



**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): 31-Jan-2017, 11:27

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**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

16 September 2016

Trial Day 456

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

The Accused: NUON Chea  
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:  
CHEA Sivhoang  
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For the Office of the Co-Prosecutors:  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHET Vanly	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
Mr. LYSAK	English
Ms. MOM Vun (2-TCCP-283)	Khmer
Mr. NOEM Oem (2-TCW-845)	Khmer
The President (YA Sokhan)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining testimony of

6 witness Noem Oem and begins hearing testimony of a civil party,

7 2-TCCP-283, in relation to regulation of marriage.

8 Ms. Chea Sivhoang, please report the attendance of the parties

9 and other individuals to today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case

12 are present except Pich Ang, the National Lead Co-Lawyer for

13 civil parties, who informs the Chamber that he will be absent

14 today for personal reasons.

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

16 waived his rights to be present in the courtroom. The waiver has

17 been delivered to the greffier.

18 The witness who is to conclude his testimony today, Noem Oem, is

19 present in the courtroom. And the civil party who is to testify

20 today, that is, 2-TCCP-283, is available.

21 Thank you.

22 [09.04.01]

23 MR. PRESIDENT:

24 Thank you, Chea Sivhoang. The Chamber now decides on the request

25 by Nuon Chea.

2

1 The Chamber has received a waiver from Nuon Chea, dated 16  
2 September 2016, which states that due to his health, that is,  
3 headache, back pain, he cannot sit or concentrate for long. And  
4 in order to effectively participate in future hearings, he  
5 requests to waive his right to be present at the 16 September  
6 2016 hearing.

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

11 Having seen the medical report of Nuon Chea by the duty doctor  
12 for the accused, at the ECCC, dated 16 September 2016, which  
13 notes that Nuon Chea has back pain and it becomes severe when he  
14 sits for long and recommends that the Chamber shall grant him his  
15 request so that he can follow the proceedings remotely from the  
16 holding cell downstairs, based on the above information and  
17 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber  
18 grants Nuon Chea his request to follow today's proceedings  
19 remotely from the holding cell downstairs via an audio-visual  
20 means.

21 [09.05.41]

22 The Chamber instructs the AV Unit personnel to link the  
23 proceedings to the room downstairs so that Nuon Chea can follow.  
24 That applies for the whole day.

25 Again the Chamber gives the floor to the Co-Prosecutor to

3

1 continue with the proceedings. And you have a combined time of 50  
2 minutes left for Prosecutors and for the Lead Co-Lawyers.

3 You have the floor.

4 [09.06.21]

5 QUESTIONING BY MR. LYSAK RESUMES:

6 Thank you, Mr. President. Good morning, Your Honours. Good  
7 morning, counsel. Good morning, Mr. Witness. When we broke  
8 yesterday, we were talking about Nhem En.

9 Q. Did Nhem En work or live at S-21 before the time you say that  
10 he and the other youth in his group were assigned to you to  
11 train? Was he at S-21 before that?

12 MR. NOEM OEM:

13 A. I did not know about Nhem En's situation. <I did not know  
14 which unit he was from.> I only knew him when he was sent to me.  
15 He was sent to me so that I could teach him.

16 Q. Well, let me ask you about something you said in your second  
17 OCIJ interview. This is E3/7618, E3/7618, Khmer, ERN 00164437;  
18 English, 00164441; French, 00164445. You were asked:

19 Question: "What year did Nhem En come to live with you?"

20 Answer: "He came to work with me during approximately mid-1978,  
21 about six months before Phnom Penh fell in 1979. Before, he had  
22 been in a children's team living with Duch." End quote.

23 How is it that you -- why did you think that Nhem En had --  
24 before he came to work with you that he had been in a children's  
25 team with Duch?

4

1 A. What I knew was that Duch sent him to my unit so that he could  
2 learn photography, but I did not know about his previous  
3 situation.

4 [09.09.00]

5 Q. And you said that there were two or three other youth or  
6 children who were -- you were assigned to train in addition to  
7 Nhem En. What were the names of the other children or youth that  
8 were assigned to you along with Nhem En?

9 A. I do not recall their names. And when we fled, one fled along,  
10 and he died at the mountain. That is when we <were fighting  
11 against> the Vietnamese.

12 Q. In your OCIJ interview, 7639, you made a similar statement,  
13 you could only recall Nhem En. You said, "Other than him, I've  
14 forgotten them all, the other children."

15 But why is it that you've forgotten everything about the other  
16 children you were assigned to train, including their names, but  
17 you still claim to remember some specifics about Nhem En? Why do  
18 you remember him but not remember the other children?

19 [09.10.28]

20 A. Because they were there for a short period of time, and I only  
21 heard of Nhem En's name when he spoke on the Radio Free Asia  
22 channel <stating that he was a photographer at S-21>. <Other than  
23 him, I do not recall because> they were with me for a short  
24 period of time.

25 Q. Are you saying that the first time you heard Nhem En's name

5

1 was when he spoke on the radio after the Khmer Rouge regime?

2 A. Yes. Then I heard him on the radio, and that jogged my memory.

3 Q. You -- turning to another subject, you testified yesterday

4 about children who were imprisoned at S-21 as well as mothers who

5 had their infants. Were there also elderly prisoners who were

6 imprisoned and photographed at S-21?

7 A. Yes, there were elderly people, but I do not recall their

8 names. And I recall that there was one person who was over 70

9 years old.

10 Q. Mr. President, with your leave, I'd like to provide another

11 group of photographs to the witness, and I will identify them for

12 the record while they're being provided.

13 MR. PRESIDENT:

14 Court officer, please hand the document over to the witness.

15 [09.12.35]

16 MR. LYSAK:

17 And for the record, the group of photographs I've just provided,

18 the first one is a copy of what is photo 791 in the new DC-Cam

19 collection, that is, E3/9837, and it is on page P01223809. The

20 next four are all from the E3/8639 group, so it is E3/8639.5110,

21 5110, .2484, .1975, .3668, and .4034.

22 And with your leave, Mr. President, I'd like to show these on the

23 screen as I ask the witness about them.

24 MR. PRESIDENT:

25 AV Unit personnel, please show the document on the screen.



6

1 [09.14.05]

2 MR. LYSAK:

3 So the first photograph in the group I've given you comes from  
4 the collection 791. This woman has an ID tag that you can see;  
5 name Yeay Sam; date 28 March 1978.

6 She appears, Your Honours, in the OCIJ S-21 list as number 8855,  
7 where she's identified as a 71 year old female from the Northwest  
8 Zone.

9 Next photo is 5110, if we can show that, please.

10 MR. PRESIDENT:

11 AV Unit personnel, please show that photo on the screen.

12 BY MR. LYSAK:

13 This next photo, which is 8639.5110, woman with a tag, dated 18  
14 January 1978, who matches in the OCIJ list number 8042, 8042 in  
15 the OCIJ S-21 list, a 77 year old woman named Buoy identified as  
16 an old worker of the railway.

17 And if we can just go through and show the next four photographs  
18 in sequence, 2484 first, then 1975, then 3668.

19 This photograph is 2484, and if we could show the next one, 1975.

20 (Short pause)

21 [09.17.00]

22 BY MR. LYSAK:

23 Thank you. That is photograph -- the one that is on the screen  
24 now is 8639.3668.

25 Q. Mr. Witness, do you recognize these as photographs of

1 prisoners taken at S-21?

2 MR. NOEM OEM:

3 A. Yes. I recall that these sets of photos were taken toward the  
4 later part of the regime, that is, in 1978.

5 Q. Do you know whether there was anything done differently with  
6 the elderly prisoners who were imprisoned at S-21? Was there a  
7 different building where they were imprisoned? Do you know  
8 whether they were treated any differently than other prisoners?

9 [09.18.12]

10 A. I did not know about that. However, they were detained in the  
11 detention rooms, too, and I did not know later on where they were  
12 sent to because after I took those photos, I returned to my  
13 place.

14 Q. Okay. Thank you, Mr. Witness. I want to now talk a little bit  
15 about an issue brought up -- covered with Defence Counsel  
16 yesterday, that is, photographing prisoners at Prey Sar.

17 First, do I understand correctly that the situations you've  
18 indicated where you had to go and re-photograph people involved  
19 negatives that had been damaged such that you could not use the  
20 negative, see the prisoner and print the photograph? Is that  
21 correct?

22 A. Yes, that is correct. When the negatives were damaged, I  
23 informed Duch and Duch then sent me to retake photos at Prey Sar  
24 <where people did rice farming and planted vegetables>.

25 Q. So one thing I'm -- I don't understand, I want to ask you to

8

1 clarify, if the negative was damaged such that you could not see  
2 the -- use it and see the prisoner or their identification  
3 number, how is it that you were able to identify the people whose  
4 photographs needed to be taken again?

5 [09.20.10]

6 A. Because I knew as the first shot was of which prisoner, and  
7 when during the developing of the negatives some shots or some  
8 films' parts were damaged, then I knew that <which> photos were  
9 damaged. <Then I would ask Thy and he would tell me where they  
10 were.>

11 Q. But how did you know the names of these people? Did you keep  
12 some or have access to some written log or lists that had  
13 prisoners' names and the number -- numbers that had been used  
14 when you photographed them?

15 How is it when the negative was -- when you couldn't see anything  
16 on the negative that you were able to figure out the name of that  
17 person?

18 [09.21.06]

19 A. I knew it because when the particular photos were damaged,  
20 then I took the damaged photos to Suos Thy and then Thy would  
21 inform me as which prisoners whose photos were damaged.

22 Q. So Suos Thy is the one who would give you the names of people  
23 that he required new photographs of; is that correct?

24 A. Because <> when I took the photos to him, he would examine  
25 those photos and he could verify the photos against the names.

1 For example, out of those numbers, two photos were missing from  
2 two particular prisoners, then we knew who the prisoners were.

3 Q. Thank you. Now, when you went to Prey Sar, how did you travel  
4 there?

5 A. I rode a bicycle.

6 Q. How far was it from the S-21 compound to Prey Sar? How long  
7 did it take you to ride your bicycle there?

8 A. It took almost an hour to ride my bicycle there.

9 Q. And when you rode your bicycle, left the S-21 compound to  
10 travel to Prey Sar, did you need a travel pass with you?

11 [09.23.12]

12 A. The travel permit was issued by Duch. However, along the  
13 routes, there were not many checkpoints.

14 Q. When you arrived at Prey Sar, who would you contact to help  
15 you to tell what you needed to do there? Who is it that you  
16 contacted when you arrived at Prey Sar?

17 A. I contacted with Huy, but we refer to him as Huy Sre.

18 Q. And was it Huy Sre who would find for you the people who  
19 needed to be photographed?

20 A. Yes. When he knew which day those prisoners were sent to, then  
21 he knew where they were.

22 Q. Defence Counsel read to you an excerpt from your interview  
23 yesterday, in which you said that the people who were sent to  
24 Prey Sar were -- you called them "minor people". How did you know  
25 that people sent to Prey Sar were "minor people"? How did you

10

1 know that?

2 [09.25.03]

3 A. Minor people, I did not refer to their physical appearance,  
4 however, I refer to their position or rank. <Normally, they would  
5 be sent away under Duch's instruction if they were not involved  
6 with any major thing.>

7 Q. I understand that. My question is, your job was to take  
8 photographs. How did you know what the ranks or positions were of  
9 the people who were sent to Prey Sar?

10 A. I knew it because some of those who were in the same unit when  
11 we were attacking Lon Nol, they were rank and file soldiers.  
12 That's how I knew about it, and that's why I said they were minor  
13 people.

14 And during the regime, I did not know many senior people.

15 Q. Just to make sure I understand correctly. So your statement  
16 that the people were minor people was based on the fact that you  
17 knew a few of the people who were sent to Prey Sar because they  
18 had been -- you had known them in the military before you went to  
19 S-21. Is that correct?

20 A. Yes.

21 Q. I want to ask you -- read to you a couple of excerpts from two  
22 others witnesses who have testified. Defence Counsel yesterday  
23 read to you one excerpt of Him Huy's testimony. Let me read to  
24 you an excerpt from his testimony on the 5th of May 2016, this  
25 year in this courtroom. This is E1/428.1, 5th of May 2016, at

11

1 around 10.50 in the morning. Him Huy testified, I quote:  
2 "When I was instructed to send and transport those prisoners to  
3 Prey Sar, they had not been photographed at the prison. It was  
4 the road coming from Pet Chen (phonetic) and from Yukanthor High  
5 School. They stopped the vehicles there, and I was instructed to  
6 use another vehicle to go and transport those prisoners to Prey  
7 Sar. And I never saw them being photographed in the prison." End  
8 of quote.

9 [09.27.57]

10 And the second, Suos Thy, who you know -- Suos Thy in this  
11 courtroom on the 6th of June 2016 -- this is E1/432.1, 6th of  
12 June 2016, at about 15.25 in the afternoon, testified the  
13 following, quote:

14 "It was possible that those people were photographed" -- this is  
15 -- he's referring to people sent to Prey Sar.

16 "It was possible that those people were photographed at the outer  
17 section before they were sent to the rice fields. And to my  
18 understanding, those who were sent inside and photographed were  
19 never sent to the rice field. They were detained in the  
20 building." End of quote.

21 My question for you, is it correct as testified by Suos Thy and  
22 Him Huy that photographs of prisoners sent to Prey Sar were taken  
23 outside the compound and that prisoners who entered the compound  
24 were not sent to Prey Sar? Is that correct?

25 [09.29.20]

12

1 A. Sometimes we took their photos outside, and when the -- some  
2 photos were damaged, then I requested to retake the photos at the  
3 location that I described. As I said, <after> I took the photos,  
4 I developed the films, the negatives and the photos and, later  
5 on, I delivered the photos to Suos Thy.

6 So, as I said, these events took place a long time ago, and my  
7 recollection may not be that well. And sometimes I took photos of  
8 prisoners outside.

9 Q. Thank you. I understand it was a long time ago. I want to show  
10 you an additional group of photographs accompanied by some  
11 prisoner lists.

12 Mr. President, with your leave, if I may provide these to the  
13 witness, and I will identify them for the record, as I go through  
14 them.

15 [09.30.33]

16 MR. PRESIDENT:

17 Court officer, please take the document to the witness.

18 MR. LYSAK:

19 Now, the first document, if you would start with that one, and  
20 for the record, there is a photograph which is E3/8639.3998,  
21 .3998. With your leave, Mr. President, may we show this on the  
22 screen?

23 MR. PRESIDENT:

24 AV Unit officer, please project the photo on the screen.

25 [09.31.25]

13

1 BY MR. LYSAK:

2 Q. Now, we'll see in the photograph of this prisoner -- no. Could  
3 you please show 3998?

4 The prisoner in the first photograph I provided to you, Mr.

5 Witness, has an ID tag. She's a female, Yim Khan, alias Thoeun,  
6 with the date of 5 February 1978.

7 And can we show that photo on the screen, please?

8 Mr. Witness, the reason I'm asking you about this prisoner when  
9 we get the photograph on the screen, the name of the prisoner and  
10 the date on -- pardon me, that photograph is 3989, so if we could  
11 put 3998. They're very close numbers.

12 So the reason I'm asking you about this prisoner is that the name  
13 and date of the photograph matches to a prisoner, prisoner number  
14 7708 on the OCIJ list. And this person is recorded in a list of  
15 prisoners sent from S-21 Kor, which is Prey Sar, And she is  
16 number 31 on this list.

17 [09.33.34]

18 This document is E3/10248, Khmer, ERN 01016745. Let me repeat,  
19 the prisoner list of prisoners sent from S-21 Kor, E3/10248,  
20 Khmer, 01016745. And do we have the photo?

21 It looks like we're having troubles with the photograph, Mr.

22 Witness, so let me just ask you this.

23 Oh, there it is. If we can show that on the screen.

24 (Short pause)

25 [09.34.55]



14

1 BY MR. LYSAK:

2 Q. Okay. We seem to be having some troubles with showing you on  
3 the screen. You have the documents in your hand.

4 What we have is a prisoner who is recorded in the list as being  
5 transferred from Prey Sar to S-21 on the 5th of February 1978,  
6 and then we have a photograph of that prisoner in which you can  
7 see the date of 5 February 1978.

8 Looking at these records and the photograph, Mr. Witness, does  
9 this refresh your memory that prisoners were registered and  
10 photographed when they were transferred from Prey Sar to S-21 as  
11 shown by this woman? Is it correct that if prisoners were sent  
12 from Prey Sar to S-21, that they were photographed at the time  
13 they arrived at S-21?

14 [09.36.14]

15 MR. NOEM OEM:

16 A. For those who were sent to Prey Sar and then after  
17 investigation was conducted and found out their wrongdoing, they  
18 were sent back from Prey Sar <> to S-21. There were such cases  
19 happened.

20 Q. And were they as shown -- with the case of this woman, were  
21 they photographed at the time they were sent from Prey Sar to  
22 S-21 and entered the S-21 prison compound?

23 A. Yes, that's correct. When they were brought back, they were  
24 photographed and then sent into the <building>.

25 Q. I will skip the other examples, but let me just read them into

15

1 the record so that we have them. There are another three  
2 photographs. These are E3/8639.4082, .3989, and .4084. These are  
3 three prisoner photographs, who all have tags showing that they  
4 entered on the 19th of April 1978. And they are all on the same  
5 prisoner entry list, which is E3/10365, which show them entering  
6 on that date from S-21 Kor. They are numbers 22, 33 and 36 on  
7 that list.

8 [09.38.13]

9 Let me just move to my last subject, Mr. Witness, which is the  
10 total -- which is the number of prisoners who were photographed  
11 at S-21. Are you able to provide the Court with any accurate or  
12 reliable estimate of the total number of prisoner photographs  
13 taken during the existence of S-21, or would you just be guessing  
14 if you tried to come up with a number?

15 A. When I started to work there<,> based on my estimate of the  
16 photographs I took and those took by my subordinates, it was  
17 between four and five thousand photos.

18 Q. And how is it that you're able to provide an estimate? Did you  
19 count the number of photographs each year? How is it that you're  
20 able to provide us an estimate of how many photographs your unit  
21 took?

22 [09.39.55]

23 A. I based <it on> the numbers of rolls of films I stored at my  
24 workplace.

25 Q. How many -- how many rolls of film -- where did you get the

16

1 rolls of film? Let me ask you that.

2 A. I collected them when Phnom Penh fell. I collected from all  
3 the photography shops in the city and kept them securely at my  
4 building.

5 Q. And did you ever review lists that showed the total numbers of  
6 prisoners who entered each month at S-21?

7 A. No, I never reviewed it. <I never recorded it.> Simply after I  
8 developed the film and negatives and the photo, I put them  
9 straight away into the room and then sent the photos straight to  
10 Thy, so that was the common process.

11 Q. And did you provide any sort of regular report, monthly report  
12 on the number in which you added up the number of photographs you  
13 had taken that month or that time period?

14 A. No. We never made such a report. It was Duch who was in charge  
15 of making the report. For me, after I developed the photo, I sent  
16 the photos to Thy. <I never made any monthly reports.>

17 [09.42.12]

18 Q. The reason I ask you this is there are now in evidence in this  
19 trial alone over 6,170 photographs from S-21, and these are just  
20 the photographs that survived and were recovered. So, am I  
21 correct that your estimate of, you now say, four to five  
22 thousand, is an estimate based on your recollection of the number  
23 of film rolls you had available at your house? Is that correct?

24 MR. PRESIDENT:

25 Mr. Witness, please hold on.

17

1 The floor is given to Defence Counsel for Nuon Chea.

2 [09.43.02]

3 MR. KOPPE:

4 Thank you, Mr. President. Good morning.

5 I object to the use of that particular number, 6,100. On multiple  
6 occasions, we have put forward the number of the negatives that  
7 were--

8 MR. PRESIDENT:

9 Defence Counsel for Nuon Chea, please hold on because there was  
10 no Khmer <interpreting>.

11 Yes, you may continue.

12 MR. KOPPE:

13 Yes. I will repeat myself. We object to the use of the number of  
14 6,100. As the Chamber is aware, on multiple occasions we have  
15 referred to the total amount of negatives that were found and  
16 collected and categorized by the two American photographers as  
17 they came up with a number of around 5,000.

18 If the Prosecution is now adding up new photos that we, for  
19 instance, used yesterday -- I'm not sure if he does -- there is  
20 no evidence to suggest that that is an additional 1,000 photos.  
21 Maybe they could be the very same persons, but then already found  
22 and categorized in that overview of the two American  
23 photographers. So saying now it's 6,100 is, as far as I can see,  
24 without evidentiary basis.

25 [09.44.41]

1 BY MR. LYSAK:

2 Let me provide the exact evidentiary basis, then. David  
3 Chandler's book, "Voices from S-21", you'll find a reference --  
4 this is E3/1684; English, 00192706; Khmer, 00191861; French,  
5 00357291; discussing the photographs of prisoners, "Over 6,000  
6 photographs taken by the unit have survived."

7 And then you will find an end note at the end of the book. This  
8 is end note 38, Chapter 1, so at English page 00192859; and no  
9 translations. Chandler notes, I quote:

10 "Niven and Reilly's photo archive group cleaned, developed and  
11 archived over 6,000 negatives found at the museum in 1994 -  
12 1995." End of quote.

13 [09.45.52]

14 My number of 6,174 comes simply from adding the photographs that  
15 are in evidence under the E3/8639 series, which is a total of  
16 5,186, to the 988 photographs in the new DC-Cam collection that  
17 are specifically identified as prisoners. So that's how we come  
18 up with that number.

19 Q. Mr. Witness, the -- there are over 6,000 photographs that have  
20 been recovered and survived. Is it fair to say that your estimate  
21 of four to five thousand is a very rough estimate based on a  
22 recollection of how many film rolls you had?

23 MR. NOEM OEM:

24 A. As I told you earlier, after I took the photos and I developed  
25 the films and negatives, then I rolled the film and store them

19

1 <in the storeroom>. So when you gave the number roughly 6,000,  
2 perhaps it included the numbers of photos taken outside the  
3 building under the responsibility of <Sry>. <I never went in and  
4 out of his place so I did not know about it. I had my place and  
5 he had his. We were not allowed to walk around freely at that  
6 time.>

7 Q. Who were the other photographers you're referring to?

8 A. It was Sry. Sry was the Party member. He was working at the  
9 detention facility for detaining people with senior position.

10 [09.48.15]

11 Q. One last question before I turn it over to the civil parties.

12 Do I understand correctly, though, that you are making an  
13 estimate based on your memory of the number of film rolls?

14 You didn't keep a number tally during the time you were at S-21.

15 You didn't count and keep a tally of how many photographs you had  
16 taken. Is that correct?

17 MR. PRESIDENT:

18 Mr. Witness, please wait until your microphone is activated. So,  
19 speak when the tip of the microphone turns red.

20 MR. NOEM OEM:

21 I made such a conclusion because after members of my team  
22 developed the films and negatives, we stored the film in one  
23 secure place. In case the photos were damaged, we can develop  
24 them again.

25 And as for <> Sry, he was in a different section, the place where

20

1 people in senior position were detained. And my team were not  
2 allowed to access that place. And I, myself, never accessed that  
3 place.

4 [09.49.58]

5 BY MR. LYSAK:

6 Q. Let me try one more time. You stored the photographs, but you  
7 didn't keep a running tally of the number of them. Is that  
8 correct?

9 MR. NOEM OEM:

10 A. Yes, that's correct. I never record them.

11 MR. LYSAK:

12 Thank you. Thank you, Mr. Witness, for your time.

13 That's all our questions, Mr. President.

14 MR. PRESIDENT:

15 The combined time for both of your teams now expired.

16 Madam Lead Co-Lawyer for civil party, you have any questions?

17 [09.50.55]

18 MS. GUIRAUD:

19 Thank you, Mr. President. Good morning, everyone. I have three  
20 questions, so since we started at 9.05, we have 50 minutes. I  
21 still have three or four minutes to put questions to the witness.

22 <With your permission,> it will be very brief, Mr. President.

23 MR. PRESIDENT:

24 The Chamber grants your request.

25 QUESTIONING BY MS. GUIRAUD:

21

1 Thank you. Good morning, Witness. My name is Marie Guiraud, and I  
2 represent the consolidated group of victims that joined this case  
3 as civil parties. I have two or three follow-up questions to put  
4 to you following the questions put to you by my colleague of the  
5 Nuon Chea team yesterday.

6 Q. Yesterday, you talked of a nurse who was arrested and executed  
7 because of his involvement in the rape of a <female> prisoner. I  
8 would like to know whether you know what happened to the  
9 prisoner, that is, the victim of that rape?

10 [09.52.17]

11 MR. NOEM OEM:

12 A. Based on what I heard from people who worked there, the person  
13 <> was from France, and because the victim became sick, she came  
14 to get treatment, and she was raped. And the raping incident was  
15 witnessed by other people <and they reported the incident>. <And  
16 so the man was indicted for the crime.>

17 Q. And do you know what happened to the victim who came from  
18 France? Did you have that information at the time what happened  
19 to <her,> after she was raped, according <your statement>?

20 A. I was not aware of what happened. I only heard about such an  
21 incident. <She was later on sent back to her cell.>

22 Q. And this is my last question, Mr. President. Was <the> rape  
23 considered as a moral offence? Does the term "moral offence" mean  
24 anything to you?

25 [09.53.47]



1 A. At that time, if there was a rape incident took place, it was  
2 considered as a moral offence and the people involved would <not  
3 survive>.

4 Q. And were there any other cases of moral misconduct at S-21?

5 I'm talking of acts of moral misconduct that you witnessed  
6 <yourself> or that you heard of in addition to the rape committed  
7 against the French prisoner.

8 A. Since that time onward, I have never heard any other  
9 incidents.

10 MS. GUIRAUD:

11 Thank you, Witness.

12 Thank you, Mr. President, for having granted me these additional  
13 minutes.

14 [09.54.56]

15 MR. PRESIDENT:

16 Thank you, Madam Counsel.

17 The floor is given to Judge Marc Lavergne.

18 QUESTIONING BY JUDGE LAVERGNE:

19 Thank you, Mr. President.

20 Q. Witness, yesterday, you told us that you were detained for  
21 about 10 years from <around> 1996 to 2006, if I properly  
22 understood you. Can you tell us whether you were tried and, if  
23 yes, which tribunal tried you, and for what reasons?

24 MR. NOEM OEM:

25 A. Now let me elaborate about the 10 years I was in prison. It

23

1 was after the regime fell. I changed my name <to> Noem Oem <>.  
2 <No one knew my background> and I was assigned to be <the chief>  
3 in the group of village administration. And a family had an  
4 argument because when the husband came back from drinking and  
5 gambling, the wife did not cook food for him and he was angry  
6 with his wife and beat his wife <and bound her to a house's  
7 pillar>. And the mother-in-law approached me to seek assistance,  
8 but I did not want to get involved because the man was so cruel.  
9 <My sister in-law insisted I go and help that woman.> But because  
10 I felt sympathy, so I went there. And now let me cut it short  
11 because it's a long story. And <around 6 months later,> the man  
12 was angry with me and--  
13 [09.57.00]

14 Q. <What -- this story is not of interest, necessarily> -- what I  
15 would like to know is whether you appeared before a court and  
16 whether a judgment was delivered in the case? Did you see any  
17 Judges during the 10 years of your detention, or not?

18 A. At that time I accidentally committed that crime, I did not  
19 escape. And the Court in Kandal province tried me according to  
20 the law.

21 Q. And were you convicted and, if yes, of what offence?

22 A. I was convicted of <involuntary manslaughter>.

23 Q. Were you convicted of unintentionally killing someone?

24 A. Yes.

25 [09.58.24]

24

1 Q. Very well. Yesterday, you explained that, as part of your  
2 training as a photographer, Ta Nat had brought some photographers  
3 who had worked as <photographers> under the previous regime, and  
4 these photographers explained to you how to use <the>  
5 photographic equipment.

6 Do you know what became of those photographers who had conducted  
7 your training? What happened to those persons?

8 A. As I told you yesterday, after I had collected the leftover at  
9 photography shops in the city, I approached Ta Nat and sought his  
10 help to search for the photographers of the old regime to help  
11 translate the document. And I also gave them a bag of rice that I  
12 transported from Phnom Penh. But I did not know what happened to  
13 that photographer later on <> after he returned the translated  
14 document to me.

15 Q. Where did this training take place? Did it take place at S-21,  
16 or elsewhere? Were the photographers prisoners themselves?  
17 [10.00.25]

18 A. At that time, I took the documents in English with paper and  
19 pen and I went to the base. I did not study in Phnom Penh.

20 Q. Where were the photographers? Were they at S-21 or were they  
21 elsewhere?

22 A. I understand your question. I took the English documents to --  
23 for someone to translate for me at the base, so the documents  
24 were translated into Khmer and then I would practise based on the  
25 Khmer text at Division 703 at the time. It was based near Psar

1 Thmei, or Central Market.

2 Q. So must I understand that, in reality, you never met the  
3 photographers who were asked to translate the documents? So this  
4 was remote training that you underwent?

5 [10.02.01]

6 A. I met with them at -- in Kandal province, and I inquired who  
7 had skills in photography at the base, and then I asked them to  
8 help translating the document. And when I returned home, I  
9 studied the translation and the names of chemicals that I had to  
10 mix. And it took me many tries before I could properly mix the  
11 chemicals.

12 Q. So you never saw a photographer develop pictures <in front of>  
13 you. You did all of this simply by reading notes that were  
14 translated for you? Is that what I must understand?

15 A. Yes, at that time, I studied it by myself and I practised it.  
16 I practised how to take photo, how to develop the film, negatives  
17 and the photos. <I was not good at it at first, but I improved.>  
18 At that time, <a lot of> films and the photo papers were  
19 abandoned <so I was not worried about over using it during  
20 practice>.

21 Q. How long did it take you to collect the necessary equipment,  
22 the film rolls <in abandoned stores> in Phnom Penh? How long did  
23 it take you to gather all of this equipment?

24 A. It took me several months, between five to <six> months before  
25 I could gather all those necessary equipment, including <the

1 cameras, the negatives,> the photo papers and the chemicals.

2 Q. Where was this equipment stored? Was it stored <right> at S-21  
3 within the <premises of what is> currently <the> Tuol Sleng  
4 Museum, or was this equipment stored elsewhere?

5 A. First, in 1975, they were stored at <Division> 703. <It was to  
6 the west of an international photo shop.> And that is when I was  
7 with 703. And later on, three of us were sent to S-21, so we  
8 brought in some materials from 703 and, later on, we gathered  
9 additional equipment <from outside>.

10 [10.04.56]

11 Q. So when you brought the equipment with you, do you remember  
12 how many film rolls you brought with you?

13 A. There were many because one room was full <of> the equipment.  
14 We had colour photo printings machines. We also had black and  
15 white photo printing machine as well. <We started printing colour  
16 photos after those people came back from China.>

17 Q. Earlier, Witness, you provided us figures regarding the number  
18 of photographs <of prisoners> you thought were taken at S-21 by  
19 your team. Can you give us an idea of how many film rolls you had  
20 <in your possession> at S-21?

21 A. I cannot recall that, there were many. At that time, there was  
22 no proper monthly tally for any film rolls that had been used for  
23 that month. <After the photographs were taken, they were sent to  
24 Thy,> so for that reason, I cannot recall it. And as I said, the  
25 figure may be between four to five thousands.

1 [10.06.38]

2 Q. Witness, you told us that you <calculated> the number of  
3 prisoner photographs that were taken by your team basing yourself  
4 on the number of film rolls you had <in your possession>. So if  
5 you are not able to give us an estimate of the number of film  
6 rolls you had, I do not understand how you can give us an  
7 estimated number of photographs that were taken <at S-21>, unless  
8 you can clarify this.

9 A. During the regime, after we used the films, we developed it  
10 and then we brought them back into the case and we stored them.  
11 However, as to how many film rolls we used or how many photo  
12 papers we used, I cannot tell you that.

13 Q. Fine. Can you tell us how often you <yourself> would take  
14 pictures of prisoners? You said that you wouldn't do so every  
15 day, because sometimes not many prisoners arrived and you were  
16 busy <elsewhere>. But can you tell us approximately how often you  
17 took pictures of prisoners? Once a week, several times a week?

18 A. From my observation, sometimes we took photos two or three  
19 days in a row, and sometimes it's only once a week. So it varied.  
20 Sometimes there were more prisoners to be photographed; sometimes  
21 there was less.

22 [10.08.42]

23 Q. Did you take pictures of prisoners as often as your  
24 subordinates?

25 I understood that there were six people in your unit taking

1 pictures, three who had been trained on site and three who had  
2 been trained in China. So did you take pictures as often as the  
3 six other people on your team?

4 A. Your question is not correct. Regarding the six photographers  
5 I referred to when I was at 703, and three of us were reassigned  
6 to S-21, including <Nit,> Song and myself.

7 Q. Fine. So there were three photographers in your unit, you and  
8 two others.

9 Did you take pictures as often as your two other colleagues, or  
10 did you take pictures <less> often<, or more often> than your two  
11 other colleagues?

12 [10.10.08]

13 A. When more prisoners arrived, then I would go to help them with  
14 the photography session, but if there were less prisoners, then  
15 only my subordinates<, Nit and Song,> would go, and I would stay  
16 in the place where I worked to mix chemicals.

17 Q. As far as you remember, how <many times> did you take  
18 pictures?

19 A. I cannot recall that vividly. It happened a long time ago. I  
20 cannot tell you how often I went to take photo of prisoners. As I  
21 said, I took photographs at least every month, and sometimes like  
22 five or six times per month. And it varied.

23 And as I said, when there were less prisoners, only my  
24 subordinates would go to take photograph.

25 Q. <Was that> times per month or times per week?

1 A. Probably for some months, it's four to five times. And as I  
2 said, sometimes we were busy two or three days in a row.

3 Q. <Were you> or the photographers in your unit also tasked with  
4 photographing the S-21 staff, or was it another unit that would  
5 take those pictures?

6 A. I used to take <Samdech's> photos as well. And <> my  
7 subordinates also used to take photographs of the staff, in  
8 particular, those photos that were shown to me, that is, of those  
9 people wearing caps.

10 [10.13.04]

11 Q. And do you know if other photographers <also> took pictures of  
12 S-21 cadres or S-21 staff <members>?

13 A. Yes. For example, when there was a wedding ceremony of a cadre  
14 there, then we were assigned to take a photograph. Sometimes we  
15 took photograph of their children.

16 Q. You also spoke about Vietnamese prisoners yesterday. Do you  
17 know if there were people in charge of making films among the  
18 S-21 staff?

19 A. No, not at my location. And maybe that was the responsibility  
20 of the Ministry of Information. However, the person who made film  
21 about the Vietnamese was later imprisoned.

22 [10.14.40]

23 Q. What can you tell us about this person? Why was this person  
24 detained, and how do you know that this person made films about  
25 the Vietnamese prisoners?



30

1 A. They filmed Vietnamese being walked in the city.

2 Q. Who, and for what reason? When did you see these films? What  
3 could you see in these films?

4 A. I did not see it.

5 Q. Why was the person who made these films arrested?

6 A. I did not know the reason for that because he was from a  
7 separate unit.

8 Q. And was this other unit an S-21 unit?

9 A. No, not S-21. It was at the Ministry where they produced  
10 magazines. I do not know the proper name for that Ministry, but  
11 maybe it was the Ministry for Information where they produced  
12 magazines showing people farming in the field.

13 JUDGE LAVERGNE:

14 I believe that the time has come to take a break. I still have  
15 about two to three questions to put to the witness, if you please  
16 allow me to do so.

17 MR. PRESIDENT:

18 It is now time for a break. Let we have a 20-minute break from  
19 now.

20 (Court recesses from 1017H to 1035H)

21 MR. PRESIDENT:

22 Please be seated.

23 Judge Lavergne, you may have the floor to continue your  
24 questions.

25 BY JUDGE LAVERGNE:

1 Thank you, Mr. President.

2 Q. Witness, can you tell us whether members of your family were  
3 S-21 staff <members> or were <they> detained at S-21?

4 [10.36.25]

5 MR. NOEM OEM:

6 A. In my family, <> I had a <younger> brother who was a  
7 messenger. <Then he> was <assigned as> a guard at the prison. <He  
8 was scared when he saw me.> Later on, my brother was removed from  
9 the prison's guard unit to the vegetable growing units. And about  
10 <two months> later, he was removed again to tend cows at Prey  
11 Sar.

12 And I also saw one or two of my neighbours, but I did not dare to  
13 talk to them because I felt afraid that I would be investigated.  
14 So as I said earlier, my brother was removed from the guard's  
15 unit of the prison to the vegetable growing unit, and then to  
16 tend cows at Prey Sar.

17 Q. And did your brother survive? Was he photographed when he went  
18 to Prey Sar?

19 A. No, he was not photographed. At the time of the collapse of  
20 the regime, he escaped with me to Pursat and Battambang. And  
21 later on, he died. His friend told me that he was shot <in the  
22 jaw> during the fighting <in the forest, so I thought that he  
23 could not have survived after that >.

24 Q. And according to you, why was he withdrawn from the S-21 guard  
25 unit? Was he also a member of Division 703, and was that the

1 reason why he was withdrawn from the S-21 guard unit?

2 [10.38.50]

3 A. At that time, I did not know my brother work as the messenger  
4 for whom. But at that time, all messengers <including the one  
5 from battalion and regiment level> in that place were all removed  
6 <from their positions to be prison guards>. But in many cases,  
7 when the leader of the network were arrested, people who were  
8 considered part of that networks, including interrogators and  
9 messengers, were all removed. <For instance, Leng (phonetic), a  
10 messenger at battalion or regiment level at Prasat, was  
11 transferred to work at a ministry.>

12 Q. And did you observe whether the networks of S-21 staff members  
13 were victims of purges and, if yes, what were those networks?  
14 Were those networks of people who had been members of Division  
15 703 or other networks? Were you, yourself, afraid of being  
16 arrested and, if yes, why?

17 A. At that time, I was so scared because I came from Division 703  
18 to work as photographer in S-21 through -- through <Ta> Rith.  
19 After the collapse of the city, I met him at the provincial hall  
20 in Kandal, and he <told his messenger to come get me to meet him.  
21 He said> that I escaped from the hospital. <I had an argument  
22 with the medic there.> And when I escaped from the hospital, it  
23 was on the day that the city fell, and he told me to collect the  
24 war spoils from the city.

25 [10.41.25]

1 And then I met Ta Nat, and Ta Nat recommended me to work as a  
2 photographer at <703>, along with <Koy (phonetic), Yeng  
3 (phonetic), Mean (phonetic),> Nit and Song. <Later on, perhaps  
4 their chief had a problem, they> escaped to Thailand, and <they>  
5 brought along with <them> my cap and guns and belongings <to  
6 Thailand>.

7 And at that time, <if the chief was arrested, the subordinates  
8 would be also in the same fate.> I was scared <when I saw Ta Nat  
9 there> because I thought that I would be in trouble. <Later I  
10 was> very terrified because my brother was removed and the leader  
11 of the network was also arrested, so all of them combined  
12 together caused me panic.

13 Q. Yesterday, you stated that it did happen that you would take  
14 photographs of detainees who had been beaten to death. Did you  
15 happen to take photographs of bodies outside the premises of  
16 S-21, particularly photographs of bodies of prisoners whose necks  
17 were cut and who were disembowelled? <Or photographs of bodies  
18 that had been exhumed?>

19 A. I did not take photo of those people who were buried and then  
20 dug up and brought back to be photos -- photographed. <I was  
21 called to take photographs of those important people at the west  
22 of the museum, inside the prison, near the prison's fence.>  
23 And I did not know whether the dead body which was dug up was the  
24 body of Ta Nat. <Nobody dared to tell me anything.> <The> body  
25 became swollen<, but the appearance looked similar to Ta Nat>. <I

1 also took photographs of those prisoners who were beaten to death  
2 during their interrogation.>

3 [10.44.05]

4 Q. Did you develop those photographs or did you see them?

5 A. Yes, I involved in developing the film and negatives of the  
6 photo.

7 Q. Do you know whether there were days when very large numbers of  
8 prisoners arrived at S-21 and whose photographs were not taken?

9 A. Yes, there were. On some occasion, the arrivals of prisoners  
10 kept coming continuously from daytime until night time, and we  
11 spent the whole day and night to take <their> photos.

12 [10.45.07]

13 Q. I am talking of situations in which there were, indeed, very  
14 large numbers of detainees, and in respect of which the decision  
15 <was> taken that their photographs would not be taken.

16 Do you know whether droves of prisoners arrived at S-21 and whose  
17 photographs were not taken?

18 A. I never encountered it. What I encountered was that I was  
19 called in to take photo in the morning, so the prisoners were  
20 brought in at night time and, in the morning, the photographers  
21 were called in to take their photos.

22 Q. Mr. Witness, do you recall when the last photographs of S-21  
23 prisoners were taken? Were photographs taken up to the very last  
24 day at S-21?

25 A. No, I cannot recall it. It took place a long time ago, and my

35

1 memory now does not serve me well. I cannot say exactly the  
2 specific date. But I can tell you that some of the photos taken  
3 were not yet developed <because the city was liberated>.

4 Q. And do you recall the very last prisoner that you, yourself,  
5 photographed?

6 A. No, I cannot recall it. It happened many years ago. I cannot  
7 recall it.

8 JUDGE LAVERGNE:

9 Very well. Thank you, Witness.

10 I do not have any further questions to put to the witness.

11 [10.47.30]

12 MR. PRESIDENT:

13 Thank you, Judge Marc Lavergne.

14 And the floor is now given to Defence Counsel for Khieu Samphan.

15 Do you have any questions to put to this witness?

16 QUESTIONING BY MS. GUISSÉ:

17 Yes, Mr. President. A few very brief questions because I know  
18 that the time allotted to Defence has almost run out. These are  
19 follow-up questions to what the witness said this morning.

20 Good morning, Witness. Thank you. Good morning, Witness. My name  
21 is Anta Guisse, and I am International Co-Counsel for Mr. Khieu  
22 Samphan. I will put some very brief follow-up questions to you in  
23 light of what is said this morning.

24 [10.48.17]

25 Q. As a follow-up to your last answer to Judge Lavergne's

36

1 question, you said that you do not recall when the last  
2 photographs were taken, but you do recall that when you <fled,  
3 some> film had not yet been developed.

4 So my first question to you is as follows. When you fled, were  
5 the films and negatives that had not been developed <or> used  
6 kept in the safe room that you referred to? That is, where you  
7 stored the equipment.

8 Was everything kept in that safe room, or <did you take> some of  
9 the equipment with you?

10 MR. NOEM OEM:

11 A. When I fled, I did not take any equipment with me. I took  
12 along only my clothes, just only some of my clothes. All the  
13 cameras and film and equipment were stored there.

14 Q. Another point I would like us to discuss is as follows. In  
15 answer to a question put to you by Judge Lavergne, <I believe,>  
16 you referred to a person who is believed to have produced a film  
17 on Vietnamese soldiers. And you stated that you do not quite  
18 recall the Ministry involved, but you thought that that person  
19 was from the Ministry of Information <unit>, in any case, <the  
20 unit> which was in charge of propaganda equipment as you  
21 described it.

22 My question to you, therefore, is as follows. As part of your  
23 work at S-21, did you happen to go and work outside of S-21 to  
24 produce propaganda photographs on dams and other places in  
25 Democratic Kampuchea? Did it happen that people from S-21, to

1 your knowledge, had to do such work?

2 [10.50.49]

3 A. Talking about the photographing of people growing rice or  
4 building dams or dikes, it was not the -- it was not from my team  
5 at S-21. But while I was working at Division 703, yes, I went out  
6 and <took them. As for the> photos <> published in the magazine,  
7 <they were taken by people in the Ministry of Information and  
8 Propaganda> .

9 And the -- regarding the photographer that you were referring to,  
10 yes, it was him because while I was working at Division 703, I  
11 met him once.

12 Q. To be very clear, when you say that you were able to shoot  
13 photographs for magazines when you were at 703, was it before you  
14 were assigned to work at S-21?

15 [10.51.57]

16 A. Yes, that is correct.

17 Q. I put this question to you -- and it will be my last question  
18 to the witness, Mr. President.

19 I put this question to you because at the hearing of the 20th of  
20 April 2016, somewhat after 9.13, the witness <Nhem En> that you  
21 referred to during your testimony, stated that while he was  
22 assigned to work at S-21, he sometimes was authorized to go and  
23 work outside of S-21<, that he was asked> to take propaganda  
24 photographs.

25 Do you know whether Nhem En, as he said in before this Court,



1 went to six zones in the country to take photographs while he was  
2 on assignment at S-21?

3 A. Based on En's account, it's difficult for me to comment  
4 because, as I told you earlier, my team were not allowed to move  
5 freely -- to move outside the S-21. <Only when the photos were  
6 damaged, that we could go to the field to retake particular  
7 prisoners' photographs. A hundred percent of what Nhem En said  
8 did not reflect the truth.>

9 Q. Last question. Absolutely the last one.  
10 Yesterday, you talked of an interview you had with a historian  
11 <recently,> who traveled to your location. Can you give us a name  
12 of that historian?

13 [10.53.45]

14 A. Can you repeat your question because I did not get it? Please  
15 repeat your question.

16 Q. I must have been too fast.

17 Yesterday, you referred to a recent interview that you had with a  
18 historian, in any case, a person who talked about your  
19 experiences at S-21. Do you remember the name of that person?

20 A. Yes. A few years ago, they came often, and about a few months  
21 ago, they interviewed me about the history that I experienced  
22 from the time I joined the army in 1970, so I told about the  
23 history to him. I <left the monkhood> in 1970 <after the coup  
24 d'état to topple Samdech Sihanouk -->

25 Q. <Fine>. Excuse me. I'm not asking you to give the details. All

39

1 I'm asking of you is the name of that historian, that is, the  
2 person with whom you had the interview, if you do recall his  
3 name.

4 [10.55.20]

5 A. She was a foreigner, a woman. <She is a historian.> We met at  
6 a place which I cannot recall the exact name of that place now.

7 Q. Very well. Should I take it, therefore, that you no longer  
8 recall the name of that foreign woman? And if you do not know her  
9 name, do you at least know her nationality?

10 A. I don't know whether she was a French woman or any other -- of  
11 any other nationality, but her names was something like Anne,  
12 Anne.

13 MS. GUISSÉ:

14 Mr. President, thank you for these additional minutes you've  
15 given to me. I have no further questions.

16 MR. PRESIDENT:

17 Thank you, Madam Counsel.

18 The Chamber would like to thank you, Mr. Noem Oem. The hearing of  
19 your testimony as a witness today is now concluded. The Chamber  
20 would like to thank you for your time here with us <to> testify  
21 in this courtroom.

22 Court officer, in collaboration with WESU, please make transport  
23 arrangement to send the witness back to his home.

24 (The witness exits courtroom)

25 [10.57.15]

40

1 MR. PRESIDENT:

2 Next, court officer, please usher civil party, 2-TCCP-283, into  
3 the courtroom.

4 (The witness enters courtroom)

5 [10.58.42]

6 QUESTIONING BY THE PRESIDENT:

7 Q. Good morning, Madam Civil Party. Do you need to wear your dark  
8 glasses all the time, may I ask? If that is necessary, yes, you  
9 can wear it.

10 Please tell the Court your name, and please observe the  
11 microphone before you speak. That is, when you see the red light  
12 on the tip of the microphone, you can respond. And please repeat  
13 your last response.

14 [10.59.26]

15 MS. MOM VUN:

16 A. My name is Mom Vun.

17 Q. Thank you. And when were you born?

18 Again, please observe the microphone. Can you tell the Chamber  
19 how old are you now?

20 A. I am 67 years old.

21 Q. Where is your current address?

22 A. Previously, I lived in Siem Reap and currently, since I have  
23 nowhere else to live, then I went to live in Banteay Meanchey.

24 Q. What is your current occupation?

25 A. I work as a labourer to -- in the potato <and bean> farm. <I

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1     earned 300 baht per day.>

2     Q. Thank you. And what are the names of your parents?

3     A. My father is Mom Tum (phonetic) and my mother is Srey Mao  
4     (phonetic).

5     Q. What is the name of your husband and how many children do you  
6     have?

7     A. His name is Tan Hoeng and we have eight children; three passed  
8     away before <the '70s>.

9     [11.01.21]

10    Q. And Madam Mom Vun, you are invited to testify as a civil party  
11    and, for that reason, toward the end of your testimony, you will  
12    be -- you will have an opportunity to make a victim's impact  
13    statement concerning the crimes and harms that you suffered  
14    during the Democratic Kampuchea regime if you wish to do so.

15    And have you provided interviews to investigators from the Office  
16    of the Co-Investigating Judges; if so, how many times, when, and  
17    where?

18    A. I was interviewed once at the Voice of Khmer Women and that  
19    was the only time.

20    MR. PRESIDENT:

21    Thank you. And pursuant to Rule 91bis of the ECCC Internal Rules,  
22    the Chamber hands the floor, first, to the Lead Co-Lawyers to put  
23    question to this civil party. And the combined time for the  
24    Co-Prosecutors and the Lead Co-Lawyers is two sessions.  
25    Lead Co-Lawyers, you have the floor.

1 [11.02.50]

2 MS. GUIRAUD:

3 Thank you, Mr. President. It is our colleague, Chet Vanly, who is  
4 going to put the questions to the civil party today.

5 MR. PRESIDENT:

6 Lawyer for civil party, you may proceed.

7 QUESTIONING BY MS. CHET VANLY:

8 Good morning, Mr. President. Good morning, Judges and good  
9 morning, everyone.

10 Good morning, Madam Civil Party. My name is Chet Vanly, I am a  
11 counsel for civil parties and I have some questions that I'd like  
12 to ask you in your capacity as a civil party. And my questions  
13 concern a period of Democratic Kampuchea, that is, from '75 to  
14 '79.

15 Q. And Madam Mom Vun, can you tell the Chamber where you lived in  
16 1975?

17 [11.04.12]

18 MS. MOM VUN:

19 A. In 1975, I lived in Sangkae Mean Chey village, Kampong Kdei  
20 commune, Chi Kraeng district, Siem Reap province.

21 Q. Were you married at the time?

22 A. Yes.

23 Q. And what is your husband's name? And Madam Civil Party, please  
24 wait for the red light at the tip of the microphone before you  
25 speak.

1 [11.04.54]

2 A. The name is Tan Hoeng.

3 Q. How old was he?

4 MR. PRESIDENT:

5 Lawyer, please turn on your microphone.

6 BY MS. CHET VANLY:

7 Q. How old was he?

8 MS. MOM VUN:

9 A. At that time, he was around 33 years old and I was around 28  
10 years old.

11 Q. And what was his occupation at the time?

12 A. At that time, he earned his living by climbing the palm trees.

13 Q. Did you have any children with your husband, Tan Hoeng?

14 A. We have eight children.

15 [11.06.09]

16 Q. <Were they> alive during the Khmer Rouge regime?

17 A. Before the Khmer Rouge regime, three of my children died.

18 Q. And what did you do before the Khmer Rouge regime?

19 MR. PRESIDENT:

20 Again, Madam Civil Party, please observe the microphone.

21 MS. MOM VUN:

22 A. I stayed at home and I worked in the rice field.

23 BY MS. CHET VANLY:

24 Q. In your document, E3/6307 at Khmer 00532030, and there is no

25 French or English translation, it states that in your birth

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1 certificate, it mentioned that you were born on the 19 of April  
2 1942. So please tell the Chamber actual which is your correct  
3 year and if you were born in the year of 1942, you are not 67  
4 today; please confirm?

5 [11.07.44]

6 MS. MOM VUN:

7 A. I do not recall the year of birth; however, I knew that I was  
8 born in the Year of Tiger and from someone's calculation, I was  
9 born in <2948 (sic)> and <I only know that> I am 67 years old  
10 this year.

11 Q. So do you think that the date of birth on your birth  
12 certificate is not correct?

13 A. It is not correct because it is not my year of birth.

14 Q. When did the Khmer Rouge enter your village?

15 A. The Khmer Rouge entered my village in 1975.

16 Q. And which month?

17 A. I do not recall it.

18 Q. Can you try to recall whether it happened before or after the  
19 Khmer New Year?

20 <A. It was during the Khmer New Year.>

21 [11.08.57]

22 THE INTERPRETER KHMER-ENGLISH:

23 Interpreter cannot hear the response from the witness -- the  
24 civil party.

25 JUDGE FENZ:

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1 We didn't get the response translated because the interpreter  
2 didn't hear it. I think you need to slow down a bit. The problem  
3 is if two people with the same language speak to each other, that  
4 -- that's usually getting too quick for the interpretation.

5 BY MS. CHET VANLY:

6 Q. During the Khmer Rouge regime, what were you assigned to do  
7 and what particular events that happened to you?

8 [11.10.00]

9 A. <After> the Khmer Rouge entered, I was assigned to work and  
10 because I just delivered my baby; I was assigned to grind and  
11 husk the rice. At the beginning, they were kind to us, but about  
12 a month after; everything was collected for common use including  
13 properties and cattles. I was assigned to grind and husk rice and  
14 my husband was assigned to climb palm trees in the co-operative.

15 Q. Besides this assignment, were you assigned to do other task?

16 A. When my <> child was young, I was only assigned to grind and  
17 husk the rice in the co-operative and after my child passed away,  
18 then I was placed in a -- a mobile unit to raise dykes.

19 Q. What about your parents and siblings, where were they; were  
20 they assigned to engage in particular task or what happened to  
21 them?

22 A. My parents lived together with me. At that time, they said  
23 that my father was a commune chief, then he was sent for  
24 re-education and never returned. As for my mother, she lived in  
25 the same house where I lived.



1 Q. Can you tell the Chamber whether your mother is still alive  
2 and what about your siblings?

3 A. They all passed away and at present, I am by myself. All my  
4 siblings <> passed away. My <elder> siblings <were> accused of  
5 joining the enemy and then they were taken away and killed <in  
6 1977>.

7 [11.12.37]

8 Q. How many of your elder siblings were killed and what did they  
9 do before that?

10 A. <Three of my> elder siblings <were> asked to transport rice  
11 and <> transplant rice seedlings. <Later on> they were accused of  
12 attempting to join the enemy network, so the three of them were  
13 sent for re-education and never returned.

14 Q. What about your mother?

15 A. My mother was sick and later on, died after the -- the  
16 siblings disappeared. She died from a sickness as a result of the  
17 disappearance of her husband and her children.

18 [11.13.35]

19 Q. What about your husband, where did he go or was he still with  
20 you at that time?

21 A. By mid-1975, he was sent for re-education since they said that  
22 he was a former Lon Nol soldier. In fact, he got drunk and he  
23 said that he was a former Lon Nol soldier and it was heard by  
24 others and then he was sent for re-education and never returned  
25 <until now>.

1 Q. After the disappearance of your husband, <> did you continue  
2 to be a widow or did you remarry?

3 A. After my husband was called for re-education, that is, two or  
4 three months after that, I was forced to remarry. I refused  
5 because I was afraid that my husband would return, but they said  
6 that I had to remarry someone else.

7 Q. In your civil party application, that is, E3/6307, you never  
8 mentioned about your second marriage; why did you not mentioned  
9 about your second marriage to the one who wrote down your  
10 complaint?

11 A. I did not dare to speak about the second marriage because I  
12 was ashamed of it. That's why I did not tell the person and when  
13 I was called to attend a TPO forum, younger women spoke openly  
14 about forced marriage and when I observed that then I raised my  
15 hand and I said that I was also forced to marry and that's how it  
16 went.

17 [11.16.02]

18 Q. Can you recall about your second marriage as to when it  
19 happened <during the Khmer Rouge regime>?

20 MR. PRESIDENT:

21 Civil Party, please observe the microphone before you speak.

22 MS. MOM VUN:

23 A. I refused to marry another man because I was afraid that my  
24 husband would return. How could I do that because my husband had  
25 just left, so I refused to marry again? Then they said that I had

1 no choice, I had to remarry.

2 [11.16.56]

3 BY MS. CHET VANLY:

4 Q. Who told you to remarry?

5 A. It was the unit's chief by the name of Sea. I was told by Sea  
6 to remarry. I was called and I was told that I had to remarry and  
7 after that, Sea left. Upon hearing that, I was afraid; I was  
8 worried because my husband had just left and if he were to  
9 return, then there would be big trouble.

10 Q. When you were called to tell about that, did they tell you  
11 that whom you had to marry to, about his native place, about his  
12 work, for example?

13 A. When I was called to go to, I was not told as to which man I  
14 had to marry. I was forced to marry someone from the mobile unit;  
15 although, I did not know as to which man I had to marry. And I  
16 had to marry that one because, otherwise, I would be killed and  
17 for that reason; I had to force myself to marry that man.

18 Q. How many times were you called or were you called only for one  
19 time?

20 [11.18.38]

21 A. They came to tell me once and the second time was on the day  
22 of the marriage itself; however, there were events that took  
23 place before the marriage day and it was painful.

24 Two days before the marriage, at night time at around 7 p.m., a  
25 group of comrades called me to go to rice storage. There were

1 five of them and it was about 7 p.m. and I could not see their  
2 faces.

3 When I arrived there, I was told that in two days' time, I would  
4 remarry and I was called up into the rice storage. I did not go,  
5 but then my hand was pulled to go up and they planned to mistreat  
6 me before the -- the wedding day.

7 There were five of them and they planned to rape me, one by one.

8 And I was raped and the last one told me to leave after they  
9 committed the act. I could hardly walk. I wept and I could not  
10 identify them because it happened at night time. I bit my mouth  
11 and in order to survive and it's also for the sake of my  
12 children, I had to keep quiet about what happened to me.

13 [11.20.30]

14 Q. When they called you to go there, did they threaten you? And  
15 you said that you were raped, how were you raped; were you raped  
16 and after they threaten you?

17 A. They threatened me. They had a -- a gun pointed at my head. I  
18 was ordered to take off all my clothes so that they raped me. And  
19 they raped me, one by one. They threatened that if I -- if I said  
20 anything, then I would be killed. I <have remained> quiet about  
21 this until now.

22 Q. And did you know those people who raped you or their age?

23 A. I did not know their faces as it happened at night time;  
24 however, when they were close to me, I could see that -- I could  
25 say that they were around 26 to 27 years old, though I could not

1 recognize them and it happened in a -- a rice storage house and  
2 it was dark.

3 Q. After that event took place, did you still agree to proceed  
4 with the marriage?

5 A. The marriage went ahead since I was threatened that I had to  
6 marry and I was warned that if I said anything about that event,  
7 I would be dead. And for the sake of <survival and> my children,  
8 I had to marry, again, despite my tears.

9 [11.23.04]

10 Q. You just describe about the event where you were raped and why  
11 did you not mention this when you made your complaint to the  
12 court or when you had a chance to say it during the women's forum  
13 or while you attended a forum organized by TPO?

14 A. At that time, I did not dare to say anything. Since I was  
15 ashamed, I kept it to myself and I had not spoken about it to  
16 anyone except now. I was ashamed to say anything about it and I  
17 want to say it now because I want to tell everyone, to tell the  
18 world how I was mistreated during the time.

19 Q. Let me move to your wedding day. You said that you agreed to  
20 the marriage because you were afraid that you would be killed.  
21 And before you got married, did you have the chance to ask your  
22 relatives or your mother about the marriage?

23 [11.24.42]

24 A. Before I decided to get married, I did not informed any of my  
25 siblings or relatives or my parents because I, myself, was forced

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1 to get married, and I did not even know the man that I supposed  
2 to marry <and vice versa>. It was not a proper marriage according  
3 to the tradition or the law. It was not held at a proper house;  
4 actually, it was held at a work site.

5 Q. What about the man; did you know that he liked you?

6 A. For the man, he did not like me. When the comrades came to  
7 tell me that the man did not like me, but he had to marry me, as  
8 well, and the reason is that I already had eight children and for  
9 that reason, the man did not like me and I also disliked him. But  
10 as I said, for the sake of my children, for the survival of my  
11 children, I had to marry that man.

12 Q. You said that it was Comrade Sea who forced you to marry; can  
13 you tell the Chamber who Sea was and did he -- did Sea give you  
14 the reason for you to get married?

15 A. Sea did not give me any reason. I was told that I had to go  
16 and marry. Other people in the mobile unit also had to get  
17 married. We were not given any reasons for that and since he was  
18 the chief of the unit, he was a -- a big person and that's what  
19 he did. As for us, the labourers, the earth carrier, we had to  
20 follow instructions.

21 [11.27.18]

22 Q. Did you know if you were to refuse to get married what would  
23 happen to you?

24 MR. PRESIDENT:

25 Counsel for Khieu Samphan, you have the floor.

1 MR. KONG SAM ONN:

2 Thank you, President. I object this -- to this question since it  
3 is not appropriate to ask a civil party to draw a speculation in  
4 this circumstance.

5 BY MS. CHET VANLY:

6 Q. Allow me to reformulate my question. And Madam Civil Party,  
7 did you know if any other couple refuse to get married besides  
8 you?

9 [11.28.09]

10 MS. MOM VUN:

11 A. There were other couples who refused to get married, but they  
12 had no choice, so they had to marry like in my case. If a woman  
13 refused, then that woman would die or if a man refused, that man  
14 would die, as well, so it applied to both sides. And because we  
15 were afraid to be killed, that's why we accepted to get married.

16 MS. CHET VANLY:

17 Mr. President, since it is now time, shall I stop now?

18 MR. PRESIDENT:

19 Thank you, Lawyer for civil party.

20 It is now appropriate for lunch break. We take a break now and  
21 resume at 1.30 this afternoon to continue our proceedings.

22 And Madam Civil Party, please return to the courtroom before  
23 1.30.

24 Security personnel, you are instructed to take Khieu Samphan to  
25 the waiting -- waiting room downstairs and have him returned to

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1 attend the proceeding this afternoon before 1.30.

2 The Court is now in recess.

3 (Court recesses from 1129H to 1330H)

4 MR. PRESIDENT:

5 Please be seated. Now, I hand the floor, again, to the lawyer for  
6 civil parties to continue questioning the civil party.

7 BY MS. CHET VANLY:

8 Good afternoon, Mr. President. Good afternoon, Judges and good  
9 afternoon, everyone in and around the courtroom. Allow me to  
10 resume my questioning of the civil party.

11 Q. Madam Civil Party, this morning, you testified about the facts  
12 that you were instructed to get married. Can you tell the Chamber  
13 how many days were you informed in advance before you got  
14 married?

15 [13.31.21]

16 MS. MOM VUN:

17 A. I was informed two days before the wedding day.

18 Q. And who actually informed you?

19 A. Comrade Sea, the unit chief, informed me of the wedding day  
20 and that happened two days prior to the wedding day itself.

21 Q. Can you tell the Chamber as to the date of your wedding day?

22 MR. PRESIDENT:

23 And Civil Party, please observe the microphone.

24 MS. MOM VUN:

25 A. It happened in late-1975 when I got married.



1 Q. Let's go to the day of your wedding itself; where was the  
2 ceremony held?

3 A. It was held at Baek Khlouk work site. It's where we dug the  
4 earth at Baek Khlouk.

5 Q. To your recollection, how many couples got married on that  
6 day?

7 [13.33.27]

8 A. At Baek Khlouk work site, on that particular day, 60 couples  
9 got married and there were flowers in two vases at the front  
10 table <and one chicken>.

11 Q. In document E3/7234; at Khmer, 01003335; English, 01077096;  
12 and French, 01030451; you stated, when you were at the TPO forum  
13 and the <"Voice of Women">, that there were 40 couples and 60  
14 couples respectively, so please, can you try to confirm as to the  
15 exact number of couples?

16 A. At Baek Khlouk, where I got married, there were 60 couples and  
17 at Rohar Pruol (phonetic) work site, there were 40 couples, so  
18 there <> were two separate events.

19 Q. And on the wedding day, were you happy, were you excited, or  
20 what was your feeling?

21 [13.35.14]

22 A. I was not happy at all. I was afraid and I was very worried  
23 that my husband would return and I did not like the man that I  
24 was supposed to marry to, but I was forced anyway.

25 Q. And on that day, did you have to prepare your attire, for

1 example, your clothing and your shoes?

2 A. I did not have any set of clothes to wear. I was wearing the  
3 clothes that I were in when I carried the dirt. I did not have  
4 any new set of clothes or a new pair of shoes.

5 Q. And when you arrived at the location where the wedding took  
6 place, can you tell the Chamber what the arrangement was, for  
7 example, where you sat and where the dignitaries sat?

8 A. At the wedding venue, women stood in a separate group from men  
9 and then our names were called, for example, one woman, then one  
10 man from the other side and they -- they had to sit in a row and  
11 each row -- there were 15 couples in each row, so -- and there  
12 were four rows totalling 60 couples. There were no chair for us  
13 to sit; we sat on our shoes and the dignitaries were sitting at a  
14 row of table opposite us.

15 Q. And in sequence, where were you; that is, your couple?

16 A. I was couple number 6, when we were instructed to sit in rows.

17 Q. And by that time, you already recognize the man that you had  
18 to hold hand, right? And did they announce the name of the man  
19 that you suppose to marry that day, his name and his age for  
20 example?

21 [13.38.11]

22 A. Yes, names were announced and his name was Un Thin (phonetic)  
23 and he was matched with me, Mom Vun, so we held hand and then we  
24 sat in pairs on our respective shoes, then names of another  
25 couple were called.

1 Q. During the ceremony, can you tell the Chamber as the cadres  
2 that you saw who attended this ceremony?

3 A. There were cadres; namely, Rom (phonetic), Son (phonetic), and  
4 Sea, and the rest were bodyguards for these three people and the  
5 rest were those 60 couples. There was no presence of parents from  
6 any couple.

7 Q. And for the opening of the ceremony, what did the  
8 participating cadres said?

9 A. Cadres who married us, the 60 couples, made an announcement  
10 that the newlywed couples had to love one another, to take care  
11 of one another, and to strive to engage in production to increase  
12 the produce, so that our economics could develop and that we  
13 could smash the enemies and we had to produce more children for  
14 Angkar. So each couple -- each couple was called, later, to make  
15 a commitment.

16 [13.40.24]

17 Q. So each couple who had to make commitment, what was the  
18 content of such speech?

19 A. At that time, for my couple, he made a commitment that he  
20 would take care of each other for the whole life and that we had  
21 to strive to work hard to produce 3 tonnes of rice yield per  
22 hectare. In addition, he said that we would produce more children  
23 for Angkar in order to serve Angkar.

24 <As> for me, I said similar things when I made my speech. I said  
25 that I would strive to work harder to produce 3 tonnes of rice

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1 per hectare in a great leap <> forward fashion. I also committed  
2 to reproduce more children in order to serve in the revolutionary  
3 army for Angkar.

4 Q. Couples who got married on that day, can you tell the Chamber  
5 their age range?

6 MR. PRESIDENT:

7 Civil Party, please observe the microphone.

8 [13.42.08]

9 MS. MOM VUN:

10 A. Some were around 20 or 25 years old, while others were about  
11 26 or 27.

12 BY MS. CHET VANLY:

13 Q. And can you tell the Chamber what time the ceremony started  
14 and what time it ended and was there any music to accompany the  
15 ceremony?

16 A. There was no music or performance. There were only those who  
17 had to get married and there was no clergymen at all since during  
18 the regime, there was no clergymen. If one pair -- if one couple  
19 got married, maybe they could find a clergymen; I don't know, but  
20 here we had 60 couples and during the regime, some handicapped  
21 people were instructed to get married with other people and  
22 nobody could refuse.

23 [13.43.25]

24 Q. Let me move to the period after the day of your marriage.

25 After the event ended, what were you instructed to do?

1 A. After its conclusion, by 3 o'clock, we were allowed to return  
2 to our sleeping quarter, which is still at the work site, and we  
3 were instructed to sleep there that night and not to go anywhere.  
4 At that time, we did not know whether we were being monitored by  
5 militiamen.

6 As for us, we agreed that we should pretend to go a long well  
7 with one another and <when there was peace in the country,> if we  
8 disagreed, then we could go separate way. However, the militia  
9 people could hear us, then <three of them> got into the house and  
10 threatened us to sleep with one another. <They pointed their guns  
11 at us.> We were ordered to take off our clothes so that we could  
12 consummate the marriage.  
13 Militia people had a torch to shed light on us and they also had  
14 guns. We had no choice but to take off our clothes, but then I  
15 still refused to consummate the marriage. They threatened us  
16 again and they used the torch <> on us and they actually got hold  
17 off his penis and to insert it into <my thing>. <> It was so  
18 disgusting, but we had no choice.

19 And those militia people were so young. And after we actually had  
20 sex, then they said, "Let's move to another couple because this  
21 couple already had sex." To me, I can never forget what happened  
22 that night.

23 [13.46.03]

24 Q. Madam Civil Party, please collect yourself and please tell me  
25 if you can continue?

1 A. Yes, I can continue. And that was not the only night that we  
2 were monitored and it happened again the day -- the night after  
3 and when they came, they saw us sleeping and hugging one another  
4 and they said that we went along that well, so they left and  
5 after that, we just slept.

6 They came again on the third night. They used the torch upon us  
7 and then they saw us sleeping and hugging one another, so they  
8 left. And after <> the first three nights, they came to eavesdrop  
9 on us <three more nights> under the house and after they knew  
10 that we were sleeping with one another, then they left. So they  
11 knew that they achieved what they wanted and they left.

12 Later on, I got pregnant and then they separated my husband from  
13 me and he was allowed to visit me once every two months.

14 [13.47.43]

15 Q. And do you recall about those who came to monitor you? You  
16 said that three of them came up the house and one was at the --  
17 under the house; do you recall -- did you know them and did you  
18 know their names?

19 A. The four militiamen who came that night, I did not know them  
20 and they kept changing their group. I did not know their names.  
21 When <> they came out to work at night, we knew that they were  
22 from the militia group and it was dark and we could not recognize  
23 their faces.

24 Q. And did you know about their age range and whether they  
25 carried any weapon?

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1 A. They were about 16 or 17 years old and I could not say for  
2 sure because it was pitch black at night and they had weapons and  
3 we were barehanded, so we had to be afraid of them. We were  
4 afraid that they would shoot at us and we did what we were  
5 instructed to do in order to survive.

6 Q. Can you tell the Chamber whether they only monitored your  
7 couple or they monitored all the couples who got married that  
8 day?

9 [13.49.47]

10 A. I did not know for sure; however, after they monitored us and  
11 that they forced us to have sex and they said that we already had  
12 sex, so <> they moved on and I believed that they moved on from  
13 one couple to the next.

14 Q. And for this second husband of yours that you were forced to  
15 get married, did you continue to live with him until 1979, or  
16 were you separated or divorce at any stage?

17 A. I got married with my second husband whom I did not like. I  
18 continued to live with him until 1979, and by 1982, I had two  
19 more children and by 1984, he requested to divorce from me and we  
20 were divorced from that year onward.

21 [13.51.04]

22 Q. And how many children all together that you have with your  
23 second husband?

24 A. I have four children, during the Khmer Rouge regime, with my  
25 second husband. I had two babies by 1976, since they were twin,

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1 and, again, I got another twin by '77 and amongst the four  
2 children, one passed away.

3 Q. Regarding your -- the children from your first marriage and  
4 that you had eight children and then you have children with your  
5 second husband; that is six all together, four who were born  
6 during the Khmer Rouge and two after, so how many children all  
7 together from your two marriages?

8 A. Including the two who were born by 1982, I have 14 children.

9 Q. Amongst the 14 children that you have, how many died during  
10 the Khmer Rouge regime?

11 MR. PRESIDENT:

12 Civil Party, please repeat your <answer> since your previous  
13 response did not go through the channel.

14 MS. MOM VUN:

15 A. So the four children who were born during the Khmer Rouge  
16 regime, one died and three survived.

17 Q. You have 14 children all together and can you tell the Chamber  
18 how many of them died during the Khmer Rouge regime out of the  
19 14?

20 A. Two of my children died during the Khmer Rouge regime.

21 [13.53.37]

22 Q. Can you tell the Chamber which year they died and the cause of  
23 their death, whether they -- they died because they were killed  
24 or because they died due to disease or malnutrition or other  
25 causes?



1 A. They died due to a lack of food and lack of medicine.

2 Q. Regarding your second husband, whom you were forced to get  
3 married, when did you two get divorced?

4 A. I divorced my second husband in 1984 and we got divorce since.

5 Q. In document E3/7234; <ERN> Khmer is at 01003335; English,  
6 01077096; and French, 01030451; <> during the treatment at the  
7 TPO Centre, you stated that in 1976, you sang a song during an  
8 assembly at the Kulen Mountain; can you tell the Chamber whether  
9 that is true?

10 [13.55.42]

11 A. In 1976, I was instructed to attend a -- an assembly at the  
12 Kulen Mountain. That day Comrade Sea said that the arts  
13 performance group from Nakrei's (phonetic) district were called  
14 to or invited to sing a song there and I said that there is --  
15 there was no need for me to go because Nakrei (phonetic) could  
16 sing, but Comrade Sea said I could sing better and for that  
17 reason, I was sent.

18 And there was no transportation, we had to walk on foot and we  
19 started from 4 o'clock in the morning and we arrived in the area  
20 by 4 o'clock in the afternoon. When we arrived we stayed  
21 overnight and the ceremony started the next morning and by next  
22 morning, the district arts performance group arrived and they  
23 arrived by <carts>.

24 Q. Can you tell the Chamber why you could sing and from whom did  
25 you learn that song that you sang?

1 A. The song that I sang, I learned from the arts performance  
2 within the district. I learnt it after I listened to their  
3 performance and I liked the song, so I kept learning it and then  
4 I sang it while I was working in the rice field and people heard  
5 it and thought that I sang good, so that was the reason I was  
6 invited to sing at the Kulen Mountain because at that time,  
7 people said that Samdech Euv would be there. For that reason,  
8 when I was invited, I went along.

9 [13.58.05]

10 Q. So the next day when the assembly was started, did you see  
11 Samdech Euv?

12 A. No, I did not see Samdech Euv the next day; however, I heard  
13 the announcement that -- that the day they would receive Nuon  
14 Chea, Khieu Samphan, and Ieng Sary and there was no mentioning of  
15 Samdech Euv and, indeed, on the stage, <at Kulen Mountain in  
16 '76,> I saw the three of them among other cadres.  
17 Then the district arts performance group started performing. I  
18 was sitting and watching them play and later on, Nuon Chea made a  
19 speech directing at the parents, at the youths to strive to  
20 produce more product in order to sustain the economic situation  
21 to gain surplus in order to assist the revolutionary army. After  
22 that I was asked to go on stage, that is, after he finished his  
23 speech. Then I sang a song and that was the only song I sang on  
24 that stage. It was a revolutionary song. And I do not know why  
25 you asked me this question.

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1 [14.00.06]

2 MR. PRESIDENT:

3 Counsel, please turn on your microphone.

4 BY MS. CHET VANLY:

5 Q. I would like you also to describe to the Chamber about that  
6 assembly that was held with the participation with the senior  
7 leadership of the Democratic Kampuchea. And can you tell the  
8 Chamber if you knew about the content or the message of that  
9 assembly?

10 MS. MOM VUN:

11 A. The assembly was held and the main message of the assembly was  
12 for everyone, that is, the parents and the youths to produce more  
13 in order to assist the army. And that's as far as I knew about  
14 the content of the message.

15 Q. What about the song that you sang? What was the meaning of  
16 that song?

17 [14.01.22]

18 A. It was a revolutionary song. If you, the counsel and the  
19 President would like me to sing that song, I can sing that song  
20 now, so that you can understand about the meaning of that  
21 so-called sun -- red sun song so you could understand about the  
22 society. You could understand -- you could compare the society at  
23 that time and now. I can sing that song if you want.

24 MR. PRESIDENT:

25 Madam Civil Party, you don't need to.

1 BY MS. CHET VANLY:

2 Q. After the mass assembly what happened next, to you?

3 [14.02.26]

4 MS. MOM VUN:

5 A. After I finished singing I came down off the stage and then  
6 Chan Eng (phonetic), who was transporting rice, told me that I  
7 should not stay for long because other singers, performers had  
8 already been transported away. So I went up on a horse cart which  
9 transported vegetables and meats. I concealed myself in that cart  
10 and when I arrived home, I did not dare to go to my home. I went  
11 straight to the worksite and I remained working at the worksite  
12 there. No one came to get me.

13 Q. Can you give us some more details about why you knew that the  
14 performers were taken away to be killed? Who told you that and  
15 who facilitated you in escaping from the scene?

16 A. When I escaped -- because Chan Eng (phonetic), who transported  
17 rice, he said that he saw the performers had been taken away by  
18 vehicles. So he told me to get on his horse cart and he  
19 transported me to my home. He helped me to escape from it. And  
20 for those performers who had been taken away, I did not know what  
21 happened to them because I never met them again.

22 Q. This is my last question. I want to know what was the factor  
23 that made you brave or that made you have the courage to come to  
24 testify here or at TPO or at the Voice of Women?

25 [14.04.41]

1 A. The reason that I came to testify because I had a lot of  
2 suffering and pain, which I could not hide within myself. I had  
3 to reveal all of this suffering to all my people to know that  
4 that regime was cruel. They caused harm to people regardless of  
5 whether men or women or children.

6 Q. Thank you for your detailed answers.

7 Mr. President, I have no more questions and I would like to give  
8 my floor to my international colleague because she has some more  
9 questions to put to the civil party.

10 MR. PRESIDENT:

11 The floor is given to the International Lead Co-Lawyer for Civil  
12 Party.

13 [14.05.40]

14 QUESTIONING BY MS. GUIRAUD:

15 Thank you, Mr. President. I have a few short follow-up questions.

16 Q. Good afternoon, Civil Party. You said that you were pregnant  
17 during the DK regime and you had many children before the DK  
18 regime. So can you explain to the Chamber what the living and  
19 working conditions were like for pregnant women during the DK  
20 regime? <Did you> work, did you have <the right> to rest? What  
21 can you tell us about the <reality> of being pregnant during the  
22 DK regime?

23 MS. MOM VUN:

24 A. Thank you. The work that I did during my pregnancy, when I  
25 <was> one month pregnant, I remained <carrying dirt. When I was

1 seven month pregnant,> they assigned me to grind the rice and  
2 that was considered as a light task. <I did not receive any  
3 health care, I did not have enough food.> They produced a lot of  
4 rice, tonnes of rice, but when they gave us food to eat they gave  
5 us porridge mixed with water <lily, morning glory and potato  
6 skins>. And for the soup, <> they even cooked <fish> soup mixed  
7 with leeches. <The leeches actually clung to the morning glory,  
8 which the cook did not wash it before cooking> and <> we <ate>  
9 the soup <because we were really hungry.> After we finished the  
10 soup, we saw at the bowl, at the bottom of the bowl there were  
11 <two> leeches. We could not vomit although we wanted to.  
12 They used everyone to work, regardless of whether they were  
13 pregnant or not. <We were forced to carry dirt, 6 cubic metres a  
14 day.> And we, regarding milling the rice or grinding the rice,  
15 <for those who were pregnant,> we had to finish at least nine  
16 baskets of rice. If we could not finish then we would <not get  
17 any food to eat>.

18 [14.08.13]

19 Q. Thank you. And once you delivered, did you enjoy the  
20 possibility of taking care of your children, of being close to  
21 your children? What would happen once you delivered?

22 A. After I delivered my baby I spent time, only one month and a  
23 half with my baby. But during that one month and a half, I did  
24 not stay close to my baby <at home> because I was assigned to  
25 grind rice <at the cooperative>.

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1 <I was skinny and> I did not have breast milk to feed my child  
2 and as a result my baby became sick. I myself was also sick and  
3 as well as my baby. And although we were sick, I could not <take>  
4 rest. I had to go out to work because if I took a day off, I  
5 would <not get any porridge to eat>.

6 Q. Thank you, Civil Party, for these specifications. I have no  
7 further questions, Mr. President.

8 [14.09.33]

9 MR. PRESIDENT:

10 Thank you, Madam Counsel.

11 And now the floor is given to the Deputy Counsel -- the Deputy  
12 Co-Prosecutor.

13 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President. Good afternoon to you, Your Honours.

15 Good afternoon to all parties.

16 My name is <Vincent> de Wilde and I am going to put questions to  
17 you, Madam Civil Party, on behalf of the Office of the  
18 Co-Prosecutors, essentially, follow-up questions in relation to  
19 what you already explained to us or what you explained to  
20 Counsels Guiraud and Chet Vanly.

21 Q. I am going to first react to the gathering you spoke about at  
22 Phnom Kulen, a few minutes ago. Can you tell us <in what year>  
23 this gathering took place, if you remember? If you do not  
24 remember just simply tell us.

25 MS. MOM VUN:

1 A. We were gathered to attend the mass meeting in 1976.

2 Q. So were you already married then? You said that you were  
3 forcibly married at the end of 1975, so this gathering took place  
4 therefore after your marriage. Correct?

5 [14.11.20]

6 A. After my marriage. I married in late 1975 and I attended the  
7 mass meeting in 1976. <I attended the assembly for only one day  
8 and then I returned home.> And for those who attended the mass  
9 meeting, after the meeting, they also returned to their  
10 respective homes and work sites.

11 Q. Now, regarding the leaders who took part in this mass meeting,  
12 you spoke about Nuon Chea, Khieu Samphan and Ieng Sary. So how  
13 did you know who they were? Was this announced publicly or did  
14 someone tell you?

15 A. There was an announcement during that mass assembly. In that  
16 announcement those names were raised. I did not meet them  
17 personally. When the announcement of their names were made, I saw  
18 them on the stage but I was not close and when they asked me to  
19 come on stage to sing the song, I went up <>.

20 [14.13.03]

21 Q. Were there also leaders from the former North Zone?

22 A. I did not know the leader of the North Zone because I was an  
23 ordinary person. I did not know who was the zone leaders. <I saw  
24 many people on stage,> but during the announcement, they  
25 announced three names and I listened to only the few words that



1 were mentioned by <him> and then I was called up to sing the  
2 song.

3 Q. Was it only Nuon Chea who spoke, or did Ieng Sary and Khieu  
4 Samphan also speak?

5 A. No, only one person spoke. I told you that only one person  
6 spoke. If others also spoke I would have told you that others  
7 also spoke.

8 Q. You said that you arrived there the day before and that the  
9 meeting took place in the morning. So how long did the meeting  
10 last, approximately? Was it only over the course of the morning  
11 or did it last until the afternoon?

12 A. The meeting started from the morning until two in the  
13 afternoon <>. And then we returned to our respective homes.  
14 [14.15.27]

15 Q. So among the people in <attendance>, how many people were  
16 there on site and did you know where these people came from? And,  
17 in particular, were there people from your mobile unit who were  
18 present there?

19 A. The people from mobile units as well as people from districts  
20 including those <who had> children, also went there to attend  
21 that assembly because we were told that Samdech Euv would come.  
22 <There were many people.>

23 Q. Do you know why you were told that Samdech Euv would come  
24 whereas he wasn't even there? Were you told why?

25 A. I understood that -- the team leader told us that people would

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1 be gathered up and sent to welcome Samdech Euv. But when we  
2 arrived there, we did not see him. We did not find him there.

3 [14.17.13]

4 Q. Earlier you said that Nuon Chea had a central message to  
5 convey, which <was> to produce more to help the revolutionary  
6 army. Did he speak about any other things? In particular, did he  
7 speak about discipline?

8 A. He spoke about the production of rice in order to help the  
9 revolutionary army. And we <had to> also abide by the rules and  
10 tasks that were assigned to us to do.

11 Q. Now, beyond abiding by the rules, did he also speak about the  
12 idea of enemies of the revolution? Is this something that you  
13 heard at that meeting?

14 A. The enemy of the revolution were the "Yuon".

15 Q. Was it Nuon Chea who spoke about that? Was it he who said that  
16 he enemies of the revolution were the "Yuon", during that  
17 meeting?

18 A. Yes, he said so.

19 Q. What did he say that one should do to the "Yuon", to the  
20 enemies during that meeting?

21 A. I did not stay to listen to his speech because at that time I  
22 was called up, so I missed the other part of his speech.

23 [14.19.41]

24 Q. Fine. Now, I am going to turn to another topic, or just a  
25 point of clarification in relation to your father first. You said

1 that he was summoned and then he disappeared. What were your  
2 father's duties under the Sangkum Reastr Niyum regime in your  
3 village and in your commune?

4 A. My father, during the Sangkum Reastr Niyum, was a rice farmer  
5 but people called him the commune chief of "kome" or of cows  
6 because we had so many cows <about 60 of them> and people  
7 referred to him as the commune chief of cows. <In fact, he was a  
8 traditional musician.>

9 Q. Was he really officially a commune chief or was that just some  
10 kind of name that was given to him?

11 A. No, he was not the commune chief but people addressed him as  
12 the commune chief of "kome" or commune chief of cows because he  
13 possessed so many cows. <He was in fact a rice farmer.>

14 [14.21.29]

15 Q. And later when he was arrested do you know if the Khmer Rouge  
16 <who> arrested him knew that he owned many cows and that he was  
17 also called the commune cow chief?

18 A. I do not know whether they were aware of this but he was taken  
19 away and he was alleged of being a former -- an official of the  
20 former regime while, in fact he did not hold any official  
21 position. He was simply a traditional musician and people  
22 referred to him as the commune cow chief because he possessed so  
23 many cows.

24 Q. Madam Civil Party, you were married once for the first time in  
25 the 1960s<, if I am not mistaken,> and then a second time you

1 were forced to get married under the Khmer Rouge regime. Can you  
2 explain to us what the major differences were between both of  
3 these marriages, that is to say the traditional marriage you had  
4 the first time and the Khmer Rouge marriage afterwards?

5 [14.23.08]

6 A. In the marriage ceremony <> during Sangkum Reastr Niyum was  
7 different from the one during the DK regime. During my first  
8 marriage my parents asked for the dowry of 60,000 riels and there  
9 <were 100 guests attending> and the wedding ceremony was  
10 conducted based on our tradition by having achar <or clergyman>  
11 and traditional music to accompany it.

12 But during the second marriage there was none of this. There was  
13 no music and there was 60 couples who were married at the same  
14 time. <We were forced to get married, we did not love one  
15 another.> And there were different because in the old days after  
16 the marriage that guests were fed with feasts, with a lot of  
17 food. But during the wedding in the Khmer Rouge regime, we were  
18 given water lily soup to eat. So they were quite different.

19 Q. And during your first marriage did monks come on site to bless  
20 you as newlyweds?

21 [14.24.54]

22 A. During my first marriage there were monks who came to bless  
23 us. The achar <or clergyman> also blessed us and at the time when  
24 the guests came to attend our meeting to congratulate us, there  
25 were many guests and the wedding ceremony were also blessed by

1 our parents from both sides. Parents from both sides acknowledged  
2 that we were now husband and wife.

3 Q. So this was a traditional marriage and you were quite young,  
4 because you said to TPO that you were only 16 years old. But  
5 despite that young age did you agree to getting married?

6 A. <At that time> I was 16 years old. My parents asked me whether  
7 I wanted to get married and I said yes. So after both sides  
8 agreed that we would love each other and stay with each other and  
9 then the marriage took place.

10 Q. Now I would like to turn to the period that followed April  
11 1975, when the Khmer Rouge captured Phnom Penh and other parts of  
12 the country, including your region.

13 So at one point in time <while> you were living in your village,  
14 were you separated from the other members of your family whether  
15 it be your parents, your brothers and sisters, or possibly your  
16 husband even?

17 A. During Khmer Rouge regime, husbands and wives and children  
18 were all separated from each other. The children were in the  
19 children's mobile unit. The mothers were in the female units and  
20 the husbands were in the male units and for the very small ones  
21 and infants they were with elderly women.

22 [14.27.47]

23 Q. Did you ever learn why the Khmer Rouge separated the members  
24 of each family like this?

25 A. I did not know the reason behind their separation of us away

1 from each other and I did not dare to even question them. I  
2 simply followed the order.  
3 They put us to work in different locations and even our children,  
4 <> they were not allowed to come back home. They stayed at their  
5 <worksites>. For me, I could return back to my home <because I  
6 had> infants. But for the growing-up children, they were  
7 separated <> from their mothers. They were allowed to come back  
8 <once every one and a half month or once every> two months.

9 Q. So before I turn to your wedding ceremony, one question in  
10 relation to your first husband. You said that he had been <sent  
11 to> be re-educated because he boasted of being a former Lon Nol  
12 soldier <while> he was drunk, apparently. So how did you learn  
13 that he had been taken away to be re-educated?

14 [14.29.35]

15 A. He was sent away. He was sent away to attend study session,  
16 not to be re-educated, but he disappeared since then. He never  
17 returned.

18 Q. Who told you that he had been sent to a training session?

19 A. It was the cadre who sent him for a study session, that is,  
20 the unit chief. The unit chief said he would go to study session  
21 for <four> to 10 days and that he would return. I kept waiting  
22 but he never returned and I did not know how <much> he <had to  
23 learn during the> study session <that he> never returned.

24 Q. I'll come back to the marriage, which you said was a forced  
25 marriage. You said a while ago that it was Comrade Sea who told

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1 you that you would be married two days later. Do you know who  
2 chose your husband for you?

3 A. It was Rom (phonetic) who made the selection and Sea was the  
4 one who matched us during the wedding ceremony.

5 Q. What were the functions of this Rom (phonetic) within the  
6 commune district or cooperative?

7 [14.32.02]

8 A. He was a cadre who was in charge of that work site.

9 Q. Did this cadre, who was responsible for the work site, did he  
10 ever say that he had received instructions from higher up  
11 regarding these marriages? Did he ever speak of instructions from  
12 the upper echelons?

13 A. Yes, that's what he said. It was the instruction from the  
14 upper echelon that we had to get married and then he told Sea to  
15 inform us, that is, for those who had to get married that day.

16 Q. Do you know under whose authority this work site, or your unit  
17 was placed or, in other words, who was Rom's (phonetic)  
18 supervisor<, was it a cadre> at the level of unit, district or  
19 sector?

20 [14.33.39]

21 A. He was attached to the district. He received the instruction  
22 from the district to implement -- for the implementation of that  
23 instruction.

24 Q. Earlier you talked about two ceremonies, yours with 60 couples  
25 and another with 40 couples. I will first be talking about yours.

1 And as far as you know, among the 60 couples, were there people  
2 who had chosen freely and who had accepted to get married with a  
3 person of their choice?

4 A. Among the 60 couples, every couple was forced to get married.  
5 We did not consent to marrying the partner that we were meant to.  
6 However, since we were threatened and we were afraid then we  
7 could not refuse. <If we could refuse, we wouldn't have gone  
8 through with it.>

9 Q. Did all of these couples come from the same <background> or  
10 the same category of people? I will explain further. I think you  
11 were from the Base People. Were you married to someone else who  
12 was part of the Base People, and do you know if there were any  
13 mixed couples between the Base People and the New People? Were  
14 such marriages authorized?

15 A. There were many couples who were Base People or Old People.  
16 However, there were only three couples which were the New People.  
17 And the women they disliked the arrangement. <They cried a lot,>  
18 but they could not refuse. So they had to get married.

19 [14.36.02]

20 Q. You spoke about Sea, your unit chief, and also the cadre Rom  
21 (phonetic), if I understood correctly, in an interview E3/7234;  
22 Khmer, page 01003336; and English 01077096.

23 MR. PRESIDENT:

24 Prosecutor, please repeat the ERN number <for the interpreter.>

25 MR. DE WILDE D'ESTMAEL:



1 Q. So this is an interview by the <TPO> in <March> 2013, E3/7234;  
2 in Khmer, page 01003336, in English, 01077096; and in French,  
3 01030451 to 52. You said the following. You give another cadre's  
4 name and I want to see if it's the same person as Rom (phonetic)  
5 or someone else. You said, and I quote:

6 "It was Comrade Than, T-H-A-N, was the chief of the network who  
7 organized the ceremony and controlled even the head of the  
8 cooperatives."

9 So is this Comrade Than the one you've already talked about, when  
10 I heard Rom (phonetic), or is this a different person?

11 [14.38.04]

12 MS. MOM VUN:

13 A. He was known by both names, that is, <Rom> (phonetic) and  
14 Than. His native name was Than. However, his revolutionary or  
15 alias was <Rom> (phonetic).

16 Q. Thank you.

17 So you spoke of militiamen who observed you or at least listened  
18 to you the first night and the following five nights after that.  
19 You said that you didn't know them <and that they> were 16 or 17  
20 years old.

21 Do you know who they took their orders from, who were they meant  
22 to obey?

23 A. Those militiamen had to listen to <Rom> (phonetic) and Sea and  
24 that they had to monitor the newlywed couples. The instructions  
25 came from these two so that they implemented their instructions.

1 [14.39.23]

2 Q. Earlier, you glossed over the shame that you talked about when  
3 you were talking about your first night together and how the  
4 militiamen took your husband's member and put it inside of you.

5 As we know, in Cambodia sex is quite a taboo topic. Given the  
6 context of having to have sex and having to do it while being  
7 watched by militiamen, did you feel that this was a particular  
8 humiliation? Can you tell us what effect this had on you and on  
9 your self-confidence afterwards?

10 A. After that day I felt humiliated. I felt the pain. I wanted to  
11 protest but I did not dare because I was afraid I would be  
12 killed. And I just pretend that it was <my bad luck>, the only  
13 humiliation that I face in this life.

14 Q. Thank you. I still have several questions to put before the  
15 civil party, Mr. President, but since it's the appropriate time,  
16 perhaps you would like to take the recess now?

17 [14.41.16]

18 MR. PRESIDENT:

19 Thank you, Co-Prosecutor.

20 The Chamber will take a 20-minute break from now.

21 (Court recesses from 1441H to 1459H)

22 MR. PRESIDENT:

23 Please be seated.

24 The Deputy Co-Prosecutor, you may have the floor to continue  
25 putting questions.

1 BY MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President.

3 Q. Civil party, earlier you said that before your forced marriage  
4 you first refused to get married once and then you were raped by  
5 five people in the night, two days, I believe, before your  
6 marriage. And I think that you made a link between this rape and  
7 the fact that you refused to get married. So on what do you base  
8 yourself to make this connection between the fact that you were  
9 raped and the fact that you <initially> refused to get married?

10 [15.01.22]

11 MS. MOM VUN:

12 A. They came to rape me and after they raped me, my marriage was  
13 arranged. And the rapists said to me <and my husband> that people  
14 married to a woman who already had sex with others. I felt so  
15 painful to hear this. I wanted to commit suicide but I tried to  
16 restrain myself from doing so <because I still had my children to  
17 look after>.

18 Q. Well, now a point of clarification regarding the organization  
19 of your forced marriage for 60 couples including yours. There is  
20 a document and this is, and this is document E3/7234, the TPO  
21 interview in which you mentioned another year apparently. And let  
22 me provide you with the ERNs. In French it's at the bottom of the  
23 page 01030451; Khmer, at the end of the page as well, page 1,  
24 01003335; in English, 01077096. So this is what this document  
25 states, and let me quote:

1 [15.03.19]

2 "At the end of 1976, Angkar started organizing collective and  
3 forced marriages. Often 40 couples were married at a time, and  
4 they forced me as well to take a new husband. This time there was  
5 only one chicken and two vases with flowers for the festivities."

6 End of quote.

7 And here we are speaking about the end of 1976, and I'd like to  
8 be clear about this. You said at the end of '75 earlier, but in  
9 this document it is mentioned at the end of 1976. So is there an  
10 error or did this marriage actually happen at the end of 1976?

11 A. It was wrong because my marriage ceremony took place in late  
12 1975.

13 Q. Were <forcibly>-married couples, <who were married> at the  
14 same time as you or after you, did they refuse to consummate  
15 their marriages? Did this happen?

16 A. Some couples refused while others did not dare to do so  
17 because they were afraid that they would be killed. The two  
18 couples among the 60 couples were taken away and I had no idea  
19 where they were taken to. They refused, and as a result they were  
20 taken away.

21 [15.05.24]

22 Q. At the women's forum in 2013, this is document E3/7235, you  
23 spoke about Comrade Phol, P-H-O-L, who <was reluctant>. And this  
24 is at French, page 01112072; English, 01074565; and Khmer,  
25 01003343. So let me read out the quote to you, what you said:

1 "I <never dared> refuse. I <preferred to hold back, to> painfully  
2 followed their order in order to survive. I preferred making love  
3 <in front of> them in order to save my life. I could not <refuse>  
4 because they had weapons <at hand> and they were going to use  
5 them. It was very easy for them to do so. They had killed Comrade  
6 Phol who refused their order. I saw this happen and I chose to  
7 obey and to humiliate myself in order not to die."

8 So, who was this Comrade Phol and can you tell us what happened  
9 to her and why <they said> that she refused their order?

10 [15.07.12]

11 A. Comrade Thol (phonetic), she refused. <She would rather die.>  
12 She refused to love the man and then it happened to her and  
13 because of that incident, I felt afraid and I accepted the  
14 arrangement <for the sake of my children>.

15 Q. Was Comrade Phol killed before your marriage or at the same  
16 time, approximately?

17 A. Before my marriage. Because I saw that as an example, I tried  
18 to obey them in order to survive.

19 Q. Earlier when you were answering a question put to you by  
20 Counsel Guiraud, you spoke about the circumstances of your first  
21 marriage. You said that you gave birth to twins<, too>. So were  
22 you able to enjoy specific medical care when you were pregnant?  
23 Were you allowed to work less and did they somehow improve the  
24 food that they would give to you in relation to the other people,  
25 who were not pregnant?

1 A. Those who were pregnant were also required to work, <> they  
2 were required to dig six <cubic> metres of <soil>. Here I talk  
3 about when they were one month to <five> months' pregnant. And  
4 when they were six <to nine> months' pregnant <>, it was reduced  
5 to four metres of earth. <For those who were nine months  
6 pregnant, they were assigned to grind rice,> but for the food, we  
7 were given the same ration of food like others. We ate at the  
8 collective dining hall. If there was food to eat, we ate  
9 collectively and if there was no food to eat, we had no food to  
10 eat, so depending on the availability of food at the <>  
11 collective dining hall. <If there was even half a can of rice in  
12 any individual's house, people there would disappear at night.  
13 People would be taken away to be killed if they hid rice to eat  
14 individually.>

15 [15.10.12]

16 Q. Now, regarding medical care, did you enjoy appropriate medical  
17 care while you were pregnant as well as when you delivered?

18 A. During my pregnancy, I did not receive any medicines. <After  
19 my babies were born,> I only went out to cut the bark from the  
20 tree trunk <> to <boil> those in order to consume <as medicine>.  
21 <They only used us for labour. Regarding medicines or health care  
22 during pregnancy or child delivery, there were none.>

23 Q. You said that you bore four children under the DK regime,  
24 twice twins, <if I'm not mistaken>. So how long after you  
25 delivered for the first time <did you have to> have sexual

1 intercourse with your husband and were you forced to engage in  
2 sexual intercourse with him or was this something that you did  
3 wilfully?

4 [15.11.46]

5 A. Whenever I had sex with him, it was like I forced myself to do  
6 it because if I disagreed and then we would be in trouble. <For  
7 three months and a half, whenever he came back from work, he  
8 slept with me.>

9 Q. You said that once you became pregnant you were separated from  
10 your husband. Do you know why?

11 A. We were separated from each other. We were separated to work  
12 at distant places from each other.

13 Q. Did you ever hear the Khmer Rouge cadres say that your  
14 children, whether they were born under the DK regime or <the  
15 eight> who were born before, were no longer your children but  
16 were now the children of Angkar. Is this something that they told  
17 you?

18 A. Yes, I heard such sayings. They said that the children were  
19 children of Angkar and they told me to produce many children so  
20 that Angkar <> would have many children <to serve them>. Those of  
21 my children were not considered as my children anymore because  
22 they were separated away from me. <They were managed by Angkar.  
23 For the children aged two or three years old were looked after by  
24 elderly women.> I had no children with me.

25 [15.14.03]

1 Q. Another topic now. In your mobile unit in your commune, were  
2 there young women who were raped? I am speaking of other cases  
3 aside from yours who were therefore raped and whose marriages  
4 were then organized by the local cadres?

5 MR. PRESIDENT:

6 Defence Counsel for Khieu Samphan, you may have the floor.

7 Madam Civil Party, please hold on.

8 Defence Counsel for Khieu Samphan, you may proceed.

9 MS. GUISSÉ:

10 I object to the way the question was phrased by the  
11 Co-Prosecutor. We know that some of the sexual violence does not  
12 fall within the scope of this trial. If the civil party speaks  
13 about her own experience that concerns her <is one thing,>  
14 because she is speaking about her <own experience, because she is  
15 a civil party and is speaking about her own life>, but here in  
16 the question I see a problem <in the way the question was  
17 phrased, with the link made by the Prosecutor, who is putting  
18 words in the civil party's mouth> case here. <So I would like the  
19 Prosecutor to re-phrase his question.>

20 [15.15.30]

21 BY MR. DE WILDE D'ESTMAEL:

22 I can rephrase my question but there is a clear link with the  
23 marriage ceremonies here.

24 Q. So let me get back to your personal experience. You said that  
25 you were raped, maybe because you refused to get married and then



1 they forced you to get married. So did this happen to other young  
2 women <or girls>? Were they also raped before they were forced to  
3 get married?

4 MS. MOM VUN:

5 A. Before my marriage, I was raped. I knew only about my case. I  
6 did not know what had happened to others because I did not  
7 witness such things. Therefore, I did not dare to say about other  
8 cases.

9 Q. Well, in order to make things clear, I would like to quote  
10 from the <2013> women's forum transcript. It's document E3/7235;  
11 at Khmer, page 01003344; English, 01074566; and French, 01112074.  
12 What is described here <according to your account> is a cadre who  
13 called upon five young women and this is what you said regarding  
14 this, and I quote:

15 "In particular in 1977<, he slept with the girls>"--  
16 [15.17.30]

17 MS. GUISSSE:

18 Prosecutor, I must object <if you put the question before I can  
19 make an objection, there will be a problem.> So I apologize. So  
20 since you did not see that I was on my feet I didn't speak up  
21 yet.

22 Well, I apologize, Mr. President, but here again there is going  
23 to be a problem regarding the scope of the trial. I understand  
24 that the Co-Prosecutor wants to raise a contradiction in relation  
25 to previous statements from the civil party. However, the way

1 that she <just> answered means that she did not know and she did  
2 not know of other cases of rape aside from hers. So it's not  
3 necessary <right now> to ask for more information <on this, in  
4 general, and put things on the record that are not within the  
5 scope of this trial>. Maybe the question should be put in a more  
6 open way which would avoid having on the record evidence that  
7 does not fall within the scope of the trial. So maybe you can put  
8 the question in a more open way <and more generally,> which would  
9 avoid creating an issue <later on.>

10 [15.18.44]

11 JUDGE FENZ:

12 Counsel, maybe you would allow him actually to quote the part  
13 which you object to, so we all know where we are. I mean we can  
14 then say if we allow an answer or not but so far we don't even  
15 know what he will quote.

16 BY MR. DE WILDE D'ESTMAEL:

17 Thank you, Your Honour.

18 Well,<to confirm,> the segment I am going to read creates a link  
19 with marriage and with what happens afterwards. So let me quote  
20 again:

21 "Especially in 1977, he slept with <the girls, plural,> who were  
22 already destined to be coupled with others later on. After this,  
23 the spouses no longer wanted to stay with their fiances and the  
24 cadres ended up murdering both of them, husband and wife." End of  
25 quote.

1 So, I don't know if we're really speaking about the plural  
2 because when we translate from Khmer it's not always clear.  
3 However, do you know if this kind of case occurred, that is to  
4 say people who were supposed to get married with their future  
5 spouses and who were rejected by their spouses because these  
6 young girls had been raped previously?

7 [15.20.24]

8 MR. PRESIDENT:

9 The floor is given to the Defence Counsel for Khieu Samphan.

10 MR. KONG SAM ONN:

11 Thank you, Mr. President. I would like to object this question.  
12 The civil party already gave an answer that she was not aware of  
13 any other cases beside her case.

14 [15.20.50]

15 JUDGE FENZ:

16 I'm sorry, but we have in this courtroom frequently allowed also  
17 the Defence Counsel to try to refresh the memory of witnesses or  
18 civil parties with testimony from other people within reason, and  
19 that's the first -- the first attempt by the prosecutors. And  
20 provided there's nothing else, please go ahead.

21 BY MR. DE WILDE D'ESTMAEL:

22 Well, Your Honour, I believe that these are statements  
23 <attributed to> the civil party.

24 So the excerpt I read out regarding this particular case, does it  
25 refresh your memory; can you tell us more about it?

1 MS. MOM VUN:

2 A. Yes, I can give my answer. When you said earlier, I thought  
3 that you were asking about those who got married just like me.  
4 I did not really know about the cases of the woman who had been  
5 raped before her arranged marriage, but <I know about> the case  
6 of the <five> women who had been called out at daytime <to a  
7 cadre's place>, the women were <sleeping on the floor> in the  
8 house and the Khmer Rouge cadre was sleeping in the hammock, and  
9 at night-time <we> heard <> the cry of those women.

10 [15.22.49]

11 Q. Well, I don't have much time left. I have one or two questions  
12 left. Let me put an open question to you.  
13 Did you know a young girl by the name of Din, D-I-N; can you tell  
14 us what happened to her?

15 A. Yes, I know Din. Din was a Vietnamese. She lived long time in  
16 the country and then the Khmer Rouge cadre asked us whether there  
17 was Vietnamese in our village and Comrade Din was working in the  
18 cooking section <in the cooperative>, and after she was found  
19 out, she was taken to Kampong Kdei <pagoda>.

20 Q. And do you know what happened in <Kampong> Kdei?

21 A. Din was an ethnic Vietnamese and she was called out by <four>  
22 Khmer Rouge cadres to Kampong Kdei pagoda.  
23 And my team was carrying earth from Kampong Kdei pagoda to the  
24 paddy fields. We was nearby the pagoda and we heard the scream  
25 from the woman and after the woman was raped, <> her back was cut

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1 open and her gall bladder <was taken out and> put into the rice  
2 wine to be drank by the Khmer Rouge cadres. We heard the Khmer  
3 Rouge said <that, "Damn, if we did not rape her and just took out  
4 the gall bladder, it would not have awful smell." They said> so.  
5 <We were about 10 metres away from them>, but my team-mate member  
6 did not dare to look. We only focused on carrying earth. <The  
7 body of Din was dumped in Yeay Reang (phonetic) toilet or pit.  
8 That pit is still there.>

9 [15.25.09]

10 At that time, every ethnic Vietnamese were taken away to be  
11 killed. Only the Chinese were spared.

12 Q. Last question. Were there Cham people, Khmer Islam people as  
13 we say <here>, who were living or who were sent to your commune  
14 or to your mobile unit back then?

15 A. There were no Cham. But for the Vietnamese, there was only one  
16 ethnic Vietnamese person <and she was taken away to be killed>.  
17 There were no Cham at all in the commune or in the mobile units.  
18 Everyone did not say that they were Cham, they simply said that  
19 they were Khmer.

20 Q. Fine. Thank you, Madam Civil Party, we have no further  
21 questions.

22 MR. PRESIDENT:

23 Thank you, Deputy Co-Prosecutor. Now, I give the floor to defence  
24 counsel for Nuon Chea.

25 QUESTIONING BY MR. LIV SOVANNA:

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1 Thank you, Mr. President. Good afternoon, Mr. President and Your  
2 Honours and parties in this courtroom.

3 And good afternoon, Madam Civil Party. My name is Liv Sovanna,  
4 the National Defence Counsel for Nuon Chea. I have a number of  
5 questions to put to you.

6 Q. My first question, I would like you to clarify to us about the  
7 number of husbands you have had in your life.

8 [15.27.28]

9 MR. PRESIDENT:

10 Counsel, your question is repetitious.

11 MR. LIV SOVANNA:

12 You -- the civil party had talk about her previous husband and  
13 her later husband, that's why I wanted to know how many husbands  
14 she has had.

15 MR. PRESIDENT:

16 Madam Civil Party, you can now answer the question.

17 [15.27.57]

18 MS. MOM VUN:

19 I had only two husbands. I had only two husbands. One I got  
20 married during Sangkum Reastr Niyum and another one <that> I was  
21 forced to marry.

22 BY MR. LIV SOVANNA:

23 Q. What was the name of your first husband?

24 MS. MOM VUN:

25 A. My first husband's name, Tan Hoeng, and the second one named

1 Un Thin (phonetic).

2 Q. I want to know about the occupation of your first husband  
3 before -- I mean before 1975, that is, before DK regime?

4 A. Before the regime, since I got married to him, he was a palm  
5 tree climber. He only climbed up palm tree and did the rice  
6 farming. He was not a government official.

7 Q. You said that you had eight children with your first husband,  
8 so all of them were born before DK regime or some of them were  
9 born later on?

10 [15.29.31]

11 MR. PRESIDENT:

12 Madam Civil Party, please wait until the microphone is activated.

13 MS. MOM VUN:

14 My children were born before the regime. They were born since  
15 1965, '66 <>.

16 BY MR. LIV SOVANNAL

17 Q. You said that your second husband's name was Thin (phonetic).  
18 What was his occupation before DK regime?

19 [15.30.08]

20 MS. MOM VUN:

21 A. Are you referring to my first husband or second husband?

22 Q. Your second husband.

23 A. I did not know about his former occupation. I knew only that  
24 he worked in the mobile unit.

25 MS. GUISSÉ:

1 I don't want to interrupt my colleague, but I think we had a  
2 translation problem. I'm sorry that I interrupted, but I need to  
3 specify in the French response, I heard that she said all of her  
4 eight children were born between <1965> and <'67>. So that's  
5 incoherent to me, so could I just clarify that?

6 JUDGE FENZ:

7 Generally, Counsel, it's always a problem if two speakers of the  
8 same language speak to each other because translation finds it  
9 difficult to catch up, so wait a bit until she has answered the  
10 question.

11 BY MR. LIV SOVANNA:

12 Thank you, Madam Judge.

13 Q. We spoke about your second husband named Thin (phonetic) and  
14 you said you did not know about his occupation prior to 1975. And  
15 can you tell the Chamber during the period of Democratic  
16 Kampuchea, that is after he got married with you, what were his  
17 jobs or tasks?

18 [15.32.03]

19 MS. MOM VUN:

20 A. During the DK period after we got married, he did not have any  
21 occupation, he was still part of the mobile unit, that is, to  
22 carry dirt.

23 I was forced to marry him and I did not know of his previous  
24 background and, as I indicated, I was forced to get married and  
25 if I were not to then I would be dead. So I married him because I



1 had to survive and I had no choice.

2 So, please, don't confuse the matter with my first husband whom I  
3 had eight children with.

4 [15.32.47]

5 Q. Here I speak about your later husband, that is, your second  
6 husband. And can you tell the Chamber the tasks that he was  
7 assigned to?

8 A. The works that he was given during the Khmer Rouge regime was  
9 to carry dirt and to build dams in the mobile unit. Although I  
10 was two or three months pregnant, he had to work in his mobile  
11 unit and he only returned to visit every few months, and he only  
12 spent two days with me when I delivered my child as they said  
13 that I was being looked after by the medic. And so that's what he  
14 did.

15 And then I delivered another baby in 1982 and, in fact, it was a  
16 twin but one passed away, and by 1984, we got divorced.

17 And I hope that you are clear, Counsel, because I repeated this  
18 already, that I separated from my second husband in 1984, and I  
19 did not know of his whereabouts since. And our divorce procedure  
20 was simple, not that complicated.

21 Q. And do you know if he had his parents after he got married  
22 with you?

23 A. As for his parents and his four siblings, they had all been  
24 killed. And after they had been killed, then he came to work in  
25 the mobile unit. His native village was in Kralanh and after his

1 parents and siblings had been killed, he did not return to his  
2 native village.

3 [15.35.05]

4 And, as I said, after we got divorced, I didn't know where he  
5 went to, whether he went to his native village or not, but it is  
6 unlikely that he went there because his parents and relatives had  
7 all been killed.

8 And if I know about his whereabouts or whether his parents or  
9 siblings are still alive, I would tell the truth. I do not have  
10 anything to hide and I hate anyone who lies, I hate that <kind  
11 of> person to the bone.

12 Q. Thank you, but I need to interrupt you in the interests of  
13 time.

14 This morning, you testified that during the wedding ceremony,  
15 that is your wedding day, there were flowers in two vases and  
16 there was a chicken. Can you tell the Court about the chicken,  
17 what was it for?

18 [15.36.02]

19 A. There were flowers in two vases and the chicken and these was  
20 for the wedding of the 60 couples, and so they were meant to  
21 decorate the table and the chicken was for praying<, but there  
22 was no incense>, to the ancestors for the 60 couples.

23 Q. So, to your knowledge, the chicken was to pray for the  
24 ancestors?

25 A. It was placed on the table so I presumed it was there to pray

1 for the ancestors along with the flowers in the two vases. And  
2 after the conclusion of the ceremony, the cadres ate the chicken  
3 while we still ate the same <water lily> soup.

4 Q. Now I move onto another topic, that is, in relation to your  
5 children.

6 You said during the DK regime you had four children, and can you  
7 tell the Chamber as to when you delivered those four children?

8 A. The first delivery was in 1976, in late 1976, and it was  
9 twins, one son and one daughter. And for the second delivery, it  
10 was in late 1977, again twin and all boys. And later on for the  
11 third delivery, twin again, and that happened in 1982 and,  
12 unfortunately, both died due to my poor health. And then I  
13 separated from my husband in 1984. I hope you are clear, Counsel.

14 Q. In your response to the Co-Prosecutor, you stated Rom  
15 (phonetic) and Than, was one and the same person. Can you tell  
16 the Chamber whether Rom (phonetic) or Than was male or female?  
17 [15.38.52]

18 A. He was a male cadre, not a female. Sea, San (phonetic) and Rom  
19 (phonetic) they were all male.

20 Q. And do you know the actual functional role or position of Rom  
21 (phonetic)?

22 A. At that time, he was a part of the district branch. When the  
23 district chief ordered him to implement something then he would  
24 come to implement that instruction at the work site.

25 For example, when the district chief assigned him to organize the

1 wedding, then he would come down to the work site to make the  
2 arrangement, whether we liked our partners or not, because the  
3 full authority was with them and we were the one who suffered.  
4 [15.40.06]

5 Q. You said that he was a member of the district branch, and can  
6 you tell the Chamber the person who was in charge of the network  
7 controlling all the cooperatives?

8 A. It was Sea, Comrade Sea. He was in charge of all cooperative  
9 chiefs. All the work sites were under his supervision.

10 BY MR. LIV SOVANNA:

11 Mr. President, I'd like to read part of a document in order to  
12 refresh her memory. It's E3/7234; at Khmer, ERN 01003336; and  
13 English is at <00077096 (sic)>; and French, 01030452.

14 Q. And, Madam Civil Party, you stated in this document that:

15 "The arrangement was organized by Comrade Than, the network chief  
16 in charge of all cooperative chiefs." End of quote.

17 And when I asked you who was in charge of the network of all the  
18 cooperatives, you says that it was Sea but in your statement you  
19 said it's Comrade Than. So which one is correct?

20 [15.41.59]

21 MS. MOM VUN:

22 A. Than and Rom (phonetic) was one and the same person, and he  
23 was a part of the district branch who issued order to the network  
24 <chief> of the cooperative, that is to Sea.

25 Q. Yes, you said Than was Rom (phonetic), but you said that Sea

1 was chief of the network in charge of all the cooperative chiefs,  
2 which is contradictory to your statement that you said Comrade  
3 Than was the network chief. Can you explain to the Chamber which  
4 one is true?

5 A. Than and Rom (phonetic) is one person and the district branch  
6 was superior than the network chief, so the instructions came  
7 from the district branch to the network chief. Is that correct?  
8 [15.43.06]

9 Q. Madam Civil Party, maybe my question is not clear. A while  
10 ago, I asked who was in charge of the network of all the  
11 cooperative chiefs and you said that it was Comrade Sea, but in  
12 your statement with TPO in the document that I quoted, that is,  
13 E3/7234, you made mention that the wedding <> was organized by  
14 Comrade Than who was the network chief in charge of all the  
15 cooperative chiefs.

16 So in this document, you say Than or Rom (phonetic) was the  
17 network chief in charge of cooperative chiefs, but when I asked  
18 you, you said that it was Comrade Sea who was the network chief  
19 in charge of the cooperative chiefs. So, please, tell us which  
20 one is the network chief?

21 A. I clarified that Rom (phonetic) was part of the district  
22 branch, Rom (phonetic) or Than which is the same person, and so  
23 please don't get confused with that. As for Sea, so the  
24 assignment came down from Rom (phonetic) to Sea. And I don't know  
25 what else I can add.

1 Q. Maybe you do not get my question. What I am trying to get at  
2 is that why your statement in the document that I quoted, you  
3 said that Than or Rom (phonetic) was the network chief in charge  
4 of all the cooperative chiefs. And why it is contradicting the  
5 statement that you just made a while ago.

6 MR. PRESIDENT:

7 Co-Prosecutors, you have the floor.

8 [15.45.18]

9 MR. DE WILDE D'ESTMAEL:

10 I would like to pose an objection to this question. It's  
11 repetitive. It's the fourth time that we've heard it and I think  
12 the response remains the same. I don't know why <this time would  
13 be any different>. The civil party has already clarified the  
14 relationship between the two, Sea and Than, and then everyone can  
15 draw their conclusions from any apparent contradiction, but she  
16 is very clear in any case.

17 MR. PRESIDENT:

18 Counsel, please move on.

19 MR. LIV SOVANNA:

20 Q. Never mind, I move on. You made mention a while ago -- in late  
21 1976, you attended an assembly at Phnom Kulen or Kulen Mountain.  
22 And can you recall as to which month in late '76, that you  
23 attended that assembly?

24 [15.46.38]

25 MR. PRESIDENT:

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1 The Co-Prosecutor, you have the floor.

2 MR. DE WILDE D'ESTMAEL:

3 I didn't hear the same thing. I heard "In 1976". I didn't hear  
4 "The end of '76", at least not in the French version. So I'm not  
5 sure if the lawyer misheard it, but what appeared in our version  
6 was "in '76".

7 BY MR. LIV SOVANNA:

8 Q. In order to clarify the matter once and for all, Civil Party,  
9 please inform the Chamber as to which month and year you attended  
10 the assembly Phnom Kulen?

11 MS. MOM VUN:

12 A. I attended the assembly in 1976, and I cannot recall the  
13 month. Although I knew that it happened in 1976, it is difficult  
14 for me to know about the month but I knew for certain that it  
15 happened in 1976.

16 [15.48.03]

17 Q. How many months it happened after your marriage?

18 MR. PRESIDENT:

19 Civil Party, please observe the microphone.

20 MS. MOM VUN:

21 Based on my estimation, it about three months after <> I attended  
22 the assembly there. As I said, I knew for sure it happened in  
23 1976, but I am not sure about the month.

24 BY MR. LIV SOVANNA:

25 Q. A while ago, you stated that all people, that is all 60

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1 couples, were forced to marry, and I want to know how you knew  
2 that all of them were forced to marry?

3 [15.49.18]

4 MS. MOM VUN:

5 A. I knew that they were all forced because the 60 couples all  
6 wept, they all wept. When we were standing together, we all wept,  
7 and only when they arrived then we wiped our tear and stopped  
8 weeping. None of them volunteered to get married.

9 How could it happen that 60 couples had to marry at one point?

10 Anyone would weep, regardless whether you were a single virgin or  
11 whether you are a widow. And there was no permission at all from  
12 our parents, they just mixed and matched us, and that's how we  
13 all wept. All 60 of us stood together and wept.

14 Q. In the interests of time, allow me to interrupt you.

15 And you stated that two couples refused to get married and then  
16 they were taken away and killed, and do you happen to know their  
17 names?

18 A. It was Comrade Thol (phonetic) and Comrade In (phonetic). They  
19 refused to get married and <> they <would rather> die. And  
20 because we saw what happened to the two couples, then the rest of  
21 us had to get married <in order to survive>. They refused to get  
22 married, as I said.

23 [15.51.07]

24 Q. You also claimed that your previous husband did not have any  
25 position but he was in a rice field and he climbed palm trees.



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1 However, in your statement with TPO, that E3/7234, at Khmer, ERN  
2 01003333; English is at 01077095; and French is at 01030450; and  
3 allow me to quote:

4 "My parents decided to offer me to him. He was <general  
5 knowledge> teacher <in 1964> and we got married and, at that  
6 time, I was only 16 years old."

7 And <regarding your husband Tan Hoeng,> in another statement of  
8 yours, that is the victim information form, document E3/6307 and  
9 the Khmer ERN 00532025; and French is at 01137822; English is at  
10 01168543; you stated that:

11 "Before 17 April 1975, my family lived in <Sangkae Mean Chey  
12 village>, Kampong Kdei <commune, Chi Kraeng district, Siem Reap  
13 province,> and we were in the rice field and my husband, Tan  
14 Hoeng, <47> years old, was a Lon Nol soldier."

15 [15.53.12]

16 So, in fact, you have three different statements. On one hand,  
17 you said that he was in a rice field and climbed palm trees, and  
18 your statement with TPO you says that he was a teacher, and in  
19 your Victim Information Form, you made mention that he was a Lon  
20 Nol soldier.

21 And, please, tell the Chamber why you have three accounts for  
22 your husband?

23 A. The <> two different statements were the ones that I got from  
24 him. He actually boasted himself that he was a teacher but, in  
25 fact, he <was a> palm tree <climber>. And as for being a Lon Nol

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1 soldiers, <he said it> after he got drunk. When he got drunk, he  
2 boasted that he was a Lon Nol soldier but, in reality, he <was a>  
3 palm tree <climber>. <My husband was neither a teacher nor a Lon  
4 Nol soldier.>

5 Q. I'd like you to be a bit more precise than that. You said that  
6 when he drank he said he was a teacher and when he got drunk, he  
7 said he was a soldier, but in your previous statements you never  
8 made mention that <> he only said that when he was drunk or when  
9 he drank. You only made mention that in 1964, he was a <general  
10 knowledge> teacher and in another document you said he was a  
11 former Lon Nol soldier.

12 So for -- in the interests of justice, please be precise.

13 [15.55.03]

14 A. I know for certain that my husband was a palm tree climber,  
15 and the person who registered the complaint <> maybe wrote down  
16 that he was a Lon Nol soldier or a teacher. I did not change my  
17 statement because I know for sure that he was a palm tree  
18 climber. He's not a teacher or a soldier.

19 Q. Allow me to move on, Madam Civil Party. A while ago, you also  
20 said that your -- further this morning, you testified that your  
21 husband was taken away by the Khmer Rouge because when he was  
22 drunk he said that he was a Lon Nol soldier.

23 However, in your same document, E3/7234, that is your interview  
24 with TPO, at ERN in Khmer, 01003334; and in English, 01077095;  
25 and French, 01030451; you stated that:

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1 [15.56.44]

2 "In 1970, when there was a coup d'etat to topple Samdech  
3 Sihanouk, I returned to my native village. And by 1972, due to  
4 the disagreement with my husband since he had an affair with  
5 another woman, we got divorced, and I remained with <> my eight  
6 children."

7 Please tell the Chamber, why in 2010 when you was interviewed  
8 with TPO, you made mentions that your first husband and you got  
9 divorced and in this courtroom you said that he was taken away  
10 and killed by the Khmer Rouge? Why there was so such a contrast  
11 difference?

12 MR. PRESIDENT:

13 Civil Party, please hold on. And, Co-Prosecutor, you have the  
14 floor.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you. In any case, in French, Mr. President, there is an  
17 important nuance because in the document that was quoted we talk  
18 about separation, so legally separation could be de facto but it  
19 is not legally divorce.

20 So I don't know if counsel could rephrase because, in any case,  
21 in the French and English versions, there is no talk of divorce,  
22 simply separation.

23 [15.58.16]

24 MS. CHEN:

25 Sorry, just to add to that. In the English version the word used

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1 is "divorced", so "we got divorced".

2 JUDGE FENZ:

3 In this case, I would go back to the Khmer version and clarify  
4 it?

5 MR. LIV SOVANNA:

6 So, Your Honour, who is going to read? The document is E3/7234.

7 MR. PRESIDENT:

8 Counsel, you can read that document in Khmer.

9 MR. LIV SOVANNA:

10 Allow me to read it then, Mr. President:

11 "And by 1972, since we had disagreement, we could not live  
12 together as my husband had another woman. We got divorced and I  
13 remained with my eight children." End of quote.

14 [15.59.23]

15 MR. PRESIDENT:

16 Civil Party, please respond to that question.

17 MS. MOM VUN:

18 In 1972, due to the disagreement with my husband, we got divorced  
19 and only a fortnight after he requested to reconcile with me and  
20 that's how I knew. I was very angry with him because he had an  
21 affair so we got divorced but a fortnight later he came to  
22 reconcile with me and we continued to live together until 1975.  
23 So let me be precise here. We got divorced then we reconciled and  
24 continued to live <together> until 1975.

25 BY MR. LIV SOVANNA:

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1 Mr. President, allow me to quote another passage from on the same  
2 page.

3 Q. And, Madam Civil Party, you said that after your divorce from  
4 your first husband:

5 "I suffered because I had to take care of my eight children and  
6 the living condition was so difficult since I had to raise all my  
7 children by myself."

8 This means that you raised your children by yourself and there is  
9 no indication that your husband reconciled with you. Please  
10 explain that to the Chamber.

11 MS. MOM VUN:

12 A. What happened is that I got divorce from my husband. I had to  
13 take care of my children when he was away, but after we  
14 reconciled then we lived together. What I said was during the  
15 time that we got divorced, but after we reconciled then things  
16 became normal.

17 [16.01.31]

18 MR. PRESIDENT:

19 Thank you, Counsel.

20 It is now appropriate time for the adjournment for today's  
21 proceedings and we will resume on Monday, 19 September 2016.

22 For Monday, the Chamber will hear testimony of a civil party,  
23 2-TCCP-251, in relation to "Regulation of Marriage", via video  
24 conference first due to the technical configuration and the time  
25 scheduled. And, after the conclusion, then we continue to hear

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1 the remaining testimony of this civil party. Parties, please be  
2 informed.

3 Madam Mom Vun, the Chamber thanks you for your participation and  
4 testimony, however, it is not yet concluded, and you are invited  
5 therefore to return on Monday, <19 September 2016>.

6 Court Officer, please work with WESU to make arrangement for  
7 Madam Mom Vun to her accommodation and have her return to attend  
8 the proceedings on Monday before nine o'clock.

9 Security personnel, you are instructed to take the two accused,  
10 Nuon Chea and Khieu Samphan, back to the detention facility and  
11 have them returned to attend the proceedings on Monday, 19  
12 September 2016, before nine o'clock.

13 The Court is now adjourned.

14 (Court adjourns at 1603H)

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