



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 21-Oct-2015, 14:06
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

4 May 2015
Trial Day 277

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

The Accused: NUON Chea
KHIEU Samphan

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For Court Management Section:
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I N D E X

MS. KHOEM BOEUN (2-TCW-979)

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Questioning by Mr. De Wilde D'Estmael page 23

Questioning by Ms. Guiraud page 81

List of Speakers:

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

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

6 by a video link from Battambang province.

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

8 other individuals at today's proceedings.

9 THE GREFFIER:

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

11 to this case are present, except Arthur Vercken and Anta Guissé,

12 defence counsels for Khieu Samphan are absent during this week's

13 proceedings due to personal matters.

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

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

16 been delivered to the greffier.

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

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

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

20 relationship by blood or by law to any of the two Accused, Nuon

21 Chea and Khieu Samphan, or to any of the civil parties in this

22 case.

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

24 duty counsel for the witness.

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

2

1 witness is ready to testify.

2 Thank you.

3 [09.06.54]

4 MR. PRESIDENT:

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

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

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

22 [09.08.24]

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

1 downstairs via an audio-visual means.

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

5 QUESTIONING BY THE PRESIDENT:

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

7 MS. KHOEM BOEUN:

8 A. My name is Khoem Boeun.

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

11 [09.09.40]

12 MR. KONG SAM ONN:

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

4

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

8 [09.12.06]

9 MR. PRESIDENT:

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

24 [09.13.42]

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

5

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

10 [09.14.51]

11 BY THE PRESIDENT:

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

14 MS. KHOEM BOEUN:

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

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

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

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

22 A. I live in Battambang province.

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

25 A. I live in Sampov Lun district.

6

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

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

3 [09.16.24]

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

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

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

12 A. Yes, it is.

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

16 A. Yes, that is correct.

17 [09.17.22]

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

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

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

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

9 A. I understand some, Mr. President.

10 [09.19.01]

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

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

14 Q. And how many times?

15 A. It happened only once.

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

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

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

24 A. Yes.

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

8

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

3 A. Yes, he's with me.

4 [09.21.14]

5 MR. PRESIDENT:

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

11 QUESTIONING BY MR. SENG LEANG:

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

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

23 Allow me to ask you some questions on your personal background
24 before 1975. Could you please tell the Chamber where you lived
25 before 17 April 1975?

1 MS. KHOEM BOEUN:

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

3 [09.23.19]

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

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

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

7 E319/12.3.2, at Answer 139, you said that -- and I quote: "I

8 moved to live in Phnom Penh until 1969, when I sold my house in

9 Phnom Penh and returned to my home town."

10 Did you move to your home town before or after the Khmer Rouge

11 occupied your area?

12 A. In 1969, my mother became ill and could not move, so I sold my

13 house in order to get the money to take care of my mother in my

14 native village.

15 Q. Thank you. When did you join the Revolution, and did you hold

16 any position at the time?

17 A. It was in 1979 (sic) when I joined the movement, and I was one

18 of the women in the village who joined the Revolution.

19 [09.25.01]

20 Q. Who assigned you to this position?

21 A. It was Khom who did that.

22 Q. Please repeat your response as to who assigned you to that

23 position.

24 A. It was Khom.

25 Q. Who is Khom?

10

1 A. Khom was a woman, and she was the daughter of Ta Mok.

2 Q. Thank you. Can you please tell the Chamber how many brothers
3 and sisters you have?

4 A. I have four siblings.

5 Q. And how many, including you?

6 A. Five of us.

7 [09.26.17]

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

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

10 Khoem Khoem (phonetic) was the second eldest. And Khoem Baur was
11 the third, and she was my sister.

12 Q. And another sibling?

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

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

16 A. There was one -- that is, my other sister, Khoem Baur. As for
17 other siblings, they had died before the regime.

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

19 A. Yes.

20 [09.27.40]

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

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

23 Q. In your OCIJ interview, I refer to the same document -- that
24 is, E319/12.3.2, and in the question, "Did you personally know Ta
25 Mok?" at Answer 56, you confirm that, "Yes, I personally knew

11

1 him." And my question to you is the following: Did you know him
2 before or after '75, and how did you know him?

3 A. I knew him after 1975, after he came to the cooperative.

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

6 A. Yes.

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

8 A. No, I did not, since I did not have much contact with that
9 hospital.

10 [09.29.17]

11 Q. Did you know Khieu Samphan?

12 A. No, I did not.

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

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

16 Q. I asked you a question about a medic working at Hospital 105,
17 and his name is Riel Son. In his interview, E319.1.21, in his
18 response to the question as to who Yeay Boeun was, at Question
19 187, he said that she was the messenger of Khieu Samphan, or Ta
20 Pon (phonetic) rather. What is your reaction to that?

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

22 Q. I'd like to move on to another topic, that is when you were
23 appointed as head of Cheang Tong commune. Can you please tell the
24 Court as to when you were appointed to that position?

25 A. I cannot recall when I was appointed to that position. It

12

1 could be in early 1970 or in later 1979 (sic).

2 [09.31.27]

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

4 A. I worked in the women's group during that period -- that is,
5 '72, '73 and '74, in Cheang Tong commune.

6 Q. Also in your interview with OCIJ -- that is, the same
7 document, E319/12.3.2, when you answered the question whether you
8 were a full-right member of the Communist Party of Kampuchea, at
9 Answer 92 you stated that you were not a full-right member. What
10 were the differences between full-right members and
11 non-full-right members?

12 A. Full-right members are full members of the Party.

13 MR. PRESIDENT:

14 The Deputy Co-Prosecutor, and the witness, please be mindful that
15 you should leave sufficient gap between the question and answer
16 session so that the interpreters could do their job
17 professionally. Thank you.

18 [09.33.03]

19 BY MR. SEANG LEANG:

20 Thank you, Mr. President.

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

22 Riel Son -- that is, document E319.1.21. In his answer to the
23 question, "Did Yeay Boeun believe in the communist without any
24 doubt?" In Answer 917 (phonetic), your (sic) answer was that,

25 "She had long been a member of the Party." In another question at

13

1 that time, it was asked, "According to your knowledge, was Yeay
2 Boeun a full-right or preparatory member of the Party?" At Answer
3 198, "She was a full-right member of the Party." Answering to the
4 question, "That means Yeay Boeun was one of the very influential
5 people during that era. Is that correct?" At Answer 199, he said,
6 "Yes, she had strong influence." My question is: What do you
7 think about these answers?

8 MS. KHOEM BOEUN:

9 A. Whether she had any influence, whether she was very
10 influential, I do not know about that.

11 [09.34.41]

12 Q. Thank you. When were you assigned to work in the office
13 district -- in the office of the district?

14 A. I worked in the office before the liberation, in 1978, in
15 October.

16 Q. Thank you. During that time, did you already become a
17 full-right member?

18 A. I was not assigned and appointed to be a full-right member. I
19 was assigned to work there.

20 Q. Now, concerning document E319/12.3.2, at Answer 129, you said,
21 "For the full-right members, they were assigned to work in the
22 district or above." What do you think about this answer?

23 A. This answer is true.

24 Q. You stated that you were assigned to work in the district, in
25 the office in the district. So, did you -- were you assigned to

14

1 be a full-right member at that time?

2 A. I was not labelled as a full-right member. I was assigned to
3 work there as a member.

4 [09.37.02]

5 Q. Could you tell the Chamber the structure of Cheang Tong?

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

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

10 A. I do not recall well, however, I could remember that people
11 were put in groups or teams, or cooperatives. There were
12 children's units, female units and youth units. That's what I
13 know.

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

17 A. Below me, there was Khim. Khim was responsible for the
18 military or army. There was another person by the name Pau, who
19 was also below me. And there was another one named Thum
20 (phonetic), below me as well.

21 [09.39.13]

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

23 A. Thum (phonetic) was also responsible for militia in the
24 commune.

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

15

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

3 Q. What about the army and militia? What were their
4 responsibilities in your commune?

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

7 Q. Thank you, Madam Witness. In another interview, in your
8 interview with OCIJ, E319/12.3.2, you said that Khim was
9 responsible for army or militia, and you also said that Chorn
10 (phonetic) was the chief of the army, and he was below Khim. Do
11 you want to say that Khim was the superior of Chorn (phonetic)?

12 A. Yes, Khim was the superior of Chorn (phonetic). I forget to
13 mention this answer.

14 [09.41.21]

15 MR. PRESIDENT:

16 Madam Khoem Boeun, before you give your response, please think of
17 the answer and respond carefully, and to pause, to give some
18 pause before you provide your response, so that the
19 interpretation is full.

20 BY MR. SENG LEANG:

21 Q. Thank you, Mr. President.

22 Madam Witness, during that time, who was responsible for
23 recruiting militiamen?

24 MS. KHOEM BOEUN:

25 A. Khim and Chorn.

16

1 Q. Thank you, Madam Witness. In your interview with OCIJ,
2 E319/12.3.2, and the question was that, "Did Chan report to
3 Chorn?" And your answer was yes. And at Answer 80 (phonetic), you
4 said that you had to report to the upper level. Could you tell
5 the Court about the reporting structure of your commune?

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

7 [09.43.08]

8 Q. Could you tell the Court how did Chorn and Khim receive the
9 reports?

10 A. The report was from the villages.

11 Q. Could you tell the Chamber about the reports? What kind of
12 reports did you receive from Chorn (phonetic) and Khim?

13 A. For the reports of Chorn (phonetic) and Khim, the reports were
14 put in writing, and after that, I forwarded the reports to the
15 upper level.

16 Q. What kind of matters were in the reports? Were they about
17 security?

18 A. Yes. The reports had the matter of security, of economics, and
19 military situation.

20 Q. Thank you, Madam Witness. When you received the reports about
21 security, after you received such reports, did you hold any
22 meeting in the villages, among the village chiefs and commune
23 chiefs?

24 A. Yes.

25 [09.45.07]

17

1 Q. You said that there were meetings to discuss about the
2 security mentioned in the reports. So, what was your discussion?

3 A. There was the discussion about the economics, how to solve the
4 food situation. And if there was any specific problem mentioned,
5 we would discuss and deal with that specific matter thoroughly.

6 Q. What about the matter of security? If it was put in the
7 report, what was your measure or action?

8 A. When I received the report about the security, and if I saw
9 any point mentioned in the report regarding this matter, I would
10 forward the report to the upper level.

11 Q. What did you mean by upper level?

12 A. I referred to the district. I forwarded the report to the
13 district.

14 Q. Did you know anything about the district? When they received
15 your report what did they do?

16 A. I did not know.

17 [09.46.30]

18 Q. What was your relation with your upper level? Did you have any
19 relation with your upper level after you forwarded other reports?

20 A. When I met my upper level or superior, I would submit my
21 request to solve the problem for people.

22 Q. Did you ever use messages or telegrams to communicate with
23 your superiors?

24 A. No.

25 Q. I would like to move on to the last topic concerning forced

1 marriage. In your OCIJ interview, document E319/12.3.2 at Answer
2 112, you stated that -- quote: "The marriage was arranged by the
3 Party. They arranged for the New People to marry with the New
4 People while the Old People had to marry with the Old People." My
5 question is: Why was the marriage arranged by the Party during
6 the DK regime?

7 A. When there was a proposal or request submitted to the upper
8 level, after that time there was a marriage arranged by the
9 Party.

10 [09.48.28]

11 Q. Thank you very much. To your knowledge, where did the marriage
12 policy come from?

13 A. It was from the upper level.

14 Q. Are you referring to the Party Centre or the Zone?

15 A. I received the policy from the district.

16 Q. Do you want to say that the district gave you the
17 instructions?

18 A. Yes.

19 Q. How was the policy disseminated to lower level? I mean the
20 policy of marriage. How was it disseminated to lower levels?

21 A. I disseminated the policy through village chiefs.

22 Q. From your knowledge, why New People were not allowed to get
23 married with Old People?

24 A. From my knowledge, I know that New People were arranged --
25 were allowed to get married with New People. And as for Old

1 People, they had to get married with Old People. New People and
2 Old People did not know each other well and perhaps they did not
3 get along with each other.

4 [09.50.28]

5 Q. Thank you, Madam Witness. In document E319/12.3.2 at Answer
6 120 you stated that: "It was my understanding that the New People
7 were not good. They were the enemy and were not valuable as the
8 Old People does. They were not allowed to marry the Old People."

9 What do you think about your answer which you gave to the OCIJ?

10 A. I mentioned this point based on what I was told from the
11 above.

12 Q. You said that you mentioned this point from what you were
13 told. Who told you?

14 A. The district told me about this.

15 Q. Could you mention clearly for the Chamber what were you told?

16 A. It was said that New People had to get married with New People
17 and Old People had to get married with Old People. New People and
18 Old People did not know each other well and they did not get
19 along with -- New People did not get along with Old People
20 because New People had just arrived in the area.

21 [09.52.05]

22 Q. I am referring to Answer 120 which you gave to the OCIJ. You
23 stated that "it was my understanding that New People were not
24 good. They were the enemy and were not valuable as the Old People
25 does. They were not allowed to marry the Old People." I would

20

1 like to know what was the instruction you received from the upper
2 level.

3 A. I was told that New People were not allowed to get married
4 with New (sic) People and New People had just arrived in the
5 area. They have not yet -- they had not yet settled in and New
6 People did not get along well with the Old People. They were not
7 trusted yet.

8 Q. I would like to move on to another question. Could you tell
9 the Chamber how was the marriage organised or initiated?

10 A. I do not understand well about this matter. When I received
11 the instruction from the upper level to arrange the marriage I
12 would do so.

13 [09.53.32]

14 Q. How many couples were the upper -- was the upper echelon
15 instruct you to arrange their marriage?

16 A. The marriage could be arranged for 10 couples or more than
17 that, depends on the situation. And from my experience, I had
18 arranged the marriage for three couple at the time.

19 Q. In your OCIJ statement at Answer 116 you stated that other
20 commune would put in the names of those who would -- whose
21 marriage would be arranged and after that it was sent to the
22 district and you stated that you did not dare to make any
23 decision on the marriage. What do you think of your response?

24 A. It was like what I said. We proposed to the upper level and if
25 the proposal was rejected there would have no marriage.

1 Q. Thank you very much, Madam Witness. My follow-up question: Who
2 was responsible for arranging or organising the marriage?

3 A. The commune and the villages, including me, would have
4 arranged the marriage.

5 [09.55.07]

6 Q. Was the marriage arranged frequently -- annually?

7 A. No, the marriage would not be arranged frequently.

8 Q. Did you the one who responsible for pairing up the couples?

9 A. Yes. When I understood and saw that when the female and male
10 were getting older and some of them had some moral offences, I
11 would request the upper level to arrange marriage for them.

12 Q. Could you tell the Chamber how was the marriage arranged?

13 A. There were no any significant ritual. There was a marriage.
14 After that there was a small reception or dinner and -- during
15 which there was the president or the one who chaired the marriage
16 congratulated the newlyweds.

17 Q. Could you tell the Chamber about the commitment that the
18 newlyweds were asked to vow?

19 A. Yes. The newlyweds were asked to make a resolution.

20 [09.57.09]

21 Q. Who required the newlyweds to make a resolution?

22 A. It was the upper echelon instructed us to ask the newlyweds to
23 make a resolution.

24 Q. Did the marriage ritual or religious ritual allowed to be held
25 during the marriage?

1 A. The couples were asked to make the resolution. There was no
2 traditional ritual arranged at the present time.

3 Q. I would like to move on to another question. In document
4 E319/12.3.2 at the same Answer 112, you stated that: "We can say
5 that there were forced marriage because the Party decided them."
6 Could you tell the Chamber, were the marriage forced?

7 A. In my opinion, there were no forced marriages but if the
8 couple agreed to get married, we forced them to get married.

9 [09.58.50]

10 Q. In the same answer you stated that: "We can say that there
11 were forced marriages because the Party decided them." Again,
12 could you tell the Chamber did -- were the marriage forced?

13 A. Yes.

14 [09.59.17]

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

21 A. If they did not love each other they could not consummate the
22 marriage.

23 Q. Were the newlyweds allowed to get divorced?

24 A. It was not the decision to ask the newlyweds to get divorced
25 but there were divorces.

23

1 Q. Could you tell the Chamber who got divorced at that time?

2 A. I do not recall it.

3 MR. SENG LEANG:

4 Thank you. Mr. President, I now conclude my line of questioning
5 and I believe my colleagues have further questions to ask and I
6 seek the floor for my colleague.

7 MR. PRESIDENT:

8 You may now proceed International Deputy Co-Prosecutor.

9 [10.01.00]

10 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

11 Thank you. Good morning, Mr. President. Good morning, Your
12 Honours. Good morning, Ms. Khoem Boeun. My name is Vincent de
13 Wilde. I am International Co-Prosecutor. I would like to remind
14 you, first of all, that we are not there to charge you nor to
15 accuse you of anything and I would like to start by
16 congratulating you for having answered questions put to you by
17 the OCIJ frankly when you were questioned by them and I would
18 encourage you to continue doing so.

19 Today we are here to continue listening to your testimony and it
20 is important that you contribute to the ascertainment of the
21 truth. If you do not understand anything, do not invent an
22 answer, do not speculate; simply say that you do not know the
23 answer. If you do not understand a question, please ask me to
24 repeat it. I will start with your place of birth.

25 [10.02.18]

24

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

5 MS. KHOEM BOEUN:

6 A. No, there was none.

7 Q. Apart from your sister and yourself, and I believe you said
8 regarding your sister Yeay Boeun (sic) in E319/12.1.2, you said
9 that she held a position in Kiri Vong district committee. You
10 didn't mention that a while ago. Apart from yourself and your
11 sister, did you know a person called Yeay Yut, who was from Kbal
12 Ou as well?

13 A. Yes, I know that person.

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

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

18 [10.04.14]

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

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

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

1 A. Yes.

2 Q. For the record, it is Witness Vann Soeun, messenger at Krang
3 Ta Chan who said so in Answer 86 of the transcript, E319.1.33.
4 Did Im Chaem also come from Kbal Ou village?

5 A. Yes.

6 [10.05.49]

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

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

10 Q. Yes. What function did Im Chaem perform in your region -- that
11 is, in Sector 13?

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

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

15 A. I did not know about that.

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

18 A. She came from the same village and commune and she was a
19 distant relative.

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

22 A. Yes.

23 [10.07.45]

24 Q. How do you explain the fact that there were so many important
25 cadres from the same village, Kbal Ou? What accounts for that?

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

3 Q. Did Ta Prum, who was also from Kbal Ou, play any role in your
4 admission to the Party?

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

6 Q. I would like us to talk about the structure of Tram Kak
7 district. Once you became chief of Cheang Tong commune, and you
8 said in Answer 22 of the record of your interview that it was in
9 late 1973, can you tell us who was successively secretaries of
10 Tam Kak district between 1973 and 1979?

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

14 [10.10.12]

15 Q. Yes, we know that was a long time ago. Before the
16 Co-Investigating Judges you mentioned a number of names in answer
17 to Questions 27 and 28, as well as 284. A while ago you mentioned
18 Khom -- that is, Ta Mok's daughter. Before the Co-Investigating
19 Judges in Answer 27, you referred to the committee of Tram Kak
20 district, included Ta Kit, Ta Chay and Ta Chim. You stated in
21 Answer 28 that Yeay Khom and Ta Chim were the first members of
22 the Tram Kak district committee since 1973 and that, later on, Ta
23 Kit and Ta Chay became members and you also stated the role of Ta
24 Nhev -- N-H-E-V -- who was in charge of military affairs and you
25 said that the last secretary of the Tram Kak district was Ta San

27

1 and that it was with him that you worked as of October 1978. Do
2 you recall all these answers which you gave to the investigators
3 of the OCIJ?

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

7 [10.12.16]

8 Q. You therefore stated that Ta San was the last chief of Tram
9 Kak district before the arrival of the Vietnamese troops. Other
10 witnesses said so as well. Ta San was examined by this Chamber at
11 the hearing of the 9th of March 2015 and the transcript is
12 E1/173.1. He said at about 15.19 that witnesses, including
13 yourself, heard him saying that he was district secretary and
14 that as a matter of fact, he was only an assistant in the
15 district appointed by Ta Mok. He said that it was Ta An who was
16 in Sector 13 and that she was chief of Tram Kak district.
17 However, Ta San stated that it was only he -- himself and
18 yourself left in the district committee in 1978. Do you agree
19 with Ta San? His name -- his pseudonym is Neang Ouch. When he
20 says that he was not district chief -- or do you confirm, on the
21 contrary, that there was no one else than himself in Tram Kak
22 district in 1978?

23 A. Yes, that is true and there was another person by the name of
24 Rorn (phonetic) who was overall in charge and I forgot to mention
25 that name earlier.

28

1 Q. You stated that, "Yes, that is correct". Is it correct to say
2 that Ta San was the last secretary of Tram Kak district and what
3 was the exact function of Rorn (phonetic) you mentioned?

4 A. Rorn (phonetic) was at the sector level and that person was in
5 charge or responsible for Tram Kak district.

6 [10.15.02]

7 Q. Very well. Apart from the district committee, in other words,
8 was there a district office that was in charge of economic
9 affairs and security?

10 A. Nearby, there was a house where the economics people worked
11 there and they were responsible for the economics within the
12 district.

13 MR. PRESIDENT:

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

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

18 The Court is now in recess.

19 (Court recesses from 1016H to 1032H)

20 MR. PRESIDENT:

21 Please be seated.

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

25 BY MR. DE WILDE D'ESTMAEL:

1 Thank you, Mr. President.

2 Q. Madam Witness, we were talking about the Tram Kak district
3 office. Can you tell me who was the chief of the Tram Kak
4 district office when you were chief of Cheang Tong commune and
5 subsequently when you were deputy chief of Tram Kak district?

6 MS. KHOEM BOEUN:

7 A. Could you repeat your question, please?

8 [10.34.00]

9 Q. Yes. We were speaking about the district committee, and now we
10 are speaking about the district office, which is a different body
11 therefore. You said that he was in charge of economic matters, so
12 could you tell me who was in charge of this district office when
13 you were commune secretary in Cheang Tong and then when you were
14 the deputy secretary of Tram Kak district? So who were the heads
15 of this district office?

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

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

21 A. Yes, I know them.

22 [10.35.30]

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

24 A. They had positions in economics and militia in the districts.

25 Q. So therefore, must I understand that the district office was

1 in charge of economic matters as well as supervising the district
2 militia?

3 A. Phy and Chorn (phonetic) were supervising the militia and
4 Chorn (phonetic) was supervising economic matters.

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

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

11 [10.37.30]

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

14 A. I do not know about this.

15 Q. Now with regard to the place where the district office was
16 located, as well as the district office which you told us was
17 very nearby; can you tell us where these two offices were located
18 exactly?

19 A. At Angk Roka.

20 Q. Was it very close to your commune, Cheang Tang commune
21 therefore, or, more specifically, between Cheang Tong and
22 Trapeang Thum Cheung?

23 A. Yes, they were in between Cheang Tong and Trapeang Thum Cheung
24 communes.

25 [10.38.54]

1 Q. Fine. Now I would like to speak about the meetings which took
2 place in the district committee to which you participated as
3 commune chief. You said at Answer 159 of your written record of
4 interview, that there were ordinary district meetings three times
5 a month, and on the 10th, 20th and 30th of each month. And you
6 also called these meetings education meetings. So which topics
7 were discussed by the district chief or by his deputies during
8 these ordinary meetings at district level at Angk Roka?

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

13 Q. Were there also -- or was the situation of the enemies in each
14 commune also discussed on the agenda as well as disciplining the
15 locals? In particular, discipline towards the 17 April People,
16 the New People, was that on the agenda to be discussed?

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

18 Q. And during these district meetings, were there reports
19 produced each time, reports that you would draft as a commune
20 chief as well as instructions that were given by the district
21 chief?

22 A. Yes.

23 [10.41.30]

24 Q. You explained at Answer 157 of your written record of
25 interview that during these educational meetings they told the

1 village to report to the commune and the commune had to report to
2 the district. At Answer 158 you said, in those meetings they said
3 that if any event that occurred in the village, the village had
4 to promptly report to the commune and the commune had to report
5 to the district urgently too. So was this a pyramid system that
6 was set up? That is to say, that the village had to report -- or
7 the cooperative rather had to report to the commune committee and
8 the commune had to report to the district?

9 A. Yes.

10 Q. You worked at the district yourself. At least in 1978, and you
11 said that you attended many meetings in Sector 13. Can you tell
12 us what the district would report, or the district chief would
13 report to Sector 13 during the meetings, or what they would
14 report in writing? What kind of report did the district provide
15 to Sector 13?

16 A. There was no written report. The report was about economic
17 matters, political matters or military situation, but as I said I
18 do not remember them all, I remember only the main headings.

19 [10.43.55]

20 Q. Now with regard to the people who participated in the ordinary
21 district meetings. Aside from the commune chiefs and the district
22 committee as well as the members of the district, were there also
23 cadres from the Krang Ta Chan Security Centre who would attend
24 these meetings?

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

1 Q. You said that you met Ta An, the head of Krang Ta Chan. Did
2 this happen at a district meeting or at a sector meeting?

3 A. I met him at the district meeting.

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

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

8 [10.45.45]

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

12 A. Yes, perhaps he made oral report in the meeting, but I do not
13 recall the content of the oral reports.

14 Q. Did you ever hear him speak about networks, of spy networks
15 during these meetings?

16 A. Yes, I heard of it.

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

20 A. I do not know about this.

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

24 A. I do not know this individual.

25 [10.47.50]

1 Q. Now I'd like to turn to the meetings that you qualified as
2 urgent or necessary to District 105, that is to say meetings that
3 took place at other moments when the situation required it. Can
4 you tell us when such urgent meetings took place or such
5 extraordinary meetings at District 105 and what were the topics
6 that were discussed?

7 A. I do not recall it.

8 Q. You said at Answer 160 of your written record of interview
9 that there were certain kinds of urgent meetings that took place,
10 and in particular you said that when there was an abundance of
11 rice in my commune the commune that did not have enough rice
12 immediately called for me to share this rice. And furthermore at
13 Answer 161 you also said that a certain number of security
14 meetings were considered as urgent and necessary meetings. Can
15 you tell me if they were security situations that warranted the
16 organisation of urgent meetings? And if so is the case, can you
17 provide us with examples?

18 A. There were urgent meetings when Vietnamese troops were almost
19 reaching the district.

20 [10.50.05]

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

24 A. Yes.

25 Q. And was the aim of these urgent meetings to prepare cadres for

1 the arrival of the evacuees from Phnom Penh and from Takeo?

2 A. Yes.

3 Q. Who chaired this or these meetings regarding the Phnom Penh
4 evacuees? Was it the district chief, or was it the sector chief
5 or was it Ta Mok?

6 A. I did not recall at the time. It was not Ta Mok; this person
7 was from sector or district levels.

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

11 A. I was told to arrange the place for evacuees to settle in and
12 I was told to prepare the food for them.

13 [10.52.35]

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

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

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

1 A. No, I did not go there.

2 [10.54.15]

3 Q. And you also attended the preparatory meetings. And during
4 these preparatory meetings, were instructions given so that it
5 would be possible to identify the officers, the high-ranking
6 officers and the officials, the Lon Nol officials, among the
7 Phnom Penh evacuees once they had arrived in Champa?

8 A. I do not know about this because I was not there in the
9 meeting.

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

14 A. Yes, the biographies were taken.

15 Q. As you said earlier on, or reminded us with regard to forced
16 marriages, were the 17 April People considered enemies back then,
17 because apparently the city had corrupted their spirits?

18 A. I did not consider these people enemies; I called them as what
19 I told by the upper echelon.

20 [10.56.25]

21 Q. Fine, I'm going to read out an excerpt of your written record
22 of interview, that is E319/12.3.2; this is at Question and Answer
23 254 and 255. And I'll read it in English.

24 Question 254: "When the commune chiefs began to collect
25 biographies from people and found someone who had been involved

1 in the Lon Nol regime, what happened to those who were associated
2 with the Lon Nol regime?"

3 Your Answer 254 -- quote: "Immediately, when the Khmer Rouge
4 regime began, they commenced making biographies of people who
5 used to be teachers, policemen or civil servants in the Lon Nol
6 regime. Then they sent all of those biographies to the upper
7 echelon. That was an order from the upper echelon."

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

10 Answer: "After the biographies were sent to the upper echelon,
11 they provided the names of those people to me. Then, I ordered
12 the arrests of those people and sent them to the upper echelon.
13 Some were able to return and some could not. Those arrested ones
14 were mostly soldiers and policemen, not many teachers were sent
15 there." End of quote.

16 [10.58.41]

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

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

23 Q. Yes, let me try to formulate this in a different way. Once
24 they had arrived in Cheang Tong commune, which you were the head
25 of, who would draw up the biographies of these Phnom Penh

1 evacuees? Who would draw them up?

2 A. Actually, people were sent in and we put people in villages.

3 [11.00.14]

4 Q. Fine, but you spoke about biographies that were gathered. So
5 there, who within Cheang Tong commune was in charge of
6 questioning the people and of gathering their biographical
7 information? Were these secretaries from the commune office? Were
8 these greffiers? Were these security cadres? Were these
9 militiamen who knew how to read and write? Can you tell us who
10 actually did this?

11 A. As I told the Chamber the villages sent the biographies to the
12 commune and the biographies that were made or collected by the
13 village chiefs, and after that they were forwarded to the commune
14 and the commune sent them all to the upper echelon.

15 Q. Do you know who in the district was in charge of analysing the
16 biographies of the evacuees? That is the biographies you
17 forwarded to them? Was it in the district committee or the
18 district office that such analytical work had to be done?

19 A. I did not know about the work regarding this aspect at the
20 district level.

21 [11.01.55]

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

1 sent?

2 A. I did not know about it.

3 Q. Let us now talk about another period. We'll talk about
4 evacuees shortly after 1975. It was said that police officers or
5 soldiers or civil servants were sought after. I'll talk about a
6 later period, later than May 1977. During that period, in
7 addition to biographies that were collected, as commune chief,
8 were you instructed to draw up lists of family members of all
9 soldiers and former officials of the Lon Nol regime?

10 Madam Witness, did you hear my questions?

11 (Technical problem)

12 [11.04.50]

13 MR. PRESIDENT:

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

16 (Short Pause)

17 [11.06.00]

18 MR. PRESIDENT:

19 Again, good morning, Madam Khoem Boeun.

20 MS. KHOEM BOEUN:

21 Yes, good morning, Mr. President.

22 MR. PRESIDENT:

23 It seems that the link has been re-established and the
24 International Deputy Co-Prosecutor you may resume your line of
25 questioning.

1 BY MR. DE WILDE D'ESTMAEL:

2 Thank you.

3 Q. Madam Witness, I do not know whether you heard my question,
4 but I was talking about another period during the regime. Not
5 immediately after the evacuation of Phnom Penh but rather in
6 April and May 1977. And I asked you whether, in addition to
7 drawing up biographies, you received instructions from the
8 district or the sector to draw up lists of family members of all
9 the former Lon Nol soldiers or civil servants.

10 MS. KHOEM BOEUN:

11 A. I cannot recall that.

12 [11.07.22]

13 Q. Do you recall whether at any point in time instructions were
14 issued by the upper echelon regarding arrests of former Lon Nol
15 soldiers and officials around 1977, 1978?

16 A. I did not know about that.

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

21 The first document is E3/2048. There are several pages of
22 interest to us but the first page is -- reference in Khmer,
23 00079089.

24 May I ask the lawyer representing the witness to look at the top
25 left hand-side?

41

1 [11.09.07]

2 In French, the reference is 00611659; and in English, 00276562 up
3 to 63. This is a report that was sent by Boeun but some
4 translations on record mention Moeun. That report was sent by
5 Boeun or Moeun to Cheang Tong commune on 30th April 1977 to the
6 Angkar in Tram Kak district.

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

10 A. I do not fully understand your question.

11 Q. I am asking you; you take the document E3/2048, Khmer pages
12 00079089.

13 [11.10.48]

14 MR. PRESIDENT:

15 Duty Counsel, please try to locate the relevant pages for the
16 witness to review.

17 MR. MAM RITHEA:

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

19 MR. PRESIDENT:

20 It's E3/2048, at ERN 0079089.

21 BY MR. DE WILDE D'ESTMAEL:

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

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

25 MS. KHOEM BOEUN:

1 A. I cannot read it.

2 [11.12.17]

3 Q. Madam Witness, I am not asking you to read it but to look at
4 the bottom of the document and tell me whether the name on it is
5 indeed yours, and also look at the signature and tell us whether
6 it is yours as well.

7 MR. PRESIDENT:

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

10 MR. KOPPE:

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

15 MR. PRESIDENT:

16 The duty counsel started reading to the witness but it was
17 interrupted, as it was not the intention of the Deputy
18 Co-Prosecutor, so the matter had been rectified.

19 [11.13.46]

20 BY MR. DE WILDE D'ESTMAEL:

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

23 MS. KHOEM BOEUN:

24 A. The document does -- the writing there is not that clear to
25 me.

1 Q. Very well, I'm not talking of the entire text. I am looking at
2 the bottom of the document, the name and the signature at the
3 bottom of the document; we'll talk about the handwriting later
4 on.

5 A. Please repeat your question. My -- the name is my name, but
6 there is no signature of mine on the document. I did not sign it.

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

11 [11.16.15]

12 MR. PRESIDENT:

13 Witness, please hold on, and Counsel Kong Sam Onn, you have the
14 floor.

15 MR. KONG SAM ONN:

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

19 MR. DE WILDE D'ESTMAEL:

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

24 MR. KOPPE:

25 Mr. President, I object to this way of citing because the answer

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1 refers to the reports "regarding arrivals and departures of
2 people in my commune", so that's a completely different sort of
3 reporting to which she, in this particular answer she is
4 referring to. So now to match that little sentence to this
5 particular report is not accurate and therefore I object.

6 [11.17.53]

7 MR. DE WILDE D'ESTMAEL:

8 Mr. President, I am putting a general question to the witness.
9 Since she said that she didn't attend school for long, she made
10 this statement to the effect that someone wrote for her and that
11 someone usually wrote for her. And this document E319 - or,
12 rather, document E3/2048, I'll return to that document. But my
13 question is whether someone wrote reports for her, reports
14 dictated by her of course, and whether the signature is hers as
15 well.

16 MR. PRESIDENT:

17 The objection by the defence counsel is overruled, and Witness,
18 please respond to the last question put to you by the
19 International Deputy Co-Prosecutor.

20 [11.19.05]

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. Let me repeat the question. You did say that sometimes someone
23 wrote for you. Tell us who wrote for you, and also tell us
24 whether that person wrote what you dictated.

25 MS. KHOEM BOEUN:

1 A. Yes, that is correct.

2 Q. And who was that person? Was that a secretary, a clerk, or
3 someone else working in the commune office?

4 A. Yes.

5 Q. By the way, do you agree, since you have confirmed that the
6 name on the document is indeed yours, were there were other
7 persons called Boeun, was there another person called Boeun
8 working in the Cheang Tong commune office?

9 A. No.

10 [11.20.25]

11 Q. I will read out to you extracts of the documents. You have the
12 Khmer translation; you don't have to read the entire document.
13 And then I'll put some questions to you to find out whether the
14 topics broached on those documents would refresh your memory as
15 regards the contents of the documents. Now I quote what Boeun
16 stated:

17 "Regarding the situation of the enemy in my base, after receiving
18 successive recommendations from Angkar regarding vigilance
19 vis-à-vis the enemy and the cleaning up of enemy soldiers who are
20 ranked officers, they monitored, examined, and identified the
21 following persons." End of quote. [Free translation]

22 Do you recall receiving successive recommendations from the upper
23 echelon regarding the enemy and the cleaning up of enemy
24 soldiers', in particular, high-ranking soldiers or officers?

25 A. Yes.

1 Q. Do you recall who exactly gave you those recommendations or
2 instructions? Was it the district, the sector or another level of
3 authority?

4 A. I received it from the district.

5 [11.22.40]

6 Q. What do you mean by "vigilance vis-à-vis the enemy"?

7 A. There was vigilance of the enemy -- that is, that we had to
8 pay attention of the situation and not to allow the enemy to come
9 and harm the people.

10 Q. Was the upper echelon afraid that the enemy would somehow
11 contaminate people who were good elements?

12 A. Yes.

13 Q. Regarding the term "cleaning up of soldiers among the enemy
14 who were officers", can you tell us what that meant exactly in
15 the parlance during that year?

16 A. Please make your question more precise.

17 [11.24.18]

18 Q. I was referring to the term used in this report wherein
19 successive recommendations sent by Angkar had to do with the
20 cleaning up of soldiers -- that is, Lon Nol soldiers. What does
21 the term "cleaning up mean" mean? Does it mean arrest or
22 elimination?

23 A. I did not have any rights to eliminate or smash. When there
24 were reports from the village to the commune, the commune would
25 forward such report to the district.

1 Q. Upon the decisions of the district, did you have to arrest any
2 persons to be cleaned up and transfer them to the district level?

3 A. I did not involve in any arrest.

4 Q. I will return to that point later. Let me continue reading out
5 the document to you. In this document it is stated that the
6 following persons were monitored, examined and identified. The
7 first person was Chhit Pil, a lieutenant from Phnom Penh. As for
8 the second person mentioned, that person is Khieu Sokha, and this
9 is what Boeun writes regarding that person:

10 "Regarding his profession at the time of the recent deportation,
11 when I interrogated him, he answered by saying that he sold rice.
12 However, after having conducted investigations and examining him,
13 it turned out that he worked at the Ministry of Development - or,
14 rather, the Ministry of Community Development". End of quote.

15 [Free translation]

16 [11.25.48]

17 In April 1977, which is the date of this document, was the
18 commune asked to interrogate the enemies and find out what their
19 prior occupations had been, and why were those questions asked at
20 the level of the commune? Why was the interrogation done at the
21 level of the commune?

22 MR. PRESIDENT:

23 Witness Khoem Boeun, please hold on. And Counsel Koppe, you have
24 the floor. Madam Khoem Boeun, allow me to remind you again,
25 please hold on.

1 MR. KOPPE:

2 Just an observation for the record; Mr. President, I note that
3 the Prosecution is reading a part from a passage in this document
4 which seems to be the product of an interrogation. Again, I have
5 no objection as Prosecution is doing it; however, we should at
6 one point in time be allowed to do the same thing in respect of
7 products of interrogations at S-21.

8 [11.28.02]

9 BY MR. DE WILDE D'ESTMAEL:

10 Mr. President, very briefly, here we are talking of questions
11 that were asked and there's absolutely no question of torture. I
12 know what my learned friend is referring to. We have not -- no
13 mention is made here of any use of torture.

14 Q. Madam Witness, can you answer the question? In April 1977, did
15 the district ask the commune to interrogate potential enemies and
16 specifically to find out what their previous occupations and
17 ranks had been?

18 MS. KHOEM BOEUN:

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

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

25 A while ago you said that you didn't know what happened in Champa

1 Leu, but here you are mentioning -- you are saying that "when he
2 was liberated up to Champa monastery, our Angkar dismissed his
3 father". What do you mean by that?

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

6 [11.30.15]

7 Q. Do you know if at Wat Champa Leu, cadres -- Lon Nol cadres and
8 Lon Nol officers were arrested?

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

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

15 A. At that time during the regime, I did not know where the
16 police were and Krang Ta Chan only existed later.

17 [11.31.35]

18 Q. Now I would like to continue with the same document E319/2048,
19 so this is on another page, on Khmer page 0079092 to 93, so these
20 two pages, pages ending in 92 and 93; English, 00276565; French,
21 00611662; this is a report that was sent by Chorn from Popel
22 commune, dated 8 May 1977. Witness, do you have this document
23 before you?

24 A. Yes, I do.

25 Q. Can you look at the end of this document, and tell me if the

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1 Chorn of Popel commune who was mentioned, who signed this message
2 therefore, is your husband?

3 A. I cannot read it.

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

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

9 A. Yes.

10 [11.34.45]

11 Q. Fine, fine. In this report your husband says at the beginning
12 that he is taking the liberty of sending to the district Angkar
13 four traitors. I am not going to read everything out, but among
14 these four traitors there are two former Lon Nol soldiers, one
15 high ranking official and one law student, and it is said of him
16 that he is very much in -- at odds with the regime and that he
17 led young people to organise a secret meeting. So what did deep
18 antagonism, as it said, mean back then?

19 A. There were various kinds of conflicts, one of which was an
20 offence that is in the -- is a verbal offence that makes the
21 people fear.

22 [11.36.23]

23 Q. And back then when former servicemen and officials of Lon Nol
24 were tracked down, were also students being tracked down as they
25 were considered as contesting the regime?

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1 A. At the time, from my recollection in my commune, there were
2 only a handful of people who were former ranking officials of the
3 previous regime.

4 MR. PRESIDENT:

5 Thank you the International Deputy Co-Prosecutor. It is now
6 appropriate for a lunch break. We take a break now and resume at
7 1.30.

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

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

14 The Court is now in recess.

15 (Court recesses from 1138H to 1332H)

16 MR. PRESIDENT:

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

18 Good afternoon, Madam Khoem Boeun. Are you ready to respond to
19 the question this afternoon?

20 Good afternoon, Madam Khoem Boeun.

21 (Short pause)

22 [13.35.27]

23 MR. PRESIDENT:

24 I was informed that the audio-visual system had -- has a problem
25 in Battambang province, and the AV technician is now working to

1 deal with the matter.

2 (Technical problem)

3 [13.36.50]

4 MR. PRESIDENT:

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

6 MS. KHOEM BOEUN:

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

8 MR. PRESIDENT:

9 Now, we resume our hearings. I now give the floor to the
10 International Deputy Co-Prosecutor to put question to this
11 witness.

12 [13.37.26]

13 BY MR. DE WILDE D'ESTMAEL:

14 Thank you, and good afternoon, Witness. I would like once again
15 to get back to what happened at Wat Champa Leu. And you said
16 earlier that the Phnom Penh evacuees had been gathered there. And
17 there's also document E3/2048, coming from Boeun, where it is
18 stated that the father of Khieu Sokha had been dismissed by
19 Angkar at Wat Champa. Now, I would like to read to you what a
20 cadre who worked at the district office of Tram Kak said. This is
21 witness 2-TCW-822. And the written record of interview is
22 E319.1.32. And this is what this cadre said, at Answer 113, and
23 please listen. And I quote:

24 "The Khmer Rouge then proclaimed their victory. And we have
25 conquered Phnom Penh, they said. And then they expelled the

1 people from Phnom Penh and deported them to Champa Leu Pagoda
2 which was located to the west, three kilometres from Angk Ta Saom
3 in Tram Kak district. And they asked the officers from the former
4 regime to register on a list for seven days. And once they
5 registered, they were taken away and disappeared without leaving
6 any traces. And this is how they decimated hundreds of thousands
7 of officers. There were no second lieutenants left. There were
8 only simple people, inhabitants, whom they let return to their
9 home village." End of quote.

10 Q. Does this statement form a cadre of the Tram Kak district
11 office ring a bell regarding the fact that at Wat Champa,
12 officers from the former regime were identified and then, brought
13 away?

14 [13.40.13]

15 MS. KHOEM BOEUN:

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

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

21 A. I do not recall it.

22 Q. I'm now going to go back to document E3/4048, and another
23 page. And with the leave of the Chamber, we can display this
24 document whose ERNs I'm going to read out. In Khmer it is ERN,
25 00079090; English, 00276563 - 64; French, 00611660. I'm not going

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1 to read out everything, but part of it. Mr. President, can we
2 display the document on the screen?

3 [13.42.11]

4 MR. PRESIDENT:

5 You may proceed.

6 BY MR. DE WILDE D'ESTMAEL:

7 Thank you. Thank you. So this is a report that was sent by Chorn,
8 a priori your husband, from Popel commune at the beginning of May
9 1977. And it was sent to the Angkar -- the district Angkar. So
10 we're speaking about the same period as we were speaking about
11 earlier -- that is to say, at the end of April, beginning of May
12 1977. I'm going to quote part of the report from Chorn.

13 [13.42.47]

14 And I quote: "There are 64 families from Kampuchea Krom. And
15 inhabitants that have been exchanged against -- with Vietnamese
16 which represents 668 people. Second, 106 families of the soldiers
17 from the former regime, thus 393 people, were smashed by the
18 Angkar and died. Three, there are 631 families remaining,
19 families of soldiers from the former regime, thus 896 people. In
20 total, they are 1,513 people. Request to confirm to the Party
21 that there are some additional families for which it has not yet
22 been determined if they are military or not." End of quote.

23 And your husband as yourself, did they receive from the district,
24 instructions to categorise two different kinds of people, on the
25 one hand, Khmer Kroms who were exchanged against Vietnamese, and

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1 on the other hand, families of Lon Nol soldiers?

2 (Short pause)

3 [13.44.52]

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

9 MS. KHOEM BOEUN:

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

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

14 [13.45.55]

15 A. I do not know about this.

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

19 (Short pause)

20 [13.46.53]

21 MR. DE WILDE D'ESTMAEL:

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

25 MS. KHOEM BOEUN:

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

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

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

11 [13.48.20]

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

21 [13.49.14]

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

23 Q. Fine. Okay. We will see a little bit further, another document
24 -- there are many in fact, but I'm going to choose E3/2433. This
25 is a report that was produced by Chorn in Popel commune, which is

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1 dated 3 May 1977. And the Khmer ERNs are, 00270979; English,
2 00322121; French, 00833780 - 81. And this is a report that was
3 sent by Chorn which identifies a soldier who is connected or
4 linked to the Americans and it specifies that his children and
5 wife would be brought to Angkar the following day. So, I have a
6 question with regard to this. Was it current in -- under
7 Democratic Kampuchea to arrest members of the families of Lon Nol
8 soldiers who had been arrested?

9 MR. PRESIDENT:

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

11 [13.51.14]

12 MR. KOPPE:

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

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. Witness -- if I may respond, Mr. President -- I'm not asking
23 you to speculate. You attended many, many meetings at the
24 district level in which you were told -- in which you were given
25 instructions with regard to security. So, I'm going to rephrase

1 this question. Was it usual that at the district level, during
2 meetings, you were told to arrest members of the families of
3 soldiers -- of enemy soldiers?

4 (Short pause)

5 [13.53.10]

6 MR. PRESIDENT:

7 Madam Witness, please answer the question. Do you get the
8 question? Otherwise you can ask Co-Prosecutor to put the question
9 again.

10 MS. KHOEM BOEUN:

11 A. Could you repeat your question please?

12 BY MR. DE WILDE D'ESTMAEL:

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

23 [13.54.40]

24 MS. KHOEM BOEUN:

25 A. I would like to give my response to the question. I receive

1 instruction from the upper echelon. However, I did not arrest
2 people and send them away.

3 Q. Fine. What do you know about the arrival in Tram Kak district
4 of Khmer Krom following an -- a possible exchange of Vietnamese
5 against Khmer Krom? Did you see arrive in your commune and in the
6 neighbouring communes, Khmer Kroms who had arrived in exchange
7 for Vietnamese?

8 A. I know only what happened in my commune.

9 Q. At Answer 126 of your written record of interview, you said
10 that there were two to three Khmer Krom families in your commune
11 who had lived in Kiri Vong district, and that they had originally
12 come from Phnom Penh, and that you had also heard that there were
13 Khmer Krom who were living in other villages. Did you ever hear
14 at the district or sector level that the arrival of Khmer Krom
15 coming from Kampuchea Krom was being prepared, and who had been
16 exchanged against Vietnamese?

17 [13.56.59]

18 A. I have heard of that but I did not witness it.

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

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1 Khmer Krom and the Vietnamese in certain communes of Tram Kak
2 district?

3 A. I may give my response mistakenly. I do not know about this.

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

7 [13.58.47]

8 A. I have heard of it. And it was not the truth; it was hearsay
9 only.

10 Q. Well, we're -- I'm not going to give you the list of all of
11 the lists of Khmer Krom on the case file. I'm going to choose
12 three as an example. And I also would like to display these lists
13 gradually on the screen. First, document E3/2348 (sic). This is a
14 list of Khmer Krom families from Kus commune that was established
15 by a certain, Yi, on 29 April 1977. Mr. President, can we please
16 display at least the first page of this list, maybe the witness
17 might also refer to that list that was given to her?

18 MR. PRESIDENT:

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

22 [14.00.30]

23 BY MR. DE WILDE D'ESTMAEL:

24 I cannot give the ERN for each of these documents because each of
25 them has a very long list of Kampuchea Krom families. This

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1 document E3/2348 (sic), like others, concerns the Khmer Krom who
2 came from Phnom Penh and who were Lon Nol soldiers. Another
3 document E3/2281, is a list of 73 Khmer Krom families from
4 Trapeang Thum Cheung commune, was drawn up during the same period
5 on the 4th of May 1977, by the cooperative authorities. And
6 lastly, list number three, E3/2262. It is an incomplete list
7 relating to 64 Khmer Krom families who had settled in Popel
8 commune headed by your husband Chorn. This list indicates the
9 name of the husband, the name of the wife, the names of children,
10 the commune of origin or commune of birth, and the rank of the
11 Lon Nol soldier, place of residence in Popel as well as place of
12 origin, Vietnam, Phnom Penh or Kampuchea Krom, as the case may
13 be. Madam Witness, we have a number of lists drawn up by communes
14 in Tram Kak district. They are similar and they date back to the
15 same period. Does that refresh your memory as to the fact that
16 instructions were issued by District 105 regarding the
17 establishment of such list?

18 [14.03.01]

19 MS. KHOEM BOEUN:

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

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

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1 today that this question regarding Khmer Krom was never discussed
2 at those meetings; is that your position?

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

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

7 A. No, I don't.

8 [14.04.35]

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

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

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

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

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

25 Answer: "The commune chiefs handed them over, and Phy was to

1 receive them."

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

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

6 Sann Lorn mentions your name as commune chief for Cheang Tong
7 commune. Now, Answer 488, he says that he had heard that those
8 people had been brought in order to be re-educated or to be sent
9 to Vietnam, that he didn't know where exactly.

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

14 [14.08.15]

15 MR. PRESIDENT:

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

17 MR. KOPPE:

18 Thank you, Mr. President. Maybe I wasn't able to follow it
19 completely what Prosecution was trying to do. But the sequence of
20 things was that the witness was shown three lists -- three
21 alleged lists of Khmer Krom families. Now she's being read part
22 of the statement of Sann Lorn. But he seems to speak about
23 Vietnamese families being apparently repatriated to Vietnam. So,
24 I'm not quite sure if this is a logical sequence or whether the
25 witness understands that we're not talking about Khmer Krom

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1 anymore, but we're talking about Vietnamese families. Maybe I
2 didn't follow it well, but that's how I understood from the way
3 the question was raised.

4 [14.09.22]

5 BY MR. DE WILDE D'ESTMAEL:

6 Indeed, Witness, I am now talking of Vietnamese families. A while
7 ago we talked of a swap between Vietnam and Cambodia involving
8 Vietnamese on the one hand, and Cambodians on the other. Here, I
9 have read out to you part of the testimony of a Tram Kak cadre
10 who stated that he transported Vietnamese from certain communes
11 to the district office. Can you tell us whether you do recall
12 that event, notably that Vietnamese were taken from villages of
13 the commune and led to the Tram Kak district office?

14 MS. KHOEM BOEUN:

15 A. Allow me to respond. First regarding the name of that leader
16 that you mentioned, I am not familiar with that name. You
17 mentioned something like Sann. And regarding the exchange, I
18 cannot recall it. And as you know, currently my memory is not
19 that good due to my health condition.

20 [14.10.55]

21 Q. It was not Sann. I gave that person's full name. I believe
22 that at the time, that person was called L-O-R-N or L-A-N; does
23 that name ring a bell?

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

25 MR. PRESIDENT:

1 Witness, please hold on. And Counsel Kong Sam Onn, you have the
2 floor.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. The name mentioned by the International
5 Deputy Co-Prosecutor is under confidential treatment in another
6 case. For that reason, the name should not be mentioned by the
7 Deputy Co-Prosecutor.

8 MR. KOPPE:

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

11 [14.12.12]

12 BY MR. DE WILDE D'ESTMAEL:

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

15 Witness, you stated that you were appointed deputy chief of the
16 district as of October 1978 for approximately three months before
17 the arrival of the Vietnamese. Can you tell us then who was the
18 deputy chief of Ta San -- that is, the district chief, between
19 the beginning of 1978 and October 1978?

20 MS. KHOEM BOEUN:

21 A. San was by himself at that time. And the name of Lorn who was
22 part of the sector committee was responsible for Tram Kak
23 district. And then there was this name San. And for October 1978,
24 I actually worked in the rice field during that dry season. And
25 that are all the names that I can recall at the moment.

1 [14.13.52]

2 Q. Did I hear you make mention of Lorn or Orn (phonetic) at the
3 level of the sector? Can you please repeat the name of the person
4 you gave at the level of the sector?

5 A. The name is Rorn (phonetic).

6 Q. Very well, it was not very clear in French. When you became
7 the district deputy head in addition to being the chief of the
8 commune, was that a heavy responsibility and were you overworked?

9 A. No. The work was the same as I was involved in the economics
10 -- that is, to lead people working in the rice fields.

11 Q. And who at the level of the district, under Ta San, was tasked
12 with work relating to security and internal and external enemies?
13 Who exactly was tasked with that?

14 A. I cannot recall it. The names that I can recall are Phy, Chorm
15 (phonetic), and Mao (phonetic).

16 [14.15.59]

17 Q. Very well. I'll revisit something you stated in your record of
18 interview in Answer 212. It is still E319/12.3.2. In that answer,
19 you stated that at the time of the Khmer Rouge regime, some
20 letters were forgeries. What did you mean by that? Can you be
21 more specific? What kinds of documents were likely to be forged
22 at the time?

23 A. Allow me to respond. On the day that I was invited to Phnom
24 Penh for the interview, I was shown a letter and I was told that
25 it was my letter. And upon my examination, I said that the letter

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1 was not mine, the handwriting was not mine, and the signature was
2 not mine. For that reason, I concluded that it was a forgery.

3 [14.17.40]

4 Q. You stated in the record of your interview that letters were
5 delivered between the commune and the district by the messenger
6 who was working for the commune office and the district office.
7 Were the messengers allowed to open mail?

8 A. No.

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

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

13 Q. If a person unknown to you or the district, who did not have
14 the permit to move about in the district came to meet you or came
15 to the district office with documents, what would have happened,
16 would you have mistrusted such a person?

17 [14.19.30]

18 MR. PRESIDENT:

19 Witness, Khoem Boeun, please hold on. And Counsel Koppe, you have
20 the floor.

21 MR. KOPPE:

22 I object to this question. It's a double -- asking for a double
23 speculation, even. The witness cannot answer such a hypothetical
24 situation. It's asking for speculation. Plus it rules out also
25 the possibility that forgeries are originating post-'79. So on

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1 all kinds of levels, this question is not authorised.

2 [14.20.09]

3 BY MR. DE WILDE D'ESTMAEL:

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

8 MS. KHOEM BOEUN:

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

10 Q. A while ago, you said by way of an example regarding
11 forgeries, that you had not recognised your handwriting and
12 signature on a document. But you also said a while ago that
13 someone from the commune office used to write for you and under
14 your instructions. How then can you say that the document you saw
15 was a forgery? Did you ever imagine that it could have been
16 written by someone from your office?

17 A. Sometimes somebody else wrote it for me, and sometimes, I did
18 it myself. However, I always reviewed the content of the writing.

19 [14.22.18]

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

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

25 Q. Very well. In answer to Answer 198, Answer 201 in your record

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1 of interview that you recognised the writing of Ta An, and Ta An
2 was the director of Krang Ta Chan. You said regarding the
3 document, that it wasn't Ta An's writing or handwriting and that
4 you were accustomed to seeing her (sic) handwriting. Can you tell
5 us what type of document written by An was sent to you and
6 received as commune chief and member of the district committee?

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

10 [14.24.24]

11 Q. The investigators of the Co-Investigating Judges showed you
12 document E3/2012. If you can look at that document which is
13 before you, Madam, that would be proper. May I ask the President
14 to place on the screens Khmer page, 00082288; in English 00 --
15 French, 00297--

16 THE INTERPRETER:

17 Mr. President, we didn't get the exact references of the
18 document.

19 BY MR. DE WILDE D'ESTMAEL:

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

22 "I propose that you should send militia - militiamen to arrest
23 two enemies in Srae Kruo village. The names are as follows: Len
24 from Phnom Penh and Sou from Moat Chrouk (phonetic) province.

25 They have planned to seek refuge in Vietnam. They were implicated

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1 in I-N-H, Inh's confessions and those of T-H-A-N, Than. We
2 arrested them the last time." End of quote.

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

6 MS. KHOEM BOEUN:

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

8 [14.27.07]

9 Q. Perhaps, I should give you more details regarding those names.
10 These details are in document D157.13, the Khmer page is,
11 00270847; in French, 00971307; and in English, 01064190 - 91.
12 This document was established at Krang Ta Chan and it sums up the
13 details gathered regarding those prisoners. There's a person
14 called Inh, in actual fact that person's name is Kim Inh, aged
15 32. And it is stated that he was second lieutenant and an
16 accountant in the Lon Nol army. He is accused of being a member
17 of the Leang Chiev network and Neng's network. The person's name
18 is actually Kit Neng (phonetic). That report also mentions the
19 full name of Len, the name is Teng Len (phonetic) and Sou is, An
20 Sou (phonetic). And lastly, regarding the person called Than,
21 that person's full name is Val Than (phonetic), aged 48, born in
22 Kiri Vong. He was a lieutenant up to 1975. Now you have the full
23 name of Kim Inh, Val Than (phonetic), and Len Chiev, and Kit Neng
24 (phonetic). The last on the list was the head of a network. In
25 any case according to the cadre of Krang Ta Chan, does that ring

1 a bell - do you recall those arrests?

2 [14.29.40]

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

4 Q. At answers 202 to 205 in your written record of interview, you
5 said three times that you did not recognise the specific letter
6 that the Investigators of the Co-Investigating Judges had shown
7 you which was An's letter of 1 August 1977, which we just spoke
8 about, document E3/2012. However, you said that you would receive
9 this kind of letter from An, and I'm going to read out what you
10 said in English.

11 Question 202: "Did your commune ever receive this kind of
12 letter?"

13 Answer: "Yes. This letter was sent to Khim who was in charge of
14 the military. And Khim had to bring this letter to me."

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

16 Answer: "Yes, I did."

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

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

22 Answer: "Yes". End of quote.

23 When you would receive a letter from An, the head of the Krang Ta
24 Chan security centre, did you have the choice of not obeying what
25 he was requesting from you?

1 [14.32.19]

2 A. Please repeat your question.

3 Q. Certainly. When you would receive a letter from the Krang Ta
4 Chan security centre -- that is to say, An, whom you knew, you
5 said that you in fact had received a few letters from him, did
6 you have the choice of not obeying what was indicated in the
7 letter? For example, if he would ask to arrest people, did you
8 have the choice of not doing so?

9 [14.32.55]

10 A. I never made any arrest. My authority was limited to report
11 only.

12 Q. I'm not saying that you were the one who carried out the
13 arrests. I'm just asking you that, if at times you had to promise
14 people at the district level, following letters from An, that you
15 would do that or that these people would be arrested?

16 A. (No interpretation)

17 Q. I did not hear the translation. I'm sorry. Could -- could I
18 have the translation again please?

19 A. After I received the letter, I did not order for any arrest.
20 When they later came from the district, then the district
21 soldiers and the commune militia would work hand in hand to
22 conduct the arrest.

23 [14.34.35]

24 Q. I'm going to read out an excerpt of your written record of
25 interview in English again; it's Answer 206: "I sent the people

1 to An, and An carried out further actions. After receiving the
2 letters, I had the villagers search for those whose names were
3 written in these letters. But I do not remember whether or not
4 the village found those people. Then if the villages found them,
5 I would send them to the district office."

6 Question 207: "You heard the villages search for the people,
7 meaning you had your militiamen arrest all of those people;
8 correct?"

9 Your answer to 207: "Yes, I had the militiamen go down to the
10 villages to search for those people because the militiamen were
11 not in the villages."

12 Answer 208: "After arresting the people, the militiamen sent them
13 to the commune level first, because sometimes, the people were
14 not at one place. So they had to collect the people to the
15 commune level first before they sent them to the district."

16 Answer 209: "The militiamen reported to me about the arrests. And
17 then the militiamen sent them to the district."

18 [14.36.26]

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

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

25 So you said that after having arrested the people, the militiamen

1 would first bring them to the commune. And did the commune have
2 some kind of cell where people could be detained temporarily
3 before they would be sent to the district?

4 A. No, but we did -- I did not arrest people and detain them. The
5 district sent a letter and the district would try to locate those
6 people as their names appeared in the report.

7 Q. And in that case, was the -- did the district have to be
8 informed by the commune -- that is to say, that they were looking
9 for people?

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

12 [14.38.27]

13 Q. Fine. I read out a long excerpt of your own statement
14 regarding the fact that when you would receive letters from An,
15 you had to carry out the search of certain people. And now,
16 you're telling us that the district sometimes would come onsite
17 to arrest people. I have a last question regarding Krang Ta Chan.
18 You said -- or in your answer to the two last questions in Answer
19 244, that you had heard that people had been killed at Krang Ta
20 Chan, but that you hadn't seen that yourself. So during the
21 regime, did you know that people were being killed at Krang Ta
22 Chan security centre?

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

24 Q. Yes, I know that. But did you hear about this, as you said in
25 Answer 244 that people -- did you hear that people were being

1 killed at Krang Ta Chan?

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

4 [14.40.20]

5 Q. And Answer 247, you said that people who had been sent to the
6 Krang Ta Chan prison had come back from it and had told you about
7 it. Can you be a bit more specific about this? Can you tell us
8 who exactly had been sent to Krang Ta Chan and then spoke to you
9 about it?

10 A. I cannot recall the names of the people who told me about
11 this.

12 Q. Does the name Yeay Nha, ring a bell as well as members of her
13 family such as Meas Sarat, alias Rat, and the other son of Yeay
14 Nha, Meas Sokha alias Kha? Do these names ring a bell? These were
15 people who came from Srae Kruo in your commune.

16 A. Yes, I know them.

17 Q. Are these the people who told you about what was happening at
18 Krang Ta Chan and who told you that people were being killed
19 there?

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

22 [14.42.14]

23 Q. Do you remember other members of Yeay Nha's family -- that is
24 to say, her husband known as -- whose name was Meas Kun as well
25 as Meas Sarat's spouse named Mom Boeun, do you know why they had

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1 been sent to Krang Ta Chan?

2 A. I know about it but I cannot recall the full detail. I think
3 they were involved in providing their thumb print to dismantle
4 the cooperative. And then there was a report from the village,
5 and then further on the report was sent to the district.

6 Q. Did you ever hear about a meeting that allegedly was organised
7 at Srae Kruo village to which Meas Kun and Mom Boeun participated
8 in order to denounce the way the head of the village managed that
9 village?

10 A. Yes, I know about that.

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, if you would like to take a break now, that's
13 fine.

14 MR. PRESIDENT:

15 The time is appropriate for a short break. We take a break now
16 and resume at 3 o'clock. And Madam Khoem Boeun and the duty
17 counsel will take a short break and we will resume at 3 o'clock.
18 The Court is now in recess.

19 (Court recesses from 1444H to 1502H)

20 MR. PRESIDENT:

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

22 Madam Witness, we will continue with your testimony. Are you
23 ready?

24 MS. KHOEM BOEUN:

25 A. Yes.

1 MR. PRESIDENT:

2 The Chamber will now give the floor back to the Prosecution and
3 the Civil Parties. You have up to the end of the day to examine
4 the witness.

5 [15.03.49]

6 BY MR. DE WILDE D'ESTMAEL:

7 Yes, Mr. President, thank you. Madam Witness, I am almost done.
8 I'll ask a few questions to you and then I'll give the floor to
9 the Lawyer for the Civil Parties.

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

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

17 [15.04.45]

18 MS. KHOEM BOEUN:

19 A. Kun was arrested for reasons I remember -- the fact is that he
20 organised a meeting at which people were asked to give their
21 fingerprints, there were about 60 participants at that meeting,
22 the purpose of the meeting was to bring about some changes and to
23 dissolve the cooperative. The village reported that meeting to me
24 and I forwarded the report to the district. Regarding the arrest,
25 I had nothing to do with it. It was members of the district

1 themselves who came to carry out the arrest. I had nothing to do
2 with it.

3 [15.05.58]

4 Q. I'll read another extract of your record of interview
5 regarding the fact that you did say that you were afraid at that
6 time under the regime, and that if you hadn't implemented
7 instructions received from the upper echelon you wouldn't have
8 survived. That is what you said in answer -- to answer -- in
9 Answer 220. I beg your pardon, that is what you said in Answer
10 220. I'll quote in English.

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

15 [15.06.56]

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

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

20 Can you be more elaborate regarding the fear of committing errors
21 or not implementing instructions that were issued to you as part
22 of your duties?

23 A. I would like to make one clarification. I -- I had to
24 implement instructions from the upper echelon.

25 Q. You stated that you regretted what had happened. You have an

1 opportunity now before this Chamber to explain to us what you
2 regretted, exactly with regard to what happened during the
3 regime.

4 [15.08.46]

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

10 Q. You made mention of meetings at level of the district a while
11 ago, you also referred to them in your statement before the
12 Co-Investigating Judges, you said there were meetings in the
13 sectors. Can you tell us whether there were general assembly
14 meetings in Sector 13 once or twice a year and whether there were
15 general assembly meetings held in the Southwest Zone as well.

16 A. No. General assembly meetings were never held in the zones and
17 sectors. There were some general assembly meetings but I did not
18 attend them for health reasons.

19 Q. I will end with some quotes, first of all regarding what you
20 said in regard to meetings at the level of the sector; these were
21 not general assembly meetings but ordinary meetings. I will quote
22 the passages in English and it is the record of your interview,
23 E319/12.3.2.

24 [15.10.58]

25 Beginning with Answer 90, and I quote: "They had us report

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1 security issues, arrests and so on."

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

4 Your Answer 91. "Yes, they talked about the enemy. I do not
5 remember many of their words. The villagers written reports had
6 to be sent straight to the upper echelon without changes." And a
7 little further, "The upper echelon instructed us on who the
8 enemies were and I took those instructions back to the villages,
9 they told us to seek out the opposition, they did not say enemy."

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

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

17 Can you specify who were the chiefs or cadres of the sectors who
18 talked to you about those issues -- that is, the enemies and the
19 need to search for persons opposed to Angkar, can you give us the
20 names of cadres who talked about it?

21 [15.13.40]

22 A. I do not remember because there were so many of them. All I
23 remember is the instructions regarding the need to re-educate
24 them and to train them.

25 Q. Again I am only quoting what you quoted earlier. You also

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1 stated that people from Phnom Penh who had evacuated to your
2 commune had been killed because they were denounced as persons
3 opposed to Angkar. I will quote the record of your interview.
4 Answer 242 in English, quote: "Yes, there were a lot of killings.
5 You are all Khmer so you all definitely know, we all lost alike,
6 even I also lost. The citizens from Phnom Penh who had been
7 evacuated to my site were killed. Those people were reported for
8 opposing Angkar. The village reported to me about this and I
9 forwarded this report. This kind of problem happened a lot." End
10 of quote.

11 [15.15.47]

12 How did you come to know about the fate of those citizens from
13 Phnom Penh who had been evacuated to your district and who were
14 killed, who told you about them and according to your own
15 reckoning, how many of them were arrested and executed?

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

17 MR. DE WILDE D'ESTMAEL:

18 I have no further questions, Mr. President.

19 MR. PRESIDENT:

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

21 QUESTIONING BY MS. GUIRAUD:

22 Thank you, Mr. President. Good afternoon everyone. Good
23 afternoon, Witness. My name is Marie Guiraud and I'm the
24 international lawyer representing the consolidated group of civil
25 parties in this trial. I would have a number of questions for

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1 you, up to the end of this hearing at 4.00 p.m.

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

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

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

5 [15.18.02]

6 MS. KHOEM BOEUN:

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

8 Q. I thank you. Let me refresh your memory because you told the

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

10 Answer 140, you stated the following: "There was only one

11 cooperative in your commune." Does this answer refresh your

12 memory, "There was only one cooperative in my commune" said the

13 witness, does this refresh your memory?

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

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

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

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

18 [15.19.29]

19 MR. PRESIDENT:

20 Counsel, apparently the extract you are reading out is wrong. In

21 a village there was a cooperative or in a cooperative there was a

22 village, because according to her answer, there was a cooperative

23 in a village.

24 BY MS. GUIRAUD:

25 I will read quite simply for the record the answer I'm referring

1 to and move on to another question because that is not indeed my
2 priority this afternoon. The witness stated in Answer 140, of her
3 interview record and I'll read out what she said, "in your
4 commune", [French spoken] "there was one cooperative in my
5 commune".

6 Madam Witness, do you recall whether you had any role to play
7 during the election of the commune chief?

8 MS. KHOEM BOEUN:

9 A. Could you please repeat your question?

10 [15.21.14]

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

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

15 Q. Did you have any role to play in the election or appointment
16 of the cooperative chief in your commune?

17 A. I had to educate that person in order that, that person may be
18 honest with the inhabitants in order that the person would love
19 the inhabitants and to make sure that people didn't break the
20 pots and pans.

21 Q. Thank you. At the very beginning of your testimony this
22 morning you talked of cooperatives in your commune and you said
23 and I quote, "unit of children, women and youths", did you make
24 any such statement this morning, do you recall making that
25 statement this morning?

1 [15.23.01]

2 A. Yes.

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

5 A. Yes.

6 Q. Did anyone explain to you why it was necessary to separate
7 women, children and men from one another?

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

12 Q. When you say that children had to be set aside in order to be
13 educated during the breaks, can you explain to us how that
14 happened in your commune?

15 A. What I mean is that the purpose was to teach them how to read
16 and write during the break particularly during the mid-day break.

17 [15.25.09]

18 Q. Were you instructed to assign tasks to the children?

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

21 Q. A while ago you stated at the very end of the Prosecution's
22 examination that one of your regrets was that you had not had the
23 opportunity or the possibility of living with the members of your
24 family. Can you tell us a bit more about that and tell us why
25 during the Democratic Kampuchea regime, people were not allowed

1 to live with their family members?

2 A. As I told you earlier, I think boys and girls had to get
3 together and that is why the parents couldn't live with them.

4 Q. I thank you. I would like you to react to a statement we heard
5 in this courtroom. A few days ago we heard Pech Chim, he
6 testified on 23rd April 2015, at about 9.41, and a question was
7 put to Pech Chim regarding the reasons for the establishment of
8 these units and he talked about that and this is what he said and
9 I quote, "Units were put in place in order that we may have some
10 control on the forces. We needed to know who were children, who
11 were youngsters, who were women, in the cooperatives. We had to
12 control the forces at our disposal, we had to know who was ill,
13 who was lazy and we needed to exercise some control over those
14 people." End of quote.

15 What do you think of these statements by Pech Chim before this
16 Chamber?

17 [15.28.06]

18 A. I agree with him.

19 Q. Thank you. Pech Chim stated on the same day, shortly before
20 when a question was put to him regarding discipline in the
21 cooperatives, this is what he said and I quote. "It was strict,
22 which means that people had to obey they could not act freely, we
23 had to work together in order to produce what was expected of us.
24 People were therefore not free they had to link hands in order to
25 carry out the tasks that were required." End of quote.

1 Do you agree, Witness, with the statements given by Mr. Pech Chim
2 during the hearing?

3 A. There were prevalent food shortages and we had to organise
4 ourselves in that manner.

5 Q. I thank you. Did the Base People receive instructions to watch
6 over the New People?

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

10 [15.30.16]

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

12 A. There were at different levels depending on the organisations
13 ranging from the groups, to the village and to the commune.

14 Q. Thank you, Witness. I am not sure that I understood the French
15 translation. The translation I heard was that there were members
16 from the village who were in charge of chasing, did I understand
17 correctly and can you explain to me what you mean by the term, to
18 chase, to follow.

19 A. The monitoring was not only conducted by the group chief, the
20 village chief or the commune chief but also people from the
21 district level engaged in the monitoring activities.

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

25 [15.32.01]

1 A. Regarding the work at the work site, it was done jointly and
2 as for the monitoring activity it was confidential so I cannot
3 say anything about that. The work at the work site was done by
4 all people from various levels, namely from the village, the
5 commune and the district.

6 Q. Thank you. So how did you learn that people from the district
7 would watch over people, including Base People, is this something
8 that you knew with regard to someone in particular?

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

12 Q. Thank you. Now I would like to continue with this issue of
13 monitoring and ask you a few questions about the presence of
14 militiamen within your commune, which we already spoke about
15 today. Can you tell us how many militiamen there were within your
16 commune?

17 A. The number varied. The militia men were recruited from various
18 villages and the number was determined by the district so the
19 number kept changing constantly.

20 [15.34.14]

21 Q. Can you give us an idea, were there militia men in each
22 village in your commune or were the militia men organised in a
23 different way?

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

25 Q. Yes, of course. I simply wanted to know if there were

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1 militiamen in each village within your commune or if things were
2 not so clearly organised as that.

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

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

7 [15.35.50]

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

13 Q. And would the militiamen carry out their duties at night or
14 during the day; could you be a bit more specific about the kind
15 of monitoring that they would carry out?

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

19 Q. Thank you. I am going to quote a short excerpt of an interview
20 of a civil party who testified before this Chamber and I would
21 like you to react if -- so that you can tell me if in your
22 commune things would happen in the same way. This civil party was
23 Chou Koemlan and she was heard -- and the document is E1/253.1
24 and she stated at 9.49.52 seconds: "in the evening if the
25 militiamen saw light or fire where we were living then they would

1 immediately come to where we were living in order to ask us what
2 we were doing."

3 Was this the kind of monitoring that the militiamen would carry
4 out within your commune?

5 [15.38.40]

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

8 Q. Thank you. Were the militiamen armed?

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

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

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

14 Q. Thank you. Now I would like to put to you a more generic
15 question regarding the role that you exercised at the district
16 level. You said that you were in charge of the women's affairs
17 and can you explain to us what were the issues that you were
18 particularly involved with?

19 A. Allow me to respond to that question. I said that I was in
20 charge of the women; I meant that I educated them about the
21 morality, about the way of living and about the work of rice
22 production so we could resolve the living conditions amongst us,
23 the women and amongst all the people within the commune. These
24 are some of the activities that I engaged in and of course I
25 cannot recall every single activity.

1 [15.41.20]

2 Q. Thank you. When you were heard or interviewed by the
3 investigators and you said, at Answer 100 of your records, by
4 giving a free translation of the three topics that were mentioned
5 in English and you said that women were responsible for children
6 in priority of the elders and for education as well. Does this
7 ring a bell and can you confirm that these were issues in which
8 you were particularly involved?

9 A. I cannot recall that.

10 Q. Thank you. Can you explain what the working conditions were
11 like for women in the different units of your commune? What were
12 the working conditions for the female workers, you were in charge
13 of?

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

15 [15.42.56]

16 Q, Let me rephrase this then. Were the working conditions for
17 women different from the working conditions of men?

18 A. The working conditions for the women was lighter than that of
19 the men.

20 Q. And what would happen when women were pregnant, did they have
21 to work until they would deliver or were measures taken?

22 A. For women who were pregnant, they were allowed only to do
23 light work for instance to do light work in the cooperative, to
24 prepare the vegetable in the kitchen.

25 [15.44.18]

1 Q. Thank you. We heard different testimonies and just with regard
2 to the written records, with regard to the record of, I would
3 like to mention Tak Sann, who was heard a few weeks ago by the
4 Chamber and his (sic) transcript is E1/286.1 and he (sic) said at
5 around 1.31 in the afternoon that this person had to work until
6 she delivered -- until the day she delivered, so what is your
7 reaction to this, can you tell us if this would happen sometimes
8 in your commune?

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

11 [15.45.33]

12 Q. Thank you. You said earlier that one of the reasons the
13 children's unit was created was to allow for children's education
14 during downtime and I would like you to react to statements we
15 heard here. Since at least three civil parties stated that they
16 were not able to go to school when they were in the children's
17 unit during the DK regime. And I'm going to start with the
18 statement of Iem Yen and the transcript is E1/287.1, and he (sic)
19 states at around 9.37 in the morning, "Back then there were no
20 schools all I would do was to work."

21 [15.46.33]

22 And we also heard another civil party by the name of Bun Sarouen,
23 this is transcript E1/288.1, who stated at 10.48 in the morning,
24 "We were told that we could learn how to read and write but in
25 reality in my unit all we would do is work -- work and eat." And

1 that same civil party said, "I am full of remorse and my
2 ignorance comes -- was caused by the regime because when I was a
3 child I was not lucky enough to go to school and therefore I
4 became an ignoramus today."

5 MR. PRESIDENT:

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

8 MR. KONG SAM ONN:

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

13 BY MS. GUIRAUD:

14 I don't understand the objection, Mr. President, so I am simply
15 going to just keep on what I'm doing, I simply wanted to give the
16 witness an opportunity to answer but I prefer moving ahead now. I
17 have a certain number of questions.

18 [15.48.34]

19 MR. PRESIDENT:

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

22 MR. KONG SAM ONN:

23 In order to clarify my objection, I would like to mention a
24 decision of the Trial Chamber, dated 24 December 2014, that is
25 document E3/197, and in one of the sub-paragraphs it reads, my

1 apology I have a wrong document with me, just give me a little
2 bit of time.

3 [15.49.25]

4 BY MS. GUIRAUD:

5 I somehow accepted to move ahead in order to gain time so I'm
6 going to continue while my colleague finds the document's
7 reference.

8 Witness, I have a certain number of questions to ask you with
9 regard to the food, you said to us that there were shortages, as
10 a commune chief what was your role in relation to this question
11 of food and to the distribution of food.

12 MR. PRESIDENT:

13 Counsel Kong Sam Onn, you may continue.

14 MR. KONG SAM ONN:

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

24 BY MS. GUIRAUD:

25 I will ask for clarification a little later on because I must say

1 I didn't understand my colleague's objection. So I take note of
2 it but I will move on.

3 I, maybe, should repeat my last question, Witness, because of
4 this interruption. You told us earlier that there were food
5 shortages and my question therefore is the following; so as a
6 commune chief what was your role with regard to distribution of
7 food?

8 [15.52.06]

9 MS. KHOEM BOEUN:

10 A. Regarding food distribution, it was not that difficult
11 although there was indeed shortage of food. In my commune the
12 shortage of food rarely happened and it only happened when it was
13 the end of the harvest season, as that was the times we had to
14 cook rice in the form of a thick gruel for the people.

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

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

20 Q. And with regard to the shortage that you are speaking about,
21 would any of the local people steal food?

22 A. There might be cases of stealing food, yes.

23 [15.54.02]

24 Q. And what would happen when people who had stolen food were
25 identified?

1 A. If they were spotted, they might be detained and brought to
2 the commune for re-education.

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

8 A. Yes.

9 Q. And where did you get this information, who gave you this
10 information, why did you say that stealing food was only a minor
11 crime? For example, did you receive any instruction from the
12 higher echelon that allowed you to categorise crimes between
13 serious crimes and less serious crimes?

14 A. Yes. We received the instruction from the upper echelon. For
15 instance, the stealing of food due to shortage of food was
16 considered a minor offence and the serious offence would be for
17 those who acted against the regime or they stole dishes and
18 buried them.

19 [15.56.34]

20 Q. Therefore, stealing dishes was considered by the higher
21 echelon, as a serious crime. Did I understand correctly?

22 A. It was not the ultimate serious crime, however when people
23 were hungry from food shortage and they resorted to stealing food
24 then it means they committed minor crimes and other people who
25 stole dishes or cooking pots or threw them away they would be

1 considered the enemy.

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

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

6 [15.58.19]

7 Q. Were you a witness of serious crimes, crimes of destruction of
8 property in the cooperative, can you provide us an example of
9 this?

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

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

15 A. I already gave you an example earlier -- that is, the
16 destruction of cooperative collective property or tools or
17 cooking pots or other material.

18 Q. Thank you. I have two or three extra questions to ask with
19 regard to the question of marriages. Witness, you were heard this
20 morning with regard to marriages and how these marriages were
21 organised within your commune and you told us, right now, that
22 you had received clear instructions from the higher echelon with
23 regard to what could be considered a major crime or a minor
24 crime, did you also receive such clear instructions from the
25 higher echelon with regard to marriages?

1 [16.00.35]

2 A. On the issue of marriage, and like I stated this morning, it
3 was decided by the persons themselves and secondly it was matched
4 as husbands and wives by the authority and some of them consented
5 to the proposal while others did not and the decision on who were
6 to be married was proposed to upper echelon and based on their
7 decision, then the marriage was organised.

8 Q. Thank you. I would like to quickly react to a statement by
9 Pech Chim, when he testified on the 23rd of April, he gave the
10 following explanation at 9.24.36, he stated that the chief of the
11 women's unit was considered as the mother of all those women, so
12 she wanted to know whether members of the unit who wanted to be
13 married agreed to consummate the marriage. Do you agree that the
14 head of the women's unit was considered as the mother of all the
15 women and if so, can you explain why?

16 [16.02.45]

17 A. The women unit chief was considered as the mother of the women
18 was correct. Because during the regime all the units chiefs were
19 considered the mothers of those women in their respective units
20 and the reason for that was it was the responsibility of the unit
21 chief who had to educate the members -- that is, the women. And
22 they were close to the women and they took care of them. And
23 that's why they were considered the mother of the women in her
24 unit and it was the unit chief who understood well as which woman
25 in her unit would be match to whom, or to a man in another unit.

1 Q. Thank you. Did it happen that those to be married did not know
2 one and another before the marriage ceremony?

3 A. I could know about that situation. At the base they could know
4 one another from working together. However, not every man or
5 women who were married could stay together as husbands and wives
6 as some of them later on got divorced.

7 [16.05.03]

8 Q. Thank you. We heard the testimony of a civil party in this
9 hearing on 29th January 2015. This is Sreimom Cheang, who got
10 married in 1977 and you were present, Witness, at that wedding
11 and that civil party said at 13.57, that she had never been
12 introduced to the person who became her husband. Do you confirm
13 that such a situation occurred during that period?

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

17 Q. Thank you. I have one last question, Mr. President, if you
18 would allow me to ask it. Witness, were the militiamen tasked
19 with watching over the young married couple, the first night
20 following their wedding. Is that something that happened in your
21 commune?

22 A. I did not have a full understanding in this regard and I
23 myself did not initiate any plan of monitoring those couples and
24 if it did happen during the regime it happened without my
25 knowledge.

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1 Q. Thank you. Final question, did the upper echelon explain that
2 the children had to be given to Angkar and that's why people had
3 to get married. Is that something you heard at that time, that
4 children had to be given to Angkar ?

5 [16.07.53]

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

9 MS. GUIRAUD:

10 Thank you, Witness, for having answered my questions patiently.

11 Mr. President, I'm done with my examination of this witness.

12 MR. PRESIDENT:

13 Thank you and Madam Khoem Boeun, thank you for your time. Today's
14 proceedings come to an adjournment and you and the duty counsel
15 may rest now and we will resume your testimony again tomorrow
16 commencing from 9.00 o'clock in the morning. For that reason you
17 both are invited to provide the -- your testimony via a video
18 link, from the same location where you are now and you may now be
19 excused.

20 [16.09.22]

21 Counsel Koppe, the Chamber would like to ask a question or
22 clarification to you. Through an email from a senior legal
23 officer, we were informed that there is a request to postpone the
24 hearing on Friday the 8th, as you have an urgent matter to attend
25 to back in your home country. Could you please provide your

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1 reason and clarification to the Chamber on the nature of the
2 urgency, as it seems it is a rather belated request and for that
3 reason the Chamber would like to hear the reason for this belated
4 request and as you all know the Chamber has scheduled the hearing
5 for another witness via a video link on that particular day.
6 Please give reasons to the Chamber so that we will have it as a
7 grounds for our deliberation and as well as for the other Parties
8 and the general public.

9 [16.10.55]

10 MR. KOPPE:

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

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

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1 convenient for the Trial Chamber. So I agree that the request is
2 belated however, we filed it because of the health situation of
3 Mr. Son Arun.

4 [16.12.50]

5 JUDGE FENZ:

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

11 MR. KOPPE:

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

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1 reason behind it and I understand it's problematic but this is
2 how it is.

3 [16.14.48]

4 MR. PRESIDENT:

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

6 MR. KONG SAM ONN:

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

9 MR. PRESIDENT:

10 What about other Parties?

11 MR. DE WILDE D'ESTMAEL:

12 We are relying on the wisdom of the Chamber. It's unfortunate
13 because logistical arrangements have already been made and we
14 would like to proceed at the sustained pace we have maintained so
15 far, but I will rely on the decision of the Chamber in this
16 regard.

17 [16.15.47]

18 MR. PRESIDENT:

19 Thank you, Counsel, for your reason and observation by other
20 Parties and the Chamber will rule on that in due course and it's
21 likely that the Chamber will inform the Parties tomorrow.

22 It is now time for the adjournment and we will resume tomorrow
23 that is the 5th May 2015, commencing from 9.00 o'clock in the
24 morning. Tomorrow we will hear the remainder testimony of this
25 witness via video link from Battambang province.

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1 Security personnel you are instructed to take the Accused, Nuon
2 Chea and Khieu Samphan back to the detention facility and bring
3 them back to attend the proceedings tomorrow before 9 o'clock.

4 The Court is now adjourned.

5 (Court adjourns at 1616H)

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