



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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Sann Rada  
CMS/CFO:.....

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

5 May 2015  
Trial Day 278

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

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I N D E X

MS. KHOEM BOEUN (2-TCW-979)

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Questioning by Mr. Kong Sam Onn ..... page 58

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. DE WILDE D'ESTMAEL	French
MS. KHOEM BOEUN (2-TCW-979)	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. MAM RITHEA	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber will resume hearing the testimony of Khoem

6 Boeun via video link.

7 Mr. Em Hoy, please report the attendance of the Parties and other  
8 individuals to today's proceedings.

9 THE GREFFIER:

10 Mr. President, for today's proceedings all Parties to this case

11 are present. Mr. Nuon Chea is present in the holding cell

12 downstairs. He has waived his rights to be present in the

13 courtroom; the waiver has been delivered to the greffier.

14 The witness who is to testify today -- that is, Madam Khoem

15 Boeun, she will provide testimony via video link from Battambang

16 province. The AV technicians confirm that the technical system

17 has been ready and for witness and duty counsel, Mr. Mam Rithea,

18 they are ready for today's proceedings. Thank you very much, Mr.

19 President.

20 [09.03.22]

21 MR. PRESIDENT:

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

23 The Chamber has received a waiver from Nuon Chea dated 5th May

24 2015, which states that due to his health -- that is, headache,

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

2

1 effectively participate in future hearings, he requests to waive  
2 his rights to participate in and be present at the 5th of May  
3 2015, hearing. He advised that -- his counsel advised him about  
4 the consequence of this waiver, that in no way it can be  
5 construed as a waiver of his rights to be tried fairly or to  
6 challenge evidence presented or admitted to this Court at any  
7 time during this trial.

8 Having seen the medical report of Nuon Chea, by the duty doctor  
9 for the Accused at ECCC dated 5th of May 2015, who notes that  
10 Nuon Chea has a chronic back pain when he sits for long and  
11 recommends that the Chamber shall grant him his request so that  
12 he can follow the proceedings remotely from the holding cell  
13 downstairs.

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

18 [09.05.04]

19 AV technicians are instructed to connect -- to link the  
20 proceedings to the room downstairs so that he can follow the  
21 proceedings. That applies for the whole day.

22 Before I give the floor to the Defence Counsel for the Accused, I  
23 would like to ask whether Judges on the Bench has any questions  
24 for this witness.

25 You may now proceed, Judge Lavergne.

3

1 [09.05.41]

2 QUESTIONING BY JUDGE LAVERGNE:

3 Thank you, Mr. President. Good morning Madam.

4 Q. Can you hear me?

5 MS. KHOEM BOEUN:

6 A. Yes, I could hear you. Good morning.

7 Q. Very well Madam, I would have some very short follow up  
8 questions regarding questions that have already been put to you.  
9 For starters I would like us to talk about the date on which you  
10 were appointed chief of Cheang Tong commune. Can you please tell  
11 us exactly when you were appointed chief of that commune?

12 A. Mr. President, I do not recall when I was appointed. However,  
13 I remember that I was appointed in 1973. There was no official  
14 ceremony held at that time. I was only told that I was appointed.

15 [09.07.11]

16 Q. And do you remember the names of your predecessors -- that is,  
17 the persons who were chiefs of that commune before you?

18 A. Yes. However I do not recall well before that time.

19 Q. Does the name Sao Van, alias Sao Pok, mean anything to you?

20 The name Sao Van, alias Sao Pok.

21 A. Could you repeat the name again? It's not clear to me.

22 Q. I grieve your indulgence because my accent is of course very  
23 bad, but the name I am giving you is Sao Van alias Sao Pok.

24 A. Yes.

25 [09.08.32]

4

1 Q. What were the duties and responsibilities of that person?

2 A. I did not know clearly about him. He was also in charge in the  
3 commune and I do not know his position.

4 Q. Was he in charge at the same time as yourself? Was he an  
5 official at the same time as yourself, and if so, up until when?

6 A. He was in charge at the same as me, I do not know when his  
7 duty ended but we were working together for long time as well.

8 Q. In the record of your interview you referred to someone called  
9 Sam Bit, can you tell us, what was the position of Sam Bit?

10 A. I do not know Sam Bit very well. He came to work in Takeo  
11 region and after -- later I do not know about him.

12 [09.10.40]

13 Q. Did you attend meetings chaired by Sam Bit and if yes, what  
14 were the subjects discussed during that meeting or during those  
15 meetings?

16 A. I never attended the meeting with him.

17 Q. Yesterday, you were told of a person called Dam (phonetic) and  
18 who worked in the district office, you stated that you remembered  
19 that person. Can you tell us, what was his precise role in the  
20 district office?

21 A. Dam (phonetic) did not work in the district office. I cannot  
22 recall it.

23 Q. What were his duties and responsibilities therefore, if he was  
24 not working in the district, what was his position?

25 A. From what I know, Dam (phonetic) was working at Krang Ta Chan.

5

1 [09.12.34]

2 Q. Did you ever have a chance to converse with Dam (phonetic),  
3 did you meet him?

4 A. No. He was working in the district, in the office. I have  
5 never met him.

6 MR. PRESIDENT:

7 I noticed you are on your feet; you have anything to address the  
8 Chamber?

9 MR. DE WILDE D'ESTMAEL:

10 Forgive me for this interruption. Good morning. I believe there  
11 is some confusion regarding pronunciation since mention was made  
12 of Dam and I think the person Judge Lavergne is referring to in  
13 the district office is Dorn, D-Â-N, and I don't know whether you  
14 can clarify the witness's name to assist the Witness.

15 BY JUDGE LAVERGNE:

16 Witness, did you hear the Prosecutor? It would appear there are  
17 two people, there's Dam who worked at Krang Ta Chan and Dorn who  
18 worked in the district office. Do you remember a person called  
19 Dorn who worked in the district office?

20 [09.14.07]

21 MS. KHOEM BOEUN:

22 A. Yes, Dorn. His name was Dorn.

23 Q. And up until when did Dorn work in the district office?

24 A. Dorn was working in the district office up until a certain  
25 period time I do not recall when, he was working there for a long



6

1 period of time from my recollection.

2 Q. And where did he go after that?

3 A. I do not have any idea where he went afterwards since I was  
4 not working in the district office.

5 Q. Now, we will talk about Dam, the one who worked at Krang Ta  
6 Chan. Did he work at Krang Ta Chan throughout the period or did  
7 he stop working at Krang Ta Chan at any point in time?

8 [09.15.44]

9 A. I do not remember it because he was not in the commune where I  
10 worked.

11 Q. Did you know whether Dam was subsequently detained at Krang Ta  
12 Chan?

13 A. I do not know about this.

14 Q. Do you recall having being shown a document and it is document  
15 D157.64? Can your counsel show you that document?

16 (Short pause)

17 [09.17.42]

18 JUDGE LAVERGNE:

19 Have you found that document, D157.64?

20 MR. MAM RITHEA:

21 There are many documents. We are now looking for the right one.

22 The document is now found.

23 BY JUDGE LAVERGNE:

24 Q. For the record let me point out that the ERN in Khmer is as  
25 follows, 00270974 - 75; and the ERN in French is, 00789272; and

7

1 ERN in English, the French goes to 73 by the way, in English it  
2 is, 00363655.

3 Madam Witness, have you been able to identify the document?

4 [09.19.20]

5 MS. KHOEM BOEUN:

6 A. I am now reading the document.

7 Q. Does that document remind you of anything?

8 A. I am not able to find the right page. I got the document with  
9 me, however, I do not recall about the event after I read the  
10 document. During that time I was in the commune and I was not yet  
11 transferred to the district.

12 Q. Can you see the signature at the bottom of that document?

13 A. Yes.

14 Q. Do you recognise that signature?

15 A. The name was mine and the signature was mine. However I do not  
16 recall the document or the content of the document.

17 [09.21.38]

18 Q. Very well, there is also an annotation close to your signature  
19 and it reads as follows; "copied from comrade Huot (phonetic)  
20 from the unit 4 committee". Do you know who the person Huot  
21 (phonetic) from the unit 4 committee was?

22 A. It was not -- the name was not Huot (phonetic), it was Hou.  
23 Hou was the chief of the units. He was the head of the unit in  
24 the village.

25 THE INTERPRETER:

1 There was an overlap.

2 BY JUDGE LAVERGNE:

3 Q. What was the role of that unit? Was it a unit of the militia,  
4 what was the work of that unit?

5 MS. KHOEM BOEUN:

6 A. As for Unit 4, actually there were men's unit which were under  
7 responsibility of the head of men's unit. And for men's unit,  
8 they are working to -- they are working in the fields and they  
9 are also militia units, militia unit is also working in the  
10 fields.

11 [09.24.07]

12 Q. Very well. Can you explain why we have that annotation copied  
13 from comrade Hou? What was the role of Hou in this matter?

14 A. It appears that I did not copy anything from Hou. I do not  
15 really understand about this document. Could Your Honour, tell me  
16 whether the document was dated in 1977 or in 1970 something,  
17 because it was not clear to me in the document that I'm reading  
18 now?

19 Q. I can tell you what I am reading in the French version I have  
20 before me. At the end it is written done at Cheang Tong 21st July  
21 1977. Let me point out, by the way, that we have another document  
22 and it is document E3/4164. The ERN in French is, 00937104; and  
23 00974147, in English; and in Khmer it is, 00079337 - 338. The  
24 document is titled "Summary biography of prisoners detained at  
25 Tram Kak district" and the first name on that list is Neang Dam,

9

1 who is also called Cheang Dam in English, and it is stated on the  
2 document that the date of entry for re-education was the 20th  
3 July 1977. Now, does that ring a bell?

4 [09.27.25]

5 A. I do not really understand about the matter of Dam. As for in  
6 1977, I was still working in the commune and for Dam, he was  
7 working in Krang Ta Chan so it was under the district  
8 responsibilities. That is why, as I said, I do not really  
9 understand about this matter.

10 Q. Madam Witness, there must be a mix up somewhere. When I read  
11 out the document bearing the name Neang Dam to you, that name was  
12 indicated as that of a prisoner and not that of a staff member at  
13 Krang Ta Chan. He had been a staff member at Krang Ta Chan but it  
14 would appear that he subsequently was in prison. Let me also  
15 inform you that we have just told you that the record bearing  
16 your signature dates back to the same period when it appears that  
17 Dam was detained at Krang Ta Chan. Do you have any explanations  
18 for this?

19 [09.29.04]

20 A. Dam was not living or working in Cheang Tong commune. He was  
21 in Trapeang Thum Khang Cheung commune. Why this matter is related  
22 to my case as I said I do not really understand about this. As  
23 for this signature, it was mine.

24 Q. Yes, fine, fine. I think we should move on to something else.  
25 Witness, when you were interviewed by the Co-Investigating

10

1 Judges, you said that sometimes you would not always respect the  
2 instructions that you received from the higher echelon and you  
3 said in particular that at times you hid rice. So can you confirm  
4 this to us?

5 A. There were plans from the upper echelon. For example, when  
6 people did not have enough food to eat and when -- after the  
7 harvest, I would hide some to supply my people to have enough  
8 food to eat. It is true that I hid some rice.

9 [09.31.13]

10 Q. Did you hide rice in violation of the instructions that were  
11 given to you by the district?

12 A. Yes, it seems that way. However, my expectation was to hide it  
13 for the supplies to my people.

14 Q. How many times did you hide rice in this way and why, what  
15 were the reasons?

16 A. The reason for hiding the rice was that I did it for my people  
17 and I only hid it a few times and most of the time I hid it in  
18 the pagoda.

19 Q. Did you sometimes note that people would die because they did  
20 not have enough to eat?

21 A. It might have happened due to shortage of food as the shortage  
22 of food or malnutrition led people to be sick.

23 [09.33.22]

24 Q. I am not asking you to make suppositions, I'm asking you to  
25 tell us what you know, did this happen or did this not happen?

11

1 Were there food shortages and did people die because of these  
2 food shortages?

3 A. First there were indeed food shortages. However, allow me to  
4 stress the food shortage in Cheang Tong commune was not that  
5 serious and no one died out of hunger in Cheang Tong commune.

6 Q. I don't understand your answer because just before you told us  
7 that probably people had died because of food shortages. You told  
8 us people had been sick, so where were the people who were sick?  
9 Were the sick people everywhere else except for in your commune?

10 [09.34.41]

11 A. No, that's not the case. Of course people became ill also in  
12 my commune but no one died from starvation in my commune although  
13 sometimes the food supply was not sufficient that's what I meant  
14 in my previous statement and that's what I saw in my commune.

15 Q. And was it the same situation elsewhere in the district or was  
16 the situation particularly bad or was it better elsewhere?

17 A. I did not know about what happened in other areas.

18 Q. You never spoke about production problems when you had  
19 meetings at the district levels? Never, never these issues were  
20 brought up?

21 [09.36.16]

22 A. For the meetings at the district, they discussed about the  
23 rice productions and about the rainy and dry season cultivation  
24 and about growing vegetables and about finding supplementary food  
25 for the people.

12

1 Q. Fine, I have a last question for you, Ms. Witness. You were  
2 interviewed by Co-Investigating Judges office and you were  
3 interviewed with respect to an annotation that is on document --  
4 where the word "komtech" is mentioned. "Komtech", which means "to  
5 smash", so when this word is applied to people who were arrested  
6 and who are -- were detained -- that is, people who were  
7 considered enemies, what then was the real meaning of the word  
8 "komtech"?

9 A. It is my understanding that the word "komtech", means the  
10 arrest or the cleansing.

11 Q. So in that case, what does cleansing mean?

12 A. There are various kinds of cleansings, namely, the arrest or  
13 getting rid of old ideas or concepts and build a new one.

14 [09.38.40]

15 Q. Witness, someone who was sent to Krang Ta Chan and for whom  
16 the order was given to smash him, what do you believe then was  
17 the meaning of that order?

18 A. I do not know about its meaning in that context as I said the  
19 word "komtech" or "boh somat" or cleansing, I only heard about it  
20 but I myself did not involve in it.

21 Q. Witness, and this would be my last comment, let me remind you  
22 of your answer which is in document E312 -- E319/12.3.2, this is  
23 answer 264, and the word "smash" do you remember having said  
24 that, Witness?

25 A. Yes, I see that phrase.

13

1 Q. Fine. If you have no further comments and I have no further  
2 questions, so thank you, Mr. President.

3 Just to confirm something, you did say that to the  
4 Co-Investigating Judges, is that so, they did not invent that  
5 right, what I read out to you at answer 264, you are the person  
6 who said that right, or was this invented by the investigators?

7 [09.41.20]

8 A. That's what I said and that's what I said because that was  
9 what I was told and based on the decision of Prak.

10 Q. Who told you that?

11 A. It was Prak.

12 Q. And who was Prak?

13 A. Prak worked at the sector level.

14 Q. Thank you, Witness. I have no further questions for you.

15 MR. PRESIDENT:

16 Thank you, Judge Lavergne.

17 The Chamber would like to give the floor to the Defence teams and  
18 first to the Defence team for Nuon Chea to put questions to  
19 witness Khoem Boeun. You have the floor, Counsel.

20 [09.42.54]

21 QUESTIONING BY MR. KOPPE:

22 Thank you, Mr. President. Good morning, Your Honours, good  
23 morning, Counsel. Good morning, Madam Witness. My name is Victor  
24 Koppe, I am the International Co-Lawyer for Nuon Chea and I have  
25 some questions to ask to you.



14

1 Q. First I would like to start with some follow up questions to  
2 questions from the Judge this morning. You said that at some  
3 occasions you were hiding rice to feed your people. When you say,  
4 "my people", what exactly do you mean with that?

5 A. When I said my people, I meant the people who were living in  
6 my commune.

7 Q. And when you talk about my people, does it also include the  
8 people who had arrived from Phnom Penh or from Takeo provincial  
9 town and who were considered New People?

10 A. Yes, I meant everyone.

11 [09.44.35]

12 Q. So, in supplying food to the people of your commune, you made  
13 no distinction at all between New People and Old People, is that  
14 correct?

15 A. Yes.

16 Q. How about access to hospitals for people who were sick and  
17 access to medicine for people who were sick, did you in your  
18 commune make any distinction between New People and Old People in  
19 terms of access to hospitals and medicines?

20 A. No. I would send everyone to the hospital and it was up to the  
21 hospital staff to treat those people. To me there was no  
22 distinction between the people in my commune.

23 Q. And how about education, was there a difference in treatment  
24 for children of parents coming from Phnom Penh or the Old People,  
25 in other terms, in other words, did everybody in your commune

15

1 have access to education?

2 A. On the matter of education and schooling, they all did  
3 together, there was no distinction.

4 [09.46.34]

5 Q. Summarising, Madam Witness, would it be fair to say that in  
6 your commune you did not discriminate so-called New People?

7 A. Yes.

8 Q. In your commune did you ever send somebody for re-education  
9 simply because he was a New Person or if you send somebody for  
10 re-education that person had to have done something -- done  
11 something wrong?

12 A. Allow me to clarify that I personally never sent people. If  
13 someone made mistake then I would report it, report the matter to  
14 the upper level and only after I received the instruction from  
15 the upper level then the person would have been sent.

16 [09.47.54]

17 Q. I understand, but are you aware of situations in your commune  
18 or maybe other communes within District 105 in which people were  
19 punished simply because they were New People.

20 A. I only knew what happened in my commune -- that is, Cheang  
21 Tong commune, and there was no such case.

22 Q. Thank you, Madam Witness. Two more short questions on the food  
23 situation. I would like to read to you a question and answer that  
24 you gave to the investigators of the International  
25 Co-Investigating Judge -- that is, document E319/12.3.2, it is

16

1 your answer to question 56. The subject is Ta Mok and whether you  
2 know Ta Mok. The question is: "Did you personally know him?" And  
3 you answered to the investigators as follows: "Yes, I personally  
4 knew him. Sometimes he came to see the co-operative kitchen and  
5 he asked the people whether they ate enough or not. Ta Mok  
6 visited every site. I met Ta Mok." Can you be -- it's a long time  
7 ago, I realise -- but can you be a little more specific as to  
8 what exactly Ta Mok asked you or asked the people, whether they  
9 ate enough, yes or no? Was he -- in other words, was he concerned  
10 about the food situation of the people in the district?

11 [09.50.05]

12 A. Yes. He came to the base -- that is, to the villages or to the  
13 cooperatives, and he would ask the people down there directly, he  
14 did not ask me about this matter.

15 Q. Was it your understanding that he was concerned about the  
16 situation of food for the people?

17 A. It seemed that he was concerned about it.

18 Q. Did you ever witness any action on his side when he saw or  
19 concluded that the food situation was difficult?

20 A. From my observation, he paid attention to the issue of food  
21 shortage. I saw him taking food from other places to supplement  
22 the areas that they had shortage of food.

23 Q. In your recollection, Madam Witness, was it the goal of the  
24 regime to make sure that everybody in Democratic Kampuchea had  
25 enough to eat?

17

1 [09.52.19]

2 A. I could only speak about the area that I lived as I did not  
3 have a full understanding about other areas.

4 Q. So within your area was it the objective of the regime that  
5 everybody in the place where you were assigned to, had enough to  
6 eat?

7 A. Yes, I wanted to have sufficient food for the people to eat  
8 but sometimes there were cases of food shortage.

9 Q. And if that was the case was it the instructions of the upper  
10 echelon to fix the situation as soon as possible?

11 A. Yes, there was instructions from the upper level for us to  
12 try hard to resolve the living conditions of the people.

13 [09.53.56]

14 Q. Yesterday, Madam Witness, you were asked about the stealing of  
15 food by people who were hungry and you said, I believe, that that  
16 was considered to be a minor offence. If someone had committed  
17 such a minor offence for instance, stealing a coconut because the  
18 person was hungry, what would be the sanction against this  
19 person, what would happen to this person, somebody who just stole  
20 a coconut because he or she was hungry, what would happen to that  
21 person?

22 A. Nothing would happen, the only thing was to educate that  
23 person as he or she would be told that we were in the same  
24 situation.

25 [09.55.02]

18

1 Q. Are you aware of any example either within your commune or in  
2 other communes within District 105, of people who were executed  
3 because they stole a coconut or a cassava?

4 A. I did not have a full understanding of this matter elsewhere,  
5 I could only understand about the situation in my commune.

6 Q. Were you implementing the Party line when it comes to  
7 sanctioning people who had stolen food because they were hungry?

8 A. I never sanctioned or disciplined anyone who stole food like  
9 coconut. The only thing that I did was to educate that person  
10 that we were in the same situation that, if you were hungry, I  
11 myself was also hungry, so please stop doing that again.

12 [09.56.36]

13 Q. And in such situations, that you didn't sanction somebody,  
14 were you following the instructions from the upper echelon?

15 A. Yes, the instruction from the upper echelon was that stealing  
16 of any food because of the insufficient food, then we should not  
17 sanction that individual and that I implemented that instruction.

18 Q. And did you implement that instruction regardless whether the  
19 person was a New Person or an Old Person?

20 A. Yes.

21 Q. One very last question on the food situation, Madam Witness,  
22 are you aware of any instances in which a person who was of the  
23 Cham origin was forced to eat pork against her or his will?

24 A. No, I was not aware of such a case and there were no Cham in  
25 my area.

1 [09.58.25]

2 Q. Thank you, Madam Witness. I would like to turn to another  
3 subject on which you have been asked already some questions and  
4 that is the policy about marriage within your commune and  
5 district. I would like to read a few excerpts from your earlier  
6 statement. I will put them together and then I would like to ask  
7 your comment on this.

8 First, I would like start with your answer to question 111, A111,  
9 "The commune level" -- let me, let me ask the question first --  
10 let me, let me cite the question first, Madam Witness. "During  
11 the Khmer Rouge regime the Party arranged marriages, how did they  
12 arrange the marriages, was there a discussion within the sector  
13 level or was that decided by the cooperative level or village  
14 level?"

15 The second part of your answer, because the first part was read  
16 yesterday, the second part of your answer is; "The ones who loved  
17 each other came to inform us and we listed their names and sent  
18 their names to the sector, those who did not agree also told us  
19 they did not agree and we crossed out their names."

20 [09.59.59]

21 In answer 112, you said: "If the New People had to marry Old  
22 People and if anyone refused, we crossed their names out because  
23 some people had bad backgrounds."

24 114: "At my site I checked which man and woman worked together  
25 and got along with each other so I arranged them to marry one

1 another."

2 And finally your answer in 116, the question is: "What happened  
3 if they refused to get married as arranged?" Your answer:

4 "Nothing like that happened at my site. They all had known one  
5 another because my site was not large. We arranged their marriage  
6 and the couples agreed but if the upper level did not approve,  
7 they could not marry."

8 Now, Madam Witness, having read these four excerpts from your  
9 statement, is it fair to conclude that in your commune there was  
10 no -- there were no examples of people forcibly married to each  
11 other?

12 [10.01.29]

13 A. Yes.

14 Q. To be clear, if anybody, any man or any woman did not want  
15 marry another woman or man then this person could tell so, is  
16 that correct and then the person wouldn't have to marry?

17 A. Yes.

18 Q. One last question in respect of marriage policy, yesterday you  
19 spoke about people who divorced after their marriage, were you  
20 speaking about divorces in the time that you were commune chief  
21 or were speaking about divorces after 1979?

22 A. I mean those who got married voluntarily later on they could  
23 get divorced.

24 [10.03.00]

25 Q. But just to be clear, are you speaking about divorce within

21

1 the period between 1975 and 1979? Were people allowed to divorce  
2 during the regime of Democratic Kampuchea within your commune?

3 A. In the period of 1975 and 1977, there was arranged marriage  
4 and there were also divorces amongst New People and Old People. I  
5 do not know the figures how many people get divorces. And there  
6 were no torture inflicted on those who agreed to get divorced.

7 Q. It's a long time ago; do you remember any couples from your  
8 commune who got divorced between 1975 and 1979?

9 A. Yes, there were couples who got divorced, however I do not  
10 recall them and I do not recall where they got divorced.

11 Q. Did they get divorced when you were still commune chief?

12 A. Yes.

13 [10.05.14]

14 Q. Did you, as commune chief, have to give permission for the  
15 divorce of these couples?

16 A. Even I did not permit them to get divorced, they eventually  
17 got divorced. However, I tried to negotiate and try to advise the  
18 ones who wanted to get divorced and if they did not agree and  
19 could not get back to each other and then they got divorced.

20 Q. Thank you, Madam Witness. Now I would like to move to another  
21 subject. The subject of the district chief called Khom. In your  
22 answer 285 of your interview before the investigators of the  
23 Co-Investigating Judge, you said that Khom had mental problems.  
24 Could you describe a little bit more from what you remember from  
25 the personality of Khom?



1 [10.06.48]

2 A. Khom was not a normal person as us. She had a psychiatric  
3 problem on some occasions, that's what I know.

4 Q. And do you know what kind of psychiatric problem Khom had?

5 A. I do not know the type of psychiatric problem she had but I  
6 know that she had such a problem.

7 Q. I understand that the title of her disease is maybe difficult  
8 to describe but could you, if you remember, describe her  
9 behaviour? What was it that made you say, as many others, that  
10 she had mental problems, what was her behaviour like?

11 A. I was not with her regularly or always that is why I do not  
12 know well.

13 [10.08.39]

14 Q. Maybe, I understand it is not very nice to speak about  
15 someone's mental problems, but if you try to remember, what was  
16 it that Khom did which indicated that she had psychiatric  
17 problems?

18 A. It is very difficult for me to describe. On some occasions I  
19 noticed that she was walking without having food. I was staying  
20 with her for once in a while so I could not describe her  
21 personalities well.

22 Q. My final question on Khom, Madam Witness, do you know, do you  
23 remember whether her mental illness influenced the decisions that  
24 she made within the district?

25 A. Yes. In relation to your question, she made, I mean Khom, made

23

1 the decision on her own, the decision in the commune. She would  
2 never come to discuss with those who were in the commune.

3 [10.10.34]

4 Q. I understand, but my question was whether you know if her  
5 mental illness in some way influenced the decisions that she  
6 made?

7 A. Yes. It may be such a case I could not describe and recall  
8 exactly, but yes.

9 MR. KOPPE:

10 Mr. President, I am looking at the clock, this could be a moment  
11 to have a break.

12 MR. PRESIDENT:

13 Thank you very much. Madam Khoem Boeun and Mr. Duty Counsel, it  
14 is now the break time.

15 The Chamber takes a short break from now until 10.30 and by that  
16 time the hearing will resume. And I instruct the witness and duty  
17 counsel to be present before 10.30.

18 The Court is now in recess.

19 (Court recesses from 1011H to 1032H)

20 MR. PRESIDENT:

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

22 And again the Chamber gives the floor to the Defence team for  
23 Nuon Chea to continue putting questions to the witness, Khoem  
24 Boeun. You may proceed, Counsel.

25 BY MR. KOPPE:

24

1 Thank you, Mr. President. Good morning again, Madam Witness. We  
2 talked before the break about Khom. I would like now to ask you a  
3 few questions about some other 105 -- District 105 cadres and  
4 sector cadres.

5 [10.33.25]

6 First of all I would like to start with Ta Keav. You were asked a  
7 question about Ta Keav. By the investigators of the  
8 Co-Investigating Judge, question 29, and in that answer to that  
9 question you said that Ta Keav was arrested during the Khmer  
10 Rouge regime. Do you remember any details as to the reasons for  
11 Ta Keav's arrest?

12 MS. KHOEM BOEUN:

13 A. No, I do not know the reason for his arrest.

14 Q. Do you know if there is any relation between Ta Keav and the  
15 former leader of the West Zone Chou Chet, alias Si?

16 A. Please repeat your question.

17 [10.34.38]

18 Q. Do you know whether there is any relation between Ta Keav and  
19 Chou Chet, also known as Si, who used to be the former leader of  
20 the West Zone and before that of the Southwest Zone?

21 A. No, I do not know whether they had any relationship, as I did  
22 not know the person you mentioned.

23 Q. Okay. Another cadre I would like to ask you a question about  
24 is a person named Im Chaem. You were asked several questions  
25 about her, but there's one question that was asked to you that I

25

1 would like to particularly talk to you about, and that is your  
2 answer to question 312. I will read both the question and your  
3 answer, Madam Witness. The question is as follows: "A witness  
4 said, 'Yeay Bouen was white, Im Chaem was black.' White and black  
5 meaning kind and unkind. Why did they make such a comparison? Can  
6 you describe what Im Chaem was like?" Your answer is: "I cannot  
7 describe Im Chaem because I did not actually know her. Some  
8 witnesses seek the facts personally, so it is not all correct  
9 because some people had conflicts of interest."

10 That's your answer. What I'm interested in, Madam Witness, is why  
11 there is a witness who apparently calls you white as opposed to  
12 black, and kind as opposed to unkind. Do you know any reason for  
13 this?

14 [10.36.58]

15 MR. PRESIDENT:

16 Witness, Ms. Khoem Boeun, please hold on. And the International  
17 Deputy Co-Prosecutor, you have the floor.

18 MR. DE WILDE D'ESTMAEL:

19 This is a question that leads the witness to speculate, so I wish  
20 to object to it.

21 MR. KOPPE:

22 Well, Mr. President, if the Co-Investigating Judge or the  
23 investigators can ask this question, I certainly can ask this  
24 question as well, I would say. Plus I'm not asking the witness to  
25 speculate, I'm just asking the witness if she can put this

1 particular answer of a witness in perspective, that's what I'm  
2 doing. And I think I'm entitled to.

3 (Judges deliberate)

4 [10.37.58]

5 MR. PRESIDENT:

6 Witness, you may respond to that question, if you recall the  
7 question itself.

8 MS. KHOEM BOEUN:

9 A. Yes, you just mentioned from the statement that I was white  
10 and Im Chaem was black. I myself, did not determine that I was  
11 white or that she was black. In fact that statement was put to me  
12 by the investigator and that investigator said people used that  
13 phrase. And so for that reason I cannot provide any further  
14 comment on this statement.

15 BY MR. KOPPE:

16 Q. I understand. It's difficult to answer a question about  
17 yourself, but let me rephrase the question, Madam Witness. Were  
18 you, in the time that you were commune chief and later district  
19 person, a kind person, a kind person to the people that you were  
20 leading?

21 [10.39.30]

22 MS. KHOEM BOEUN:

23 A. Personally, I wanted everything good. However, I cannot say  
24 about the perceptions of other people. Personally I believed I  
25 was good.

1 Q. And if you say, "personally I believed I was good", how did  
2 that translate into your actions and your behaviour between  
3 seventy-five and seventy-nine? What was it that you did for which  
4 you now say that you were good?

5 A. Allow me to respond to that question. From 1975 to 1977, and  
6 of course I cannot recall every event, and currently I have poor  
7 vision and hard hearing. What I said that I considered myself a  
8 good person because I organised people into various units in my  
9 commune, namely men's unit, women's unit, children's unit and  
10 youth unit, and I myself went to talk to the people directly to  
11 resolve the issues with the people there and to provide them with  
12 food as I could afford it, including pork, beef or chicken. And I  
13 had generosity and pitiness (sic) on my people, and that was my  
14 good deed to them.

15 [10.41.45]

16 Q. Following up on your answer, Madam Witness, in your statement  
17 to the OCIJ, in answer 141, you said the following, and I will  
18 quote you and then ask you a question.

19 "There was an election to select a good cooperative chairperson  
20 in the village, to find a good person. After the villagers had  
21 agreed to select someone I appointed that person to be a  
22 chairperson. I was authorised to remove bad or uncivilised  
23 cooperative chairpersons and make them become ordinary people  
24 again. The cooperative chairpersons were normally selected from  
25 the ordinary people." And my question to you is: can you give us

28

1 an example of a bad or uncivilised cooperative chairperson that  
2 you, in your duty, in your function, removed?

3 A. The chief of the cooperative had to be a good person and if  
4 the person was bad or uncivilised or hid food from the people in  
5 the cooperative, I would consider that person bad and I would  
6 remove that person and replace by somebody else

7 [10.43.35]

8 Q. And do you remember any concrete example of somebody that you  
9 removed because of bad behaviour, any cadre that you removed  
10 because of bad behaviour?

11 A. There were many, or there were several instances, however I  
12 cannot recall them all.

13 Q. I understand that it is difficult to remember a name, but do  
14 you remember a concrete action of a cadre that led you to the  
15 decision that this person should be removed because of bad  
16 behaviour to the people?

17 A. I simply cannot recall it. I forget all about it.

18 Q. Very well, Madam Witness. Now I would like to ask you  
19 questions about another District 105 cadre, and ask you what you  
20 remember of him, and that's a person called Pech Chim. What is it  
21 today that you remember about him?

22 [10.45.24]

23 A. I know Pech Chim but I do not recall any particular contact or  
24 dealings with him.

25 Q. Do you remember anything about his political stance, anything

1 about his ideas and thoughts, and also actions in the Democratic  
2 Kampuchea time period?

3 A. No, I cannot recall it. I know him and from his appearance he  
4 was a humble person and not a mean one.

5 Q. Was he a kind, or as opposed to black, white person like you?

6 A. I only recall that he was a humble person and not a mean one.  
7 Here I refer to the period that I knew him.

8 Q. I will get back to Pech Chim later, Madam Witness. Now I would  
9 like to ask you some questions about a person named Saom. You  
10 spoke also about him to the investigators, more specifically in  
11 question and answer 58 of your statement, and I will read that to  
12 you. The question is: "At the time who was Sector 13 committee?"  
13 And you answer: "At the very beginning Ta Mok and Uncle Saom were  
14 Sector 13 committee. Uncle Saom might have been Sector 13  
15 secretary because he was always the speaker and decision maker  
16 during meetings." Do you recall having said that to the  
17 investigators?

18 [10.48.16]

19 A. Yes.

20 Q. What else do you remember about Saom?

21 A. I don't have any particular recollection about him, as it  
22 happened quite a long time ago.

23 Q. I understand. Madam Witness, I would like to read an excerpt  
24 to you from a document, which is E3/1682, English ERN, 00819074 -  
25 5; French, 00842928, French; and Khmer, 00013961. It is a



30

1 document which is a confession of Chou Chet, probably given  
2 during his detention in S-21, and I would like to read a specific  
3 passage to you.

4 MR. PRESIDENT:

5 The International Deputy Co-Prosecutor, you have the floor.

6 [10.49.56]

7 MR. DE WILDE D'ESTMAEL:

8 Thank you, Mr. President. I could not find this document nor on  
9 the list that was given to us last week among the documents that  
10 had to be presented to this witness, nor on the interface today.  
11 So I'm asking myself questions about the Defence's desire to  
12 surprise the Chamber as well as the Parties. And on top of that,  
13 to quote an excerpt from confessions, I don't know which excerpt  
14 is going to be quoted, but insofar that this is about what Chou  
15 Chet allegedly said under torture, we cannot accept this. If the  
16 point is to quote what interrogators may have relayed, or  
17 annotations, it's something else. But first of all there is a  
18 question of principle. There is an obstacle, which is the  
19 principle of an adversarial hearing. This document was not  
20 communicated to us, so we are again facing a surprise, which is  
21 very unpleasant, especially in an adversarial hearing that is  
22 supposed to be respectful of all Parties. So I object to using  
23 this document.

24 [10.51.14]

25 MR. KOPPE:

31

1 Mr. President, the Prosecution is right, I apologise. I thought  
2 it was on our interface list. May I suggest that I leave this  
3 question to after the lunch break in order for all Parties to be  
4 able to study this document well? It has already been discussed  
5 already last week and the week before, so I presume the  
6 Prosecution is aware of the document. But it is -- something went  
7 wrong by putting it -- by not putting it on the interface. So, I  
8 concede deferring, that is my suggestion, the question to after  
9 the break, but of course I would still like to ask the question.  
10 (Judges deliberate)

11 [10.56.30]

12 MR. PRESIDENT:

13 Judge Lavergne, you have the floor.

14 JUDGE LAVERGNE:

15 Yes, thank you, Mr. President. Counsel Koppe the Chamber first  
16 would like to get clarification about this and to be sure we  
17 understand well what you want to do. Could you tell us if you  
18 intend to read out the content of Chou Chet's confessions, the  
19 confessions he gave at S-21, or do you only want to read out  
20 annotations that are on these confessions? And my second question  
21 is, regards the relevance of this question -- of this reading,  
22 given the fact that this morning you already put questions to the  
23 Witness with respect to Chou Chet and the existence of possible  
24 links between Chou Chet and Tram Kak district cadres, and the  
25 Witness answered to you that she did not know anything about

1 this.

2 [10.57.38]

3 MR. KOPPE:

4 Yes, I can answer both questions, Judge Lavergne. My intention  
5 was to read one specific passage from his confession, or from his  
6 statement and it's a part that is his description about the  
7 political stance or behaviour of Saom. Where he says that Saom  
8 was a too oppressive person within the sector. That is the  
9 passage I would like to read to the Witness.

10 JUDGE LAVERGNE:

11 Isn't this exactly the same topic that is discussed here -- that  
12 is to say, regarding the issue -- the question that you asked  
13 this morning to the Witness? So my question, what is the  
14 relevance of this question? I think she already answered your  
15 question in fact.

16 MR. KOPPE:

17 I would like to confront her with the statement of Chou Chet that  
18 Saom was a very oppressive and radical person, and my question  
19 would be whether she would agree with this, yes or no?

20 JUDGE LAVERGNE:

21 Well, listen Counsel, what is the relevance? She has said that  
22 she doesn't know and that she doesn't know any of the links at  
23 all, or the ties. Do you think she was in S-21 and attended the  
24 interrogation of Chou Chet?

25 [10.59.10]

33

1 MR. KOPPE:

2 I am not intending to ask her if she knows anything about the  
3 relation between Chou Chet and Saom, I want to ask her something  
4 -- what Chou Chet apparently said while in S-21, that Saom was an  
5 oppressive radical left wing, cultural revolution, kind of  
6 person. That's what I want to ask her.

7 (Judges deliberate)

8 [11.00.20]

9 MR. PRESIDENT:

10 Counsel Koppe, the Chamber would like to inform you that any  
11 questions based on the interview or record or statement as a  
12 result of torture may be prohibited in this Chamber. And in fact  
13 you sought clarification on this very matter from the Chamber.  
14 And we will issue our written decision likely next week to all  
15 Parties.

16 [11.01.10]

17 BY MR. KOPPE:

18 Yes, Mr. President, I am looking very much forward to that  
19 decision, but allow me to at least remark that our investigation,  
20 preliminary investigation, shows that there is no even prima  
21 facie evidence that Chou Chet was tortured. So, I think we have  
22 the same situation as referred to by the Prosecution yesterday.  
23 Reading from a statement for which there is no prima facie  
24 evidence of any torture. So, having said that I think I should be  
25 allowed to ask this very specific question to the Witness about

1 the behaviour and political views of Saom.

2 But I will move on to another topic, that is, Madam Witness, this  
3 morning you spoke about them already briefly, briefly on -- in  
4 relation to questions of Judge Lavergne, about a man called Sao  
5 Van, alias Sao Pok. This morning you testified that you did not  
6 recall clearly about him. I quote you. You said that he was in  
7 charge of the commune but that you did not know his position. You  
8 also said that he was in charge at the same time as you were and  
9 that you didn't know when his duties ended and that you worked  
10 together for a long time. That is my understanding of your  
11 testimony this morning. I would now like to read you an excerpt  
12 from his statement to the Investigating Judge and then I would  
13 like to ask you if this somehow refreshes your memory. Mr.  
14 President, I am referring to document E127/7.1.8, English ERN,  
15 00901568; Khmer, 00893275; and French, 00978647.

16 [11.03.31]

17 The investigators ask -- are asking Sao Van the following  
18 question.

19 "Prior to the Khmer Rouge era, 17 April '75, where did you live  
20 and what did you do?" And Sao Van, alias Sao Pok answers as  
21 follows.

22 Answer 1: "Prior to 1975, I farmed paddies at Srae Kruo village.  
23 I did not hold any administrative position. After the coup d'état  
24 in 1970, I got married in Trapeang Tuek village, Cheang Tong  
25 commune, and later I moved to live with my wife in Trapeang Tuek

35

1 village. Because I was formerly a student the Khmer Rouge front  
2 assigned me to be the Trapeang Tuek village chief in 1970. On  
3 January 1, 1971, I was assigned to work in the re-education  
4 committee of Popel commune in Tram Kak district. I would like to  
5 clarify that Cheang Tong commune, Tram Kak district was liberated  
6 area during that time and the Khmer Rouge assigned me to be the  
7 commune chief. After 17 April '75, I was assigned to be the  
8 Kampong Svay commune committee, Kien Svay district in Sector 25,  
9 the Southwest Zone."

10 [11.05.00]

11 Madam Witness, having heard the answer of Sao Van to this  
12 question from the Investigating Judge investigators, does it  
13 somehow refresh your memory about Sao Van?

14 (Short pause)

15 [11.05.46]

16 MR. PRESIDENT:

17 Madam Khoem Boeun, please give your response to the question.  
18 Could you hear the question?

19 MS. KHOEM BOEUN:

20 A. Yes, I could hear it. I recall that he was removed but I do  
21 not recall when he was removed.

22 BY MR. KOPPE:

23 Q. Is what I read to you accurate? Do you know that he in fact  
24 held these positions I just described to you?

25 [11.06.35]

1 MS. KHOEM BOEUN:

2 A. I could not get your question clearly. I had a difficulty in  
3 hearing so could you speak louder?

4 Q. I read his answer to you, and in his answer he described the  
5 various positions that he held. And my question to you is whether  
6 you remember -- whether you know that it is accurate, what Sao  
7 Van said about his positions?

8 A. Yes, that is correct.

9 Q. More specifically, he refers to his work at the re-education  
10 committee of Popel. Do you remember or do you know whether your  
11 husband knew Sao Van?

12 A. Yes, he knew, but I -- for me I do not know that he worked in  
13 Popel commune.

14 [11.08.00]

15 Q. And my last question; having read his background, does it  
16 somehow jog your memory? Do other things come back as to the  
17 person and policies of Sao Van?

18 A. Yes, I knew him. We used to work together but I did not know  
19 that he went to work in Popel commune.

20 Q. Very well. What I would like to do now, Madam Witness, is  
21 reading to you a quite long, I must say, excerpt from the  
22 testimony of Pech Chim, one week and a half ago. I will read it  
23 to you; it might take a minute or two. I will read slowly. I have  
24 given the interpreters the exact passages, so if everything goes  
25 well they can read along. And what I would like to ask you is to

1 listen to me for about 10 minutes and then I will ask questions.

2 Is that okay?

3 [11.10.06]

4 MR. PRESIDENT:

5 Madam Khoem Boeun, please give your response, please.

6 MS. KHOEM BOEUN:

7 A. I could not hear the question well. That is why I was silent.

8 BY MR. KOPPE:

9 Q. I hadn't really asked you a question yet about the content,  
10 but I told you Madam Witness that I'm going to read a passage  
11 from Pech Chim's testimony that will last about 10 minutes. Is  
12 that all right?

13 MS. KHOEM BOEUN:

14 A. Yes, it's all right.

15 [11.10.53]

16 Q. Mr. President, for the Parties, this is E1/292.1; it's his  
17 testimony on 24th April of this year. It starts at 9.37 and it  
18 ends at 10.04. I will select a few excerpts and then ask the  
19 reaction of the Witness.

20 By means of introduction, Madam Witness, I have -- I am putting  
21 before Mr. Pech Chim a statement of Sao Van, and I am asking Mr.  
22 Pech Chim his reaction. And now I start reading. And I start  
23 reading at 09.37.50.

24 So, the question Mr. Pech Chim to this cadre, which is Sao Van,  
25 is as follows:



1 "Question 5: As the Kampong Svay commune chief, did you receive  
2 an order from the upper echelon to arrest people?" End of quote.

3 "Answer: As part of the Kampong Svay commune committee, I did not  
4 wish to harm anyone who did something wrong, but the commune  
5 level had the right to report to the upper echelon. I had rights  
6 to report to the upper echelon; for example, when people did not  
7 have enough rice to eat, or when they produced only two tonnes of  
8 rice per hectare. With this regard, Grandfather Mok issued an  
9 order that the commune, district and sector levels did not have  
10 the authority to make arrests or kill people."

11 [11.13.00]

12 "Question: What levels did the commune level have rights to  
13 report to?"

14 "Answer: The commune level had rights to report to the district  
15 level, but in order to make a report about a person, the commune  
16 committee of five to seven members had to hold a meeting, to have  
17 an agreement before making the report to the district level."

18 "Question: Grandfather Mok said that the district and sector  
19 levels did not have the authority to kill people. Why were many  
20 people killed in the district and the sectors?"

21 Sao Van in his statement answers: "I did not know either about  
22 the implementation, but I recall Grandfather Mok's remarks  
23 clearly."

24 "Question: Was Grandfather Mok in the zone committee?"

25 "Yes he was," is the answer of Sao Van.

1 [11.14.06]

2 Madam Witness, and then I tell Mr. Pech Chim that now the  
3 important part of Sao Van's statement comes, and I quote again.  
4 "When did Grandfather Mok make this announcement?" Answer of Sao  
5 Van: "Grandfather Mok made this announcement prior to 1975,  
6 during a wrap up meeting held annually in the forest,  
7 participated by the commune, district and provincial committee  
8 and the regiments. After 1975, there was another meeting in the  
9 provincial town of Takeo, in the presence of Grandfather Mok and  
10 Saom, who was in the Sector 13 committee, announced that soldiers  
11 with the ranks from second lieutenant to colonel were not to be  
12 harmed."

13 [11.15.00]

14 Question, again to Sao Van: "You meant that soldiers from the  
15 ranks of second lieutenant to colonel were not arrested?"  
16 "Answer: I did not know because implementation was varied from  
17 sector to sector."

18 Now these excerpts from Sao Van are put by me to Mr. Pech Chim,  
19 and Mr. Pech Chim answers as follows, that is shortly before  
20 9.43.

21 Mr. Pech Chim, quote: "I only attended the meeting after 1975,  
22 behind the Party office where Ta Mok also attended. And the  
23 meeting that was held in the forest I did not attend. Maybe it  
24 could have been Khom attending the meeting, it was hardly  
25 possible to convene the meeting of all members."

40

1 My question to Pech Chim: "I understand, so I will focus on that  
2 second meeting in the provincial town of Takeo. This cadre talks  
3 about after 1975."

4 And his answer: "In Takeo it was after the liberation. In Takeo  
5 province the meeting was held after 1975. It was held in one of  
6 the houses along the river edge, north part of the provincial  
7 town. That was the learning session over there and the sector  
8 committee and the district committee including the military  
9 committee attended."

10 Question, sorry answer: "The meeting held in Takeo took place  
11 after the meeting in Phnom Penh."

12 [11.16.55]

13 Further down, 9.46, question: "But do you confirm the statement  
14 of this Southwest Zone cadre, who told the investigators that Ta  
15 Mok announced that soldiers with the ranks from second lieutenant  
16 to colonel were not to be harmed? Do you confirm this Southwest  
17 Zone's cadre's statement?" And then, Madam Witness, Pech Chim  
18 answers: "Yes, that is correct. But I can confirm the statement  
19 that that was the announcement at that time."

20 My question to Pech Chim: "Do you remember if any other cadres  
21 from District 105 were present at this meeting? More specifically  
22 do you remember if Boeun was present at this meeting as well?"  
23 Pech Chim answers, "Yes," -- a little further down, "Yes that's  
24 correct, the woman. For that Boeun was present in the meeting in  
25 Takeo."

41

1 [11.18.02]

2 Then Pech Chim goes on to answer: "Approximately 50 to 60 people.  
3 They were representatives from the military, from the base, there  
4 was no one representing the department because Ta Mok attended  
5 himself, and as for the military they would convene, they would  
6 invite the commanders from the regiment or division to come and  
7 they also extended the invitation to the district and commune,  
8 but to some communes only, not all of them. They were of similar  
9 rank, but there were different tasks designated to them, that's  
10 why certain communes attended and others did not."

11 I think I will pause here because it's a long excerpt that I have  
12 been reading. My first question to you Madam Witness, do you  
13 remember attending this meeting after liberation in 1975, in  
14 Takeo provincial town, which both Sao Van and Pech Chim attended  
15 and that you apparently also attended. Do you remember this  
16 meeting?

17 [11.19.21]

18 A. It appears that I do not recall that I was in the meeting, and  
19 I also do not recall that second lieutenant to colonel, were not  
20 mistreated.

21 Q. There is double negation in your answer. Can you repeat your  
22 answer, please?

23 A. I may not recall what you have just read.

24 Q. So you're not recalling the meeting, is that what you are  
25 saying?

1 [11.20.35]

2 A. I did not recall the meeting.

3 Q. Could it be possible, I mean you have -- it's a long time ago,  
4 could it be possible that Pech Chim was right and you did attend  
5 such a meeting in Takeo provincial town after '75?

6 A. I attended a meeting or meetings but I do not recall that  
7 there was an announcement from Ta Mok regarding the soldiers.

8 Q. But both Sao Van and Pech Chim refer to a very specific  
9 meeting in Takeo provincial town. Let's start there. He's also  
10 describing a specific place of the meeting. Maybe you can try to  
11 remember. Probably the meeting took place in May, June, July '75.  
12 Do you remember such a meeting? Does it come to your memory if  
13 you think well?

14 A. I may have been at the meeting but I did not recall what was  
15 discussed.

16 [11.22.29]

17 MR. PRESIDENT:

18 You may proceed, Co-Prosecutor.

19 MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President. I was going to say that it is a  
21 repetitive question, because the witness answered the question  
22 very clearly, but she answered before I raised my objection.

23 BY MR. KOPPE:

24 Q. Let me read some more details from Pech Chim's statement,  
25 maybe that will jog your memory, Madam Witness. Mr. President,

1 same document -- that is at 9.48. Question to Pech Chim, Madam  
2 Witness. "Do you remember roughly how many people attended this  
3 meeting?" Pech Chim's answer: "Approximately 50 to 60 people.  
4 There were representatives from the military, from the base,  
5 there was no one representing the department because Ta Mok  
6 attended himself, and as for the military they would convene,  
7 they would invite the commanders from the regiment or division to  
8 come and they also extended the invitation to the district and  
9 commune, but to some communes only, not all of them. They were of  
10 a similar rank, but there were different tasks designated to  
11 them, that's why certain communes attended and others did not."  
12 And then I asked the question at 9.40 --9.54, excuse me.

13 [11.24.24]

14 The question, to Pech Chim, Madam Witness, whether he remembers  
15 anybody being present. He said, Pech Chim, and I quote: "I only  
16 recall that there was Ta Mok, Phen, Saom, and on that day Khom  
17 did not attend. He had asked for leave to visit his family. And  
18 at the sector level it was Sector 13 and I do not recall others.  
19 Meas Muth was not there but Ren was there. And Run (phonetic) was  
20 there as well, but his alias was, Zero Five."

21 [11.25.03]

22 And then my last question to Pech Chim in relation to the  
23 meeting, and I quote, and that is at 9.56: "You confirmed that it  
24 was Ta Mok who spoke and it was Ta Mok who gave the instruction  
25 in relation to ranking officers. Did Saom himself also speak?"

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1 Answer of Pech Chim: "Whenever Ta Mok spoke, Saom did not speak.  
2 Only when Ta Mok did not say anything, then he would explain.  
3 That was the rule and the working procedure: if the senior, if  
4 the superior spoke, then the subordinate must not speak, so Saom  
5 did not speak at that meeting." I've given a little more, some  
6 more details from Pech Chim's statement in relation to that  
7 meeting, and again my question, I realise it's a long time ago  
8 Madam Witness, does it somehow jog your memory?

9 [11.26.06]

10 MS. KHOEM BOEUN:

11 A. I do not recall it.

12 Q. Very well. Thank you, Madam Witness. I have some more minutes;  
13 I would like to ask you about, some questions about minor  
14 offences and serious offences. You gave testimony, Madam Witness,  
15 to the investigators of the Co-Investigating Judge, questions 151  
16 and 152. These are questions about sexual offences.

17 The question is as follows: "You specified two types of minor and  
18 serious crimes, and serious crimes included sexual rape. In terms  
19 of punishment how were the victims and the perpetrators  
20 punished?" And you answered: "The victim was not punished; only  
21 the rapist was punished." Question: "When we talk about the term  
22 rape, that is the act of forcing someone by violence to have  
23 sexual intercourse, did you mean this?" Your answer: "Yes, in  
24 cases of a man raping a woman and the woman did not consent, the  
25 man was punished while the woman was not."

1 Do you remember, Madam Witness, giving this answer to the  
2 investigators?

3 [11.27.43]

4 A. Yes, I gave such a statement to the investigator.

5 Q. Do you recall whether, in your commune while you were chief,  
6 you ever sanctioned, or somebody was ever sanctioned for a sexual  
7 offence? Do you remember any concrete example?

8 A. There was no punishment happening in my commune, but there was  
9 such a rule or law in my commune.

10 Q. Do you remember, or do you know, whether this rule was ever  
11 enforced against sexual perpetrators within other communes within  
12 the district?

13 (Short pause)

14 [11.29.24]

15 A. I do not get the question. Could you repeat it?

16 Q. I asked you for specific examples of people who were punished  
17 in your commune for sexual offences; you said you did not know  
18 any examples. My question is, do you know any examples from other  
19 communes within District 105?

20 A. There may be instances where punishment was imposed. As for  
21 the punishment, in Popel, there was a rape case and the rapist  
22 was -- his head was shaved, and shaved and to make, to shave his  
23 hair and to have a crossed marked on his head. And this man was  
24 walked around the commune.

25 Q. Let me get back to your commune, Madam Witness. Yesterday we



1 spoke about the family, and the family of Mom Boeun and Meas Kun.

2 You might recall that. Do you remember Mom Boeun the husband of

3 Meas Sarat?

4 [11.31.15]

5 A. Yes, I know him.

6 Q. Do you know anything, do you remember anything about

7 allegations against him of raping a New Person, a female New

8 Person named Khorn in a place Ou Svay Chek?

9 A. I forget it. I do not recall it.

10 Q. Mr. President I think this is a good moment to pause.

11 MR. PRESIDENT:

12 Thank you very much, Counsel. It is now time for lunch break and

13 the Court will take a break, a short break from now until 1.30.

14 Madam Khoem Boeun, it is now the lunch break so you can take a

15 short break during this period. And the resumption of hearing

16 your testimony will start from 1.30. And I instruct you and your

17 duty counsel to be present at your place before that time.

18 Security personnel are instructed to bring Mr. Khieu Samphan to

19 the waiting room downstairs and return him to the courtroom

20 before 1.30, this afternoon.

21 The Court is now in recess.

22 (Court recesses from 1133H to 1334H)

23 MR. PRESIDENT:

24 (No interpretation)

25 -- and she is informing the Parties that since Tuesday, 5 May,

1 until the end of the week, Judge Fenz will not be able to sit for  
2 health reasons.

3 After having spoken to the Judges of the Trial Chamber, the  
4 Chamber is appointing Judge Karopkin to replace Judge Fenz until  
5 she will be able to assume her duties at the Trial Chamber,  
6 pursuant to Rule 79 of the Internal Rules, the decision was  
7 taken.

8 The Chamber now gives the floor to the defence counsel.

9 [13.35.54]

10 BY MR. KOPPE:

11 Thank you, Mr. President. Good afternoon, Your Honours.

12 Q. I have a few rounding up questions to you, Madam Witness. Are  
13 you there?

14 Before the break --

15 MS. KHOEM BOEUN:

16 A. Yes, indeed.

17 Q. Madam Witness, before the break, we spoke about you and also  
18 about Pech Chim, as being respectively kind and humble  
19 revolutionary cadres. I have a follow-up question on this topic.  
20 Have you -- what can you tell us about the 12 revolutionary moral  
21 principles of the CPK? What is it that you remember of it?

22 A. I do not remember these 12 commandments of the CPK.

23 [13.37.25]

24 Q. I can understand that you don't remember them all. But do you  
25 remember that between 1975 and '79, you tried to abide by these

1 12 principles, that you tried to live up, or that you tried to  
2 act according to these 12 revolutionary principles?

3 A. Yes, indeed. These 12 commandments existed indeed, but I  
4 cannot tell you what their exact scope was.

5 Q. I understand, Madam Witness. Let me assist you a bit. Do you  
6 remember one of the 12 revolutionary principles that stipulated  
7 that cadres should not behave in any way that violates women?

8 A. Yes, I do remember that commandment.

9 [13.38.55]

10 Q. And do you remember whether you ever at one point read about  
11 these 12 revolutionary principles in one of the "Revolutionary  
12 Flags"?

13 A. No, I don't remember having read such an issue of  
14 "Revolutionary Flag". I read the different articles, but I don't  
15 remember when I read about this commandment in particular.

16 Q. Do you maybe remember any other terms that in relation to this  
17 specific principle, guidance was also given as to what the points  
18 were, relating to the setting up of a family, marriage, et  
19 cetera? Do you remember anything about marriage policy in  
20 connection with this revolutionary principle?

21 A. I don't understand your question.

22 Q. I understand. It was a little poorly formulated. Let me  
23 rephrase.

24 Do you know whether the issue of family and marriage was  
25 connected to the revolutionary principle of not violating women?

1 A. Yes, I understand your question now.

2 [13.41.45]

3 Q. In other words, the treatment of women was connected to the  
4 Party's policy on setting up a family; is that correct?

5 A. Yes, that is true.

6 Q. And is it correct that there are -- there were two principles  
7 in -- that there were two principles in relation to family and  
8 marriage: First, that both parties agree; and second, that the  
9 collective agrees, and then that -- the marriage would be done?

10 MR. PRESIDENT:

11 Witness, please hold on for a little while. The Deputy  
12 Co-Prosecutor has the floor.

13 [13.43.04]

14 MR. DE WILDE D'ESTMAEL:

15 I understand the Defence's question, and I'm asking myself  
16 questions in fact in relation to that question. The witness spoke  
17 about the fact that she remembered that there were commandments,  
18 and -- but she didn't remember the exact contents of these  
19 commandments. And here the question that is put to her which is  
20 in fact suggesting the answers that you should provide. So  
21 therefore, the question somehow already accepts the fact that the  
22 commandments already existed with respect to marriage. And I  
23 don't believe I heard the witness speak about this specifically.  
24 So therefore, I think we -- preliminary questions should be put  
25 with regard to the content of the commandments, or at least the

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1 contents of some of the commandments before jumping to  
2 conclusions, and leading the witness to make conclusions on the  
3 basis of things that have not been determined beforehand. I don't  
4 know if I'm clear, but in any case I have issues with the  
5 methodology here.

6 [13.44.07]

7 MR. KOPPE:

8 Mr. President, I think I asked the question to the witness  
9 whether she remembers one of the 12 principles being not  
10 violating females in any way. She concurred -- she agreed. And  
11 then I asked some follow-up questions. And now, I am asking  
12 questions about the link between this specific revolutionary  
13 principle and the policy of setting up a family. So I think I've  
14 -- I laid the foundation for these questions, and I think the  
15 last specific question, this witness should be able to answer.

16 (Judges deliberate)

17 [13.45.43]

18 MR. PRESIDENT:

19 Counsel Koppe, please rephrase your last question. The question  
20 has -- poses a risk of being a leading question. So could you  
21 please rephrase your question in another way?

22 BY MR. KOPPE:

23 Q. Madam Witness, was the policy of family and marriage connected  
24 to the sixth revolutionary principle not to behave in any way  
25 that violates women?

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1 MS. KHOEM BOEUN:

2 A. I don't understand the sixth revolutionary commandment. I  
3 don't in fact remember it at all.

4 Q. Let me rephrase. Let me ask the question completely different.  
5 Was the marriage and family policy of the CPK based on two  
6 principles: First, that both parties agree to the marriage; and  
7 second, that the collective agrees; and if that is the case, then  
8 two people could get married?

9 A. Yes, that is true.

10 [13.48.03]

11 Q. My final question: Does this marriage or family policy follow  
12 from the revolutionary principle that says, "Do not behave in any  
13 way that violates women"?

14 (Short pause)

15 [13.49.12]

16 MR. PRESIDENT:

17 Ms. Khoem Boeun, did you hear the question?

18 Ms. Khoem Boeun? Apparently there are some technical issues here.

19 (Technical problem)

20 [13.50.22]

21 MR. PRESIDENT:

22 Ms. Khoem Boeun, hello.

23 MS. KHOEM BOEUN:

24 Yes, Mr. President.

25 MR. PRESIDENT:

1 Can you please listen to the questions and try to answer them?

2 MS. KHOEM BOEUN:

3 Yes, of course.

4 BY MR. KOPPE:

5 Did you hear my last question or should I repeat it for you?

6 MS. KHOEM BOEUN:

7 A. Please repeat the question since I couldn't hear you well. And  
8 your question was rather complicated because as you know, I don't  
9 have a very high level of education. So, could you please  
10 simplify your question?

11 [13.51.26]

12 Q. I will do my very best, Madam Witness.

13 The policy of the Party in relation to marriage was based -- was  
14 that based on two principles: First, both parties agree; second,  
15 the collective agrees? I believe you said yes. My follow-up  
16 question: These two principles, do they follow from the  
17 revolutionary commandment that women -- that you should not  
18 behave in any way bad to women?

19 A. Yes, that's true.

20 Q. Thank you, Madam Witness. I will move on to a point related to  
21 those 12 revolutionary principles. And I would like to read to  
22 you from a "Revolutionary Flag" from July 1978. Mr. President,  
23 that is E3/746; English, ERN 00428304, 305; French, 00611886; and  
24 Khmer, 0064504 until 5.

25 [13.53.24]

1 Madam Witness, I'm reading something now to you from the  
2 "Revolutionary Flag" and it deals about the selection of members  
3 of cooperative committees -- the characteristics that these  
4 people should have in order to become a member. They must have  
5 staunch revolutionary stance in terms of the political line of  
6 the Party. They must have a staunch revolutionary stand in terms  
7 of the Party's lines in organising leadership and carrying out  
8 work. And -- and now I'm quoting literally -- "They must be most  
9 vigilant about the stances and attitudes of carrying out work in  
10 bureaucratic, mandarin, authoritarian, militaristic, liberal,  
11 single-minded (aekachet), styles, the styles of taking no  
12 responsibility for anything vis-à-vis the Party, the revolution,  
13 and the people".

14 Madam Witness, this instruction, this guideline as to  
15 characteristics of members of the committee, does it ring a bell  
16 with you? Do you remember this instruction?

17 A. Yes, this does ring a bell. It was necessary to choose leaders  
18 in the cooperatives who had good conduct and who would respect  
19 Angkar's discipline as you described. And I agree with you, but I  
20 don't remember the details because I have almost forgotten  
21 everything.

22 [13.56.10]

23 Q. I understand, Madam Witness. It's a long time ago. But do you  
24 remember maybe members of the cooperative who did not have these  
25 characteristics, who were bad people in the sense that they were



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1 bad revolutionaries? Do you have any -- do you remember any  
2 concrete examples?

3 A. I don't quite understand your question. Could you please  
4 rephrase it?

5 Q. Do you remember any examples of cadres within your commune who  
6 were "bureaucratic, mandarin, authoritarian, militaristic,  
7 single-minded"? Do you remember any of those cadres in your  
8 commune?

9 A. There were not very many of them. As I said, some people would  
10 eat secretly and they did not have a responsible attitude, but,  
11 however, they were not authoritarian.

12 Q. Let me maybe move on to a concrete example, an example which  
13 you can also find in one of the 12 revolutionary moral  
14 principles. And that is not to drink or use alcohol as a cadre.  
15 Do you remember the revolutionary principle not to drink in your  
16 time in the commune?

17 A. Yes, I do remember that.

18 [13.59.00]

19 Q. What would happen to a cadre if he was caught drinking  
20 alcohol?

21 A. Well, if ever they caught him off guard, he would be educated,  
22 and they would be threatened of being corrected or being  
23 dismissed, so that they would not continue with that kind of  
24 behaviour.

25 Q. Thank you, Madam Witness. I'll move on to another subject.

1 And, Mr. President, that is revisiting my earlier question before  
2 the break. I'm not sure yet if you have ruled already, however,  
3 what I would propose is that, at least I'd be able before you  
4 come with your final decision or with your decision to read the  
5 passage from Chou Chet's confession so that you know exactly what  
6 I'm talking about. So that we know which specific details of his  
7 confessions I would like to put before the witness. And I think  
8 now also all parties have been able to have a look at this  
9 document. So it's eight or 10 lines from this document which I  
10 would like to read and then, I would sit down and listen to your  
11 decision.

12 [14.00.51]

13 MR. PRESIDENT:

14 The Chamber actually ruled this morning that the content of the  
15 document as a result of torture cannot be used before this  
16 Chamber. And the full decision will be issued next week. And I  
17 expressly stated that in the morning. You also stated that --  
18 this morning that the International Co-Prosecutor quoted a part  
19 of a document. Anyhow, it was ruled, so please move on, Counsel.

20 MR. KOPPE:

21 Then I apologise; it's my misunderstanding. I thought there  
22 wasn't a formal ruling yet. But allow me to come back to this. I  
23 am fine with this witness not answering this question, but I  
24 would like to have that in the record at least the passage that I  
25 would like to have read to her. I don't think it is forbidden to

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1 formulate my question. And I think I would like to have in the  
2 record what it is exactly that I would have put to the witness.  
3 So I think I'm allowed to read that passage and then you -- the  
4 Chamber can stick with its decision that I cannot ask this  
5 question. However, I would like for the record to be very clear  
6 also for the appeal hearings the very specific question that I  
7 wanted to ask to this witness.

8 [14.02.39]

9 MR. PRESIDENT:

10 The International Deputy Co-Prosecutor, you have the floor.

11 MR. DE WILDE D'ESTMAEL:

12 Thank you, Mr. President. There is no need to read the passage in  
13 a document in regard to which we can't put any questions to the  
14 witness. That's the first point. Secondly, by reading a passage,  
15 Counsel would be attempting to influence the witness' answers by  
16 asking subsequent questions. I would request the Chamber not to  
17 fall into this trap and accept such a request.

18 MR. PRESIDENT:

19 The Chamber does not allow you to do that or to read an extract  
20 from a record or statement as a result of torture, and that's the  
21 end of it.

22 [14.03.48]

23 BY MR. KOPPE:

24 That's a very interesting ruling, but we still have S-21 to deal  
25 with, including the question whether torture was committed. But

1 that's not the point.

2 Q. Okay, Madam Witness, I will move on to the very last question.

3 There you are. And that is your husband who was in the Popel

4 commune. My question to you is -- he has come up already few

5 times in your testimony -- my question is: Did you ever discuss

6 with him your work in the commune, your decisions? And vice

7 versa, did he ever discuss with you his decisions, his policies,

8 et cetera?

9 MS. KHOEM BOEUN:

10 A. I don't fully understand your question. Please rephrase it.

11 Q. Put very simply, Madam Witness, did you ever speak to your

12 husband between '75 and '79 about your work at home?

13 A. As a husband and wife, we spoke to one another, we fought one

14 another, and that was typical nature. Of course, it was not a big

15 fight, but we had our personal opinions on various aspects,

16 including political aspects. Yes, we did speak to one another.

17 [14.05.56]

18 Q. And would you be able, in general terms, to say whether his

19 decisions, his policy in Popel commune were the same as yours or

20 corresponding with yours?

21 A. I cannot make a conclusion on this matter. However, in terms

22 of implementing the order or instruction from the upper echelon,

23 both of us would do it -- would implement it.

24 Q. But was there a difference between you and him in terms of

25 implementation of the policy? Was he doing it the same way as you

1 were?

2 A. I am unclear on that. As we did not meet very often during the  
3 regime, sometimes we met only once in a month. And we didn't  
4 spend much time discussing these matters.

5 [14.07.38]

6 Q. Okay. Thank you, Madam Witness. Last subject I would like to  
7 discuss with you. And that is the enemy situation or the defence  
8 situation in April, May, June 1977, two years after the  
9 liberation. Do you remember whether there was increased violence  
10 coming from the Vietnamese in the period March, April, May '77?

11 A. No, I cannot recall that as I was sick almost a year round in  
12 1977.

13 Q. So you won't be able to answer any concrete questions on enemy  
14 activity at the border in those months of '77; am I correct?

15 A. Yes.

16 MR. KOPPE:

17 Thank you very much, Madam Witness, for answering my sometimes  
18 difficult questions. Thank you.

19 MR. PRESIDENT:

20 The Chamber would like to hand the floor to the defence team for  
21 Khieu Samphan to put questions to this witness. You may proceed,  
22 Counsel.

23 [14.09.38]

24 QUESTIONING BY MR. KONG SAM ONN:

25 Thank you, Mr. President.

1 Q. Madam Witness, my name is Kong Sam Onn. I am a national  
2 counsel for Khieu Samphan, and I have some questions that I'll  
3 like to seek clarification from you.

4 In relation to your written record of witness interview -- that  
5 is, your interview, document E312/12.3.2 (sic), question/answer  
6 17, 18, and 19, you told the investigator of the Office of the  
7 Co-Investigating Judges and also you stated on the same matter  
8 yesterday when you answered to the question of the National  
9 Co-Prosecutor around 09.30. You stated that you never knew Mr.  
10 Khieu Samphan nor met him nor worked as his messenger. And my  
11 question to you is the following: Did you ever work as a  
12 messenger, say from 1970 to 1979?

13 MS. KHOEM BOEUN:

14 A. No, I never worked as a messenger as I had young children to  
15 take care of.

16 MR. PRESIDENT:

17 Counsel, please check the document number again. It should be  
18 E319 not E312.

19 [14.12.15]

20 BY MR. KONG SAM ONN:

21 Allow me to check it, Mr. President. My apology, Mr. President,  
22 the document is E319/12.3.2.

23 Q. Also, Madam Witness, on the same document at question/answer  
24 327, you stated that during the period -- the three years period  
25 of the Khmer Rouge regime -- did any senior ranking cadres -- and

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1 in parenthesis Khieu Samphan, Pol Pot, Nuon Chea, pay a visit to  
2 your area? And your reply is the following in A327: "None. Only  
3 Ta Mok did. Furthermore, no one knew Khieu Samphan, Pol Pot, and  
4 Nuon Chea." In relation to this extract, my question to you is  
5 the following: Do you confirm and stand by that statement?

6 MS. KHOEM BOEUN:

7 A. Yes, I confirm and stand by my statement.

8 [14.14.10]

9 Q. Thank you. Now I'd like to ask you about Ta Mok and his  
10 family. In the same document -- that is, your written record of  
11 interview at question/answer 55 and 56 -- and allow me to quote  
12 these two question/answers:

13 Question: "Did you know Ta Mok?"

14 Answer 55: "Yes, I did. Ta Mok travelled around looking after  
15 work in the cooperatives and communes."

16 Question: "Did you personally know him?"

17 Answer 56: "Yes, I personally knew him. Sometimes, he came to see  
18 the cooperative kitchen, and he asked the people whether they ate  
19 enough or not. Ta Mok visited every site. I met Ta Mok." End of  
20 quote.

21 Do you stand by your statement that I just read out?

22 A. Yes, I do.

23 [14.15.52]

24 Q. Thank you. Did you know Ta Mok went to various other worksites  
25 within the area?

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1 A. I only knew that he came to my area.

2 Q. Thank you. In the same interview at question/answer 61, you  
3 state -- and I quote: "I no longer saw Ta Mok about a year before  
4 fleeing the 'Yuon' because he went to work at different site, but  
5 I did not know where he was." Do you still stand by that  
6 statement of yours?

7 A. Yes, I do.

8 Q. Thank you. Did you ever hear a phrase that was used that,  
9 "above Mok" -- "Mok's head, there was a head and above the head,  
10 there was a sky"?

11 A. No, I have never heard that expression.

12 Q. Thank you. Regarding your role or position during the period  
13 of Democratic Kampuchea and as you have stated that you were a  
14 commune chief at the beginning of the regime and you then worked  
15 at the district level towards the end of the regime. And I have  
16 some questions regarding your position at the commune level.

17 [14.18.37]

18 You stated that you attended meetings at the sector level -- that  
19 is, Sector 13. And you made that statement in your written record  
20 of interview at question/answer 82 of the same document that I  
21 quoted earlier. And you stated that for the -- you asked whether  
22 any senior cadres from Phnom Penh attended the meeting and you  
23 answer, 82 with "No cadres of the Centre came to attend those  
24 meetings". And Madam Witness, do you still stand by that  
25 statement?



1 A. Yes, I do. It is correct.

2 Q. Thank you. Did you ever see Ta Mok attend meetings at the  
3 sector level?

4 A. Yes, I did.

5 Q. Thank you. In your same interview at question/answer 85, and  
6 you were asked the following question -- and I quote:

7 "Were the meeting outcomes disseminated to the Centre level?"

8 Answer 85: "I did not know whether or not they reported them to  
9 the Centre." End of quote.

10 And Madam Witness, do you still stand by that statement as  
11 correct?

12 A. Yes, it is correct.

13 [14.20.55]

14 Q. In your response to Question 146, you stated that it was sent  
15 to the district and that you did not know whether the district  
16 forwarded it to the upper echelon or not. And do you still stand  
17 by that statement?

18 A. Yes, it is correct.

19 Q. On the issue of agriculture -- and there has been a lot of  
20 discussions on this very matter -- that is, on the issue of  
21 producing three tons of rice yield per hectare -- did you know  
22 about the policy of rice produce of three tons per hectare per  
23 year? Rather three tons of rice yields per hectare -- can you  
24 tell the Chamber from whom you heard about this policy?

25 A. The plan of producing three tons of rice yield per hectare, I

1 received that instruction from the district. So we tried to use  
2 more fertiliser in a rice field in order to achieve that outcome.

3 [14.23.01]

4 Q. And who actually at the district level gave you that  
5 instruction, if you can recall?

6 A. I cannot actually remember well. It could be -- it was at the  
7 time of Ta Chay or Ta Kit.

8 Q. Thank you. On the issue of urgent meetings as you were asked  
9 by the OCIJ investigator in Question 160, you said that there  
10 were various kinds of urgent meetings. And let me quote: "[...] For  
11 example, when there was abundance of rice in my commune, the  
12 impoverished commune immediately called for me to share the  
13 abundant rice to the commune where rice was lacking." Can you  
14 tell the Chamber whether your commune had a lot of surplus?

15 A. No, there was not much surplus. However, if you compare the  
16 produce in my commune to other communes, we did have more rice as  
17 our rice was sent through other communes.

18 [14.24.45]

19 Q. Thank you. Also in your same written record of interview at  
20 question/answer 83, you stated that -- and I quote -- when you  
21 were asked about what happened in the village, you said: "When  
22 any event happened at the base, village, or commune, the village  
23 reported it to me. And if I could not sort it out, I had to refer  
24 it to the upper echelon. Besides this, they talked only about  
25 lack of food at the cooperatives and how we had to grow other

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1 supplementary crops for food. Additionally, if anyone misbehaved,  
2 we had to send them to the upper echelon, but I did not send very  
3 many." End of quote. And Madam, do you still stand by your  
4 statement?

5 A. Yes.

6 Q. On some matters that you made your own decisions; am I correct  
7 in saying that?

8 A. No, that's not the case.

9 Q. Allow me to rephrase my question, in case that you found it  
10 difficult to understand. In your Answer 83, you talk about the  
11 reporting to the upper echelon, and that certain matters, you  
12 resolved them by yourself. So, my question to you was that you  
13 made certain decisions on certain issues, and that you did not  
14 have to report those issues to the upper echelon. Is my  
15 understanding correct?

16 A. Yes, it is.

17 [14.27.25]

18 Q. Thank you. Now I move to the time period when you worked at  
19 the district. In that same document of your interview at  
20 question/answer 275, 276 and 277, and allow me to quote from 275  
21 as follows:

22 "Ta Sarun appointed me district committee. There was no actual  
23 appointment; he just told me to help the district work, because  
24 San was working alone. Furthermore, it just to help supervise the  
25 tailoring women. There was no written appointment. For example,

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1 during a meeting, they told us, 'You do this. You are transferred  
2 from here to that place.' Ta Ran said, 'Go help San, because San  
3 is alone.' Ta Ran might have received an order from the upper  
4 echelon too."

5 Question: "The sector echelon came to tell you to be district  
6 committee, and the sector might have received an order from the  
7 upper echelon. Do you think that the decision to appoint you on  
8 the district committee came from the Centre in Phnom Penh?"

9 Answer 276: "No, it came from the sector."

10 Question: "Could the sector level appoint the district level  
11 people without discussion with the Zone?"

12 Answer 277: "I do not know." End of quote.

13 Madam, do you still stand by the statements that I've just read  
14 out?

15 A. Yes, I do. It is correct.

16 [14.30.12]

17 Q. Thank you. You said to the Co-Investigating Judges as well as  
18 during the hearing itself yesterday, with regard to your  
19 appointment at Tram Kak district, you said that you had been  
20 appointed in October 1968 -- '78. This is in your written record  
21 of interview at question/answer 30 and 31, and this involves an  
22 exception. Can you explain this notion of exception to the  
23 Chamber at questions 30 and 31 of your written record of  
24 interview?

25 A. I don't remember very well, but there was an exception for

1 those who had committed minor offences, and these people had to  
2 be released. This is what I said.

3 Q. You say that these people had to be released. What do you mean  
4 by that? Do you mean that those who had committed minor offences  
5 had to be released?

6 A. What I mean by "exception" is forgiving, forgiving those who  
7 had committed minor offences. And I can't really understand this  
8 idea in depth. I simply believe that sometimes exceptional  
9 measures were taken.

10 [14.32.55]

11 Q. Thank you. How long did you stay in Tram Kak, because you told  
12 us that you were appointed in October 1978, so I'd like to know  
13 how long you remained in Tram Kak?

14 A. I was there until the Vietnamese arrived, and then I escaped  
15 to the jungle.

16 Q. Do you remember the date? Did you leave before 7 January 1979,  
17 or how much time before, or how much time after that date?

18 A. I don't really remember specifically, but I know that I left  
19 Tram Kak when Takeo was bombed. I don't remember exactly which  
20 month it was.

21 Q. Thank you. Now, with regard to question/answer 69 -- and I  
22 quote:

23 "Did you go to the Sector 13 office when you were commune chief,  
24 or when you were district committee?"

25 Answer: "I went there when I was commune chief, and I never went

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1 there when I was district committee because the Vietnamese were  
2 attacking and approaching, and there was turmoil. So I could not  
3 go to the meetings there."

4 Well, I would like to ask you if you stand by your answer?

5 A. Yes, I do. I indeed stand by that answer.

6 [14.35.20]

7 Q. Thank you. I now would like to put questions to you regarding  
8 the "Revolutionary Flag" issues. In your written record of  
9 interview at Question 121 -- and I quote:

10 "As a commune chief, did you ever have to do any propaganda on  
11 the "Revolutionary Flag" issues that appeared back then?"

12 Answer -- this is your answer: "I did not know about those  
13 magazines. I am not sure if the upper levels published magazines,  
14 but there were no magazines at my level."

15 So, I'd like to know if your -- what you say here is correct, and  
16 if you stand by it?

17 A. I was not aware of the existence of these "Revolutionary Flag"  
18 magazines.

19 [14.36.46]

20 Q. And when you were part of the district committee, did you ever  
21 see issues of "Revolutionary Flag"?

22 A. Yes, but I did not know the content.

23 Q. When you said that you had seen these issues, does that mean  
24 that you read them, or you just simply saw them?

25 A. No. I never read these issues, or in any case not in detail. I

1 perused them, because I had a lot of things to do. I was very  
2 busy. I had to work on farming the land.

3 Q. Thank you. Now I would like to turn to another topic, which  
4 concerns marriages. Yesterday, this was at around 09.55 in the  
5 morning, you spoke about marriage. You spoke about different  
6 reasons why people would misbehave morally, and I would like to  
7 ask you if single men or single young men could make love when  
8 they wished to? That is to say, could they have a love  
9 relationship without them being married?

10 A. No. That was not possible.

11 [14.39.15]

12 Q. Thank you. At Question 153 and 154 in your written record of  
13 interview -- so Answer 153 -- and I quote: "At my site, if such a  
14 case happened, that meant that man and woman loved each other, so  
15 the village had to report to me, and I would call them to talk in  
16 order to arrange a marriage for them."

17 Question: "Did people consider this kind of act as an offence?"

18 Answer: "Yes, it was indeed something that did not comply with  
19 our tradition."

20 So, I would to know therefore if you stand by what you said?

21 A. I don't understand exactly what you just said. Could you  
22 please repeat your question?

23 [14.40.38]

24 Q. Yes, thank you. As I said, at Question 153 and 154, I quoted  
25 your answer from Question 153: "'At my site, if such a case

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1 happened, that meant that man and woman loved each other, so the  
2 village had to report to me, and I would call them to talk in  
3 order to arrange a marriage for them."

4 Question: "So, was this considered an offence?"

5 Answer 154: "Yes, it was against tradition."

6 So, these were single young men and women who were in love with  
7 each other. So, I would like to ask you if your statement here is  
8 correct.

9 A. No. If both the young man and the young woman said that they  
10 were in love with each other, and there was no problem if the  
11 village chiefs approved of it, so what I've said was not correct.

12 Q. So, let me please repeat what you said. If a single young man  
13 and woman loved each other, and they confessed that they were in  
14 love with each other, this did -- was not a form of moral  
15 misconduct, and therefore they could get married. Is that what  
16 you wanted to say?

17 A. Yes, that's indeed what I wanted to say.

18 MR. PRESIDENT:

19 The time has come for a short break, so the hearing will resume  
20 at 3 p.m.

21 Ms. Khoem Boeun, we will resume at 3 p.m., so you can rest now.

22 So please return to the courtroom with your counsel before 3  
23 o'clock. Thank you.

24 (Court recesses from 1443H to 1501H)

25 MR. PRESIDENT:



1 Please be seated.

2 The Court is now back in session, and again the Chamber will hand  
3 the floor to Khieu Samphan's defence to continue putting  
4 questions to the witness.

5 Counsel, you may proceed.

6 BY MR. KONG SAM ONN:

7 Q. Thank you.

8 And Madam Witness, can you hear me?

9 MS. KHOEM BOEUN:

10 A. Yes, I can.

11 Q. Before the break, we discussed the issue of marriages. I'd  
12 like to put a question to you again by referring to your  
13 statement -- that is, question/answer 156, and I quote:

14 Question: "Did that require approval from the parents or from  
15 Angkar?"

16 Answer 156: "There had to be approval from the parents, and it  
17 was reported to Angkar at the district level." End of quote. So  
18 that is on the decision to marry those people, and Madam Witness,  
19 do you stand by your statement as correct?

20 A. Yes, it is correct.

21 [15.03.38]

22 Q. Thank you. In question/answer 113, and allow me to quote:

23 Question: "Were those forced marriages -- those marriage  
24 arrangements -- designated by Centre level down to Zone level to  
25 Sector level, then to district and commune level? Or were they

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1 decided by the commune or district level?"

2 Answer 113: "The Centre level did not decide them. The commune  
3 and district level did." End of quote. And Madam Witness, do you  
4 stand by that statement that I just read out?

5 A. Yes, I do. It is correct.

6 Q. Thank you. Again on the decision of marriage, a witness who  
7 testified a few days ago -- that is, on the 22 April 2015, and I  
8 refer to transcript E1/290.1, at around 13.57, and allow me to  
9 quote from the transcript:

10 Question: "And the decision to have group marriages, was that a  
11 decision made by the district itself, or was that also an  
12 instruction from the upper echelon?"

13 Answer: "The upper level officials gave their authorisation, and  
14 it was up to us to organize those marriages, whether they were  
15 individual or collective. We consulted the communes and the  
16 district in order to celebrate such marriages, but we also had to  
17 consult the parents of those involved and, in particular, the  
18 couples themselves." End of quote.

19 Madam Witness, do you concur with the statement of Pech Chim?

20 A. Yes, I do.

21 [15.07.05]

22 Q. Thank you. Now I move to another topic -- that is, Krang Ta  
23 Chan office.

24 In your written record of interview with the OCIJ, you spoke  
25 about Krang Ta Chan office that it was under the supervision of

1 the district. And in question/answer 187, you mentioned what I  
2 just stated. Is that statement correct, Madam Witness?

3 A. Yes, it is.

4 Q. Thank you. Yesterday at around 11.08, the Co-Prosecutor showed  
5 a document which was a letter from Ta An, who was chief of Krang  
6 Ta Chan office, to you. The letter is dated 1 August 1977, and I  
7 refer to document E3/2012. In that document, Ta An made a request  
8 to you to send militiamen for the arrest of two men, and that  
9 document was shown to you by the OCIJ investigator. And in your  
10 interview, you said that your commune received that kind of  
11 letter or document -- that is, the document that I just gave out  
12 the number. That is E3/2012. Madam Witness, can you locate that  
13 document -- that is, E3/2012?

14 A. No, I cannot locate it.

15 [15.10.34]

16 Q. Madam, can you find it?

17 A. No, we haven't located it yet.

18 MR. KONG SAM ONN:

19 Mr. President, I don't have the document with me but I think the  
20 document is with the Court officer.

21 MR. PRESIDENT:

22 Yes, you can do that. Just locate the document and show it to  
23 her, so that she can examine it.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President.

1 MS. KHOEM BOEUN:

2 May I ask my duty counsel to read it to me?

3 [15.11.56]

4 BY MR. KONG SAM ONN:

5 Q. I may give you a summary of that letter to you. In fact, it  
6 was a letter sent to you from Ta An, requesting you to send  
7 militiamen to arrest two men. Do you recall that event? And in  
8 fact the Co-Prosecutor put some questions to you regarding this  
9 letter.

10 MS. KHOEM BOEUN:

11 A. I cannot recall it.

12 Q. Please examine the document, and whether you recall that you  
13 received that document during the Democratic Kampuchea period --  
14 that document dated 1 August 1977?

15 A. I cannot recall it clearly, Mr. President. From what I can  
16 see, that letter originated from Krang Ta Chan office.

17 [15.13.36]

18 Q. Thank you. I recall that your response to the last question by  
19 Counsel Koppe this afternoon, that you were sick all year round  
20 during 1977. Can you please tell the Court whether you actually  
21 went to work when you were sick in that year?

22 A. During that year I was sick, and it happens that I was also  
23 pregnant. For that reason I did not go to work far, and most of  
24 the time I would stay at home, and sometimes I stayed at my work  
25 office. So, allow me to stress that I rarely received any

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1 communications from the soldiers. Although it was addressed to  
2 me, I, myself, did not deal with it as there were men at the  
3 commune who dealt with those matters.

4 Q. Thank you. Also regarding this letter, did you receive these  
5 kinds of letters -- or whether you cannot recall it?

6 A. I do not have anything to hide, but I cannot recall whether I  
7 received such a letter or not.

8 [15.15.41]

9 Q. Thank you. Regarding the matter at the sector level, in your  
10 written record of interview at question/answer 59, you stated  
11 that Sam Bit was at the Sector 13 committee for a while, and  
12 later on Ran came to be Sector 13 committee until the end of the  
13 Khmer Rouge regime. That's what you mentioned in your Answer 59,  
14 and allow me to provide you with a full quote.

15 Answer 59: "Yes. Then Sam Bit, who was in charge of the army,  
16 came to govern Sector 13. I did not know which army Sam Bit came  
17 from. Sam Bit was Sector 13 committee for a while, but not all  
18 the way until the end of the Khmer Rouge regime. Next, Ran  
19 (male), came to be Sector 13 committee until the end of the Khmer  
20 Rouge regime. I do not remember Ran's full name." End of quote.  
21 And my question to you, Madam Witness, how did you know -- did  
22 you know whether Sam Bit or Ran were related to Ta Mok?

23 A. No, I did not know about that, and I did not know these two  
24 men that well.

25 [15.18.41]

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1 Q. Thank you. And do you know who was chief of Sector 13 before  
2 Sam Bit?

3 A. There were many changes and I cannot recall it. And I cannot  
4 recall who was before Sam Bit.

5 Q. I'd like to ask you about the committee of Sector 13 before  
6 Sam Bit arrived. Can you recall the name of that Sector 13  
7 committee?

8 A. There were Saom and Mut.

9 Q. Thank you. This morning in your response to the question put  
10 to you by Judge Lavergne, you said that Prak worked at the  
11 sector. And can you tell us the position of Prak at Sector 13  
12 committee?

13 A. My apology. I think I was confused. Before Sam Bit, there was  
14 Prak. I did not know his real position, but he was at the Sector  
15 13 committee for a brief period of time.

16 Q. How brief was it? You mean, in terms of months or year?

17 A. I cannot recall that clearly, whether he was there only for  
18 months or a year, but to my recollection, he was there for less  
19 than a year.

20 [15.21.16]

21 Q. Do you recall as when Sam Bit came to replace Prak?

22 A. No, I cannot recall that.

23 Q. Thank you. In relation to document E3/2048, and that document  
24 was shown to you. And Madam Witness, can you locate that  
25 document?

1 A. I am looking through the documents.

2 Q. Madam Witness, do you locate the document?

3 A. Yes, I located the document, but it is difficult for me to  
4 read it.

5 Q. That is all right, and I'd like to refer to another document  
6 -- that is, document D157.64, and that document was referred to  
7 by Judge Lavergne. Please locate that document, as I have  
8 questions to put to you in relation to these two documents.

9 Madam Witness, have you located that document?

10 A. Yes, I have.

11 [15.24.35]

12 Q. That document is a short one, and please allow you to look at  
13 the bottom part of that document. The document is a report, and  
14 towards the bottom of the document, your name, Boeun, was  
15 mentioned. And in the previous document, your name, Boeun, was  
16 also mentioned. My question to you is the following: Can you tell  
17 the Chamber the word "Boeun" that appeared in the two documents,  
18 is it your name, or is it your signature?

19 A. It is my name. It is not a signature.

20 Q. Thank you. So, if you have to sign, you will have a separate  
21 signature? Am I correct?

22 A. Yes, I would sign -- I would have my signature and I would  
23 write my name. But in these documents, only the names appeared.

24 Q. Thank you. And Madam Witness, do you recognize the handwriting  
25 on the documents?

1 A. No, I do not recognize it.

2 [15.26.30]

3 Q. Thank you. Can you confirm whether the handwriting is yours,  
4 or it belongs to someone else?

5 A. No, it is not my handwriting, and my name here is written  
6 alone. This is not a full name.

7 MR. KONG SAM ONN:

8 Thank you, Madam Witness. Mr. President, I do not have any  
9 further questions.

10 MR. PRESIDENT:

11 Thank you, Counsel.

12 The proceedings today came to -- comes to an adjournment now, and  
13 we will resume it on Thursday, 7 May 2015, from 9 o'clock in the  
14 morning. On that day we will hear the testimony of a witness,  
15 2-TCW-822. This information is for the Parties and the general  
16 public.

17 Madam Khoem Boeun, the Chamber is grateful for your video link  
18 testimony as a witness for the last two days. Your testimony may  
19 contribute to ascertaining the truth in this case. And it is now  
20 the end of your testimony, and you may rest, and the Chamber  
21 wishes you good health.

22 And Counsel Mam Rithea, the Chamber would like to thank you as  
23 well, and you too may be excused.

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



1 have them returned to attend the proceedings on the morning of  
2 Thursday, 7 May 2015, before 9 o'clock.

3 The Chamber is now adjourned.

4 (Court adjourns at 1528H)

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