



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

6 November 2012

Trial Day 128

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

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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. HONG KIMSUON	Khmer
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MS. MOM SAM OEURN (TCCP-89)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MR. SON ARUN	Khmer
MS. YE	English

1

1 P R O C E E D I N G S

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 According to our schedule today, the Chamber is hearing the

6 testimony of TCCP-89.

7 Ms. Se Kolvuthy is now instructed to report on the attendance of

8 the parties to the proceedings today.

9 THE GREFFIER:

10 Good morning, Mr. President.

11 All parties are present except Mr. Ieng Sary, who is absent due

12 to his health concerns.

13 However, according to document E237, the Accused has already

14 waived his right to the testimony of TCCP-89, whose testimony is

15 going to be heard today by the Chamber.

16 The civil party is available and is waiting call from the

17 Chamber.

18 And there is no reserve witness for today's session.

19 [09.05.39]

20 MR. PRESIDENT:

21 Thank you.

22 The Chamber wishes to inform the parties to the proceedings that

23 the Chamber is seized of the request by Mr. Ieng Sary, document

24 E237, in which Mr. Ieng Sary has waived his right to the

25 testimonies of six civil parties, including TCCP-89.

2

1 According to the report -- medical report by the treating doctors
2 at the Khmer-Soviet Friendship Hospital dated on the 1st of
3 November 2012, Mr. Ieng Sary is still being admitted to the
4 hospital, at the General Disease Section, and that he has waived
5 his right to certain civil parties and witnesses due to his
6 health concerns. He is physically and mentally fit, although he
7 is still being admitted at the hospital.

8 So the Chamber continues hearing the testimony of these certain
9 witnesses and civil parties, including TCCP-89, in the absence of
10 the accused person. According to the Internal Rule of the ECCC,
11 the Chamber can proceed with the current proceedings, although in
12 the absence of the accused person, as long as the accused person
13 is consent (sic) to such proceedings.

14 Court officer is now instructed to call in the civil party.

15 (Civil Party enters courtroom)

16 [09.09.26]

17 MR. PRESIDENT:

18 Court Officer, could you lift the console higher above so that we
19 can see whether the red light is on or not?

20 (Short pause)

21 QUESTIONING BY THE PRESIDENT:

22 Q. Very good morning, Madam Civil Party. What's your name,
23 please?

24 MS. MOM SAM OEURN:

25 A. I am Mom Sam Oeurn.

1 Q. Ms. Mom Sam Oeurn, when were you born?

2 A. I was born on the 17 of November 1927. However, after the
3 Khmer Rouge, I cheated; I told people that I was born in 1930 so
4 that I could be recruited. And, indeed, I had to do this to make
5 sure that I was offered a job to feed my children.

6 [09.10.56]

7 Q. Where were you born?

8 A. I was born in Phnom Penh. I was born just behind the Royal
9 Palace.

10 Q. Where do you live?

11 A. After the Khmer Rouge, I came back to my house, only to be
12 stopped by the Vietnamese troops, and I had to stay at a house at
13 the Ministry of Education, the house that I later on sold, and
14 bought another house near Taphon Road, the current residence.

15 Q. Who do you live with these days?

16 A. I live with my son, who is an engineer working at the Ministry
17 of Education. His name is Uk Un Norith.

18 Q. What do you do for a living?

19 A. I am a pensioner.

20 Q. What's your father's name?

21 [09.12.52]

22 A. My father is Suos Mom. He worked as a medical doctor in the
23 Royal Palace with a French doctor called Dr. Louis.

24 Q. What's your mother's name?

25 A. She is Kim Pun. Both my parents passed away.

4

1 Q. Are you living alone with your child, or is your husband still
2 alive?

3 A. I am a widow. My husband was killed by the Khmer Rouge. I have
4 11 children; six of them were killed by the Khmer Rouge. Five
5 daughters and one son were killed. I now live with five children.

6 MR. PRESIDENT:

7 Thank you.

8 The Chamber wishes to inform the Lead Co-Lawyers for the civil
9 parties that, according to Internal Rule 91bis of the ECCC
10 Internal Rules, the Chamber would like to hand over the floor to
11 the Lead Co-Lawyers for the civil parties to put questions to the
12 civil party first before the other parties.

13 [09.14.47]

14 Please be also reminded that civil party lawyers and the
15 prosecutors have half-day for putting the questions to the civil
16 party.

17 Madam Mom Som Oeurn, the Chamber wishes to also inform you that,
18 as a civil party, you can express the statement of suffering and
19 injuries and harms that have been resulted by the crimes relevant
20 to this case and the crimes that have been allegedly stated - or
21 listed in the Closing Order. And you are allowed to also express
22 such a statement of suffering today, during the time of your
23 testimony.

24 I would like to now hand over to the civil party lawyers.

25 MR. PICH ANG:

5

1 Thank you, Mr. President and Your Honours. I would like to assign
2 Mr. Hong Kimsuon and Ms. Beini Ye to put questions to the civil
3 party.

4 MR. PRESIDENT:

5 You may proceed.

6 [09.16.33]

7 MR. HONG KIMSUON:

8 I thank you very much indeed, Mr. President and Your Honours. And
9 very good morning to the Bench, and good morning to people around
10 this courtroom, and very good morning to Madam Mom Som Oeurn.

11 Before I proceed, I may have a small request to the Chamber.

12 Ms. Mom Sam Oeurn is an elderly woman. My request is that I would
13 like the Chamber to allow her to respond to all questions that
14 are relevant to the whole case file rather than the confined
15 portion of the case because she is of senior age and we are
16 afraid that she may not be able to come back to give further
17 testimony on this.

18 MR. PRESIDENT:

19 Please be - note that we are currently hearing the testimonies
20 relevant to the case file of Case 002/01.

21 [09.18.02]

22 Indeed, the Chamber already stated clearly that civil party can
23 express her statement of suffering for the entire case file, but
24 the questions should be confined to that segment of the trial
25 only.

1 QUESTIONING BY MR. HONG KIMSUON:

2 Thank you, Mr. President. I may address civil party before us as
3 "Auntie". Indeed, she is older than my mother.

4 Q. Just now the President already put a question concerning your
5 address, the place where you live and the current address.

6 My question to you is: Where did you live before you were
7 evacuated?

8 MS. MOM SAM OEURN:

9 A. Before I was evacuated from my home in Phnom Penh, I lived in
10 Phnom Penh, to the south of the Independence Monument, with my 11
11 children, my husband, and my father and mother-in-law.

12 [09.19.40]

13 Q. Can you please tell the Chamber, what did you do before the
14 Khmer Rouge - indeed, during the Lon Nol regime and before?

15 A. I was a professor at Lycée Kampot, or Preah Reach Samphea
16 Lycée, teaching French. By 1970, I asked that I be transferred to
17 work in Phnom Penh so that I could be close to my husband working
18 at the Ministry of Education in Phnom Penh, in the writing - book
19 writing section.

20 Q. Before the 17th of April 1975, did you remain in the same
21 house that you told the Chamber just now?

22 A. Before the evacuation, I lived in Sangkat Number 3, Chrun You
23 Hak Road, north of - rather, south of Independence Monument. It
24 was the location where I stayed when the Khmer Rouge evacuated
25 us.

1 [09.21.30]

2 Q. On the 17th of April 1975, what happened to you or to other
3 people in your neighbourhood?

4 A. In the morning, I heard the tanks moving into the city, near
5 my house. My father-in-law did not know about this noise, but he
6 was curious later on; he would like to know what happened
7 outside, so he opened the door and - only to be arrested by the
8 Khmer Rouge soldiers. And we did not know where he could have
9 been taken to.

10 I, at that time, was trying to unlock my safe, but then I was
11 pointed a gun at by the Khmer Rouge soldiers whom I did not know
12 when they came. They told me that - why I kept wearing my
13 glasses, because it was part of the Revolution, and we had to get
14 rid of glasses. And the glasses were removed from me and thrown
15 away, and I said that I could not see anything if the glasses
16 were removed, but the soldiers did not listen; they forced me to
17 leave city immediately, otherwise, they said, we would be bombed
18 at by the Americans.

19 [09.23.34]

20 And at that time I talked to my 11 children to make sure that we
21 could pack ourselves with some sausages and other dry fish so
22 that we could eat them on the way, when we moved, but these young
23 soldiers didn't want us to bring with us anything because they
24 said that in a few days we would be returned. So we later on
25 brought only things that we could bring with us.

8

1 And then we took our Volkswagen vehicle, and we were guided and
2 directed to a different direction. My husband was driving that
3 car, and we brought with us a five-year-old boy, along with some
4 rice. And then we were separated.

5 At about 9 a.m. we had to leave the house, but just - as I
6 indicated, my father-in-law, who left the home - and we had to be
7 looking for him, but all to no avail.

8 By 3 p.m. we reached a destination--

9 Q. I am sorry to interrupt, but I would like to ask you a few
10 questions concerning the evacuation again.

11 [09.25.10]

12 When the Khmer Rouge soldiers evacuated you from your home, how
13 many people were there in your home?

14 A. There were 11 children of ours, my parents-in-law, and my
15 father. So, these people were all together, including me.

16 Q. You said that you heard the noise of a moving tank in 1975, on
17 the 17th of April. Was that on the occasion when the Khmer Rouge
18 captured Phnom Penh?

19 A. Yes, it was. It was the time when the Khmer Rouge soldiers
20 came to threaten me to ask me to leave our home. That's why I
21 rushed to the safe to insert the combination, and I was about
22 mid-way through, then I was pointed the gun at and forced to
23 leave the home. And my husband had to go with my youngest
24 daughter with some luggage, where he had to be led to another
25 direction from ours.

1 [09.26.44]

2 Q. You already mentioned about this, but we would like to also
3 ask you a few questions more concerning the time when you were
4 driven out of your home by the Khmer Rouge soldiers.

5 How were you treated when you were being evacuated?

6 A. The Khmer Rouge soldiers were not ethical. They were using
7 some harsh words. They really compelled us to leave home at our
8 earliest convenience, so we had to move, and the roads were
9 crowded with people. And a few steps from the place where I were,
10 I would see some dead people, the bodies, and the gory picture of
11 how -- people who died. And I saw - also saw women, pregnant
12 women who had problem giving birth. And also I saw a lot of
13 corpses, and we were very terrified. I kept telling my children
14 to be very careful and mindful of what they did. And also I saw
15 people who passed out because of exhaustion and dehydration, and
16 also -- we saw everything, and my - and we also witnessed the
17 moment that it doesn't matter how well or sick we were; we had to
18 keep moving on.

19 [09.28.48]

20 Q. Thank you, Madam Mom Som Oeurn. I may cut you short because I
21 would like to ask you a few more precise questions on this so
22 that we are clear.

23 When you were moving on this road, could you describe to the
24 Chamber what you saw? Did you see the Khmer Rouge soldiers being
25 there to stand guard? And did you hear any announcements made

10

1 through loudspeakers by the Khmer Rouge?

2 A. While we were walking, we could hear announcements made
3 through loudspeakers, pushing us to walk quickly, moving quickly.

4 Q. You said the Khmer Rouge soldiers told you that you had to
5 leave the city immediately or you would be bombed at by the
6 Americans. According to your best recollection, did you recall
7 having seen any of the aircrafts being -- hovering over Phnom
8 Penh city at that time?

9 [09.30.12]

10 A. I did not see any airplane flying over in the sky in those
11 days; I only saw the Khmer Rouge soldiers who kept threatening
12 people to move faster, and we were always pointed the guns at,
13 and every now and then I would see corpses, dead bodies, women -
14 pregnant women with difficulties. But I did not see any
15 aircrafts.

16 Q. When the Khmer Rouge forced you to leave the city, did you ask
17 them to allow you to bring with you some medicine or food?

18 A. Before we left, my children could grab some cheese, sausages,
19 and rice, and these foodstuff were placed on the Volkswagen, the
20 car that was driven by my husband with our youngest daughter, but
21 the car was directed to a different direction from ours because
22 it was not allowed to be - to mingle with the people who were on
23 foot.

24 Q. Thank you. With regard to the forced evacuation, were you
25 allowed to go to any particular direction you wished to?

11

1 A. When we reached Monivong Bridge, we wanted to go to Svay Rieng
2 province, which is my husband's hometown, but the bridge was
3 blocked at that time, so I had to turn my direction. I had to go
4 along the riverbank.

5 [09.32.34]

6 Q. On the 17th of April 1975, where - where did your family reach
7 - I mean, when you left your home, within the day, how far did
8 you travel?

9 A. When we left the bridge, fortunately I met my husband, who was
10 driving the car, and then we went along with each other to Preaek
11 Samraong. We then cooked rice. We did not have the cooking pot at
12 that time, so we had to ask somebody there for a rice-cooking
13 pot, and we gave her something in exchange of this pot. Then we
14 stayed there for the day on the 17th of April. And then we stayed
15 on the floor of a pagoda that night.

16 [09.33.47]

17 And on that night we slept on the floor, without any sleeping mat
18 or anything - or any pillow or so, but then, at night, I could
19 also smell the smoke, and we thought that the smoke would have
20 come from the Khmer Rouge soldiers, so we dared not talk to each
21 other about anything at all. And we had to stay awake the whole
22 night to look after and take care of our kids because they were
23 so terrified that night.

24 And in early - in the early morning, they announced through the
25 loudspeaker that we had to continue our journey.

12

1 Q. So, I would like to expand a bit on your stay at Samraong
2 Pagoda.

3 Was there only your family staying there or there were many other
4 people over there?

5 A. There were many other people. We had to stay there along with
6 other people who were evacuated from Phnom Penh. So, there were
7 huge crowd of people staying there. But the announcements from
8 the loudspeaker was so loud that we could not communicate or -
9 with each other easily.

10 [09.35.24]

11 Q. What was the reason for you not to speak to each other, not
12 even your husband? Was there any pressure imposed by anyone?

13 A. Because we were - we were shocked. We saw dead bodies
14 everywhere, we saw - we heard mortar shell and gun fires from
15 every corner, so we were terrified and shocked. We could hardly
16 do anything.

17 Q. Thank you. So, the next morning, on the 18th of April 1975,
18 meaning that after you got up - after the 17th of April when you
19 stayed in Samraong Pagoda - did you know where you were supposed
20 to go the next day or you had to comply with the order to be
21 instructed by the Khmer Rouge soldiers?

22 A. When I left home, we intended to go to Svay Rieng province.
23 But when we got to Monivong Bridge, the bridge was blocked, so we
24 had to divert our direction to somewhere along the riverbank, and
25 then we eventually reached Samraong Pagoda. But then this

1 direction was not leading me to Svay Rieng province, so we had to
2 continue our journey endlessly along the riverbank, and then we
3 stayed along the riverbank for another night.

4 [09.37.25]

5 Q. On the night of the 18th of April 1975, where did you stay on
6 that night? And what was that place called?

7 A. If I remember correctly, it was Svay Rolum. I stayed there
8 overnight. We cooked and we tried to grab wild vegetable and we
9 cooked it with the dry fish. We had it from our home. And we ate
10 together with my husband and my kids. But we did everything in
11 the rush; we also ate in the rush, as well. And it was somewhere
12 along the riverbank after we left from Monivong Bridge.

13 Q. Then, the next morning, on the 19th of April 1975, along the
14 riverbank which you travelled on foot all along for the past few
15 days, were you given any food or – fruits, for example, or
16 anything to eat at all?

17 [09.38.56]

18 A. When we were marching along the riverbank, the situation was
19 chaotic. We were not given food. When – wherever we arrived, we
20 saw empty houses. There were no people in those houses and there
21 was no distribution of food or anything to eat at all. So
22 everyone was in a panic situation, and there was loudspeaker
23 announcing different information about this and that, and
24 situation was quite confusing. And people was pushed, and some
25 was frogmarched and – along the streets. So, everyone was in a

1 panicky situation, and we did - we were in a state of confusion.

2 Q. On the morning of the 19th of April, when you were travelling,
3 did you see the Khmer Rouge soldiers accompanying you along the
4 way or you did not see them anymore?

5 A. We once got to one pagoda, which - I cannot recall the name of
6 that pagoda. Then they confiscated the car from my husband. And
7 one of the Khmer Rouge soldiers told my family that he could
8 drive the car, and then he took the key - car key from my
9 husband, and then he started driving, but then he could not drive
10 the car properly. Eventually, he got into accident, and my car
11 was broken.

12 [09.40.50]

13 Then we continued walking, and then my - one of my kids got
14 syncope, and we had to stay behind for about half an hour or so
15 to massage her to regain conscious. And then we had to - we had
16 to stay behind for some time, until my daughter regained
17 consciousness.

18 Q. Then you said you reached one pagoda which you cannot recall.
19 I would like to know whether or not, when you were travelling,
20 you were summoned by the Khmer Rouge soldiers or official for an
21 interview, or interrogation, or so along the way.

22 A. We were under strict surveillance by the Khmer Rouge soldiers,
23 and they kept asking us what my husband's occupation was before
24 this period. And then they also kept asking me what my profession
25 was, and I had to tell them a lie, that I was a housewife, I did

15

1 not have any particular occupation, and they threatened us that
2 we had to tell the truth, we had to tell what my husband did and
3 what I did at that time. And then they continued to threaten us.
4 They continued to say that if they found out - if I had told them
5 a lie, I - my life and my family's would be at risk. So, at that
6 time, we were very terrified. And I did not tell them that I had
7 any professional job or career, and neither did I tell anything
8 about my husband.

9 [09.43.15]

10 Q. Did you witness whether or not the Khmer Rouge soldiers
11 interviewed or interrogated other families? Or did they arrest
12 any people along the street when you were on your journey?

13 A. At the time, I witnessed the Khmer Rouge soldiers asked many
14 people, and at the same time they also beat people. And they were
15 not in a military uniform, actually. And we also witnessed the
16 shooting of people, as well, along the street, and we saw dead
17 bodies along the streets.

18 Q. So, on the 20th of April 1975, where did you arrive?

19 [09.44.28]

20 A. We had to go on along the riverbank, we had to go further and
21 further, until we reached Samraong commune. We stayed there, in
22 Samraong. Other evacuees had to move on to other places, but we
23 had to stay in Samraong and we asked a house owner by the name of
24 Kong Neang to stay at her house. They felt very sorry for us
25 because we were a big family with many kids, and they felt

1 sympathetic for our family, so they kindly accommodated us and
2 they also prepared some food for us that they left. And Kong
3 Neang, the house owner, was very kind. She offered us food and,
4 in addition, she also gave us some rice as well, as a reserve
5 food for us. But she had to do that without letting the Khmer
6 Rouge soldiers know that.

7 Q. In your family, including your husband and your kids, did you
8 only stay there, in Kong Neang's house, for a night or you stayed
9 there for certain period of time?

10 A. We stayed in Kong Neang's house for two nights, but on the
11 second day, we saw boats carrying crowds of people on those
12 boats. But then, the next day, we only saw the clothes carried
13 back by the boats. We did not see people anymore; we only saw the
14 belongings of those people.

15 [09.46.45]

16 Then we assumed that those people must have been killed because
17 the day before we saw the boat carrying many peoples, but then
18 the next day we only saw the boat with clothes and belonging of
19 people. And we received one clothes and then the owners of the
20 clothes actually hid one ring just underneath the sleeve of the
21 shirt, then we realized that the owners of this house must have
22 been killed.

23 Q. When you stayed there for two nights in Samraong, did you ask
24 for permission from the people who controlled the crowds, or how
25 about other families, were they also allowed to stay there for

1 two nights or so as well?

2 A. Other families continued their journey down south, and as for
3 other families, they stayed there as well. So they stayed in that
4 area for about three nights. On the second day, they ordered that
5 my sons had to herd cows in the field. And as for my husband, he
6 was also ordered to herd cows as well as to collect grass for
7 cows. And as for me, I had to shell corns. And as for my second
8 son, Uk Un Nora, who never herded animals before, so he had to
9 walk in front of the bulls and cows and then the cows went wild
10 and he -- the cows stepped on him, so his jaw was broken and he
11 fell down on the ground unconscious.

12 [09.49.00]

13 And one of the Khmer Rouge soldiers blamed me very harshly that I
14 was from a feudalist family. I never instructed my son to do
15 anything, I only spoiled my son. That's why the son could not
16 even herd the animals. That's why the cows step on him and he got
17 injured. That served me well, that's what they said. And I felt
18 very sorry for my son and my kids.

19 Q. Before you were forced to leave your house in Phnom Penh, and
20 you told the Court that the Khmer Rouge soldier told you that you
21 would have to leave for about three days. So following the 20th
22 of April, it was beyond the three-day they instructed you when
23 you were about to leave Phnom Penh, did you receive any
24 instruction to return back home after a three-day departure from
25 Phnom Penh?

1 [09.50.06]

2 A. No, we did not receive any information about our return. Our
3 fate was very uncertain now because the person who instructed us
4 in the first place was not there anymore. I only saw different
5 peoples along the street. So some people, particularly Base
6 People, say that they serve -- that serve the city people very
7 well. They had to endure the difficulty, that's what they said.
8 So they asked our kids to go to the field to work.

9 Q. I would like to know the distance you had travelled. The place
10 where you described as Samraong, how far was it from Phnom Penh?

11 A. The -- now, the new road was constructed, so there was a
12 shortcut through Tan Krasang, but I cannot -- or Tuol Krasang,
13 rather, so through this shortcut it's closer, but in the past
14 when this road was not built then we had to travel along the
15 riverbank. It was approximately 40 kilometres away from Phnom
16 Penh.

17 [09.51.35]

18 Q. From the time when you left Phnom Penh and then you reached
19 Samraong, did you hear any aerial bombardment, I mean, the sound
20 of the bombardment at all as you were told when you were about to
21 leave Phnom Penh?

22 A. No, I did not hear. I did not hear area bombardment, but I did
23 hear the exchange of gunfire, and the evacuation of people, and
24 some of them were carried in boats. And we had to continue our
25 journey and I continued to warn my kids not to resist, I had to

1 submit to them. And one of my kids, my seventh daughter had ulcer
2 in her ear, and we did not have access to medicine so we did not
3 have any -- we could not be of any help to her. We only pick up
4 the leaf of the tree along the road and chew them and then just
5 put it inside her ear, but luckily she could get over it after a
6 few days.

7 [09.53.14]

8 Q. The evacuation of your family from Phnom Penh to Samraong, it
9 took approximately one week, and after this one week period did
10 the Khmer Rouge tell you to go anywhere else after that?

11 A. They ordered that my family returned upwards to Preaek Koy.
12 Preaek Koy is approximately 10 or 20 kilometres away from
13 Samraong. Then, when we reached Preaek Koy, my husband was
14 ordered to herd animals, and he had to herd animals in Prey Thun
15 (phonetic), some 20 kilometres away as well.

16 Q. Can you please be more specific in relation to the location,
17 the exact location of this place, which commune was it in?

18 A. It was in Kandal province, Preaek Koy commune. It was close to
19 Preaek Koy Commune Hall and in S'ang - S'ang district, and the
20 location where we stayed was close to a school as well over
21 there, and down south there was one pagoda by the -- or one
22 mountain by the name of Thun Munn, and my husband was asked to
23 herd animals over there.

24 Q. When did the Khmer Rouge start to separate your family
25 members? I mean, how many days from the first date of evacuation

20

1 when your family was separated?

2 [09.55.52]

3 A. When we were staying in Preaek Koy, they separated my kids
4 from me; all of my kids were separated. And one of my children
5 suffer from asthma and whenever he went to the field he had
6 difficulty breathing so he had to stay with me, and they asked my
7 kids to build the dam and dyke at Tuol Krasang.

8 So those grownup children were asked to build the roads or dams
9 and others stayed in the children's unit attached to Boeng Chhuk
10 Pagoda. From Phnom Penh, along the road, it was on the right-hand
11 side, and it was approximately 20 kilometres away from the house
12 where we stayed in Preaek Koy.

13 And when we got there, my children had to stay with the children
14 of the Base People. And then the Base People children did not
15 know how to write so he asked my son to write letters to their
16 family members, and he asked the -- my son to write letters, but
17 that letter was not a truthful letter, it was a deceitful letter.
18 So eventually the letter was received by the Khmer Rouge soldier,
19 so he was imprisoned in one of the stupa over there.

20 [09.58.01]

21 And one of my kids suffered from the eyesore and he had swollen
22 eyes, then he was taken to the nearby hospital, the Khmer Rouge
23 Hospital, and I went to - upon receiving the information, I went
24 to visit my son and then I asked them why they imprisoned my son
25 in the stupa, and then they told me the story and I asked my son

21

1 why he wrote this letter. He told me that he was forced to write
2 this letter because the Base Peoples' children asked him to write
3 the letter. He dare not resist. And then the Khmer Rouge soldier
4 did not try to find out the truth. Instead they kept blaming me
5 saying that I dare resist or protest against what they said and
6 found.

7 Q. I have the last two questions for you.

8 [09.59.21]

9 When you were travelling from Phnom Penh to Preaek Koy or
10 Samraong, you told the Court that the Khmer Rouge arrested your
11 kids. Did that even happen soon after the evacuation, or it was
12 later after the evacuation?

13 A. They ordered my grown up children to build a road in Tuol
14 Krasang. It was quite far from Preaek Koy and they stayed there
15 for a week and they had to -- they could only return home after a
16 week attachment to that work site.

17 Q. While I was asking you like this, you told the President
18 already that during the Khmer Rouge, six of your children were
19 arrested and executed and your husband was also arrested. Were
20 they arrested immediately after the evacuation or was this
21 happening at a later date, please?

22 A. It happened not immediately after the evacuation. It was about
23 a year or a year and a half after 1975. It was in 1977 when a
24 vehicle was seen coming to pick my husband and children and we
25 also saw the three Khmer Rouge soldiers on a Range Rover vehicle

1 without license plate. And my husband was loaded onto the vehicle
2 and I was told by the commune chief to come back home and let my
3 husband go, because the commune chief ensured that my husband
4 would be working at a new place and then I would also be reunited
5 when he settled down.

6 [10.02.15]

7 Q. I thank you for this detailed information. However, I have a
8 few last questions to put to you.

9 When did you know your children and husband were executed?

10 A. Later on I was taken to Khsach Tonlea Island prison. It was a
11 prison without walls.

12 Q. I may rephrase my question. When exactly did you learn that
13 your children and husband were executed by the Khmer Rouge?

14 A. After Phnom Penh fell, I heard gunfires to the south of Phnom
15 Penh. My children had to go and look for their mother at Khsach
16 Tonlea location. One of my children lived in S'ang and other
17 locations and they all came and see me. However, not all could
18 manage to see me, only some, like five children could return
19 home. The rest were missing. My youngest daughter and my eldest
20 four sons survived and came to me -- and at that moment that I
21 learned the rest was executed.

22 [10.04.39]

23 When we came to Preaek Koy after Phnom Penh was captured by the
24 Khmer Rouge, we were given assistance by a family who placed us
25 on an ox cart and helped us go to Takhmau. However, we were

1 chased by a Khmer Rouge soldier carrying a machete and I was
2 assured by the family who offered us a ride that they would be
3 there to protect us. So that man with the machete was scared and
4 ran away.

5 Q. Thank you, Madam Civil Party. I have no further questions. I
6 would like to cede the floor over to my colleague, Beini Ye, to
7 proceed with her questions.

8 QUESTIONING BY MS. YE:

9 Thank you. Good morning, Mr. President. Good morning, Your
10 Honours. Good morning to everyone in and outside of the
11 courtroom. Good morning Madam Mom. I will ask you a few
12 additional questions to what you have already told my colleague,
13 Mr. Hong Kimsuon.

14 Q. I would like to go back to the day of the 17th April 1975,
15 when, as you said, the Khmer Rouge forced you to leave your
16 house.

17 I wanted to ask you first, how many people entered your house on
18 that day?

19 [10.06.57]

20 MS. MOM SAM OEURN:

21 A. There was only one Khmer Rouge soldier, armed with a 79 kind
22 of weapon and he took off my glasses and have them thrown away.

23 So there was only one Khmer Rouge soldier. And again, my
24 father-in-law who heard the noise of the moving tank was curious
25 and he opened the door and left the house, only to be arrested by

1 the Khmer Rouge soldiers.

2 Q. Thank you. And how did you recognize that it was a Khmer Rouge
3 soldier?

4 A. The man was wearing black clothes and a checked scarf was seen
5 wearing on his head with the weapon, and he asked me -- he
6 threatened me to throw away the glasses and warned me not to wear
7 the glasses anymore because it was part of the Revolution, and
8 that people were not allowed to wear glasses. And I found it so
9 difficult to go without glasses because I had problems seeing
10 things without the glasses.

11 [10.08.40]

12 Q. Thank you. Can you tell us at around what time the Khmer Rouge
13 soldier entered your house?

14 A. It was early in the morning, about 7.00 a.m., and I did not
15 know how he entered my home because I was trying to insert the
16 combination onto my safe, then I noted that something were
17 pressed on my right shoulder and when I turned around I saw the
18 Khmer Rouge soldier pointing gun at me already.

19 Q. Thank you.

20 You told us that on the way the car that you used to travel, the
21 Volkswagen, was confiscated by the Khmer Rouge. Were there any
22 other belongings taken away from you during the forced transfer
23 by the Khmer Rouge?

24 [10.09.49]

25 A. I left home with only a few cans of rice and some dried fish

25

1 and I tried to open the safe to pick some of my belongings, like
2 jewellery, but I couldn't because I was caught at gunpoint and I
3 left without them. And my husband, who was the executive director
4 of the factory, he possessed two vehicles, the Volkswagen and a
5 vehicle belonging to the factory. But he could manage to bring
6 our own car, Volkswagen, so that it could carry some rice and our
7 daughter, youngest daughter. That's the only things we could go
8 along when moving out of the city, nothing else.

9 Q. Thank you. And what happened to the other cars of your
10 husband?

11 A. I do not know what happened to that car, but when I returned
12 to Phnom Penh I did not see that car anymore. I did not see all
13 the vehicles belonging to the factory.

14 [10.11.50]

15 Q. Thank you. You said that along the road leaving Phnom Penh you
16 saw many corpses on the road. Do you remember what clothes these
17 corpses were wearing?

18 A. These corpses were mixed, both civilian corpses and also
19 former Lon Nol soldiers' corpses. Some of them were seen wearing
20 military uniforms and also civilian clothes.

21 Q. And can you tell us where exactly you saw these corpses?

22 A. I saw them all along the road. Sometimes just a few steps,
23 then I would see another corpse on the left, on the right-hand
24 side, and by the time I got to Preaek Samraong location I had
25 already seen about 20 corpses -- perhaps more than this because I

1 didn't pay great attention to count all the dead bodies. I do not
2 know what happened to these dead people. Perhaps they were too
3 tired to move on and died from exhaustion, but what I noted was
4 that, their bodies were mutilated, you know, their heads were
5 smashed and that's what I saw, and also some people passed out
6 because they were too tired.

7 [10.14.15]

8 Q. Thank you.

9 Now, you said before that you lost -- that your glasses were
10 taken away by the Khmer Rouge soldier. How well could you see
11 what was happening without your glasses?

12 A. After my glasses were taken off and removed, or thrown away, I
13 still could see things, but not as clear as I used to see when I
14 had the glasses, and I heard the person who removed my glasses
15 told me that it was part of the Revolution that glasses had to be
16 removed, and for that I knew that he worked for the Khmer Rouge.
17 And I could manage to pick part of the broken glasses, and the
18 lens, and I could make use of the broken lens to help me see
19 things while moving along the road. And every now and then I
20 would also be told by my children that, "Mum, there was another
21 corpse." And then they told me, yet there was another, so on and
22 so forth.

23 And I kept telling my children to be very careful because we
24 noted that a lot of people died, this could happen to us and I
25 also asked them to be very careful because the Americans would

1 also be bombing at us.

2 [10.16.08]

3 Q. Thank you very much.

4 You mentioned that you saw pregnant women having difficulties
5 with birth. Can you tell us more about this?

6 A. After leaving our home, on the riverbank, I saw a woman who
7 did not actually giving birth to a child, but she had a
8 miscarriage because she was pregnant and she had problems
9 walking. But after all she could not take it anymore and the baby
10 was miscarriaged and nobody could give her any kind of help
11 because everyone had to move on. So we did not know what happened
12 to the woman.

13 Q. Thank you. And did you see other sick people on the road?

14 A. I believe that I saw at least two hospital patients, because
15 they were walking with the IV fluid still attached to them and I
16 believe that these people could have been taken from the hospital
17 when they were sick.

18 Q. Thank you.

19 You told us that along the way there were Khmer Rouge soldiers
20 standing guard. How did they treat the civilians? What did they
21 say to the civilians?

22 [10.18.30]

23 A. These Khmer Rouge soldiers kept saying that we had to move
24 quickly and we were not allowed to look back, just move forwards.
25 They threatened us, they shouted at us and they asked us to keep

1 walking faster.

2 Q. Did any of these Khmer Rouge soldiers along the road say where
3 the order came from to leave -- for you to leave Phnom Penh?

4 A. No, they didn't say anything about the orders being received
5 from whom. They only said that when people engaged in
6 revolutionary cause, we had to work hard and tirelessly and, at
7 the same time, they treated people very badly. They treated us
8 like the people who belong to the feudalist class and they asked
9 us to stop talking but keep moving. And when we reached any
10 particular house, then the soldiers would be pointing the guns at
11 the people in the house to come down and join the march, join the
12 crowds or they would be shot.

13 [10.20.36]

14 Q. Thank you.

15 Now I come to the point where you said you arrived at Samraong
16 village and a person named Kong Neang saved you by hiding you in
17 her house.

18 My question is: Why did Kong Neang have to hide you?

19 A. Kong Neang was a very kind and nice person. He was loved by
20 the whole villagers. He was a senior person in the village and
21 much loved by everyone. The Khmer Rouge themselves also liked
22 him. He said that -- he said to the Khmer Rouge soldier that,
23 "Please allow this family, my family to stay overnight or
24 temporarily at the home", and this person vouched for our family.
25 He was in his late seventies as I believe, because his name is

1 Neang, but because he's old, people call him Kong Neang.

2 Q. Thank you. And you said that in that time you were asked
3 questions by the Khmer Rouge interrogations, where did that
4 happen? Where were you asked by the Khmer Rouge about your former
5 profession?

6 [10.22.33]

7 A. I was asked what I did when I was in Phnom Penh and I told
8 them that I did nothing and my husband also told them that he
9 worked, but had very small job. I didn't tell them I was a
10 professor. I said I stayed home and looked after my children. I
11 could see that my message was not convinced -- convincing. They
12 did not believe me, I trust.

13 My husband and another colleague named Buntha (phonetic) were
14 detained by the Lon Nol soldiers for two months in the Lon Nol
15 time, but we hid these background, or identity.

16 Q. Thank you. Can you clarify when you were asked these
17 questions, at what time?

18 A. They did not ask me these questions, I mean the questions
19 about the suffer (sic) our family had during the Lon Nol's time.
20 It was I who was thinking to myself -- we had suffered a lot
21 already, why should we suffer more during the Khmer Rouge.

22 [10.24.51]

23 And at the Preaek Koy location we stayed in a concrete house, and
24 on one afternoon a person came to ask us whether we slept well,
25 we found it comfortable to live in the house. I was very happy

1 because I thought that there was still a kind and nice person to
2 ask us about our wellbeing. But later on we learned that the
3 house was very haunted, that's why the person came to ask how we
4 managed to stay in the house.

5 I just told him frankly that we had no problem spending overnight
6 at the house, there was no problem and we were not haunted. And
7 my seventh daughter who climbed a fruit tree to pick some fruit
8 -- and she was amazed by many villagers because everyone thought
9 that she could have dropped or fallen from the tree because it's
10 really superstitious. Anyone who stayed in the home and picked up
11 fruit on that tree would be killed by falling off the tree, but
12 my seventh daughter could manage to pick some fruit tree without
13 falling off. So she was amazed.

14 [10.26.27]

15 Q. Thank you.

16 Let me come back to when you told them that you were a housewife,
17 before the fall of Phnom Penh, when you were lying about your
18 former profession.

19 My question is: Why did you not tell the truth about your former
20 profession?

21 A. I did not tell them the truth because I was afraid that I
22 would be taken away to be executed because without telling them
23 the truth I would -- I was treated badly already, let alone
24 having revealed my identity, then all of my family could have
25 been wiped out. Because as an incidence I indicated earlier on,

1 when my son who was asked to tend the cows and he could not
2 properly tend the cows, and was run over by one of the cows and
3 got seriously injured, I was blamed for not properly raising my
4 child. That's why he ended up being run over by a cow.

5 [10.27.52]

6 Q. Thank you. You have mentioned before that you were considered
7 from the Feudalist Class. Can you explain what the difference was
8 between Feudalist Class or City People and the Base People?

9 A. The Feudalist Class refers to rich people, wealthy people, and
10 the Base People were the poor peasants; people who were good at
11 looking after cattle, doing farming, and people in Phnom Penh
12 were not good at that. We could not teach our children to be good
13 at tending cows, so we were accused of being feudalist, things
14 like that.

15 Q. Thank you. And after your transfer from Phnom Penh, did you
16 receive different treatment than Base People?

17 A. There were bad people and good people when we refer to the
18 Base People. Some bad Base People accused New People, like us, as
19 those who were opportunists or those who came to steal away their
20 food and I told them that no, they was wrong; we did not come to
21 steal your food. We were forced out of our home. We had to move
22 -- to leave behind our belongings and luxuries, things like that,
23 and we did not come here to steal anything from you. But again,
24 some people did not understand this. They said they used to enjoy
25 having enough food, nice meals, but now there were more people

1 coming and these New People came to steal their food. And I kept
2 telling them that it was not my fault. It was somebody else fault
3 who brought us here.

4 [10.30.34]

5 Q. Thank you.

6 Now, you said in Samraong village, you saw a boat going to the
7 other side of the river and coming back with only -- with only
8 the clothes of the people. Do you recall or did you see who was
9 on the boat when it went to the other side?

10 A. I don't know them. I think it was not only on one occasion
11 that I saw boats taking away people and bringing only their
12 belongings back. That happened time and again. People would be
13 taken away and only clothes or belongings that belonged to those
14 people would bring -- would be brought back. And whenever we saw
15 people being loaded on a boat to the other side of the riverbank,
16 then everyone was very sympathetic. We felt that it would be the
17 last day for any of them on board. They would end up being
18 executed. And some people also walked, not necessarily be loaded
19 on the boat, but that's -- that's what happened.

20 [10.32.02]]

21 MR. PRESIDENT:

22 Thank you, Counsel, and Madam Civil Party. It is now appropriate
23 moment for the adjournment. The Chamber will adjourn for 20
24 minutes.

25 Court officer is now instructed to assist the civil party during

1 the adjournment and the next session will be resumed by 10 to
2 11.00.

3 (Court recesses from 1032H to 1055H)

4 MR. PRESIDENT:

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

6 Without further ado, we would like now to hand over to the
7 counsel for the civil parties to proceed to put questions to this
8 civil party.

9 BY MS. YE:

10 Thank you, Mr. President.

11 Q. Now, before the break, we were speaking about the boat that
12 you saw, Madam Oeurn, taking people away and coming back with
13 only their clothes. I would like to ask you if you recall if
14 these people were the same people who were evacuated from Phnom
15 Penh.

16 MS. MOM SAM OEURN:

17 A. I don't know. I only saw the boat and people being loaded onto
18 it, and when they -- upon returning, there were only clothes
19 which were then distributed to us and other people. I did not
20 know where these people could have been taken to.

21 In the mornings, I would also see people walking on the other
22 side of the riverbank and people would be heard saying to one
23 another on the other side of the riverbank about the fate of
24 those people.

25 [10.57.52]

1 Q. Thank you.

2 Now, I would like to come to a new topic. Madam Sam Mom, have you
3 ever met any of the senior leaders before the beginning of
4 Democratic Kampuchea?

5 A. No, I never saw them, but on an evening, I was forced to watch
6 a movie at Tuol Krasang. It was about 30 kilometers from our
7 location. And at that movie show, I was told about Pol Pot. I
8 heard about Pol Pot and then I learned of his -- this individual
9 who I saw at Lycée Sisowath who was Saloth Sar. I said look, he
10 was Saloth Sar. And by saying so, I was asked by people at the
11 district office whether I knew this person. I was rather shy and
12 reserved to -- to say more on this. I just said that I used to
13 study with Saloth Sar before.

14 [10.59.38]

15 Q. Thank you. And at Lycée Sisowath, did you ever meet any of the
16 accused, Ieng Sary, Nuon Chea, or Khieu Samphan?

17 A. At Lycée Sisowath, I did not study in the same class with Mr.
18 Ieng Sary. Indeed, he studied in different class at the same
19 school. Saloth Sar did not study in the same class as mine. He
20 studied at the same school. But you know, in the old days, the
21 school -- there were not many students in each school, so we
22 could know one another by seeing them coming to school every day.
23 And Saloth Sar's wife was Khieu Ponnary and Ieng Sary, who was
24 the -- who is the husband of Ieng Thirith, I studied with Ieng
25 Thirith's elder sibling, Ieng Thirath.

1 MS. YE:

2 Thank you, Madam Mom, I have no further questions for you and
3 thank you very much for coming and answering all our questions.

4 MR. PRESIDENT:

5 Thank you, Counsel.

6 We would like now to hand over to the Prosecution to put
7 questions to the civil party.

8 [11.01.30]

9 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

10 Thank you very much, Mr. President. Good morning. Good morning to
11 you, all distinguished Members of the Bench, all parties, and all
12 those attending this morning's hearing. Good morning to you,
13 Madam Civil Party. I wish to thank you for being here. I wish to
14 thank you for providing us clarifications on issues that we are
15 concerned with, notably the evacuation of Phnom Penh that
16 occurred many years ago. I want to thank you for being as
17 specific and patient as you have demonstrated to be and thank you
18 for answering questions I have for you that relate to some of the
19 matters you have already raised thus far.

20 [11.02.17]

21 Q. Now -- just now, you stated that you studied at Sisowath Lycée
22 around the same time as Ieng Thirith, Ieng Sary, among others. At
23 the time, did you know whether Saloth Sar and Ieng Sary played a
24 particular role at the Sisowath Lycée school?

25 MS. MOM SAM OEURN:

1 A. At that time, I did not know whether these people were holding
2 any functions. We were treating one another as students at the --
3 the school. Ieng Thirath was studying at a normal school and did
4 not at Sisowath and I studied with that person at the primary
5 school. At Lycée Sisowath, we went to the same school, although
6 we attended different classes. Ieng Sary and Saloth Sar were each
7 at different classes and I was in another class and I knew him
8 very well. I knew Saloth Sar very well.

9 [11.04.02]

10 Q. Do you know what kind of political ideas or opinions Saloth
11 Sar held at the time?

12 A. I don't know. I don't know what kind of political opinion he
13 held at that time. I paid only attention to study and I did not
14 even know who Pol Pot was. I only learned about this when I went
15 to watch the movie, the place where Pol Pot's name was
16 pronounced, and I saw Pol Pot was actually Saloth Sar.

17 Q. Thank you. Pardon me. I would just want to point out that
18 there is a slight lag between the time that you are providing
19 your answer in Khmer to provide sufficient time for the
20 interpretation of your words. So if I may, I would ask you to
21 observe a slight pause after your responses.

22 Now, Madam, you stated that you were a French teacher in Kampot
23 before you were assigned to Phnom Penh. And you stated that your
24 husband, Uk On, had worked at several trades and professions. Can
25 you please tell us what he did prior to the fall of 1975 -- prior

1 to the fall of Phnom Penh in 1975?

2 A. Are you asking me about my husband professions?

3 [11.06.19]

4 Q. Yes, exactly. Can you tell us what he did, what positions he
5 held, what professions he practised, before the Khmer Rouge took
6 over Phnom Penh in 1975?

7 A. At the beginning, he worked for a company collecting rice.

8 Later on, he worked at Soctropic (phonetic). He was engaged in
9 planting sweet corns with the Japanese business people. And then
10 he was the general director at Doun Teav location in Battambang
11 and, at the same time, was teaching at agricultural school of
12 Chamkar Doun. So he worked and taught at Preaek Lieb School,
13 just the school located on the other side of the riverbank from
14 Phnom Penh.

15 Q. Just now you made mention of the Khmer Rouge's accusations
16 that your family belonged to the feudal class. From 1975 to 1979,
17 during the time of Democratic Kampuchea, was your family accused
18 of belonging to other social classes other than the feudal class?

19 A. At the beginning, some of the villagers were angry with him.
20 They said that the New People, the 17th of April People, came to
21 steal their food because they had never experienced such food
22 shortages. They accused us as people belonging to the feudalist
23 class.

24 And, indeed, when my son, who tended the cows and later on, was
25 trampled by a cow, that incident led to the Khmer Rouge soldier

1 accused me of improperly raise my son and children because they
2 said that I could not even raise him well to tend the cows.

3 [11.09.45]

4 Q. Thank you. Let us return to the day of April 17th 1975 and
5 situate us in the scenario when Phnom Penh was taken over by the
6 Khmer Rouge.

7 How did your neighbours -- how did the people living in your
8 neighbourhood react when the Khmer Rouge entered Phnom Penh?

9 A. At first, everyone thought that the war was over because we
10 saw white flags being waved and we already presumed that there
11 were no longer conflicts. And we saw Khmer Rouge soldiers then
12 coming to our home threatening us, asking us to leave our home
13 without bringing any belongings with us. And I could not manage
14 to open my safe. My glasses were taken off and remove -- and
15 discarded. So I learned from that moment that there was no peace
16 anymore.

17 Q. Very well. Now, before the Khmer Rouge entered your home and
18 pointed a gun at you and forced you to open the safe, what was
19 your reaction over the Khmer Rouge victory? Did you become
20 fearful, given your social status, or did you experience
21 happiness over the end of the war?

22 [11.11.59]

23 A. I had no time to think much because the Khmer Rouge pointed a
24 gun, pressed it on my right shoulder, and threatened me to leave
25 my home; otherwise, I would be -- or drums -- rather, bombs would

1 be dropped on us. As I indicated, I was trying to unlock my safe
2 by inserting some combinations, but I was about midway, then the
3 Khmer Rouge soldier came and pointed the gun at me. And I talked
4 to myself; I knew that worse things would happen, and it was true
5 that the Khmer Rouge told me to leave the home immediately.
6 I told my children to bring some foodstuff with us, but the --
7 but the Khmer Rouge soldier did not allow us to do so.
8 Nonetheless, since I have a lot of children, a few of -- a few of
9 my children could manage to grab some foodstuff with them while
10 leaving, so they could place them on the Volkswagen car. And we
11 were not allowed to take the car; only my husband and my youngest
12 daughter were allowed to be in that car alone, and they had to go
13 to different direction from ours.

14 [11.13.55]

15 Q. Thank you. When the Khmer Rouge held you at gunpoint and they
16 were yelling, how did your children react in the immediate wake
17 of the Khmer Rouge threats?

18 A. My children were all crying. They were crying seeing me
19 kneeling down next to the safe while being held at gunpoint by
20 the Khmer Rouge soldier. And the soldier kept saying that I
21 shouldn't have been careful with paying attention to myself
22 rather than helping the Revolution, and I think that happened
23 because I was seen wearing glasses. And my children were all
24 crying out loud, but I told them to calm down and be ready to
25 leave upon order and many of my children could take some

1 foodstuff with them. And later on, we were chased away.

2 Q. Thank you. Let us return to the episode of your glasses being
3 broken.

4 As you were very nearsighted, didn't this disable you during the
5 time that you were engaged in forced labour under the Khmer Rouge
6 because you could not see clearly?

7 A. I did not possess any glasses during the entire period of the
8 Khmer Rouge and I had a lot of problems seeing things. At Khsach
9 Tonlea Island, I found it difficult to walk even from the living
10 room to the kitchen and I had to use my hand to feel the things
11 near me as my eyes because of the absence of the glasses.

12 [11.16.45]

13 Q. Thank you. The Khmer Rouge who entered your home said that you
14 had to leave for three days because American bombing was -- was
15 about to begin. Were you persuaded, by the reason given to you,
16 to evacuate the city because the city was under threat of
17 American bombardments or did you believe that there were other
18 reasons behind the evacuation?

19 A. When we were being evacuated, we heard that we would leave the
20 city for three days and that we'd be -- be allowed to return
21 after three days and we were terrified. And I thought, at that
22 time, that I could never come back home when we left; that's why
23 I tried my best to unlock the safe to take some belongings, but I
24 couldn't. I was not persuaded that such bombs would begin anytime
25 soon because I already believed that the war was over and we

1 would be in peace and when the Khmer Rouge came; I knew that it
2 would not be in peace, but I was not persuaded that there would
3 be bombs being dropped anyway.

4 [11.18.28]

5 Q. Did you ask yourself if you had to leave because of American
6 bombings and why you were being held at gunpoint?

7 A. I was told not to wait and I had to leave quickly because the
8 Americans would bomb very soon. We had to leave only for three
9 days. We shouldn't bring with us anything at all, as the Khmer
10 Rouge told, because for three days, we would be allowed to come
11 back. However, my adult children could grab some foodstuffs so
12 that they could eat while walking.

13 And again, I was not convinced that there would be bombs being
14 dropped in Phnom Penh. However, a few days before that, I heard
15 that some bombs were dropped to the eastern bank of the river and
16 for that reason, my husband asked me to ensure that a trench was
17 built so that we -- a bunker was built so that we could take
18 refuge.

19 [11.20.28]

20 Q. Thank you. You stated that you were terrorized. Was -- did you
21 have the impression that you were free to leave the city based on
22 the order given to you to leave Phnom Penh or did you feel
23 constrained?

24 A. Looking at the gesture of the Khmer Rouge soldiers who
25 compelled -- who forced us to leave the city, we could feel that

1 we were constrained, indeed, and I believed that we could never
2 be returned in three days. And they kept threatening us, forcing
3 us to leave, and I was held at gunpoint because, by doing so,
4 they believed I could be moved quickly. And again, I did not
5 believe that I would be returned in three days.

6 [11.21.53]

7 Q. Thank you very much. Therefore, somebody entered your home.
8 Did the Khmer Rouge use any other means to force citizens of
9 Phnom Penh to evacuate? Did they use messages being broadcast
10 over loudspeakers or other equipment?

11 A. No, they didn't use any other means to evacuate the people.
12 And on the 17th of April 1975, people in the city believed that
13 we were in peace already. But upon leaving our home, we noted
14 that the streets of Phnom Penh were crowded with the Khmer Rouge
15 soldiers already.

16 MR. PRESIDENT:

17 Counsel Karnavas, you may proceed.

18 MR. KARNAVAS:

19 Good morning, Mr. President. Good morning, Your Honours, and good
20 morning to everyone in and around the courtroom.

21 [11.23.19]

22 I hesitate to -- to interrupt, especially given the nature of the
23 testimony; however, this particular prosecutor has been cautioned
24 time and again not to lead the witness. His very last question,
25 he asks an open-ended question, then he feeds a potential answer.

1 My apologies, too much coffee. Let me -- let me rephrase, Mr.
2 President, and my apologies for speaking so quickly.
3 I hesitate to object in light of the testimony and deference to
4 this particular witness who has obviously suffered tremendously
5 during that period. The prosecutor, this one in particular, has a
6 habit of asking an open-ended question and then, he follows up
7 with some leading possibilities such as the one that he just
8 noted. I would respectfully request that he simply elicit
9 information without giving a smorgasbord of options for the
10 witness to choose. We want to hear from this witness'
11 recollection. She's a very good witness. Her recollection is
12 excellent. There is no need to -- to lead the witness. Thank you
13 very much and hopefully, I won't interrupt again.

14 [11.24.54]

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. Very well. I will continue with another line of questioning,
17 Mr. President.

18 Turning to you, Madam Civil Party, you did not discuss the orders
19 being given by the Khmer Rouge, but when you left your home, when
20 you left your neighbourhood, and when you left Phnom Penh, did
21 you, at any point in time, notice any people or citizens talk
22 about the Khmer Rouge orders and talk about the possibility of
23 not abiding by those orders? Did you ever witness any of this?

24 MS. MOM SAM OEURN:

25 A. On the day we were leaving, no one was brave enough to ask any

1 questions. Everyone was very sad. We were crying because we felt
2 sorry for the losses of our properties and belongings and we were
3 constantly held at gunpoint, so people had to walk very fast and
4 they had to keep moving.

5 Q. Thank you. I wish to return to an issue that you, yourself,
6 raised and seek clarification over a statement that you made
7 previously. It relates to vehicles. How many vehicles were parked
8 at your residence on the 17th of April?

9 A. There was three vehicles; Land Rover belonging to the company,
10 and my -- our own car, Volkswagen, and we also bought a new car
11 from the member of the U.S. Embassy. So altogether we have -- we
12 had three vehicles parking at our home when the Khmer Rouge came.
13 [11.27.31]

14 Q. And among those vehicles, did you have the choice to take the
15 vehicle of your preference?

16 A. No, we were allowed to only leave the city with that small
17 car, the Volkswagen, carrying only our youngest daughter and my
18 husband. The other vehicles were not allowed to be taken by us
19 and they asked us for the keys so that they could perhaps use the
20 cars.

21 Q. Did you attempt to understand why you were forced to hand over
22 the keys to the two other vehicles even if you were supposedly
23 only supposed to leave for three days and return to your home
24 afterwards?

25 A. We were threatened to hand over the keys of these two

45

1 vehicles. We were terrified by that. And since we were held at
2 gunpoint, my husband and I could not resist such threat.

3 [11.29.18]

4 Q. Thank you. Therefore, you left on foot with 10 children; your
5 husband was in the Volkswagen with one child. How did you reunite
6 during your journey?

7 MR. PRESIDENT:

8 Counsel, your mic -- rather, Witness, your mic was not activated
9 when you spoke so your message was not conveyed. Please, wait a
10 moment until you see the red light being activated on the console
11 before you proceed to respond to the question.

12 And, secondly, could you please listen to the question in Khmer
13 first before you respond to the question. If you listen to the
14 French channel, then you may miss the pause that you should
15 observe.

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. Madam Civil Party, do you wish that I repeat my question -- or
18 allow me to reformulate?

19 How did you reunite with your husband who was travelling in the
20 Volkswagen along with your youngest child while you were driven
21 out of your home and forced to leave on foot with your 10 other
22 children?

23 [11.31.06]

24 MS. MOM SAM OEURN:

25 A. When leaving our home I was walking on foot with my 10

1 children, one of whom had passed out. We were very worried that
2 we would not be able to reunite with my husband and the youngest
3 daughter.

4 By the time we reached Monivong Bridge, it was 3 p.m. We left
5 home at 9 a.m., but we got there at 3 p.m. where we reunited with
6 my husband and the youngest daughter.

7 Q. Could you describe the journey to the Monivong Bridge?

8 Apparently it took a great deal of time. Is that because the
9 roadways were packed with people or were there other reasons why
10 it took quite so long?

11 A. Yes, exactly. The road was packed with people and in addition
12 one of my children got syncope so we had to stay behind. It took
13 us approximately an hour. We actually asked the Khmer Rouge to
14 allow us to stay behind to massage my children, and actually,
15 they witnessed that by themselves that's why they allowed us to
16 stay behind for an hour or so

17 [11.33.11]

18 And then when we got to the end of Monivong Bridge, it was
19 approximately 3 o'clock in the afternoon and it was at that time
20 when I saw my husband driving in his Volkswagen and we met him
21 there.

22 Q. Thank you. This was April, a very hot month normally speaking
23 in Cambodia. Was it very hot on that day for you and on the
24 following days?

25 A. Yes, it was. The day was very hot, and in addition, we were

1 very terrified and we were very worried about our children as
2 well because we were afraid that our children would be separated.
3 So we were constantly terrified.

4 [11.34.22]

5 Q. Thank you. Since a great many people had to be evacuated and
6 it was extremely hot, did the Khmer Rouge provide those who did
7 not have any kind of transport with vehicles like buses or taxis
8 that they requisitioned to assist the population in leaving Phnom
9 Penh?

10 A. No, not at all. They had no mercy on the people at all, and if
11 people protracted or they resisted moving along fast enough they
12 would run the risk of being shot. So we did not receive any
13 proper treatment, let alone the bus to carry us out of the town.
14 We had to march on foot out of the town.

15 Q. And by the same token, did the Khmer Rouge plan the
16 distribution of water to the pedestrians or food and medicines
17 for those who needed it, or did they guide people towards housing
18 or accommodation along the road?

19 A. Absolutely none. Absolutely none. There was nothing at all.
20 Those who, you know, just stop walking they would be threatened
21 of being shot, so we had to move very quickly, as quickly as
22 possible. And they never care who was who, even if they patient,
23 they were still having IV on their hands but then they did not
24 care about those patients at all. They treated us inhumanely.
25 They treated us as if we were animals or non-Cambodian.

1 [11.37.02]

2 Q. And among the vulnerable people who had to take to the road,
3 you said there was no distinction between the different people;
4 the elderly, pregnant women, the sick.

5 Did you see people along the road who had given up, who just
6 stopped walking, who couldn't take it any longer and who stopped
7 right there? Did you see people in that kind of predicament?

8 A. No, no-one there resist or stop moving. So long as they stop,
9 they would be threatened and if the person dares protest, then
10 they would be shot.

11 [11.37.52]

12 For example, one of the ladies miscarriaged along the way and she
13 actually step on something and then she fell down and then she
14 miscarriaged along the way and everyone were turning their eyes
15 on her saying that, well, she had that problem.

16 So everyone at that time had to do everything for their life, for
17 their own life, and they -- nobody was taking care of anybody
18 else.

19 Q. Thank you. Do you know if families were separated during the
20 evacuation? Do you have examples you could quote of people you
21 knew who were actually separated during the evacuation?

22 A. I don't think I understand your question. Would you please
23 repeat your question, I don't quite catch it?

24 Q. Yes, I wanted to know if on the 17 April evacuation and on the
25 following days, were families separated and broken up? Now, I'm

1 not talking about your family but others families that you might
2 have encountered on the journey?

3 A. When we were being evacuated, I also overheard from other
4 people among the crowds that they had separated from their
5 siblings or family members, but nobody would dare stop and look
6 for the separated relatives, they had to continue marching.

7 [11.40.00]

8 But as for my families, the 10 children stayed with me when we
9 were marching out of the city.

10 Q. What about your own family, did you ever get any news
11 subsequently of your father-in-law who went into the street on
12 that first morning and was then taken away by the Khmer Rouge?
13 Did you ever hear what happened to him?

14 A. I did not hear anything from him anymore. He simply
15 disappeared and I asked people who came from his home town, they
16 did not know, so I did not know where he disappear; I did not
17 know about his fate. But I assume that he must have died. If not,
18 then he would have come to look for us, but the thing is that, we
19 did not know where he was killed or where he died.

20 Q. Thank you.

21 Just now you referred to the 17 April People; you used that term.
22 When was the first time you heard the term by opposition to Base
23 People, was it at the evacuation time or was it at a later date
24 that you came across the term?

25 [11.41.50]

1 A. I heard people talk about the 17 April. When I left Preaek
2 Samraong and I arrived in Preaek Koy, I met with the Base People
3 and they told peoples who -- New People who came in that the 17
4 people -- 17 April People came to take away their ration or so,
5 food ration, so they did not call us New People at that time,
6 they called us 17 April People. And I told them that, actually, I
7 did not want to come, I did not want to come and stay here and I
8 did not intend to take anything away from you. I was forced to
9 come here.

10 But other peoples who understood differently, they would tell
11 different story, but to them they still had the perception that
12 the 17 people -- 17 April People came to take their belongings or
13 their food ration.

14 Q. Thank you.

15 Let's come back to a question that you were asked a little while
16 ago to which you did not fully reply.

17 Now, along the road and at your destination, Samraong or Preaek
18 Koy, people wanted to know what your social context was, what
19 your social position was.

20 [11.43.31]

21 How did you manage to -- not reveal to the Khmer Rouge what your
22 background was, and what was it that made you think that it was
23 best not to tell them about your background and your profession?

24 A. I understood the situation at that time -- that the Khmer
25 Rouge did not like intellectuals -- that idea came to my mind, so

1 that's why I had to pretend to be somebody ignorant.

2 Q. Thank you. You went from Samraong, where you stayed for a few
3 days, to Preaek Koy. Who told you, you had to leave? And did you
4 have any choice in whether or not you left for Preaek Koy?

5 A. I had to comply with the order. My children were ordered to
6 build roads in Tuol Krasang. Five of them went to this worksite,
7 and my seventh daughter were ordered to clear wheat and collect
8 the wheat to make roof thatch, and the other child was ordered to
9 do other work and the other son was ordered to Chhoung Leap
10 Pagoda, and the other one was ordered to work in a different
11 worksite.

12 [11.45.55]

13 As for my husband, he was ordered to herd animals near Prey Thun
14 (phonetic) Mountain, some 7 kilometres away from Preaek Koy. And
15 I asked them for permission to move to Preaek Koy so that I could
16 be close to my husband.

17 Q. When you went to Preaek Koy, were you taken there by Khmer
18 Rouge or did you just go on your own?

19 A. Nobody accompanied me. I had to ask people along the way,
20 asking them where Preaek Koy was, so I eventually arrived in a
21 commune office. Then I asked the commune chief over there and I
22 eventually ended up in one of the brick houses, and then the next
23 morning one person came to ask me whether or not I slept well
24 that night. So that -- the person appears wondering why I could
25 sleep well that night because there were the soul of dead people

1 over there who kept haunting people who stay overnight over there
2 because many people had been killed.

3 [11.48.00]

4 Q. Thank you. When you were in Preaek Koy, were there other 17
5 April People who were also in the same commune?

6 A. Nearby the house where I stayed, there were no 17 April
7 People. There were Base People who are very kind to me. They try
8 to give something for me to eat as well.

9 And as for my husband, before he left for Thun Munn Mountain to
10 herd animals, he had worked with the commune chief as well for
11 some two weeks before he was ordered to herd animals in the
12 mountain areas.

13 Q. Thank you.

14 When you were in the S'ang district in the Preaek Koy commune,
15 did you go to commune meetings or lifestyle meetings?

16 [11.49.44]

17 A. Yes, I did attend the meeting. I was convened to the meeting
18 by the commune chief. They pushed us to work harder. The elderly
19 people were ordered to shell corn or cotton.

20 And the commune chief by the name of Saroeun had sympathy on my
21 family. He was not that harsh on my family. He did not coerce us
22 that much, but later on there was the head of militia who came to
23 tell me that I had to go to Preaek Chruk and they escorted me to
24 that place at around 10 -- no, 11 o'clock at night. They took me
25 on the boat, and there I was with other people as well, and they

1 used the paddle -- the boat paddle -- to count the number of
2 passengers. They took us to Preah Chunlea (phonetic).

3 Q. Thank you very much.

4 Unfortunately, we're not going to be able to go into all of the
5 details of what happened to you after that particular point in
6 time, but what I did want to know is that after these meetings
7 that you had Preaek Koy, were you told about Angkar and what
8 Angkar's policies were for the country?

9 A. They only told us to work harder. We had to work harder. We
10 must not be lazy, and we had nothing much to eat. We were given
11 only a few ladles of watery gruel and we also had some skin
12 problems as well as a result of eating the unhygienic food.

13 [11.52.34]

14 And then they kept blaming on us that we had never endure life in
15 the countryside. We had a good life in the city, so they kept
16 mocking at us all the time. So I found my skin had a lot of
17 problems and then they kept mocking at me that I had that skin
18 problem simply because I contracted a communicable disease from
19 my husband because my husband live in the city and he had some
20 affairs with many other ladies in town. That's why he transmitted
21 such disease to me.

22 So these were all of the degrading statements and mocking against
23 me.

24 Q. Thank you. So, on a day-to-day basis, you were part of this 17
25 April group. Now, were you treated in a different way by

1 comparison to the Base People in terms of your nutrition, the
2 clothing that you had to wear, the workload or the things you
3 were or were not allowed to say?

4 [11.54.04]

5 A. Some Base People did not have any problem with the New People.
6 They were kind and they offered the New People some foods to eat
7 as well. But some illiterate and Base People had a very negative
8 perception against the New People. They thought that the New
9 People would go there and take the food ration or any advantage
10 of them, so they had the feeling of hatred against the New
11 People.

12 Q. Thank you. I only have a handful of further questions.

13 About your husband, at any given point under the Khmer Rouge
14 regime and before he was arrested, was his previous position as
15 the director of an enterprise discovered by the Khmer Rouge?

16 A. I do not know whether or not the Khmer Rouge knew it -- that
17 is beyond my knowledge. I did not know whether the Khmer Rouge
18 had found out the background of my husband, but at that time, I
19 did not say anything about the career of my husband.

20 [11.56.18]

21 And when he was herding animals, normally along with other people
22 as well, but sometimes my husband was left behind at the dining
23 hall to prepare food because they understood that my husband was
24 someone from the city and he could not herd animals properly so
25 he, at times, was asked to stay at the kitchen or dining hall

1 where he could prepare food.

2 But at that time, I dare not say anything about the profession of
3 my husband.

4 Q. Now, one very precise question about what you said in one of
5 the documents that we have available to us.

6 MR. DE WILDE D'ESTMAEL:

7 And perhaps, Mr. President, this could be put before civil party?

8 It's document D22/11/4, and if page 7 in Khmer could be put up on
9 the screen, I'll read out the ERNS. In Khmer it's 00198403; in
10 English, page 4 of document D22/11/4 on ERN 00242251; and in
11 French, page 5, 00333881.

12 [11.58.07]

13 This is an extract that I want to read out and then ask a very
14 precise question about.

15 MR. PRESIDENT:

16 You may proceed.

17 Court officer is instructed to obtain the hardcopy document from
18 the prosecutor and hand it over to the civil party.

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President.

21 Q. I'm going to read out an excerpt and then you will understand
22 when I ask the question precisely why I chose that excerpt.

23 But what you said in this document, madam, is that two weeks
24 after your husband had been arrested:

25 "...I and my second daughter, Mony Bopha, my youngest daughter,

1 Bonny, and I were ferried to Kaoh Khsach Tonlea, a prison without
2 wall, where only troops' wives and 'New People' or '17 April
3 People' lived."

4 [11.59.41]

5 Madam Civil Party, I have two questions. When you say that on the
6 island there were only troops' wives, are you talking about the
7 wives of soldiers of the Khmer Republic?

8 MS. MOM SAM OEURN:

9 A. Yes, I am referring this to the wives of these former Khmer
10 Republic's officials. So I refer to the wives of the soldiers
11 here, the soldiers of the Khmer Republic.

12 Q. Thank you very much. Were those wives of Khmer Republic
13 soldiers able to tell you what had happened to their husbands?

14 [12.00.53]

15 A. At Khsach Tonlea Island, the people who survived were not
16 allowed to communicate or we had -- they had no time to talk to
17 one another because early in the mornings they would then leave
18 the place for work, only to return when the night fell.

19 On one evening, a woman stole a kind of fruit, then she was
20 executed by being hit with a pole and plunged into a pit. And I
21 thought to myself my day would come soon as well, my turn would
22 come soon.

23 Q. Thank you.

24 And the last question -- and I'm sorry to come back to this
25 obviously very difficult episode -- you've talked about the death

1 of six of your children.

2 After the fall of the Khmer Rouge, were you able to discover,
3 either through your other children or through other people, what
4 precisely had happened to them and the circumstances in which
5 they died?

6 A. As to the daughter who was sent to Tuol Krasang, on one
7 occasion I was sent to a location on the road to Takeo and I was
8 placed on a vehicle and to see -- to see whether my daughter was
9 working there. I did not see her anyway.

10 [12.03.25]

11 But after Phnom Penh fell, my children who survived the regime
12 ran to me at Khsach Tonlea island, but only five went to see me,
13 the rest did not return and I learned that these people -- my
14 children had already been killed.

15 I was told that people who were executed at Kaoh Kor could have
16 been raped before they were executed. I was very sad upon hearing
17 such tragic information from the people. I believe that my
18 daughters would also end up being raped before executed as well
19 there.

20 My youngest daughter couldn't manage to come and reunite with the
21 family, but we -- I still have not heard anything at all from the
22 rest of the six children; six daughters -- rather five daughters
23 died, one son disappeared and perhaps died because they never
24 came to see me. So I can conclude that five daughters and one son
25 of mine perished during the Khmer Rouge.

1 [12.05.26]

2 Q. Thank you.

3 I have no more questions to you, Madam Civil Party, and I'm
4 deeply grateful to you for having taken the time to go back into
5 these memories, and I wish you a good break over lunch.

6 MR. DE WILDE D'ESTMAEL:

7 I believe it's the time to come to a halt now, Mr. President.

8 MR. PRESIDENT:

9 Counsel for the civil party, you may proceed first before counsel
10 for Mr. Nuon Chea.

11 MS. YE:

12 Thank you, Mr. President.

13 I would just like to remind Defence Counsel to use the correct
14 terminology, as he was referring to Madam Mom Sam Oeurn earlier
15 on as "Witness", but she's here today to testify as civil party.

16 Thank you.

17 [12.06.27]

18 MR. PRESIDENT:

19 Thank you, Counsel.

20 It is now appropriate time for lunch adjournment. The Chamber
21 will adjourn until 1.30 p.m.

22 Court officer is now instructed to assist Madam Civil Party
23 during the lunch adjournment and have her returned to the
24 courtroom when the next session resumes by 1.30 p.m.

25 Counsel for Mr. Nuon Chea, Mr. Jasper Pauw, you may proceed.

1 MR. PAUW:

2 Thank you, Mr. President.

3 Our client, Nuon Chea, would like to follow this afternoon's
4 proceedings from his holding cell as he is suffering from back
5 pain and a general lack of concentration, and we have already
6 submitted the waiver.

7 [12.07.23]

8 MR. PRESIDENT:

9 The Chamber notes the request of Mr. Nuon Chea through his
10 counsel, in which he asks that he be allowed to observe the
11 proceedings from his holding cell for the remainder of the day
12 due to his health concerns which he indicated that he cannot
13 remain seated for a long period time in the courtroom.

14 Counsel has already made it clear the waiver given thumbprint or
15 signed by Mr. Nuon Chea would be submitted to the Chamber in due
16 course.

17 In light of that, the Chamber therefore grants such request and
18 that Mr. Nuon Chea is now allowed to observe the proceedings from
19 his holding cell for the remainder of the day, and he has
20 expressly waived his right to participate directly in the
21 courtroom.

22 [12.08.25]

23 The Chamber would like counsels for Mr. Nuon Chea to produce the
24 waiver to the Chamber immediately.

25 And the AV Unit is now instructed to ensure that the AV equipment

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1 is well connected to the holding cell so that the Mr. Nuon Chea
2 can observe the proceedings from there.

3 Security personnel are now instructed to bring Mr. Khieu Samphan
4 and Nuon Chea to their respective holding cells and have Mr.

5 Khieu Samphan returned to the courtroom when the next session
6 resumes by 1.30 p.m.

7 The Court is adjourned.

8 THE GREFFIER:

9 (No interpretation)

10 (Court recesses from 1209H to 1331H)

11 MR. PRESIDENT:

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

13 And we would like to hand over to counsels for Mr. Nuon Chea to
14 pose questions to the civil party if they would wish to do so.

15 QUESTIONING BY MR. SON ARUN:

16 Good afternoon, Mr. President, Your Honours, and good afternoon,

17 Madam Mom Sam Oeurn. I am Son Arun, representing Mr. Nuon Chea,

18 along with my colleagues. This morning, counsels for the civil

19 parties and Co-Prosecutors already put a significant number of

20 questions to you already, but I have a few questions to clarify

21 and to set the record of history for Cambodia.

22 [13.33.45]

23 Q. You are an intellectual. You have good accounts of what

24 happened during the Lon Nol regime and the Khmer Rouge. I have a

25 question concerning this. You indicated to the counsel for the

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1 civil parties that you taught at Preah Reach Samphea High School
2 in Kampot. May I know, how long had you been teaching at that
3 school?

4 MS. MOM SAM OEURN:

5 A. I don't remember this very well. I was teaching from 1960s
6 until 1970, when I moved to Phnom Penh. Indeed, I had been
7 teaching until 1970, when I moved to Phnom Penh.

8 Q. Thank you. You taught at Preah Reach Samphea High School
9 before you were transferred to Phnom Penh, where you taught at
10 Sisowath High School; is that correct?

11 A. (Microphone not activated)

12 MR. SON ARUN:

13 Please hold on until you see the red light on your mic before you
14 proceed.

15 [13.35.30]

16 MR. PRESIDENT:

17 Madam Civil Party, could you please hold on, indeed, wait until
18 you see the red light before you respond?

19 You may now proceed.

20 MS. MOM SAM OEURN:

21 A. I was transferred to the Ministry of Education, at the
22 department of -- the department for writing books, simply, not
23 teaching.

24 BY MR. SON ARUN:

25 Q. Thank you. From 1970 until the time when King Norodom Sihanouk

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1 was toppled down, on the 18th of March 1970, and all the way to
2 1975, were you aware whether there were some refugees coming to
3 Phnom Penh or not? If so, how many refugees were coming to the
4 city?

5 [13.36.42]

6 Please, if you do not understand my question, you may ask so that
7 I can repeat -- rephrase it. If you understand it, you may
8 respond.

9 MS. MOM SAM OEURN:

10 A. I'm afraid I don't understand your question. You may rephrase
11 it.

12 Q. From 1970 -- or early 1970, when King Norodom Sihanouk was
13 toppled down through a coup d'état, all the way to 1975, were you
14 aware of or did you see any refugees coming or moving out of
15 Phnom Penh at that time? And if so, were there a lot of them?

16 A. At that time, I did not know whether people came to the city
17 or moved out of town, but I noted already, at that time, that the
18 country would face difficult times ahead. I was suspicious.

19 Q. Thank you. From 1970 to the time when then Prince Norodom
20 Sihanouk was overthrown and until 1975, did you notice that there
21 was internal conflicts or wars?

22 A. During the Lon Nol's time, my husband was arrested. He was
23 accused of being a traitor -- and other accusations -- and he had
24 been detained with another person and two professors.

25 [13.39.34]

1 Q. I may wish to seek some clarification from you on this. As
2 early as 1970 and until early 1975, during this five-year period,
3 did you notice that Cambodia was in war?

4 A. During this period, I only noticed that the country was in
5 trouble.

6 Q. Could you please be more precise? The country was in trouble;
7 what do you mean by that?

8 A. It's because my husband was arrested during the Lon Nol's
9 time, and I noted that that was not a good sign. The country
10 would be in trouble already; that's why my husband was arrested.
11 Some other bad things happened, but I couldn't recollect them
12 all.

13 Q. You stated that between 1970 and 1975, the country was in
14 trouble. Can you please explain to the Chamber, by your
15 definition, that the country was in trouble? Was Cambodia
16 experiencing some kind of wars, or conflicts, or else? Can you
17 explain to the Chamber on this, please?

18 A. I'm not good at history, but at that time, when Lon Nol was in
19 power, as indicated, my husband had been arrested and accused of
20 being a progressive person -- or "progressiste", in French. He
21 was detained and imprisoned.

22 [13.42.48]

23 Q. Who detained and imprisoned him?

24 A. The police; the police who was stationed at the police
25 headquarter who -- came to arrest my husband. He had been

1 detained; a few days later -- he had been arrested; a few days
2 later, he was imprisoned.

3 Q. I may skip this matter for a while and I would like to move to
4 another question.

5 From 1970 to 1975 and from 1975 to 1979, and as an intellectual,
6 as a professor, did you ever hear or did you ever read any
7 documents written about the death of refugees who left Phnom Penh
8 or who took refuge in Phnom Penh during the time of fighting or
9 during the conflicts during this particular period? Were you
10 aware of this?

11 A. Can you repeat your question, please? I don't think I get it
12 correctly.

13 [13.44.54]

14 Q. My apologies. As an educated person, did you ever hear
15 somebody say or did you ever read any documents like journals,
16 magazines, newspapers about the death of refugees during the
17 period of conflicts between 1970 and 1975? Were you ever aware of
18 this?

19 A. You are now referring to the time after Lon Nol regime, I
20 believe.

21 Q. I may wish to rephrase the question to be shorter and more
22 precise. By early 1970s and until early 1975, indeed, during the
23 time when Lon Nol had conflicts with the troops under control by
24 then Prince Norodom Sihanouk, the head of GRUNK -- at that time,
25 did you read or hear anything about the refugees or whether you

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1 heard anything about the death of refugees during this five-year
2 period?

3 A. I noted that there were some demonstrations that took place
4 behind Yukanthor High School, and then there was another
5 demonstration at the railway station, then followed by some
6 uprising movements, and I already felt that the country was in
7 big trouble because a lot of people were sorry that then Prince
8 Norodom Sihanouk was overthrown by Marshal Lon Nol during the
9 coup d'état. Students also were not happy about this.

10 [13.48.22]

11 MR. SON ARUN:

12 I have no further questions to you, Madam Civil Party. I thank
13 you very much, indeed, for responding to all the questions. My
14 colleague does not have any questions to put to you either.

15 And we thank you.

16 MR. PRESIDENT:

17 We would like now to proceed to counsel for Mr. Ieng Sary to put
18 some questions to the civil party if they wish to do so.

19 MR. ANG UDOM:

20 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
21 afternoon to you, the Prosecutors, and colleagues, and everyone
22 in and outside this courtroom. Very good afternoon to you, Madam
23 Mom Sam Oeurn. I am Ang Udom, and my colleague, Mr. Michael
24 Karnavas, we are representing Mr. Ieng Sary.

25 [13.49.23]

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1 For the time being, we do not have any questions to put to you.
2 Nonetheless, we would like to thank you very much, indeed, for
3 taking the stand to give your testimony to search for the truth.
4 And we wish you safe travel.

5 Thank you, Mr. President.

6 MR. PRESIDENT:

7 Thank you, Counsel.

8 We would like now to proceed to counsel for Mr. Khieu Samphan to
9 put some questions to the civil party if they would wish to do
10 so.

11 MR. KONG SAM ONN:

12 Thank you, Mr. President and Your Honours. On behalf of Mr. Khieu
13 Samphan and my colleague, we do not have any questions to put to
14 this civil party. We thank you.

15 [13.50.13]

16 MR. PRESIDENT:

17 Thank you, Counsel.

18 Madam Mom Sam Oeurn, as we already indicated early on this
19 morning, that by the end of the examination or your testimony,
20 then you would be allowed to express your suffering and the
21 injuries, both physically and psychologically, before this
22 Chamber -- indeed, the harms that have been resulted from the
23 crimes committed. If you wish to do so, you would be allocated
24 some time to do it now.

25 The floor is yours.

1 [13.51.23]

2 MS. MOM SAM OEURN:

3 After the Khmer Rouge regime, I have been living with some
4 medical implications. I have high blood pressure and I have been
5 admitted to the hospital on several occasions. My eyes became
6 very bad because I had not been wearing glasses for a long period
7 of time, the time that I should have been wearing them. And my
8 teeth were all very bad and -- because of my health condition.
9 And at night, I could not -- I cannot really have a good night's
10 sleep because I felt very uneasy. I was -- I am shaking a lot at
11 night. I don't know what happened. And I had -- I have to go to
12 the hospital a lot for some treatment. Every time I recall the
13 events during the Khmer Rouge, it terrifies me all along.

14 I also have problems with the pain in my legs because, during the
15 time of the Khmer Rouge, I had the haemorrhoid, and it was not
16 properly treated, and the result of which is - is very bad that
17 it went without treatment for so long and now it's too late to
18 treat it. So this has a great impact on my health condition.

19 And I can't stop feeling bad about how my daughters could have
20 been treated, until these days, because I learned from people
21 that people who were killed were raped before the execution, and
22 I felt that this could have happened to my daughters as well.

23 [13.54.03]

24 When I was detained at the prison in Khsach Tonlea Island, I was
25 thinking of the event that a woman was stealing two kinds of

1 fruits and she found out to have stolen them and executed. The
2 event is still in my memory every moment of every day. And I, at
3 that time, felt that my day would -- my turn would come; I would
4 end up being executed like the woman I saw. And this memory is
5 still haunting me.

6 And I still keep longing for my -- the return of my husband. I
7 heard that people from Battambang would be killed and their
8 bodies would be dropped in -- at Phnum Sampov, so I am thinking
9 about this and I always feel very bad of what could have happened
10 to my husband or children, because one of my children was
11 believed to be working at a worksite in Battambang, and since he
12 disappeared, he could have been killed and dropped at Phnum
13 Sampov valley, and the child could have suffered great pain
14 before the execution. And I felt -- I always feel very bad about
15 this.

16 [13.56.00]

17 And I am still very terrified and traumatized by the fact that,
18 after the evacuation of the population of Phnom Penh, I was
19 walking on the road, I could see that roads were littered with
20 corpses. Every step we walked and moved forward, we would then be
21 close to seeing more corpses, and I had been deprived of my good
22 sleep because of thinking of this.

23 My properties have all gone. I have to send my children to
24 school. Without anything left, I had to go to work, too, and I
25 had to lie about my age so that I could be recruited immediately

1 and that I could send my children to school. Fortunately, my
2 seventh daughter won a scholarship to study in the East Germany,
3 when another child won a scholarship to Czechoslovakia, and
4 another one, to the Philippines. They helped me a lot to overcome
5 this suffering, somehow, by knowing that they are doing very
6 well. And one of my children is working; indeed, the youngest
7 daughter is doing very well and now working at a good
8 institution. Indeed, without their wellbeing, I could never move
9 on.

10 [13.58.17]

11 The children of mine who still survive take turn in taking good
12 care of me, and I live on the assistance provided to me by my
13 children. However, I still feel -- I'm still feeling about my
14 husband. I still think of what could have happened to him.

15 (Short pause)

16 I can move on with life because my children keep helping me
17 emotionally. And without them I would never -- I could never move
18 on smoothly. But I still have sympathy towards my children who
19 have disappeared or could have died during the Khmer Rouge. I
20 don't know how I can forget about this. My children, these days,
21 keep telling me to forget something about the past, but I can't.
22 It's too difficult to do so.

23 [14.00.50]

24 Every day I pray that I will never meet bad people like the Khmer
25 Rouge again.

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1 Nowadays, the base people, the people who we met during those
2 days, still keep coming to pay a visit to me, and that helps me a
3 lot. Indeed, I have had a lot of problems, but my children and
4 also the nice people we met or worked together during the Khmer
5 Rouge keep coming to help me so that I could still move on.

6 I thank you very much, indeed, Your Honours, for this
7 opportunity.

8 MR. PRESIDENT:

9 Thank you, Madam Mom Sam Oeurn.

10 Your testimony now comes to a conclusion, and you are now
11 excused. You may return to your home, as you wish. And we wish
12 you all the very best and wish you long life.

13 Court officer is now instructed to coordinate with WESU to make
14 sure that Madam Civil Party is returned home safe and sound.

15 (Civil Party exits courtroom)

16 [14.03.47]

17 Next, we would like to give the floor to counsels for the accused
18 persons and other parties to the proceeding if they would like to
19 make any observation concerning the statement of suffering made
20 by Madam Civil Party.

21 It appears to us that there is no such comment.

22 Since it is now appropriate time for today's adjournment already,
23 the Chamber will adjourn, and the next session will be resumed by
24 after tomorrow, which is Thursday, the 8th of November 2012.

25 On Thursday, the 8th of November 2012, the Chamber will be

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1 hearing the testimony of the expert concerning the medical
2 condition of Mr. Ieng Sary, who is being admitted to the hospital
3 at the Khmer-Soviet Friendship Hospital. And please be informed
4 that only the parties concerned are allowed to participate in the
5 proceedings for the session on Thursday.

6 The Chamber is not sitting tomorrow because the Chamber has some
7 other matters to deal with during tomorrow.

8 Security personnel are now instructed to bring Mr. Khieu Samphan
9 and Nuon Chea to the detention facility and have them returned to
10 the courtroom on Monday, the 12th of -- the 12th of November.

11 (Court adjourns at 1406H)

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