prisoners who were evacuees from Phnom Penh. I saw some families of the Lon Nol soldiers. When I asked the wives of those soldiers about their husbands, they told me the military took out their husbands during the evacuation. The term “they took out” meant “disappearance,” so those women were widows.

Before the question had been put to the witness, Mr. Koppe had unsuccessfully objected, claiming that as the treatment of Lon Nol soldiers was a “sensitive area,” the prosecution should only be asking open questions.

Cursory attention was then turned to an occasion on which the witness had gotten into trouble for releasing an arrested person. The person had been arrested for a “minor point” and so Mr. Chim had elected to release him. “We worked together,” described the witness, who was District Secretary at the time. “He was in charge of a market; I did not see that he made any mistakes. It was a matter of class contradiction, so I made a report that he was a good person and he was released.” Later Ta Saom, who was the sector secretary, had scolded the witness - telling him not to make personal decisions.

Moving on, Mr. Raynor asked the witness about an honorary Red Flag which had been awarded to his district because of its performance in 1976. This was reported in the June 1977 edition of the *Revolutionary Flag* magazine, and the prosecutor asked the witness to elaborate on the award. Describing it as being like receiving a gold medal, Mr. Chim told the court it had been awarded not just for good leadership but also because there had been an abundance of rice in his district. The flag itself had been awarded during a sector level study session and presented to the witness himself by Ta Mok.

Moving back to the subject of “enemies,” Mr. Raynor asked Mr. Chim about “inside” and “outside” enemies, terms that had been mentioned in a June 1976 issue of the *Revolutionary Flag* magazine. “Inside” enemies were those within the party, the army or the liberated zone, the witness reported, whereas “outside” enemies were those from Phnom Penh or outside the zone. In an April 1977 *Revolutionary Flag* issue, which is often read to the court when the topic of the enemy is covered, it was said:

It is imperative to indoctrinate and whip up the masses into a force to seek out the enemy, assess the enemy, track the enemy, press the enemy, capture the enemy, smash the enemy, and to make the enemy like a rat surrounded by a group of people beating and smashing it.

Mr. Chim testified that he had studied this matter but that it was up to the sector how to implement this policy. The witness then attempted to argue that “the word smash means to eradicate; it doesn’t necessarily mean to kill them.”

The next area of examination was the alleged teaching the witness had received from Nuon Chea. In his interview Mr. Chim had said that he had seen Nuon Chea once when he went to study in Phnom Penh, when Nuon Chea had led a training session for all district secretaries.

Before the chamber Mr. Chim confirmed this to be correct, the training having taken place at Borei Keila.<sup>3</sup> He clarified that the training had in fact been attended by District Committee members and ministry members, and so not just District Secretaries. Sector members had attended an earlier session, which had been held for higher-ranking Khmer Rouge members. To his best estimation, the witness testified that 800 people attended the course, which lasted approximately 20 days and was followed by a week-long tour of the country.

According to Mr. Chim, Nuon Chea was the only teacher present at the study session he attended; however Pol Pot had attended the higher-level session, which had preceded it. Nuon Chea led the session Mr. Chim attended, he said, and the accused presented documents and presenting on topics, which included internal and external enemies. He told the court that the course took place in December 1975, with the tour taking place in early 1976.

The next topic of the examination was the processing of confessions. The witness stood by his interview answer, in which he had said that confessions and reports were sent from the security center to the sector via the District Committee. He also stood by an answer where he had said, “If there were some names in the confessions that were crossed in red ink, it meant the sector level had decided these names were to be purged. To purge meant to kill.” Where such red ink was used, the person concerned would be moved to Kraing Tachan Security Center, according to Mr. Chim, where “nobody would be spared.”

A report was subsequently shown to the witness, which concerned a family who had not been arrested. However, the witness was not able to identify the report, and so the court did not hear further details on the matter.

An additional report was read to the court in which the author reported that “having received successive instructions from Angkar about being vigilant and purging the enemy, we have tracked examined and found” a number of people whose names were listed in the report. The witness was asked whether Angkar did indeed give instructions about the purging of enemy officers, which he confirmed it did. However, he was not able to recollect that military families had been smashed on the orders of Angkar and claimed not to be responsible for the tracking or smashing of any enemy officers.

Later in his testimony, the witness was again unable to provide confirmation that he had dealt with soldiers. He told the court that he didn’t know how many such Lon Nol soldiers were arrested when he was secretary and that someone else was in charge of their arrests. Having had the question repeated to him twice, the witness also claimed that none of the confessions he had dealt with concerned Lon Nol forces.

### ***Civil Parties Examine Mr. Chim***

Civil Party Co-Lawyer Hong Kim Suon began by asking the witness to clarify the different categories of enemies and to define the term. The witness failed to achieve the former; however he did define enemies as those who were opposed to “us and the country and the people.” The center at Kraing Tachan had been designed to contain these accused of being enemies, he confirmed. While some of its inhabitants had been released following the request of the witness,

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<sup>3</sup> Now the Olympic Stadium in Phnom Penh.

he believed those who had not been released had died. Only some of the inhabitants were bad, he claimed, and to this day some of them still lived in his village.

Mr. Suon next asked the witness to explain what would happen to ordinary people who made a mistake in everyday life, such as breaking a communal tool like a hoe. “When I heard about this I would go and educate people,” the witness maintained. People who committed minor offences, such as stealing a sweet potato, should not be implicated, he claimed.

On the subject of the evacuation of the cities in April 1975, the witness testified that he did see people arrive in his village in great numbers and that he was happy to see them. Again, when the topic turned to Lon Nol soldiers, however, the witness denied they had been treated differently from the rest of the evacuees, denying that they had been split from the main group of evacuees and classified differently.

The witness confirmed that in 1976 there had also been evacuations of people from his district 105 to the Northwest and Southwest Zones.

Very briefly the Civil Party Lawyer enquired as to why the Red Flag award had been given to Mr. Chim’s district. The witness replied that his district had successfully produced three tons of rice per hectare, in line with parties’ target.

Finally the witness confirmed that post-1979 he was convinced that people had been killed at the Kraing Tachan Security Center.

#### ***Nuon Chea’s Defense Team Examine Mr. Chim***

Beginning the cross-examination, Mr. Koppe asked the witness if he remembered being read a passage by the prosecutor about the wives of Lon Nol soldiers. As the witness clearly did not understand the question, he recounted again what the interview had contained – an encounter in which Mr. Chim was told by wives of Lon Nol Soldiers that their husbands had disappeared. Mr. Koppe proceeded to question Mr. Chim on the details of this encounter. Specifically he enquired if the witness knew the names of these women, which the witness informed the court he did not. Nor did the witness know the names of the husbands and he could not recall the exact date. Given that the witness also had not seen any documents confirming the deaths of soldiers, Mr. Koppe inquired as to how he could be sure that they had been purged. “It was a rumor from one person to another, who whispered from one person to the next,” was Mr. Chim’s reply. “We did not talk in the open, and if we did talk in the open, we would also be taken away,” he added.

Recounting the witness’s earlier interview, in which he had claimed that the women were widows, Mr. Koppe again asked how the witness could be sure the soldiers were killed. This time Mr. Chim simply stated that he had not witnessed a killing personally and could only ask the question, where did the soldiers go? Mr. Koppe confirmed that the witness had never followed up with the women in the following years, and so he could not know if they were ever reunited with their husbands.

Provocatively, he then asked the witness if he had ever been involved in execution or the killing of enemies, internal or external. Predictably Duty Counsel Mam Rithea rose to his feet and informed the court that this question could incriminate the witness. However, the president asserted that counsel needed to consult with his client and to advise him, as he was not employed as a defense counsel. Ultimately the witness declined to answer the question.

Rephrasing his question, Mr. Koppe asked the witness if he had ever seen an execution of an enemy, to which the witness denied that he ever had. Similarly he had claimed to have never been told by another person that that person had killed during the DK regime.

Moving on, the topic turned to the red ink, which had been discussed earlier. This, the witness testified, was a normal color to be used and was not significant. Red ink did not mean that someone would be punished, he told the court.

The witness went on to explain that the confessions he had dealt with had concerned minor issues, such as the buying and selling of chicken eggs. He had regularly ordered releases, he claimed.

On the subject of external enemies, Mr. Koppe asked the witness numerous times who these people were and which countries they came from. At first all the witness repeated was that they were outside the Democratic Kampuchea; however eventually he confirmed that they would include Vietnamese people. However, in the confessions from civilians that he had dealt with, it had not been ascertained that they were working with Vietnam. In fact, the witness went so far as to confirm that in no confession had he read the word "Vietnam."

Moving on, the witness was next examined about education and re-education. He testified that the terms "education" and "learning" were used interchangeably, whereas reeducation refers to a process by which a person is "refashioned." Those people who were struggling with education were sometimes sent to re-education.

Reeducation refers to sessions where people would be educated to do right things physically and mentally. If they had done any wrong things they would be educated to stop. ... If a person were successfully reeducated, he would then be reintegrated so he could be assigned normal tasks.

Not everyone's reeducation was successful, and some people had to be reeducated more than once, the court was told.

On the subject of the education of Lon Nol soldiers, the witness testified that soldiers and civilians were not treated the same way when it came to their reeducation. However, when he was asked how he knew this, the witness addressed the court and asked to consult with his duty counsel so as not to incriminate himself. Ultimately he told the court:

I knew something about the reeducation of civilians; I have no knowledge of how soldiers were reeducated. Some disappeared. So long as they never returned, I could tell that they disappeared.

As Mr. Koppe asked the witness if it was possible soldiers who had been reeducated had been returned to their homes, Mr. Raynor objected on the grounds that this called for speculation. Interestingly, Mr. Koppe accepted this but requested the court's permission to ask the question anyway. It was only a "small fraction of speculation of the larger speculation the prosecution was seeking from the witness." This was not accepted by the court, Judge Cartwright explaining that the prosecution had been basing their questions on interviews and so were not speculative, whereas Mr. Koppe acknowledged that his question was. Again Mr. Koppe attempted to rephrase



his question; however he faced another successful objection and was told to move on by the court.

On the subject of the training session, which the witness claimed to be held by Nuon Chea, Mr. Koppe tested how the witness could be sure that the person conducting the course was his client. The witness testified that as an ordinary combatant, he had not met Nuon Chea; however, Mr. Chea was known to him. The trainer he claimed to be Nuon Chea had never introduced himself to the course, though, and was merely referred to as “Om” or uncle. The witness asserted that he “simply knew it was Nuon Chea.”

A period of confusion then ensued, as the witness was asked how he knew that Pol Pot had been at the course. Mr. Raynor intervened to clarify that the witness had not testified that Pol Pot was at his own session but rather the session before.

Returning again to his own client, Mr. Koppe asked how the witness knew that Nuon Chea was Brother Number 2. The witness enigmatically told the court that “water would fall down the top of the mountain to the bottom. So I knew the names of those uncles. That is a fact.” He went on to explain that he had learned the roles of the leaders through study sessions.

In the final segment of the day’s proceedings, and following a brief break, Mr. Koppe asked the witness about the purges. When asked how orders to conduct a purge were communicated, Mr. Chim eventually told the court that meetings were conducted at a sector level in which they would learn of the plans to purge the enemy. Mr. Koppe had to ask the witness many times and received many evasive answers, before he was eventually able to establish the name of someone who had briefed a meeting on the purges. This individual was named Sao.

Pushing the witness further, Mr. Koppe enquired as to the name of an individual who had been purged by the witness or his superiors. Having consulted with the duty counsel, Mr. Chim stated that he had never received orders to purge or kill anyone.

Mr. Koppe ended by telling the witness that he was just trying to find out the basis of his statement earlier that Angkar was trying to purge enemy officers. However, before the witness could respond, Mr. Raynor successfully objected on the grounds that this was repetitious, and so Mr. Koppe ended his examination of the witness.

#### ***Khieu Samphan’s Defense Team Examine Mr. Chim***

Kong Sam Onn, Co-Lawyer for Khieu Samphan, preceded to ask the witness a very brief set of final questions. He began by asking the witness what made him join the revolution. However, in his questioning, he got the dates wrong and made reference to 1972 rather than 1970, when the witness actually joined. This led to an objection from Mr. Raynor. The witness told the court that he joined the revolution following the coup d’état. There was a great impact in the rural areas, he added, and people joined the revolution in order to ensure the former prince was reinstated. As a teacher Mr. Chim had been rounded up and sent to a training session in the jungle by the Khmer Rouge.

Moving on, Mr. Sam Onn examined the witness of the subject of “Angkar” and what it referred to. It was established that both the commune itself and a commune committee could both be referred to by the term; however the witness saw its use with regard to the latter as inappropriate, albeit commonplace. Similarly, the upper level and the witness were referred to as Angkar.

Again, Mr. Sam Onn got his dates wrong, as he asked the witness if he was aware of the Kraing Tachan Security Center in 1974, as he had told the prosecutor. Mr. Raynor objected to clarify that Mr. Chim had in fact told the prosecutor that he was aware of it in 1973. Part of the witness's OCIJ interview was then read to the court, in which he claimed not to be aware of the Center until 1979. Despite claiming to stand by this statement, the witness then again told the court that he knew about the center in 1973. This he ultimately confirmed more than once, as Mr. Sam Onn ended his short examination.

The court was adjourned to reconvene at 9 am on Tuesday, July 2, 2013.