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អតីព្នុះខ្មែះទទានយិមិចន់លម្លាះមគិស្

Extraordinary Chambers in the Courts of Cambodia

ស្វិយល្អណ៍អាស្វៀងឧស្ថិតអច្ជើន

Office of the Co-Investigating Judges Bureau des Co-juges d'instruction សំណុំឡើឡូនឡុនស្ពា

Criminal Case File /Dossier pénal

រោម/No: 002/14-08-2006

លេខស៊េីមស្អ/Investigation/Instruction

1018/No: 002/19-09-2007-ECCC-OCLJ

ម្រៃះរាស្វាឈាត្តដែងតិស្វ

បាន សាសនា ព្រះមហាកានេ

Kingdom of Cambodia **DRENIAGO**Nation – Religion DOCUMENT RECEIVED/DOCUMENT RECU

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with (Time/House) : 11:00

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Written Record of Witness Interview Procès-verbal d'audition de témoin

On the thirteenth of February, two thousand and nine, at five past nine Before me, **Marcel Lemonde**, Co-Investigating Judge in the Extraordinary Chambers,

With Mr Ly Chantola លី ច័ន្ទតុលា, Greffier

Noting the Law on the Establishment of the Extraordinary Chambers dated 27 October 2004, (the "Law on the ECCC"),

Noting Rules 24, 28 and 60 of the ECCC Internal Rules.

Noting the decision delegating authority from Mr You Bunleng গ্রে ট্রাপ্তার্থ , Co-Investigating Judge, of 12 February 2009.

Noting the ongoing investigation involving NUON Chea (88 th) and others

For the charges of **crimes against humanity** and **grave breaches of the Geneva Conventions of 12 August 1949**, acts defined and penalised by articles 5, 6, 29 (new) and 39 (new) of the Law on the ECCC,

Recorded the statement of the witness named hereinafter, who provided the following information regarding his personal identity:

Surname: **Ponchaud** First name: **François**

Original FR: 00282824-00282831

អង្គជំនុំជម្រះវិសាមញូក្នុងពុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ័ ដង្កោ ក្រុង ភ្នំ ទុរស័ព្ទលេខ +៨៥៥(០)៦៣ ២១៨៩៤១ ទុរសាលេខ +៨៥៥(០)៦៣ ២១៨៩៤១។

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_{ាញ} ពួក្ខសូរុណ្ណនូវវ ុតចម្អួន ត្រឹបភ្រួនតាមច្បា ច់	ะีย
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មន្ត្រីទទួលបន្ទុកសំណុំរឿង /Case File Officer/L'agent chargé du dossier:

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Born on 8 February 1939 at Sallanches (74700), France.

- ☑ The person declared that he can read, write and understand the French language. Therefore the original of this Written Record is written in the French language.
- The witness told us that he is not related to either the Charged Person or to any of the Civil Parties.
- The witness took an oath, in accordance with Rule 24 of the ECCC Internal Rules.

Witness declaration: I would like to add that I have sworn to tell the whole truth, with the exception of those statements obtained in my capacity as a monk and which are confidential.

We informed the witness that this interview would be recorded on audio and video tape.

Questions and answers:

Q: Firstly, can you remind us when and for what purpose you came to Cambodia?

A: I arrived in Kompong Som for the first time on 4 November 1965 as a priest with the Missions Étrangères de Paris [MEP - Paris Foreign Missions]. I remained in Cambodia until 1972 because that year I lived in France from March to September. I returned to Phnom Penh in September 1972 and I remained there until the arrival of the Khmer Rouge: I left the country on 7 May 1975 to be precise. I lived in France from 1975 to 1993, working in the information department of the MEP Échange France-Asia [France-Asia Exchange]. I spent periods of time in Thailand during this period: 1 month in 1976, 1 month in 1977, 6 months in 1980 and then part-time from 1984 to 1993. I returned to Cambodia permanently in June 1993, only returning to France for my annual leave. I am currently the director of the Centre Culturel Catholique Cambodgien [Cambodian Catholic Cultural Centre], which includes a publishing business (I have written around a hundred books for the Cambodian Catholic Community), a translation business (I have translated the Bible into the Khmer language among others), and I also work as a parish priest in O Réang Euv district, Kompong Cham province.

Q: You have written a book on the Khmer Rouge regime entitled "Cambodge année zéro", can you explain the circumstances to us?

R: When I arrived at Roissy airport in May 1975, the media were waiting for us. I was interviewed by Antenne 2 television channel and I explained that all the inhabitants of Phnom Penh had fled and that as we travelled through Cambodia to get to the border, we saw a deserted country. Nobody believed me at first. The Renseignements Généraux [branch of police force dealing with political security] even offered me protection, which alarmed me somewhat. I then returned to my home in Haute-Savoie and I started to write a diary of events, which was published in a local periodical. Then I gave a number of interviews to various newspapers and specifically to La Croix, which published an article in its 15 October 1975 issue. I then returned to Paris where refugees started to come to me. The first ones to arrive were generally from the middle classes. I therefore spoke with them about the situation in

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Cambodia, and other refugees sent me correspondence from Thailand. My colleagues then pointed out that I had only one source of information, the refugees. I therefore decided to seek information from government sources as well. I went to the "Phoenix" and "Norman Béthune" bookshops in Paris, which published Maoist writings. I also began to listen to Radio Phnom Penh. Father Robert Venet, who lived in Thailand at the time, recorded the programmes for me and sent me the tapes (all these tapes have been handed over to the Bophana Centre). I have to say that initially I could not understand a word of what I was hearing because the Khmer Rouge had completely overhauled the language. This in fact gave rise to a debate between Steve Heder, Noam Chomsky and myself regarding the interpretation of the texts in question. Once I had sufficient information, I produced a first dossier entitled "Cambodge libéré" [Cambodia liberated], which was published on 10 January 1976 by Échange France-Asie. I am giving you a copy of this dossier.

Remark by the Co-Investigating judge: We will append this dossier to this witness statement.

A: Once the dossier had been published, Jean Lacouture contacted me to tell me that he had been wrong about the Khmer Rouge and that he was going to "make up" for his error of judgement. He later published a work entitled "Survive le peuple cambodgien" [May the Cambodian people survive]. Also in January 1976 I wrote to the *Le Monde* newspaper to complain about rough estimates which were appearing in articles in this newspaper and I sent off my dossier "Cambodge libéré". The director of the newspaper, André Fontaine, then called me and asked me to write an article on the subject. This I did and the article was published over the course of 3 days, from 16 to 18 February 1976. Initial reactions were divided, some were even hostile. In particular I remember an article which appeared in Libération, which called me a "veteran of Indochina", a "SDECE [French foreign intelligence service] and CIA spy". Generally left-wing militants tended to pigeon-hole me as a "retarded colonialist". Two or three months later, another journalist from Le Monde, Michel Legris, who was at odds with the paper, called me to say that he would like to meet me. I showed him the notes I had and he advised me to turn them into a book and put me in touch with Julliard, the publisher. This is how I came to start writing "Cambodge année zéro" in July 1976. The manuscript was completed on 24 October of that same year and it was published on 3 February 1977. It was "officially" translated into 7 languages but was used more widely, in particular by Vietnamese radio in 1978, and also by the Argentinean dictatorship for its anti-Communist propaganda. It was precisely this sort of manipulation which made me hesitate about publishing this book because I was afraid that my ideas would be appropriated and I wanted to be 100% sure of what I was writing. I had a genuine problem with my conscience: I did not want to harm the Khmer people, out of principle. However, once I was sure that what I was claiming was supported, I took that step.

I will try to find the articles which appeared in *La Croix* or in *Le Monde* and pass them on to you. I believe they are at my home in France.

Q: Let us talk about the contents of the book and in particular what you wrote about the evacuation of Phnom Penh.

A: I fully stand by what I wrote in "Cambodge année zéro". In particular, I stand by the scenes which I witnessed involving the sick and wounded who were evacuated under terrible conditions, some of them in their hospital beds attached to drips; I remember one wounded person whose foot was hanging off the end of his leg, a mutilated person without hands or feet, dragging himself along the floor; all these people were leaving under our very eyes and we were unable to help them. I would like to point out that personally I witnessed no killings in Phnom Penh. I am not saying that nobody was killed, but

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personally I saw no dead. What I did notice was more cold violence: the Khmer Rouge were not excitable like they are depicted in the film "The Killing Fields", they looked daggers at us with cold determination.

I can also confirm that on the morning of 18 April I was able to tour the city by car with a group of Khmer Rouge, which gave me an overall view of the situation. A few pockets of resistance involving the Republican Army remained, but it was the end.

Q: In several passages you wrote that the evacuation of Phnom Penh, like that of the other cities of the country, was carried out methodically in accordance with specific instructions. Can you confirm this?

A: I believe that the decision to evacuate was part of a systematic policy by the Khmer Rouge, who had already evacuated all the towns or villages they had previously occupied. This was the case in Kompong Cham, for example, in 1973 if memory serves me right. We thought that this could not be carried out in Phnom Penh, given the number of inhabitants in 1975. Yet this is what was organised. Specific measures were adopted, such as cutting off water and electricity and the systematic combing of the city by the Khmer Rouge soldiers. However, although the evacuation principle was methodical, its implementation was rather more anarchical. Those people who were in the north headed north, those who were in the south headed south and so on, without any particularly precise instructions. Having said that, there was no panic: people left in silence, without rebelling. There had been announcements that bombings by the Americans were about to start, which came as no surprise to many people, in light of the bombings carried out in the past against the country.

I also confirm what I described about my journey to the north of Phnom Penh on 23 April 1975 (page 38). I went to collect some French nationals some fifteen kilometres to the north of Phnom Penh, near Prek Phneuv. On this occasion I saw houses which had been completely evacuated up to kilometric point 9, then people preparing for departure up to kilometric point 13 and beyond that, thousands of people in the paddy fields and on the sides of the road.

I can confirm the content of the accounts I related in the book, although I would like to point out that I changed the names of the refugees quoted and I have no idea where they are today. These are accounts I gathered personally, in the Khmer language. As far as I am concerned, I cannot really give any further information about the scenes I witnessed whilst on this trip. I did not see any bodies. The attitude of the Khmer Rouge varied depending on the individual and the units concerned but I would say that they were not especially violent, more calm and determined.

Q: More generally, regarding the accounts you gathered, can you confirm the details which you provide in the footnote on page 10?

A: I can confirm that I used 94 written accounts, totalling over 300 hand-written pages. I should be able to find these manuscripts and I can forward them to you once I have selected those whose disclosure is unlikely to cause any problems for their authors now. In addition, I personally interviewed a large number of refugees, in Paris and in Thailand. I would say that there were around a hundred of them.

As far as the accounts of what happened in Phnom Penh in 1975 are concerned, I would like to say that in my opinion, François Bizot's book "Le Portail" [The gate] is an accurate portrayal of events.

I would also like to add that it is now very easy to criticise the role of the French authorities, and that of the vice-consul Jean Dyrac in particular, when they were asked to hand over Cambodian nationals to the Khmer Rouge. One must understand that they were confronted with kids armed with AK-47s, who did not understand a word of what they were being told about extraterritoriality and who were

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threatening to kill everybody if the Khmers were not handed over to them. Perhaps more people could have been saved but this is what we can say now, but at the time it was not the case.

Q: How was your departure from Phnom Penh organised?

A: I was in the last convoy which left Phnom Penh, on 4 May I think. There were some 25 lorries carrying around 500 people, mainly Pakistanis because there were only 25-30 Westerners remaining as all the others had been evacuated in a first convoy on 30 April.

We left in the morning via the Monivong boulevard up to the station and then by the road leading to the airport up to Thnal Toteung, then we went along a track heading north via Oudong, Amleang and Kompong Chhnang, where we spent the night in the police headquarters. I would like to add that we saw nobody at all during the entire journey, apart from a group of ten or so bonzes who were building a bridge. The following day we set off again via Pursat, where we stopped for lunch. We then changed vehicles, continuing our journey in small buses towards Battambang. At around 5pm we stopped at the side of the road to spend the night. We were actually roused in the middle of the night to set off again. We crossed Battambang by night to go to Poipet, where we crossed the border at around 9am. I would like to reiterate the fact that we saw absolutely nobody between Phnom Penh and the border.

The interview was suspended at noon.

At fourteen hundred hours on the same day, we continued with the interview.

Q: You wrote (on page 28) that on 20 April 1975, one of the Khmer Rouge leaders came to the embassy to ask the Cambodians to rejoin the population. What did he say exactly?

A: As I wrote, he said [TRANSLATION]: "His Excellency KHIEU Samphan would have liked to greet you all in person, but he is too busy. We welcome you all on behalf of the revolution. However, you are our brothers, you must join the rest of the population to rebuild the country".

Q: As an expert you contributed to the analytical report submitted by the Commission of Jurists to the Sub-Commission on the Promotion and Protection of Human Rights [formerly the Sub-Commission on Prevention of Discrimination and Protection of Minorities] on 16 August 1978, by drafting a memorandum on human rights in Cambodia entitled "Indications générales concernant les violations des droits de l'homme au Kampuchéa démocratique entre 1975 et 1978" [General information on human rights violations in Democratic Kampuchea between 1975 and 1978] (International Commission of Jurists report ERN 00087524-00087536). We are showing you the document in question. What can you say about it?

A: I did indeed write this report. I based it chiefly on the refugee accounts I mentioned this morning and I also used the account of a Khmer Rouge cadre whose name I cannot remember and who had told me about the purges.

Q: You also wrote a certain number of articles on these same issues in the *Bulletin d'Information sur le Cambodge* (BISC) [Cambodia Information Bulletin]. Can you confirm who the editors of this bulletin were? Can you give us the name of the editorial writer? Can you give us further details about

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their sources?

A: The editors of the Bulletin were usually Jean Lacouture, Antoine Vial and myself. There was also Maria Jolas, Pierre Vidal-Naquet and Laurent Schwartz, who gave their approval. I do not remember there being a named appointed editorial writer. We met regularly. Antoine Vial was the secretary. The Bulletin had only a fleeting existence: after the arrival of Vietnamese troops in 1979, Jean Lacouture did not wish to continue.

You are showing me a report of the BISC dated May 1978 (ERN 00236347-00236361) presented at the Oslo colloquium, which includes the document "Situation interne au Kampuchéa démocratique en 1977" [Internal situation in Democratic Kampuchea in 1977] written by me (ERN 00236351), which refers to the following documents:

- Speech by IENG Sary at the 32nd session of the United Nations General Assembly on 11.10.77 (page 5)
- Solemn proclamation of the official existence of Democratic Kampuchea by Pol Pot on 27 September 1977
- Collection of documents on the Vietnamese attack on Democratic Kampuchea of January 1977.

I believe that the documents in question come from the "Black Book" held by the Khmer Rouge to explain some of their actions in reaction to the Vietnamese. I believe that I still have this document and I will forward it to you.

- **Q:** What about the BISC document of June 1978 (ERN 00236362-00236374): "La réponse de Phnom Penh (ERN00236364): réponse du Ministère des Affaires Etrangères aux accusations du Gouvernement britannique, communication datée du 22 avril 1978" [Phnom Penh's response: response by the Foreign Affairs Ministry to the accusations of the British Government, communication dated 22 April 1978]
- A: I do not really remember this document. The editorial was signed by Jean Lacouture and the comment by Pierre Vidal-Naquet.
- **Q:** What about the BISC document of October-November 1978 (ERN 00236390-00236414) "Droits de l'homme : le Cambodge condamne une organisation de l'ONU UN, Genève 2/10 A.F.P." [Human rights: Cambodia condemns a UN organisation UN, Geneva 2/10 A.F.P.]? This document refers to a telegram from the Cambodian Foreign Affairs Ministry (the day after the condemnation of the subcommission, but no date is specified).
- A: We used to receive many documents from all over the place and I must admit that I do not remember where this document came from exactly.
- **Q:** Amnesty International wrote a certain number of cables/letters addressed to the government of Democratic Kampuchea and/or to its representatives (Penn Nouth, Khieu Samphan). We are showing you some of these documents. Can you tell us how and when these documents were delivered and to whom? Could Amnesty have used you or somebody else as an intermediary to contact the GRUNK-FUNK-DK delegation in France to deliver these documents? Do you remember the name(s) of the representative(s) of this delegation? Were you in touch with them between 1975 and 1979?
- A: I never acted as an intermediary for this sort of communication. I would imagine that the letters

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were sent by the post office on the Place de Barcelone then perhaps forwarded to Beijing before arriving in Phnom Penh. With regard to Cambodian representatives in France at this time, I remember NGET Chopinanto and IN Thadée (the son of IN Sokhan) who are both dead. I do not remember any other names. I only met NGET Chopinanto on the two following occasions:

- In the 1980s I was called as a witness in a libel trial before the XVIIth Chamber of the Paris Court, a trial involving NGET Chopinanto versus *L'Express* periodical. The role played by IENG Sary in the return of Cambodian intellectuals to their homeland was discussed among other matters (I remember attending a rally at the *Mutualité* in October 1975 on this subject at which a film was shown, which showed IENG Sary calling on the students to return to Cambodia). My recollection of the details of the trial is not very clear.
- At around the same time, I attended a lecture given by NGET Chopinanto, which gave rise to an incident because the person in question announced that he would refuse to speak if I did not leave the room, which I refused to do. He eventually agreed to give his lecture but said that he would not answer my questions. I told him that I had come to listen to him, not to ask questions.

Q: Regarding the massacre of Republican Army soldiers in 1975, you quote a number of witnesses in your book (PHAL Somnang, PHIM Uon, SAM Suon, KIM Sanh...). Are these witnesses still alive and could they be interviewed?

A: The names have been changed because at the time I felt that this was vital for the safety of those concerned. I cannot recall who they were and whether they are still alive. I will look through my archive to see if I can find something. The accounts in question seemed credible to me as they tally in several respects. They also confirm what was said about the massacre of civil servants and military personnel from the LON Nol regime throughout the country.

O: What can you tell us about religious persecutions in Democratic Kampuchea?

A: There was none. I am certain of this in the case of Christians. The same goes for the Buddhists. Those who were killed, and some were, were not killed because of their religion but because they were perceived as political enemies and they refused to apply the orders of the Angkar. It is true that the regime was anti-religious but I would not describe this as genocide or persecutions because once again it was not because they were religious figures that the people concerned were executed, but because they were enemies. I would say the same applied to the Chams: the Khmer Rouge ideology was "stupid and bad": you had to be part of it and if you failed to join you were eliminated. Having said that, I do not dispute the fact that the Chams were more threatened by the Khmer Rouge than others. They had supported the Khmer Rouge in the 1970s, perhaps hoping to secure a certain degree of independence for their community, and then opposed the regime and were persecuted because of this. I do not believe it is appropriate to talk about genocide in their case but I accept that we can talk about persecution. I would like to maintain that the Chams who agreed to play the game of the Khmer Rouge faced no greater threat than the others. In this regard I completely disagree with Ben Kiernan, who analyses events through the prism of genocide and I believe he is wrong to do so.

The original of the recording was placed under seal in the presence of the witness and signed by me, the Greffier and the witness.

☑ One copy of the Written Record was provided to the witness.

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At sixteen ten I asked the Greffier to read the statement of this witness aloud, as it has been transcribed.

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🖾 Once the statement had been read aloud, the witness had no objections and signed it.

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