



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
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

4 May 2015
Trial Day 277

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

The Accused: NUON Chea
KHIEU Samphan

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SENG Leang
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Vincent DE WILDE D'ESTMAEL

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

MS. KHOEM BOEUN (2-TCW-979)

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Questioning by Mr. De Wilde D'Estmael page 25

Questioning by Ms. Guiraud page 84

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
JUDGE FENZ	English
MS. GUIRAUD	French
MS. KHOEM BOEUN (2-TCW-979)	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. MAM RITHEA	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. SENG LEANG	Khmer

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1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear the testimony of witness 2-TCW-979

6 by a video link from Battambang province.

7 The greffier, please report the attendance of the Parties and

8 other individuals at today's proceedings.

9 THE GREFFIER:

10 Good morning, Mr. President. For today's proceedings, all Parties

11 to this case are present, except <Mr.> Arthur Vercken and <Ms.>

12 Anta Guissé, defence counsels for Khieu Samphan are absent during

13 this week's proceedings due to personal matters.

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

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

16 been delivered to the greffier.

17 The witness who is to testify today -- that is, 2-TCW-979, will

18 testify via a video link from Battambang province. The witness

19 confirms to the best of her ability that the witness has no

20 relationship by blood or by law to any of the two Accused, <Mr.>

21 Nuon Chea and <Mr.> Khieu Samphan, or to any of the civil parties

22 <admitted into> this case.

23 The witness took an oath this morning, and Mr. Mam Rithea is a

24 duty counsel for the witness.

25 The AV Unit informs that the link has been established and the

1 witness is ready to testify.

2 Thank you.

3 [09.06.54]

4 MR. PRESIDENT:

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

6 The Chamber has received a waiver from Nuon Chea, dated 4 May
7 2015, which states that, due to his health -- that is, headache,
8 back pain, he cannot sit or concentrate for long, and in order to
9 effectively participate in future hearings, he requests to waive
10 his right to participate in and be present at the 4 May 2015
11 hearing. He advises that his counsel advised him about the
12 consequences of this waiver, that in no way it can be construed
13 as a waiver of his rights to be tried fairly, or to challenge
14 evidence presented or admitted to this Court at any time during
15 this trial.

16 Having seen the medical report of Nuon Chea by the duty doctor
17 for the Accused at the ECCC, dated 4 May 2015, who notes that
18 Nuon Chea has a severe back pain when he sits for long, and
19 recommends that the Chamber shall grant him his request so that
20 he can follow the proceedings remotely from the holding cell
21 downstairs.

22 [09.08.24]

23 Based on the above information, and pursuant to Rule 81.5 of the
24 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
25 follow today's proceedings remotely from the holding cell

1 downstairs via an audio-visual means.

2 The Chamber instructs the AV Unit personnel to link the
3 proceedings to the room downstairs, so that he can follow the
4 proceedings, and that applies for the whole day.

5 QUESTIONING BY THE PRESIDENT:

6 Q. Good morning, Madam Witness. What is your name?

7 MS. KHOEM BOEUN:

8 A. My name is Khoem Boeun.

9 Q. Madam Khoem Boeun, please hold on. And Counsel Kong Sam Onn,
10 you have the floor.

11 [09.09.40]

12 MR. KONG SAM ONN:

13 Thank you, Mr. President. Before the Chamber proceeds with this
14 witness, I'd like to get instructions from the Chamber regarding
15 the reasons for this testimony via a video link. Referring to an
16 email from the senior legal officer, dated 24 April 2015, who
17 informed the Parties about the two witnesses to testify today via
18 a video link, the email does not state the reasons for a video
19 link testimony. In addition, last week the Chamber notified the
20 Parties during the proceedings -- that is, on 30 April 2015, and
21 the President informed the Parties to participate in the
22 proceedings this week, as well as the pseudonyms of the
23 witnesses, via a video link. And no reason was given why there
24 needs a video link testimony from the two witnesses. If I recall
25 correctly, the Chamber raised an issue of a health condition of a

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1 witness, and as such the witness returned without providing any
2 testimony. And that is the reason I seek your advice and
3 instruction on the reason for a video link testimony, and that is
4 important for my client, the Accused, to confront the witness
5 directly in the courtroom rather than via a video link. And I
6 would appreciate the grounds or the reasons for such an
7 arrangement by the Chamber. Thank you.

8 [09.12.06]

9 MR. PRESIDENT:

10 Thank you. The Chamber would like to inform the counsel and the
11 Parties that the two witnesses have serious health issues; that
12 they cannot come to testify in the courtroom before this Chamber.
13 The Chamber had to make a decision, either to forfeit the hearing
14 or the testimony of these two witnesses, due to health issues.
15 Secondly, based on the request from the witnesses, as well as the
16 report by WESU, with the advice from independent doctors, we were
17 informed that there were health issues with the two witnesses,
18 and due to the health issues of another witness previously --
19 that is, 822, the testimony could not proceed. And based on the
20 information contained in the Case file, in particular the written
21 records of the interviews by OCIJ, the Chamber is of the view
22 that this witness, or the witnesses, have important information
23 for this case.

24 [09.13.42]

25 And we have to decide that, due to the probative value of the

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1 information of this witness, and that the witnesses could testify
2 via a video link, the Chamber therefore decided to take this
3 opportunity to hear the two witnesses via a video link. And that
4 is based on both the requests by the witnesses as well as an
5 independent assessment. And that is -- that has been the practice
6 the Chamber used. Of course, the Chamber tries to avoid at all
7 costs to engage any witnesses via a video link, but this is the
8 situation, that the Chamber decided to proceed due to the health
9 issue and the advanced age of the witnesses.

10 [09.14.51]

11 BY THE PRESIDENT:

12 Q. Thank you, Madam Khoem Boeun. Could you please tell the
13 Chamber when you were born?

14 MS. KHOEM BOEUN:

15 A. I cannot recall the year that I was born. Currently I am 72
16 years old.

17 Q. Thank you. So, you are now 72 years old, and the Chamber notes
18 that. Please tell the Chamber your place of birth.

19 A. I was born in Cheang Tong commune, Tram Kak district, Takeo
20 province.

21 Q. Thank you. Please tell the Chamber your current address.

22 A. I live in Battambang province.

23 Q. Please give us more details of your current address, as to the
24 commune or the district.

25 A. I live in Sampov Lun district.

6

1 Q. What are the names of your father and mother?

2 A. Khun is my father's name, and Chea is my mother's name.

3 [09.16.24]

4 Q. What is your husband's name, and how many children do you
5 have?

6 A. Chorn is my husband's name, and we have four children
7 together.

8 Q. Madam Khoem Boeun, as reported by the greffier, you do not
9 have any parents, ancestors, descendants, husband or other
10 relatives who are recognized as civil parties in this case. Is
11 the information correct?

12 A. Yes, it is.

13 Q. The greffier also informed the Chamber that you had taken an
14 oath before your appearance via a video link from your residence.
15 Is that correct?

16 A. Yes, that is correct.

17 [09.17.22]

18 Q. The Chamber would like to inform you of your rights and
19 obligations.

20 As a witness, Madam Khoem Boeun, you may refuse to respond to any
21 witness -- to any questions that may incriminate you. That is
22 your right against self-incrimination. This means that you may
23 refuse to provide your response or make any comment that could
24 lead you to being prosecuted, and as a witness in the proceedings
25 before the Chamber, you must respond to any questions by the

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1 Bench or relevant Parties, except where your response or comment
2 to those questions might incriminate you, as the Chamber has just
3 informed you of your right as a witness. You must tell the truth
4 that you have known, heard, seen, remembered, experienced or
5 observed directly in regards to any event or occurrence relevant
6 to the questions that the Bench or the Parties pose to you.

7 Witness, do you understand your rights and obligations as I have
8 explained?

9 A. I understand some, Mr. President.

10 [09.19.01]

11 Q. Have you been interviewed by investigators of the Office of
12 the Co-Investigating Judges? If so, how many times and where?

13 A. Yes, it was done in Phnom Penh.

14 Q. And how many times?

15 A. It happened only once.

16 Q. And before your appearance this morning, have you reviewed or
17 read the written record of your interviews with the OCIJ
18 investigators in order to refresh your memory?

19 A. Yes, I have. But I have not read it fully, due to my poor
20 eyesight.

21 Q. Thank you. And to your best recollection, does the written
22 record of your statements reflect your words that you provided to
23 the investigators at the time?

24 A. Yes.

25 Q. Madam Khoem Boeun, you are assisted by a duty counsel via WESU

1 per your request -- that is, counsel MAM Rithea. Is Counsel Mam
2 Rithea present, and have you discussed the matters with him?

3 A. Yes, he's with me.

4 [09.21.14]

5 MR. PRESIDENT:

6 For questioning this witness, pursuant to Rule 91 (bis) of the
7 ECCC Internal Rules, the Chamber will hand the floor first to the
8 Co-Prosecutors before other Parties, and the combined time for
9 the Co-Prosecutors and the Lead Co-Lawyers <for civil parties> is
10 one full day <to put questions to this witness>. You may proceed.

11 QUESTIONING BY MR. SENG LEANG:

12 Thank you, Mr. President. Good morning, Mr. President, Your
13 Honours, and everyone in and around the courtroom. And good
14 morning, Madam Witness. My name is Seng Leang, a National Deputy
15 Co-Prosecutor. And I have some questions on three main topics to
16 you, and I'd like your assistance in providing clarifications to
17 those topics.

18 Q. First, I would ask you about some personal information <prior
19 to 1975>, and then <your roles and responsibility> when you were
20 appointed as chief of Cheang Tong commune, <and the structure of
21 Cheang Tong commune,> and the last topic is about forced
22 marriage. And then my international colleague, Mr. Vincent, will
23 put some questions to you in relation to other meetings and other
24 topics.

25 Allow me to ask you some questions on your personal background

1 before 1975. Could you please tell the Chamber where you lived
2 before 17 April 1975?

3 MS. KHOEM BOEUN:

4 A. I lived in Kbal Ou village, Cheang Tong commune.

5 [09.23.19]

6 Q. Thank you. And when did the Khmer Rouge occupy your area?

7 A. The Khmer Rouge took control of my area in 1971.

8 Q. Thank you. In your OCIJ interview -- that is, document

9 E319/12.3.2, at Answer 139, you said that -- and I quote: "I
10 moved to live in Phnom Penh until 1969, when I sold my house in
11 Phnom Penh and returned to my home town."

12 Did you move to your home town before or after the Khmer Rouge
13 occupied your area?

14 A. In 1969, my mother became ill and could not move, so I sold my
15 house in order to get the money to take care of my mother in my
16 native village.

17 Q. Thank you. When did you join the Revolution, and did you hold
18 any position at the time?

19 A. It was in <1971> when I joined the movement, and I was one of
20 the women in the village who joined the Revolution.

21 [09.25.01]

22 Q. Who assigned you to this position?

23 A. It was Khom who did that.

24 Q. Please repeat your response as to who assigned you to that
25 position.

1 A. It was Khom.

2 Q. Who is Khom?

3 A. Khom was a woman, and she was <a> daughter of Ta Mok.

4 Q. Thank you. Can you please tell the Chamber <as to> how many
5 brothers and sisters you have?

6 A. I have four siblings.

7 Q. And how many, including you?

8 A. Five of us.

9 [09.26.17]

10 Q. Thank you. Could you please tell the names of your siblings?

11 A. Khoeun (phonetic) was the eldest, Khoem Khoeun (phonetic).

12 Khoem <Khon> (phonetic) was the second eldest. And Khoem Baur was
13 the third, and she was my sister.

14 Q. And <other> sibling?

15 A. It was Khoem Khoen (phonetic), my brother.

16 Q. Thank you. Did any of your brothers and sisters hold any
17 position during the Khmer Rouge regime?

18 A. There was one -- that is, my <elder> sister, Khoem Baur. As
19 for other siblings, they had died before the regime.

20 Q. Is Khoem Baur and Yeay Baur one and the same person?

21 A. Yes.

22 [09.27.40]

23 Q. What was Yeay Baur's position at the time?

24 A. I did not know, since I rarely met her during the regime.

25 Q. In your OCIJ interview, I refer to the same document -- that

11

1 is, E319/12.3.2, and in the question, "Did you personally know Ta
2 Mok?" at Answer 56, you confirm that, "Yes, I personally knew
3 him." And my question to you is the following: Did you know him
4 before or after '75, and how did you know him?

5 A. I knew him after 1975 <when> he came to the cooperative.

6 Q. Thank you. Did you know Office 105 -- rather Hospital 105, or
7 Trapeang Kol (phonetic) hospital?

8 A. Yes.

9 Q. Did you know a person, Riel Son, who worked in that hospital?

10 A. No, I did not, since I did not have much contact with that
11 hospital.

12 [09.29.17]

13 Q. Did you know Khieu Samphan?

14 A. No, I did not.

15 Q. Did you hear that Khieu Samphan came to your area before or
16 after you joined the revolutionary movement?

17 A. No, since I did not meet him.

18 Q. I asked you a question about a medic working at Hospital 105,
19 and his name is Riel Son. In his interview, E319.1.21, in his
20 response to the question as to <whom> Yeay Boeun was <a
21 messenger>, at Question 187, he said that she was the messenger
22 of Khieu Samphan, <and> Ta <Prom (phonetic) was also a messenger
23 to Khieu Samphan>. What is your reaction to that?

24 A. No, I did not know Khieu Samphan.

25 Q. I'd like to move on to another topic, that is when you were

12

1 appointed as head of Cheang Tong commune. Can you please tell the
2 Court as to when you were appointed to that position?

3 A. I cannot recall when I was appointed to that position. It
4 could be in <> 1970 or <1974>.

5 [09.31.27]

6 Q. Were you appointed in 1972 or '74?

7 A. I worked in the women's group during that period -- that is,
8 '72, '73 and <it was in '74 that I started work at> Cheang Tong
9 commune.

10 Q. Also in your interview with OCIJ -- that is, the same
11 document, E319/12.3.2, when you answered the question whether you
12 were a full-right member of the Communist Party of Kampuchea, at
13 Answer 92 you stated that you were not a full-right member. What
14 <was> the difference<> between <a> full-right <member> and <a>
15 non-full-right <member>?

16 A. <To my recollection, full-right> members are full members of
17 the Party. <And those non-full right members belonged to youth
18 units.>

19 MR. PRESIDENT:

20 The <National> Deputy Co-Prosecutor, and the witness, please be
21 mindful that you should leave sufficient gap between the question
22 and answer <> so that the interpreters could do their job
23 professionally. Thank you.

24 [09.33.03]

25 BY MR. SEANG LEANG:

1 Thank you, Mr. President.

2 Q. Now I would like to quote another written statement of Mr.

3 Riel Son -- that is, document E319.1.21. In his answer to the

4 question, "Did Yeay Boeun believe in the communist without any

5 doubt?" In Answer <197, his> answer was that, "She had long been

6 a member of the Party." In another question at that time, it was

7 asked, "According to your knowledge, was Yeay Boeun a full-right

8 or preparatory member of the Party?" At Answer 198, "She was a

9 full-right member of the Party." Answering to the question, "That

10 means Yeay Boeun was one of the very influential people during

11 that era. Is that correct?" At Answer 199, he said, "Yes, she had

12 strong influence." My question is: What do you think about these

13 answers <of Riel Son>?

14 MS. KHOEM BOEUN:

15 A. Whether <I> had any influence, <or> whether <I> was very

16 influential, I do not know about that. <Different people have

17 different perspectives.>

18 [09.34.41]

19 Q. Thank you. When were you assigned to work <> in the office of

20 the district?

21 A. I worked in the office before the liberation, in 1978, in

22 October.

23 Q. Thank you. During that time, did you already become a

24 full-right member?

25 A. I was not <> a full-right member. <But> I was assigned to work

1 there.

2 Q. Now, concerning document E319/12.3.2, at Answer <93>, you
3 said, "For the full-right members, they were assigned to work in
4 the district or above." What do you think about this answer?

5 A. This answer is true.

6 Q. You stated that you were assigned to work in the district<>
7 office <of Tram Kak>. So, did you -- were you <> a full-right
8 member <by then>?

9 A. <They did not care whether or not I was> a full-right member.
10 <They just> assigned <me> to work there<. It is a fact>.

11 [09.37.02]

12 Q. Could you tell the Chamber the structure of Cheang Tong <when
13 you worked there>?

14 A. I do not get your question. I do not know what you mean.

15 Q. I would like you to tell the Chamber about the structure of
16 your commune when you were assigned to work there. What was the
17 structure in the commune?

18 A. I do not recall well, however, I could remember that people
19 were put in groups or teams, or cooperatives. There were
20 children's units, female units and youth units. That's what I
21 know.

22 Q. Could you tell the Chamber who was your deputy, and who was
23 responsible for militia and the military? And what about others?
24 What were their responsibilities?

25 A. Below me, there was Khim. Khim was responsible for the

15

1 military or army. There was another person by the name Pau, who
2 was also below me. And there was another one named <Teb>
3 (phonetic), below me as well. <So I had three male deputies.>
4 [09.39.13]

5 Q. What about the ones who were responsible for militia?

6 A. <Khim> was also responsible for <the> militia in the commune.

7 Q. When you were the commune chief, what did you do?

8 A. I led people to work in the fields, to farm in the dry season,
9 and to make fertilizers.

10 Q. What about the army and militia? What were their
11 responsibilities in your commune?

12 A. As for militia or army, they were responsible for guarding the
13 security of the commune or village.

14 Q. Thank you, Madam Witness. In another interview, in your
15 interview with OCIJ, E319/12.3.2, <at answer 129,> you said that
16 Khim was responsible for army <and> militia, and <at answer 176,>
17 you also said that Chorn (phonetic) was the chief of the
18 <militia>, and he was below Khim. Do you want to say that Khim
19 was the superior of Chorn (phonetic)?

20 A. Yes, Khim was the superior of Chorn (phonetic). <Chorn was the
21 direct supervisor of the militia.> I forget to mention this
22 answer.

23 [09.41.21]

24 MR. PRESIDENT:

25 Madam Khoem Boeun, before you give your response, please think of

16

1 the answer and respond carefully, and to pause, to give some
2 pause before you provide your response, so that the
3 interpretation is full. <Thank you, Madam Khoem Boeun.>

4 BY MR. SENG LEANG:

5 Q. Thank you, Mr. President.

6 Madam Witness, during that time, who was responsible for
7 recruiting militiamen <in your commune>?

8 MS. KHOEM BOEUN:

9 A. Khim and Chorn.

10 Q. Thank you, Madam Witness. In your interview with OCIJ,
11 E319/12.3.2, and the question was that, "Did <Chorn> report to
12 <Khim>?" And your answer was yes <in Answer 179>. And <in
13 response to a question, "Did Khim report to you?",> at Answer
14 <180>, you said that you had to report to the upper level. Could
15 you tell the Court <whether it was> the reporting structure of
16 your commune?

17 A. Yes. It was like what you have just mentioned.

18 [09.43.08]

19 Q. Could you tell the Court <as to> how Chorn and Khim <received>
20 reports <from villages>?

21 A. <They received> report <> from the villages.

22 Q. Could you tell the Chamber about the <types of> reports <that>
23 you <received> from Chorn and Khim?

24 A. <The> reports <from> Chorn (phonetic) and Khim <to me> were
25 put in writing, and after that, I forwarded the reports to the

1 upper level.

2 Q. What <kinds> of matters were in the reports? Were they about
3 security <issues>?

4 A. Yes. The <security issues were also raised in the> reports<;
5 however, members of the militia unit also engaged in farming in
6 order to feed themselves. They also dealt with economic> and
7 military <issues>.

8 Q. Thank you, Madam Witness. When you received the reports about
9 security, after you received such reports, did you hold any
10 meeting <regarding those reports> in the villages, among the
11 village chiefs<>?

12 A. Yes<, I did>.

13 [09.45.07]

14 Q. <So what was discussed in those meetings? And what were your
15 instructions to those villages or village chiefs>?

16 A. <It was situation-based. If the reports touched upon economic
17 issues, I would give them instructions on farming and crop
18 production> to solve the food situation. And if <other matters
19 were raised in the report, the matters would be discussed and
20 dealt with accordingly. Again, it was situation-based>.

21 Q. What about <security-related issues? What> was your measure or
22 action <with that regard>?

23 A. <Whenever> I received the report about the security <from
24 either a village or militia>, I would forward <it up the line>.

25 Q. <To which level you are referring when you said you forwarded

18

1 those reports up the line>?

2 A. I <forwarded them> to the district <level>.

3 Q. <And do you know what and how> the district <dealt with the
4 reports>?

5 A. I <do> not know.

6 [09.46.30]

7 Q. <Thank you, Madam. Besides attending meetings, what other
8 means of communication you had > with your <superiors? >

9 A. <In addition to meeting with my superiors>, I would
10 <also>request <to them for supplies to be distributed to> people.

11 Q. <I was referring to means of communication, for example,
12 letters or telegrams.> Did you <> communicate with your superiors
13 <through these means of communication>?

14 A. No.

15 Q. <Thank you, Madam.> I would like to move on to the last topic
16 concerning forced marriage. In your OCIJ interview, document
17 E319/12.3.2 at Answer 112, you stated that -- quote: "The
18 marriage was arranged by the Party. They arranged for the New
19 People to marry with the New People while the Old People had to
20 marry with the Old People." My question is: Why was the marriage
21 arranged by the Party during the DK regime?

22 A. <A marriage> proposal <had to be> submitted to the upper level
23 <for approval. And only after the approval had been received by
24 the lower level could the marriage take place>.

25 [09.48.28]

1 Q. Thank you<, Madam>. To your knowledge, where did the marriage
2 policy come from?

3 A. It was from the upper level.

4 Q. Are you referring to the <> Centre<, the Sector> or the Zone?

5 A. I received the policy from the district.

6 Q. <Are you saying that <it was> the district <who> gave you the
7 instructions?

8 A. Yes.

9 Q. How <did you communicate> the policy <> to lower level? I mean
10 the policy of marriage. How was it <communicated> to lower
11 levels?

12 A. <The> policy <was communicated to those> village chiefs.

13 Q. <Do you> know <as to> why New People were not allowed to get
14 married <to> Old People?

15 A. <To> my knowledge, <>New People were arranged -- were allowed
16 to get married <to> New People<, while> Old People <were> to get
17 married <to> Old People. New People and Old People did not know
18 each other well and perhaps they did not get along <well> with
19 each other. <You may be aware of this as well.>

20 [09.50.28]

21 Q. Thank you, Madam Witness. In document E319/12.3.2 at Answer
22 120 you stated that: "It was my understanding that the New People
23 were not good. They were the enemy and were not <as> valuable as
24 the Old People<>. They were not allowed to marry the Old People."
25 What do you <say> about your answer which you gave to the OCIJ?

1 A. I mentioned this point based on what I <had been instructed by
2 the upper level>.

3 Q. You said that you mentioned this point from what you <had been
4 instructed by the upper level. Which level are you referring to>?

5 A. The district <level>.

6 Q. Could you <clarify> for the Chamber what <those instructions
7 were>?

8 A. <The instruction> was <> that New People had to get married
9 ,<to> New People and Old People had to get married <to> Old
10 People. New People and Old People did not know each other well
11 and they did not get along with -- New People did not get along
12 with Old People because New People had just arrived in the area.
13 [09.52.05]

14 Q. I am referring to Answer 120 which you gave to the OCIJ. You
15 stated that "it was my understanding that New People were not
16 good. They were the enemy and were not <as> valuable as the Old
17 People<>. They were not allowed to marry the Old People." I would
18 like to know what <> the <actual> instruction <from the upper
19 level was with this regard>.

20 A. <The instruction from the upper level was> that New People
21 were not <>to get married <to Old> People <as> New People had
22 just arrived in the area<, and that they> have not yet -- they
23 had not yet settled in<. Generally, they did> not <know or trust
24 each other> yet. <That's the fact.>

25 Q. I would like to move on to another question <as I am running

1 out of time.> Could you tell the Chamber how <those marriages
2 were> initiated <during the DK>?

3 A. I do not understand <that> well about this matter. When I
4 received the instruction from the upper level <as to how many
5 couples were to be married,> I would <just follow the
6 instruction>.

7 [09.53.32]

8 Q. How many couples <at a time> were the upper - <were you
9 instructed by> the upper <level> to arrange their marriage?

10 A. The marriage could be arranged for <one> couple or <multi
11 couples>, depends on the situation. And from my experience, I had
12 arranged the marriage for three <or four couples> at <a> time.

13 Q. In your OCIJ statement<, E319/12.3.2> at Answer 116 you stated
14 that <the> commune <level> would <draft a list of> names of those
15 <men and girls> who would -- whose marriage would be arranged and
16 after that <the list> was sent to the <sector level for
17 approval,> and <>that <in your capacity at the lower level,> you
18 did not dare to make any decision <in this regard>. What do you
19 <say about this> response <of yours>?

20 A. It was like what I said. We proposed to the upper level and if
21 the proposal was <approved, the wedding would take place;
22 however, if it was> rejected, there would <be> no marriage.

23 Q. Thank you very much, Madam Witness. My follow-up question: Who
24 was responsible for arranging or organising the marriage
25 <ceremony in your commune>?

1 A. The commune and the villages, including me, <> arranged the
2 marriage <ceremonies>.

3 [09.55.07]

4 Q. <How many> marriage <ceremonies were> arranged <every year>?

5 A. <Very few> marriage <ceremonies were> arranged<>.

6 Q. <Were> you the one who <prepared the list of those who were to
7 be married>?

8 A. Yes<, I was. <I made the list as I understood <>that <it would
9 not be good if those grown-up men and girls were to engage in>
10 moral offence<. I made the list to the upper level. If they
11 approved, the marriage would be organized. If not, there would
12 not be a marriage at all>.

13 Q. Could you tell the Chamber <as to> how <a> marriage <ceremony
14 went about>?

15 A. There <was nothing> significant<. After the couples had met, a
16 small feast was thrown for them. After the meal, the couples came
17 up and declare their resolution by committing to live with each
18 other and love each other forever, after which the chairperson of
19 the ceremony would give the newlyweds advice and blessing to end
20 the ceremony>.

21 Q. <Thank you, Madam.> Could you tell the Chamber <as to why
22 those newlyweds were required to declare their resolution>?

23 A. <I do not really understand that as well. In fact, it was the
24 common practice during any wedding ceremony at that time.>The
25 newlyweds were asked to make a resolution.

1 [09.57.09]

2 Q. <On whose order were> the newlyweds <required> to make a
3 resolution?

4 A. It came down from up the line. As to me, I received such an
5 order from the district. I do not know from which level the
6 district level received the order>.

7 Q. <Could you tell the Chamber whether traditional rituals were>
8 allowed to be <observed in those> marriage <ceremonies>?

9 A. <As mentioned earlier, wedding ceremonies during the regime
10 were not held the way they were traditionally held prior to the
11 regime.> The couples were asked to <declare their commitment to
12 live with each other as a man and wife forever. Those wedding
13 ceremonies were not held the traditional way>.

14 Q. I would like to move on to another question. <It would be my
15 last question. In your statement with OCIJ,> E319/12.3.2 at the
16 same Answer 112, you stated that: "We can say that there were
17 forced <marriages> because the Party decided them." <Are you
18 saying those were forced marriages>?

19 A. In my opinion, <they> were no forced marriages <as> the couple
20 <had> agreed to <the marriage. Since they had agreed to the
21 proposal, we were> forced them to <organize wedding ceremonies
22 for them>.

23 [09.58.50]

24 Q. In the same answer you stated that: "We can say that there
25 were forced marriages because the Party decided them." Again,

1 could you tell the Chamber did - <whether those were forced>
2 marriage <>?

3 A. Yes.

4 [09.59.17]

5 Q. Thank you. Now I move to the last question. In your answer
6 given to the OCIJ, document E319/12.3.2 at Answer 118, you stated
7 that -- quote: "It was not necessary for militia men to spy on
8 them because it was a small village and everyone knew whether
9 they loved each other or not." My question is: What happened if
10 the newlyweds did not love each other?

11 A. If they did not love each other they could not consummate the
12 marriage.

13 Q. Were the newlyweds allowed to get divorced?

14 A. <There were no such decisions in that regard,> but there were
15 divorces.

16 Q. Could you tell the Chamber <as to> who got divorced at that
17 time?

18 A. I do not recall it.

19 MR. SENG LEANG:

20 Thank you. Mr. President, I now conclude my line of questioning
21 and I believe my <colleague has> further questions to ask and I
22 seek the floor for my colleague.

23 MR. PRESIDENT:

24 You may now proceed International Deputy Co-Prosecutor.

25 [10.01.00]

1 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

2 Thank you. Good morning, Mr. President. Good morning, Your
3 Honours. Good morning, Ms. Khoem Boeun. My name is Vincent de
4 Wilde. I am International Co-Prosecutor. I would like to remind
5 you, first of all, that we are not there to charge you nor to
6 accuse you of anything and I would like to start by
7 congratulating you for having answered questions put to you by
8 the OCIJ frankly when you were questioned by them and I would
9 encourage you to continue doing so.

10 Today we are here to continue listening to your testimony and it
11 is important that you contribute to the ascertainment of the
12 truth. If you do not understand anything, do not invent an
13 answer, do not speculate; simply say that you do not know the
14 answer. If you do not understand a question, please ask me to
15 repeat it. I will start with your place of birth.

16 [10.02.18]

17 Q. You said you were born in Kbal Ou in Cheang Tong commune, Tram
18 Kak district. Were there any other Khmer Rouge cadres who were
19 quite important -- that is men and women -- who were from the
20 same village as yourself -- that is, from Kbal Ou village?

21 MS. KHOEM BOEUN:

22 A. No, there was none.

23 Q. Apart from your sister and yourself, and I believe you said
24 regarding your sister Yeay Boeun <in answer no. 32> <of WRI
25 E319/12.3.2>, you said that she held a position in Kiri Vong

26

1 district committee. You didn't mention that a while ago. Apart
2 from yourself and your sister, did you know a person called Yeay
3 Yut, who was from Kbal Ou as well?

4 A. Yes, I know that person.

5 Q. And what was that person's position under the Khmer Rouge
6 regime?

7 A. The person had left the village quite a long time before I was
8 there.

9 [10.04.14]

10 Q. Did Ta An -- the director of Krang Ta Chan whom you referred
11 to in the record of your interview -- was that person also from
12 Kbal Ou or from another village?

13 A. He came from Totueng Thngai village, which was the adjacent
14 village to Kbal Ou.

15 Q. One witness told this Chamber - or, rather, told the OCIJ that
16 Ta An and yourself were cousins. Is that correct?

17 A. Yes.

18 Q. For the record, it is Witness Vann Soeun, messenger at Krang
19 Ta Chan who said so in Answer 86 of the transcript, E319.1.33.

20 Did <Yeay> Chaem also come from Kbal Ou village?

21 A. Yes.

22 [10.05.49]

23 Q. What position did that person hold in the region -- that is,
24 in Tram Kak?

25 A. I do not get your question. Please repeat it.

1 Q. Yes <, pardon me>. What function did Im Chaem perform in your
2 region -- that is, in Sector 13?

3 A. She was the chairperson of the women in the sector.

4 Q. Did she subsequently fulfil any functions in the Central Zone
5 of Democratic Kampuchea -- that is, Kampong Cham?

6 A. I did not know about that.

7 Q. Was she a distant relative -- that is, within your family -- I
8 mean Im Chaem?

9 A. She came from the same village and commune and she was a
10 distant relative.

11 Q. Was your husband, Ta Chorn, the head of Popel commune in Tram
12 Kak district? Was he also from Kbal Ou village?

13 A. Yes.

14 [10.07.45]

15 Q. How do you explain the fact that there were so many important
16 cadres from the same village, Kbal Ou? <Why was that the case?>

17 A. I do not know what to say because people from Kbal Ou were
18 appointed to various positions.

19 Q. Did Ta Prum, <whom a witness mentioned was your uncle, and>
20 who was also from Kbal Ou, play any role in your admission to the
21 Party?

22 A. He was my uncle but I did not know much about him.

23 Q. <Just before the break and if I have enough time,> I would
24 like us to talk about the structure of Tram Kak district. Once
25 you became chief of Cheang Tong commune, and you said in Answer

28

1 22 of the record of your interview that it was in late 1973, can
2 you tell us who <were> successively secretaries of Tam Kak
3 district between 1973 and 1979?

4 A. I cannot recall that so I can only recall some events as to
5 what happened during the regime. As you know, it has happened
6 quite a long time ago.

7 [10.10.12]

8 Q. Yes, we know that was a long time ago. Before the
9 Co-Investigating Judges you mentioned a number of names in answer
10 to Questions 27 and 28, as well as 284. A while ago you mentioned
11 Khom -- that is, Ta Mok's daughter. Before the Co-Investigating
12 Judges in Answer 27, you referred to the committee of Tram Kak
13 district, included Ta Kit, Ta Chay and Ta Chim. You stated in
14 Answer 28 that Yeay Khom and Ta Chim were the first members of
15 the Tram Kak district committee since 1973 and that, later on, Ta
16 Kit and Ta Chay became members and you also stated the role of Ta
17 Nhev -- N-H-E-V -- who was in charge of military affairs and you
18 said that the last secretary of the Tram Kak district was Ta San
19 and that it was with him that you worked as of October 1978. Do
20 you recall all these answers which you gave to the investigators
21 of the OCIJ?

22 A. Yes, I recall that and I recall that I made those statements
23 in relation to Khom, Ta Kit and Ta Chay and Ta Chim. And lastly,
24 it was Ta San.

25 [10.12.16]

- 1 Q. <So you> stated that Ta San was the last chief of Tram Kak
2 district before the arrival of the Vietnamese troops. Other
3 witnesses said so as well. Ta San was examined by this Chamber at
4 the hearing of the 9th of March 2015 and the transcript is
5 <E1/273.1.> He said at about 15.19 that witnesses, including
6 yourself, <were mistaken in> saying that he was district
7 secretary and that as a matter of fact, he was only an assistant
8 in the district appointed by Ta Mok <to carry out certain
9 assignments>. He said that it was Ta An who was in Sector 13 and
10 that she was chief of Tram Kak district. However, Ta San stated
11 that it was only he -- himself and <that> you left in the
12 district committee in 1978. Do you agree with Ta San? His name --
13 his <real name was> Neang Ouch< -- > <when> he says that he was
14 not district chief -- or do you confirm, on the contrary, that
15 there was no one <higher> than him in Tram Kak district in 1978?
16 A. Yes, that is true and there was another person by the name of
17 Rorn (phonetic) who was overall in charge and I forgot to mention
18 that name earlier.
19 Q. You stated that, "Yes, that is correct". Is it correct to say
20 that Ta San was the last secretary of Tram Kak district and what
21 was the exact function of Rorn <whose name you mentioned?
22 A. Rorn (phonetic) was at the sector level and that person was in
23 charge or responsible for Tram Kak district.
24 [10.15.02]
25 Q. Very well. Apart from the district committee, was there

30

1 <another> district office that was in charge of economic affairs
2 and security?

3 A. Nearby, there was a house where the economics people worked
4 there and they were responsible for the economics within the
5 district.

6 MR. PRESIDENT:

7 The time is convenient for a short break. We'll take a break now
8 and resume at 10.30.

9 And Madam Khoem Boeun, we take a short break now and will return
10 at 10.30.

11 The Court is now in recess.

12 (Court recesses from 1016H to 1032H)

13 MR. PRESIDENT:

14 Please be seated.

15 The Court is now back in session and the Chamber gives the floor
16 to the International Deputy Co-Prosecutor to put questions to
17 Witness Khoem Boeun.

18 BY MR. DE WILDE D'ESTMAEL:

19 Thank you, Mr. President.

20 Q. Madam Witness, we were talking about the Tram Kak district
21 office. Can you tell me who was the chief of the Tram Kak
22 district office when you were chief of Cheang Tong commune and
23 subsequently when you were deputy chief of Tram Kak district?

24 MS. KHOEM BOEUN:

25 A. Could you repeat your question, please?

1 [10.34.00]

2 Q. Yes. We were speaking about the district committee, and now we
3 are speaking about the district office, which is a different
4 body. You said that he was in charge of economic matters. Could
5 you tell me who was in charge of this district office when you
6 were commune secretary in Cheang Tong and then when you were the
7 deputy secretary of Tram Kak district? Who were the heads of this
8 district office?

9 A. Dorn was the former head of the district office.

10 Q. Were there other cadres who were working at the district
11 office? Does the name Phy and the name Khorn, K-H-O-R-N, and the
12 name Ul Hoeun, U-L then H-O-E-U-N, does that ring a bell, do they
13 ring a bell?

14 A. Yes, I know them.

15 [10.35.30]

16 Q. What were their duties in the district office?

17 A. They had positions in economics and militia in the <district>.

18 Q. So therefore, must I understand that the district office was
19 in charge of economic matters as well as supervising the district
20 militia?

21 A. Phy and Chorn (phonetic) were supervising the <district>
22 militia and <Dorn> (phonetic) was supervising economic matters.

23 Q. Can you tell us in which office Duch was working? That is
24 D-U-C-H, also known as Iep Duch, who apparently was in charge of
25 the youth at the district level. Have you met him? And was he

1 also working in the district office?

2 A. I met Duch at the district office. He was working in -- he was
3 responsible for youth.

4 [10.37.30]

5 Q. Do you know if he played a role also at the Krang Ta Chan
6 Security Centre?

7 A. I do not know about this.

8 Q. Now with regard to the place where the district office was
9 located, as well as the district office which you told us was
10 very nearby; can you tell us where these two offices were located
11 exactly?

12 A. At Angk Roka.

13 Q. Was it very close to your commune, Cheang Tang commune
14 therefore, or, more specifically, between Cheang Tong and
15 Trapeang Thum Cheung?

16 A. Yes, they were in between Cheang Tong and Trapeang Thum Cheung
17 communes.

18 [10.38.54]

19 Q. Fine. Now I would like to speak about the meetings which took
20 place in the district committee to which you participated as
21 commune chief. You said at Answer 159 of your written record of
22 interview, that there were ordinary district meetings three times
23 a month, and on the 10th, 20th and 30th of each month. And you
24 also called these meetings education meetings. So which topics
25 were discussed by the district chief or by his deputies during

1 these ordinary meetings at district level at Angk Roka?

2 A. I do not recall them all, but I remember that there was
3 education concerning economic matters to solve the livelihood for
4 people. The meetings were held on the 10th, 20th. And as for the
5 rest topic, I do not recall them all.

6 Q. Was the situation of the enemies in each commune also
7 discussed on the agenda as well as disciplining the locals? In
8 particular, discipline towards the 17 April People, the New
9 People, was that on the agenda to be discussed?

10 A. Yes, there was such discussion but I do not recall them all.

11 Q. And during these district meetings, were there reports
12 produced each time, reports that you would draft as a commune
13 chief as well as instructions that were given by the district
14 chief?

15 A. Yes.

16 [10.41.30]

17 Q. You explained at Answer 157 of your written record of
18 interview that during these educational meetings they told the
19 village to report to the commune and the commune had to report to
20 the district. At Answer 158 you said, in those meetings they said
21 that if any event occurred in the village, the village had to
22 promptly report <it> to the commune and the commune had to report
23 <it> to the district urgently too.

24 So was this a pyramid system that was set up? That is to say,
25 that the village had to report -- or the cooperative rather had

1 to report to the commune committee and the commune had to report
2 to the district?

3 A. Yes.

4 Q. You worked at the district yourself. At least in 1978, and you
5 said that you attended many meetings in Sector 13. Can you tell
6 us what the district would report, or the district chief would
7 report to Sector 13 during the meetings, or what they would
8 report in writing? What kind of report did the district provide
9 to Sector 13?

10 A. There was no written report. The report was about economic
11 matters, political matters or military situation, but as I said I
12 do not remember them all, I remember only the main <points>.
13 [10.43.55]

14 Q. Now with regard to the people who participated in the ordinary
15 district meetings. Aside from the commune chiefs and the district
16 committee as well as the members of the district, were there also
17 cadres from the Krang Ta Chan Security Centre who would attend
18 these meetings?

19 A. Sometimes they would attend the meeting, sometimes not.

20 Q. You said that you met Ta An, the head of Krang Ta Chan. Did
21 this happen at district <meetings. or at sector <meetings>?

22 A. I met him at the district meeting.

23 Q. And during these district meetings, would Ta An report to the
24 district committee?

25 A. Yes, he made a report but I do not recall the points made in

1 the reports.

2 [10.45.45]

3 Q. You said that you read the report, but I was asking you if Ta
4 An would report orally during the meetings covering security
5 issues at the Krang Ta Chan Security Centre.

6 A. Yes, perhaps he made oral <reports> in the meeting, but I do
7 not recall the content of the oral reports.

8 Q. Did you ever hear him speak about spy networks during these
9 meetings?

10 A. Yes, I heard of it.

11 Q. Did Ta An provide figures with regard to the number of
12 prisoners who were at Krang Ta Chan, and with regard to the
13 number of people who had been purged each month?

14 A. I do not know about this.

15 Q. And did you meet a certain Meng during these meetings -- that
16 is, M-E-N-G, who was the head of a detention centre that was
17 located to the west of Angk Roka market?

18 A. I do not know this individual.

19 [10.47.50]

20 Q. Now I'd like to turn to the meetings that you qualified as
21 urgent or necessary to District 105, that is to say meetings that
22 took place at other moments when the situation required it. Can
23 you tell us when such urgent meetings took place or such
24 extraordinary meetings at District 105 and what were the topics
25 that were discussed?

1 A. I do not recall it.

2 Q. You said at Answer 160 of your written record of interview
3 that there were certain kinds of urgent meetings that took place,
4 and in particular you said that when there was an abundance of
5 rice in <a> commune<,> the commune that did not have enough rice
6 immediately <requested that the rice be shared.> And furthermore
7 at Answer 161 you also said that a certain number of security
8 meetings were considered as urgent and necessary meetings. Can
9 you tell me if <there> were security situations that warranted
10 the organisation of urgent meetings? And if so is the case, can
11 you provide us with examples?

12 A. There were urgent meetings when Vietnamese troops were
13 <advancing towards> the district.

14 [10.50.05]

15 Q. In April 1975, before the evacuees from Takeo and Phnom Penh
16 arrived in Tram Kak district, were there urgent meetings that
17 were held in the district?

18 A. Yes.

19 Q. And was the aim of these urgent meetings to prepare cadres for
20 the arrival of the evacuees from Phnom Penh and from Takeo?

21 A. Yes.

22 Q. Who chaired this or these meetings regarding the Phnom Penh
23 evacuees? Was it the district chief, or was it the sector chief
24 or was it Ta Mok?

25 A. I did not recall at the time. It was not Ta Mok; this person

1 was from <either> sector or district level<>.

2 Q. What were you told in relation to the evacuees from Phnom Penh
3 and Takeo at that time? What was decided in their regard once
4 they would arrive in Tram Kak?

5 A. I was told to arrange the place for evacuees to settle in <the
6 villages> and I was told to prepare the food for them.

7 [10.52.35]

8 Q. And before they arrived in your commune, were the evacuees
9 from Phnom Penh channelled and gathered in one specific place? In
10 fact you said in your written record of interview at Answer 101
11 -- and I will read it out in English -- I quote, in English:
12 "First they concentrated them in one place, then they divided
13 them out to villages to live mingled together." End of quote. You
14 spoke about a place where they were first of all gathered. Where
15 was this place? Where were these evacuees from Phnom Penh
16 gathered?

17 A. They were gathered in a place in the Champa pagoda.

18 Q. And did you go to Wat Champa yourself at that time, to see
19 what was going on?

20 A. No, I did not go there.

21 [10.54.15]

22 Q. And you also attended the preparatory meetings. And during
23 these preparatory meetings, were instructions given so that it
24 would be possible to identify the officers, the high-ranking
25 officers and the officials, the Lon Nol officials, among the

1 Phnom Penh evacuees once they had arrived in Champa?

2 A. I do not know about this because I was not there in the
3 meeting. <It was my deputy who attended the meeting.>

4 Q. And once they arrived in your commune -- I am speaking about
5 the Phnom Penh evacuees -- was it necessary to take their
6 biographies and to watch over them because they were coming from
7 the city?

8 A. Yes, the biographies were taken.

9 Q. As you said earlier on, or <rather> reminded us, with regard
10 to forced marriages, were the 17 April People considered enemies
11 back then, because apparently the city had <supposedly affected
12 or> corrupted their spirits?

13 A. I did not consider these people enemies; I called them <the
14 way> I <had been instructed> by the upper echelon.

15 [10.56.25]

16 Q. Fine, I'm going to read out an excerpt of your written record
17 of interview, that is E319/12.3.2; this is at Question and Answer
18 254 and 255. And I'll read it in English, <I quote>:

19 Question 254: "When the commune chiefs began to collect
20 biographies from people and found someone who had been involved
21 in the Lon Nol regime, what happened to those who were associated
22 with the Lon Nol regime?"

23 Your Answer 254 -- quote: "Immediately, when the Khmer Rouge
24 regime began, they commenced making biographies of people who
25 used to be teachers, policemen or civil servants in the Lon Nol

1 regime. Then they sent all of those biographies to the upper
2 echelon. That was an order from the upper echelon."

3 Question 255: "To your knowledge, what happened to those who had
4 been involved in the Lon Nol regime?"

5 Answer: "After the biographies were sent to the upper echelon,
6 they provided the names of those people to me. Then, I ordered
7 the arrests of those people and sent them to the upper echelon.
8 Some were able to return and some could not. Those arrested ones
9 were mostly soldiers and policemen<.> <Few> teachers were sent
10 there." End of quote.

11 [10.58.41]

12 So the biographies of teachers and of policemen, and of
13 servicemen or Lon Nol officials that you spoke about, in the
14 excerpt I just read out, well, were these biographies gathered by
15 members or cadres of your commune once they had left Wat Champa
16 Leu and once they had arrived in Cheang Tong?

17 A. I do not get your question, could you repeat it?

18 Q. Yes, let me try to formulate this in a different way. Once
19 they had arrived in Cheang Tong commune, which you were the head
20 of, who would draw up the biographies of these Phnom Penh
21 evacuees? Who would draw them up?

22 A. Actually, people were sent in and we <placed those> people in
23 villages.

24 [11.00.14]

25 Q. Fine, but you spoke about biographies that were gathered. So

1 there, who within Cheang Tong commune was in charge of
2 questioning the people and of gathering their biographical
3 information? Were these secretaries from the commune office? Were
4 these greffiers? Were these security cadres? Were these
5 militiamen who knew how to read and write? Can you tell us who
6 actually did this?

7 A. As I told the Chamber the villages sent the biographies to the
8 commune. <Biographies> that <had been> collected by the village
9 chiefs<> were forwarded <by> the commune <> to the upper <level>.

10 Q. Do you know who in the district was in charge of analysing the
11 biographies of the evacuees? That is the biographies you
12 forwarded to them? Was <such analyses done> in the district
13 committee or the district office?

14 A. I did not know about the work regarding this aspect at the
15 district level.

16 [11.01.55]

17 Q. You stated that lists of people who had to be arrested were
18 subsequently sent to you. That is lists of evacuees from Phnom
19 Penh and Takeo. Were you able to find out in one way or the other
20 where exactly or in which detention facility those persons were
21 sent?

22 A. I did not know about it.

23 Q. Let us now talk about another period. We <have just> <talked>
24 about evacuees shortly after <17 April> 1975. It was said that
25 <teachers,> police officers<,> soldiers or civil servants were

41

1 sought after. I'll talk about a later period, <that of April and>
2 May 1977. During that period, in addition to biographies that
3 were collected, as commune chief, were you instructed to draw up
4 lists of family members of all soldiers and former officials of
5 the Lon Nol regime?

6 Madam Witness, did you hear my question?

7 (Technical problem)

8 [11.04.50]

9 MR. PRESIDENT:

10 There is a technical issue on the witness's side and it is being
11 resolved now.

12 (Short Pause)

13 [11.06.00]

14 MR. PRESIDENT:

15 Again, good morning, Madam Khoem Boeun.

16 MS. KHOEM BOEUN:

17 Yes, good morning, Mr. President.

18 MR. PRESIDENT:

19 It seems that the link has been re-established and the
20 International Deputy Co-Prosecutor you may resume your line of
21 questioning.

22 BY MR. DE WILDE D'ESTMAEL:

23 Thank you.

24 Q. Madam Witness, I do not know whether you heard my question,
25 but I was talking about another period during the regime.

1 <Another period, no longer> immediately after the evacuation of
2 Phnom Penh, but rather in April and May 1977. And I asked you
3 whether, in addition to drawing up biographies, you received
4 instructions from the district or the sector to draw up lists of
5 family members of all the former Lon Nol soldiers or civil
6 servants.

7 MS. KHOEM BOEUN:

8 A. I cannot recall that.

9 [11.07.22]

10 Q. Do you recall whether at any point in time instructions were
11 issued <still> by the upper echelon regarding arrests of former
12 Lon Nol soldiers and officials around 1977, 1978?

13 A. I did not know about that.

14 Q. I will try to refresh your memory by presenting a number of
15 documents to you. These are documents you should have before you
16 and each time I'll request the President of the Chamber to have
17 these documents placed on the screen.

18 The first document is E3/2048. There are several pages of
19 interest to us but the first page <has the following> reference
20 in Khmer, 00079089.

21 May I ask the lawyer representing the witness to look at the top
22 left hand <corner of the page of document E3/2048>?

23 [11.09.07]

24 In French, the reference is 00611659; and in English, 00276562 up
25 to 63. This is a report that was sent by Boeun but some

1 translations on record mention Moeun. <So the> report was sent
2 <either> by Boeun or Moeun to Cheang Tong commune on 30th April
3 1977 to the Angkar in Tram Kak district.

4 Madam Witness, if you have the document before you, can you tell
5 us whether that is indeed your name and signature at the bottom
6 of that report?

7 A. I do not fully understand your question.

8 Q. I am asking you; you take the document E3/2048, Khmer pages
9 00079089.

10 [11.10.48]

11 MR. PRESIDENT:

12 Duty Counsel, please try to locate the relevant pages for the
13 witness to review.

14 MR. MAM RITHEA:

15 Mr. President, actually, I do not have that document with me.

16 MR. PRESIDENT:

17 It's E3/2048, at ERN <00079089>.

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. And it is on the third page on that Khmer document.

20 Do you have the document before you? You should have it because
21 the list of documents was sent well in advance.

22 MS. KHOEM BOEUN:

23 A. I cannot read it.

24 [11.12.17]

25 Q. Madam Witness, I am not asking you to read it but to <merely>

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1 look at the bottom of the document and tell me whether the name
2 on it is indeed yours, and also look at the signature and tell us
3 whether it is yours as well.

4 MR. PRESIDENT:

5 Duty Counsel and Witness, please hold on. And counsel Koppe you
6 have the floor.

7 MR. KOPPE:

8 Thank you, Mr. President. Good morning. I just heard from my team
9 that the text is now being written to the witness by her lawyer.
10 Is that correct? Is that what we heard? If so, I think that
11 should be reflected in the record.

12 MR. PRESIDENT:

13 The duty counsel started reading to the witness but it was
14 interrupted, as it was not the intention of the <International>
15 Deputy Co-Prosecutor, so the matter had been rectified.

16 [11.13.46]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Let me ask the question again, Madam Witness. Do you recognise
19 your name and your signature at the bottom of that document?

20 MS. KHOEM BOEUN:

21 A. The document <> -- the writing there is not that clear to me.

22 Q. Very well, I'm not talking of the <handwriting on the> text
23 <in its entirety>. I am looking at the bottom of the document,
24 the name and the signature at the bottom of the document; we'll
25 talk about the handwriting later on.

45

1 A. Please repeat your question. <The> name is my name, but there
2 is no signature of mine on the document. I did not sign it.

3 Q. You said in Answer 228 in your record of interview that your
4 handwriting was bad and that someone wrote for you. Was it
5 customary that someone else would write the reports or minutes
6 that you sent to the district, of course under your supervision?

7 [11.16.15]

8 MR. PRESIDENT:

9 Witness, please hold on, and Counsel Kong Sam Onn, you have the
10 floor.

11 MR. KONG SAM ONN:

12 Thank you, Mr. President. I'd like, Mr. President to direct the
13 International Deputy Co-Prosecutor as to the exact text or quote
14 from the document he puts to the witness. Thank you.

15 MR. DE WILDE D'ESTMAEL:

16 I can read it out, but I think we are wasting a lot of time, Mr.
17 President. It is E319/12.3.2, Answer 228. This is what the
18 witness says in English: "My handwriting was bad but I had
19 someone to write for me." End of quote.

20 MR. KOPPE:

21 Mr. President, I object to this way of citing because the answer
22 refers to the reports "regarding arrivals and departures of
23 people in my commune", so that's a completely different sort of
24 reporting to which she, in this particular answer she is
25 referring to. So now to match that little sentence to this

1 particular report is not accurate and therefore I object.

2 [11.17.53]

3 MR. DE WILDE D'ESTMAEL:

4 Mr. President, I am putting a general question to the witness.

5 Since she said that she didn't attend school for long, she made

6 this statement to the effect that someone wrote for her <or> that

7 someone usually wrote for her. <I did not say that was

8 necessarily the case with this> document E3/2048, I'll return to

9 that document. But <,> <for the time being> my question is

10 whether someone wrote reports for her, reports dictated by her of

11 course, and <who wrote those reports>.

12 MR. PRESIDENT:

13 The objection by the defence counsel is overruled, and Witness,

14 please respond to the last question put to you by the

15 International Deputy Co-Prosecutor.

16 [11.19.05]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Let me <therefore> repeat the question. You did say that

19 sometimes someone wrote for you. <Can you tell> us who wrote for

20 you? And also <can you> tell us whether that person wrote what

21 you dictated?

22 MS. KHOEM BOEUN:

23 A. Yes, that is correct.

24 Q. And who was that person? Was that a secretary, a clerk, or

25 someone else working in the commune office?

1 A. Yes.

2 Q. By the way, do you agree, since you have confirmed that the
3 name on the document is indeed yours, were there were other
4 persons called Boeun working in the Cheang Tong commune office?

5 A. No.

6 [11.20.25]

7 Q. <Fine.> I will read out to you <excerpts> of the document. You
8 <will> have the Khmer translation <directly>; you don't have to
9 read the document, <and> then I'll put some questions to you to
10 find out whether the topics broached in those documents would
11 refresh your memory as regards the contents of the documents. Now
12 I quote what Boeun stated:

13 "Regarding the situation of the enemy in my base, after receiving
14 successive recommendations from Angkar regarding vigilance
15 vis-à-vis the enemy and <sweeping clean> enemy soldiers who <were
16 ranking> officers, they monitored, examined, and identified the
17 following persons." End of quote. [Free translation]

18 Do you recall receiving successive recommendations from the upper
19 echelon regarding the enemy and <sweeping clean> enemy soldiers'
20 <or rather sweeping clean> high-ranking soldiers or officers?

21 A. Yes.

22 Q. Do you recall who exactly gave you those recommendations or
23 instructions? Was it the district, the sector or another level of
24 authority?

25 A. I received it from the district.

1 [11.22.40]

2 Q. What <did the words> "vigilance vis-à-vis the enemy" <mean>?

3 A. There was vigilance of the enemy -- that is, that we had to
4 pay attention <to> the situation and not to allow the enemy to
5 come and harm the people.

6 Q. Was the upper echelon afraid that the enemy would somehow
7 contaminate people who were <considered valued people>?

8 A. Yes.

9 Q. Regarding the term "sweeping clean> soldiers among the enemy
10 who were <high-ranking> officers", can you tell us what that
11 meant exactly in the parlance <of the time>?

12 A. Please make your question more precise.

13 [11.24.18]

14 Q. I was referring to the term used in this report wherein
15 successive recommendations sent by Angkar had to do with
16 <sweeping clean> soldiers -- that is, Lon Nol soldiers. What does
17 the term "<sweeping clean>" mean? Does it mean <to> arrest or <to
18 eliminate>?

19 A. I did not have any rights to eliminate or smash <anyone>. When
20 there were reports from the village to the commune, the commune
21 would forward <those> report to the district.

22 Q. Upon the decisions of the district, did you have to arrest any
23 persons to be <swept clean> and <transferred> to the district
24 level?

25 A. I did not involve in any arrest.

1 Q. I will return to that point later. Let me continue reading out
2 the document to you. In this document it is stated that the
3 following persons were monitored, examined and identified. The
4 first person was Chhit Pil, a <former> lieutenant from Phnom
5 Penh. As for the second person mentioned, that person is Khieu
6 Sokha, and this is what Boeun writes regarding that person:
7 "Regarding his profession at the time of the recent deportation,
8 when I interrogated him, he answered by saying that he sold rice.
9 However, after having conducted investigations and examining him,
10 it turned out that he worked at the Ministry of Community
11 Development". End of quote. [Free translation]

12 [11.25.48]

13 In April 1977, which is the date of this document, <were> the
14 <communes> <instructed> to interrogate the enemies and find out
15 what their prior occupations had been, and why were those
16 <interrogations conducted or those> questions asked at the level
17 of the commune?

18 MR. PRESIDENT:

19 Witness Khoem Boeun, please hold on. And Counsel Koppe, you have
20 the floor. Madam Khoem Boeun, allow me to remind you again,
21 please hold on.

22 MR. KOPPE:

23 Just an observation for the record; Mr. President, I note that
24 the Prosecution is reading a part from a passage in this document
25 which seems to be the product of an interrogation. Again, I have

1 no objection as Prosecution is doing it; however, we should at
2 one point in time be allowed to do the same thing in respect of
3 products of interrogations at S-21.

4 [11.28.02]

5 BY MR. DE WILDE D'ESTMAEL:

6 Mr. President, very briefly, here we are talking of questions
7 that were asked and there's absolutely no question of torture. I
8 know <that is> what my learned friend is <insinuating>.

9 <Absolutely> no mention <has been> made here of any use of
10 torture. <We are only talking of questions asked.>

11 Q. Madam Witness, can you answer <this> question? In April 1977,
12 did the district ask the <communes> to interrogate potential
13 enemies to find out what their previous occupations and ranks had
14 been?

15 MS. KHOEM BOEUN:

16 A. Yes, there were some questionings in the past.

17 Q. The last thing I will quote regarding Khieu Sokha -- that is,
18 the second person mentioned in this report, is as follows: "His
19 father was among the authorities from Takeo. When people were
20 liberated up to the monastery of Champa, our Angkar sacked his
21 father." End of quote. [Free translation]

22 A while ago you said that you didn't know what happened in Champa
23 Leu, but here you are mentioning -- you are saying that "when he
24 was liberated up to Champa monastery, our Angkar dismissed his
25 father". What do you mean by that?

1 A. I don't believe that I made that statement and I do not know
2 that individual that you mentioned.

3 [11.30.15]

4 Q. Do you know if at Wat Champa Leu, Lon Nol cadres and Lon Nol
5 officers were arrested?

6 A. No, I did not know about that.

7 Q. At the end of this document the following is mentioned, or in
8 any case Boeun mentions this, that both of these people had been
9 sent to the police. Back then, when people <talked of> sending
10 people to the police, what did this mean? Where were they sent to
11 exactly at the district level?

12 A. <During> the regime, I did not know where the police were and
13 Krang Ta Chan only existed later.

14 [11.31.35]

15 Q. Now I would like to continue with the same document E319/2048,
16 so this is on another page, on Khmer page 0079092 to 93, so these
17 two pages, pages ending in 92 and 93; English, 00276565; French,
18 00611662; this is a report that was sent by Chorn from Popel
19 commune, dated 8 May 1977. Witness, do you have this document
20 before you?

21 A. Yes, I do.

22 Q. Can you look at the end of this document, and tell me if the
23 Chorn of Popel commune who was mentioned, who signed this message
24 therefore, is your husband?

25 A. I cannot read it.

1 Q. I know that you have problems with your vision, however can
2 you look at the handwriting and can you look at the signature on
3 this document. Is this your husband's signature?

4 Ms. Witness, can you answer this question, please? The Chorn who
5 was mentioned here, is he your husband?

6 A. Yes.

7 [11.34.45]

8 Q. Fine, fine. In this report your husband says at the beginning
9 that he <took> the liberty of sending, to the district Angkar,
10 four traitors. I am not going to read everything out, but among
11 these four traitors there are two former Lon Nol soldiers, one
12 high ranking official and one law student, and it is said of him
13 that he <harboured profound antagonism> and that he led young
14 people to organise a secret meeting. So what did <profound>
15 antagonism, as it said, mean, <at the time of the Khmer Rouge>?

16 A. There were various kinds of conflicts, one of which was an
17 offence that is in the -- is a verbal offence that <made> the
18 people fear.

19 [11.36.23]

20 Q. And back then when former servicemen and officials of Lon Nol
21 were tracked down, were <some university> students <also> being
22 tracked down as they were considered as <opponents of> the
23 regime?

24 A. At the time, <to> my recollection in my commune, there were
25 only a handful of people who were former ranking officials of the

1 previous regime.

2 MR. PRESIDENT:

3 Thank you the International Deputy Co-Prosecutor. It is now
4 appropriate for a lunch break. We take a break now and resume at
5 1.30.

6 And Madam Khoem Boeun, thank you for your time and also the
7 Chamber would like to thank the duty counsel. We take a lunch
8 break now and we will resume at 1.30 this afternoon.

9 Security personnel, you are instructed to take Khieu Samphan to
10 the waiting room downstairs and have him returned to the
11 courtroom this afternoon before 1.30.

12 The Court is now in recess.

13 (Court recesses from 1138H to 1332H)

14 MR. PRESIDENT:

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

16 Good afternoon, Madam Khoem Boeun. Are you ready to respond to
17 <some more questions> this afternoon?

18 Good afternoon, Madam Khoem Boeun.

19 (Short pause)

20 [13.35.27]

21 MR. PRESIDENT:

22 I was informed that the audio-visual system <> has a problem in
23 Battambang province, and the AV technician is now working to deal
24 with the matter.

25 (Technical problem)

1 [13.36.50]

2 MR. PRESIDENT:

3 Good afternoon, Madam Khoem Boeun. Could you hear me?

4 MS. KHOEM BOEUN:

5 Yes, I could hear you. Good afternoon, Mr. President.

6 MR. PRESIDENT:

7 Now, we resume our hearings. I now give the floor to the
8 International Deputy Co-Prosecutor to put <questions> to this
9 witness.

10 [13.37.26]

11 BY MR. DE WILDE D'ESTMAEL:

12 Thank you, and good afternoon, Witness. I would like once again
13 to get back to what happened at Wat Champa Leu. And you said
14 earlier that the Phnom Penh evacuees had been gathered there. And
15 there's also document E3/2048, coming from Boeun, <that is, you,>
16 where it is stated that <Angkar had removed or dismissed> the
17 father of Khieu Sokha at Wat Champa. Now, I would like to read to
18 you what a cadre who worked at the district office of Tram Kak
19 said. This is witness 2-TCW-822. And the written record of
20 interview is E319.1.32. And this is what this cadre said, at
21 Answer 113, and please listen <carefully>. I quote:
22 "The Khmer Rouge then proclaimed their victory. <We> have
23 conquered Phnom Penh, they said. And then they expelled the
24 <inhabitants of> Phnom Penh and deported them to Champa Leu
25 Pagoda which was located to the west, three kilometres from Angk

1 Ta Saom in Tram Kak district. And they asked the officers from
2 the former regime to <be> <registered> on a list for seven days.
3 And once they <showed up>, they were taken away and disappeared
4 without leaving any traces. And this is how they decimated
5 hundreds <and> thousands of officers. There were no second
6 lieutenants <or lieutenants> left. There were only <ordinary>
7 inhabitants, whom they <allowed to> return to their home
8 village." End of quote.

9 Q. Does this statement <by> a cadre of the Tram Kak district
10 office ring a bell regarding the fact that at Wat Champa,
11 officers from the former regime were identified and <led>away?
12 [13.40.13]

13 MS. KHOEM BOEUN:

14 A. I did not bring them from Champa pagoda because it was not in
15 the Cheang Tong commune.

16 Q. Two witnesses - Kev Chandara and Ta Chim alias Pech Chim
17 mentioned that Ta Mok was on site at Wat Champa; is this
18 something that you also heard?

19 A. I do not recall it.

20 Q. I'm now going to go back to document <E3/2048>, <but another
21 page <,> <this time>. And with the leave of the Chamber, we can
22 display this document whose ERNs I'm going to read out. In Khmer
23 it is ERN, 00079090; English, 00276563 - 64; French, 00611660.
24 I'm not going to read out everything, but part of it. Mr.
25 President, can we display the document on the screen?

1 [13.42.11]

2 MR. PRESIDENT:

3 You may proceed.

4 BY MR. DE WILDE D'ESTMAEL:

5 Thank you. Thank you. So this is a report that was sent by Chorn,
6 a priori, your husband, from Popel commune at the beginning of
7 May 1977. And it was sent to the district Angkar. So we're
8 speaking about the same period as we <did> earlier<,> that is to
9 say, at the end of April, beginning of May 1977. I'm going to
10 quote part of the report <by> Chorn.

11 [13.42.47]

12 And I quote: "There are 64 families from Kampuchea Krom <and>
13 inhabitants that have been exchanged against Vietnamese<,> <that
14 is> 668 people. Second, 106 families of the soldiers from the
15 former regime, thus 393 people were smashed by the Angkar and
16 <are dead>. Three, there are 631 families remaining, families of
17 soldiers from the former regime, thus 896 people. In total, they
18 are 1,513 people. <I hereby inform> the Party that there are <a
19 number of> families which <have> not yet been <studied to>
20 determine <whether> they <were affiliated to soldiers of the
21 former regime> or not." End of quote.

22 <Did> your husband<,> <like> yourself <and all the commune
23 chiefs> receive <instructions> from the district to <identify>
24 two <categories> of people<:> on the one hand, Khmer Kroms who
25 were exchanged against Vietnamese, and on the other hand,

1 families of Lon Nol soldiers?

2 (Short pause)

3 [13.44.52]

4 Can you answer this question, Witness? Were the district
5 instructions sent in order to come up with lists and statistics
6 of Khmer Krom as well as Lon Nol soldiers in the commune as
7 described in this excerpt of the report sent by Chorn that I just
8 read out to you?

9 MS. KHOEM BOEUN:

10 A. There were no Khmer Kroms at my place. There were only three
11 families of Khmer Krom living in that area.

12 Q. Were there more Khmer Krom families living in Popel -- that is
13 to say, the commune that was managed by your husband?

14 [13.45.55]

15 A. I do not know about this.

16 Q. Was there in April 1977 and in May 1977, a wave of arrests of
17 former Lon Nol soldiers in Tram Kak district based on the
18 documents I already presented to you?

19 (Short pause)

20 [13.46.53]

21 MR. DE WILDE D'ESTMAEL:

22 Witness, can you please tell me if during that period -- that is
23 to say, April 1977, there was a wave of arrests of Lon Nol
24 soldiers in the different communes of Tram Kak district?

25 MS. KHOEM BOEUN:

1 A. I do not know about this and there was no such thing in my
2 commune.

3 Q. Earlier on I read a report that you had drafted, regarding in
4 fact the Lon Nol soldiers during that period. Are you telling us
5 that this is a simple coincidence or does this correspond to
6 instructions that were given to you by the district to purge Lon
7 Nol soldiers?

8 A. Could you repeat your question? I do not get the gist of the
9 question.

10 [13.48.20]

11 Q. Yes, <earlier on I read out a report that you had sent to the
12 district regarding Lon Nol servicemen in April 1977. And you also
13 said earlier on that you had received instructions from the
14 district regarding the cleansing or the purging of these Lon Nol
15 soldiers. And you tell us now, that you did not experience this
16 kind of situation in your commune. So, can you confirm that on
17 the contrary, you had received instructions in that regard,
18 coming from the district as you had explained to us earlier?

19 [13.49.14]

20 A. As I said, there was no such an issue in my commune.

21 Q. Fine. Okay. We will see a little bit further, another document
22 -- there are many in fact, but I'm going to choose E3/2433. This
23 is a report that was produced by Chorn in Popel commune, which is
24 dated 3 May 1977. And the Khmer ERNs are, 00270979; English,
25 00322121; French, 00833780 - 81. And this is a report that was

1 sent by Chorn which identifies a soldier who is connected to the
2 Americans and it specifies that his child and wife would be
3 brought to Angkar the following day. So, I have a question with
4 regard to this. Was it <common> under Democratic Kampuchea to
5 <also> arrest <not just Lon Nol soldiers, but also their family
6 members>?

7 MR. PRESIDENT:

8 Please wait, Madam Witness. You may proceed, Mr. Koppe.

9 [13.51.14]

10 MR. KOPPE:

11 Thank you, Mr. President. I object to this question. The witness
12 can only testify as to what she saw and experienced in her
13 commune and possibly later her district. She cannot testify as to
14 what happened in the whole of Democratic Kampuchea. And being on
15 my feet, I think it would be beneficial to the witness if the
16 prosecution asks simpler questions. I am sometimes not even able
17 to follow the question. However, the objection is relating to
18 this specific question that asks for speculation.

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. <Madam> Witness -- if I may respond, Mr. President -- I'm not
21 asking you to speculate. You attended many meetings at the
22 district level in which you were given instructions with regard
23 to security. So, I'm going to rephrase this question. Was it
24 usual that at the district level, during meetings, you were told
25 to arrest <family> members of enemy soldiers?

60

1 (Short pause)

2 [13.53.10]

3 MR. PRESIDENT:

4 Madam Witness, please answer the question. Do you get the
5 question? Otherwise you can ask Co-Prosecutor to put the question
6 again.

7 MS. KHOEM BOEUN:

8 A. Could you repeat your question please?

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. <Earlier> on I read out an excerpt of your written record of
11 interview, Answer 254, and you said that biographies were
12 gathered in order to look for the teachers, the policemen, the
13 officials as well as the servicemen of the Lon Nol regime. This
14 occurred after 17 April 1975. Now, I turn to 1977, and I'm asking
15 you if, in 1977, you had received instructions from the district
16 <or> from the district head regarding the arrest and the
17 identification of Lon Nol servicemen and of their families. Was
18 it usual to also arrest the family members of these former Lon
19 Nol servicemen?

20 [13.54.40]

21 MS. KHOEM BOEUN:

22 A. I would like to give my response to the question. I <received>
23 instruction from the upper echelon. However, I did not <engage in
24 arresting> people <or sending> them away.

25 Q. Fine. What do you know about the arrival in Tram Kak district

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1 of Khmer Krom following a possible exchange of Vietnamese against
2 Khmer Krom? Did you <witness the arrival,> in your commune and in
3 the neighbouring communes, <of> Khmer Kroms in exchange for
4 Vietnamese?

5 A. I know only what happened in my commune. <There was no
6 exchange.>

7 Q. At Answer 126 of your written record of interview, you said
8 that there were two to three Khmer Krom families in your commune
9 who had lived in Kiri Vong district, and that they had originally
10 come from Phnom Penh, and that you had also heard that there were
11 Khmer Krom who were living in other villages. Did you ever hear
12 at the district or sector level that <preparations were made for>
13 the arrival of Khmer Krom coming from Kampuchea Krom <in exchange
14 for> Vietnamese?

15 [13.56.59]

16 A. I have heard of that but I <never witnessed it myself>.

17 Q. At Answer 252 and at Answer 253, you said in your written
18 record of interview, that regarding the Vietnamese and the Khmer
19 Krom, people didn't speak about them during the normal meetings
20 at the district level, but that there were more secret meetings
21 that were held in the locations where the Vietnamese and the
22 Khmer Krom were. So, how did you learn that meetings were centred
23 on the presence and the fate of the Khmer Krom and the Vietnamese
24 in certain communes of Tram Kak district?

25 A. I may give my response mistakenly <because my memory does not

1 serve me well>. I do not know about this.

2 Q. Did other commune chiefs -- or <rather> during meetings at the
3 district or sector level, did you hear that instructions had been
4 given to draw up lists of Vietnamese and Khmer Krom families?

5 [13.58.47]

6 A. I have heard of it. And it was not the truth; it was hearsay
7 only.

8 Q. Well, we're <going to see>-- I'm not going to give you the
9 list of all of the lists of Khmer Krom on the case file. I'm
10 going to choose three as an example. And I also would like to
11 display these lists gradually on the screen. First <of all, it
12 is> document <E3/2438>. This is a list of Khmer Krom families
13 from Kus commune that was established by a certain, Yi, on 29
14 April 1977. Mr. President, can we please display at least the
15 first page of this list, maybe the witness <could> also refer to
16 <the> list that was given to her?

17 MR. PRESIDENT:

18 Yes, the Chamber allows that. And duty counsel, please assist the
19 witness with the relevant documents and the relevant pages as
20 requested by the Co-Prosecutor.

21 [14.00.30]

22 BY MR. DE WILDE D'ESTMAEL:

23 <It so happens that> I cannot give the ERN for each of these
24 documents because each of them has a very long list of Kampuchea
25 Krom families. <So,> this document, E3/2438, like <the> others,

1 concerns the Khmer Krom who came <essentially> from Phnom Penh
2 and who were Lon Nol soldiers. Another document E3/2281, is a
3 list of 73 Khmer Krom families from Trapeang Thum Cheung commune,
4 <> drawn up during the same period on the 4th of May 1977, by the
5 cooperative authorities. And lastly, list number three, E3/2262.
6 It is <a partial> list <but one which bears the record of> 64
7 Khmer Krom families who had settled in Popel commune, headed by
8 your husband Chorn. This list indicates <in each instance> the
9 name of the husband, the name of the wife, the <number> of
10 children, the commune of origin<>, <> the rank of the Lon Nol
11 soldier, <the> place of residence in Popel as well as place of
12 origin; Vietnam, Phnom Penh or Kampuchea Krom, as the case may
13 be. Madam Witness, we have a <certain> number of <these> lists
14 drawn up by communes in Tram Kak district. They are similar and
15 they date back to the same period. Does that refresh your memory
16 as to the fact that instructions were issued by District 105
17 regarding the establishment of such lists?

18 [14.03.01]

19 MS. KHOEM BOEUN:

20 A. Allow me to respond. I only know what happened within the
21 framework of my commune. And I did not know about what happened
22 in other communes.

23 Q. <Madam> Witness, you said a while ago that meetings were held
24 three times a month in each district. We haven't talked of
25 meetings at the level of the sectors yet, but you stated in your

1 testimony today that <you attended them. Is it your position
2 today that> this <issue> regarding Khmer Krom was never discussed
3 at those meetings<>?

4 A. Yes, I did not know about them.

5 Q. Do you know a person by the name Sann Lorn, alias Lan, alias
6 Mouy, who lived in Cheang Tong commune and who was Ta Mok's
7 brother-in-law?

8 A. No, I don't.

9 [14.04.35]

10 Q. Well, I'll read out to you what that person stated in <WRI>
11 E319/13.3.60<>. He was confronted with a testimony and in
12 reaction to that testimony <that was read out to him>, <> Sann
13 Lorn said he obeyed orders at Tram Kak district and transported
14 people -- as a matter of fact, Vietnamese -- from some communes
15 to the district office. I'll quote what he said specifically in
16 answer to Question 464. <I'll quote in English.>

17 "<As for transporting people,> I didn't know, the senior ranking
18 cadre used me, so I just did it. They used me. I just obeyed
19 them." Answer 475: "Where did you bring all those people from?"

20 Answer 475: "I collected them from the communes."

21 Question 476: "When you went to the communes, had those people
22 been made ready for you?" Answer: "Yes, they were waiting at the
23 commune offices."

24 Question 477: "Who handed those people over to you for
25 transportation?"

1 Answer: "The commune chiefs handed them over, and Phy was to
2 receive them."

3 Question 478: "From which communes did you transport people? What
4 were the names of the commune chairpersons?"

5 Answer 478: "The communes included Popel, Leay Bour, Cheang Tong,
6 and Kus." End of quote.

7 Sann Lorn <then> mentions your name as commune chief for Cheang
8 Tong commune. <Subsequently at> Answer 488, he says that he had
9 heard that those people had been brought in, <in> order to be
10 re-educated or to be <returned> to Vietnam, that he didn't know
11 where exactly.

12 Now, we have someone who states that he led Vietnamese from
13 Cheang Tong commune and Popel commune and other communes to the
14 Tram Kak district office. Do you know whether that happened, yes
15 or no?

16 [14.08.15]

17 MR. PRESIDENT:

18 Witness, please wait. And Counsel Koppe, you have the floor.

19 MR. KOPPE:

20 Thank you, Mr. President. Maybe I wasn't able to follow it
21 completely what Prosecution was trying to do. But the sequence of
22 things was that the witness was shown three lists -- three
23 alleged lists of Khmer Krom families. Now she's being read part
24 of the statement of Sann Lorn. But he seems to speak about
25 Vietnamese families being apparently repatriated to Vietnam. So,

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1 I'm not quite sure if this is a logical sequence or whether the
2 witness understands that we're not talking about Khmer Krom
3 anymore, but we're talking about Vietnamese families. Maybe I
4 didn't follow it well, but that's how I understood from the way
5 the question was raised.

6 [14.09.22]

7 BY MR. DE WILDE D'ESTMAEL:

8 Indeed, <Madam> Witness, I am now talking of Vietnamese families.
9 A while ago we talked of a swap between Vietnam and Cambodia
10 involving Vietnamese on the one hand, and <Khmer Krom> on the
11 other. <You said that you had heard about it, that it was a
12 rumour going about.> Here, I have read out to you part of the
13 testimony of a Tram Kak cadre who stated that he transported
14 Vietnamese from certain communes to the district office. Can you
15 tell us whether you do recall that event, notably that Vietnamese
16 were taken from villages of the commune and led to the Tram Kak
17 district office?

18 MS. KHOEM BOEUN:

19 A. Allow me to respond. First regarding the name of that leader
20 that you mentioned, I am not familiar with that name. You
21 mentioned something like Sann. < I do not know the person.> And
22 regarding the exchange, I cannot recall it. And as you know,
23 currently my memory is not that good due to my health condition.

24 [14.10.55]

25 Q. It was not Sann. <It was--> I gave that person's full name. I

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1 believe that at the time, that person was <known as> L-O-R-N or
2 L-A-N; does that name ring a bell?

3 A. From what I heard, it's Lorn--

4 MR. PRESIDENT:

5 Witness, please hold on. And Counsel Kong Sam Onn, you have the
6 floor.

7 MR. KONG SAM ONN:

8 Thank you, Mr. President. The name mentioned by the International
9 Deputy Co-Prosecutor is under confidential treatment in another
10 case. For that reason, the name should not be <specifically>
11 mentioned by the Deputy Co-Prosecutor.

12 MR. KOPPE:

13 In addition, Mr. President, his last name is Sann, and I was
14 going to speak about it again, but.

15 [14.12.12]

16 BY MR. DE WILDE D'ESTMAEL:

17 I will move on, Mr. President, because we don't have a lot of
18 time.

19 <Madam> Witness, you stated that you were <only> appointed deputy
20 chief of the district as of October 1978 for approximately three
21 months before the arrival of the Vietnamese. Can you tell us then
22 who was the deputy chief of Ta San -- that is, the district
23 chief, between the beginning of 1978 and October 1978?

24 MS. KHOEM BOEUN:

25 A. San was by himself at that time. And the name of <Rorn> who

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1 was part of the sector committee was responsible for Tram Kak
2 district. And then there was this name San. And for October 1978,
3 I actually <went to work there> in the rice field during that dry
4 season. <I was in charge of the women unit who went there to do
5 dry-season farming. In fact, there were several replacements, and
6 I do not know those people>.

7 [14.13.52]

8 Q. Did I hear you make mention of Lorn or Rorn (phonetic) at the
9 level of the sector? Can you please repeat the name of the person
10 you gave at the level of the sector?

11 A. The name is Rorn (phonetic).

12 Q. Very well, it was not very clear in French. When you became
13 the deputy <district chief> in addition to being the chief of the
14 commune, was that a heavy responsibility and were you overworked?

15 A. No. The work was the same as I was involved in the economics
16 -- that is, to lead people working in the rice fields < and grow
17 other crops during the dry season>.

18 Q. And who at the level of the district, under Ta San's
19 <authority>, was tasked with work relating to security and
20 internal and external enemies? Who exactly was tasked with that?

21 A. I cannot recall it. The names that I can recall are Phy, Chorm
22 (phonetic), and <Meov> (phonetic).

23 [14.15.59]

24 Q. Very well. I'll revisit something you stated in your record of
25 interview in Answer 212. It is still <WRI> E319/12.3.2. In that

1 answer, you stated that at the time of the Khmer Rouge regime,
2 some letters were forgeries. What did you mean by that? Can you
3 be more specific? What kinds of documents were likely to be
4 forged at the time?

5 A. Allow me to respond. On the day that I was invited to Phnom
6 Penh for the interview, I was shown a letter and I was told that
7 it was my letter. And upon my examination, I said that the letter
8 was not mine, the handwriting was not mine, and the signature was
9 not mine. For that reason, I concluded that it was a forgery. <I
10 don't understand this as well.>

11 [14.17.40]

12 Q. You stated in the record of your interview that letters were
13 delivered between the commune and the district by the messengers
14 who was working for the commune office and the district office.
15 Were the messengers allowed to open mail?

16 A. No.

17 Q. Since only those messengers you knew were authorised to
18 deliver letters between the commune and the district, would it
19 have been possible for those letters to be forged?

20 A. I cannot draw any conclusion on this issue.

21 Q. If a person unknown to you or the district, who did not have
22 the permit to move about in the district, came to meet you or
23 came to the district office with documents. What would have
24 happened, would you have <been wary of> such a person?

25 [14.19.30]

1 MR. PRESIDENT:

2 Witness, Khoem Boeun, please hold on. And Counsel Koppe, you have
3 the floor.

4 MR. KOPPE:

5 I object to this question. It's a double -- asking for a double
6 speculation, even. The witness cannot answer such a hypothetical
7 situation. It's asking for speculation. Plus it rules out also
8 the possibility that forgeries are originating post-'79. So on
9 all kinds of levels, this question is not authorised.

10 [14.20.09]

11 BY MR. DE WILDE D'ESTMAEL:

12 I do not think so, but let me rephrase it. During that period,
13 did you hear that people had been arrested because they claimed
14 to be messengers between one of the communes in Tram Kak and
15 <the> district? Did any such thing happen?

16 MS. KHOEM BOEUN:

17 A. No, I did not hear anything about that.

18 Q. A while ago, you said by way of an example regarding
19 forgeries, that you had not recognised your handwriting and
20 signature on a document. But you also said a while ago that
21 someone from the commune office used to write for you and under
22 your instructions. How then can you say that the document you saw
23 was a forgery? Did you ever <consider the alternative> that it
24 could have been written by someone from your office?

25 A. Sometimes somebody else wrote it for me, and sometimes, I did

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1 it myself. However, I always reviewed the content of the writing.

2 [14.22.18]

3 Q. So before sending, for instance, a message to the district,
4 you always cross-checked the contents of that message; is that
5 correct?

6 A. Yes. And even if when I was not there, a representative or
7 someone acted on my behalf would cross-check it.

8 Q. Very well. In <> Answer 198 <and> Answer 201 in your record of
9 interview <you stated> that you recognised the writing of Ta An,
10 and <when I refer to> Ta An <I mean> the director of Krang Ta
11 Chan. You said regarding <a> document, that it wasn't Ta An's
12 <>handwriting and that you were accustomed to seeing <his>
13 handwriting. Can you tell us what type of document written by An
14 <you> received as commune chief and member of the district
15 committee?

16 A. I knew the person as we used to study together and we came
17 from the same village. As for the document from that office, it
18 only came once in a while.

19 [14.24.24]

20 Q. The investigators of the Co-Investigating Judges showed you
21 document E3/2012. If you can look at that document which is
22 before you, Madam, that would be proper. May I ask the President
23 to place on the screens Khmer page, <00082728; in English
24 00276597 and in French, 00797687>--

25 THE INTERPRETER:

1 Mr. President, we didn't get the exact references of the
2 document.

3 BY MR. DE WILDE D'ESTMAEL:

4 This document was written by An on the 1st of August 1977, to
5 comrade Boeun. And this is what is stated therein, and I quote:

6 "I propose <to send> militiamen to arrest two enemies <residing>
7 in Srae Kruo village. The names are as follows: Len, <L-E-N,>
8 from Phnom Penh and Sou from Moat Chrouk (phonetic) province.

9 They have planned to seek refuge in Vietnam. They were implicated
10 in I-N-H, Inh's confessions and those of T-H-A-N, Than, <whom> we
11 arrested <> last time." End of quote.

12 Q. Do these names Len, Sou, Inh, Thon, who are not from Srae Kruo
13 but who lived there while you were commune chief, jog your
14 memory? Do you recall their arrest?

15 MS. KHOEM BOEUN:

16 A. No, I don't recall it. The name does not ring a bell.

17 [14.27.07]

18 Q. Perhaps, I should give you more details regarding those names.

19 These details are in document D157.13, the Khmer page is,
20 00270847; in French, 00971307; and in English, 01064190 - 91.

21 This document was established at Krang Ta Chan and it sums up the
22 details gathered regarding those prisoners. There <we learn that
23 the> person called Inh's <real> name is <in fact> Kim Inh, aged
24 32. And it is stated that he was second lieutenant and an
25 accountant in the Lon Nol army. He is accused of being a member

1 of the Leang Chiev network and Neng's network -- the person's
2 name is actually Kit Neng (phonetic). That report also mentions
3 the full name of Len, the name is Teng Len (phonetic) and <below
4 is> An Sou (phonetic). And lastly, regarding the person called
5 Than, that person's full name is Val Than (phonetic), aged 48,
6 born in Kiri Vong. He was a lieutenant up to 1975. Now you have
7 the full name of Kim Inh, Val Than (phonetic), <as well as> Len
8 Chiev, and Kit Neng (phonetic). The last on the list was the head
9 of a network -- in any case, according to the cadres of Krang Ta
10 Chan. Does that ring a bell - do you recall those arrests?

11 [14.29.40]

12 A. No, I don't recall it. I don't even know those names.

13 Q. At answers 202 to 205 in your written record of interview, you
14 said three times that you did not recognise the specific letter
15 that the Investigators of the Co-Investigating Judges had shown
16 you which was An's letter of 1 August 1977, which we just spoke
17 about, document E3/2012. However, you said that you would receive
18 this kind of letter from An, and I'm going to read out what you
19 said in English. <And I quote:>

20 Question 202: "Did your commune ever receive this kind of
21 letter?"

22 Answer: "Yes. This letter was sent to Khim, <K-H-I-M,> who was in
23 charge of the military. And Khim had to bring this letter to me."

24 Question 203: "Did you ever receive this kind of letter?"

25 Answer: "Yes, I did."

1 Question 204: "Do you recognise this letter? This letter has been
2 copied from the original one." Answer 204: "There was this kind
3 of letter, however I do not recognise the names in this letter."

4 Question 205: "Did you ever receive this same kind of - this
5 letter from An?"

6 Answer: "Yes". End of quote.

7 When you would receive a letter from An, the head of the Krang Ta
8 Chan security centre, <of the district,> did you have the choice
9 of not obeying what he was requesting from you?

10 [14.32.19]

11 A. <The question is not clear.> Please repeat your question.

12 Q. Certainly. When you would receive a letter from the <head of>
13 Krang Ta Chan security centre; that is to say, An, whom you knew
14 -- you said that you in fact had received a few letters from him
15 -- did you have the choice of not obeying what was indicated in
16 the letter? For example, if he would ask to arrest people, did
17 you have the choice of not doing so?

18 [14.32.55]

19 A. I never made any arrest. My authority was limited to report
20 only.

21 Q. I'm not saying that you were the one who carried out the
22 arrests. I'm just asking you if, at times, you had to <turn in>
23 people <to> the district level, following letters from An<>?

24 A. <I received letters.>

25 Q. I did not hear the translation. <>Could <> I have the

1 translation again please?

2 A. After I received the letter, I did not order for any arrest.

3 When <the letters> came from the district, then the district

4 soldiers and the commune militia would work hand in hand to

5 conduct the arrest. <I was not involved.>

6 [14.34.35]

7 Q. I'm going to read out an excerpt of your written record of

8 interview in English again; it's Answer 206: "I sent the people

9 to An, and An carried out further actions. After receiving the

10 letters, I had the villagers search for those whose names were

11 written in these letters. But I do not remember whether or not

12 the village found those people. Then if the villages found them,

13 I would send them to the district office."

14 Question 207: "You heard the villages search for the people,

15 meaning you had your militiamen arrest all of those people;

16 correct?"

17 Your answer to 207: "Yes, I had the militiamen go down to the

18 villages to search for those people because the militiamen were

19 not in the villages."

20 Answer 208: "After arresting the people, the militiamen sent them

21 to the commune level first, because sometimes, the people were

22 not at one place. So they had to collect the people to the

23 commune level first before they sent them to the district."

24 Answer 209: "The militiamen reported to me about the arrests. And

25 then the militiamen sent them to the district."

1 [14.36.26]

2 Question 210: "Did the militiamen send the people to the district
3 or to Krang Ta Chan prison?"

4 Your Answer 210: "It could be said that they sent those people to
5 the prison straightaway and reported to the district. Or, they
6 might have sent them to the district because I'm unclear about
7 that." End of quote.

8 So you said that after having arrested the people, the militiamen
9 would first bring them to the commune. And did the commune have
10 some kind of <holding> cell <or place> where people could be
11 detained temporarily before they would be sent to the district?

12 A. No, <> I did not arrest people <nor> detain them. The district
13 <came to do research and> locate those people as their names
14 appeared in the report.

15 Q. And in that case, <> did the district <keep you> informed <of
16 what was happening in your> commune -- that is to say, that they
17 were looking for people?

18 A. I was not involved in that. I was not responsible for the
19 military affairs. And I was a woman if you noticed.

20 [14.38.27]

21 Q. <Very well>. I read out a long excerpt of your own statement
22 <Madam Witness,> regarding the fact that when you would receive
23 letters from An, you had to <go in> search of certain people. And
24 now, you're telling us that the district sometimes would come
25 onsite to arrest people. I have a last question regarding Krang

1 Ta Chan. You said -- or <actually two last questions, two
2 responses, two questions, pardon me--> in your answer to the two
3 last questions in Answer 244, that you had heard that people had
4 been killed at Krang Ta Chan, but that you hadn't seen that
5 yourself. So during the regime, did you know that people were
6 being killed at Krang Ta Chan security centre?

7 A. I never went there and I never saw what happened there.

8 Q. Yes, I know that. But did you hear about this, as you said in
9 Answer 244, that <>people were being killed at Krang Ta Chan?

10 A. Yes, I only heard about it, but I didn't go there or saw it by
11 myself.

12 [14.40.20]

13 Q. And <in> Answer 247, you said that people who had been sent to
14 the Krang Ta Chan prison had come back from it and had told you
15 about it. Can you be a bit more specific about this? Can you tell
16 us who exactly had been sent to Krang Ta Chan and then spoke to
17 you about it?

18 A. I cannot recall the names of the people who told me about
19 this.

20 Q. Does the name <of the elderly Nhor, Yeay Nhor>, as well as
21 members of her family such as Meas Sarat, alias Rat, and the
22 other son of Yeay Nhor, Meas Sokha alias Kha -- <ring a bell?>
23 <>These were people who came from Srae Kruo in your commune.

24 A. Yes, I know them.

25 Q. Are these the people who told you about what was happening at

1 Krang Ta Chan and who told you that people were being killed
2 there?

3 A. It is likely it was them who told me about it. However, I
4 cannot recall it clearly.

5 [14.42.14]

6 Q. Do you remember other members of Yeay Nhor's family -- that is
7 to say, her husband <>whose name was Meas Kun, as well as Meas
8 Sarat's spouse named Mom Boeun; do you know why they had been
9 sent to Krang Ta Chan?

10 A. I know about it but I cannot recall the full detail. I think
11 they were involved in providing their thumb print to dismantle
12 the <Srae Kruo> cooperative. And then there was a report from the
13 village, and then further on the report was sent to the district.

14 Q. Did you ever hear about a meeting that allegedly was organised
15 at Srae Kruo village, in which Meas Kun and Mom Boeun
16 <supposedly> participated, in order to denounce the way the head
17 of the village, <Nop (phonetic),> managed that village?

18 A. Yes, I know about that.

19 MR. DE WILDE D'ESTMAEL:

20 Mr. President, if you would like to take a break now, that's fine
21 <by me>.

22 MR. PRESIDENT:

23 The time is appropriate for a short break. We take a break now
24 and resume at 3 o'clock. And Madam Khoem Boeun and the duty
25 counsel will take a short break and we will resume at 3 o'clock.

1 The Court is now in recess.

2 (Court recesses from 1444H to 1502H)

3 MR. PRESIDENT:

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

5 Madam Witness, we will continue with your testimony. Are you
6 ready?

7 MS. KHOEM BOEUN:

8 A. Yes.

9 MR. PRESIDENT:

10 The Chamber will now give the floor back to the Prosecution and
11 the Civil Parties. You have up to the end of the day to examine
12 the witness.

13 [15.03.49]

14 BY MR. DE WILDE D'ESTMAEL:

15 <> Mr. President, thank you. Madam Witness, I am almost done.

16 I'll ask <you> a few questions and then I'll give the floor to
17 the Lawyer for the Civil Parties.

18 Before we went on break, we talked of the arrest of the members
19 of Meas Kun's family and those of Mom Boeun and you did say that
20 you knew them and that it was the surviving members of those
21 families who told you what had happened at Krang Ta Chan.

22 Regarding the incident in Srae Kruo village, can you tell us who
23 took the decision to arrest members of those families; was that
24 decision taken by the upper echelon?

25 [15.04.45]

1 MS. KHOEM BOEUN:

2 A. Kun was arrested for reasons I remember -- the fact is that he
3 organised a meeting <in a village> at which people were asked to
4 give their fingerprints, there were about <50, 60, or 70>
5 participants at that meeting, the purpose of the meeting was to
6 bring about some changes and to dissolve the <Srae Kruo
7 (phonetic)> cooperative. The village reported that meeting to me
8 and I forwarded the report to the district. Regarding the arrest,
9 I had nothing to do with it. It was members of the district <army
10 or militia> themselves who came to carry out the arrest <and
11 other tasks>. I had nothing to do with it.

12 [15.05.58]

13 Q. I'll read another extract of your record of interview
14 regarding the fact that you did say that you <expressed that you>
15 were afraid at that time under the regime, and that if you hadn't
16 implemented instructions received from the upper echelon, you
17 wouldn't have survived. That is what you said in <> Answer 220<>.
18 I'll quote in English:

19 "No matter if I forget or remember, we had to do this during the
20 Khmer Rouge regime, or we would definitely be killed. I did not
21 want to do this; I was frightened, if I had not done that, I
22 would definitely have been separated from my children."

23 [15.06.56]

24 Answer 258: "It does not matter if it relates to me for I have
25 surrendered myself. I regret what happened."

1 Answer 310: "If I did not believe in the revolution, how would
2 have I been able to survive until now." End of quote.

3 Can you elaborate <more> regarding the fear of committing errors
4 or not implementing instructions that were issued to you as part
5 of your duties?

6 A. I would like to make one clarification. <> I had to implement
7 instructions from the upper echelon.

8 Q. You stated that you regretted what had happened. You have an
9 opportunity now before this Chamber to explain to us <exactly>
10 what you regretted, <> with regard to what happened during the
11 regime.

12 [15.08.46]

13 A. I regret the fact that Cambodians were pitted against one
14 another, fought with one another and could not live in accordance
15 with the traditions and people were separated from one another.
16 Broadly speaking that is what I would say, we did not have the
17 opportunity to live with our family members.

18 Q. You made mention of meetings at level of the district a while
19 ago, you also referred to them in your statement before the
20 Co-Investigating Judges, you said there were meetings <at> the
21 sector <level>. Can you tell us whether there were general
22 assembly meetings in Sector 13 once or twice a year? And whether
23 there were general assembly meetings held in the Southwest Zone
24 as well?

25 A. No. General assembly meetings were never held in the zones and

1 sectors. There were some general assembly meetings but I did not
2 attend them for health reasons.

3 Q. I will end with some quotes, first of all regarding what you
4 said in regard to meetings at the level of the sector; these were
5 not general assembly meetings but ordinary meetings. I will quote
6 the <excerpts> in English and it is the record of your interview,
7 E319/12.3.2.

8 [15.10.58]

9 Beginning with Answer 90, and I quote: "They had us report
10 security issues, arrests and so on."

11 Question 91. "Did the meeting chairperson give any instructions
12 or specific orders to identify the enemy?"

13 Your Answer 91. "Yes, they talked about the enemy. I do not
14 remember many of their words. The villagers (sic) written reports
15 had to be sent straight to the upper echelon without changes."

16 And a little further, "The upper echelon instructed us on who the
17 enemies were and I took those instructions back to the villages,
18 they told us to seek out the opposition, they did not say enemy."

19 Question 249. "During the meetings with sector or district level,
20 did the meeting chairperson talk about the types of people who
21 had been designated as counter Angkar targets?"

22 Answer. "Anti-Angkar people were those who were wayward or bad.
23 In short, they did not listen to what we told them. They had us
24 to monitor the ones suspected of <being> no good or bad for
25 instance, both the New and Old People." End of quote.

1 Can you specify who were the chiefs or cadres of the sectors who
2 talked to you about those issues -- that is, <about> the enemies
3 and the need to search for persons opposed to Angkar, can you
4 give us the names of cadres who talked about it?

5 [15.13.40]

6 A. I do not remember because there were so many of them. All I
7 remember is the instructions regarding the need to re-educate
8 them and to <monitor> them.

9 Q. Again I am only quoting what you quoted earlier. You also
10 stated that people from Phnom Penh who had <been> evacuated to
11 your commune had been killed because they were denounced as
12 persons opposed to Angkar. I will quote the record of your
13 interview. Answer 242 in English, quote: "Yes, there were a lot
14 of killings. You are all Khmer so you all definitely know, we all
15 lost alike, even I also lost. The citizens from Phnom Penh who
16 had been evacuated to my site were killed. Those people were
17 reported for opposing Angkar. The village reported to me about
18 this and I forwarded this report. This kind of problem happened a
19 lot." End of quote.

20 [15.15.47]

21 How did you come to know about the fate of those citizens from
22 Phnom Penh who had been evacuated to your district and who were
23 killed? Who told you about them and according to your own
24 reckoning, how many of them were arrested and executed?

25 A. I was not aware of it and I cannot give you any figures.

1 MR. DE WILDE D'ESTMAEL:

2 I have no further questions, Mr. President.

3 MR. PRESIDENT:

4 The Chamber gives the floor to the Civil Party Lead Co-Lawyer.

5 QUESTIONING BY MS. GUIRAUD:

6 Thank you, Mr. President. Good afternoon everyone. Good

7 afternoon, <Madam> Witness. My name is Marie Guiraud and I'm the

8 international lawyer representing the consolidated group of civil

9 parties in this trial. I have a number of questions for you, up

10 to the end of this hearing at 4.00 p.m.

11 Q. I would first of all like to have you clarify a number of

12 points regarding your role as the chief of Cheang Tong commune.

13 Can you tell us how many cooperatives there were in your commune?

14 [15.18.02]

15 MS. KHOEM BOEUN:

16 A. I do not recall. I have forgotten everything.

17 Q. Thank you. Let me refresh your memory because you told the

18 Co-Investigating Judges Investigators in E319/12.3.2 and I quote,

19 Answer 140, <where> you stated<>: "There was only one cooperative

20 in my commune," does this refresh your memory?

21 A. Counsel, I didn't hear what you said.

22 Q. Madam Witness, I repeat my question, you told the

23 Investigators of the Co-Investigating Judges that there was only

24 one cooperative in your commune, does this refresh your memory?

25 [15.19.29]

1 MR. PRESIDENT:

2 Counsel, apparently the extract you are reading out is wrong. In
3 a village there was a cooperative or <there was> a cooperative
4 <in a <commune>, because according to her answer <in Khmer>,
5 there was a cooperative in a village.

6 BY MS. GUIRAUD:

7 I will read quite simply, for the record, the answer I'm
8 referring to and move on to another question because that is not
9 indeed my priority this afternoon. The witness stated, <and I
10 cite here,> in Answer 140, of her interview record and I'll read
11 out what she said <in English: "How many cooperatives were> in
12 your commune?" <And Madam Witness answered:> "There was one
13 cooperative in my commune".

14 Madam Witness, do you recall whether you had any role to play
15 during the election <or the appointment> of the commune chief?

16 MS. KHOEM BOEUN:

17 A. Could you please repeat your question?

18 [15.21.14]

19 Q. Did you play any role during the election or appointment of
20 the chief of the cooperative?

21 A. The chief of the cooperative and commune chief were two
22 different persons. I didn't understand your question a while ago.

23 Q. <I spoke to you about the chief of the cooperative.> Did you
24 have any role to play in the election or appointment of the
25 cooperative chief <in your commune>?

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1 A. I had to educate <cooperative chiefs to> be honest with the
2 inhabitants in order that <they> would love the inhabitants and
3 to make sure that people didn't break the pots and pans.

4 Q. Thank you. At the very beginning of your testimony this
5 morning you talked of cooperatives in your commune and you
6 <mentioned,> and I quote, "<> children, women and youth <units>".
7 Do you recall making that statement this morning?

8 [15.23.01]

9 A. Yes.

10 Q. Did you receive any instructions to separate women, men and
11 the youngsters?

12 A. Yes.

13 Q. Did anyone explain to you why it was necessary to separate
14 women, <youngsters,> children and men from one another?

15 A. Instructions were given because according to the upper echelon
16 they had to be separated in order to avoid thoughts of moral
17 misconduct committed by boys and girls. The children also had to
18 be set aside in order to educate them during breaks.

19 Q. When you say that children had to be set aside in order to be
20 educated during the breaks, can you explain to us how that <took
21 place> in your commune?

22 A. What I mean is that the purpose was to teach the <children>
23 how to read and write during the break particularly during the
24 mid-day break.

25 [15.25.09]

1 Q. Were you instructed to <make> the children <work>?

2 A. Yes, that was in line with instructions from the upper echelon
3 but the children didn't have to do hard work like the adults.

4 Q. <Thank you, I will come back to that shortly.> A while ago you
5 stated at the very end of the Prosecution's examination that one
6 of your <main> regrets was that you had not had the <>possibility
7 of living with the members of your family. Can you tell us a bit
8 more about that and tell us why, during the Democratic Kampuchea
9 regime, people were not allowed to live with their family
10 members?

11 A. As I told you earlier, <because they were placed to live and
12 work separately, for example, in children units, women units, and
13 youth units> and that is why <husbands, wives and children>
14 couldn't live with <together>.

15 Q. Thank you. I would like you to react to a statement we heard
16 in this courtroom. A few days ago we heard Pech Chim, he
17 testified on 23rd April 2015, at about 9.41, <> a question was
18 put to Pech Chim regarding the reasons for the establishment of
19 these units <you mentioned> and <> this is what he said and I
20 quote, "Units were put in place in order that we may have some
21 control on the forces. We needed to know who were children, who
22 were youngsters, who were women, in the cooperatives. We had to
23 control the forces at our disposal, we had to know who was ill,
24 who was lazy and we needed to exercise some control over those
25 people." <>

1 What do you think of these statements by Pech Chim before this
2 Chamber?

3 [15.28.06]

4 A. I agree with him.

5 Q. Thank you. Pech Chim stated on the same day, shortly before
6 when a question was put to him regarding discipline in the
7 cooperatives, this is what he said and I quote. "It was strict,
8 which means that people had to obey; they could not act freely,
9 we had to work together in order to produce what was expected of
10 us. People were therefore not free, they had to <join forces> in
11 order to carry out the tasks that were required." <>

12 Do you agree, <Madam> Witness, with the statements given by Mr.
13 Pech Chim during the hearing?

14 A. There were prevalent food shortages and<there were many
15 people; therefore,> we had to organise ourselves in that manner.

16 Q. Thank you. Did the Base People receive instructions to watch
17 over the New People?

18 A. Yes. However, I would like to place things in context, sort
19 of. The New People were monitored as well as the Old People and
20 such surveillance was done in the same way.

21 [15.30.16]

22 Q. Thank you very much. Who would watch over the Base People?

23 A. There were at different levels depending on the organisations
24 ranging from the groups, to the village and to the commune <to
25 monitor one another. People were not monitored individually.>

1 Q. Thank you, <Madam> Witness. I am not sure that I understood
2 the French translation <correctly>. The translation I heard was
3 that there were members from the village who were in charge of
4 <following>. Did I understand correctly and can you explain to me
5 what you mean by the term, <>"to follow".

6 A. The monitoring was not only conducted by the group chief, the
7 village chief or the commune chief but also <everyone was>
8 engaged in the monitoring activities.

9 Q. Thank you. So concretely speaking, were there people in the
10 district who would watch over the workers within the units on the
11 work sites?

12 [15.32.01]

13 A. Regarding the work at the work site, it was done jointly and
14 as for the monitoring activity it was confidential so I cannot
15 say anything about that. The work at the work site was done by
16 all people from various levels, namely from the village, the
17 commune and the district.

18 Q. Thank you. So how did you learn that people from the district
19 would watch over people, including Base People. Is this something
20 that you <learned at the time from> someone in particular?

21 A. I did not receive this information from anyone in particular,
22 however that was what happened. Even personally I was fearful
23 that I was the target of the monitoring activity.

24 Q. Thank you. Now I would like to continue with this issue of
25 monitoring and ask you a few questions about the presence of

1 militiamen within your commune, which we already spoke about
2 today. Can you tell us how many militiamen there were within your
3 commune?

4 A. The number varied. The militia men were recruited from various
5 villages and the number was determined by the district so the
6 number kept changing constantly.

7 [15.34.14]

8 Q. Can you give us a <general> idea, were there militiamen in
9 each village in your commune or were the militiamen organised in
10 a different way?

11 A. I do not get your question. Please rephrase your question.

12 Q. Yes, of course. I simply wanted to know if there were
13 militiamen in each village within your commune or if things were
14 not so clearly organised as that.

15 A. The militiamen were available only at the commune level,
16 however sometimes they went to be stationed at certain villages
17 within that particular commune.

18 Q. Thank you. What were the duties of these militiamen?

19 [15.35.50]

20 A. There were various responsibilities for the militiamen. The
21 main was the security matter, so that they had to protect the
22 people against the enemy inside and outside. Another major role
23 of the militiamen was to engage in the rice production so they
24 performed the same work as the ordinary villagers.

25 Q. And would the militiamen carry out their duties at night or

1 during the day; could you be a bit more specific about the kind
2 of monitoring that they would carry out?

3 A. It is difficult for me to describe that. Sometimes the
4 militiamen worked at night and sometimes based on a report, they
5 also worked during the day time.

6 Q. Thank you. I am going to quote a short excerpt of an interview
7 of a civil party who testified before this Chamber and I would
8 like you to react<>-- so that you can tell me if in your commune
9 things would happen in the same way. This civil party was Chou
10 Koemlan and she was heard -- and the document is E1/253.1 and she
11 stated at 9.49.52 seconds: "In the evening if the militiamen saw
12 light or fire where we were living, then they would immediately
13 come to where we were living in order to ask us what we were
14 doing."

15 Was this the kind of monitoring that the militiamen would carry
16 out within your commune?

17 [15.38.40]

18 A. I was not sure about that as I cannot recall any particular
19 event in relation to this.

20 Q. Thank you. Were the militiamen armed?

21 A. Some of them were armed, but not all.

22 Q. And where would the weapons come from, did you know, back
23 then?

24 A. To my knowledge the weapons were provided from the upper
25 echelon, likely from the district level.

1 Q. Thank you. Now I would like to put to you a more generic
2 question regarding the role that you exercised at the district
3 level. <This morning you> said that you were in charge of the
4 women's affairs and can you explain to us what were the <topics,
5 the> issues that you were particularly involved with?

6 A. Allow me to respond to that question. I said that I was in
7 charge of the women; I meant that I educated them about the
8 morality, about the way of living and about the work of rice
9 production so we could resolve the living conditions amongst us,
10 the women and amongst all the people within the commune. These
11 are some of the activities that I engaged in and of course I
12 cannot recall every single activity.

13 [15.41.20]

14 Q. Thank you. When you were <> interviewed by the investigators
15 and you said, at Answer 100 of your records, by giving a free
16 translation of the three topics that <you> mentioned in English
17 and you said that women were <primarily> responsible for
18 children, <the elderly> and for education as well. Does this ring
19 a bell and can you confirm that these were issues in which you
20 were particularly involved?

21 A. I cannot recall that.

22 Q. Thank you. Can you explain what the working conditions were
23 like for women in the different units of your commune? What were
24 the working conditions for the female workers you were in charge
25 of?

1 A. I actually don't understand your question.

2 [15.42.56]

3 Q. Let me rephrase this then <Madam Witness>. Were the working
4 conditions for women different from the working conditions of
5 men?

6 A. The working conditions for the women <were> lighter than that
7 of the men.

8 Q. And what would happen when women were pregnant: did they have
9 to work until they would deliver or were <other> measures taken?

10 A. For women who were pregnant, they were allowed only to do
11 light work for instance to do light work in the cooperative, to
12 prepare the vegetable in the kitchen.

13 [15.44.18]

14 Q. Thank you. We heard different testimonies <throughout this
15 trial> and just <> <for> the record, I would like to mention Tak
16 Sann, who was heard a few weeks ago by the Chamber and <her> (
17 transcript is E1/286.1 and <this person> said at around 1.31 in
18 the afternoon that <she> had to work until <> the day she
19 delivered. So what is your reaction to this, can you tell us if
20 this would happen sometimes in your commune?

21 A. To my knowledge this never happened unless I was not aware of
22 it as I was not reported about it.

23 [15.45.33]

24 Q. Thank you. You said earlier that one of the reasons the
25 children's unit was created was to allow for <their> education

1 during downtime and I would like you to react to statements we
2 heard <in this Chamber>. Since at least three civil parties
3 stated that they were not able to go to school when they were in
4 the children's unit during the DK regime. And I'm going to start
5 with the statement of Iem Yen and <her> transcript is E1/287.1,
6 and she <>states at around 9.37 in the morning, "Back then there
7 were no schools<,> all I would do was <> work."

8 [15.46.33]

9 And we also heard another civil party by the name of Bun Sarouen,
10 this is transcript E1/288.1, who stated at 10.48 in the morning,
11 "We were told that we could learn how to read and write but in
12 reality in my unit all we would do is work -- <so> work and eat."
13 And that same civil party <also> said, "I am full of remorse and
14 my ignorance <> was caused by the regime, because when I was a
15 child I was not lucky enough to go to school and therefore I
16 became an ignoramus today."

17 MR. PRESIDENT:

18 Counsel Lead Co-Lawyer please hold on. And Counsel Kong Sam Onn,
19 you have the floor.

20 MR. KONG SAM ONN:

21 Thank you Mr. President. I object to the question by the
22 International Lead Co-Lawyer for Civil Parties. Her last question
23 is relevant to the crimes and facts that cannot be put to be
24 contested before this witness testimony. Thank you.

25 BY MS. GUIRAUD:

1 I don't understand the objection, Mr. President, so I am simply
2 going to just keep on <with> what I'm doing <to not waste any
3 time.> I simply wanted to give the witness an opportunity to
4 answer but I prefer moving ahead now. I have a certain number of
5 questions--

6 [15.48.34]

7 MR. PRESIDENT:

8 Lawyer for Civil Party, please hold on. And Counsel Kong Sam Onn,
9 you have the floor.

10 MR. KONG SAM ONN:

11 In order to clarify my objection, I would like to mention a
12 decision of the Trial Chamber, dated 24 December 2014, that is
13 document <E319/7>, and in <Section (C) of the decision> it reads,
14 my apology I have a wrong document with me, just give me a little
15 bit of time.

16 [15.49.25]

17 BY MS. GUIRAUD:

18 I somehow accepted to move ahead in order to <not waste any> time
19 so I'm going to continue while my colleague finds the document's
20 reference <number>.

21 <Madam> Witness, I have a certain number of questions to ask you
22 with regard to the food, you <told> us <earlier> that there were
23 <food> shortages. As a commune chief what was your role in
24 relation to this question of food and to the distribution of
25 food?

1 MR. PRESIDENT:

2 Counsel Kong Sam Onn, you may continue.

3 MR. KONG SAM ONN:

4 Apologies. My apologies, Mr. President, the document is
5 E236/5/3/2, which is Your Honours decision, dated 22nd May 2013,
6 and it was distributed to all the Parties. It is essentially an
7 instruction by the Chamber for the video link testimony of a
8 civil party, TCCP-13 and in the document it reads that, "For the
9 impact statement it is intended to give opportunity to the civil
10 party to give evidence in relation to moral and collective
11 reparations" and that is in Pursuant to Rule 23.1(b) of the ECCC
12 Internal Rules. Thank you.

13 BY MS. GUIRAUD:

14 I will ask for clarification a little later on because I must say
15 I didn't understand my colleague's objection <at all>. So I take
16 note of it but I will move on.

17 I, maybe, should repeat my last question, <Madam> Witness,
18 because of this interruption. You told us earlier that there were
19 food shortages and my question therefore is the following; so as
20 a commune chief what was your role with regard to <the>
21 distribution of food?

22 [15.52.06]

23 MS. KHOEM BOEUN:

24 A. Regarding food distribution, it was not that difficult
25 although there was indeed shortage of food. In my commune the

1 shortage of food rarely happened and it only happened when it was
2 <right before> the harvest season, as that was the times we had
3 to cook rice in the form of a thick gruel for the people. <And in
4 fact, we were short of food as there were many of us.>

5 Q. Thank you. So, would the workers complain when there were food
6 shortages?

7 A. Yes, there were however, we could not find any other source
8 of food and it was the reality on the ground so they hated to
9 bear with the situation.

10 Q. And with regard to the shortage that you are speaking about,
11 would any of the <inhabitants> steal food?

12 A. There might be cases of <food> stealing<>, yes.

13 [15.54.02]

14 Q. And what would happen when people who had stolen food were
15 identified?

16 A. If they were spotted, they might be detained and brought to
17 the <village or even the> commune for re-education.

18 Q. Thank you. You also said in your written record of interview,
19 at Answer 147, and I will quote it in English. "Stealing a little
20 food to eat was regarded as a minor crime." Do you remember this
21 -- that is to say, the fact that stealing food was only
22 considered a minor crime?

23 A. Yes.

24 Q. And where did you get this information, <>why did you say that
25 stealing food was only a minor crime? For example, did you

1 receive any instructions from the higher echelon that allowed you
2 to categorise crimes between serious crimes and less serious
3 crimes?

4 A. Yes. We received the instruction from the upper echelon. For
5 instance, the stealing of food due to shortage of food was
6 considered a minor offence and the serious offence would be for
7 those who acted against the regime or they stole dishes <and
8 pots> and buried them.

9 [15.56.34]

10 Q. Therefore, stealing dishes <and burying them> was considered
11 by the higher echelon, as a serious crime. Did I understand
12 correctly?

13 A. It was not the ultimate serious crime, however when people
14 were hungry from food shortage and they resorted to stealing food
15 then it means they committed minor crimes and other people who
16 stole dishes or cooking pots or threw them away they would be
17 considered the enemy.

18 Q. Thank you and according to the instructions you received from
19 the higher echelon, what were the most serious crimes?

20 A. The most serious crime was the act of opposing the regime or
21 of destroying the property of the cooperative.

22 [15.58.19]

23 Q. Were you a witness of serious <criminal acts>, crimes of
24 destruction of property in the cooperative, can you provide us
25 <with> an example of this?

1 A. I did not witness such a crime personally. However, I received
2 information about it.

3 Q. Do you have an example in mind, an example of a serious crime
4 -- that is to say, destroying the collective property of the
5 cooperative?

6 A. I already gave you an example earlier -- that is, the
7 destruction of cooperative collective property or tools or
8 cooking pots or other materials.

9 Q. Thank you. I have two or three extra questions to ask with
10 regard to the <topic> of marriages <Mr. President>. <Madam>
11 Witness, you were heard this morning with regard to marriages and
12 how these marriages were organised within your commune and you
13 told us, right now, that you had received clear instructions from
14 the higher echelon with regard to what could be considered a
15 major crime or a minor crime, did you also receive such clear
16 instructions from the higher echelon with regard to marriages?
17 [16.00.35]

18 A. On the issue of marriage, and like I stated this morning, it
19 was decided by the persons themselves<, firstly> and secondly it
20 was matched as husbands and wives by the authority and some of
21 them consented to the proposal while others did not and the
22 decision on who were to be married was proposed to upper echelon
23 and based on their decision, then the marriage was organised.

24 Q. Thank you. I would like to quickly react to a statement by
25 Pech Chim, when he testified on the 23rd of April, he gave the

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1 following explanation at 9.24.36, he stated that the chief of the
2 women's unit was considered as the mother of all those women, so
3 she wanted to know whether members of <her> unit who <had just
4 gotten> married agreed to consummate the marriage. Do you agree
5 that the head of the women's unit was considered as the mother of
6 all the women and if so, can you explain why?

7 [16.02.45]

8 A. The women unit chief was considered as the mother of the women
9 was correct. Because during the regime all the units chiefs were
10 considered the mothers of those women in their respective units
11 and the reason for that was it was the responsibility of the unit
12 chief who had to educate the members -- that is, the women. And
13 they were close to the women and they took care of them. And
14 that's why they were considered the mother of the women in her
15 unit and it was the unit chief who understood well as which woman
16 in her unit would be <matched> to whom, or to a man in another
17 unit.

18 Q. Thank you. Did it happen that those <spouses> did not know one
19 and another before the marriage ceremony?

20 A. I could know about that situation. <There were many cases in
21 which soldiers got married to women they did not know.> At the
22 base they could know one another from working together. However,
23 not every man or women who were married could stay together as
24 husbands and wives as some of them later on got divorced.

25 [16.05.03]

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1 Q. Thank you. We heard the testimony of a civil party in this
2 hearing on 29th January 2015. This is <Madam> Sreimom Cheang, who
3 got married in 1977 and you were present, <Madam> Witness. <>And
4 that civil party said at 13.57, that she had never <seen-
5 actually, that she had never> been introduced to the person who
6 became her husband. Do you confirm that such a situation occurred
7 during that period?

8 A. I cannot say that they were not familiar with one another but
9 I can say that sometimes after the marriage some of them got
10 divorced.

11 Q. Thank you. I have one last question, Mr. President, if you
12 would allow me to ask it. <Madam> Witness, were the militiamen
13 tasked with watching over the young married couples? The first
14 night following their wedding. Is that something that happened in
15 your commune?

16 A. I did not have a full understanding in this regard and I
17 myself did not initiate any plan of monitoring those couples and
18 if it did happen during the regime it happened without my
19 knowledge.

20 Q. Thank you. <Just a> final question, did <you receive an
21 explanation from the> upper echelon <in regard to which> children
22 had to be given to Angkar? And that's why people had to get
23 married? Is that something you heard at that time, that children
24 had to be given to Angkar?

25 [16.07.53]

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1 A. No, I don't think I heard about this. Because all the children
2 were gathered together and I did not hear that they were given to
3 Angkar.

4 MS. GUIRAUD:

5 Thank you, <Madam> Witness, for having answered my questions
6 patiently. <Thank you> Mr. President, I'm done<>.

7 MR. PRESIDENT:

8 Thank you and Madam Khoem Boeun, thank you for your time. Today's
9 proceedings come to an adjournment and you and the duty counsel
10 may rest now and we will resume your testimony again tomorrow
11 commencing from 9 o'clock in the morning. For that reason you
12 both are invited to provide <> your testimony via a video link,
13 from the same location where you are now and you may now be
14 excused.

15 [16.09.22]

16 Counsel Koppe, the Chamber would like to ask a question or
17 clarification to you. Through an email from a senior legal
18 officer, we were informed that there is a request to postpone the
19 hearing on Friday the 8th <of May> as you have an urgent matter
20 to attend to back in your home country. Could you please provide
21 your reason and clarification to the Chamber on the nature of the
22 urgency, as it seems it is a rather belated request and for that
23 reason the Chamber would like to hear the reason for this belated
24 request and as you all know the Chamber has scheduled the hearing
25 for another witness via a video link on that particular day.

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1 Please give reasons to the Chamber so that we will have it as a
2 grounds for our deliberation and as well as for the other Parties
3 and the general public <and WESU.>

4 [16.10.55]

5 MR. KOPPE:

6 Yes, Mr. President, I agree with you, with the Trial Chamber that
7 the request is belated. For the other Parties information, the
8 request is to postpone the hearing Friday afternoon for us to be
9 able to cross examine the particular witness.

10 The belatedness of the request is due -- is because of the health
11 situation of my national colleague. We were under the assumption
12 that he would be able, like the Khieu Samphan team is now to
13 cross examine this particular witness, it seems that, that is not
14 really an option as you know we have now a new national lawyer to
15 substitute the Co-Lawyer. However considering the nature of the
16 upcoming witness, we feel that at this stage it is not
17 responsible to have Mr. Liv Sovanna question this witness at such
18 a later stage in this segment of the trial. Therefore, by high
19 exception, we request to be able to cross examine the witness
20 Friday not on Friday but at some later stage whenever it is
21 convenient for the Trial Chamber. So I agree that the request is
22 belated however, we filed it because of the health situation of
23 Mr. Son Arun.

24 [16.12.50]

25 JUDGE FENZ:

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1 Just to clarify because it's a major logistic enterprise in this
2 case because it's a video link and teams are already out and cars
3 have been booked, and venues have been booked. Would you care to
4 be more specific as to why you are not here on Friday, what calls
5 you to, I understand, Amsterdam or Holland?

6 MR. KOPPE:

7 I'm happy to tell you that, but I'm not sure I would like to
8 share that with the rest of the world. I can only say that it's
9 not something -- it is urgent but it's not something that, I mean
10 I knew it already for quite a while and this was the only
11 opportunity I could engage in my obligations however, again like
12 the Khieu Samphan team I'm of the assumption that my national
13 colleague would be able to question I think that is also what I
14 would be able to, what I should be able to expect from my
15 national colleague however, considering the serious situation
16 that my national colleague is in, his -- therefore his incapacity
17 to ask questions to the witness on Friday considering that my new
18 national colleague who is now also in robe here, is not yet able
19 to ask the questions that we think the witness should be asked,
20 therefore we come with this very belated request. That's the
21 reason behind it and I understand it's problematic but this is
22 how it is.

23 [16.14.48]

24 MR. PRESIDENT:

25 Thank you, Counsel, and any observation by other Parties?

1 MR. KONG SAM ONN:

2 Thank you, Mr. President, for our Defence team for Khieu Samphan,
3 we do not have any objection to that request.

4 MR. PRESIDENT:

5 What about other Parties?

6 MR. DE WILDE D'ESTMAEL:

7 <Mr. President,> we are relying on the wisdom of the Chamber.
8 It's unfortunate because logistical arrangements have already
9 been made and we would like <the trial> to proceed at the
10 sustained pace we have maintained so far. <That has always been
11 our stance.> But I will rely on the decision of the Chamber in
12 this regard.

13 [16.15.47]

14 MR. PRESIDENT:

15 Thank you, Counsel, for your reason and observation by other
16 Parties and the Chamber will rule on that in due course and it's
17 likely that the Chamber will inform the Parties tomorrow
18 <morning>.

19 It is now time for the adjournment and we will resume tomorrow
20 that is the 5th May 2015, commencing from 9 o'clock in the
21 morning. Tomorrow we will hear the remainder testimony of the
22 witness<, Madam Khoem Boeun> via video link from Battambang
23 province.

24 Security personnel you are instructed to take the Accused, Nuon
25 Chea and Khieu Samphan back to the detention facility <of the

1 ECCC> and bring them back to attend the proceedings tomorrow

2 before 9 o'clock.

3 The Court is now adjourned.

4 (Court adjourns at 1616H)

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