



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 25-Apr-2017, 08:00
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 February 2015

Trial Day 240

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SUON Visal
KONG Sam Onn
Anta GUISSSE

Trial Chamber Greffiers/Legal Officers:
Roger PHILLIPS
SE Kolvuthy

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

For the Office of the Co-Prosecutors:
Nicolas KOUMJIAN
Dale LYSAK
SENG Leang

For Court Management Section:
SOUR Sotheavy
UCH Arun

I N D E X

Ms. Elizabeth BECKER (2-TCE-97)

Questioning by The President (NILL Nonn).....page 3
Questioning by Judge LAVERGNEpage 10
Questioning by Mr. SENG Leangpage 67
Questioning by Mr. KOUMJIAN.....page 84

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. BECKER (2-TCE-97)	English
The GREFFIER	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn, Presiding)	Khmer
Mr. SENG Leang	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of an expert, 2-TCE-97.

6 And the greffier, Se Kolvuthy, could you report the attendance of
7 parties and individuals to today's proceedings.

8 [09.05.16]

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all parties to this case
11 are present, except Pich Ang, the National Lead Co-Lawyer for
12 civil parties, is absent due to his personal business. And Ven
13 Pov is the designated counsel for Mr. Pich Ang.

14 As for Nuon Chea, he's present in the holding cell downstairs as
15 he waives his right to be present in the courtroom. His waiver
16 has been delivered to the greffier. And the expert to be
17 testified today -- that is, 2-TCE-97, confirms, to her best
18 ability, she has no relationship by blood or by law to any of the
19 two Accused; namely Nuon Chea and Khieu Samphan, nor to any of
20 the civil parties admitted in this case. The expert will take an
21 oath in the courtroom and there is no reserve witness today.

22 Thank you, Mr. President.

23 [09.06.25]

24 MR. PRESIDENT:

25 Thank you. The Chamber will now decide on the request by Nuon

1 Chea.

2 The Chamber received a waiver from Nuon Chea to be present in the
3 courtroom, dated 9th February 2015, which states that due to his
4 health -- that is, headache, backache and cannot sit for long and
5 cannot concentrate for long -- and in order to be effective in
6 participating the future hearings, he waives his direct presence
7 in the courtroom today -- that is, 9th February 2015.

8 Nuon Chea has been informed by his counsel about the consequence
9 of this waiver -- that it is in no way can be construed as a
10 waiver of his rights to be tried fairly or to challenge evidence
11 presented or admitted to this Court at any time during his trial.

12 [09.07.30]

13 The Chamber also has seen the medical report of Nuon Chea made by
14 the duty <doctor>, dated 9th February 2015, who noted that the
15 health condition of Nuon Chea remains the same -- that he cannot
16 sit for long due to backache and recommends that he shall be
17 allowed to follow the proceedings remotely -- that is, from a
18 holding cell downstairs.

19 Based on this information, and pursuant to Internal Rule 81.5 of
20 the ECCC Internal Rules, the Chamber agrees and grants Nuon Chea
21 to follow the proceedings remotely from a holding cell downstairs
22 by audio-visual means for today's proceedings.

23 And as Nuon Chea waives his direct presence in this courtroom,
24 the AV Unit is instructed to link the proceedings so that Nuon
25 Chea can follow it from a holding cell downstairs and that

1 applies for today's proceedings.

2 Court officer, please invite the expert, Elizabeth Becker, into
3 the courtroom.

4 (Short pause)

5 (Ms. Elizabeth Becker, 2-TCE-97 enters courtroom)

6 [09.10.35]

7 QUESTIONING BY THE PRESIDENT:

8 Q. Good morning, madam expert. What is your name?

9 MS. BECKER:

10 A. Elizabeth Becker.

11 Q. Thank you. And before we continue, I'd like to advise you a
12 little bit on the use of the microphone. Please wait until you
13 see the red light on the tip of the microphone before you make
14 your response, otherwise your voice will not go through the
15 system. And most importantly, you need to go through the system
16 so that your response will be interpreted into the official
17 languages of the Court. So please, make a slight pause between
18 question and answer session and we thank you for that.

19 And madam, when were you born?

20 A. October 28th, 1947.

21 [09.11.50]

22 Q. And what is your nationality?

23 A. United States of America.

24 Q. And where is your permanent address?

25 A. Washington, DC.

1 Q. And what is your occupation?

2 A. Journalist and author.

3 Q. Thank you. And what is your religion?

4 A. I'm a Christian.

5 Q. Thank you. The greffier made an oral report this morning that
6 to your best ability you are not related by blood or by law to
7 any of the two Accused -- that is, Nuon Chea and Khieu Samphan,
8 nor to any of the civil parties in this case. Is this information
9 correct?

10 A. Yes.

11 [09.13.30]

12 Q. Thank you. And Madam Elizabeth Becker, pursuant to Rule 31.2
13 of the Internal Rules of the ECCC, as an expert, you have to take
14 an oath before you provide your testimony, or you can make an
15 affirmation based on your religion. Do you agree to that?

16 A. Yes.

17 MR. PRESIDENT:

18 And the international greffier, Mr. Roger, could you please lead
19 the process of swearing in of this expert.

20 THE GREFFIER:

21 Ms. Becker, please repeat after me. I solemnly swear that I will
22 assist the Trial Chamber honestly, confidentially and to the best
23 of my ability.

24 MS. BECKER:

25 I solemnly swear that I will assist the Trial Chamber honestly,

5

1 confidentially and to the best of my ability.

2 THE GREFFIER:

3 Thank you.

4 [09.14.50]

5 BY THE PRESIDENT:

6 Q. Thank you.

7 And Ms. Becker, the Trial Chamber and the parties are grateful to
8 you for making this long journey to assist us in our search for
9 the truth on matters which are crucial for this trial and for
10 Cambodian people. I know that your testimony has been several
11 times postponed and the Trial Chamber really appreciates your
12 availability.

13 Ms. Becker, can you tell us what education did you follow and
14 when did you start your career as a journalist? Was it your
15 occupation during the Democratic Kampuchea period?

16 [09.15.55]

17 MS. BECKER:

18 A. I am a graduate of the University of Washington in Seattle. My
19 degree is in South Asian Studies. I attended the Kendriya Hindi
20 Sansthan in Agra, India, for language training. I went to
21 graduate school at the University of Washington. I came to
22 Cambodia at the end of 1972 and became a journalist, first for
23 the Far Eastern Economic Review and then the Washington Post. I
24 covered the war here until the end of 1974, returned to the
25 United States -- to Washington DC -- where I was a correspondent

6

1 for the Washington Post, then when I came to Democratic Kampuchea
2 in December 1978, I came continuing as a Washington Post
3 correspondent.

4 Q. Thank you. And do you know how to read, write or speak Khmer
5 language?

6 A. I did -- I did speak Khmer, but that was years ago. I was
7 never able to -- I was never able to read.

8 [09.17.13]

9 Q. Thank you. And can you describe to us your experience as a
10 journalist and can you tell us how many books you have written on
11 Cambodia?

12 A. I've been a daily journalist for 40 years, first with the
13 Washington Post correspondent, then with National Public Radio in
14 the United States, where I was the senior foreign editor in
15 charge of all of the foreign correspondence covering the world.
16 Then I went back to newspapering and my last position was New
17 York Times correspondent. I retired from daily journalism six
18 years ago. I have written one largish book on Cambodia called
19 "When the War Was Over". It has been translated into Khmer and
20 French. And then I wrote a very small little book called
21 "Bophana"; that's only available here in Phnom Penh, in Cambodia.

22 [09.18.38]

23 Q. Thank you. And concerning your book, "When the War Was Over",
24 when was it published for the first time? What research have you
25 made? And what methods have you used? And on which sources did

7

1 you rely on <in order to produce such books>?

2 A. The book was first published in 1986 by Simon and Schuster.

3 The sources were multiple. As I said, I was a correspondent here

4 during the war so I relied quite a bit on primary research: the

5 reporting and work I did during the war beginning -- heaviest

6 beginning in January 1973, many interviews with the major players

7 and with the common people and documentation. Then back in

8 Washington, I did more interviews -- United Nations -- that's

9 when I first met and interviewed political figures from

10 Democratic Kampuchea, primarily Ieng Sary and Thiounn Prasith.

11 Then I kept up through refugee reports that came through

12 Washington, the FBIS, which is the -- then the government

13 translation service so that I could hear -- I could know what was

14 being said on the radio of Democratic Kampuchea and, as I said, I

15 would go the UN every year when the Democratic Kampuchea

16 delegation arrived to hear what they had to say and to request a

17 visa to visit Cambodia. Then, as you know, I travelled there in

18 December 1978 for two weeks. After that, I began serious work on

19 my book, augmenting my previous research with more interviews,

20 coming back here to Cambodia to read and to work in all of the

21 archives that became available after the Vietnamese invasion. And

22 as well, I interviewed foreign diplomats involved with their

23 policy towards this country and foreign diplomats who lived here.

24 [09.21.24]

25 Q. Thank you. Have you used material provided by other

8

1 researchers? Can you identify them and indicate the nature of
2 this material, if any?

3 A. Well, certainly, there was a handful of people who were
4 working on the same subject so, for instance, Ben Kiernan at
5 Yale, Stephen Heder -- the two people who had the most original
6 research at the beginning -- other journalists. We all tended to
7 cooperate and work together because it was such a difficult
8 story. The UN -- on the border I certainly talked to many --
9 going back to the border to find out what the refugees said, I
10 had a lot of help from the United Nations researchers. I think
11 that -- that -- those are the major -- David Hawk, David
12 Chandler. They were just -- there's a dozen people who shared a
13 lot. We shared what we had.

14 [09.22.57]

15 Q. Thank you. And do you remember the most significant interviews
16 you conducted personally during the period of Democratic
17 Kampuchea or immediately just after <such regime>?

18 A. Yes, it was unforgettable. While I was in Democratic Kampuchea
19 I interviewed Ieng Sary and Pol Pot. Immediately afterwards,
20 again I interviewed Ieng Sary and I interviewed Ieng Thirith at
21 length. Those I would say were the most significant.

22 [09.23.43]

23 MR. PRESIDENT:

24 Thank you. And the Chamber would like to make the following
25 remark on certain issues. The Chamber has already noted in its

1 decision -- that is paragraph 18 of document E215 -- that
2 Elizabeth Becker has been principally sought by the Parties due
3 to her personal knowledge of facts relevant to the Democratic
4 Kampuchea period, either through her presence in Cambodia during
5 this period or through the interviews she conducted with leaders
6 or cadres. Parties are therefore reminded that while Elizabeth
7 Becker has been called as an expert, she may also be questioned
8 on facts within her knowledge relevant to the current case.

9 [09.24.55]

10 Parties are also reminded that in order to facilitate the
11 testimony of the expert, Elizabeth Becker, the Trial Chamber has
12 informed them that it considers the following topics as the most
13 relevant for Case 002/02:

14 <First, the> December 1978 trip in Democratic Kampuchea of
15 Elizabeth Becker with Richard Dudman and Malcolm Caldwell;

16 <Second, the> interviews she conducted with Ieng Sary, Ieng
17 Thirith, Pol Pot, Thiounn Prasith, other Khmer Rouge cadres and
18 Cambodian refugees if any;

19 <Third,> CPK policies concerning the treatment of specific
20 groups;

21 <Fourth, the> relationships between Kampuchea Democratic and
22 Vietnam;

23 And <fifth,> the allegations of mass violations of human rights
24 against Democratic Kampuchea and the international context in
25 which these allegations were made.

10

1 These topics will form the framework of its questioning and
2 Parties are encouraged to focus on them as well.

3 I leave the floor now to the Judges of the Bench who may want to
4 put questions to this expert, if you wish to do so. Judge
5 Lavergne, you have the floor.

6 [09.26.32]

7 QUESTIONING BY JUDGE LAVERGNE:

8 Thank you, Mr. President. Good morning, Ms. Becker, I will put a
9 number of questions to you. I have many questions and will go
10 through those questions this morning. I hope we will complete the
11 examination.

12 Q. <Ms Becker, you> have said that you were a correspondent for
13 several <American> newspapers here in Cambodia up to 1974. You
14 also told us that you came <back> to Cambodia in December 1978.
15 You also said that you had contacts with officials of Democratic
16 Kampuchea, particularly when these officials went to New York to
17 the United Nations.

18 Can you tell us, more specifically, who you met? From when? And
19 how often?

20 [09.27.40]

21 MS. BECKER:

22 A. Every year at the General Assembly in New York, which is
23 usually in October, I would go to New York and either go to a
24 press conference or a reception to talk to Ieng Sary. Normally, I
25 believe Thiounn Prasith and Keat Chhon were with him but the

11

1 majority of the conversation would be with Ieng Sary. The first
2 time I met him was not long after the Mayaguez incident, when the
3 American ship was captured offshore here in the gulf of Thailand
4 and the United States responded with the bombing and the crew was
5 eventually released. So that was the first time and Ieng Sary, at
6 that moment, gave the first Cambodian -- DK -- Democratic
7 Kampuchea response, which I then wrote up for the Washington
8 Post.

9 [09.28.58]

10 The next year and the year after were generally -- he was less
11 forthcoming. There was -- the next year, I believe, was the
12 question of what happened to Cambodian intellectuals who returned
13 to Cambodia and were never heard of again and several families
14 were there asking about their missing relatives. The year after,
15 if I remember correctly, was the whole issue of relations with
16 Vietnam and at one reception I was in a conversation with both
17 Ieng Sary and Nguyen Co Thach, who was then the Vietnamese
18 Minister of Foreign Affairs, and they were very polite to each
19 other but Ieng Sary afterwards was talking about the issues. And
20 in '78 -- 1978 -- was when he invited the United Nations
21 Secretary General, Kurt Waldheim, to visit Cambodia. The
22 Secretary General declined and then he invited me, Richard Dudman
23 and Malcolm Caldwell in that place, and thereafter I then went to
24 Democratic Kampuchea. But that's the extent of -- that's the only
25 time Democratic Kampuchea officials were in the United States.

12

1 [09.30.42]

2 Q. Thank you. So to summarize what you said, you said that you
3 met essentially Mr. Ieng Sary in New York and possibly Mr.
4 Thiounn Prasith, Mr. Keat Chhon. Do you remember other members of
5 the delegation of Democratic of Kampuchea? Do you remember, for
6 example, someone called Chan Yourann or another Cambodian by the
7 name of <Hing Sokhom> -- Hing Sokhom?

8 A. Definitely Chan Yuran, yes, and he was there at least twice.
9 And I'm sorry I forgot his name. The second name I don't
10 remember. I don't remember.

11 Q. The second name is Mr. Hing Sokhom. Maybe he was not a
12 diplomat but he was a Cambodian who was living in the United
13 States and then he returned to Democratic Kampuchea and his name
14 was found <> on the lists of the S-21 prisoners. Does that ring a
15 bell?

16 A. Yes. Hing Sokhom. Yes, he was the American whose family I
17 mentioned earlier. Excuse me. That's -- his wife was there.
18 Remember I said one of the families -- and I remember the wife
19 was at one of the receptions asking after him. And I had met him
20 before he went and I believe I met him in Washington through one
21 of the -- I think the Quaker groups -- one of the pacifist
22 religious groups were supporting a reunification of -- you know
23 -- trying to get Cambodians back together after the war. So I had
24 met him and then later, after he had gone back to Cambodia and
25 there was no communication with him, I then met his wife. So yes,

13

1 you're right. But I didn't associate him with the delegation.

2 [09.33.00]

3 Q. And were you aware of the fact that a certain number of
4 Cambodians living in the United States had returned to Democratic
5 Kampuchea? Were you aware of that? Were you concerned about these
6 people?

7 A. Oh, yes. The first sort of red flag that came up was total
8 lack of communication and some of the Cambodians who had returned
9 from Paris had talked about it in a press conference and I
10 remember reading -- reading the press releases on that so when --
11 when the Americans -- Cambodians from the United States left and
12 then never came back -- no word -- there was no question, there
13 was concern, yes. The families were very concerned.

14 [09.34.05]

15 Q. So you told us that Mr. Ieng Sary came very often every year
16 to New York to the United Nations <headquarters> and you said
17 that the first time was right after the Mayaguez incident -- that
18 is to say in September 1975. This was the 29th General Assembly
19 session of the UN and back then people were still speaking about
20 the GRUNK -- the Royal Government of <the> National Union of
21 Cambodia (sic). And do you know in which circumstances the
22 members of the GRUNK were called to represent Cambodia at the
23 United Nations? <Since it was necessary to have a transition from
24 the representatives of the regime that would be called the Lon
25 Nol regime to the representatives of the GRUNK, and subsequently,

14

1 the representatives of Democratic Kampuchea, do> you know how
2 things were organized? And when that transition <occurred>?
3 A. I'm afraid not. The last year of the Khmer Republic, then
4 Prince Sihanouk tried to convince the UN to vote to -- to seat
5 GRUNK rather than Khmer Republic -- that failed and the only
6 members of the delegation who next were seated as Democratic
7 Kampuchea, who I had any interaction with, was the then -- the
8 new Foreign Minister Ieng Sary and I'm afraid I do not remember
9 if or who represented GRUNK.

10 [09.36.12]

11 Q. So we have just spoken about the role of King Sihanouk. Did
12 you have the opportunity of meeting him during that period, in
13 particular in October 1975?

14 A. No, he was not at the UN and I did not meet him until January
15 1979 when he came back to the UN. The next time I saw him was at
16 the UN in January 1979.

17 Q. So I personally drew up a list of Ieng Sary's visits to the UN
18 and I also noted that Prince Norodom Sihanouk travelled to New
19 York on 6th October 1975. And we know that he also spoke with
20 Kurt Waldheim back then. So the first time that Ieng Sary
21 travelled to New York was 5th September 1975. He travelled again
22 to New York the following year, 5th October 1976. On 11th October
23 1977, Ieng Sary <was> going to make a speech again before the UN
24 General Assembly and you wrote, by the way, an article, which
25 appeared in the Washington Post on 22nd October 1977, and it's

15

1 called "Wait Until the Movie". So this was in reference to the
2 broadcasting of propaganda films. Each time that Ieng Sary
3 travelled to New York, apparently <> he came with a bit of
4 propaganda material to explain the situation.

5 [09.38.16]

6 So I'm also going to read out an excerpt from this document in
7 which you state, or in any case <> Ieng Sary <supposedly said>
8 that the poor image of Democratic Kampuchea is linked to poor
9 information. And Ieng Sary in his address before the UN explains
10 that, in reality, Democratic Kampuchea is moving ahead swiftly
11 under the <just and far-sighted> leadership of the CPK. Its
12 extraordinary successes <are of course also related to> the water
13 <problem> which <is> a very important matter for Democratic
14 Kampuchea and he provides figures, he <speaks> about the building
15 of reservoirs that can contain in total <2,800,000,000> cubic
16 metres of water.

17 He also speaks> about building hundreds of kilometres of canals,
18 allowing <for the irrigation of> 250,000 hectares of rice
19 paddies. He speaks about the building of eight dams allowing for
20 the irrigation of 130,000 hectares.

21 [09.39.37]

22 He also says that the illiteracy rate has been brought down to
23 only 10 per cent and he specifies that the country is training
24 revolutionary doctors who have a deep love for the people and a
25 high spirit of abnegation. And he also says <for> 100 families

16

1 there is one hospital <for general medicine>, three
2 practitioners, a medicine factory and three pharmacists. And he
3 also says that malaria has been practically eradicated. The
4 average annual ration is 312 kilos of rice per person and that
5 the production was in excess and it allowed Cambodia to export
6 <tens of thousands of> tonnes of rice, and that Democratic
7 Kampuchea is <a country in> which <there is> no longer <> any
8 <delinquency, theft,> prostitution and <> banditry. Do you
9 remember this kind of address? Do you remember this kind of
10 information <disseminated by> Ieng Sary?

11 A. Yes. And I think I pretty much wrote down exactly what he
12 said. And in that context, that was what he would later say I
13 would see when I went to the country.

14 [09.41.28]

15 Q. So in order for <this to be properly reflected in the record
16 of this> hearing<, let me point out that this> document is
17 <E3/1586>. The French ERN is 00617792 to 99; and the Khmer ERN
18 00291025 to 28; in English, 00079810 to 16. So now, I would
19 <also> like you to tell me if you remember if the tone of these
20 speeches changed in 1978, the character. You said earlier on that
21 the <concerns about the conflict> with Vietnam had become a bit
22 more prominent. Is that the case? <>

23 A. I can't say that I remember the speech exactly, but the
24 conversation had changed. And I believe it's reflected in the
25 article I wrote. I can't remember the exact words but the -- I

17

1 believe the article even had a photograph of Mr. Ieng Sary and
2 Mr. Nguyen Co Thach talking to each other. The problem had
3 elevated to the point where it was now part of the Sino-Soviet
4 split. It was a concern of imminent warfare and many delegations
5 were concerned about it, not just the Democratic Kampuchea and
6 Vietnam.

7 [09.43.55]

8 Q. At that very same period<, it also appears that> there were a
9 certain number of complaints regarding massive violations of
10 human rights, complaints that were filed before the Human Rights
11 Commission of the United Nations. Can you tell us a little bit
12 more about that?

13 A. Well I did not go to Geneva, but the United States submitted
14 one of the largest files and it was testimony collected along the
15 border with Thailand. I remember the author was Charles Twining,
16 an American diplomat. The United States was not the only country
17 that filed it, but it was the -- it was a parallel concern that
18 the question of human rights with more and more evidence to back
19 up the accusation was rising in Geneva as the threat of war was
20 building between Vietnam and Cambodia, and it was one of those
21 perfect storms.

22 [09.45.08]

23 Q. So it's in 1978 <that> you were invited to visit Democratic
24 Kampuchea. So why do you think you were invited with Mr. Dudman
25 and Mr. Caldwell?

18

1 A. The delegation would have preferred UN General Secretary, the
2 Secretary General Kurt Waldheim. When he refused -- and he said
3 he refused on the advice of the Soviet Union -- then, after that
4 we were invited. And I just received a cable like that, at the
5 newsroom. My -- after talking to them, my presumption was,
6 suddenly they wanted foreign witnesses, and not just friendly
7 delegations. You can extrapolate that, as I did, that perhaps it
8 was as witnesses and perhaps it was to postpone an imminent
9 invasion.

10 Before I left for Phnom Penh, I visited American officials and
11 foreign officials in Washington with expertise, and they were --
12 they were baffled. They were unsure if a war would happen.
13 Generally, they thought that if the Vietnamese did fight back,
14 they wouldn't go past the east bank -- the eastern bank of the
15 Mekong. I remember one official said "this will be a piece of
16 cake; they'll treat you very well and enjoy yourself". But it was
17 mixed signals, very mixed signals.

18 [09.47.32]

19 Q. And back then you already knew you were going to travel with
20 Mr. Dudman and Caldwell? Or when did you know <who> would
21 accompany you on this trip?

22 A. I learned about Mr. Dudman when he came to the Washington Post
23 and tried to talk my newspaper into using his articles instead of
24 mine. And we learned about Mr. Caldwell when we all met in
25 Beijing. The only way you could get into Cambodia at that time

19

1 was through Beijing. There was no other way. So we all met there
2 and flew down together. I believe that's the case. I do not
3 remember knowing about Mr. Caldwell until I got to Beijing.

4 Q. And did you know that before you there had been a certain
5 number of foreign delegations -- governmental and
6 non-governmental -- that had visited Democratic Kampuchea? And
7 what can you tell us about that?

8 A. Yes, I certainly knew and I read all of their reports. The
9 broadcasting service that I mentioned earlier -- FBIS -- was very
10 good at translating them. The Democratic Kampuchea Radio always
11 broadcast, and I followed it. So by the time I went I knew which
12 cooperatives they always brought the delegations to, what the
13 sort of standard scenario would be. It was -- part of my travel
14 preparations was to go over those friendly delegation meetings --
15 who would see Pol Pot, who would see Ieng Sary. There was a --
16 you know, once you study them, there is a certain logic to what
17 they did. And the only delegation that included sort of
18 journalists like us was from Yugoslavia. And that was the most
19 eye-opening of all the reports.

20 [09.49.56]

21 Q. So, indeed, on the case file we have reports of numerous
22 visits and I'm going to mention only a few <and we will focus on
23 others>. In particular there's a visit that apparently was very
24 important <here in Democratic Kampuchea>, which was the visit of
25 a Chinese leader Chen Yung-kuei, <also> known as Chen Yongqui,

1 who was the leader who created the <agric> production brigades in
2 Dazhai commune <or cooperative. and this visit occurred in
3 December 1977, a <shortly> after Pol Pot's visit to China. And
4 there <are> also <traces> of <visits> of Japanese <>, French <>,
5 Belgian <and> Danish <delegations>, and you also spoke about the
6 visit that was conducted in March 1978 by a delegation of
7 <Yugoslavian> journalists. Can you tell us a bit more about this?
8 You say that this is a visit that was an eye-opener. Why?

9 [09.51.22]

10 A. Because the others were friendly delegations in the sense that
11 they came back with reports that were not critical at all. They
12 came back with reports that more or less mimicked, reflected what
13 they were told, without asking questions that would have been
14 considered, you know, impolitic or whatever.

15 The Yugoslavs, they brought real journalists with them, and the
16 film and the photographs, as well as the report, was the first
17 one where you could see, for instance child labour in the
18 factories. They had a critical eye, so you could see between --
19 you could hear between the lines what was going on. And I just
20 remember saying "aha, this is starting to make more sense". But I
21 think you have a couple of the articles in your case, do you not?

22 [09.52.36]

23 Q. What we have on the case file are not necessarily articles.

24 <There has perhaps been a translation problem.> They are
25 telegrams <and> these telegrams are quite interesting. There are

1 two of them in particular: documents E3/1112 and E3/1113. The
2 ERNs are the following: first Khmer, ERN 00020960 to 962; French,
3 ERN 00810029 to 31; and English, 00434861 to 63. And with regard
4 to the second telegram, this in Khmer is ERN 00020965 to 967;
5 French, 00623009 to 12; and English, 00434864 to 66.
6 So what's interesting is the fact that these telegrams are
7 addressed to a certain number of recipients, <> "Om, uncle -- Om
8 Nuon Chea, Bong <> Van, Bong Vorn, to the Office and to the
9 Records". So, of course, the parties may discuss the meaning of
10 these titles -- Om apparently refers to Pol Pot, Om Nuon refers
11 to Nuon Chea, <Bong> Van refers to Ieng Sary, <Bong> Vorn to Vorn
12 Vet. And the Office is Office 870, and the person <who signed>
13 this telegram is a certain Kan, <> whose name will appear again
14 in another document. So what's interesting to note here is that
15 the person who wrote this telegram <visibly> accompanied the
16 delegation during its trip and he provides <details> of the
17 questions that were asked by the journalists and he explains that
18 when <he didn't wish to answer> certain questions<, he changed
19 the subject or did not answer the question. He cites, for
20 instance, questions on> Cambodia's <possible> refusal to
21 negotiate with Vietnam, <or questions on the> quantities of rice
22 <> exported. And he also provides comments on the way that the
23 journalists react as well as the members of the delegation, and
24 he also says that the journalists would like the CPK to fall
25 within a revisionist line by <prioritizing> material <factors>.

22

1 So you <perhaps> discovered these documents that were given to
2 you to prepare for your testimony. Do you have any comments
3 therefore to make <as regards> these documents?

4 [09.56.45]

5 A. Well that was the first time I'd seen them and it reminded me
6 a bit of some of the documents that were written after my trip as
7 well. When I said the trip was eye-opening to me at the time, I
8 believe one of the things that most brought this home was the
9 film, the footage they took. And that's the first time I'd seen
10 real footage from a delegation and it was -- it was shown on
11 American television, on CBS, and I talked to the people who put
12 it together. And that more than anything, it was the photographs
13 and the film that made such a strong impression.

14 MR. PRESIDENT:

15 Counsel Koppe, you can have the floor.

16 [09.58.00]

17 MR. KOPPE:

18 Thank you, Mr. President. Good morning. Very small comment; no
19 objection at all, but just when you were reading the telegram, I
20 observed, at least in my English translation, Om, Om Nuon,
21 Brother Van and Brother Vorn; not Om, not Uncle. This is a very
22 small thing, but as you know, the words "Brother" and "Om" are
23 relevant to us. So I don't know how that is in French, but in the
24 English translation it reads "Brother Van -- Vorn and Brother
25 Van".

1 BY JUDGE LAVERGNE:

2 That's exactly what I said. I read Uncle Nuon and Brother Van.

3 That is what I read.

4 Q. So other delegations kept on coming to visit Democratic
5 Kampuchea, in particular delegations from the Marxist-Leninist
6 Communist Party of Australia, as well as a delegation from the
7 Communist Leninist-Marxist Party of the United States. This
8 delegation was led by a certain Dan Burstein.

9 Did you meet <Dan> Burstein? Have you ever heard of <Dan>
10 Burstein and what can you tell us about him?

11 [09.59.32]

12 MS. BECKER:

13 A. I didn't meet him until -- in the 80s, I believe. By then he
14 had stopped being a Marxist-Leninist and he was writing financial
15 journalism. It's -- what I knew about him -- and the party was
16 very small and it was part, as you pointed out, it was a sign to
17 those of us watching that Democratic Kampuchea was opening up. To
18 have an American delegation, even a friendly one, was considered
19 an opening up of the country.

20 [10.00.28]

21 Q. Particularly an American delegation, a friendly American
22 delegation because Mr. Dan Burstein at the time wrote a lot of
23 articles for a newspaper <called "The Call">. He also wrote
24 reports on his visit, his trips. And <in> one of the sentences he
25 wrote, he said "not a single person who really visited Kampuchea

24

1 comes back telling stories of forced labour, famine, genocide.
2 Independently of their political perspectives, all visitors to
3 Democratic Kampuchea have been very impressed by the enthusiasm,
4 the determination and the spirit of hard work of the Kampuchean
5 people, <to rebuild> a country that has been devastated by war".
6 So we are talking about document E3/707 and the ERN in French is
7 as follows: S00742556. <There is also a delegation of the
8 Marxist-Leninist Communist Party of Sweden who came, and in
9 particular, one of its members named Gunnar Bergstrom.>
10 We have a book <he wrote long after this visit> -- that book is
11 titled "Living Hell: Democratic Kampuchea". That document is
12 E3/2415. <What is perhaps noteworthy in all these reports of
13 visits is that there are a certain number of sites that are
14 always visited; they are almost always the same, and some of them
15 are sites you have also visited.>
16 THE ENGLISH INTERPRETER:
17 There are cuts in the source speech of Judge Lavergne. The
18 interpreters cannot hear what he is saying.
19 JUDGE LAVERGNE:
20 (Technical problem)
21 [10.02.50]
22 MS. BECKER:
23 Could you repeat the question?
24 BY JUDGE LAVERGNE:
25 Q. What I was saying is that, what was perhaps remarkable in all

25

1 the reports I have referred to is the fact that some sites are
2 always visited during those trips and among those sites we have
3 certain sites that were also part of your tour within Democratic
4 Kampuchea. Did you notice that? And can you tell us what sites
5 appeared to be most appropriate for visits by international
6 delegations?

7 [10.03.49]

8 MS. BECKER:

9 A. Yes, in fact in my book I point out every single visit that I
10 knew another one had visited. And those sites usually, the people
11 who are presented as common peasants are usually top cadre and
12 it's all set up in a, you know, Potemkin village kind of thing.
13 And I wrote in my book, and off the top of my head, unless you
14 want me to look in my book, Preah Meas, I think was one of them.
15 And if you notice the Dan Burstein, you know, the propaganda is
16 not all that different from a lot of the other delegations. There
17 was a Swedish gentleman. They're very repetitive. They come back
18 with the same stories, the same things, and of course it's in
19 complete opposite of what the refugees say. So it's standard
20 issue and I believe Mr. Burstein -- and anyway, that's not --

21 Q. I would like to revisit the issue of the context of your
22 invitation in December 1978. Do you also recall whether during
23 that period the Vietnamese had also invited foreign journalists
24 to visit the front line to see what was happening?

25 [10.05.26]

1 A. If I remember correctly, and that's not something I prepared
2 for, I believe this is the same time that Nayan Chanda , D. T.
3 Arnold (phonetic), Tiziano Terzani. Isn't that more or less the
4 same time? I know there were -- I'm not sure if this was before
5 or after our trip, but it was similar, it was the same time. And
6 maybe Parango (phonetic) was there, of Le Monde. Yes, I think
7 those three.

8 Q. So indeed, it would appear that both sides wanted to
9 communicate with people<, so to speak>. Perhaps they also have a
10 willingness to open up. You said the UN Secretary General, Mr.
11 Kurt Waldheim, had been invited. I also noted that you made
12 mention of <projects> to open up for touristic purposes; that was
13 also on the agenda. Some Thai tourism agencies were invited to
14 visit Angkor for short periods of time. There were projects of
15 that nature. Do you recall such projects?

16 A. All I remember is talk of the projects. I did not see any
17 tourists.

18 [10.07.17]

19 Q. Still regarding the context of your visits, that is the
20 context from the American point of view, it would appear that the
21 consequences of the Vietnam War were extremely important for the
22 American public opinion. And there <was> perhaps <not much>
23 interest regarding what was happening in South East Asia at the
24 time. Can you tell us how American public opinion reacted to any
25 information that was transpiring from Democratic Kampuchea at the

1 time?

2 A. Before the invasion?

3 Q. Yes, that is prior to your visit, at the time when you visited
4 Kampuchea, Democratic Kampuchea.

5 A. Well, in context, the Vietnam War was the first American
6 defeat, so it was not a topic of conversation. In the United
7 States, public opinion was largely concerned about the refugees
8 from Vietnam or, and to a lesser extent, Cambodia. There was the
9 beginning of an understanding that something strange was going on
10 in Cambodia. But the Cambodians who were resettled were having
11 the usual struggles of refugees, immigrants, establishing their
12 base. Whereas the Vietnamese community, larger, stronger. So
13 Cambodia wasn't much on the radar except for official Washington.
14 And official Washington -- you had -- the administration of
15 President Jimmy Carter was concerned about, obviously, the
16 Sino-Soviet split moving towards the Chinese side. Just -- if you
17 remember, just before the invasion, Vietnam signed a friendship
18 treaty with the Soviet Union. At that time both the Vietnamese
19 and Democratic Kampuchea were visiting the different capitals of
20 ASEAN, trying to get them on their side. So there was a who's
21 going to be with whom atmosphere. And the United States was
22 definitely leaning towards China, but then the problem was,
23 Democratic Kampuchea was the Chinese ally and the United States
24 simultaneously was creating this incredible dossier about human
25 rights violations in Democratic Kampuchea. So the policy makers

1 were at wits' end. An example that's just -- the State Department
2 had their separate desks for Vietnam, Laos and Cambodia. And the
3 nickname was "Very Lost Causes". That's how much it was a
4 confusion for the United States.

5 [10.10.46]

6 Q. Now we have on record a document with the reference number
7 E3/2370 -- that is a report which had been prepared at the
8 request of the Sub Commission for Asia and the Pacific for the
9 International Relations Commission of the <Congressional Research
10 Service>. That document is dated 4th October 1978, that is
11 shortly before your visit, and at a time when, as you said, it
12 wasn't clear how the situation was going to unfold, particularly
13 the conflict between Vietnam and Cambodia. But it appears that
14 the US government had felt that there was a serious and important
15 conflict between these two countries. Were you aware of that
16 report? That report which was established for the Congress?

17 A. Yes, and I knew the committee members and they knew it was a
18 very, very serious issue, yes.

19 [10.12.10]

20 Q. Perhaps what we gather from that report is point number 9 of
21 the findings, wherein it is stated, "The reaction of other
22 nations to the war has taken the form of universal repugnance to
23 getting involved in it. They all call for a negotiated solution
24 from both of them, but none of them seems to lead the mediation
25 out of fear of getting bogged down in the war. Such <> repugnance

1 <will probably> increase <as> the conflict persists."

2 So this repugnance to get involved in Cambodian affairs, is that
3 something that you also felt?

4 A. Yes, I cannot exaggerate the feeling in the United States
5 after the defeat in Vietnam. No one wanted to get involved in
6 Vietnam or Cambodia. Now Cambodia itself, if you remember at this
7 time, Senator McGovern, I believe, went on the floor of the
8 Senate to suggest sending in troops perhaps, suggesting some sort
9 of intervention in Cambodia to stop the human rights violations.
10 And he was ridiculed because he was the man who wanted the US out
11 of Vietnam. And then he said he knew he would be ridiculed but he
12 wanted to say the human rights violations, the stories of them
13 are so serious there might be a need for intervention. So yes, it
14 was a very serious argument. At that stage, I also -- yes, that's
15 what I remember.

16 [10.14.33]

17 MR. PRESIDENT:

18 The time is appropriate for a short break. We will take a break
19 now and resume at half past 10.00.

20 And Court officer, please assist the expert during the break and
21 have her returned to the courtroom at half past 10.00.

22 The Court is now in recess.

23 (Court recesses from 1015H to 1036H)

24 MR. PRESIDENT:

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

30

1 Judge Lavergne will have the floor to continue putting questions
2 to the expert. You may proceed, Judge Lavergne.

3 JUDGE LAVERGNE:

4 Thank you, Mr. President.

5 BY JUDGE LAVERGNE:

6 Q. Well, now we're going to <talk> specifically <about> your trip
7 in December, 1978. You told us that you had met Mr. Caldwell in
8 Beijing, and that <as for> Mr. Dudman, you had heard about him in
9 rather strange circumstances. But wasn't there a difference
10 between, on the one hand <the> journalists, that is to say, you
11 and Dudman, and Caldwell <>? What was this difference?

12 MS. BECKER:

13 A. Yes, we were -- Richard Dudman and I were invited as
14 journalists, and that was our category. Malcolm Caldwell was
15 invited as a friend. We had talked about friendly delegations
16 before, so he was definitely a friend and we were journalists.
17 When we met in Beijing, we all travelled together on the same
18 flight, but when we arrived at Pochentong, Richard Dudman and I
19 were taken in one car, and Malcolm Caldwell was taken in another.
20 Not often, but at significant moments, we were separated in that
21 way. And the presumption is, they accepted that we were
22 journalists who would ask questions they didn't particularly want
23 to answer, and that Malcolm Caldwell had come as a friend who
24 would be very supportive of what they were doing.

25 [10.38.47]

1 Q. So, now I would like to show you a document. <It> is a report
2 <bearing the reference> E3/1156. So <> could <the court officer>
3 please provide the expert with the report? Thank you. So, I'd
4 like to specify the ERNs of the document: English, 00524507 to
5 08; French, 00807142 to 43; and Khmer, 00032944 to 945. So, this
6 document is addressed to the "Much Beloved and Respected
7 Brother", and it is signed by Kan and Mut. It is dated 8
8 September 1978. And what's interesting in this document is <the
9 fact> that this document contains the list of the wishes
10 expressed by the visitors with regard to the places that they
11 would like to visit, and the topics they would like to discuss,
12 or the people that they would like to meet.
13 Maybe I'm going to focus more specifically on the part that
14 concerns you directly. I'd like to, however, let you know that
15 the English and French translations are a little bit different in
16 <that in> the French version <> Professor Caldwell's clearly
17 identified, <whereas> in the English version, Dr. Cartwell <is
18 only mentioned>. Mr. Dudman, in the English version, is presented
19 as Mr. <Liebman>, and you are presented as Miss. Backer. So, I
20 apologize. But that's not the most <important> issue. What's most
21 important is what I'm going to read.

22 [10.41.20]

23 <> "Miss Backer, aged 30, single, was in Kampuchea for two years
24 during the period of the despicable Lon Nol, and she wishes first
25 of all to travel to the border, that is her priority request;

1 "2) to know how Kampuchea is waging war, and how Kampuchea
2 organizes itself to survive;
3 "3) she wishes to see how the cooperatives are organized, and <to
4 visit> the cooperatives located in Kampong Chhnang, in Takeo and
5 in the Northwest Zone, as well, and she would like to know how,
6 right now, the cooperatives are managing <as regards jute,> fish
7 and mines;
8 "4) with regard to social action and culture, she would like to
9 meet the former <city dwellers>, and to understand how society is
10 organized in order for them to go live in the countryside, and
11 she would also like to speak with the Minister of Education;
12 "5) she would like to get information on the government and on
13 the Party, and she'd like to meet the leaders, and <> to speak
14 with Ieng Thirith, Bong Khieu Ponnary, Bong Khieu <Samphan>,
15 Sihanouk, Hou Youn, and Hu Nim, and then, of course, to visit the
16 <weaving handicraft workshops from> Kampong <Som, Kampong Cham>,
17 Angkor, the Northwest <sector>, and to take a boat along the
18 Mekong, and to take the train;
19 "7) she would like to <enquire about recruitments in> the army
20 <>, and interview Bong Prime Minister, meet <> ambassadors, visit
21 Phnom Penh on a bicycle, and <enquire about> the Cham
22 population."
23 So, does this list of wishes correspond, as far as you remember,
24 to what you requested from the Khmer Rouge authorities, from the
25 Democratic Kampuchea authorities, at the beginning of your trip?

1 [10.43.45]

2 A. Yes, and we also asked for the interview with Pol Pot. It does
3 make sense to read it in sequence because we did try to
4 coordinate -- the three of us -- so that we could sort of cover
5 the same ground. I mean, include all of the different ideas.

6 Q. You said that you expressed the wish to meet Pol Pot. I
7 believe that's indeed something that was noted, because you said
8 "to interview Bong Prime Minister". So, <he is> probably <the
9 person being referred to>. But regarding the other people, <> did
10 you insist <on meeting>, for example, Sihanouk, Hou Youn or Hu
11 Nim? <And what> were you told with regard to that?

12 A. We were told that Sihanouk did not want to see us. And I
13 believe that was the only one where we were told that he truly
14 didn't want to see us. And the others that we asked for were
15 unavailable, either in the countryside, or unavailable. No, we
16 were not told that Hou Youn and Hu Nim were dead.

17 [10.45.25]

18 Q. <Last> observation with regard to this document. It is signed
19 by Kan and Mut. I would like to let you know that the document
20 was presented during the testimony of witness Ny <Kan>, and Ny
21 Kan <authenticated> the document, saying <> that he was indeed
22 the author of the document. Did you know Ny Kan? <> Have you met
23 him? Do you remember who asked you these questions?

24 A. I can see his face, that's all. That was our first -- first
25 day. I remember Mut, I believe, but not Ny Kan, no.

1 Q. And Mut? <Who> was <he>?

2 A. He was one of the cadres, Mit Mut, who would be with us at
3 different intervals during the trip.

4 Q. Well, <when> Ny Kan <> testified before this Court, he
5 identified Mut as being possibly His Excellency Keat Chhon.

6 A. Keat Chhon? Then there's another Mut in my -- that I met. No,
7 I do not in fact remember Keat Chhon being at that meeting at
8 all.

9 [10.47.12]

10 Q. Well, you tried to describe the <visit you conducted as> "a
11 <supervised> visit of the Revolution". I think <> the expression
12 <you> used in English <was, "the incubated tour of the
13 Revolution".> Can you describe to us why you used such a
14 description? What led you to describe that visit in that way? You
15 also said -- it's a bit further on -- "we were like the three
16 blind people in the fable who are trying to imagine the
17 elephant".

18 A. The easiest way to describe is we were under the equivalent of
19 house arrest, so we could not move without someone escorting us.
20 We could not choose what we wanted. We could not talk without,
21 usually, Thiounn Prasith there, doing all the translation. And as
22 you know, I described the various times that I went out on my
23 own, and I was always brought back and reprimanded. And
24 eventually, all of our houses, our guest houses, were locked, and
25 we were not allowed to leave. So, you got a glimpse of this and

35

1 got a glimpse of that, but you know, the fable of what is an
2 elephant if you only can touch the trunk or the tail?

3 [10.49.14]

4 So, it was incomplete, to put it mildly, and it was very
5 "Potemkin village". We saw what they wanted to see, and every
6 once in a while, you'd get a glimpse, and you'll see in the other
7 reports that they became angry if we took photographs of the
8 bedraggled children, and the -- the obvious poverty. I've never
9 been on a trip like that in my life, before or after, where every
10 move was controlled.

11 Q. And you say that, from time to time, you got glimpses of the
12 other reality, the reality that was different from the reality
13 that <they wanted to> present to you. You in particular spoke
14 about a walk, a visit of Phnom Penh that you <conducted alone>.
15 What did you see then?

16 A. The Phnom Penh we saw in the car when we arrived was
17 immaculate. We only went down the main streets, Norodom and
18 Monivong. We were taken by car everywhere, not allowed to walk.
19 When I escaped, I went to the side streets, and I saw, beneath
20 this lovely façade, were the other reality of abandoned villas,
21 and homes, and shops, sometimes filled with, for instance, stacks
22 of furniture or old air conditioners; other times, just garbage,
23 everything overgrown; sometimes rather filthy. That's on the side
24 streets.

25 [10.51.21]

1 Then I walked up further, and you could see clumps of workers,
2 men in black -- black pyjamas, waiting for a ride on a truck or
3 whatever. Then I got all the way up to -- our house was on the
4 old Chamkar Mon compound, and I walked all the way up to the
5 Hotel Royal, and right where the René Descartes Lycée was.
6 Further down, I think, towards Phnom -- I went into the hotel. It
7 looked great on the outside and awful on the inside. Then I met a
8 couple of cadres who let me take their photograph. Then they
9 started to get frightened of me, and then I began to feel that
10 maybe I'd gone too far, and I started to walk back. Remember,
11 this is the first few days. So, I didn't realize just how severe
12 the restrictions were. I hitched a ride with a cadre on a moped.
13 This is coming down, now -- we're coming down Monivong, and by
14 this point, they had taken gruel at breakfast, and they knew I
15 wasn't there. So, a Mercedes, one of the comrades came and
16 screeched to a halt, and had me come in. That's when they read me
17 the riot act. But, that's what I saw.

18 [10.53.03]

19 But in a sense, what made my stomach drop was what I didn't see.
20 I kept thinking I'd turn a corner and I'd see real life. You
21 know, I'd run into some kids playing a game, or some women, you
22 know, talking or maybe, you know, anything that resembled, you
23 know -- Cambodians are, as you know, lively people. There was
24 nothing. That's what started to make me pause. That, no matter
25 where I went, it was empty, regimented. Just clumps of people,

1 who didn't respond. You know, the laugh and the songs, and all
2 that. Not gone. That was -- what was missing was almost
3 profoundly more upsetting to me than what was there.

4 Q. And you stayed in <Cambodia in> 1973 - 1974 <>, so therefore
5 you met <a number of> people then. When you returned in 1978, did
6 you <again> meet any of <the people> you had known before?

7 A. No.

8 [10.54.33]

9 Q. Now I would like to speak a bit more in detail about someone
10 who played a very important role during your trip, who is Thiounn
11 Prasith. <You had met> Thioun Prasith, if I understood properly,
12 <> previously in New York. Is that the case?

13 A. Yes.

14 Q. Thiounn Prasith, you told us, gave you a certain number of
15 explanations on what Democratic Kampuchea <was>. He <gave> you
16 <some> documents, and <> spoke to you in particular about the
17 black book -- the black paper. Do you remember this document? Had
18 you seen this document before? Or what can you tell us about it?

19 A. Yes, I had seen it before. If I'm not mistaken, I first saw it
20 at the UN in 1978. I'd already read it by the time I'd got to
21 Phnom Penh, and then they gave us more copies. I believe we --
22 yes. And it's - it's, you know, it's the book that lays out
23 Democratic Kampuchea's reasoning for saying that Vietnam is the
24 aggressor in the war, and essentially the Vietnamese wanted to
25 make, to recreate, the Indochinese Federation. It sort of -- what

1 was remarkable at the time was how quickly old allies became
2 bitter enemies, and the language was very severe.

3 [10.56.52]

4 Q. Well, <you questioned> Thiounn Prasith <regarding> the
5 existence of <human rights> violations <> in Cambodia. And I
6 think you questioned him several times about this. Do you
7 remember the way Thiounn Prasith <reacted> to those kinds of
8 questions?

9 A. Yes. He considered them bourgeois. He considered my line of
10 questioning overly concerned with people who had lived in Phnom
11 Penh, and not concerned enough with the peasantry. And I
12 explained to him, to no avail, that in order to answer charges
13 about human rights violations, it would behoove him and the
14 government to show that the stories about the former inhabitants
15 of Phnom Penh were false, because they, the New People, were the
16 ones who, in the documents, were treated the most poorly. He
17 rejected that there was any distinctions, and became irritated at
18 my line of questioning. Irritated.

19 [10.58.42]

20 Q. You said the following: "The only Cambodia that you were
21 allowed to see during this trip was <the> Democratic Kampuchea as
22 Prasith <imagined> it. We could meet no one. We <ate> separately.
23 We <were housed away> from the people. The only people we could
24 speak to were the people that Angkar had chosen to represent
25 Cambodia. And Prasith <translated> each time what these people

1 <said>." Does that correspond to what you remember?

2 A. Yes.

3 Q. I will refer to another document, E3/96. This is the interview
4 of Thioun Prasith. That interview was <conducted> by the
5 investigators of the Co-Investigating Judges. The ERN in French
6 is 00342219; and in English, 00346944. Thioun Prasith explained
7 as follows: In fact, he had served as an interpreter on several
8 occasions. He explained that, "there were many government <and
9 non-governmental> delegations. The objective of <those visits>
10 was to show that everything was going well. Everything was
11 organized beforehand. The places visited were not always the
12 same. We often went on the road to Phnom Penh, Kampong Thom and
13 Siem Reap."

14 [11.00.38]

15 There is another document, and that document is E3/1697, and it
16 is the autobiography of Thioun Prasith. Two questions on this
17 subject. Did Thioun Prasith tell you what were the different
18 stages of the Revolution in Cambodia? Did you receive <from him>
19 any <> ideological information on the line of the CPK? Did he
20 tell you that he had written <an> autobiography?

21 A. He certainly, during the trip, regularly described the
22 politics and the policy of Democratic Kampuchea, and that would
23 obviously include the ideology. Did he tell me he wrote his
24 autobiography? No.

25 [11.01.51]

1 Q. I will read out part of that autobiography, and please tell us
2 whether it corresponds to anything you may have heard. This is
3 what is stated therein. He explained earlier that he had been to
4 China before he returned to Democratic Kampuchea, and this is
5 what he said:

6 "Before <returning to the country> at the end of 1975, I hadn't
7 realized that the 17th of April 1975, indeed, marked the end of
8 the Democratic National Revolution. I had thought that that
9 revolution was going to continue for some time. I wasn't
10 sufficiently interested in the major measures, such as the
11 evacuation of the population, the abolition of money, because I
12 did not know then that they were extraordinary measures of the
13 class struggle, and the continuation of the socialist revolution
14 and the socialist edification.

15 "At the time, there were indispensable but provisional measures
16 that were required by <the period following> a devastating war.
17 And that <perspective> was based on an ideology that was not
18 practical, and that was completely cut off from what was
19 happening within the country. And I reasoned, in light of the
20 books I had read<. After studying them<, in time, I finally
21 understood> and <completely supported> all the measures <> that
22 the Party had taken with a view to pursuing the socialist
23 revolution, and socialist edification. In the history of
24 socialist revolution in the world, there are three dates in all:
25 notably October <1917>, the first socialist revolution <in Russia

1 led by Lenin; 1 October 1949,> the Chinese Revolution; and 17
2 April 1975, the Khmer Revolution."

3 [11.04.27]

4 Then he adds: "The measures taken by the Party to pursue the
5 socialist revolution, have never existed before. I therefore had
6 the conviction then that, if those measures had not been taken,
7 Cambodia would have faced an <untenable> situation, and would
8 have lost its national <independence, its> sovereignty, and <its
9 national integrity>. The blood of more than a million of our
10 inhabitants would have been shed for nothing. If the Party had
11 not taken those radical measures, the Vietnamese would have
12 penetrated and trampled underfoot our territory."

13 Let me <clarify one point before giving you the floor. I wish to
14 point out> that this document is dated December 1976, and that
15 Thiounn Prasith explained that that autobiography was written at
16 the request of Ieng Sary, and that at the time, he was suspected
17 of being a CIA or KGB agent.

18 [11.05.50]

19 Now, <were> these words, "National Democratic Revolution,
20 Socialist Revolution, exceptional measures of the class
21 struggle", <> expressions that Thiounn Prasith used during your
22 visit?

23 A. They sound familiar. I'm not sure if it was exactly that way,
24 but very much - this sounds very familiar, and the
25 rationalization for abolishing money, for evacuation, for the

42

1 massive evacuation, that all sounds very familiar. Yes, and the
2 different kinds of revolutionary, which I have to admit that I
3 don't understand always the distinctions myself, but I certainly
4 heard them from him. He was -- he was in charge of telling us
5 that giving us the history and putting in context.

6 [11.07.08]

7 Q. What is particularly important to stress here perhaps is that
8 he explains all the measures <> taken to avoid a Vietnamese
9 invasion. And this is what it says, "If the Party hadn't taken
10 these radical measures, the Vietnamese would have penetrated and
11 trampled underfoot our territory." So when we talk of the
12 evacuation of towns, reference is made first and foremost to the
13 Vietnamese. Is that something that you felt?

14 A. No, on the contrary. On the forced evacuation, he very much
15 emphasised the -- what he called what the - what the country -
16 what the DK considered the threat of American bombing. And we had
17 a conversation or two about the fact that Americans stopped
18 bombing Cambodia in August 1973 and the likelihood was small, and
19 then he would say well there is no food, we sent them out. I
20 never heard him say that it was to avoid Vietnamese invasion.
21 And on abolishing money, it was put in terms of finding equality
22 for everyone, sharing everything, and he even said "your economy
23 uses credit cards. I bet you don't use your money very often".
24 Vietnam was never mentioned.

25 [11.08.57]

1 Q. It will be difficult for us to go into detail and to talk
2 about all the places you visited and all the people you <> met,
3 but I will perhaps focus from time to time on certain important
4 details. So on the first day of your visit to Phnom Penh, you had
5 explanations given to you<;> you saw propaganda films<; the> next
6 day you were led to visit the Mekong. You went around the Mekong.
7 You saw refineries. You saw rubber factories, banana plantations,
8 and you visited an institute called the Institute for Training
9 and Scientific Information where you met a brother of Thiounn
10 Prasith called Thiounn Mumm. Can you tell us of that visit to the
11 training institute?

12 A. This was the institute/factory that had caught my attention in
13 the Yugoslav film. So when I first went there, I said aha, that's
14 it. Very young children, small, standing on boxes to work on - I
15 can't remember what they were building, but Thiounn Mumm was
16 presented as number two for this Institute whereas a cadre was
17 the number one, number two being the intellectual, the number one
18 being the Party guy. He - he said this is innovative, he would
19 teach these young kids how to be engineers in this month worth of
20 study and that month was of practice and so on and so forth. And
21 I already knew the story of the Thiounn family and after a while
22 I said to Prasith, why are you pretending, you don't know your
23 brother? And that led to a little bit of nervous laughter, but it
24 was - and then -- it was remarkable because of the artificiality
25 of this distinction between the intellectuals in the Party, the

1 people who were -- the cadres, the Party people who were
2 considered of a purist stance and it -- I have to -- it was not
3 convincing that these young kids were going to be the future
4 engineers of the country.

5 [11.12.12]

6 Q. Do you recall where that Institute was situated, and how many
7 children were there?

8 A. It was in the old French quarter near one of the Catholic ---
9 French Catholic buildings on the riverfront along, I think, on
10 the riverfront or right near it. It's in the old French quarter
11 and couple dozen children, I'm not sure I think we saw that many,
12 I can't remember how many were actually there. That's memory.

13 Q. Thiounn Mumm was also interviewed by investigators from the
14 Office of the Co-Investigating Judges and it's document E3/5304
15 and in that interview, he explains that he was the director of a
16 laboratory, but also director of an institute which is situated
17 in the former Soviet Training Centre. And he said that <by> his
18 reckoning, there were about 300 children there and that these
19 were undoubtedly the children of Party cadres. Does that jog your
20 memory? Do you know where the former Soviet Training Institute
21 was located?

22 A. No.

23 [11.13.58]

24 Q. Very well. <So> you <indeed> explained that the training as
25 explained by Thiounn Mumm was quite revolutionary since in six

1 months, children who were almost illiterate were <able> to
2 acquire such a high level as fourth year in the French system<,
3 if I'm not mistaken, it's the eighth grade in the Anglo-Saxon
4 system. They could then> go and work in a cooperative for six
5 months<, come back to the institute for> 18 months, <where> they
6 would <have acquired> the level of <> qualified <technician. And
7 after one year in the factory and another 18 months at the
8 institute, they> become engineers. Was that indeed the
9 revolutionary education process that Mr. Thiounn Mumm explained
10 to you, Mr. Thiounn Mumm, who himself had had a brilliant
11 academic career?

12 A. Yes.

13 Q. And then you went to Kampong Cham. Can you tell us what you
14 saw in that region, the region of Kampong Cham? Can you please
15 tell us of the zones you visited, zones close to the front? Did
16 you visit and meet people at the military headquarters on Road
17 Number 7?

18 A. Is this -- this is the trip to Kratie?

19 [11.16.04]

20 Q. No. I noted a trip to Kampong Cham. I also noted that you went
21 to the military headquarters situated on Road Number 7, where you
22 met <> comrade Pin <>. Can you tell us about him? Does that
23 remind you of anything?

24 A. Yes. I mean, comrade Pin was an important part of the trip,
25 and he was meant to show us that in fact, Democratic Kampuchea

1 had held off the Vietnamese and that they still held the front.
2 We were escorted by several jeeps of armed soldiers. We got close
3 enough to the front so that we could see an exchange of artillery
4 in the distance, the pass of smoke. They had us take our
5 photograph there so we could show that we were at the -- the
6 marker that showed that Democratic Kampuchea had held the line
7 and to show that the foreign broadcasts were wrong that they were
8 full control of the country. I think by that time we were hearing
9 over BBC that Pol Pot and the leadership were in discussions
10 about abandoning the city. I think it was around that time.

11 [11.17.56]

12 Q. Do you remember interviewing comrade Pin, and asking him what
13 had become of the former officers of the Lon <Nol> army? And
14 <asking him> whether the refugees <were right to say that they>
15 had been killed shortly after the war<?> Did you ask him
16 questions regarding that?

17 A. Yes. He and he -- he probably had -- he answered very
18 confidently. He was a very convincing man and he said, I believe
19 I should have brought my book. The former military officers -- if
20 I'm not mistaken -- he said that they -- those who were capable
21 were reintegrated and he did not -- I do not believe he -- I
22 can't remember the response to the refugees. What did -- what did
23 I write?

24 Q. I will try to sum up what you wrote, and this is what I noted.
25 <Pin> answered that he did not have any idea as to what had

1 happened to former Lon Nol officers. <However,> he provided
2 information on the fate of the Vietnamese <agents who>
3 infiltrated <the army in> the East Zone, and he specified that,
4 "we eliminated them."

5 Does that ring a bell to you?

6 A. Vaguely. It's been too long.

7 [11.20.03]

8 Q. Very well, perhaps your memory would be better regarding the
9 visit to the Phum Preah Meas, the cooperative called <> Golden
10 Deer. <And also at the rubber plantation called Chamkar Doung.>

11 Well, you talked about that cooperative, saying the following:

12 <"It's a real movie set, in English,> Potemkin Village."

13 <You were> surprised to find that what you saw was very different
14 from what you had gathered from refugees' testimonies<.>

15 You also made mention of the fact that everyone had three meals a
16 day, and they even had dessert <as part of> the main <meal> and
17 that they had three days of rest <per month>. Does that remind
18 you of anything?

19 A. Well, yes, and this is what I was told, I did not see them
20 eating and resting and all that sort of stuff. It was -- it was
21 remarkably handsome, not just from what refugees had said but
22 also what I'd seen on the roads. I mean, you could -- you could
23 get a sense of how other people lived just slightly from what you
24 could gather from the roads and nothing had prepared us for that.
25 And if you saw the photographs, you could tell there was also

1 nervousness among the people to be seen with us, and they -- they
2 hesitated. Some of them hesitated to answer the questions, but it
3 was also -- I also knew that it was a major spot on all the other
4 friendly delegations towards, so I knew that this is -- this was
5 the -- one of the favourite spots to take all the friendly -- all
6 the delegations, friendly and then us.

7 [11.22.30]

8 Q. Do you remember stopping at a dam near Stueng Chinit? The 1st
9 or the 6th January Dam? Was that dam in the process of being
10 built or <> was <it> already in place, had <it> already been
11 built?

12 A. It was being repaired. The monsoon had been heavy that year,
13 we were told, and it was in the process of being repaired. And if
14 I remember correctly, we were taken there rather than to any
15 cooperative in the Northwest, which is what I'd asked for and
16 that was where I interviewed one of the workers about what it was
17 like to be a soldier for the Khmer Rouge during the war.

18 Q. Well, you met certain people. You also asked to meet certain
19 inhabitants of Phnom Penh town and you were shown people who
20 <were> supposedly urban dwellers. <What impression did you get of
21 them?>

22 A. I believe that was the -- a man who was Sino-Khmer and he
23 described his life of one makeshift job -- excuse me -- after
24 another working in a furniture store, working -- repairing
25 bicycles that sort of thing and his testimony was enough to make

1 me think he might have lived in Phnom Penh, but Prasith
2 considered that, you know, enough.

3 [11.24.56]

4 Q. During your visit on the <18th> of December you went to
5 Battambang, and you had asked to visit cooperatives in the
6 Northwest. You were very disappointed and I'll give you the floor
7 to explain why?

8 A. Battambang was the last refuge of the Khmer Republic. It was
9 the second city, the place where if inhabitants of Phnom Penh had
10 the money, they would go to Battambang, and that's where the
11 refugees who escaped often came from the Battambang province or
12 the Battambang city. So I had explained to Prasith that this
13 would be key to convincing the rest of the world that in fact
14 they had not committed the atrocities that were being documented
15 to refugee testimony because Battambang was the centre of the old
16 life and where the people would have gone. And we'd heard about,
17 through refugee testimony, that a lot of the inhabitants had been
18 evacuated up there, and I was very disappointed and we got into
19 an argument, and he stopped talking to me for a while.

20 [11.26.32]

21 Q. Now let me point out that on the same day, 18th of December,
22 we have a document on record and it is E333.1 and it is a report
23 on the visit by the French professor and American journalists.
24 Let me point out that this document was provided to the Chamber
25 by Mr. Ben Kiernan and he had mentioned in a footnote in his book

1 called the "<The> Pol Pot Regime: <Race,> Power and Genocide in
2 Cambodia under the Khmer Rouge".

3 <Since> you had an opportunity to talk to Mr. Ben Kiernan, did
4 <he> talk <to you> about that document? Did you have an
5 opportunity to look at <it> before your testimony today?

6 A. Not thoroughly, no. Could you remind me of the document,
7 please?

8 [11.27.42]

9 Q. Perhaps we should give this document to Ms. Becker. It is
10 document E333.1. The ERN in Khmer is 01047237 to 241; and the
11 French ERN is <01054093> to 96; and in English, it is <01054088>
12 to 92; and in this report mention is made of <requests you were
13 able to get granted,> places you visited, <your reactions>, you
14 talked about photographs you were able to take.

15 Did Mr. Ben Kiernan tell you of this document or you discovered
16 it only before this hearing?

17 A. No, I have a copy. I have had it for years, and he shared it
18 with me earlier. Thank you. Yes, and I know it now. Yes.

19 Q. And can you describe this document for us a little bit?

20 A. It's more or less accurate. You can see that they -- they were
21 very happy with Malcolm Caldwell. They were less happy -- they
22 were the least happy with me, and this I don't think they call me
23 a CIA agent in this one. They call me a CIA agent in another one,
24 but you know that he has me living all over the place whereas I
25 visited, I only lived in Phnom Penh, but I visited all these

51

1 provinces. And it's pretty accurate that as he says the British
2 professor was easy and gentle. I resist giving my impressions of
3 what's going on and Dick Dudman was more open about being
4 impressed with what was going on, and you can see and hear the
5 tension of not being able to see what we wanted to see and they
6 have several times wanted to stop me from taking photographs, but
7 it's inaccurate - it's - it's, I mean, in its way it's accurate.
8 [11.31.09]

9 Q. We're going to have to move on. I'm very much behind, but I
10 would like now to speak about a discussion you had with Ieng Sary
11 on the following day, that is to say 19 December, and you
12 explained that you had had a dinner with Ieng Sary, and you spoke
13 with Ieng Sary, as well as with Thiounn Prasith <about> the issue
14 of the violation of human rights and you said the following:
15 <> "Since war is imminent, <> human rights <issues> and the
16 <living> conditions of the population were irrelevant. Prasith
17 and Sary both stated that there were no prisons in the country;
18 that justice was done in the cooperatives by <> people's courts
19 and that was all that was said with regards to these matters."
20 [11.32.11]

21 And then you wrote an article called "Journey to the Heart of a
22 New Cambodia" <>. It's document D365/1.1.68 in which you referred
23 to Ieng Sary statements as follows:
24 "In order to be honest", it is Ieng Sary speaking here, "with
25 regard to the supposed massacres, we could not prevent the

1 killings, but with relation to the complexity of the situation in
2 Kampuchea after the end of the war, the Communist Party solved
3 the problem by applying a good solution, which avoided further
4 slaughters <> if it had been <forced> to choose another
5 solution." And you add the following: "Ieng Sary was much more
6 interested in speaking about the war with Vietnam and he said
7 that this problem is a question of life and death for us in
8 saying that Vietnam is scheming in <> many different ways against
9 us, including political assassinations."

10 Does this remind you of anything?

11 A. Yes, that was the discussion at dinner.

12 [11.33.46]

13 Q. Then you ,subsequently> visited another cooperative, which is
14 the cooperative of Leay Bour when you returned from Kampong Som
15 because you then went to Kampong Som. You went back up and as you
16 travelled back <up>, you stopped at the Leay Bour model
17 cooperative. Do you remember this cooperative and do you remember
18 having asked them if there were people's courts operating in
19 these cooperatives?

20 A. I don't remember. Did I? I remember asking, but I'm not sure
21 it was at Leay Bour.

22 [11.34.39]

23 Q. In an article that I am going to refer to -- <"Cambodia Bars
24 Details on Former Residents of Phnom Penh",> this <> document
25 <does not have a reference,> I believe, but it has ERN numbers

1 <in> English 00419355 to 56, and you explained first of all, that
2 in this cooperative you <again> met former city dwellers from
3 Phnom Penh. And you also say that you asked if <> people's courts
4 <existed>, and you were told that they do not exist. And you also
5 asked how Vietnamese war prisoners were treated, and you were
6 answered that they were kept in a closed area and that they were
7 sent outside to do production work and often you asked to see
8 these places where these were prisoners were apparently working.
9 One day maybe when you were joking, your guide called you to show
10 you something that was rather special. <> It was <> a pond full
11 of crocodiles <in a zoo>. Do you remember that?

12 A. Yes, it was a dark humour, you know, that's the old crocodile
13 joke.

14 [11.36.18]

15 JUDGE LAVERGNE:

16 Mr. President, I have a few more questions to put but I
17 understand that it's time for the adjournment <>, so I might need
18 an extra 20 minutes. So if the parties may accept this, I would
19 like to continue with my questions when we resume.

20 MR. PRESIDENT:

21 The time is appropriate for a lunch break. We will take a break
22 now, and return at 1.30 this afternoon to resume our hearings.
23 And Court officer, please assist the expert during the lunch
24 break, and please invite her back into the courtroom at 1.30 this
25 afternoon.

54

1 And security guards are instructed to take Khieu Samphan to the
2 resting room downstairs, and have him returned to the courtroom
3 before 1.30 this afternoon.

4 (Court adjourns from 1137H to 1333H)

5 MR. PRESIDENT:

6 Please be seated.

7 The Court is back in session and Judge Lavergne will continue
8 putting further questions to the expert and Judge Lavergne, you
9 have the floor.

10 [13.34.14]

11 BY JUDGE LAVERGNE:

12 Yes, thank you, Mr. President. I'll try to ask shorter questions
13 to the expert <and allow her to speak a bit more>.

14 Q. Ms. Becker, when you <made this trip> in December 1978, did
15 you notice anything <in> particular regarding pagodas and the
16 practice of Buddhism?

17 MS. BECKER:

18 A. Yes, the pagodas were empty. I saw more than a few that were
19 used as granaries. And when I asked about it, Thiounn Prasith in
20 particular said it was a reactionary faith and the people had
21 given it up. I didn't see anything that would suggest any -- that
22 there were any monks allowed. I didn't see a single monk. I
23 didn't see any example of worship or the ability to worship.

24 [13.35.32]

25 Q. Did you ask any questions <possibly> regarding the changes

1 <triggered> by the revolution in family relations between men and
2 women, marriage, and so on and so forth?

3 A. Yes. Usually I asked every co-op I went to and of course to
4 Prasith and the other officials. Essentially, they acknowledged
5 that children were taken away from -- children were no longer
6 living with their families by and large -- they were sent on -
7 children -- what they called Children's Brigade. And, at one
8 point I saw a row of very young children gathering firewood and
9 that was called the Children's Brigade. Other times, you'd see a
10 truckload of what looked like, sort of, pre-teens, teenagers, and
11 by gender, they would be either young girls or boys, and they
12 would be in brigades. So, that would be the children.

13 In terms of married couples, again, every once in a while in the
14 co-op, you'd see -- in the coops you would see couples, but in
15 the cities there were by dormitories, men and women. So, they
16 were segregated. They said that they -- you had to have
17 permission to get married and they wanted older -- I can't
18 remember the age, but sort of twentyish, but I did not -- except
19 for in the model co-ops, I didn't see family groupings and there
20 was no disguising that it was by and large discouraged so that
21 they would be working, working, working, as they kept saying,
22 "Work is their major resource".

23 [13.37.45]

24 Q. In your contacts with cadres and the officials of Democratic
25 Kampuchea, did they express any concerns about increasing the

1 population of Cambodia?

2 A. Yes, they said they wanted to increase the population and when
3 I pointed out that some of their policies may discourage it, they
4 said that there were essentially conjugal visiting hours, couple
5 of -- I can't remember how many days but there are certain days
6 of the month that men could visit their wives and vice-versa. So
7 that -- it was a policy, but, in theory, they wanted to improve
8 it, but in practice, it wasn't the kind of thing that they
9 actually did. But yes, they wanted to increase the population.

10 [13.38.52]

11 Q. During your trip, were you able to meet with refugees
12 presented to you as refugees of Kampuchea Krom, and if yes, do
13 you remember when you met with them and what kind of
14 conversations you had with those people?

15 A. Yes, we did meet and it was mid-way in our trip, and the
16 conversations were largely the Kampuchea Krom saying that they
17 were starving in Vietnam and they came to Cambodia for a better
18 life.

19 Q. I had noted this and it appeared quite strange. You met with
20 those refugees when you were going to Kampong Som, and the
21 refugees told you that they had fled from Vietnam because the
22 authorities there were opposed to capitalism and that they had
23 come to Cambodia to make money. I noted that, and I don't know
24 whether it is in line with what you remember. I found it quite
25 strange.

1 A. Right. And, I wrote it down because it was strange. And, there
2 was no follow-up like how could you make money here when there's
3 no money. But, that's what they said.

4 [13.40.41]

5 Q. Now, I would like us to talk about one of the high points of
6 that trip and that was the interview <> granted to <you by> Prime
7 Minister Pol Pot. What can you tell us about that interview for a
8 start?

9 (Technical problem)

10 JUDGE LAVERGNE:

11 It would appear that there is a translation problem. There is no
12 interpretation into Khmer. Is there any problem with
13 interpretation into English as well?

14 Neither.

15 I am being told to try again.

16 Is it working now?

17 Yes?

18 Very well.

19 [13.41.32]

20 BY JUDGE LAVERGNE:

21 I would like to put questions to you regarding the interview you
22 <had with> Pol Pot.

23 Q. Can you tell us when that interview was conducted and how it
24 unfolded? What subjects you broached and so on and so forth?

25 MS. BECKER:

1 A. We were asked several days earlier to prepare questions in
2 advance, which we did. The subjects were all the subjects we've
3 already mentioned, including the war, the impending the war,
4 about human rights, and, Richard Dudman and I had one set of
5 questions Malcom Caldwell had another because he was a friend and
6 he would have a separate interview. At the same time we were not
7 guaranteed an interview. And on our last day, we presumed that we
8 would not have one. And, once again, I was out on a walk, which I
9 shouldn't have been on when the interview was granted so one of
10 the cadre came, fetched me, and within 30 minutes we were driven
11 over to what was the former French Governor General's home here,
12 right on the river, a beautiful sort of art decor home.

13 [13.43.01]

14 And, it was a very dramatic scenario. We had a special Mercedes
15 take us, a very fancy one that we hadn't used before. Waiting for
16 us at the door was Thiounn Prasith again I believe, walked into
17 the big audience hall, and there sitting down in this large chair
18 as if it were a throne was Pol Pot himself. With him were Ieng
19 Sary and Keat Chhon. So, we went over, introductions were made.
20 He did not get up. We had a time to take photographs, sit down,
21 have a little chat, and then we were told that he would not
22 answer any of our questions. They were given -- the answers were
23 later given to us in writing, and that he would talk to us. So,
24 instead of an interview, it became a lecture. And, for
25 approximately two hours, he lectured us on the impending war with

1 Vietnam. And, it was a -- without a note, entirely
2 extemporaneous. He drew this incredible vision of the Vietnamese
3 army coming across from the East supported by Warsaw Pact, tanks,
4 and armed forces. And then he said the Cambodians would stop them
5 with the Cambodian forces and forces from NATO, the
6 North-Atlantic Treaty Organisation.

7 [13.44.56]

8 He imagined that NATO would then be supporting Cambodia. And,
9 you'd have the Warsaw Pact from Eastern Europe and the Soviet
10 Union -- I mean Warsaw Pact from Eastern Europe and Vietnam
11 coming and there'd be the big clash and Cambodia would win. And
12 it was so bizarre that Richard and I were looking at each other's
13 notes to make sure we heard the same thing. You know, Warsaw
14 Pact, NATO.

15 And, then he described how this would be the biggest crisis in
16 the world because if Cambodia became a satellite of Vietnam it
17 would trigger ever-larger cold war problems. That was two hours.
18 And, at the end of it, he said goodbye to us and we went back to
19 the house.

20 And, the car dropped us off and then the car took Malcom Caldwell
21 to his interview. And, what Malcom told us when he came back was
22 that he actually had a discussion with Pol Pot. It was -- Malcom
23 had already told Ieng Sary and others that he was very upset that
24 Cambodia and Vietnam were fighting, that he had supported both of
25 their revolutions, and it made him very sad that they would be

60

1 fighting each other. So, he did not talk about Vietnam with Pol
2 Pot. He only talked about revolutionary economics. And, I can't
3 remember everything he said but he came back very happy. He
4 thought his mission was done. The one thing he cared about was
5 understanding how a communist country could have their economic
6 theories. And, then he came back and we thought that was the end
7 of our trip.

8 [13.46.51]

9 Q. Regarding that interview with Pol Pot, you explained that Pol
10 Pot had his theory about eventual consequences of the conflicts
11 and I believe that you said that <> Vietnam was going to be
12 supported by the Warsaw Pact forces and Cambodia would be
13 supported by NATO <troops>. Did he at any point in time refer to
14 the role of China?

15 A. I don't remember that he did. I do not remember that he did.

16 Q. You also explained that you did not receive any answers to the
17 questions you had prepared for Pol Pot but you did say that he
18 subsequently gave you answers in writing. I noted in reading one
19 of your articles, an article I referred to earlier<, "Cambodia
20 Bars Details on Former Residents of Phnom Penh">. I have already
21 given the references of that document this morning. It is stated
22 therein that you interviewed Pol Pot on two subjects.

23 The first question was how it could happen that the government
24 had given with so much assurance, statistics regarding the number
25 of births, the number of deaths? Do you remember the answer that

61

1 you obtained for that question? I mean an answer from Pol Pot?

2 A. Exactly, no.

3 [13.49.01]

4 Q. I noted in reading this article and you were quoting Pol Pot

5 and this is what you said and I quote: "<Every 10 days>

6 cooperatives send their regular reports, including figures in all

7 fields. The Central Administration needs only to assemble this

8 data."

9 Does that jog your memory?

10 Okay. And, in the same article you also write that you

11 interviewed Pol Pot on the judicial system in place in Cambodia.

12 And apparently, he also answered your questions regarding the

13 existence of popular courts or tribunals. And, if I quote your

14 article, this is what Pol Pot said and I quote:

15 "All problems can be resolved by the people. Ordinarily, the

16 people hold regular meetings during which they engage in

17 criticism and self-criticism exercises. They always end up

18 resolving minor and major disputes. And, the tribunals only

19 intervene to ratify the decisions of the people and they are

20 guided by the principles of Democratic Centralism." End of quote.

21 Do you also recall that answer?

22 A. Yes.

23 [13.51.02]

24 Q. I would also like you to tell us whether you interviewed the

25 officials of Democratic Kampuchea on the organisation chart of

1 the Government of Democratic Kampuchea.

2 Did you try to find out who was in-charge of what, who was a
3 minister of what ministry?

4 A. Yes. Yes.

5 Q. And, did they answer that question?

6 A. I had with me, if I remember correctly, the chart that the US
7 Government made up with all of their - outline, and -- I believe
8 it was Prasith -- I think it was -- my memory doesn't -- I know
9 -- I believe it was Prasith who did not want to answer but he did
10 not say it was wrong. And, it's the chart that you all have seen
11 of, you know, Standing Committee, Government, Party.

12 Q. And, it would appear that you asked: "Who was the
13 Vice-President of the State Presidium?" And it appears that that
14 question was not answered.

15 A. I guess not.

16 [13.53.04]

17 Q. You, nevertheless, stated during your visit to the rubber
18 plantation that you were given a name, the name of Van Rith. Does
19 that name ring a bell to you?

20 A. The name for -- what? The number two?

21 Q. No. Perhaps I should start by refreshing your memory. At the
22 time of your visit to the rubber <cooperative>, you were given
23 the name of Van Rith <and apparently you were told that the>
24 rubber <cooperative> was directly under the auspices of the
25 <Ministry> of Commerce or the person in-charge of the Department

1 of Commerce and you were given the name Van Rith. Does that ring
2 a bell?

3 A. Vaguely.

4 [13.54.12]

5 Q. Very well. I had promised not to go beyond 20 minutes. I have
6 already gone beyond 20 minutes.

7 So, please tell me very quickly, <> the last high point of your
8 visit<, that was therefore> the last night you spent in Phnom
9 Penh<, was> the death of Caldwell. What do you have to say
10 regarding that? <What happened? What are your memories of this?
11 What information did you possibly get afterwards?>

12 A. Well, we had all gone to bed and packed our bags. We were
13 ready to leave when I was woken -- and I'll just give my version.
14 I won't talk about the others. I was woken up by noise that I
15 didn't recognise until I smelt the (inaudible) and I realised
16 that I'd been woken by a gunshot. And, I got out of bed and went
17 -- I was on the first floor, the men were on the second floor --
18 and ran into literally a young man (inaudible) and, he pointed
19 his gun at me. And, I'd heard some mumbling Khmer, some moaning
20 and groaning. And he clearly looked Cambodian but he had on a
21 strange cap. And, he pointed the gun and I screamed at him, first
22 in English, and then in Khmer, "No". And, then I ran into my
23 room, and ran into the bath tub which is what you learn when you
24 are a war correspondent. That's the only place you can be safe.
25 And that happened to be under the stairwell.

64

1 [13.56.14]

2 He did not follow me and I heard him go up the stairs and then I
3 heard lots of gunshots. Then, I heard him run away. And, then
4 there was quiet. This, for several hours, I believe. And, I did
5 not hear anybody upstairs, I didn't hear anything outside. And,
6 at first, I thought this was the invasion and they came to the
7 wrong house. Then, I wondered if there was a coup. Then, I
8 wondered if there was an uprising. And then I just stopped
9 thinking. And then, after a while, I heard a -- sounded like
10 glass breaking on our front door, someone coming in, dragging
11 something up the stairs, down the stairs, I can't remember which.
12 And then, another door shutting. Then, I heard commands in Khmer
13 as people were running around the house. Just numbers, mouy, bpi,
14 bey.

15 [13.57.30]

16 And, then, one of the guards came into the bedroom and I
17 recognised him and I presumed he was there to help me. So, I was
18 glad to see him. And he said to stay, "Stay in your bedroom". He
19 turned on all the lights but he told me to stay in the bedroom.
20 And then he was gone for a while. And, I asked in Khmer if
21 everybody was okay, and he said, "Yes, everybody's fine, but you
22 stay in your room". And, then, within the hour, Prasith came into
23 the bedroom and said that Richard Dudman was fine but that they
24 had killed Malcom Caldwell. That Malcom Caldwell had been killed.
25 And, please pack up everything and leave the house. I asked what

65

1 was going on in the city. Why is the whole city up? "No, no, no,
2 no, no. It's just you, and you have to get out of the house." So,
3 we were driven somewhere close on the same street in the
4 neighbourhood where we were questioned by a high-ranking security
5 type and left to wait for morning.

6 [13.59.00]

7 Prasith came to pick us up and take us back to the house where
8 Malcom's body was laid out in a coffin. We had a secular kind of
9 ceremony with Ieng Sary giving a ceremony and he blamed it all on
10 the Vietnamese. And, just -- we were just sort of paralysed. It
11 was just very, very, very frightening. And, I gave them a message
12 to send to my paper and to my family to say everything was fine.
13 They didn't send it.

14 We got on the airplane to Beijing, and discovered -- Prasith came
15 with us -- and discovered that they didn't send any of the
16 cables. When we arrived, nothing was prepared. So, we got in
17 touch with the British and the American representatives. We
18 didn't have a full embassy then. And, Mr. Woodcock was fabulous,
19 the British pastor was fabulous. And, then we got in touch with
20 the outside world. At first, no one could believe this had
21 happened. So, we went home and I think it was the day after we
22 got home that the Vietnamese invaded.

23 [14.00.38]

24 Q. So, with regard to the date, it seems to me that you left and
25 you arrived in Beijing on the 23rd of December. And apparently

66

1 the Vietnamese troops started coming into Cambodia on the 25th of
2 December. So, two days after <your departure>. So, later on, did
3 you become aware of certain documents regarding what happened
4 that night? Can you tell us about that?

5 A. As I said, Ieng Sary wanted to blame the Vietnamese. It made
6 no sense to us. Well, nothing made sense about these murders but,
7 then, I think it was Ben Kiernan who got the documents from Tuol
8 Sleng. One of the last things that they did before they had to --
9 before the Khmer rouge had to leave, was that they arrested some
10 of the stewards who had been taking care of us and accused them
11 of a rather twisted plot to kill Malcom. There were some
12 insinuation that I was the better target because I was a CIA
13 agent, but, somehow, there was -- it made no sense, but, the gist
14 of it is that it was -- at least one person was killed in Tuol
15 Sleng because of Malcolm's -- accused of being Malcolm's murderer
16 and that, it was all part of "they were Cambodians, they were not
17 Vietnamese". So, within the internal documents, the Vietnamese
18 weren't blamed. Cambodians, who'd served on us was. And, it was
19 part of one of their fantastic network's CIA agent thing. So, you
20 know, it makes no sense why the friend would be killed and not
21 the journalists, unless you imagine that we were saved in order
22 to write the story.

23 [14.02.58]

24 JUDGE LAVERGNE:

25 I think that it would be difficult to know exactly what happened,

1 who was behind what, and who did what. In any case, what we know,
2 is that Duch testified that four guards belonging to a unit
3 called Y-8 had been brought the following day to Tuol Sleng and
4 that he asked that these prisoners <not be killed, but> be kept
5 so that they could be questioned and he also said that these were
6 among the last prisoners killed before the arrival of the
7 Vietnamese. And there were also statements made by a certain Phy
8 Phuon, Mr. Rochoem Ton alias Phy Phuon, precisely, and other
9 statements in that regard, so I'm <> running out of time, so I
10 think I'm going to stop here with my questioning.

11 [14.04.00]

12 Thank you very much, Ms. Becker. Of course, I would have wanted
13 to ask questions to you about the interviews that you <had> in
14 particular with Ms. Ieng Thirith, but now I think the parties
15 might want to put the questions to you that I could not put to
16 you. So, I hope that they're not going to ask the same questions
17 over and over again. Thank you.

18 MR. PRESIDENT:

19 Thank you, Judge Lavergne.

20 The Chamber will hand the floor to the Co-Prosecutors to put
21 questions to the expert, Elizabeth Becker. You have the floor
22 now.

23 [14.04.55]

24 QUESTIONING BY MR. SENG LEANG:

25 Good afternoon, Mr. President; and good afternoon, Madam Expert.

68

1 My name is Seng Leang. I'm a National Co-Prosecutor. I have some
2 questions for you in relation to your visit in December 1978. I
3 will not ask you too many questions as some of my other questions
4 have been covered by Judge Lavergne<, I would like to have some
5 clarification over some points>.

6 Q. My first question to you is the following: This morning you
7 stated before this Court that you visited Cambodia in December
8 1978, and it was three of you -- that is, yourself, Mr. Dudman,
9 and Professor Caldwell. Could you tell the Court, why the Khmer
10 Rouge chose you for the trip to Cambodia at the time?

11 MS. BECKER:

12 A. They said they chose me because they knew me, first of all,
13 from my writing during the war and because I kept asking them. I
14 would go every year to the UN and ask them. And I wrote letters
15 to their embassy in Beijing.

16 [14.06.46]

17 Q. And why Dudman was also chosen by the Khmer Rouge, if you
18 know?

19 A. Richard believed he was chosen because he was well known as a
20 Washington correspondent who wrote articles critical of the
21 American war in Vietnam and Cambodia. He had already visited
22 post-war Vietnam. And he was very near retirement and very much
23 wanted to visit post-war Cambodia.

24 Q. And what about Professor Caldwell? You already stated that you
25 met him in Beijing. Before your encounter with him there, had you

1 known him before, prior to that?

2 A. I did not know him, but I knew his book about Cambodia, that
3 he wrote with Lek Tan. So, I knew him by reputation only.

4 [14.08.09]

5 Q. Thank you.

6 And amongst the three of you, did any of you speak or understand
7 Khmer language?

8 A. I used to speak, and so I still could then, and so I
9 understood a bit. Neither Malcolm nor Richard Dudman spoke either
10 Khmer or French.

11 Q. And with your limited Khmer language, could you actually make
12 a <better> conversation in Khmer?

13 A. Well, no, not a real conversation but I was able to get a
14 couple of things known. But, no, I depended always on
15 interpreters.

16 MR. PRESIDENT:

17 National Co-Prosecutor, please leave sufficient pause so that the
18 interpreter can provide proper interpretation. Thank you.

19 BY MR. SENG LEANG:

20 Thank you, Mr. President.

21 Q. Why at that time you did not bring along any interpreter to
22 assist you?

23 MS. BECKER:

24 A. I would have loved to. It was not allowed. I couldn't bring a
25 photographer. I could not bring an interpreter. I was lucky to

1 get the visa for myself.

2 [14.09.57]

3 Q. During your entire trip, who was actually responsible in
4 providing you with the interpretation to you and to your team?

5 <A.> It was always Thiounn Prasith.

6 <Q. Thank you. Could you-->

7 MR. PRESIDENT:

8 Mr. National Co-Prosecutor, you've been reminded twice already.

9 Please leave sufficient pause between question and answer
10 session. <We have a problem of interpretation.>

11 BY MR. SENG LEANG:

12 Q. Could you tell the Court what was your main purpose of
13 visiting Cambodia at the time? What did you actually want to see?

14 MS. BECKER:

15 A. It was -- no one had been to, you know, no journalist had been
16 to Democratic Kampuchea. I had every question everybody had: what
17 was really going on? It was a closed-door society. There was no
18 communication, no cables, no telephone, nothing. We were -- it
19 was -- its self-isolation. So it was a big question what's really
20 going on in Democratic Kampuchea and everybody was very afraid.
21 So I went there because I cared about what was going on.

22 [14.11.33]

23 Q. As a journalist, did you actually see what you wanted to see?

24 A. Well, no. But I saw enough to get the beginning of an idea.

25 But yes, it was really important to go and to see. No, of course

71

1 not. That's what I said it was -- I was -- it was the equivalent
2 of being under house arrest. So no, I didn't see everything I
3 wanted to see.

4 Q. This morning you actually read a report provided to you by
5 Judge Lavergne and that is in relation to a report submitted to
6 the upper echelon on the request of your visit. And beside what
7 was mentioned in that report or request, did you actually visit a
8 hospital or healthcare centre?

9 A. I -- we went to a medical factory and I snuck into a hospital
10 with -- I think it's the old Chinese hospital and saw some
11 soldiers there who were wounded. And I think along with -- there
12 is a small clinic to go with the pharmaceutical factory. But no,
13 we didn't-- other than that, no.

14 [14.13.46]

15 Q. Thank you. I'd like now to ask you a question or two in
16 relation to violations of human rights. Throughout your visit,
17 did you meet or talk to or interview people or groups of people
18 who were reported to be victimised?

19 A. No.

20 MR. PRESIDENT:

21 National Co-Prosecutor, please switch off your microphone after
22 you've finished your question.

23 BY MR. SENG LEANG:

24 Q. This morning, in your response to Judge Lavergne, you stated
25 that you visited a cooperative in Kampong Cham, and that you met

1 a man whom you considered a former Phnom Penh resident. And you
2 interviewed that man. What was your opinion of that particular
3 <witness>? Was he arranged for the purpose of your interview or
4 was it a coincidence?

5 MS. BECKER:

6 A. It was definitely arranged. It was not a coincidence.

7 [14.15.39]

8 Q. I'd like to refer to your trip to an institution which was ran
9 by Thiounn Mumm, the brother of Thiounn Prasith. And allow me to
10 have a quote -- it's E3/20; Khmer ERN is 00232539 <to> 40; and in
11 English, 00238120 -- that is, page 407; and the French ERN is
12 00638659 -- that is, page 399. You stated that in those
13 classrooms as well as on televisions, they were similar to the
14 boys who were considered rough waifs.

15 And then on the next page, you refer to an English author<, 1812
16 and 1870> -- that is, from nineteen -- is it Dickensian? And that
17 they were of similar age -- aged 7 to 8 years old. And that their
18 performance was amounted to child labour. And in the Khmer
19 translation of your book, what you describe was similar to what
20 was described in Dickensian's <book, which was "Dickensian>
21 Waifs">. Could you elaborate a little bit further on this wording
22 with waifs?

23 A. What was the last -- web? I'm sorry I didn't understand.

24 [14.18.02]

25 Q. The word that you used is "Dickensian waifs". Let me spell it

1 D-i-c-k-e-n-s-i-a-n and W-a-i-f-s.

2 A. Sorry, I didn't understand. Waif is a little child, and
3 Dickensian, of course, is Charles Dickens, and Charles Dickens
4 wrote those heart-breaking sagas, newspaper series, about the
5 poor treatment of children in the industrialisation of England.
6 And it's -- if it was someone who grew up in the English speaking
7 world, when you see young kids like that -- the waifs -- you
8 immediately think of Charles Dickens because his work helped
9 change the labour laws. And so, it's an automatic thing that you
10 see these poor kids working instead of going to school or
11 something, you think of Charles Dickens.

12 [14.19.13]

13 Q. Thank you. And during your visit to Cambodia, you have a
14 chance to interview <how many> ordinary people beside the Khmer
15 Rouge cadres?

16 A. The interviews were all arranged by the Khmer Rouge. So even
17 when someone was presented to me as a normal person, I doubted
18 that they were normal people. So nothing was me going out to say
19 "hi, I'd like to talk to you"; that was forbidden. Whoever I was
20 able to talk to was given to me.

21 Q. How about the low level cadres; how many of them were you
22 allowed to speak to or to interview?

23 A. I would say dozens. But interview might be too grand a word. I
24 was able to have a few conversations until many of them were cut
25 off.

1 Q. And in your capacity as an experienced journalist, and that
2 you interviewed several or many interviewees, what did you notice
3 in terms of the manner or the expression of the people, the
4 cadres or the low level cadres whom you spoke to? Were they of
5 their own free will during the time that you interviewed them?
6 <Or did they answer you under coercion?>

7 [14.21.32]

8 A. No. In fact, what helped me exactly in this issue was the fact
9 that I used to live here. And there was no question that these
10 were not normal reactions of Cambodians. They were more like
11 robots. There is a guardedness of them. They definitely had me
12 mostly speak to men. Women, no. Very, very few. Mostly had to
13 speak to men and they were largely veterans. So they were cadres
14 who they trusted. There is nothing relaxed, casual, interesting,
15 funny. There is no expansion of moods or conversation. It was
16 talk-talk-talk-talk. Only within a very narrow band of what they
17 wanted to ask about it. And if I asked a wrong question, it was
18 cut off.

19 Q. Thank you. And now let me go through part of your visit to a
20 cooperative in Kampong Cham. Actually it was covered already by
21 the Judge this morning. <I just want to be clear on one point.>
22 There is a term in reference to the document E3/20, ERN in Khmer
23 is 00232543 to 44, that is page 545 to 546; and English is
24 00238124, page 411; and French ERN is 00638661 <to> 62, page 401
25 to 402. And I refer to your book, "When the War was Over", and

1 I'd like to make a direct quote here - quote:

2 "We passed a newly constructed concrete granary. Later, more
3 children with skinny limbs and extended bellies appeared. Then we
4 saw a single village scene from our car. And those people seemed
5 to be fed well". End of quote.

6 Comparing the children with skinny limbs and extended bellies to
7 the scenery where people looked well-fed, what reflection had you
8 got about these sceneries -- the two contrasting sceneries that
9 you saw?

10 [14.25.00]

11 A. I presumed that I was seeing the difference between what was
12 generally called Old People and New People; that there were --
13 there was something resembling a cast system there. And the
14 people who were trusted, the Old People of the Revolution were
15 cared for better and fed better.

16 Q. Thank you. And also my next question is in regards to your
17 visit to Kampong Cham cooperative. That is in reference to your
18 book, document E3/20, Khmer is 00232547<, page 549>; and ERN in
19 English is <00238127>, page 414; and the French ERN is 00638664,
20 that is page 404. And I'd like to make the following quote:

21 "Prasith told us to be calm and announced that we were off to
22 rubber plantation cooperative. And then our first agricultural
23 cooperative, <> Preah Meas." End of quote.

24 [14.26.38]

25 And also to the lower part of the page, let me quote: "We

76

1 returned back into the car and we were off to the cooperatives."

2 And for the Khmer translation, it was just "cooperative", but in
3 the English text, it reads that "we were off to the cooperative
4 Potemkin village"; that is, p-o-t-e-m-k-i-n.

5 Can you elaborate a little bit further on this term that you used
6 -- that is, the "Potemkin"?

7 A. Potemkin is referring to Soviet -- early Soviet Union. And
8 visitors were shown a village called Potemkin. And it came to --
9 it is now a term for a model village that looks really great,
10 that hides the grim reality behind it. So Potemkin in just
11 everyday language means a splendid model that hides what is a
12 gruesome reality. So it's a Russian -- it's from a Russian
13 village name but it's, you know, the 20th century term.

14 [14.28.20]

15 Q. Thank you. Also on the issue of this cooperative visit, I'd
16 like to make another quote from your book -- that is, E3/20, and
17 ERN in Khmer is 00232548, page 550; and English is at 00238127,
18 page 415; and French is at 00638664 - that is, page 404, and I
19 quote:

20 "Village leader told us that there <were good> wooden houses on
21 stilt <in the city, everyone had three meals per day, and there
22 were even dessert provided during the holidays.> <Farmers> had
23 three holidays a month on the 10th, 20th and 30th, and the
24 cooperative <chiefs> showed us women weaving cloth, men repairing
25 implement, and a large canteen where all share their meals. The

1 <village chief> emphasised that he and the other cadres were
2 providing service to the people and that they were selected by
3 <the people> because of their qualification to manage the
4 village. Later on, I discovered that they were actually senior
5 leaders of the Party." End of quote.

6 Could you please tell the Court, how could you discover that they
7 were leaders within the Party or the top Party officials they
8 were?

9 [14.30.25]

10 A. How did I find that out? It was -- when I came back in the
11 '80s to complete my research, I believe I cross-checked with
12 Party documents. There's probably a footnote in there -- in my
13 book. But yes, I interviewed Cambodians who were still in
14 Cambodia, who were -- it could have been one of the intellectuals
15 who were in the camps -- but I did some cross-referencing with
16 documents and people who were there and told me that they knew
17 it. And then I double-checked it with a couple other researchers.
18 So that's how -- it was afterwards in the '80s when I -- I came
19 back on several trips here -- Cambodia.

20 Q. Thank you. And did you believe that people during the Khmer
21 Rouge had the freedom to choose their leader as mentioned by the
22 chief?

23 A. Absolutely not. This is part of that phrase Potemkin. This is
24 all fantasy -- this is made up. So they tell me these things but,
25 you know, I didn't believe them. No, there was no reason to

1 believe them.

2 [14.32.14]

3 Q. Thank you. <I moved to the next question;> during your trip
4 from Kampong Thom to Siem Reap -- that is, in your book E3/20, in
5 Khmer, 00232549 <to 50>, that is page 551 to 52; and the ERN in
6 English is 00238129, that is page 416; and the French ERN is
7 00638666, at page 406. Let me quote:

8 "We drove to Siem Reap from the cooperative. Siem Reap is a large
9 town adjacent to Angkor, home of Cambodia's famous temple
10 complex. Along the way, we lunch at Kampong Thom at a <floating>
11 house <> on <Stung Sen river>. And then on the highway, our car
12 stopped spontaneously to see from a distance a group of peasants
13 working field and singing revolutionary songs and they are
14 flapping a red flag. <Dudman> and I took photographs. Caldwell,
15 the sympathetic friend was the only experienced tourist in the
16 <socialist> countries and by far the greater cynic. He preferred
17 to stay in the car and laugh at the clumsy photo opportunity
18 prepared for us." End of quote.

19 Please explain to the Court what <> you <wrote> in that book?

20 [14.34.28]

21 A. What I was saying was that they stopped the car to say, "oh,
22 look at this. Isn't this interesting?" But it wasn't spontaneous;
23 it was a mise en scène. It was set up for us so we could believe
24 that peasants just loved to sing while they work with this flag
25 flying. But this is all made up. It was fantasy land. They made

1 it up so we would think that way. It was a production for us
2 only; it was not real life.

3 Q. Thank you. And now I move on to part of your book. On your
4 trip to Battambang, and in your book you said that you argued a
5 lot with Prasith because you were not allowed to visit the <East>
6 Zone. Khmer ERN is 00232552, that is page 554; and the English is
7 at 00238131, that is page 418; and the French is at 00638667 <to>
8 68, that is page 407 to 408; and allow me to quote:

9 "It went on like that. I brought up Ieng Sary's pledge that we
10 could visit North-western cooperatives, especially to refute the
11 charges of massive human rights violations against the former
12 residents of Phnom Pehn. But there was nothing to be gained
13 finally. Prasith was the bureaucrat charged with lying to us. And
14 he had no choice but to enlarge those lies the more he was
15 pressed." End of quote.

16 Did you know why they changed their mind and not allowed you to
17 visit the cooperative in Battambang?

18 [14.37.02]

19 A. He made up a reason but I didn't think it was true. I don't
20 know that they have a plan to. I doubt that they planned to. One
21 of the things that happened was we would spend long days on the
22 highway, and then we'd have 30 minutes to see something very
23 quickly, and then long hours driving around. So it was a process
24 of spending a lot of time by ourselves in this car and then
25 showing up for very little reporting time. So it was a way to

1 stall - stalling us.

2 Q. Did you know that when Prasith told you lie?

3 A. Well, yes. Because one, he had a horrible twitch and he got
4 very bad when he lied. Two, he always dropped his head. But then
5 generally, it's because he kept contradicting himself. That's
6 what I meant that it got larger and larger as if it wasn't for
7 this reason, then it was that reason. But you know, you never got
8 a straight answer.

9 [14.38.35]

10 Q. Was he himself intended to lie or was he instructed to lie
11 you?

12 A. As I wrote, he was the person in charge of explaining Cambodia
13 to us. So I believe he was told the kind of Cambodia -- what
14 image they wanted us to see of Democratic Kampuchea. This was not
15 his; he was instructed, yes.

16 Q. Thank you, Madam Becker. Now, I would like you to give
17 clarification that you respond to Judge Lavergne this morning as
18 regards your conversation with Mr. Ieng Sary during -- in a
19 reception. And your response to the question -- your question on
20 human rights and Ieng Sary said that there was no human rights
21 problem in Cambodia and justice was given; said that there was no
22 prison in the country; justice was administered through the
23 cooperative by the people. And that was the end of such issue.
24 Could you explain what you wrote or what was it the people's
25 court?

1 [14.40.18]

2 A. I never saw one. All I -- he told us this. We never saw one.
3 So there was never any proof that there existed such a people's
4 court.

5 Q. Did you ask anything as to whether solution toward the opposer
6 of the Khmer Rouge regime or anyone react or refuse to the
7 regime? Did you ask any question as regards this matter?

8 A. You mean how they treated people who oppose them?

9 Q. I would like you to elaborate as to whether -- did you ask
10 further question the Khmer Rouge regime would -- how would the
11 Khmer Rouge treat the people who has opposed or have the opposing
12 opinion against the regime?

13 A. Yes, on almost all of the spots. I tried in many different
14 ways to ask that question because the human rights question,
15 always -- and they always cut me off and said that this was not a
16 problem. As I said this morning, they considered that -- proof
17 that I was either bourgeois or CIA agent. This is not -- they
18 said it is not a problem and they did not -- they stopped the
19 questioning. They tended to stop me from asking the question.

20 [14.42.23]

21 Q. Thank you. Did you insist to visit to the prison or any
22 security centres during your trip -- your visit?

23 A. They denied that there were prisons.

24 Q. Thank you. Now, I would like to move on to another question
25 before my -- I conclude this -- As regards the trip to Takeo,

1 when you visited the cooperative at Leay Bour as a model
2 cooperative of the regime, how do you know it was a model
3 cooperative or someone told you about that?

4 A. This is the cooperative where they took all the delegations.
5 And compared to everything else we saw, this was a model. So
6 there -- if you saw this compared to the others, there's no
7 question you would say that this was a model.

8 [14.43.42]

9 Q. On the same page, document -- your book E3/20, ERN in Khmer
10 00232557, page 559; English ERN at 00238135, page 422; French,
11 ERN 00638671, page 411; I quote:

12 "We were taken to one such family dwelling and introduced to a
13 mother and her son. He sat on the mat, babysit, dressed in a
14 black sarong and blouse and staring at us with a worried
15 countenance that never is. It was one of the faces of the
16 Yugoslav had noticed, a face that could not smile. We left the
17 hut quickly for fear of upsetting the woman or putting her in
18 jeopardy."

19 My question for you is that, could you explain further to the
20 Court, based on your experience in doing the interview with many
21 people, especially Khmer refugee at the refugee camp, when you
22 compare to the appearance of an old woman, how can you tell the
23 Court the difference between the face expression and what you
24 saw?

25 [14.46.00]

1 A. Well, I took pictures of this. In fact, you can -- in the
2 book, you see her sitting there, very guarded, does not want to
3 make any emotional face. Whereas when you talk to refugees, even
4 if they're tired and even if they've gone through a lot, after a
5 few minutes, people respond, you develop a rapport; that was
6 impossible. It was very impossible and I was not the only one who
7 felt it. We all three felt we'll leave her alone; this is not the
8 time to talk to her. It's -- you will pick it up. There's the
9 definite single signal not to talk.

10 MR. SENG LEANG:

11 Thank you very much for your effort to respond to my question.

12 Mr. President, I have no further question. My esteemed colleague
13 will ask further question.

14 [14.46.53]

15 MR. PRESIDENT:

16 Thank you, Prosecution.

17 The Trial Chamber take recess until 3 o'clock.

18 Court officer, please work with the Expert Support Section to
19 coordinate the expert to take a break during the Court recess.

20 The Court is now in recess.

21 (Court recesses from 1447H to 1504H)

22 MR. PRESIDENT:

23 Please, be seated. The Court is back in session and, once again,
24 the floor is given to the Prosecution to put further questions to
25 this expert. You may proceed.

1 QUESTIONING BY MR. KOUMJIAN:

2 Good afternoon, Mr. President and Your Honours. Good afternoon,
3 Ms. Becker. My name is Nicholas Koumjian, I'm the International
4 Co-Prosecutor. I would like to take advantage of your being an
5 American journalist with a significant time in Southeast Asia,
6 and before asking you specific questions about Democratic
7 Kampuchea during 1975 to 1979, I'd like to discuss the context of
8 American and Vietnamese relations.

9 Q. You -- as part of your career as a journalist -- did you, in
10 fact, cover this history of American-Vietnamese relations?

11 MS. BECKER:

12 A. Yes. Specifically - generally, in terms of the American war in
13 Vietnam, and how it then led into the war in Cambodia.

14 [15.06.08]

15 Q. As part of your work, did you speak to American government
16 officials? Let me make it clear, I'm asking particularly in the
17 period after 1975; after April 1975, American government
18 officials about their relations with Vietnam.

19 A. Yes. Yes, yes.

20 Q. The pause is due to the translation ongoing, and possibly
21 because I'm speaking quickly. I'll slow down.
22 Did you also speak to political groups -- interest groups, in the
23 United States -- concerned with that issue? Such as American
24 veterans of the Vietnam war -- military veterans -- and families
25 of those missing in action in the Vietnam war.

1 A. Yes, I spoke to the Vietnam veterans groups, the POW family
2 groups, to government officials, to the Quaker peace groups, that
3 it became, in essence, at The Post, I would be asked to do some
4 of those stories.

5 [15.07.39]

6 Q. You've already mentioned that there was a traumatic experience
7 in American political life with what most people view as the
8 first defeat of the American military in the war in Vietnam. Did
9 that continue to have an effect on American-Vietnam relations
10 after 1975?

11 A. Yes. And you see this in - particularly, when President Ford
12 pardons the people who dodged the draft; that caused a big stir.
13 Then with President Carter trying to figure out if he can have
14 relations -- renew relations with Vietnam. And all through this,
15 it was very hard to even bring up the subject. There were so many
16 roadblocks because of that defeat. It was very hard; name <the>
17 issue: people didn't want to talk about it.

18 Q. Based on your interviews, your knowledge and experience, was
19 the United States and Vietnam government relations -- were they
20 affected by the context of the ongoing Cold War at that time and
21 the relationship between Vietnam and the Soviet Union?

22 [15.09.31]

23 A. Yes. Since the United States was moving to the Chinese side of
24 the Sino-Soviet split, it caused even more problems. So, on top
25 of the problem that the United States faced having had the defeat

1 -- on top of that -- you have the fact that the Vietnamese were
2 allied with the other side of the Sino-Soviet split. And it
3 particularly became acute after the Soviet invasion of
4 Afghanistan.

5 Q. Did Soviet agreements with Vietnam regarding military matters
6 (inaudible), had an effect on the US relationship? The
7 relationship between Vietnam and the United States?

8 A. The biggest military event was Vietnam signing the Friendship
9 Pact with the Soviet Union just before the invasion of Cambodia.
10 That sealed the deal. After that, there was never -- that was the
11 end of it -- and there was not going to be US relations. Within
12 the government, there were certain groups that were looking for
13 an excuse not to improve relations, and they kept popping up
14 everywhere, so, there's no question after that. That was the end.
15 [15.11.09]

16 Q. Okay, we've discussed the factors, but can you now explain
17 what was the state of relations between the United States
18 government and Vietnam's government from 1975 to 1979?

19 A. At the beginning of the administration of President Jimmy
20 Carter, there was a window where there were negotiations. Then,
21 Assistant Secretary of State, Richard Holbrooke, was closing in
22 and -- Leonard Woodcock, in fact -- there was a moment where it
23 looked like there might be a resumption of relations, it was the
24 beginning -- it was the honeymoon period for the Carter
25 administration -- that they bogged down because the Vietnamese

1 wanted war reparations. And it would've been a stretch to get
2 relations, but to give war reparations was not going to happen.
3 So, just when the Vietnamese were beginning to realize they were
4 losing it, the Americans pulled the plug. So, relations -- except
5 for that very brief period -- relations were very sour.

6 Q. Thank you. So, would it be correct to say there was no formal
7 diplomatic relations between the United States and Vietnam from
8 1975 through 1979?

9 A. No, there were no relations, and it would be decades before
10 there were.

11 [15.13.06]

12 Q. In all of your studies -- interviews -- including to date,
13 things that have come out, whether it's WikiLeaks or Freedom of
14 Information requests information, have you come across any
15 information about military cooperation between the United States
16 and Vietnam from 1975 to 1979? Was there any?

17 A. Not that I know of. The next -- when there's finally
18 cooperation it is to recover the remains of missing -- I mean --
19 the missing in action.

20 Q. So, just so that answer is clear, you're saying, eventually
21 there was cooperation where Vietnam allowed American military to
22 go search for the remains of American soldiers who died or went
23 missing during the conflicts in Southeast Asia, correct?

24 A. Yes.

25 Q. Now I'd like to take Judge Lavergne's invitation and speak to

88

1 you briefly about an interview you conducted with Ieng Thirith,
2 and that is a document that is E3/659.

3 Perhaps it would be helpful if we could give a copy to the
4 witness. Would that be possible, Mr. President?

5 MR. PRESIDENT:

6 Yes, you can do so.

7 [15.15.52]

8 BY MR. KOUMJIAN:

9 And -- just -- the French ERN begins 00743047, I believe, or
10 that's the page I'm going to, 047 and 048. The Khmer is
11 <00578892> to 8900. So, I'm going to the top of page 25 of that
12 interview, which has the ERN 00182322, in English.

13 Q. First, let me ask you, this document in front of you, do you
14 recognize -- you haven't have much time to look at it -- but do
15 you recognize this as being some kind of transcript of your
16 interview?

17 MS. BECKER:

18 A. Yes, it is. I reviewed it over the weekend.

19 Q. Did you tape-record your interview with Ieng Thirith or did
20 you take notes? How did you record it?

21 A. This is a tape-recording.

22 Q. Do you recall when it was that you interviewed her?

23 A. October 1980, I think.

24 [15.17.35]

25 Q. Where did the interview take place?

1 A. In New York, around the UN.

2 Q. At the top of page 25, the transcript reads, and it indicates
3 "IT", I presume that's Ieng Thirith, stated: "Yes, I was
4 travelling in order to see the conditions of the people, and at
5 the time, when I came back in Phnom Penh, I reported to our
6 leaders that there was something queer in some provinces. For
7 example, in Battambang, I saw something very clear, that they
8 make people -- all people going to the rice fields very far from
9 the village and they have no home. And I saw they have no home,
10 and they are all ill. I reported to my leaders that."

11 Do you recall an answer like that from Ieng Thirith?

12 A. Yes.

13 [15.19.04]

14 Q. And then, I'm going to summarize a bit. If there's any
15 objection, I'll read the entirety. You then asked her who were
16 the leaders, and she said she reported to the Prime Minister, but
17 she said it was Ros Nhim, he was in the Northwest region. She
18 goes on and says: "At the time, I told my leader" -- I'm now
19 reading verbatim - "there was something wrong in that province,
20 because I know the directives of the Prime Minister: not young,
21 not old people, not pregnant women, not women feeding babies and
22 not small children. But I saw everybody there in the rice fields,
23 in open air -- nothing -- and with the sun, very hot sun. I saw
24 many people ill of diarrhoea and malaria, so I reported it to
25 him."

1 Does that coincide with your recollection of what Ieng Thirith
2 told you?

3 A. Yes.

4 Q. Now, in your interview with Pol Pot, did he also confirm that
5 he received regular reports from the provinces or regions?

6 A. Yes.

7 [15.20.45]

8 Q. And can you tell us if you received any other confirmation,
9 from any source, that reports were made from the regions to the
10 Centre?

11 A. Yes, it's all throughout -- if you read the Tuol Sleng
12 confessions -- when they begin the biographies and they believe
13 that if they tell the truth they'll get freed, often they talk
14 about the reports to the Centre about the supplies needed, the
15 different things that are going on.

16 Q. I believe this morning Judge Lavergne showed you an article
17 you wrote -- and somebody correct me if my recollection is wrong
18 -- but it talked -- you quoted Pol Pot speaking about people's
19 courts and he said it was according to the principle of
20 democratic centralism. Do you recall that?

21 A. Yes.

22 [15.21.58]

23 Q. Can you explain your understanding of democratic centralism?

24 A. It's a communist idea that the authority is centralised --
25 there is one authority -- and you call it democratic because you

1 say that it's popular, but there is not a democratic component as
2 we would understand it, of people electing somebody.

3 Q. Under democratic centralism, who made the decisions?

4 A. It's top-down.

5 Q. I want to briefly go forward a couple of pages in that
6 interview, to the bottom of page 28 in English. So, that's the
7 ERN 00182325. And for those following in other languages, this is
8 a little past 37 minutes in the interview. You make a comment at
9 the bottom of the page, "But when I went to DK, in fact, I didn't
10 see that. I think I saw two schools, and I saw many children
11 working in the fields." Ieng Thirith then told you, "Yes, part
12 day schools. They worked half a day, they learned half a day,
13 they worked half a day, according to the circumstances of that
14 time, not full day schools." And then at 38 minutes, "Because at
15 that time, you see, we had to combine manual work with study."
16 Does that coincide with your recollection of what Ieng Thirith
17 told you?

18 A. Yes.

19 [15.24.22]

20 Q. Does it coincide with what you saw in terms of seeing children
21 at work, working for the DK authorities in your trip in 1978?

22 A. I saw them working, I didn't see them studying.

23 Q. When you saw -- when you talk about seeing children working,
24 can you give us an idea of how young the children were that you
25 saw working?

1 A. Well, there were children under five carrying firewood, there
2 were just above toddler. You saw what they called fishing co-ops,
3 which were a bunch of kids fishing up through -- you know, as I
4 said -- young, sort of middle school aged children being ferried
5 around in trucks. And then, we weren't allowed to get terribly
6 close to the fields, so you could only see the -- I can't tell
7 you exactly how young they were but you saw them with bricks,
8 brick-making. Almost every kind of work situation, there would be
9 children involved.

10 [15.26.04]

11 Q. Thank you. Now I would like to take you a few pages further.
12 At page 20 -- excuse me -- 43, near the end of the interview,
13 just before and after the 36 minute mark. The English ERN is
14 00182340. And you see on that page you had a discussion about the
15 United States bombing of Cambodia, and Ieng Thirith talked about
16 200 days and nights of bombing without interruption. She said she
17 was in the country and then she said, "That was from February to
18 August. 15 August. I think that's a reaction of self-defence but
19 there is the Vietnamese behind this. The Vietnamese." And then
20 you asked her, "Behind the United States?" And she answered,
21 "Yes. You see, because they worked by proxy at the time. They
22 dare not openly say things against us but they began the wars
23 since 1975, because they attacked us in 1975."
24 Ms. Becker, based on -- in 1973, were you in Cambodia?

25 A. Yes.

1 [15.28.02]

2 Q. Based on your knowledge of the political and military
3 situation, in 1973 the war in Vietnam was still raging; is that
4 correct?

5 A. The war is still going on. The Americans were beginning their
6 pull out after the Paris Peace Accords, but yes, there was war in
7 Vietnam and war in Cambodia.

8 Q. And the United States was backing the South Vietnamese
9 authorities in that war in a full-scale military conflict with
10 the North and the communist forces in the South, correct?

11 A. Yes.

12 Q. So, what do you make of Ieng Thirith's statement blaming the
13 Vietnamese for the American bombing of Cambodia?

14 A. It makes no sense. It's irrational.

15 [15.29.14]

16 Q. Now, was this kind of accusation against Vietnam, blaming them
17 for, in this case, American bombing, atypical of how the
18 government of Democratic Kampuchea responded in explaining the
19 problems in Cambodia?

20 MR. PRESIDENT:

21 Madam Expert, please wait and Counsel Koppe, you have the floor.

22 MR. KOPPE:

23 I object to this question. The witness, or the expert, cannot
24 possibly say what the opinions could be, or were at the time, of
25 other leaders or other people within the CPK, or later, within

1 DK. Clearly, we'll go back to the words of Ieng Thirith are not
2 taken literally -- or should not be taken literally -- but should
3 mean something completely different. The same goes, by the way,
4 of the things about Ros Nhim, the next paragraph wasn't read by
5 the Prosecution, but I'll get back to that. But the problem is,
6 although Ms. Becker is considered to be an expert, she cannot
7 second guess as to the opinions or reflections of opinions of
8 what Ieng Thirith possibly has said. And, anyway, to me it's
9 completely clear that she means something different than is
10 literally written down. That could've been part of the
11 translation, it could've had lots of other reasons, but the way
12 the question was framed -- it is framed in such a way that the
13 expert cannot possibly answer that.

14 [15.30.47]

15 MR. KOUMJIAN:

16 If I may respond, Mr. President.

17 Contrary to what defence counsel just did, I didn't say what was
18 in Ieng Thirith's mind, I'm not asking her what was in the minds
19 of the leaders of Democratic Kampuchea. What I'm asking her is,
20 based on all her interviews and her readings of official
21 statements of the government of Democratic Kampuchea, did they
22 blame Vietnam for all the internal problems of Democratic
23 Kampuchea? Did that happen or didn't it?

24 MR. PRESIDENT:

25 The objection by the defence team is overruled as the Chamber

95

1 needs to hear the response from the expert to the last question
2 put by the Prosecution. And, Madam Expert, if you can recall the
3 last question put to you, you may respond.

4 [15.31.47]

5 MS. BECKER:

6 A. Yes, in the last -- particularly in the last two years of
7 Democratic Kampuchea, officially and in the documents later read,
8 the Democratic Kampuchea did find the Vietnamese to be the
9 problem behind all sorts -- to be the source behind all kinds of
10 problems.

11 MR. KOUMJIAN:

12 OK, thank you. I'm finished with that interview, but I would like
13 to ask you now a few questions about an interview you did with
14 Ieng Sary. So, could the witness please be given -- Perhaps we
15 can retrieve the last document and give her E393 -- E3/93 -- and
16 that is at ERN in English -- Your Honour, may I hand it to her?

17 MR. PRESIDENT:

18 Yes, you can do so.

19 [15.33.21]

20 BY MR. KOUMJIAN:

21 Ms. Becker, you spoke this morning about speaking to Ieng Sary,
22 is that correct? You interviewed him during your trip.

23 MS. BECKER:

24 A. Yes.

25 Q. And I don't want to repeat what's already been said, but just

1 to remind us, that is when you said you talked to him about human
2 rights reports about killings in Cambodia submitted to the UN, if
3 I remember correctly, and he said that he admitted them but said
4 "We did what we could to avoid killings." Is that correct?
5 First let me just say, if at any time you are not sure of
6 something just say so, I don't want to put any words in your
7 mind.

8 [15.34.18]

9 MS. BECKER:

10 A. Yes, that was in the interview but I don't think we talked
11 about it this morning.

12 Q. Just for the counsel's benefit, the document that I was
13 thinking of for the '79 interview is D31251, but I want to go
14 concentrate on another interview you had with Ieng Sary.

15 Did you interview him in 1981?

16 A. Yes.

17 Q. Where did that interview take place?

18 A. The UN Mission of Democratic Kampuchea in New York.

19 [15.35.22]

20 Q. Now, if you turn to the second page of that interview,
21 document E394, in English, this is ERN00342501; in Khmer,
22 00578895; and the French, I believe it is at the bottom 00602000.
23 Ieng Sary, you're talking about your trip and he said he was
24 worried about a coup and then it says at the bottom three lines
25 in English, "[answered to my interjection] I was not in charge of

1 security, I only heard reports on security. Who was in charge of
2 Security? Three or four very top leaders discussed the matter,
3 then reported to the Standing Committee."

4 Do you recall this conversation with Ieng Sary?

5 A. Yes.

6 Q. And when we see on page "QS" what does that mean?

7 A. Question.

8 Q. And when we see "Question: Who were those three or four
9 leaders?" and the answer was, "Pol Pot, Nuon Chea, So Phim and
10 Son Sen. And Son Sen was in charge of security. They relied on
11 regional people for reporting on security."

12 Do you recall Ieng Sary giving that answer to you?

13 A. Yes.

14 [15.37.50]

15 Q. Now from the context, to the best of your recollection, when
16 Ieng Sary was talking about security, can you enlighten us at all
17 what he meant by security, if you can't tell us?

18 A. In this context we're talking about security within the
19 country, national security. But this would not be -- you would
20 call police per se, I believe it's still military. I believe he's
21 talking about military because he used the word "coup". But it
22 was very hard talking to him. There was not -- the distinction
23 between police and military is not always clear.

24 Q. In that context, did you understand if he was talking about
25 internal enemies, external enemies or both? And if you're not

1 clear, just say so.

2 A. The context was in terms of coup, it was internal.

3 MR. PRESIDENT:

4 Co-Prosecutor, please switch on your microphone.

5 [15.39.36]

6 BY MR. KOUMJIAN:

7 Thank you Mr. President. I apologise. Trying to find my place.

8 Q. Going to the next page, page 4, it indicates at the top, and
9 this is the very beginning of in Khmer ERN 00578897, it ends in
10 the previous page and begins there. It indicates at the top. "He
11 returns to the subject of the difficulty in finding cadres to
12 staff his ministry. In Kampuchea the problem was of finding
13 cadres. We couldn't find cadres to run the ministry. I asked 100
14 or so Khmer from abroad to open a university in Phnom Penh. We
15 asked for educated, they said 'No'. Question: Who was 'they' who
16 said 'No'? Answer: That is the Department of Security, Nuon Chea
17 and Pon, the Vietnamese agent under Nuon Chea."

18 Do you recall Ieng Sary giving you this answer in 1981?

19 A. Yes.

20 [15.41.11]

21 Q. Do you know anything about this Pon that he was referred to?

22 A. No.

23 Q. Now it indicates that, "At this point I show Ieng Sary a 'New
24 Statesman' magazine with reproductions of two confessions from
25 Tuol Sleng and I ask him if he can verify the documents." Before

1 I read on the interview, can you explain did you bring something
2 called New Statesman and what was that?

3 A. New Statesman is a news magazine published in London.

4 Q. The particular edition of the magazine that you brought, what
5 did they deal with?

6 A. This was one of the first stories about Tuol Sleng with the
7 confession.

8 Q. What did do you with New Statesman in your interview with Ieng
9 Sary?

10 A. I brought the copy of the New Statesman, I gave it to him; he
11 looked at it and read it.

12 Q. What language did you conduct the interview in?

13 A. I can't remember.

14 [15.42.53]

15 Q. What was language was the article written?

16 A. English.

17 Q. Did the article include any reproductions, any photographs?

18 A. Yes, there were reproductions of the confessions.

19 Q. It says, reading on to these notes of the interview, "At this
20 point, I'm showing Ieng Sary a New Statesman magazine, with
21 reproductions of the confessions from Tuol Sleng and I ask him if
22 he can verify the documents. Answer: 'Yes'. He says, 'Yes, this
23 is Duch, Chief of Security in Tuol Sleng. I learnt only about
24 this in New York. At that time I called it by its number 21-S'."
25 Do you recall Ieng Sary giving you this answer after looking at

100

1 the New Statesman magazine?

2 A. Yes.

3 [15.44.32]

4 Q. And I appreciate that you're waiting for the light, perhaps
5 for the audience who might not understand the delay in your

6 answer, the light was not on. So I'll just continue to read on.

7 He said, "I thought 21-S was on the road to Pochentong. I knew it
8 as headquarters of security. I didn't think they were malicious.

9 The lives of the people were considered like packages. Inhuman.

10 Question: Didn't you know people suspected of being agents, were

11 taken there?" And he answered: "Yes. Question: Didn't you know

12 they were killed? Answer: No. They told me only the agents were

13 sent out to co-operatives to be re-educated. Question: You didn't

14 know what happened to Hu Nim?"

15 First of all, was Hu Nim's confession included in the New

16 Statesman?

17 A. Yes.

18 Q. And is that reflected also in the notes, in the next line it

19 says, [His confession was reproduced in the New Statesman

20 article]"

21 Is that referring to Hu Nim?

22 A. Yes.

23 [15.46.08]

24 Q. And he answered, "I wasn't aware. I knew only he was arrested

25 and accused as having a conspiracy with Koy Thuon, a team of

101

1 traitors to gain power."

2 Let me ask you, first of all, about these two individuals. Who
3 was Hu Nim?

4 A. Hu Nim h was one of the three ghosts. There were three
5 intellectuals, who were popular in Phnom Penh in Cambodia during
6 the 60s, including Khieu Samphan, Hu Nim and Hou Youn, they were
7 considered upcoming bright intellectuals of the last who had
8 following and when -- they got the name "Three Ghosts" after the
9 coup d'état and the Cambodian Government wanted to say that they
10 were no longer in power so that they would not be -- this is the
11 Khmer Republic so that the populist would not be attracted to the
12 Khmer Rouge. And in fact, the very first article I wrote in my
13 life was about the "Three Ghosts", arguing the fact that they
14 were alive, they were not dead.

15 [15.47.46]

16 Q. So the "Three Ghosts" who had been linked to Sihanouk's
17 government; is that correct? Did they later appear during the
18 GRUNK government in exile or during the Democratic Kampuchea
19 government after 1975?

20 A. Yes, they were part of -- in different capacities of
21 Sihanouk's government. It was - Sihanouk had a tendency to
22 embrace his opponents and then they were part of the GRUNK. Khieu
23 Samphan was the titular head and the other two were ministers.
24 When Sihanouk made his -- Sihanouk, of course, was the major
25 spokes - was the titular head and when Prince Sihanouk visited

1 the Liberation Zone, it was the "Three Ghosts" who were
2 photographed with him in part of the propaganda. Then under
3 Democratic Kampuchea, only Khieu Samphan lasted through the whole
4 -- in his position; the other two were killed. I can't remember,
5 I think --

6 [15.49.26]

7 Q. You're trying to remember the positions, for example, the
8 position that Hu Nim held.

9 A. Hu Nim was Minister of Information.

10 Q. Thank you.

11 Then you asked him - or perhaps, after he said that he only knew
12 that he was arrested and accused as having a conspiracy with Koy
13 Thuon, a team of traitors, to gain power, you asked him, "Did you
14 believe this?" He answered, "Yes", but all he said, he couldn't
15 do anything because they had no military behind them. "Later I
16 saw some military went to the other side." Who did you understand
17 Ieng Sary to refer to when he said they had no military behind
18 them?

19 A. Hu Nim and Koy Thuon.

20 Q. Thank you. I want to go back down the page a little bit, go a
21 little bit further and I'm reading from about the ninth line up,
22 Ieng Sary says, "Personally, I wasn't aware of the deaths at
23 all." Question: "Was Pol Pot aware?" Answer: "Maybe not all the
24 details. He knew the accused were killed but not their family. At
25 the beginning, if three people accused someone, it was accepted

103

1 as true. If three people said someone was CIA or KGB, then that
2 person was arrested. Then at the end of 1977, beginning of 1978,
3 Pol Pot said five people had to accuse."

4 Do you recall this particular statement by Ieng Sary?

5 A. Yes.

6 [15.52.33]

7 Q. When he says that, Pol Pot knew that the accused were killed
8 but not their family, did Ieng Sary -- was he acknowledging that
9 he knew that the families of these people were killed?

10 A. I don't believe so. He was -- I don't think that he knew
11 contemporaneously. He is not acknowledging he knew it at that
12 time. No.

13 Q. Thank you. I want to just briefly follow up with a few
14 questions about your meeting with Pol Pot in 1979. Now you had
15 submitted written questions to him; is that correct?

16 A. Yes.

17 Q. And if I understood you correctly, when you met with him you
18 received a lecture about the coming war with Vietnam and how it
19 would turn into a NATO Warsaw Pact battle. But you also
20 subsequently received written answers to your questions; is that
21 correct?

22 A. Yes.

23 [15.54.05]

24 Q. Do you still have the answers that were provided by Pol Pot,
25 the written answers?

104

1 A. Yes, but not with me.

2 Q. Were these answers only to -- you said there were a set of
3 questions submitted by you and Dudman and a separate set
4 submitted by Malcolm Caldwell -- which answers did you receive?

5 A. The ones for us journalists.

6 Q. Did you ever see answers -- do you know if answers were given
7 to Caldwell?

8 A. I can't say for sure, no.

9 Q. When did you receive those answers, did you receive them at
10 the time of the interview or later?

11 A. Right afterwards, it was clear that they had already been
12 prepared and after we got home, they gave it to us.

13 [15.55.32]

14 Q. Would you be willing to provide that to the Trial Chamber, if
15 requested, those written answers?

16 A. Yes. As I've told the Court before, I deposit them in a public
17 library and then I'll give them to you. As an American
18 journalist, that's the way we do it.

19 Q. You were not present for the conversation between Caldwell and
20 Pol Pot; is that correct?

21 A. That's correct.

22 Q. Can you tell us a little bit more about Malcolm Caldwell and
23 how -- you mentioned something about this, this morning. What was
24 his view of the various Communist parties and revolutionary
25 movements in South East Asia?

105

1 A. He was very sympathetic in -- kind of - in not a naive --
2 entirely naive way at all. He was a sophisticated man and he
3 would look at -- he was so opposed to the capitalist system that
4 he was -- I would say -- somewhat blind to the communist system,
5 because he was so opposed to it. He was very sympathetic, he was
6 very sympathetic to the cause and he had already visited North
7 Korea, China and then, of course, Cambodia, with us.

8 [15.57.40]

9 Q. Do you know if he believed that if Vietnam invaded Cambodia it
10 would lead to a NATO Warsaw Pact conflict on Cambodian soil? Was
11 Malcolm Caldwell a believer in Pol Pot's theory on that, to the
12 best of your knowledge?

13 A. I don't remember that we talked about it.

14 Q. You don't recall whether you explained to Caldwell what Pol
15 Pot had said in your interview?

16 A. I know we talked about it in our interview, did he respond to
17 it, I can't remember.

18 Q. Forgive me if I have asked this question before: When did you
19 receive the written answers and actually physically from whom did
20 you receive the written answers?

21 A. The written answers came after we returned home from the
22 interview.

23 Q. Were you aware - and how did they come to you?

24 A. I don't remember.

25 [15.59.10]

106

1 Q. Thank you. Now, were you aware of -- there's something written
2 -- you've read Ben Kiernan's book, I believe you mentioned; is
3 that correct, "The Pol Pot Regime"?

4 A. Yes.

5 Q. On Page 442 to 450 - maybe the microphone didn't pick that up
6 - on page 442 to 450, he discusses your trip with Malcolm
7 Caldwell and Dudman and the ERNs are in English, 00678723 to 27;
8 French, 00639231 to 39; and in Khmer, it begins 0063801.

9 MR. PRESIDENT:

10 The International Co-Prosecutor, please repeat the document
11 number and the ERN again. Thank you.

12 [16.00.25]

13 BY MR. KOUMJIAN:

14 This is Ben Kiernan's book. I apologise I didn't give the
15 document number. It is E3/1593 and the ERNs of the section about
16 the trip in English begins 00678723; French, 00639231; Khmer,
17 0063801.

18 Q. On Page 443 in English, Caldwellll writes that "In October
19 1978, Caldwell wrote informing me that DK had just offered him a
20 visa. He was really keyed up to go and holding his book for his
21 return. He added that Khmers abroad had asked him to enquire
22 about various Cambodians who returned after 1975. This I am
23 prepared to do, so if you could be thinking of a list you would
24 like me to enquire about, please let me have it". And Kiernan
25 replies -- "I replied our friends Lay Roget and Ou Lam and two

107

1 others whom you didn't know well, Chu Vuth and Ku Kim Sru, went
2 home in July 1976 from Sydney. We'd love to hear how they are."
3 Were you aware that Ben Kiernan had asked Malcolm Caldwell to ask
4 the authorities in Democratic Kampuchea about some overseas
5 Cambodians who had returned to Cambodia?

6 A. No. I didn't know that.

7 [16.02.50]

8 Q. Do you know if Malcolm Caldwell asked Pol Pot what happened to
9 these people who returned, who we now know, for most of them if
10 not for all of them, were killed?

11 A. We all did.

12 Q. Do you know if Malcolm Caldwell asked Pol Pot about that? I'm
13 sorry I didn't quite understand your answer.

14 A. We all asked officials. I do not know if Malcolm Caldwell
15 asked Pol Pot himself. No, I don't. He did not mention that.

16 [16.03.44]

17 MR. KOUMJIAN:

18 Mr. President, do you want me to go on, it's --

19 MR. PRESIDENT:

20 Thank you, International Co-Prosecutor.

21 It is time now for the Chamber to adjourn today's proceedings and
22 we will resume it at tomorrow morning -- that is, Tuesday, 10th
23 February 2015, starting from 9.00 a.m.

24 Tomorrow we will continue to hear the testimony of the expert,
25 Ms. <Elizabeth> Becker, and this information is for both the

108

1 parties to the proceedings and to the general public.
2 And Ms. Becker, the Chamber is grateful for your testimony and
3 your testimony as an expert is not yet concluded and you are
4 invited to return to the Court tomorrow morning from 9.00 a.m.
5 You may now return to your place of residence.
6 Court officer, in collaboration with the WESU, please make
7 necessary arrangement and transportation for the expert to her
8 residence and have her returned to the courtroom before 9.00 a.m.
9 Security guards, you are instructed to take the two Accused, Nuon
10 Chea and Khieu Samphan, back to the detention facility and have
11 them returned to the Court tomorrow prior to 9.00 a.m.
12 The Court is now adjourned.
13 (Court adjourned at 1605H)

14
15
16
17
18
19
20
21
22
23
24
25