



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 November 2016

Trial Day 483

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 28-Dec-2016, 14:46
CMS/CFO: Sann Rada

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
Roger PHILLIPS
SE Kolvuthy

Lawyers for the Civil Parties:
Marie GUIRAUD
LOR Chunthy
PICH Ang
VEN Pov

For the Office of the Co-Prosecutors:
SENG Leang
William SMITH

For Court Management Section:
UCH Arun

I N D E X

Ms. BEIT Boeurn (2-TCW-953)

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Questioning by Ms. GUISSÉ..... page 48

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. BEIT Boeurn (2-TCW-953)	Khmer
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUI SSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. SENG Leang	Khmer
Mr. SMITH	English

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today, the Chamber hears testimony of a witness, 2-TCW-953. And

6 based on the request of the witness through WESU, the Chamber

7 provides Ms. Sok Socheata as a duty counsel for the witness.

8 Ms. Se Kolvuthy, please report the attendance of the parties and

9 other individuals to today's proceedings.

10 [09.05.20]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all parties to this case
13 are present.

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-953, confirms
18 that, to her best knowledge, she has no relationship, by blood or
19 by law, to any of the two accused, that is, Nuon Chea and Khieu
20 Samphan, or to any of the civil parties admitted in this case.

21 The witness took an oath before the Iron Club Statue this
22 morning, and she has Ms. Sok Socheata as her duty counsel.

23 Thank you.

24 [09.06.27]

25 MR. PRESIDENT:

2

1 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
2 request by Nuon Chea.

3 The Chamber has received a waiver from Nuon Chea, dated 28
4 November 2016, which states that, due to his health, that is,
5 headache, back pain, he cannot sit or concentrate for long. And
6 in order to effectively participate in future hearings, he
7 requests to waive his right to be present at the 28 November 2016
8 hearing.

9 He advises that his counsel advised him about the consequence of
10 this waiver, that in no way it can be construed as a waiver of
11 his rights to be tried fairly or to challenge evidence presented
12 to or admitted by this Court at any time during this trial.

13 [09.07.20]

14 Having seen the medical report of Nuon Chea by the duty doctor
15 for the accused at the ECCC, dated 28 November 2016, which notes
16 that, today, Nuon Chea has a constant lower back pain and it
17 becomes severe when he sits for long and recommends that the
18 Chamber shall grant him his request so that he can follow the
19 proceedings remotely from the holding cell downstairs.

20 Based on the above information and pursuant to Rule 81.5 of the
21 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
22 follow today's proceedings remotely from the holding cell
23 downstairs via an audio-visual means.

24 The Chamber instructs the AV Unit personnel to link the
25 proceedings to the room downstairs so that Nuon Chea can follow.

1 That applies for the whole day.

2 The Chamber also has an oral ruling to be issued in relation to
3 the testimony of 2-TCW-953. It is an oral ruling on admission of
4 prior statement and audio recording of this witness.

5 [09.08.38]

6 Pursuant to the new guidelines established by the International
7 Co-Investigating Judge for requesting disclosure from Cases 003
8 and 004 on 4 November 2016, the International Co-Prosecutor made
9 available by email to the Chamber and the other parties document
10 D114/183, a Written Record of Interview of 2-TCW-953. This
11 witness is due to testify in Case 002/02 during the Role of the
12 Accused trial topic.

13 The International Co-Prosecutor subsequently also made available
14 to the parties and the Chamber the audio recording of the
15 interview D114/183R.

16 On 7 November, the International Co-Investigating Judge
17 authorized by email the disclosure of D114/183 and D114/183R to
18 the parties in Case 002 followed by a formal decision on 17
19 November 2016, that is, D100/40.

20 The Chamber recalls its practice to admit into evidence all prior
21 statements of civil parties or witnesses who appear before it,
22 pursuant to Internal Rules 87.3 and 87.4, and that it is in the
23 interests of ascertaining the truth that the Chamber and parties
24 have access to all of the statements of civil parties and
25 witnesses who will be heard in Case 002/02, E363/3, paragraph 25.

4

1 The Chamber therefore admits on its own motion 2-TCW-953's prior
2 Written Record of Interview, D114/183, and assigns it document
3 number <E3/10727>.

4 [09.11.12]

5 The Chamber also recalls its recent decision that it will not
6 generally admit all existing audio recordings of interviews. The
7 Chamber may admit specific relevant parts of an audio recording
8 where a party identifies a discrepancy between the audio
9 recording and its corresponding Written Record of Interview, that
10 is, E441/2, paragraph 17. As no discrepancy between the audio
11 recording and the Written Record of Interview of 2-TCW-953 has
12 been shown, the Chamber will not admit D114/183R into evidence at
13 this stage.

14 Court officer, please usher the witness and the duty counsel into
15 the courtroom.

16 (Witness enters the courtroom)

17 [09.13.42]

18 QUESTIONING BY THE PRESIDENT:

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

20 MS. BEIT BOEURN:

21 A. My name is Beit Boeurn alias Na.

22 Q. Thank you, Madam Beit Boeurn.

23 And when were you born?

24 A. I was born in 1950.

25 Q. Where were you born?

5

1 A. At Daeum Rues village, Daeum Rues commune, Kandal Stueng
2 district, Kandal province.

3 Q. Where is your current address?

4 A. I still live in my native village.

5 Q. What is your current occupation?

6 A. I am a rice farmer.

7 [09.15.06]

8 Q. What are the names of your parents?

9 A. My father is Peth Bou, and my mather is Pov Ai.

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

12 A. His name is Long Bunthaun. We do not have any children.

13 Q. The greffier made an oral report that, to your best knowledge,
14 you are not related, by blood or by law, to any of the two
15 accused, that is, Nuon Chea and Khieu Samphan, or any of the
16 civil parties admitted in this case. Is that information correct?

17 A. Yes, it is correct.

18 Q. Have you taken an oath before the Iron Club Statue before you
19 appeared before the Chamber?

20 A. Yes, I have.

21 [09.16.29]

22 Q. Thank you.

23 The Chamber would like to inform you of your rights and
24 obligations as a witness.

25 Your rights: Madam Beit Boeurn, as a witness in the proceedings

6

1 before the Chamber, you may refuse to respond to any question or
2 to make any comment, which may incriminate you. That is your
3 right against self-incrimination.

4 Your obligations: As a witness in the proceedings before the
5 Chamber, you must respond to any questions by the Bench or
6 relevant parties, except where your response or comment to those
7 questions may incriminate you, as the Chamber has just informed
8 you of your right as a witness.

9 You must tell the truth that you have known, heard, seen,
10 remember, experienced or observed directly about an event or
11 occurrence relevant to the questions that the Bench or parties
12 pose to you.

13 And Madam Witness, have you been interviewed by investigators
14 from the Office of the Co-Investigating Judges? If so, how many
15 times, when and where?

16 A. I was interviewed for three times. It was held at Daeum Rues
17 village for two times, and one time it was at Phsar Thmei.

18 [09.18.05]

19 Q. And do you remember about those interviewers? Were they staff
20 from this Khmer Rouge Tribunal or were they staff from the
21 Documentation Centre of Cambodia?

22 A. It was staff from DC-Cam.

23 Q. What about the investigators from the ECCC or the Khmer Rouge
24 Tribunal for short? Were you questioned or interviewed by
25 investigators from this Court?

7

1 A. I do not understand about the Khmer Rouge.

2 Q. This Court is locally known as the Khmer Rouge Tribunal.

3 However, its full name is the Extraordinary Chambers in the
4 Courts of Cambodia. So to put it simply, it's the Khmer Rouge
5 Tribunal, that is, to try the Khmer Rouge leaders.

6 And have you been interviewed by any staff from this Tribunal?

7 A. Yes, I was met with the Khmer Rouge Tribunal staff.

8 [09.19.50]

9 Q. And do you recall when that happened?

10 A. It happened quite a long time ago, and I cannot recall the
11 detail.

12 Q. And before you appear before this Chamber, have you reviewed
13 or have read out, that is, the written record of your previous
14 interviews in order to refresh your memory?

15 A. Yes, I read it.

16 Q. Thank you.

17 And to your best knowledge, can you tell the Chamber whether the
18 written record of your interviews is consistent with what you
19 told the interviewers?

20 A. Yes, it is.

21 [09.21.20]

22 Q. And Madam Beit Boern, you are now being assisted by the duty
23 counsel through your request via WESU and you have Ms. Sok
24 Socheata.

25 And according to Rule 91bis of the ECCC Internal Rules, the

8

1 Chamber hands the floor first to the Co-Prosecutors to put
2 questions to this witness before other parties. And the combined
3 time for the Co-Prosecutors and the Lead Co-Lawyer are two Court
4 sessions.

5 You may proceed.

6 [09.22.01]

7 QUESTIONING BY MR. SMITH:

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

10 Q. And good morning, witness.

11 My name is William Smith, and I'm a prosecutor here today to ask
12 you some questions about what happened to you during the Khmer
13 Rouge period and also what happened to you before, why you joined
14 the Khmer Rouge period. If you're not sure about a question or an
15 answer, just say you're not sure. But where you are sure, if you
16 can please provide the answer.

17 You told the President this morning that you were born and you
18 were raised in Kandal Stueng district in Kandal province. And you
19 said you were born in 1950.

20 Can you tell the Court when you joined the Khmer Rouge or the
21 revolution?

22 [09.23.31]

23 MS. BEIT BOEURN:

24 A. I joined the Khmer Rouge revolution in 1971.

25 Q. And why did you join, and who asked you to join?

1 A. At the time, there were revolutionaries who made an appeal to
2 us to join the movement in order to oppose the <Pol Pot (sic)>
3 regime.

4 My apology. I mean to say Lon Nol, not Khmer Rouge regime.

5 Q. And when you were asked to join, what was your first job? What
6 was your first assignment?

7 Did you leave the place of where you were born and where you
8 lived?

9 A. After I joined the revolution, I was sent to Kampong Chhnang
10 province.

11 [09.25.08]

12 Q. And what did you do when you got to Kampong Chhnang province?
13 Were you assigned to a unit, and can you explain to the Court
14 what activities you undertook?

15 A. Initially, I was sent to live in the local villagers' house to
16 assist them in their rice farming.

17 Q. And did you leave your village by yourself or did you leave
18 with other people from your village to assist in the rice
19 farming?

20 A. At that time during the resistant movement, we were encouraged
21 to join that movement with them.

22 Q. And after you did some rice farming, were you given another
23 job, another assignment?

24 A. I worked in the rice field for a while, and then I was
25 reassigned to a hospital, P-28, which was a pharmaceutical

1 hospital.

2 [09.27.01]

3 Q. And what did you do at the hospital?

4 A. We were told to dig tree roots in order to boil them to
5 produce medicine.

6 Q. And what was the medicine to be used for?

7 A. They were for the treatment of malaria, of fever and of
8 diarrhoea.

9 Q. And after you worked at the hospital, did you get another job
10 whilst you were in Kampong Chhnang?

11 A. No, our task was to dig tree roots.

12 Q. After you finished work at the hospital, where were you next
13 assigned? Where were you told to go next?

14 A. I was sent to work in the rice field at Thma Young (phonetic).

15 Q. And at one point, were you ordered to leave Kampong Chhnang
16 and to go and fight against the Lon Nol soldiers?

17 A. In 1973, our group was sent to Sector 15.

18 [09.29.38]

19 Q. In your statement to the Investigative Judges, the
20 investigators of this Court, at answer number 46 -- and that's at
21 E3/10721, you stated that you were sent to Sector 25 in the Kob
22 Srov area near Praseth mountain.

23 Does that refresh your memory as to where you were sent?

24 A. Yes, that jogs my memory.

25 Q. And when you were sent to Sector 25, at that time, had you

11

1 joined the army?

2 A. Yes, I was part of the army. I was in Battalion 229.

3 Q. And when you got to Kob Srov, what assignments were you given?

4 Were you asked to fight? Were you asked to assist soldiers?

5 Can you tell us what you were asked to do?

6 A. At that time, I was assigned to carry gun in unit -- or Group

7 80.

8 [09.31.40]

9 Q. Were you also assigned to carry wounded soldiers as well?

10 A. Yes, I did it.

11 Q. And when the Khmer Rouge took over Phnom Penh on the 17th of

12 April 1975, what did you do? What did your unit do?

13 A. On 17 April 1975, my unit was in charge of transporting

14 ammunitions to soldiers.

15 Q. And when you were working with the Khmer Rouge in Kob Srov

16 area, did you have a command position or were you just a regular

17 -- a regular soldier?

18 A. I was simply an ordinary soldier within the battalion <, that

19 is Kor-3>.

20 Q. And your Battalion 229, was that men and women or all men or

21 all women?

22 A. All were female.

23 [09.33.55]

24 Q. And were you sent to Phnom Penh after the fighting had

25 finished with the Lon Nol soldiers?

12

1 A. After the fighting stopped -- I mean the fighting with the Lon
2 Nol soldiers stopped, my unit arrived in Phnom Penh at around 7
3 p.m. That was after people in the city had been evacuated.

4 Q. And what jobs were you given when you arrived in Phnom Penh?
5 Where did you go and what job were you given?

6 A. When we first arrived in Phnom Penh, my unit were sent to base
7 at the stadium. And at the stadium, we were sent further to do
8 rice farming at Samraong Andaet (phonetic) <west of> Pochentong.
9 And after we were sent to do rice farming at Pochentong for a
10 while, we were also sent to Kiloumaetr Lekh Prammuoy or Kilometre
11 Number 6, <close to Dai Daek School or Iron Hand School,> where
12 we sewed clothes.

13 Q. And who did you sew clothes for?

14 A. At the time, I was not close to anyone. I was simply in my
15 female unit. But when we arrived in Phnom Penh, I <was put>
16 within Division 801, that was the general staff <>.

17 [09.36.44]

18 Q. And were you at the -- did you stay at the Olympic Stadium
19 until Norodom Sihanouk came back to Cambodia?

20 A. Yes, I remained based at the stadium. And I was also assigned
21 to sew <army> clothes in order to supply to soldiers. And I was
22 also assigned to sew clothes for the Samdech Ta, or the King
23 Father.

24 Q. And then did you leave the stadium and start work at Tuol Svay
25 Prey or the Tuol -- and at the Tuol Tumpung area?

13

1 A. Yes. After I received the King Father, or Samdech Ta, my unit
2 was sent to be based near the Chinese Embassy in Tuol Svay Prey.
3 We were also still sewing clothes, but we were also sent to do
4 rice farming <at Obek K'om (phonetic) near> Steung Meanchey.

5 Q. One of the -- a historian who's given some evidence at this
6 Court -- and he's written a book. That's E3/2376; ERN, English
7 00192228; Khmer, 00191354; and French, 00236947; and this
8 historian has said that Norodom Sihanouk came back to Phnom Penh
9 on the 9th of September 1975.

10 Does that refresh your memory as to when you left the Olympic
11 Stadium?

12 A. I do not understand your question.

13 [09.39.37]

14 Q. When did you -- when did Norodom Sihanouk arrive in Cambodia?
15 Do you remember the date and the year and the month?

16 A. I cannot recall the date, but I would like to tell you that I
17 went to receive him at the airport.

18 Q. And when you went to work near the Chinese Embassy to sew
19 clothes and cultivate rice, how long -- were you still -- were
20 you still with your unit, Battalion 229?

21 A. Yes, I remained in Battalion 229.

22 Q. And then were you asked to leave Battalion 229 and join the
23 Ministry of Commerce?

24 A. Yes. In 1977, Angkar assigned me to join the Ministry of
25 Commerce.

1 [09.41.33]

2 Q. And do you remember the month in 1977 when you were asked to
3 join the Ministry of Commerce?

4 A. It was in July.

5 Q. And when you joined the Ministry of Commerce, what was your
6 first assignment?

7 A. I was in charge of collecting products, including coffee
8 <beans> and <peanuts, and also in charge of peeling and sorting
9 kapok>.

10 Q. And what area were you working in when you joined the Ministry
11 of Commerce, the geographical area? Were you still living near
12 the Chinese Embassy?

13 A. Initially I was based at Phsar Chas, and then Angkar sent me
14 to base at Tuol Tumpung pagoda.

15 Q. And what unit did you join in the Ministry of Commerce at Tuol
16 Tumpung pagoda?

17 A. At the Ministry of Commerce, I was assigned to be chief of a
18 <section>.

19 Q. And were you working in the domestic commerce office at that
20 time?

21 A. Yes.

22 [09.44.10]

23 Q. And what unit -- what was the name of the unit that you were
24 put in charge of?

25 A. It had no designated number. It was simply a unit within the

15

1 Ministry.

2 Q. In your statement to the investigators at answer number 153,
3 you said you were the chairperson of the product sorting section.
4 Is that correct?

5 A. Yes. As I told you earlier, I was in charge of sorting
6 products.

7 Q. You mentioned coffee. What types of other products were you
8 sorting?

9 A. I sorted coffee beans.

10 Q. And what about cotton?

11 A. I do not understand your question.

12 Q. As part of that job, were you also employed in packing cotton?

13 A. No. I was simply responsible for peeling kapok. After the
14 kapoks had been peeled, they were put into bags.

15 [09.46.35]

16 Q. And as part of that job, did you work at the kapok cotton
17 collection factory at Takhmau?

18 A. I did not know, too, regarding that point, but what I can tell
19 you is that, after the kapok had been peeled, they were put into
20 bags and we put bags on top of each other. Each bag was more than
21 100 kilograms.

22 Q. Thank you.

23 Well, just if I can just refer to the statement that you gave to
24 DC-Cam, the Documentation Centre of Cambodia, and this was in
25 December 2002. And at Khmer, ERN 00054410; and French, 00332588;

16

1 and English, 00640171; when you were interviewed in 2002, you
2 were asked this question: "What did you do at the other factory?"
3 And you answered: "I had worked at the kapok cotton collection
4 place for a while. I was sent to work before. I was sent to work
5 at the domestic commerce where my work was to prepare products
6 for exporting."

7 [09.49.12]

8 Question: "Where was that commerce unit?"

9 "The commerce unit was in the Tuol Tumpung area.

10 "Where was the kapok cotton collection place?"

11 "The kapok place was near the bridge in Takhmau.

12 "What did they do with the kapok cotton?"

13 "They compressed it into a ball shape of 100 kilos.

14 "What year did you work in that place?"

15 "I forget. I do not recall what year it was.

16 "How many -- how many years had you been a seamstress in Tuol
17 Tumpung before you were sent to work at the kapok collection
18 place?"

19 [09.49.56]

20 You said, "Long time."

21 And the question: "How many years or months?"

22 "I was there for a while, and then moved to the commerce place.

23 "How many months were you at the kapok cotton collection place?"

24 "Less than one year."

25 Does that refresh your memory as to working at kapok cotton

17

1 collection place in Takhmau?

2 A. I went to work at the kapok cotton collection place in Takhmau
3 for less than one year.

4 Q. And after that, did you then commence work at Tuol Tumpung in
5 the product sorting section?

6 A. I was at Tuol Tumpung before I was assigned to the kapok
7 cotton collection place. But although we were at two different
8 places, we were within the same unit.

9 Q. Thank you.

10 And then at -- later, were you taken and sent to Kaoh Khsach
11 pagoda in Kandal province?

12 A. Yes, later on, I was sent to Wat Kaoh Khsach or Kaoh Khsach
13 pagoda.

14 [09.52.22]

15 Q. And when were you sent there; what year? And why were you sent
16 there?

17 A. I cannot recall the year. It was after So Phim had been
18 arrested. I was sent to do rice farming, to harvest rice, so it
19 was after the arrest of Ta Hong and others that I was sent to
20 that place.

21 Q. And who was Ta Hong?

22 A. Ta Hong was a person in charge of an office at the Ministry of
23 Commerce.

24 Q. And was he your supervisor?

25 A. He was Ta Rith's deputy. The chief was Ta Rith, and the deputy

18

1 was Ta Hong.

2 Q. And what was Ta Rith's position? What was his title?

3 A. Ta Rith was the chief of commerce in charge of both domestic
4 and overseas commerce.

5 [09.54.38]

6 Q. And Ta Hong, what was he in charge of?

7 A. He was Ta Rith's deputy.

8 Q. And why was Ta Hong arrested?

9 A. I do not know the reason behind that.

10 Q. Was Ta Hong implicated as being a traitor?

11 A. Yes. He was <accused of being> a traitor, and he was arrested
12 at his office.

13 Q. Did you see him being arrested?

14 A. No, I did not witness the incident with my own eyes, but I
15 knew that he disappeared.

16 Q. Were you married at the time? When Ta Hong was arrested, were
17 you married?

18 A. At the time of Ta Hong's arrest, I was already married. I got
19 married in October in 1977.

20 Q. And what was your husband's job?

21 A. He did not hold any position. He was a driver for Ta Hong.

22 Q. And what happened to your husband?

23 A. I did not know. After Ta Hong was arrested, he was also
24 arrested.

25 [09.58.11]

1 Q. How did you find out that your husband was arrested as well?

2 A. Because he was also at the Ministry of Commerce.

3 Q. Did you see your husband being arrested, or did someone tell
4 you about that?

5 A. I did not hear about his arrest, but he, himself, told me that
6 he would be sent away.

7 Q. Have you seen yourself again since working at the Ministry of
8 Commerce?

9 A. No. We never met each other again.

10 Q. And did Ta Hong have a wife and children, and what happened to
11 them?

12 A. Ta Hong had a wife and grandchildren, and all of them were
13 also arrested and taken away. They were arrested even before the
14 arrest of my husband.

15 [10.00.23]

16 Q. And then why were you sent to Kaoh Khsach pagoda?

17 A. I did not know. However, I was not the only one who was sent
18 there. There were many of us since the two buses were full.

19 Q. And when you arrived at Kaoh Khsach pagoda, were there other
20 people there as well?

21 A. Yes, there were many people there. The pagoda was full of
22 people.

23 Q. You mentioned in your interview at E3/10721 at answer 171 --
24 you were asked the question:

25 "Can you explain further what was the purpose of Kaoh Khsach

1 pagoda?"

2 And you said: "It was a tempering office. Others have said people
3 have been taken to be killed at Sleng pagoda."

4 At answer 173, you said: "There were many people at Kaoh Khsach
5 pagoda, probably transported in about 30 trucks. Two Chinese
6 trucks took them over there for quite a long period."

7 Does that refresh your memory why you and others were sent to
8 Kaoh Khsach pagoda?

9 A. I did not know that. However, every day two truckloads of
10 people were sent away. And sometimes there were two trips per
11 day. And when I asked around, <some> of those people were the
12 wives of division commanders or the wives of regimental
13 commanders.

14 [10.03.23]

15 Q. And did those people tell you what had happened to their
16 husbands?

17 A. None of us knew the reason. However, at that location, there
18 was a mixture of male and female who were brought in.

19 Q. How long did you stay at Kaoh Khsach pagoda? How many weeks or
20 months?

21 A. I remained living there until the end of the harvest season.
22 Then the Khmer Rouge transported us by vehicles to board a train
23 at Samraong Andaet <Railway Station>, and we were sent off on
24 that train <back> to Kampong Chhnang province.

25 Q. And in your statement, you state that you were sent to Kampong

21

1 Chhngang airfield. Is that correct?

2 A. Yes, that is correct.

3 [10.05.20]

4 Q. My friend -- my colleague will ask you some questions about
5 that a little later, but can I ask you some questions about study
6 sessions with the Communist Party of Kampuchea?

7 You said that -- well, did you become a full member of the
8 Communist Party of Kampuchea?

9 A. Yes. I became a Party member of the <Cambodian People's Party
10 (sic)>. Maybe my wording is not accurate, but it was the Party
11 belonging to Pol Pot.

12 MR. PRESIDENT:

13 Madam Witness, the question is whether you became a Party member
14 during the regime.

15 MS. BEIT BOEURN:

16 A. Yes, I was a member. And I became a member in 1977.

17 [10.06.40]

18 BY MR. SMITH:

19 Q. And as a member, did you attend study sessions with other
20 Party members of the Communist Party?

21 MS. BEIT BOEURN:

22 A. Yes, I attended study sessions with other Party members of the
23 Communist Party of Kampuchea. And here I refer to the Pol Pot
24 Communist Party.

25 Q. And did you attend study sessions when there were other

1 leaders of the Communist Party present?

2 A. Yes, there were. Pol Pot was the chief, and the deputy was
3 Nuon Chea. And members were Khieu Samphan and Ieng Sary for the
4 Ministry of Foreign Affairs, and Ieng Thirith for the Ministry of
5 Social Affairs.

6 [10.08.26]

7 Q. How many times did you attend the study sessions when leaders
8 of the Party were there?

9 A. I attended two study sessions, that is, the major study
10 sessions.

11 Q. And how long did these study sessions last for? Was it a few
12 hours, a day, a few days, a week?

13 A. Each study session lasted for three days.

14 Q. And who were the main speakers at the study sessions? Did any
15 of the senior leaders speak at these study sessions?

16 A. During study sessions, Pol Pot was the one who opened the
17 sessions. And later on, the deputy and members.

18 Q. When you say "the deputy", who are you referring to?

19 A. As I stated a while ago, those people were Pol Pot, Nuon Chea,
20 Khieu Samphan, etc.

21 Q. In your interview with DC-Cam at E3/5647; English, 00640152;
22 French -- or Khmer, 00054389 to 90; and French, 00332572; you
23 were asked who was the speaker at these study sessions, Khieu
24 Samphan or Nuon Chea, and you stated, "Nuon Chea was the
25 teacher".

1 At these study sessions, did Khieu Samphan speak or not speak?

2 [10.12.09]

3 A. He also used to speak. When the chief made a speech, then the
4 member and the deputy would be allowed also to comment or to
5 supplement the presentation made by the chief.

6 Q. At these study sessions, do you remember which leaders spoke
7 the most?

8 A. The person who spoke the most was Pol Pot.

9 Q. You said you went to two study sessions for three days over
10 two years, two lots of three days.

11 What were you taught for all of those days?

12 A. They taught us about the political organization, about work
13 leadership, and I cannot recall the details of the content.
14 They actually taught the contents of the "Revolutionary Flag"
15 magazines.

16 [10.14.06]

17 Q. Did they talk about the ideology of the Party and the ideology
18 and the situation in relation to enemies of the Party?

19 A. They did. They spoke about the enemy activities.

20 Q. And did they say who the enemies were?

21 A. They did not say who the enemies were. However, he said that
22 sometimes the enemies were our parents or our relatives and did
23 we dare to smash those enemies if our parents were the enemies.

24 MR. PRESIDENT:

25 Thank you.

24

1 It is now convenient time for a short break. We'll take a break
2 now and resume at 10.30.

3 Court officer, please assist the witness at the waiting room
4 reserved for witnesses during the break time and invite her as
5 well as her duty counsel back into the courtroom at 10.30.

6 The Court is now in recess.

7 (Court recesses from 1015H to 1032H)

8 MR. PRESIDENT:

9 Please be seated.

10 The Chamber is back in session and I give the floor to the Deputy
11 International Co-Prosecutor to resume putting questions to the
12 witness. You may now proceed.

13 [10.33.19]

14 BY MR. SMITH:

15 Good morning. Thank you, Mr. President.

16 Q. Witness, just before we had the break, you stated that when
17 talked -- when talking about enemy activities at the study
18 sessions that he did not say who the enemies were, but he said
19 that, "sometimes, the enemy were our parents, our relatives and
20 did we dare to smash those enemies if our parents were the
21 enemies."

22 When the speaker dared you to smash the enemies, what do you mean
23 by "smash"?

24 MS. BEIT BOEURN:

25 A. I did not know the meaning of the word "komtech" or smash.

1 [10.34.33]

2 Q. If I can put to you a statement that you made to DC-Cam when
3 you gave the statement years ago, this is at E3/5647; English,
4 00640152; and Khmer, 005438990; and then French, 00332572 to 73.

5 You were asked this question by the interviewer from DC-Cam and
6 he said: "Did they speak about the connection with the Vietnamese
7 or about people who had relatives holding the senior position or
8 with the high-rank officials in the Lon Nol regime or those in
9 the CIA and KGB networks?"

10 And you answered: "Yes, I heard they spoke about spying and the
11 agent of the KGB."

12 And the question was: "Who was the speaker, Khieu Samphan or Nuon
13 Chea?"

14 And you answered: "Nuon Chea was the teacher."

15 My question is: does that refresh your memory to what was being
16 discussed at these study sessions that people connected to the
17 Vietnamese were enemies, that people that were former Lon Nol
18 officials and officers were the enemy, and spies like CIA and KGB
19 were the enemy; does that refresh your memory as to what was
20 being said in study sessions when you attended them?

21 A. Yes, I heard Pol Pot talk about these aspects.

22 [10.37.00]

23 Q. And in your statement, you said, "Nuon Chea was the teacher."
24 Did he also speak about those aspects or not?

25 A. No, it was Pol Pot who gave the lecture.

26

1 Q. Thank you. And whilst you were working at the Ministry of
2 Commerce, did you ever attend any of the anniversary celebrations
3 of the Khmer Rouge taking power in April of each year; say in
4 April '76 or April '77 or April '78, did you ever attend any
5 large gatherings commemorating the taking over of Cambodia?

6 A. I never attended it.

7 [10.38.23]

8 Q. I would like to put to you some of the statements that were
9 made at one of those anniversaries and this is on the 15th of
10 April 1978 and it's E3/562 and it's at English, S00010563; Khmer,
11 00249989 and 90; and French, 00280379 to 80.

12 Witness, I'd like to put this statement to you; it was -- it's
13 reported to be made by Khieu Samphan at a rally marking the 17th
14 of April anniversary in 1978. And there's a record of his speech
15 and this is what he said.

16 In the field of national defence, he states, "We must
17 exterminate, resolutely, all agents of the expansionists,
18 annexationists, Vietnamese aggressors from our units and from
19 Cambodian territory forever."

20 At number 6, he states, "We must exterminate, resolutely, all CIA
21 agents from our units and Cambodian territory forever."

22 At number 9, he states, "We must enhance the moral, physical, and
23 mental strength of each individual, each unit, and the nation as
24 a whole and maintain national unity in the struggle to
25 exterminate the enemy of all stripes; particularly, the

27

1 expansionists, annexationists, Vietnamese enemy in order to
2 preserve the nation and the race forever."

3 [10.40.52]

4 He also states in his speech at S00010565; French, 00280383; and
5 Khmer, 00249992; at -- he states in the field of labour
6 leadership at point number 5, "We must screen and exterminate all
7 enemy elements planted within our ranks disguised as cadres of
8 various echelons and in various cause."

9 I read out a few statements from the speech of Khieu Samphan. You
10 mentioned when you went to study sessions that there was some
11 discussion about enemies; was -- this type of language that was
12 used by Khieu Samphan at the anniversary speech, was that used in
13 the study sessions, as well, or not?

14 A. No.

15 [10.42.33]

16 Q. In your meetings at the domestic commerce unit, were there
17 discussions in relation to searching for enemies within your --
18 within your unit or in the Ministry of Commerce generally?

19 A. No.

20 Q. I'd like to refresh your memory and just ask you -- or first,
21 let me ask the question; when you were at the study sessions,
22 were the people that were teaching the policies of the Khmer
23 Rouge; did they request you to search for enemies within your
24 units?

25 A. Yes, they also talked about that.

28

1 Q. Can you explain what they asked you to do; what did they ask
2 you to do in relation to searching for enemies within your units?

3 A. They said that we should strengthen our leadership and to
4 search for the enemy embedded within our <revolutions>.

5 Q. Did they tell you how to do that, how that would be done?

6 A. They did not explain that.

7 [10.45.14]

8 Q. And in relation to the kapok, cotton collection worksite, were
9 you the commander there; were you the person in charge; were you
10 the chairman of that work?

11 A. At the kapok cotton collection place, there was a chief by the
12 name Comrade Tha and at the <kapok> packaging place, I was the
13 chief.

14 Q. And the packaging place, was that at the Tuol Tumpung area?

15 A. No, it was not at Tuol Tumpung; it was at Takhmau city, near
16 <Thma (phonetic)> bridge <or Concrete Bridge>.

17 Q. And you were instructed to search for enemies at these study
18 sessions; did you do that when you got back to your workplace at
19 Takhmau?

20 A. No, I did not because we were so concerned with our respective
21 works <for our survival>; we did not have attention to search for
22 the enemy.

23 [10.47.36]

24 Q. You said that you were a full member of the Communist Party of
25 Kampuchea; was that membership taken away from you?

1 A. (Microphone not activated)

2 [10.48.02]

3 MR. PRESIDENT:

4 Please hold on.

5 MS. BEIT BOEURN:

6 A. After I returned back to Takhmau, my rights was withdrawn and

7 I was sent back to <stay at domestic Ministry of Commerce at>

8 Tuol Tumpung.

9 BY MR. SMITH:

10 Q. And why were your rights withdrawn?

11 MS. BEIT BOEURN:

12 A. I did not know too.

13 [10.48.47]

14 Q. Who told you that your rights as a full-party member were

15 withdrawn; who told you that?

16 A. No one told me, but I was withdrawn and sent to Kaoh Khsach,

17 where <> I was <> sent to join the study session, but instead I

18 was sent to <> Kaoh Khsach.

19 Q. Were you withdrawn from the kapok cotton factory because at

20 the study sessions, you were instructed to search for enemies,

21 but you didn't do that; was that why you were withdrawn or do you

22 simply not know?

23 MS. GUISSSE:

24 (No interpretation)

25 [10.50.02]

1 MR. PRESIDENT:

2 Madam Witness, please hold on and the floor is given to Anta
3 Guisse.

4 MS. GUISSÉ:

5 Thank you, Mr. President. I object to this question. The question
6 has already been asked several times by the Co-Prosecutor and the
7 witness has already answered several times that she didn't know
8 why she had been withdrawn. The question has already been asked;
9 it has been answered. Now, an attempt to put words into the mouth
10 of the witness is not acceptable and I, therefore, object to the
11 Co-Prosecutor's question.

12 MR. SMITH:

13 Your Honour, I'm not attempting to put words in the mouth of the
14 witness. The witness state -- stated that they were told to
15 search for enemies and then she stated, just briefly, a moment
16 ago that she didn't search for any enemies at her worksite. And
17 it was put forward, as a proposition -- a logical proposition;
18 was that one of the reasons why -- was that a reason why and I
19 said or -- or wasn't it that not the case. I think that's a
20 reasonable, logical question to ask based on the new information
21 the witness gave.

22 [10.51.24]

23 MS. GUISSÉ:

24 Simply, to indicate that the Co-Prosecutor is making his own
25 conclusions, but the witness has said she didn't know why she was

1 withdrawn; it's very clear.

2 MR. PRESIDENT:

3 The objection is reasonable because Madam Witness did answer
4 that, so I encourage the Co-Prosecutor to go on to the new
5 question.

6 [10.52.03]

7 BY MR. SMITH:

8 Thank you.

9 Q. You mentioned, witness, that you saw Khieu Samphan at these
10 two study sessions that you went to over a two-year period; did
11 you ever see Khieu Samphan come to your work -- workplace at the
12 Tuol Tumpung area for meetings when you worked there?

13 MS. BEIT BOEURN:

14 A. Yes, he came to attend meetings with us, who were the Party
15 members, because he was in charge of supervising the Ministry of
16 Commerce that was in charge of both domestic and international
17 commerce. Once in a month, we went to attend the meeting.

18 Q. Those meetings, were they at Tuol Tumpung -- the Tuol Tumpung
19 area and which building were they in?

20 A. I cannot recall the meeting venue, but it was located <> near
21 the Chrouy Changva Bridge, <at the right side, there was a
22 school, but the meeting was held at the left side,> but I cannot
23 recall the name of that place.

24 Q. How many meetings did you attend when Khieu Samphan was
25 present? Not the study sessions, these are the meetings; how many

1 did you attend when he was there?

2 A. I cannot recall whether it took place once every two months or
3 three months.

4 [10.54.50]

5 Q. And what was discussed at those meetings?

6 A. The discussions were about the work leadership, about <>
7 discipline <adherence>, and about morality.

8 Q. Was there any discussion about enemy policy at those -- at
9 those meetings?

10 A. Yes, such topics were also discussed about the psychological
11 enemy; I mean those who were lazy to work.

12 Q. And what about the enemies that Khieu Samphan spoke about in
13 his speech on the 15th of April 1978; CIA agents, Vietnamese, and
14 enemies that were within the CPK, did he discuss about those
15 particular types of enemies at these meetings?

16 A. I did not hear about those topics.

17 [10.56.40]

18 Q. And why did you believe that Khieu Samphan was in charge --
19 overall charge of the Ministry of Commerce; what made you believe
20 that?

21 A. I did not know the reason, but the superiors assigned him to
22 attend meetings with us who were the Party members.

23 Q. And were there any other leaders in the commerce -- Ministry
24 of Commerce; were any other leaders there in addition to Khieu
25 Samphan?

1 A. There were Comrade Ta Hong, Ta Rith, Comrade Tha, and there
2 was another person by the name Oeun.

3 Q. And how many Party members would attend this meeting --
4 meetings; would it be 10, 20, 100, or more?

5 A. No, it was less than that. There were me, Comrade Tha, Oeun,
6 Ta Hong, and Ta Rith, so only this number of individuals.

7 [10.58.33]

8 Q. And is that including Khieu Samphan, as well, or not?

9 A. Yes.

10 Q. You may have answered earlier, but just to clarify; about how
11 many of these types of meetings did you attend? You said that
12 they were about once a month, but for how many months or years
13 did you attend these meetings with Khieu Samphan and the others?

14 A. I do not know how many times they took place.

15 Q. Can you approximate; was it -- would it be 1 or 2, or 5 or 6,
16 or 10 or 11, or more? Can you try and just give us a -- an
17 estimation, perhaps, if you can; if you can't, just say so?

18 A. If we talked about the study sessions and the meetings;
19 altogether, there were approximately six times.

20 [11.00.11]

21 Q. Thank you. And when you were -- you said that, I think, after
22 Ta Hong was arrested and then you said after So Phim was
23 arrested; after that, you were taken to Kaoh Khsach, the pagoda.
24 Were you taken there because you were associated with Ta Hong and
25 sent to be tempered or were you taken there just for normal work?

1 A. I was sent as to be tempered.

2 Q. Was everyone else that was taken to Kaoh Khsach -- was
3 everyone else sent there to be tempered or were they sent there
4 for other reasons?

5 A. Many people were sent there and when we were put on to a train
6 <back> to Kampong Chhnang, the <long> train was fully loaded<>.

7 Q. After Ta Hong was arrested, in the -- in your unit, the
8 domestic commerce unit, were many other people arrested from that
9 unit and taken away; do you know?

10 A. Yes, many people were arrested; there were hundreds of them,
11 but I did not know where they were taken to.

12 [11.02.30]

13 Q. Did you have people working in the domestic commerce unit that
14 were originally from the East Zone?

15 A. There were many people who were from the East Zone and there
16 were not many of those who were from the Southwest or North
17 Zones.

18 Q. Do you know why these East Zone people were arrested?

19 A. I did not know the reason.

20 Q. Did -- whilst you worked at the domestic commerce unit, did
21 most of the arrests occur after Ta Hong was arrested or were
22 there arrests before as well?

23 A. It was after the arrest of Ta Hong.

24 [11.04.04]

25 MR. SMITH:

35

1 Thank you, witness. I have no further questions and I will ask my
2 colleague to ask some questions on our behalf.

3 MR. PRESIDENT:

4 Deputy National Co-Prosecutor, you have the floor.

5 QUESTIONING BY MR. SEANG LEANG:

6 Thank you, Mr. President. We consulted with the Lead Co-Lawyers
7 in relation to timesharing.

8 Good morning, Your Honours.

9 Good morning, Madam Witness. My name is Seng Leang. I'm the
10 National Deputy Co-Prosecutor and I have some questions to put to
11 you.

12 Q. This morning, you testified about Ta Hong; that Ta Hong was
13 arrested, including his wife and his grandchildren, and can you
14 tell the Chamber where he was taken to after he was arrested?

15 MS. BEIT BOEURN:

16 A. I did not know.

17 [11.05.25]

18 Q. However, in your written record, that is, E3/10721, at
19 question-answer 183, you were asked; before you were arrested and
20 sent to Kaoh Khsach, Ta Hong's family and <grandchildren>,
21 including your husband, were arrested and taken away and whether
22 they were taken to Kaoh Khsach or elsewhere and you said that you
23 don't know; that some had been sent to Choeung Ek, while others
24 were sent to Tuol Sleng because no one was sure during the time.
25 What is your reaction to your previous statement?

1 A. I am not sure about the question; please repeat it.

2 [11.06.15]

3 Q. In your Written Record of Interview with this Tribunal's
4 investigators, that is, E3/10721, at question-answer 183, you
5 were asked by an investigator that before you were arrested and
6 sent to Kaoh Khsach, Ta Hong's family and <grandchildren>,
7 including your husband, were arrested and taken away and then you
8 were asked where they were taken to, Kaoh Khsach or elsewhere and
9 your response was you don't know where they were sent; some could
10 have been sent to Choeung Ek and others to Tuol Sleng, but no one
11 was sure during that time. What is your reaction to that
12 statement?

13 A. I did not know too, at the time; however, during the regime,
14 there were places like Boeng Choeung Ek or Chroh Pich Nil. I only
15 heard these rumours.

16 Q. What about Tuol Sleng prison, can you recall as to when you
17 knew about the existence of Tuol Sleng prison; was it before or
18 after the fall of the Khmer Rouge regime?

19 A. I only know it recently that we were taken to visit Tuol Sleng
20 and that's how I came to know about its existence.

21 [11.08.10]

22 Q. In order to refresh your memory, allow me to read document
23 E3/5647 at English, ERN 00640180 to 82; and Khmer is at 00054420
24 to 21; and French is at 00332595 to 96; and allow me to quote.
25 You were asked: "Did you know the Tuol Sleng Prison during the

1 time?"

2 And you said: "Yes, I knew because I went past the area."

3 So Madam Witness, what is your reaction to that statement; do you
4 stand by your previous statement?

5 A. Yes, I recall that. At that time, I was with the Ministry of
6 Commerce at Tuol Tumpung pagoda and I used to go past the area
7 when I went for a meeting or so and I knew that it was Tuol Sleng
8 prison. And the Tuol Sleng prison, also had a fence, which was <>
9 adjacent to the Tuol Tumpung pagoda.

10 [11.10.10]

11 Q. So you said that you went past the area after you came from a
12 meeting at the ministry and did you hear any shouting <from Tuol
13 Sleng prison>?

14 A. I did not hear any screaming, but <> young guards who
15 <guarded> at night time <told me> that there were screaming that
16 happened at night; that's what young guards said.

17 Q. In order to refresh your memory, I refer to the same document,
18 that is, E3/5647, at English, ERN 00640175 to 76; Khmer is at
19 00054415; and French is at 00332592. You were asked: "While you
20 were passing through, did you hear it?" And you said: "No, I did
21 not; I heard the screaming only at night time."

22 And Madam Witness, do you recall that statement?

23 A. I used to say that I only heard it from young guards who were
24 guarding at night time.

25 Q. Did those young guards tell you why there was such screaming?

38

1 A. No, I did not know; however, it was probably the result of a
2 torture<, > that's why that person was screaming.

3 Q. And my next question is still related to Tuol Sleng prison.
4 During the regime, were there many people working at the Ministry
5 of Commerce know about the existence of Tuol Sleng prison?

6 [11.13.12]

7 A. Yes, there were because the ministry that I worked for, there
8 was an office and next to it, there was one big road leading from
9 the Chinese Embassy and to the left, the area was erected with a
10 high zinc fence and if you were on the street, you just had a
11 look and you could see it.

12 Q. So you mean that besides you, there were many people at the
13 Ministry of Commerce knew about the existence of Tuol Sleng; am I
14 correct?

15 A. Yes.

16 Q. In the interest of time, I move on to another topic, that is,
17 in relation to Kampong Chhnang airfield. This morning you
18 testified that you were sent to Kaoh Khsach pagoda and after
19 that, where were you assigned to?

20 Madam Witness, my last question to you is that where were you
21 reassigned to after you left Kaoh Khsach pagoda?

22 [11.15.10]

23 A. After I left Kaoh Khsach, we were taken by vehicle to Samraong
24 Andaet Railway Station, and then we were asked to board a train
25 and the train actually stopped somewhere in the middle of the

1 forest and I cannot recall its location. We got off the train and
2 then we boarded vehicles.

3 Q. Again, in the interest of time, I move on to another topic,
4 that is, your marriage, and if I have time left, then I will
5 return to the topic of the airfield.

6 This morning you testified about your marriage and you said that
7 you got married in October 1977. That's what you said at around
8 9.57 this morning; however, in your written statement, that is,
9 E3/10721, at question-answer 192, you said that you got married
10 in 1978; is there a mistake in one of these statements?

11 A. So it was 1977 and 1978 and it was likely to be in 1978.

12 Q. So it was not in October 1977, but it was in 1978; is that
13 correct, Madam Witness?

14 A. No, it is likely that it was in 1977.

15 [11.16.48]

16 Q. Allow me to confirm; so it was in '77?

17 A. Yes.

18 Q. Can you described about the event, where you got married, how
19 it was organized, and where you worked at the time?

20 A. At the time, I was working for the Ministry of Commerce.

21 Q. Can you provide a bit more detail; who <proposed you for the>
22 marriage<?> And who was your husband and how many couples got
23 married on that day, if you can recall?

24 A. I was proposed by my husband and we were the only couple.

25 Q. So for your couple's marriage<, was it> a typical arrangement

1 under Democratic Kampuchea or were multi-couples wedding a normal
2 practice under the regime?

3 A. It was a normal arrangement; however, sometimes, there were
4 many couples who got married at the same time.

5 [11.19.05]

6 Q. And when you were proposed to get married, did you have the
7 rights to refuse it?

8 A. I liked him, so I got married. Most of the couples liked the
9 people who were proposed to them.

10 Q. In your case, when your husband made such a proposal to you,
11 did you have a right to turn it down; for example, if you
12 disliked him and you would refuse the proposal; did you have such
13 a right?

14 A. Yes, I had.

15 Q. In order to refresh your memory, I'd like to read document
16 E3/5647 at English ERN 00640184; in Khmer, it's at 00054424 to
17 25; and French is at 00332598 to 99. I only read a small portion
18 of this excerpt in order to save time.

19 Your answer here is that if we dislike it, we did not have the
20 rights to refuse it. And then you were asked why and you said you
21 did not know. "Men made a proposal to us and even if we disliked
22 them, we had to accept them."

23 Further down, you were asked whether you had the right to refuse
24 it and you said, "If we continued to make such a refusal, then we
25 would be accused of being an enemy."

41

1 Do you recall that statement that you made?

2 [11.21.57]

3 A. For ordinary people, they did not have much right. If Angkar
4 organized them to get married, they had to get married.

5 Q. So you mean that ordinary people did not have the right to
6 refuse it, but for cadres like you, you have such right; is that
7 correct?

8 A. I do not know how to respond to that question.

9 Q. After you got married, did you consummate your marriage with
10 your husband; was there any instruction for you that you had to
11 consummate the marriage with your husband after you got married?

12 A. After they got married, they would go with their spouse. There
13 was no need for such instruction because they already got
14 married.

15 Q. And in your case, after you got married, did, at any point,
16 you become pregnant and what happened?

17 [11.24.06]

18 A. After I got married and after my husband was arrested and
19 taken away, I lost my period for five days and later on, after my
20 husband had been arrested, Comrade Tha told me that <Angkar
21 instructed me> to get rid of my foetus. Then they arranged medic
22 for that. I was injected with some medicine, <it took quite a
23 while, and> then the foetus was destroyed.

24 Q. And did Comrade Tha tell you the reasons that you had to
25 proceed with the abortion?

1 A. I did not know, I was told that Angkar required me to abort
2 that foetus.

3 Q. Let me go back to the marriage arrangement. If a woman was not
4 proposed by anyone, was a woman arranged to marry someone?

5 MR. PRESIDENT:

6 Witness, please hold on and Counsel Kong Sam Onn, you have the
7 floor.

8 [11.26.10]

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. I object to this question. Please
11 instruct the Deputy National Co-Prosecutor to refer to any
12 particular document if he has any.

13 MR. SENG LEANG:

14 Thank you, Defence Counsel. This is a general question because in
15 her document, <E3/10727>, at question-answer 199, she was asked
16 if there was no proposal or request for marriage <for that
17 woman>, would she be able to get married and she said, no, she
18 wouldn't. "Some people were simply arranged by Angkar to get
19 married." <Initially, I do not want to read,> that's why I asked
20 a general question first.

21 MR. PRESIDENT:

22 Yes, the question is permissible and Deputy Co-Prosecutor, you
23 can ask that question.

24 And Witness, you can respond if you still recall the question.

25 [11.27.19]

1 BY MR. SENG LEANG:

2 Q. Allow me to repeat my question. In the case that a woman was
3 not requested by a man to get married, did Angkar have a right to
4 arrange her to marry someone?

5 MS. BEIT BOEURN:

6 A. I did not know if such a case ever existed at my ministry.

7 Q. In case that a woman and a man fell in love and that they did
8 not get married, would they have any troubles?

9 A. There was an instance where such a case happened. Oeun was
10 removed by Angkar for that matter.

11 Q. You said that he was removed and where was he removed and
12 taken to?

13 A. I did not know about that.

14 [11.28.43]

15 Q. You used the word "removed" and what do you mean by that?

16 A. I did not know where the person was sent to, but the person
17 was removed from his workplace.

18 Q. And from that time onward, have you ever heard from him again
19 or seen him again, that is, until the fall the regime or during
20 the new regime?

21 A. Are you asking about someone who was pregnant?

22 Q. You referred to someone who was removed, so from the time of
23 the removal of that person until the fall of the regime, have you
24 received any news or seen that person again?

25 A. No, I have not received any news from that person.

1 [11.29.54]

2 Q. Mr. President, I know the time is running out; may I have 5 or
3 10 more minutes to put questions in relation to another topic to
4 the witness?

5 Thank you.

6 And Madam Witness, let me go back to the Kampong Chhnang
7 airfield. When you arrived at the airfield, what was your initial
8 observation; were many workers there and how big was the
9 airfield?

10 A. There were many people at the airfield. When we were
11 transported in, it was in late afternoon, that is, at about 5
12 o'clock in the afternoon and everywhere I looked, I only saw
13 people and I was told that the airfield was in size of 10 square
14 kilometres.

15 Q. In relation to those people that you saw, did you see them
16 from the vehicle that you were in, or after you got off the
17 vehicle, or when you were at any higher location that you could
18 observe afar?

19 A. I saw them when I was on the vehicle and even when I got off,
20 I still saw many people. It was like the people were attending
21 the Water Festival boat racing and those people were so skinny,
22 the size of their knee was as big as their head.

23 [11.31.47]

24 Q. So you saw many people and you said the size of the airfield
25 was about 10 square kilometres; were they into hundreds or

1 thousands or ten of thousands?

2 A. They were into tens of thousands.

3 Q. Regarding the people who were sent together with you, do you
4 know which units they were from or were they all from Ministry or
5 Office of Commerce?

6 A. You mean that people who were sent from Kaoh Khsach? If that
7 is the case, I can say that people were sent from everywhere to
8 Kaoh Khsach and then from Kaoh Khsach to Kampong Chhnang. There
9 were also soldiers who were with us.

10 Q. You said that there were soldiers, so were also there
11 civilians or young children who were sent along with you?

12 A. The majority were soldiers and there were some women, but I
13 rarely saw children.

14 [11.33.41]

15 Q. Did you know how many people were sent along with you or how
16 many truckloads when you were sent to?

17 A. There were not many people who were sent from Kaoh Khsach and
18 each truck would have <less than> 20 people and there were about
19 50 trucks altogether, but as for the train, the train had long
20 wagons and each wagon was fully loaded with people. <When we
21 reached the forest, the wagons were fully loaded and we> were
22 <asked to> stand. <There were not as many people as those from
23 Koah Khsach.>

24 Q. Those people who were sent along with you, were they not
25 implicated in any political tendency or <Khmer Rouge political

1 programme sympathizers, or> were they not sympathizers of the
2 Khmer Rouge?

3 A. They were implicated in the accusations that they were
4 disloyal to the Khmer Rouge.

5 Q. Can you elaborate a bit further?

6 A. I did not know much, but it is my understanding that those
7 people were implicated.

8 [11.35.32]

9 Q. When you said that they were implicated, can you tell the
10 Chamber about the phrase that you use; were they implicated
11 because of their relatives<, politics,> or because of other
12 matters?

13 A. What I mean is that they were treated or considered as
14 enemies.

15 Q. When you were sent to Kampong Chhnang airfield, were they
16 assigned to work as normal or were the workloads assigned to you
17 severe as a form of torture or <re-education>?

18 A. For men, they were sent to break rocks or to carry rocks; for
19 women, like me, we were sent to work in a dry-season rice farming
20 at Kampong Chhnang Kraom or lower part of Kampong Chhnang.

21 Q. And did you know the reasons that you were sent from Kaoh
22 Khsach pagoda to Kampong Chhnang airfield?

23 A. I do not know the reason.

24 [11.37.21]

25 Q. In order to refresh your memory, allow me to read part of

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1 document E3/5647; and English, 00640174; and Khmer is at
2 00054413; and French is at 00332590; and allow me to quote.
3 You were asked after you left the area and you said that, "We
4 were removed and sent to Kaoh Khsach and I stayed there for less
5 than a month, then I was sent to Kampong Chhnang Airfield. They
6 took us to be killed there."

7 And Madam Witness, do you recall the statement that I just read
8 back to you?

9 A. No, I do not know about that part. I only knew that we were
10 sent to Kampong Chhnang airfield to work at dry-season rice
11 farming and later on, we were assigned to work elsewhere.

12 Q. This is my last question. Can you describe the work condition
13 at Kampong Chhnang?

14 A while ago, you stated that men were sent to break rocks, while
15 women were sent to work at dry-season rice farming, so please
16 describe the work and living condition there.

17 A. We were given watery gruel while we were working there. As for
18 the sleeping quarters, we slept in a long shelter together with
19 other workers.

20 [11.39.50]

21 Q. This is my last question. At the Kampong Chhnang Airfield,
22 were only soldiers who worked there or were there also civilians?

23 A. People were brought in from everywhere.

24 MR. SENG LEANG:

25 Thank you, Mr. President. I now conclude my question.

1 MR. PRESIDENT:

2 Thank you. It is now appropriate time for our lunch break. We
3 take a break now and resume at 1.30 this afternoon.

4 Court officer, please assist the witness at the waiting room
5 reserved for witnesses during the break time and invite her as
6 well as her duty counsel back into the courtroom at 1.30 this
7 afternoon.

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

11 The Court stands in recess.

12 (Court recesses from 1140H to 1331H)

13 MR. PRESIDENT:

14 Please be seated.

15 The Court is back in session and I give the floor to the defence
16 counsel for Nuon Chea to put questions to the witness.

17 You may now proceed.

18 MR. KOPPE:

19 We have no questions, Mr. President.

20 MR. PRESIDENT:

21 Thank you. Now, I give the floor to defence counsel for Khieu
22 Samphan.

23 [13.32.20]

24 QUESTIONING BY MS. GUISSÉ:

25 Thank you, Mr. President.

1 Good afternoon, everyone.

2 Q. Good afternoon, Madam Witness. My name is Anta Guisse. I am
3 International Co-Counsel for Khieu Samphan and it is in this
4 capacity that I will put a few questions to you.

5 First of all, I have one question regarding your activities
6 before April 1975. You told the Chamber that you were in a unit
7 in charge of harvesting roots for the production of traditional
8 medicines to combat malaria, fever and diarrhoea. Can you tell us
9 who was your unit leader at the time and do you know whether
10 within your unit there were traditional <healers>, that is,
11 people who provided health care using traditional methods?

12 [13.33.22]

13 MS. BEIT BOEURN:

14 A. Allow me to answer.

15 The office chief named Ta Ret (phonetic). He went to study in
16 Vietnam. And it was within the special <zone unit> 305 and Ta
17 <Vorn> Vet was the chief of that special zone.

18 Q. I do not know whether you properly understood my question so
19 I'll try to rephrase it. Before the 17th of April 1975 when you
20 were tasked with harvesting roots <to make traditional>
21 medicines, who was your unit head?

22 Before the 17th of April 1975 when you were tasked with
23 harvesting the roots of medicinal plants, who was your unit head?

24 THE KHMER INTERPRETER:

25 The name is not heard to the interpreter.

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1 BY MS. GUISSÉ:

2 Q. Could you please kindly repeat the name? We didn't hear that
3 name in the interpretation.

4 MS. BEIT BOEURN:

5 A. The name is Ta Ret (phonetic).

6 Q. Was the unit head the same Ta Rith who subsequently became the
7 Minister of Commerce?

8 A. No.

9 [13.35.38]

10 Q. And the other question I put to you was whether in your unit
11 there were people who were skilled in traditional medicine. Among
12 those who worked with you, were there any people who were
13 accustomed to treating people with plants?

14 A. The chief of the office was the one who went to study
15 <medicine> in Vietnam. <>

16 Q. I would like us to now talk about April 1975. You have stated
17 that you arrived in Phnom Penh after the victory.

18 My first question to you is, therefore, as follows: After the
19 victory, was that the first time you <set> foot in Phnom Penh?

20 A. Yes.

21 [13.36.50]

22 Q. The first place you went to upon your arrival in Phnom Penh,
23 can you describe that to the Chamber?

24 A. I arrived at the stadium.

25 Q. Shortly before the prosecutor referred to the Olympic Stadium,

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1 I didn't hear you utter that word. Do you recall the name of that
2 stadium? Was it indeed the Olympic Stadium or another <stadium>?

3 A. Yes, it was the Olympic Stadium.

4 Q. I will broach other issues regarding your life in Phnom Penh,
5 but before we get there, I would like to know whether at the time
6 when you arrived in Phnom Penh on the 17th of April 1975 <did>
7 you know any leaders within the CPK or Democratic Kampuchea in
8 general.

9 What names were familiar to you and do you know what positions
10 those persons held?

11 A. Before the 17 April 1975, I knew only Om Khieu, Om Thuck
12 (phonetic). They were at the medical section and there was
13 another person by the name Om. I cannot recall the name clearly
14 right now. There were Om Khieu, Om Thuck (phonetic) and there was
15 another person whose name I cannot recall right now. He was in
16 charge of land issues.

17 [13.39.10]

18 Q. Very well. So if I understand correctly, before April 1975,
19 you, by and large, knew only persons who had responsibilities
20 <over> your activities and in the area in which you were; is that
21 correct?

22 A. Yes, that is correct.

23 Q. Shortly before in answer to questions put to you by the
24 prosecutor, you referred to education sessions and you mentioned
25 a number of names. You referred to Pol Pot, Ieng Sary, Khieu

1 Samphan and to Nuon Chea.

2 Can you tell us what you knew about those persons at the time of
3 those education sessions?

4 First point: what did you know of Pol Pot? What was his position
5 at the time when you heard him speak during the education
6 sessions?

7 [13.40.25]

8 A. Regarding Pol Pot's position, he himself announced that he was
9 the chairman and Nuon Chea was his deputy. Khieu Samphan was the
10 member. Ieng Thirith was in charge of the Ministry of Foreign
11 Affairs (sic).

12 Ieng Sary was in charge of Ministry of Foreign Affairs; for Ieng
13 Thirith, his wife, was in charge of the Ministry of Social
14 Affairs.

15 Q. Was it Pol Pot who announced those positions on that day?

16 A. Yes, it was Pol Pot who made the announcement.

17 Q. We will return to Mr. Khieu Samphan a bit later but, first of
18 all, you did mention that you spent some time in Takhmau tasked
19 with working with kapok, and that subsequently you went to the
20 Tuol Tumpung pagoda. Did I properly understand your testimony?

21 A. Yes, that is correct.

22 [13.42.15]

23 Q. As regards to your duties at Tuol Tumpung, was your work
24 <always> within the pagoda or <did you work> outside of the
25 pagoda?

1 A. I worked within the pagoda's compound.

2 Q. You stated that during the period of Democratic Kampuchea, you
3 attended two education sessions and you stated that Khieu Samphan
4 was present at those sessions. And in answer to questions put to
5 you this morning by the Co-Prosecutor, you said that when you
6 factor in the education sessions and the other meetings at which
7 you saw Khieu Samphan, you would reckon that there were six
8 sessions and that there were two education sessions <at Borei
9 Keila> and four meetings regarding the Commerce office. I will
10 now put questions to you regarding those meetings at the Commerce
11 office.

12 I believe I understood from your prior answers that you are not
13 in a position to say exactly where those meetings were held. Did
14 I properly understand you?

15 [13.43.40]

16 A. Yes. I, myself, forget the <place> because I rarely went to
17 Phnom Penh so I cannot recall the exact location.

18 Q. When you say that you rarely went to Phnom Penh, do you mean
19 to say that you rarely <left> the Tuol Tumpung pagoda?

20 A. I rarely went to many places within Phnom Penh. That's why I
21 cannot recognize places.

22 Q. Very well. So you do not quite know. You explained that before
23 April 1975, you had never been to Phnom Penh. So there's no
24 problem with that. Nevertheless, I have one question.

25 Do you recall whether during those four meetings which you

1 attended outside of the pagoda; do you recall whether you went to
2 those meetings on foot or by car?

3 A. Angkar gave me one motorbike. So I used the motorbike to go to
4 attend the meetings.

5 [13.45.45]

6 Q. Were you the person who drove the motorbike or <was it>
7 someone else?

8 A. I, myself, <rode> the motorbike.

9 Q. And when you got to the meeting, were you alone or <did> you
10 also <see> people who attended the meeting and who came from the
11 pagoda where you were working?

12 A. When I went to the meeting -- when I was based at Kaoh Khsach
13 pagoda I went to the meeting with Comrade Tha.

14 And at Tuol Tumpung, Comrade Tha also went to the meeting with
15 me, but at the <kapok> packaging place in Takhmau, I went to the
16 meeting alone.

17 Q. Now, I would like you to clarify something. You are referring
18 to a meeting when you were at Kaoh Khsach pagoda. Did I properly
19 understand you to mean that you attended a meeting with members
20 of the Commerce office?

21 [13.47.30]

22 In answers to questions put to you this morning by the
23 Co-Prosecutor, and let me quote what you said, and I noted that
24 down. You said you attended a meeting at which you saw Khieu
25 Samphan. Aside from the education sessions, these were small

1 committee meetings with Ta Hong, Ta Oeun, <that's what I heard,>
2 Comrade Tha and Ta Rith, and yourself.

3 Did I properly understand your testimony that you meant to say
4 that <these> meeting <were> held in small committees with the
5 persons whose names I have just mentioned?

6 A. Regarding going to the meeting, I was not at Kaoh Khsach. I
7 was based at Tuol Tumpung pagoda, at Wat Tuol Tumpung or Tuol
8 Tumpung pagoda and <at> Takhmau.

9 Q. I thought I did understand you to mean that you first went to
10 Takhmau before you went to the Tuol Tumpung pagoda. After the
11 Tuol Tumpung pagoda, did you also return to Takhmau?

12 A. Yes. After I spent time at Tuol Tumpung pagoda, then I went to
13 Takhmau.

14 Q. As regards Khieu Samphan, you said that during the education
15 sessions, Pol Pot introduced him as a member. Do you know what
16 his exact position was? What was the title <Mr. Khieu Samphan>
17 held at the time?

18 A. During the regime, I did not know what position he held. But
19 what I knew was that Khieu Samphan was subordinate to Nuon Chea.

20 [13.50.44]

21 Q. When you say that you knew, what was the source of your
22 information?

23 A. Yes, because the structure were there; there were chairman,
24 deputy and member.

25 Q. When you say the structure was there, <when> did you <become

1 aware of> the <exact> hierarchical the ranks of the various
2 persons?

3 A. That was at the time when Pol Pot told us. He made the
4 announcement during the study session. He said that he was the
5 chairman and his deputy was Nuon Chea and Khieu Samphan and after
6 Khieu Samphan, it was Ieng Sary and then Ieng Thirith;
7 respectively, regarding the hierarchical order of the rank.

8 Q. Was that what you inferred or was <he> the one who told you
9 that and who referred to the hierarchical order? Is that an
10 inference that you have made?

11 [13.52.14]

12 A. He made the announcement, but I cannot recall everything. <I
13 knew only that Pol Pot> was the chairman, Nuon Chea was his
14 deputy and Khieu Samphan was the member, and lower than that were
15 Ieng Sary and Ieng Thirith. Ieng Sary was in charge of the
16 Ministry of Foreign Affairs and Ieng Thirith was in charge of
17 Ministry of Social Affairs.

18 Q. Did you know what the Standing Committee was?

19 A. No, I did not know.

20 Q. I <am putting> questions to you on the sources of information,
21 madam, <as you were also heard by> the Co-Investigating Judges<,
22 and you have mentioned making other> assumptions regarding who
23 was <who>. I will quote you a statement, E3/10721 at questions
24 and answers 126 to 131. And my first question before quoting that
25 passage is as follows: Did you know Son Sen and did you know what

1 his position was?

2 A. Son Sen was the chairman of the special zone. I heard people
3 refer to him by the name Om Sen, Om Sen <or might be Om Khieu>.

4 [13.54.40]

5 Q. And did you know Vorn Vet?

6 A. Yes. I was also familiar with Vorn Vet.

7 Q. And what was his position?

8 A. I did not know about his position but Vorn Vet was also in the
9 special zone.

10 Q. In your interview with investigators from the Office of

11 Co-Investigating Judges, you say something somewhat different.

12 That is the same reference I gave a while ago. That is questions
13 126 to 131, and I'll read out what you said <in order to refresh
14 your memory, and I will read it> in English.

15 Question 126, that was put to you, was as follows:

16 "<In your interview with> "At the Documentation Centre of
17 Cambodia you mentioned a person named Son Sen. Is that correct?"

18 You answer: "Yes, it is. Son Sen was perhaps also called Vorn
19 Vet, I guess."

20 Question: "How did you know that Son Sen and Vorn Vet were the
21 same person?"

22 Answer: "I don't know."

23 [13.56.34]

24 Question: "What was Son Sen's position?"

25 Answer: "I don't know."

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1 Question: "What about Vorn Vet's position?"

2 Answer: "He was the secretary of the special zone, Office 305. I
3 heard people calling him Son Sen."

4 Question: "Did you ever see him?"

5 Answer: "Are you asking me about Vorn Vet?"

6 Question: "No, I'm not. I am asking you about Son Sen."

7 Answer: "I never saw Vorn Vet or Son Sen. I only heard about them
8 and suspected that they could be the same person." End of quote.

9 Madam, does this refresh your memory as to what you told the
10 Co-Investigating Judges <and> is it true that as a matter of fact
11 you didn't know exactly who was Son Sen and who was Vorn Vet?

12 A. Yes.

13 [13.58.07]

14 Q. As regards to Khieu Samphan, you did mention for the first
15 time the fact that he may have attended meetings with <your>
16 chiefs, Ta Hong and Ta Rith. You mentioned this for the first
17 time when you were interviewed by the Co-Investigating Judges in
18 early 2016 and in answer to questions put to you by the President
19 this morning, you said that you do recall having been interviewed
20 very much earlier by DC-Cam.

21 And we have on record two interviews you had with DC-Cam, both of
22 which are under exhibit number E3/5647, and an initial interview
23 was dated the 7th of December 2002 and another interview dated
24 2004, 20th of October 2004, to be precise.

25 Does this refresh your memory as regards to the time when you

1 were interviewed by the DC-Cam staff?

2 A. Yes.

3 [13.59.55]

4 Q. During the first interview you had with them in 2002 as a
5 matter of fact, we realized that it was rather the person putting
6 questions to you who talked about Khieu Samphan, and I refer you
7 to the first <excerpt>. First of all, it is document E3/5647; ERN
8 in French is 00332570; in English, 00640150; and in Khmer,
9 00054387. And in this first ERN, you refer to a political
10 training session at Borei Keila, and it is a person putting
11 questions to you who tells you the following:

12 "Ming, when you arrived there you attended a political training
13 session. You said that you had learnt politics with Nuon Chea
14 <and> with someone like that. Where did that happen?"

15 And your answer was: "There we referred to as Borei Keila or
16 something of the sort."

17 [14.01.39]

18 And you subsequently state in a second <excerpt> -- and this time
19 the ERN
20 in French is 00332572; and in English, 00640151; and I need to
21 find the Khmer ERN. I don't have it now. I'll give it to you
22 shortly, Mr. President.

23 The question put to you was as follows, and it's still the staff
24 of DC-Cam that is putting questions to you:

25 "Which category of persons <was considered as> as the enemy of

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1 <this> revolution <described> during the meeting, that is, <the
2 one> which was taught by Khieu Samphan and Nuon Chea? Did they
3 explain the criteria for determining who were the <enemies> of
4 Angkar?"

5 And your answer was as follows: "Yes, sometimes they said that
6 the enemies were from within <our bodies,> or something of the
7 sort. <That the enemies in our heads made us lazy.>" (End quote).

8 So my first question, do you remember if from reading this
9 document <for the first time,> when <Khieu Samphan's> name was
10 brought up, do you remember <if the person whom you interviewed
11 is> who <uttered> that name? Does that refresh your memory at
12 all, or was it too long ago?

13 A. Yes.

14 [14.03.40]

15 Q. A bit earlier, a third excerpt was also brought up to you by
16 the Co-Prosecutors -- still at the same document, same ERNs --
17 and so when he asked who said this, Nuon Chea or Khieu Samphan,
18 you answered Nuon Chea.

19 Do you remember, Madam Witness, if during this interview with
20 DC-Cam if anyone spoke to you of the leaders of the Ministry of
21 Commerce at that time?

22 Do you remember? Perhaps I'll just refresh your memory, that
23 might be simpler.

24 So when you were being interviewed by DC-Cam representatives,
25 document E3/5647 --

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1 [14.05.19]

2 And the ERN in Khmer, Mr. President, has just been supplied to me
3 that I missed earlier. It is 0054389.

4 So this new excerpt, there's a mention <Ta Hong's removal> and
5 you talk about who was in charge of the Ministry of Commerce at
6 the time. In French, the ERN is 00332566; in English, 00640144
7 moving onto the next page also; and in Khmer, 00054381.

8 So here is the question that was asked: "And was Rith there when
9 Hong was <taken away>?"

10 And <your> answer was: "In the international and domestic
11 commerce unit, he was the one who was in charge."

12 Question: "No. When Ta Hong <was sacked> and <some> other <people
13 from the East> were taken away, <did Van Rith still occupy that
14 post? He hadn't been transferred?"

15 And the answer was: "Yes, he was there."

16 And the next question: "And have you ever heard of Koy Thuon or
17 Koy Thich (phonetic)?"

18 And your answer: "It was Ta Thuch and Ta Thuok (phonetic). I knew
19 them." (End quote)

20 [14.07.21]

21 The person who was interviewing you that day asked you questions
22 about <someone named> Koy Thuon. Do you know who Koy Thuon was
23 and what position he occupied?

24 MS. BEIT BOEURN:

25 A. I do not know this person Koy Thuon or Koy Thuok (phonetic).

1 Q. In your DC-Cam interview, nevertheless you say that you knew
2 them and you say the following -- I'll continue reading the
3 excerpt that I began.

4 The next question after you mentioned Ta Thuch (phonetic) and Ta
5 Thuok (phonetic), the next question that was asked of you is as
6 follows: "At that time, what was he a minister of?"

7 And your answer was: "At that time, he was working in the medical
8 services. During that <A-pot> period, they called him Eum Thuk
9 (phonetic)."

10 The next question: "And the one who worked in the Ministry of
11 Commerce who was above Van Rith, who was that?"

12 And your answer was: "There was only <Ta>". End quote.

13 Does this excerpt refresh <your memory?>

14 MR. PRESIDENT:

15 Witness, please hold on, and Deputy Co-Prosecutor, you have the
16 floor.

17 [14.09.29]

18 MR. SMITH:

19 Your Honour, this just be a translation issue, but in the English
20 it reads:

21 "The DC-Cam interviewer said that the Ministry of Commerce who
22 was above Van Rith" and then this witness said, "There was only
23 he."

24 So certainly in the English we don't have the name, Ta Thuok
25 (phonetic) or Koy Thuon or anyone in its place.

1 MS. GUISSÉ:

2 In fact, in the French translation that I read, we understand
3 very well he was the only one, so there was only this previously
4 mentioned Ta as <a brother, or rather, a> comrade. So, there
5 shouldn't be any contradiction, Ta Thuch (phonetic) and Ta Thuok
6 (phonetic) that I spoke of <were> in the answer to the preceding
7 question.

8 [14.10.28]

9 BY MS. GUISSÉ:

10 Q. So, Madam Witness, do you remember having spoken with DC-Cam
11 and having told them that there was only Van Rith and there was
12 no one above him at that time? Do you remember that?

13 MS. BEIT BOEURN:

14 A. Yes, I recall it.

15 Q. So you said in 2002 to DC-Cam and also in 2004 you don't
16 mention any higher supervisory positions higher than that in the
17 Ministry of Commerce, and <the first time you mention> this
18 supposed supervisory position of Khieu Samphan <at the Ministry
19 of Commerce> was only 14 or 12 years later <if we take into
20 account 2004,> when the investigators from the OCIJ interviewed
21 you.

22 [14.11.53]

23 So I want to come back to what you said in this interview with
24 the investigators of the OCIJ, E3/10721, answer 242, which I will
25 read in English:

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

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1 "At the Ministry of Commerce, the person who had <overall>
2 authority about both domestic and foreign commerce affairs was
3 Khieu Samphan. He had meetings with the cadres there on a monthly
4 basis." End quote.

5 So the first clarifying question I'd like to ask is that, to the
6 OCIJ investigators you said that there was a monthly meeting, and
7 earlier when you were answering the Co-Prosecutor's questions,
8 you said that, in fact, you didn't remember exactly but perhaps
9 there was one meeting every two months or perhaps one every three
10 months.

11 Insofar as you, yourself, mentioned that you only participated in
12 about four meetings with Mr. Khieu Samphan regarding commerce,
13 can you tell us what is the source of your information?

14 I'll change my wording a bit. For the meetings during which Ta
15 Rith and Ta Hong had discussions, were you informed of the
16 content of those meetings?

17 A. I know about the three main policies, that is, psychological
18 and organizational policies.

19 [14.14.20]

20 Q. I'll change my approach. When you were at Tuol Tumpung pagoda,
21 what was your exact position and what were your responsibilities?

22 A. I was in charge of selecting the products.

23 Q. You said earlier that <your responsibilities were concerning>
24 domestic commerce. Did I understand your testimony correctly?

25 A. Yes.

1 Q. Is it accurate to say that in these circumstances you had
2 absolutely no responsibility for international commerce?

3 A. Yes.

4 Q. It is also accurate to say that you attended meetings that
5 were related to your work in the context of domestic commerce?

6 A. Yes, that is correct.

7 [14.16.10]

8 Q. Earlier, you said that you no longer remembered where the
9 meetings you attended took place, but you said that they did not
10 take place at the Tuol Tumpung pagoda, if I understood you
11 correctly. Is that accurate?

12 A. Yes.

13 Q. Who <kept you informed> about the dates of the meetings that
14 you were meant to go to? Who was the person who summoned you to
15 the meetings that <you had to attend,> related to <the> domestic
16 commerce <office>?

17 A. It was Comrade Tha, but we knew that every month we had to
18 attend such a meeting.

19 [14.17.21]

20 Q. But earlier you said that<, after all.> you didn't remember
21 very well if they were monthly, bi-monthly, or tri-monthly
22 meetings. And you also said when responding to the Co-Prosecutor
23 that as far as you remembered, outside of the two times where
24 there was a session at Borei Keila, you only remembered four
25 meetings when Mr. Khieu Samphan was present. Is that correct?

1 A. No, that is not correct.

2 Q. Could you tell us what is not correct and clarify, please?

3 A. I saw him at the major annual study session and I met him
4 there for two times. And as for the Party members' meetings held
5 at the commerce office, I met him there four times.

6 Q. That's what I said, so then I correctly understood your
7 testimony.

8 So the next question I will continue to refer to what you said to
9 the investigators of the OCIJ and this time here's the answer to
10 243 when you talk about these four meetings you attended and you
11 say -- or the question actually that was asked of you, in
12 English:

13 Question: "Who organized the meetings?"

14 Answer: "During that time, Khieu Samphan was the one who started
15 the meeting agenda. No, I mean that Ta Rith was the one who
16 prepared the agenda because he was the chairperson of foreign
17 commerce."

18 Question: "Where did they meet?"

19 Answer: "At the place called the Ministry of Foreign Commerce."

20 Question: "What did he talk about in those meetings?"

21 Answer: "In those meetings, they only discussed politics,
22 consciousness, and work assignments." End of quote.

23 [14.20.16]

24 There in your answer to the OCIJ, we have the impression that you
25 are talking about meetings held at the foreign commerce <office>

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1 and that you mention the content of the meeting related to
2 international commerce.

3 Could you please clarify this? Did you attend meetings related to
4 foreign commerce or are these just assumptions that you made?

5 [14.20.52]

6 MR. PRESIDENT:

7 Witness, please hold on. And International Deputy Co-Prosecutor,
8 you have the floor.

9 MR. SMITH:

10 Your Honour, I just object to the question in the sense that I'm
11 not sure whether the witness said that meetings were in relation
12 to international commerce.

13 The question was what did he talk about in those meetings. The
14 witness answered in those meetings, they only discussed politics,
15 consciousness and work assignments.

16 You know, this witness has said that the work she did, it was in
17 relation to products that were being sent overseas, in any event,
18 in her statements. So -- but she didn't say that the meeting was
19 about foreign commerce.

20 [14.21.44]

21 BY MS. GUISSÉ:

22 I'll continue in a different way.

23 Q. Earlier, Madam you said that you no longer remembered where
24 the meetings took place -- and here we're talking about the four
25 meetings where you say Khieu Samphan was present.

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1 So, my first question: Did these meetings take place at the
2 Ministry of Foreign Commerce?

3 MS. BEIT BOEURN:

4 A. Yes. It was located near the vicinity of Stade Chas (phonetic)
5 or the Old Stadium. I apologize, it was at Phsar Chas (phonetic)
6 not at Stade Chas (phonetic). It was a bit further <from that
7 bridge>.

8 Q. And those four meetings that you remember, they took place
9 there. Did I understand your testimony correctly?

10 A. Yes.

11 Q. And you say that it is Ta Rith who prepared the meeting's
12 agenda and who chaired the meeting; is that correct?

13 A. Yes.

14 [14.23.36]

15 Q. So at that time, you said a while ago that you didn't remember
16 Khieu Samphan's position, but did you know what his position was
17 or in which capacity he attended that meeting? Or did you not
18 know that either?

19 A. <He served in the> capacity <as an> advisor.

20 Q. To give advice. And how do you <know> that he was there to
21 give advice? Is it Van Rith (phonetic) who told you?

22 A. It was not Van Rith (phonetic) because he went to attend that
23 <> monthly meeting <>with us.

24 [14.25.04]

25 Q. So, if I understand correctly, that's something that you

1 deduced?

2 JUDGE FENZ:

3 Sorry for interrupting, but perhaps it's a translation issue, but
4 I'm a bit confused now.

5 It's clear she said she doesn't -- she didn't know his official
6 position at the time. What do you mean in which capacity he was
7 there? What is a possible answer to that? I don't know where it's
8 going.

9 BY MS. GUISSÉ:

10 I'm trying to find out if by going into more detail I can refresh
11 the witness's memory, very simply. So she's just told me that she
12 had understood or she had assumed that it was to give advice.
13 That's her answer. I'm just trying to see if I can refresh her
14 memory or not.

15 Q. You said that Van Rith (phonetic) was the one who came up with
16 the agenda and chaired the meeting. Could you tell us what was
17 the role of Ta Oeun and Comrade Tha who you also say were present
18 during these meetings?

19 MS. BEIT BOEURN:

20 A. Comrade Tha was the chairperson of the Office, and as for
21 Oeun, Oeun was not a man, Oeun was a woman. She was chief of a
22 section. It was a similar capacity that I had.

23 [14.27.11]

24 Q. So if I understand correctly, Comrade Tha was your supervisor
25 and was also Ta Oeun's supervisor. Is that correct?

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1 A. Yes.

2 Q. Later, you spoke about the arrest, or at least the removal of
3 Ta Oeun and if I understood your testimony correctly -- and
4 please do correct me if I'm mistaken -- you say that he was
5 removed after the arrest of So Phim. Did I understand your
6 testimony correctly?

7 MR. PRESIDENT:

8 Witness, please hold on. And International Deputy Co-Prosecutor,
9 you have the floor.

10 MR. SMITH:

11 Thank you, Your Honours. It may be a translation issue, but this
12 witness referred to Ta Hong being arrested in relation to So
13 Phim, but Oeun, I'm not sure if -- are you referring to Hong
14 because I'm hearing Un (phonetic) over the -- and there's another
15 Un (phonetic) that is relevant.

16 [14.28.38]

17 BY MS. GUISSÉ:

18 No, I'm talking about Ta Hong, H-O-N-G, who she spoke of as
19 having been the deputy of Van Rith.

20 Q. So could you please confirm that I correctly understood your
21 testimony, that Ta Hong was <taken away> after the arrest -- I
22 heard the word "arrest" -- of So Phim? Can you confirm this?

23 MS. BEIT BOEURN:

24 A. Yes.

25 Q. How did you find out about the arrest of So Phim and <who told

1 you>?

2 A. I did not know, however, what I knew was that there was a
3 rumour that So Phim was a traitor and, later on, Ta Hong was
4 arrested.

5 [14.30.01]

6 Q. So you heard rumours. Do you remember what the date was when
7 you heard these rumours?

8 A. It was probably in 1978.

9 Q. And how long before the removal of Ta Hong did you hear these
10 rumours? Was it several weeks, several months?

11 A. It was not long after that.

12 Q. So just a clarification. You mean that Ta Hong was arrested
13 not long after you heard the rumours about So Phim or did you
14 hear the rumours about So Phim shortly after the arrest of Ta
15 Hong? Could you please clarify?

16 A. It took place subsequently.

17 Q. And what happened thereafter?

18 A. Later on, their wives and children and grandchildren were
19 arrested and there were people who were <subsequently> removed
20 <>.

21 Q. My question was different. I wanted to know whether Ta Hong
22 was <taken away> after or before the rumours concerning So Phim?

23 A. It was after So Phim's arrest.

24 [14.32.45]

25 Q. I would like us to backtrack a little and talk about your

1 passage through Kampong Chhnang. You told the Chamber that you
2 were tasked with carrying out agricultural work in Kampong
3 Chhnang.

4 Can you tell the Chamber where the rice fields in which you
5 worked were situated in relation to the Kampong Chhnang airfield,
6 that is, the Kampong Chhnang airfield worksite? And I'm talking
7 in geographical terms, of course.

8 A. The paddy fields, if we look from Kangrei mountain -- <Kangrei
9 mountain> was <actually on the right side,> and there was a river
10 and next to the river there was paddy fields where people could
11 do dry season rice farming. Here I'm talking about the direction
12 from east to west and that area was called Kampong Chhnang Kraom
13 or the lower part of Kampong Chhnang. And over there I did not
14 hold any position. <You mentioned I had a position.> I did not
15 have any position.

16 [14.34.30]

17 Q. You stated that at a point in time you saw the Kampong Chhnang
18 airfield worksite. I would like you to tell us how far the rice
19 fields where you worked were from the Kampong Chhnang airfield
20 worksite. Can you tell us in terms of hundreds of metres or
21 kilometres or the distance you had to cover on foot<, time-wise,>
22 from where you were to that airfield?

23 A. If we walked from the airfield, it's about three kilometres,
24 and then we had to continue our journey by boat. And it took us a
25 long time to travel by boat to get to that place.

1 [14.35.40]

2 Q. Very well. Just one last point for purposes of clarification.

3 You stated that you saw a number of workers at Kampong Chhnang

4 airfield. Is it correct to say that you did not stay on the

5 Kampong Chhnang airfield worksite and that you <never lived at>

6 the Kampong Chhnang airfield worksite?

7 A. At night time, I came to sleep there and in the morning we

8 were sent to do the dry season rice farming.

9 [14.36.20]

10 Q. So if I understood you correctly, you had huts in which you

11 slept not far from the airport, but your worksite was different

12 from the Kampong Chhnang airfield worksite. Is that correct?

13 A. Yes.

14 MS. GUISSÉ:

15 Mr. President, I have no further questions for the witness and my

16 colleague, Kong Sam Onn, doesn't have any questions for her

17 either.

18 MR. PRESIDENT:

19 The Chamber would like to thank Madam Beit Boeurn. The hearing of

20 your testimony is now concluded. Your testimony can contribute to

21 the ascertaining of the truth. Your presence in this courtroom is

22 no longer required and you may be excused. The Chamber wishes you

23 all the best.

24 The Chamber also would like to thank duty counsel Sok Socheata.

25 You also may be excused.

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1 Court officer, in collaboration with WESU, please make necessary
2 transport arrangement to send the witness to her home <or a place
3 she wishes to go>.

4 [14.37.48]

5 And the Court session today come to an adjournment although we
6 have some time left because today we don't have any reserved
7 witness <or civil party>.

8 Therefore, it is now convenient time for the adjournment. The
9 Chamber will resume its hearing tomorrow, 29 November 2016, from
10 9 o'clock.

11 And tomorrow, the Court will hear the testimony of 2-TCW-897, and
12 we will also have the reserve civil party 2-TCCP-258.

13 Security personnel are instructed to bring Khieu Samphan and Nuon
14 Chea back to the detention facility and have them returned to the
15 courtroom tomorrow morning before 9 a.m.

16 The Court is now adjourned.

17 (Court adjourns at 1438H)

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