



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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Trial Day 166

Before the Judges: NIL Nonn, Presiding
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Jean-Marc LAVERGNE
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I N D E X

MR. FRANÇOIS PONCHAUD (TCW-536)

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Questioning by Mr. Vercken page 82

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MS. MOCH SOVANNARY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. PONCHAUD (TCW-536)	Khmer
MS. SIMONNEAU-FORT	French
MR. VERCKEN	French

1

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Yesterday we heard testimony of Mr. François Ponchaud, and
6 questions were put by Judges of the Bench. All questions had
7 already been put by the Bench.

8 It is now opportunity for Co-Prosecutors and Lead Co-Lawyers for
9 the civil parties to put some questions to the witness. You may
10 now proceed.

11 [09.06.02]

12 MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President, and good morning – good morning to Your
14 Honours. Good morning to all parties. Good morning to the public,
15 and good morning, Witness.

16 Before I start, Mr. President, I would like to simply signal to
17 you already that we will ask the Chamber to be a bit flexible in
18 terms of the time given to us to examine the witness, given that
19 this is a rather unusual situation where we're only afforded a
20 half day to examine the witness and the Defence is afforded twice
21 as much time. So – because this is the case, in fact, for the
22 Co-Prosecutors as well as the civil parties, so we're going to
23 try to be as efficient as possible, but that will, of course,
24 depend on the way that the witness is going to answer us. If he
25 answers us clearly and briefly, we will try to stand by the time

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1 given to us, but if, as yesterday, the witness starts elaborating
2 and getting into many details, then, of course, it will be very
3 difficult for us to only have a half day.

4 [09.07.24]

5 So what I would like to ask now - as of now is to have a bit of
6 time - a bit of extra time, close to two hours for the
7 Prosecution. And the civil parties told us that they only require
8 one hour. So what I would like now is that the one hour time
9 given to civil parties remain the same, and not be affected by
10 the extra time I'm requesting.

11 Witness, as I said, I would like to ask you, please, to be
12 concise and to focus, to answer only the questions that are put
13 to you in order to not have me question you again in the middle
14 of an answer, which would be a bit unpleasant. So, if I need
15 extra clarification in relation to the first answer that you may
16 give us, I will ask you for this extra clarification if
17 necessary.

18 I'm going to base my questions, essentially, on your book,
19 "Cambodia: Year Zero", which of course is an account of your
20 memories of the time when the Democratic regime was being
21 installed. And the reference is E243.1, and this is the version
22 that was - this is the Kailash - Kailash edition, and this is the
23 only version that has been translated into all three languages. I
24 don't know if you have this specific edition. Oh, it is the case?
25 Okay. Otherwise, I can give you a copy.

1 [09.09.07]

2 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

3 Q. So, my first question. You said yesterday, regarding the
4 period between March 1970 and April 1975, that you knew or that
5 you had heard that the Khmer Rouge in the liberated zones were
6 cruel, and that they had committed atrocities in the rice fields,
7 and that they were evacuating citizens from the conquered areas,
8 and they were killing the village chiefs, they were burning
9 houses, and they were taking people into the jungle.

10 So, what were your sources of information regarding the situation
11 in these liberated zones back then?

12 [09.09.58]

13 MR. PONCHAUD:

14 A. First of all, allow me to clarify what I said yesterday.
15 Americans dropped bomb on the 6th of February until 15 of August
16 1973, and the bombs killed 40,000 civilians. It's not what the
17 "Cambodia Daily" captured this morning. Perhaps it was not
18 properly rendered through the interpreter, but I did say 40,000
19 people were killed.

20 With regard to the sources of information, I gathered from the
21 villagers. For example, in April 1975, I was in Kampong Cham. I
22 heard what happened in Bos Khnor, which was about 30 kilometres
23 from Kampong Cham. Khmer Rouge soldiers burned down the houses of
24 the villagers, and evacuated the people, and killed the commune
25 chiefs.

4

1 I also have the same information from the area near Damnak
2 Chang'aur, near Kep, because there were groups of Christian --
3 Christians who worked there. And also I met Christians in Kampong
4 Thom, in the Kampong Kou location, which was about 10 kilometres
5 from Kampong Thom. These villagers were expelled from their home
6 and they returned home and talked to us about what happened to
7 them and how they were treated by the Khmer Rouge in 1973.

8 [09.12.27]

9 Q. Thank you. So, you said yesterday, as well, that once you
10 arrived in Phnom Penh, you worked with a refugee organization.
11 And were you able to speak about the situation in the liberated
12 zones with the refugees who were coming from the provinces to
13 Phnom Penh?

14 A. We talk very often about (sic) refugees in Khmer, although
15 these people speak with dialects; they still trusted us and they
16 told us about the situation in the countryside.

17 Q. And did these refugees tell you that they were fleeing the
18 fighting, generally speaking, or were some of them fleeing the
19 atrocities inflicted upon them by the Khmer Rouge?

20 A. There were people in both situations; people who were afraid
21 of the war. And, as the Khmer saying goes, when the elephants
22 were fighting, the ants would be the victims. From 1973, we could
23 see that a lot of people had to flee because the American
24 bombings.

25 [09.14.14]

1 Q. In your book, Witness - so, this is reference, again, E243/1
2 (sic), on page 12 in French and on page 2 in English; and in
3 Khmer it's on page ERN 00862285; I repeat, 00862285. And you
4 wrote the following - and I quote, [free translation]: "Yet I met
5 one woman from Arey Ksach, on the opposite shore of the Mekong,
6 who had climbed a tree when she heard the Khmer Rouge were coming
7 and was so terror-stricken by what you saw beneath her that she
8 preferred that her legs be eaten by giant red ants. And the
9 children were being torn apart and some children were being
10 impaled." End of quote.

11 And you also said in your book that you were not entirely
12 convinced by what certain people were saying about the crimes
13 committed in the liberated zones.

14 So, why were you - why didn't you believe the accounts given to
15 you about the Khmer Rouge atrocities in the conquered areas?

16 [09.15.57]

17 A. I don't remember I have written that and I don't understand -
18 or I have problem understanding this question.

19 When I was at - when I was writing the statement, I did say that
20 I wished Khmer Rouge would come to Cambodia - or to capture the
21 Cambodia very soon, even though we knew that Khmer Rouge could
22 brutally mistreat - could mistreat the people. We still believed
23 that it was part of the war tactic. When they won the victory,
24 then they would find it easy to live with the people.

25 At that time, even the Lon Nol soldiers were not in harmony with

6

1 the people. If the Court would like to know how these Lon Nol
2 soldiers were treating the villagers, I would also refer you to a
3 situation when some soldiers who were beheaded by the Lon Nol
4 soldiers. We saw the soldiers who were carrying decapitated heads
5 of the villagers who were killed.

6 [09.18.07]

7 So, based on that, we hoped that - we would not wish such a
8 brutality to continue and we lost all the hope that Lon Nol
9 soldiers would bring any peace or hope for us. That's why we
10 trusted that only the Khmer Rouge would be the ones who could
11 save us.

12 Q. Thank you. Indeed, you had hopes; you hoped that the Khmer
13 Rouge would, therefore, bring peace once they would be in power.
14 And it seems in your book, and based on what you wrote, that you
15 lost hope in the end. So, is there any moment that made you
16 understand that in reality your hopes were not well founded and
17 that the Khmer Rouge, in the way that they behaved, would not -
18 would not soften?

19 A. When the Democratic Kampuchea soldiers evacuated the
20 population of Phnom Penh, I changed my mind. First, I thought
21 that only villagers in villages would be evacuated because it was
22 part of the war tactic, as I was convinced. However, when people
23 had to be evacuated from the city, I knew that what I was
24 thinking before was not right.

25 [09.20.00]

1 Q. Thank you.

2 Now I would like to get back to the evacuation of the cities and
3 villages that were liberated by the Khmer Rouge before April
4 1975.

5 And you said yesterday and repeated today that there was the
6 example of Kampong Cham, Kampong Thom, and you also said
7 yesterday, just before the lunch break, that the Khmer Rouge
8 wanted to eliminate the city classes to create an egalitarian
9 society.

10 So, I would like to quote what you said specifically, in your
11 book, regarding this. And this, again, is E243/1 (sic), on page
12 32 in French, on page 21 in English, and Khmer ERN 00862308 to 09
13 - so I repeat, 008623082 to 09. And I quote: "The evacuation of
14 Phnom Penh follows traditional Khmer revolutionary practice: ever
15 since 1972..."

16 [09.21.17]

17 So this is on page 32 of your book in French:

18 "...ever since 1972, the guerrilla fighters had been sending all of
19 the inhabitants of the villages and towns they occupied into the
20 forest, often burning their homes so that they would have nothing
21 to come back for. A massive, total operation such as this
22 reflects a new concept of society; the mere idea of cities had to
23 disappear."

24 And you say later: "It was - all this had to be swept away, and
25 an egalitarian rural society put into place." End of quote.

8

1 Before the Investigating Judges - this is document E3/370, on
2 page 4 in French, page 4 in English and page 7 in Khmer - you
3 said:

4 "The decision to evacuate was part of a systematic policy of the
5 Khmer Rouge, who had already evacuated all the cities and
6 villages that they had previously occupied. This was the case in
7 particular with Kampong Cham in 1973. We thought that this would
8 not be possible in Phnom Penh, given the number of inhabitants in
9 1975. Yet, this is what was organized." End of quote.

10 So, beyond these cities that were mentioned, did you also hear of
11 the evacuation of Udong?

12 [09.23.00]

13 A. Udong is not far from Phnom Penh, and we also knew that by
14 early 1975, they evacuated people from Udong.

15 Also I wish to emphasize that it is part of the history; it is
16 not the first time that victors of the war would evacuate the
17 population. When Siam captured Angkor, hundred thousand of people
18 were evacuated into Thailand in 1352. And when the Tai Son group,
19 the group belonged to Annam - in 1782, they captured Udong-

20 MR. PRESIDENT:

21 Mr. François Ponchaud, could you please compose yourself and
22 please be concise and respond only to the question being put to
23 you? Could you please refrain from elaborating further than the
24 questions being asked? The Chamber will finally assess or
25 evaluate the probative value of your testimony. So what we would

1 like you to do now is to please be brief and respond only to the
2 relevant questions being put to you.

3 [09.25.01]

4 BY MR. DE WILDE D'ESTMAEL:

5 Thank you.

6 Q. Based on the excerpt that I read from your book regarding this
7 issue of the cities, is it accurate to say that the mere
8 existence of cities was something that was incompatible with the
9 Khmer Rouge ideology?

10 MR. PONCHAUD:

11 A. Yesterday I said the city was established in the French
12 colonial regime, and from that time - before that time there was
13 no such city in Cambodia.

14 On top of that, I also said yesterday that the statement I heard
15 from the cadres of the Khmer Rouge, I do not know whether this
16 statement echoed the statement by the other Khmer Rouge leaders,
17 but at the Le Phnom Hotel on the 18th of April, we could hear
18 from him that there were bad things in the city because
19 corruption was widespread, and he told us that if we had to
20 return to the countryside to do farming, then we would appreciate
21 the real value and quality of life there. And Cambodian people
22 has - we had - Cambodian people had to know that we born on and
23 we ate rice, so that rice represents us all, so we had to go to
24 the paddy fields and do farming.

25 [09.27.20]

10

1 Q. Thank you. And this concept of city, did the Khmer Rouge tell
2 you – based on what you observed, was this, in their minds, a
3 representation of class struggle?

4 A. Cambodian people used to say that Vietnamese were the enemies
5 of Cambodians, but in April 1975, their cadre told me that
6 Chinese were the enemies of Khmer and it was part of the class
7 struggle because Chinese was in charge of the money. And His
8 Excellency Khieu Samphan talked about the compradors, as we heard
9 on radios of the Khmer Rouge; they mentioned about the
10 compradors. The Chinese took the advantage of bringing the
11 produce of the farmers to sell to the foreigners for benefit.

12 Q. And, according to the Khmer Rouge, were the city dwellers of
13 Phnom Penh impure – or, rather, had they been contaminated by
14 materialism and corruption?

15 A. I think it is correct. City dwellers were corrupt and were not
16 properly – did not have proper conduct because they had long hair
17 and they wore some clothes that were not proper. So they –
18 believed to be corrupt.

19 [09.29.54]

20 Q. Thank you.

21 Let's return to the 17th of April 1975. Yesterday you described
22 the first arrival of the Khmer Rouge. And in your book – on page
23 15 of the French version and 4 and 5 of the English versions; and
24 in Khmer, 00862288 – you wrote, with respect to the Khmer Rouge
25 who had arrived in the city, that "they seemed on the brink of

11

1 exhaustion, completely foreign. They were the only ones who were
2 not rejoicing."

3 Did you notice the total gap between the look of solemnness and
4 austerity between the Khmer Rouge and the general sentiment of
5 rejoice and celebration among the people?

6 [09.30.57]

7 A. Yesterday, I told the Court, when the truck carried the Khmer
8 Rouge soldiers all the way to Phnom Penh, people congratulated
9 them. They congratulated those soldiers entering Phnom Penh. They
10 thought that they were the Khmer Rouge soldiers. But actually,
11 no, they were not Khmer Rouge soldiers. Almost all journalists
12 got confused because they thought that it was the Khmer Rouge
13 that was entering Phnom Penh, but actually, no. The Cambodian
14 people, particularly Phnom Penh dwellers, confused that - they
15 thought that the Khmer soldiers entered Phnom Penh, but actually,
16 no, they were all surrendered Lon Nol soldiers who submitted
17 themselves, and they surrendered.

18 Yesterday - I would like to, once again, reiterate what I said
19 yesterday. I, together with my friend, Bernard Berger, I noticed
20 the young Khmer Rouge soldiers who were exhausted. They wore the
21 Maoist caps, and we noticed that they were of very unpleasant
22 facial expression, you know, it was rather frightening.

23 [09.32.43]

24 Q. Thank you. Yesterday you described what the Khmer Rouge had
25 announced to the population, ordering them to evacuate the city.

12

1 I'll quote you on page 17 of your book – Khmer, 002686221 (sic) –
2 and I quote:

3 "Already as of the morning, there were men who were dressed in
4 black who had appeared in the neighbourhoods: 'You must leave
5 quickly. The Americans are going to bomb the cities. Go beyond 20
6 kilometres. Don't bring much; it's not worthwhile to lock your
7 homes, you'll be back. You'll return in two or three days, when
8 we will have cleaned up the city.'" End of quote.

9 Yesterday you said the same thing, but in different words.

10 Now, firstly, while they were telling people to evacuate the
11 city, did the Khmer Rouge take the – go to the lengths of
12 ordering people to take with them materials, supplies, and
13 personal belongings?

14 A. The Khmer Rouge ordered people to leave the city. They did not
15 advise people to bring any belongings to them – with them.

16 [09.34.22]

17 Q. And did the Khmer Rouge tell the population if the people
18 would be receiving any assistance during their journeys, if there
19 would be places for them to receive sustenance, if they would be
20 receiving transportation, etc.?

21 A. No, they did not tell anything like that, to my knowledge.

22 Q. In the passage that I have just read out, there are two
23 different reasons that you provided as conveyed by the Khmer
24 Rouge with their order to evacuate the city. Firstly, there was
25 the imminent American bombing, and it appears that there was one

1 Khmer Rouge soldier who said, "If you leave, you will be able to
2 return." And yesterday you also stated that there was Comrade
3 Nhiem, when you left the embassy of France, who told you that you
4 would be warmly greeted afterwards, once the country would be
5 cleaned up. The same terms were used, "cleaned up".

6 What did you understand, and how did you interpret those words
7 when you heard them being uttered by the Khmer Rouge?

8 [09.35.49]

9 A. At the time, they wanted to purge the city, and I thought that
10 they wanted to purge those who were from the previous regimes,
11 from the Khmer Republic Administration. But now I have a
12 different opinion, but at that time, to my thought, I was of the
13 opinion that they were actually searching for the officials from
14 the previous regime, and namely the Republic Khmer Administration
15 officials.

16 Q. And, while you were gathering the refugee accounts - either of
17 those from Vietnam, Thailand, or Paris - and amidst your research
18 with former military officers, did those individuals talk to you
19 about the execution of those people?

20 A. Not only for the interviewees or the refugees, but on the 22nd
21 of April 1975, when I was still at the French Embassy, at the
22 time, I met a man about 50 years of age; he was originally from
23 Kien Svay. He told me that Angkar requested the military officer
24 and this high-ranking official of the previous regime to write
25 their name on the board in Kien Svay Pagoda. Some of them did

14

1 write their names on the board. In the evening, they gathered
2 those people - military officers, as well as the high-ranking
3 officials - and they killed them. That was sometime in the - on
4 the 22nd or 23rd of April 1975.

5 [09.38.32]

6 Later I also had access to information and I described it in my
7 book. I also indicated that they executed soldiers in Phnom
8 Thipakdei; some 300 of soldiers were executed over there -
9 military commanders who were actually killed are over there.

10 Q. Thank you. I'll return to those events later on. For now, I
11 want to centre on the evacuation. Yesterday you stated that you
12 were not an eyewitness to physical brutality or violence during
13 the time of the evacuation and that there was a psychological
14 pressure being exerted on the people. However, you, yourself,
15 stated that, firstly, the evacuees who were taken to the road,
16 based on what you saw, were not well treated and that it was
17 beyond one's imagination to conceive that the Khmer Rouge could
18 be brutal.

19 What could compel you to see or believe where this could come
20 from if you saw this around the embassy of France or elsewhere?

21 A. I do not recall. When I say that the Khmer Rouge did not
22 mistreat the people, actually, people who left Phnom Penh at that
23 time, they were very frightened; they did not know where they
24 would be ending up, they did not know where they were supposed to
25 go. But I also witnessed the Khmer Rouge mistreated the people.

15

1 [09.40.54]

2 No. No, no. I did not see the Khmer Rouge mistreat the people; I
3 only saw the Cambodian civilians who were leaving the city, and
4 their facial expression appeared to be very frightened, and they
5 were very sad leaving the city, but they had to leave the city. I
6 did not see the Khmer Rouge mistreated the people.

7 Q. And, of those who were leaving the city, were they being
8 monitored or supervised by the Khmer Rouge?

9 A. I do not recall whether or not there was the presence of the
10 Khmer Rouge soldier guarding the people as they were leaving the
11 city, but there tend to be Khmer Rouge soldiers along the way.

12 Q. Mr. Witness, could you please repeat the end of your sentence?
13 I'm afraid that I didn't quite hear it.

14 [09.42.18]

15 A. I did not see the Khmer Rouge mistreat the people. I did not
16 see the Khmer Rouge escorting the people along the street. I did
17 not see the military officials along the street. Once in a while,
18 I saw the Khmer Rouge soldiers escorting the people, but they
19 were not guarding the people as they were leaving the city.

20 Q. In your book – on page 18 of the French version, page 7 of the
21 English, and on 00862291 of the Khmer version – you state that
22 "one cannot say that there was a significant amount of brutality
23 during this first wave of departures; there were a few gunshots.
24 They had been traumatized by night bombings and relieved by the
25 end of war, and so they were very willing to reconcile themselves

1 with the goodwill of their conquerors and do anything to remain
2 in their good graces".

3 Were there any physical threats that were being exerted on those
4 who were leaving or refusing to leave?

5 A. Yes, indeed, it was a threat, but they did not aim it at
6 people; they did not shoot people, according to what I witnessed
7 at the time.

8 [09.44.10]

9 Q. You also stated yesterday that the wounded or the invalid who
10 could not leave the hospitals or refused to leave hospitals would
11 be executed. Can you please tell us who told you this - from whom
12 did you hear this? And did you have any opportunity to speak with
13 the medical staff or foreign nationals or Cambodian nationals who
14 were in the hospitals at the time?

15 A. I heard the rumour from others; I did not witness it by
16 myself. Mr. Oum Nal, who was a medical doctor at Preah Ket Mealea
17 Hospital, he writes a book on - "Friend of the Khmer Rouge"
18 (sic). He - Mr. Sarin (phonetic), whom - I worked with him every
19 day, he also told me about the event, as well.

20 Q. Yesterday you stated that there was a disabled person who had
21 to leave the hospital and you were asked to receive him, but you
22 were forced to decline assistance. Can you please tell us why it
23 was not possible for you to help him? Was it because the Khmer
24 Rouge had - forbade you or prevented you from helping the person?

25 [09.45.52]

17

1 A. No, the Khmer – the Khmer Rouge did not forbid me from helping
2 him, but one may be aware that during the war time, when the
3 Khmer Rouge arrested the Khmer – a Cambodian living with French,
4 then they would kill both the Khmer and the French. And François
5 Bizot, who had this friend with him, his friend was taken away
6 and executed. And if he stayed with us, then he would be killed
7 eventually, and you would be killed, as well. That's what I was
8 told at that time, that's why I could not help him.

9 Q. Thank you. And on the same topic of the wounded or the sick
10 who were forced to leave the hospitals, when you saw them moving
11 along Monivong Boulevard, what were the foreseeable consequences
12 of this evacuation in the height of the hot season, when there
13 was no means possible to provide these people any assistance,
14 given their physical state?

15 A. Sooner or later, they would die. That was the only eventual
16 result.

17 [09.47.38]

18 Q. And like you, do you think that any other reasonable observer
19 who would have witnessed this, witnessed the evacuation of the
20 disable, the vulnerable, the sick, the wounded, and the invalid
21 leaving the city – would any reasonable person also come to the
22 same conclusion that these people would be subjected to a very
23 high risk of death?

24 MR. PRESIDENT:

25 The International Counsel for Mr. Nuon Chea, you may proceed.

1 MR. KOPPE:

2 Thank you, Mr. President. Good morning Your Honours. Good morning
3 Counsel. I have to object to this question.

4 We are asking questions to a witness, as we have established
5 yesterday, and this witness couldn't possibly know what any
6 reasonable observer would think about possible consequences. He's
7 not an expert. He might have thoughts which could be interesting,
8 but which are legally not interesting to this Chamber.

9 So, please, I would like to ask the Prosecutor to ask questions
10 to this witness as a witness.

11 [09.48.53]

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President, if I may, yesterday your Chamber ruled that such
14 scenarios would be decided upon in a case-by-case basis.

15 The witness is perfectly able to tell us what he witnessed and
16 he's just simply telling us that these individuals were
17 susceptible and likely to die, and I was simply asking if such an
18 opinion was shared by other individuals or anyone else who could
19 have been a witness to the same scene and arrived at the same
20 conclusion.

21 MR. PRESIDENT:

22 The objection and the grounds for objection by the defence team
23 for Mr. Nuon Chea is sustained.

24 The witness is directed not to respond to the last question put
25 by the Co-Prosecutor.

1 [09.50.02]

2 BY MR. DE WILDE D'ESTMAEL:

3 Thank you.

4 Q. Mr. Witness, in your book, you quote from an account of a
5 person called Suon Phal, on the 18th of November, who took refuge
6 in Thailand as of May 4th, 1976. And the person said - on page 36
7 to 37 of the French version, on page 25 of the English version,
8 and in Khmer, 00862321 (sic), this is what you write:

9 "My family and I left Phnom Penh, heading towards Preaek Mei
10 (sic). Many people died during the journey, especially those who
11 had left the hospital, patients who were driven out, the women
12 who gave birth on the road, war casualties. We reached Mak Tak
13 (sic) on April 25th; along the way, we saw many dead bodies
14 scattered about everywhere - even in the pagodas - and the stench
15 that came from them was almost unbearable."

16 [09.51.15]

17 You gathered this account. And does it reflect the experience of
18 other refugees who left Phnom Penh and their observations with
19 respect to the vulnerable?

20 A. When I was writing "Cambodia, Year Zero", I made reference to
21 a testimony of one of the survivors, and one testimony actually
22 corroborates with one another.

23 Q. Thank you. As an intellectual, did you ever ask yourself why,
24 on the one hand, the Khmer Rouge were asking people to evacuate
25 the city on the 17th of April on the ground that there were

20

1 imminent American bombs and, at the same time, the Khmer Rouge
2 were forcing the wounded and the sick to leave the hospitals,
3 when you had, yourself, observed that sooner or later death would
4 befall them? Didn't you notice a paradox between what the Khmer
5 Rouge were saying to justify the evacuation of the city and their
6 treatment of the people in reality?

7 [09.52.59]

8 A. Above the imminent bombing or the purge of the city, what made
9 me understand the policy of the Khmer Rouge was that if the city
10 dwellers went to the countryside to cultivate rice or do
11 agricultural work, then they would understand the true value of
12 life and everything, because Khmer people had to know that they
13 were actually - they survived because of rice. That's why they
14 had to know that this was the source of their life.

15 Q. Thank you. Before coming back to that issue, one last point
16 about the evacuation. In your book - on page 21 of the French
17 version, 11 of the English, and in Khmer, 00862296 - with respect
18 to the 18th of April, you stated that "around 10 a.m., a more
19 aggressive patrol arrived and left us no choice: it was either
20 get out or smell gunpowder. So we went to the French embassy."
21 End of quote.

22 [09.54.50]

23 When you state that you no longer had a choice, do you believe
24 that you, yourself, were the object of physical threats and even
25 being held at gunpoint?

21

1 A. No. No, the soldiers did not exert any threat on us, but they
2 only exerted psychological pressure on us. We could hardly
3 object. As I said yesterday, they only stared at us. We felt like
4 they were actually intending to kill us, also. So we could not
5 actually resist anything; we were in fear, and this was the
6 psychological pressure.

7 Once, a Viet Cong arrested me on the 4th of May 1970; Viet Cong
8 forbidden me from disclosing anything that they - I saw,
9 anything. I was very terrified at that time. Over the period of
10 three years, I did not even make mention that Viet Cong had
11 arrested me. They actually frightened me, they exerted pressure
12 on me, and I was traumatic (sic) with this pressure.

13 The Khmer Rouge operated alike. They just stared at us, and we
14 were terrified.

15 [09.56.39]

16 MR. PRESIDENT:

17 Prosecutor, if you have any questions, you can continue putting
18 the question. You should not be hesitant. You may proceed with
19 your question.

20 MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President.

22 Q. Yesterday you seemed to say that you, yourself, had believed
23 that American bombing was imminent - at least that's what I
24 gathered - but you also stated just now that the bombing had
25 ceased in August 1973.

22

1 On that topic, when you were at the embassy of France, did you or
2 did François Bizot ask the Khmer Rouge why foreigners were being
3 corralled in the embassy and if they were told that American
4 bombing really was about to occur?

5 [09.57.55]

6 A. I did not believe that there would be a bombing by the
7 Americans, but as for Cambodian ordinary citizens, they would
8 believe in it because a few years back there were American
9 bombing everywhere some 40 kilometres away from the city. So they
10 still had that memory with them and they were frightened. So the
11 Khmer Rouge - even the Khmer Rouge themselves, they would - the
12 Khmer Rouge did not believe, and I did not believe it either, but
13 I do not know - the ordinary citizens, they might have believed
14 in it.

15 Q. Thank you. Yesterday you mentioned two reasons that were being
16 given by Ieng Sary regarding the evacuation of the city of Phnom
17 Penh. These are reasons that you had described in detail in your
18 book, namely on page 30 and 31 of the French, on page 19-20 of
19 the English, and in Khmer on ERN page 00862306 to 07. And you
20 talked about the fact that he had advanced two reasons for the
21 evacuation. On the first hand, there was a problem of the cities,
22 and secondly there was a matter of security.

23 [09.59.35]

24 One sees that, in an interview conducted by James Pringle in the
25 fourth of - on the 4th of September 1979, and which has been

1 cited several times and – on the case file, as well as based on
2 an interview with the GRUNK, under D199/26.2.137. In the
3 interview, Ieng Sary does not provide the reason of imminent
4 American bombing as a ground for evacuation.

5 Now, upon reading that interview, do you believe that the Khmer
6 Rouge had given false pretext to the population to evacuate the
7 city in 1975?

8 A. It was clear; the Khmer Rouge gave the wrong reason, and it
9 was normal that the dictatorship regime gave the lie – told lies
10 to people. So, the real reason was the ideological reason. This
11 is from my own opinion. There was no other reason.

12 In a film – it may not be relevant – Excellency Khieu Samphan
13 said that, "We evacuate the people out of Phnom Penh – that was
14 wrong. We make the people lose hope, lose trust on us."

15 [10.01.58]

16 Q. And regarding the prospect of famine, which was another
17 argument that Ieng Sary raised – and in your book you mentioned
18 two quotes to contradict what he is saying and you said that
19 regarding the peasant population, Phnom Penh housed about 1.5
20 million peasants who had fled the fighting and that they were
21 starved and they were living in the fear of being mobilized, and
22 all of them were desirous to return to their farms.
23 And, second of all, you spoke about the Phnom Penh population and
24 you said that the rice reserves accumulated in the capital over
25 the last weeks would have been sufficient to feed the people over

1 two months. And you also quoted the fact that in the harbour of
2 Kampong Som, several thousands of tons of rice rotted without
3 having been used.

4 So now, regarding these reserves of rice, where did you get that
5 information to say that it would have been possible to feed the
6 population of Phnom Penh for two months and also that thousands
7 of tons of rice were lost because they were not cared for in
8 Sihanoukville?

9 [10.03.28]

10 A. Regarding the rice at Sihanoukville port, I saw it from a
11 newspaper.

12 Regarding the people in Phnom Penh, that was my own speculation,
13 my own estimation. We helped hundreds of thousands of refugees,
14 we store a lot of rice to feed them for one month or two months,
15 and we reserved some rice because we were concerned that the
16 Khmer Rouge would cut off the Mekong River and then we could not
17 have more rice. So we stored some rice.

18 Q. Thank you. And in his interview by James Pringle, Ieng Sary
19 said the following. He said - and I quote: "We had to feed this
20 population while preserving our independence and our dignity,
21 without asking for the assistance of any country whatsoever." End
22 of quote - [free translation].

23 So, after the liberation of Phnom Penh, wouldn't it have been
24 easier for the Khmer Rouge to simply call for international
25 support from their friendly - from countries that were friendly

1 towards Cambodia, and therefore avoid this situation of
2 evacuation?

3 [10.05.29]

4 MR. PRESIDENT:

5 Mr. Witness, please hold on.

6 The Counsel, you may proceed.

7 MR. KOPPE:

8 Mr. President, thank you.

9 The prosecutor is again asking the witness to speculate, and I
10 object to this question.

11 BY MR. DE WILDE D'ESTMAEL:

12 Well, then, I will turn to another topic, Mr. President.

13 Q. In the same interview by James Pringle - and this is in
14 document, D199/26.2.137, and it's the third question that is put
15 to Ieng Sary - and this is what is said in this interview:

16 Question: "Is Phnom Penh still empty?"

17 And I'd like to remind you that this interview dates back to
18 September 1975.

19 [10.06.29]

20 And Ieng Sary answers: "No, about 100,000 people came back, and
21 some people will be coming back little by little. The schools,
22 the factories, the hospitals are active again, and the people can
23 return to Phnom Penh if they wish so, or they can remain in the
24 countryside. Our people are working day and night to rebuild the
25 country. Cambodia looks like a giant workshop." End of quote -

1 [free translation].

2 And, when Ieng Sary says on 4 September 1975 that there are
3 100,000 people who returned to Phnom Penh and that the people may
4 wish – may return to Phnom Penh if they so wish, does this
5 correspond to what the refugees told you orally or in writing at
6 the same period?

7 A. That was a lie. What he said was wrong. I met refugees, as you
8 know. At first, the Khmer Rouge evacuated the people to the
9 north, to the south, to the east; and a few months later, in July
10 and September 1975, they evacuated the people again. At the time,
11 I met refugees who travelled across Phnom Penh, and they told me
12 that Phnom Penh was empty. They cried because they saw their
13 house and they said that Phnom Penh was empty; no one was in
14 Phnom Penh.

15 [10.08.38]

16 Q. And you said in your book that from the French embassy you saw
17 a certain number of trucks loaded with men and women enter Phnom
18 Penh. So, this was probably at the end of April 1979 – it's page
19 39 in French, 28 in English, and Khmer, 00862318.

20 Can you tell us if you met one of these people who had returned
21 to Phnom Penh? And which category in the population did this
22 person belong to?

23 A. I did not remember clearly whether I saw the trucks
24 transporting people into Phnom Penh. However, I remember that
25 around 10 women, who were the wives of soldiers, high-ranking

1 soldiers - and they were Catholic. I asked them - because at the
2 time I was at the gate of the French embassy, and I asked them,
3 "Sorry, where are you going?" They told me that, "Angkar told us
4 to go back into Phnom Penh to (inaudible) Phnom Penh." And I
5 asked them, "Are you frightened?" And they told me that, "No,
6 Angkar is fine." And I feel very frightened and I tell them to
7 go.

8 [10.10.49]

9 Q. Thank you.

10 In your book, you speak about a specific encounter with Ms. Oum
11 Sameth - I don't know if that's her real name or an alias. She
12 was a Khmer doctor who told you that all of the high-ranking
13 officers had to return to Phnom Penh.

14 Do you know why the Khmer Rouge had asked the high-ranking
15 officers or officials to return to Phnom Penh, or did you learn
16 this later?

17 A. Those women whom I saw were the wives of high-ranking
18 soldiers. They told me that Angkar assigned their husbands to go
19 into Phnom Penh to rebuild the country, and they went back into
20 Phnom Penh. It was the same in Battambang. Angkar was very good
21 at telling lies. They told those people to go back into Phnom
22 Penh, and then they killed those people. Angkar cheated them
23 because Angkar wanted to kill them. So, this is the same as what
24 happened in Kien Svay. Angkar told those people to write down
25 their names on the board. Angkar cheated them and Angkar killed

1 them.

2 [10.12.38]

3 MR. PRESIDENT:

4 Co Prosecutor, please slow down because the interpreters have
5 some problem.

6 BY MR. DE WILDE D'ESTMAEL:

7 Of course. Of course, Mr. President.

8 Q. Witness, you have just said that these were lies and that the
9 aim was to kill these officials to whom the reconstruction of the
10 country was promised. And you mentioned four accounts in your
11 book, four separate accounts, and you spoke already about the -
12 the one that deals with the situation in Kien Svay. And for the
13 purposes of the record, this is the account of the so named Mam
14 Sarun, who was a captain in Lon Nol's army and who was in the Kap
15 Choeng camp, in Thailand, as a refugee, on 15 February 1976, as
16 well as other refugees, Suon Phal, You Kim Lanh, and Seng Huot, a
17 professor. All of these accounts are in your book, on pages 38 to
18 40 in French, 26 to 28 in English, and in Khmer, at 00862316 to
19 18.

20 [10.14.25]

21 And you said in your book, as well, on page 40 in French, 28 in
22 English, and Khmer, 00862320 - 00862320 - you said the following:
23 "Several other accounts allow me to assert that the
24 revolutionaries had decided to suppress the greatest number of
25 former civilian and military cadres as of the first hours that

1 would follow the capture of Phnom Penh." [Free translation] End
2 of quote.

3 So, I would like, therefore, to turn to the situation in
4 Battambang that you have just brought up. And maybe could you
5 explain to us briefly what the refugees you met or whose accounts
6 you gathered in various – different places, what they told you
7 regarding the fate of the officers and non commissioned officers
8 in Battambang?

9 [10.15.52]

10 MR. PONCHAUD:

11 A. First of all, I would like to explain about the status of the
12 revolutionary – Kampuchea Revolution.

13 In 1975, it was the national revolution. The Khmer Rouge aimed to
14 destroy all the people who worked for the Americans or the Lon
15 Nol regime, who were regarded as traitors.

16 In 1976, it was the democratic revolution. They forced all people
17 from all classes to become the farming class, to join the lower
18 class.

19 In 1977 – that was the third stage – it was the socialist
20 revolution. They created cooperatives.

21 Therefore, the killing of the high-ranking soldiers and former
22 civil servants were consistent with the purpose of the national
23 revolution with regard to the case of Battambang. At Phnom
24 Thipakdei, the Khmer Rouge killed 380 people. I had four
25 witnesses who survived.

1 [10.17.55]

2 One of them was Phim Roeun (phonetic). I interviewed the four
3 people – the four witnesses. He told me that the Khmer Rouge told
4 us to welcome Samdech Euv, who came back to Cambodia. Therefore,
5 those soldiers said goodbye to their wives, and wore their
6 uniforms, and then boarded a truck. Then they travelled for
7 around 15 kilometres, and then they turned to Ou Preah. When the
8 truck arrived at Thipakdei Mountain, the Khmer Rouge soldiers
9 were waiting over there, and those former high-ranking soldiers
10 were gunned down. Phim Roeun (phonetic) was injured and fled the
11 scene.

12 Around six months later, I met another refugee named Yen
13 Savannary. I changed their names. And their relatives asked about
14 that information. Yen Savannary walked across Thipakdei Mountain
15 and he saw a lot of dead bodies, and skeletons, and skulls over
16 there. Around one year later, another person, whose name I did
17 not remember, walked along that route and saw the skulls over
18 there.

19 So I have four witnesses who survived, and two of them walked
20 across that area in different occasions, so this is true.

21 [10.20.45]

22 Q. Witness, could you tell us, quickly and as concisely as you
23 have done when you were speaking about the officers, what
24 happened to the non commissioned officers in Battambang at Thma
25 Koul?

1 A. (No interpretation)

2 MR. VERCKEN:

3 I apologize.

4 MR. PRESIDENT:

5 (No interpretation)

6 MR. VERCKEN:

7 I am obliged to say that the witness is not speaking about what
8 he saw personally but repeats things that were told to him.

9 So, it might be useful, in terms of the record, that this be
10 specified in the question, because we have the feeling here,
11 especially with the repetition of the questions, that Father
12 Ponchaud is providing us with an account of things he's
13 absolutely sure of and that he saw with his own eyes, which is
14 however not the case. So it might be a good idea that in the
15 question it is clear that Père Ponchaud is repeating things that
16 he heard second-hand.

17 [10.22.14]

18 MR. PRESIDENT:

19 Thank you.

20 Counsel for Mr. Nuon Chea, you may proceed.

21 MR. KOPPE:

22 Thank you - thank you, Mr. President.

23 And might I add to the submissions of my colleague that, in
24 certain circumstances, we are in fact speaking about evidence
25 which is legally called double hearsay, double de auditu. So it's

1 not only a person saying things to the witness, but it's also
2 things that the person, sometimes, has heard, and not even seen
3 directly. So we're speaking here about double hearsay.

4 I'm not quite sure what the standard of evidence is, and I'm sure
5 Your Chamber will, in the decision, come with a reasoning on the
6 probative value, but that is - we are speaking here, as I said,
7 about double hearsay.

8 [10.23.12]

9 BY MR. DE WILDE D'ESTMAEL:

10 Mr. President, I am going to address this rapidly.

11 First of all, the Khieu Samphan defence said that in each
12 question, it would be necessary to specify what the witness said
13 or saw, but when the witness (sic) says that it's not the case
14 that the witness is sure of what he's saying, I think here it -
15 he's mistaken. The witness said that four surviving witnesses had
16 been questioned. And if you read the book, you will see that
17 these are people who themselves were officers and who survived
18 the massacres, and others who had nothing to do with the
19 massacres confirmed the same facts.

20 So this is why I'm surprised to hear the Nuon Chea defence speak
21 about double hearsay, whereas what was mentioned here is simply
22 what people have seen directly. These are eyewitnesses who
23 related this information to the witness. So here we're not -
24 there's no question of double hearsay.

25 However, Mr. President, I will pay attention to mention at each

1 one of my questions whether these are accounts that were gathered
2 by Father Ponchaud or whether - direct accounts.

3 [10.24.43]

4 Q. So, my question is to know whether the witnesses whose
5 accounts you gathered were able - what they were able to tell you
6 regarding the non commissioned officers in Battambang and what
7 happened to them at Thma Koul, along National Road 5?

8 MR. PONCHAUD:

9 A. I do not remember clearly because it happened long time ago
10 and I have not reread my book before I come here.

11 As far as I can remember, they killed low - they killed
12 high-ranking soldiers, and then they released the low-ranking
13 soldiers, but of course, later on, they killed all the soldiers.

14 [10.25.59]

15 Q. Thank you.

16 I will not have the time to return to what happened in Pailin,
17 based on accounts that confirm what the witness knows, but I
18 would like to revisit an account that you mentioned, that you -
19 regarding the Khmer who had been turned over to the Khmer Rouge
20 after 17 April - that is to say, those who had to leave the
21 French embassy. And you said yesterday that - in fact, that some
22 of them had been brought to the old stadium and that some - and
23 you had heard that some soldiers had been shot down.
24 And I'd like to read a passage from your book, on pages 26 and 27
25 in French, 15 and 16 in English, and Khmer, 00862303 - 00862303,

1 therefore. And I have a little - a few doubts regarding the Khmer
2 version because I don't know if the exact - this passage I'm
3 going to quote is in the Khmer version. But this is what a Khmer
4 chemist says, who was part of the group that left the French
5 embassy and who had to flee to Vietnam in June 1975. And he
6 describes what happened when he left the embassy - and I quote:
7 "We were brought to the Lambert Stadium, 200 metres from the
8 embassy. There we went through a preliminary processing. The
9 Khmer Rouge asked us to state our identities and write our names
10 on one of the three lists - military, civil servants, people.
11 Then the officers like Major Tanh Chea and Colonel Y Bun Suor and
12 high-ranking officials" - and I will skip the names - "were taken
13 away by a truck."

14 [10.28.07]

15 And a bit further: "The next morning the Khmer Rouge came back,
16 and called out some more names from a list they had ready, and
17 took them away. Then they told us to go north and sent to work
18 building the country." End of quote.

19 So, here we notice, in this account as in many others that you
20 mentioned in your book regarding Battambang, Pailin, Kampong
21 Cham, that there was a separation or that the Cambodians were
22 broken down into three groups: military personnel, civil
23 servants, and people.

24 So, in all of the refugee accounts that you gathered regarding
25 other areas of the country, was this a way that - was this

1 systematically implemented?

2 [10.29.16]

3 A. I believe that Angkar did the same everywhere, as I have just
4 told you earlier. In the first stage, it was the national
5 revolution; they killed the traitors, they killed those who
6 served the Lon Nol regime and the American regime. I heard this
7 from the Democratic Kampuchea radio. The first stage was the
8 national revolution.

9 Q. Thank you.

10 In your book, you wrote that there were slogans and mottos being
11 broadcast over the radio, justifying the cleansing of the former
12 Lon Nol Republican Forces. Do you recall hearing these mottos
13 over the radio?

14 A. "Keeping you is no gain, losing you is no loss."

15 "Killing a person by mistake is better than having him released
16 by mistake."

17 We should understand Cambodian culture. In Khmer, we believe in
18 Buddhism, and here people killed others because they believed
19 differently from us as foreigners.

20 [10.32.11]

21 MR. PRESIDENT:

22 Thank you, Mr. Witness, and thank you, Mr. Co-Prosecutor.

23 It is now appropriate moment for the adjournment. The Chamber
24 will adjourn for 20 minutes. The next session will be resumed by
25 10 to 11.00.

1 Court officer is now instructed to assist Mr. Ponchaud during the
2 adjournment and have him returned to the courtroom by 10 to
3 11.00.

4 The Court is adjourned.

5 (Court recesses from 1032H to 1054H)

6 MR. PRESIDENT:

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

8 Before the Chamber hands over the floor to the Co-Prosecutors,
9 the Chamber wishes to inform the prosecutors that you will have
10 the two hours to put questions to the witness as requested. You
11 have already used 90 minutes of this, so you have 30 minutes
12 left, and the civil party lawyers will have one hour for the
13 witness examination.

14 BY MR. DE WILDE D'ESTMAEL:

15 I am most grateful, Mr. President, for Your Chamber's ruling.

16 Q. Just before the break, Mr. Witness, we were talking about
17 slogans and mottos you would have heard being broadcast over the
18 radio, being announced by the Khmer Rouge.

19 To be specific, I wish to cite a passage from your book. It is on
20 page 65 of the French version, page 51 of the English, and in
21 Khmer, ERN 00862351. You write the following: "This cleansing,
22 this evacuation, corresponds to a vision of man. Man who is
23 sullied or corrupted by corrupt society cannot be changed; he
24 must be placed in a pure community."

25 [10.56.41]

1 You quote a certain number of slogans: "'The regime must be
2 destroyed; the enemy must be utterly crushed.' 'What is infected
3 must be cut out; what is rotten must be removed.' 'What is too
4 long must be shortened and made the right length.' 'It isn't
5 enough to cut down a bad plant; it must be uprooted.'" Those are
6 among the slogans used both on the radio and at meetings to
7 justify the purge.

8 Mr. Witness, can you please tell this Court what the Khmer Rouge
9 meant by the notion of purity and the community or the
10 brotherhood of the pure, based on what you heard – based on what
11 you were told by the refugees and based on what you heard on the
12 radio?

13 [10.57.43]

14 MR. PONCHAUD:

15 A. This question is difficult to respond. I already handed over
16 to Mr. Marcel Lemonde a document in which I explained to him –
17 "L'Invasion vietnamienne, une erreur vietnamienne" – the part I
18 was explaining about the status in Khmer society. The real
19 villagers, or people, were the peasants, and the lower-middle
20 class, poor peasants. The pure Khmer people are those who do not
21 take private ownership as important, and Angkar took that as an
22 honour or prestige that they offered or (inaudible) the pure
23 people – [interpreted from French:] "A docile instrument in the
24 hands of Angkar" [end of interpretation from French]. So, the
25 pure people did not possess their own thoughts. They had to

1 devote to follow the Angkar policy and plan. They care only for
2 the interests of the nation.

3 [11.00.09]

4 Q. Thank you, Witness.

5 Now I would like to turn to another topic which - in your book
6 you spoke about the fact that when you were at the French
7 embassy, you had been able to listen to the FUNK radio and that
8 on the FUNK radio there was a long speech by Khieu Samphan that
9 was repeated many, many times and that was stating the general
10 objectives of the Revolution.

11 So, do you remember the content of this speech? I believe it was
12 broadcast on the 22nd of April 1975.

13 A. I don't remember this clearly because at that time I did not
14 pay great attention to Khmer Rouge ideology. We were rather
15 caught up in - our brains were confused.

16 Q. Thank you. To - in order to refresh your memory, Witness, I
17 would like to refer to document E3/118. I'm sorry, this - in
18 fact, it was a speech from the 21st of April, not the 22nd of
19 April. So, it was a victory speech on Radio Phnom Penh.

20 And with the leave of the Chamber, may I provide the witness with
21 a copy of this document and display this speech on the screen as
22 well?

23 [11.02.00]

24 MR. PRESIDENT:

25 You may proceed.

1 Court officer is now directed to bring the documents to the
2 witness for examination.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you.

5 Q. So, the ERN: in English, ERN 00166994 - I repeat, 00166994;
6 French, 00845854 to 55 - 00 -5854-55; and Khmer, 00846160 -
7 00846160.

8 I'm going to read one single excerpt which is at the beginning of
9 the speech. This is what Khieu Samphan says - [free translation]:
10 "After the most valiant fight that occurred, after having endured
11 all kinds of suffering and hardship, and with great heroism, and
12 after having endured great sacrifice during five years and one
13 month, our most valiant FAPLKN fighters and our people have been
14 able to defeat the most merciless war of aggression carried out
15 by the American imperialists and have completely crushed the most
16 disloyal, the most fascist, and the most corrupt regime that
17 exists - that is to say the regime of the traitors Lon Nol, Sirik
18 Matak, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and
19 Sosthene Fernandez."

20 [11.04.08]

21 And a bit further: "This great victory opened the most brilliant
22 and righteous way that there is, this way that brought the
23 Cambodian people and the FAPLKN to carry out a powerful people's
24 war to combat the enemies on all fronts, whether it be military,
25 political, or economical, and this has led us to support our

1 efforts to evacuate the inhabitants from the zones controlled by
2 the enemies by outdoing the enemy's tricks, by attacking the
3 enemy relentlessly, by undermining its military, economic, and
4 financial strength, and by depriving the enemy of its supplies
5 and of its rice. The enemy finally died in great suffering." End
6 of quote - [free translation].

7 So, this - here are the first excerpts of this speech. Does this
8 remind you of the content that was broadcast on the FUNK radio
9 back then?

10 A. They said that they won the victory through conventional
11 weapons. That's all I still remember. [Interpreted from French:]
12 "Traditional" - "traditional" was the word [end of interpretation
13 from French)].

14 [11.06.00]

15 Q. Thank you. In the same speech but further on, Khieu Samphan
16 speaks about "constantly reinforcing a revolutionary vigilance".
17 Did you know what this term, "revolutionary vigilance", meant?
18 And did the refugee accounts shed any light on this?

19 A. At that time we did not pay attention to the propaganda made
20 by the Khmer Rouge. We shared the suffering of Cambodian people,
21 in particular Phnom Penh dwellers who had been evacuated.
22 Also Khmer Rouge used the language that was different from what
23 they used before, so we had to understand their way of speaking.
24 They talked about "masters of independence", they talked about
25 private - "no private ownership", and they talked about the

1 "stance", the "organizational stance", and these are the terms we
2 never used before. We were reminded that, by that, they meant
3 people who talked differently from the way they talk would be -
4 you know, eliminated.

5 Q. Thank you. Okay. I won't go any further with this question,
6 but I have two questions left - or two mini-topics, rather.

7 And what really impacted me in your book is the usage of the word
8 "prisoner of war", by yourself and by the refugees, regarding
9 prisoners of war who were slaves, regarding the people who had
10 been evacuated. So, could you tell us in which context the Khmer
11 Rouge used these terms - this term, "prisoner of war"?

12 [11.09.01]

13 A. Angkar used the term the 17th of April People, people who were
14 liberated on the 17th of April, or they referred to them as the
15 New People. Other people who had been living in the countryside
16 all along had been regarded as the Old People or the Base People,
17 and sometimes they even talked about the people who were the
18 prisoners of war. I heard this from radio broadcasts. But
19 normally they only used the terms the "17th of April People" or
20 the "New People". They did not use the term "slave" and they
21 referred them as "refugees". And this term was not used by
22 Angkar.

23 And later on, at - in about 1976 or 1977, they even used a new
24 term; we called it the "candidate people". Ben Kiernan
25 misinterpreted the term. They - Ben Kiernan said that these

1 "candidate people" were the people who were sent to the country,
2 and I – rather, I referred to these "candidate people" as – or
3 "depositee people" as those who were sent to be controlled by the
4 Old People – [interpreted from French:] "entrusted" [end of
5 interpretation from French].

6 [11.11.41]

7 Q. Thank you. In the accounts that you gathered from the
8 refugees, did the refugees tell you whether or not they enjoyed
9 certain individual liberties under the Khmer Rouge or if, indeed,
10 they were treated as prisoners of war?

11 A. The New People, or the 17 of April People, did not enjoy any
12 freedom at all. Later on, from 1977, both the Base or the Old
13 People and the New People did not enjoy any freedom. From 1977,
14 the new situation occurred when there was conflict between
15 Cambodia and Vietnam.

16 Q. My very last question, Witness. I quoted earlier an excerpt
17 from an interview of Ieng Sary by James Pringle, where he said in
18 September 1975 that Cambodia was "a giant workshop". And in view
19 of the suppression of all individual freedoms for the 17 April
20 People and later on for the Base People, did you hear from the
21 refugees whose accounts you gathered – did you hear words such as
22 "open-air prison" instead of "workshop", for example?

23 [11.14.02]

24 A. Normally the refugees would talk about the "prison without
25 walls". But in the Khmer Rouge radio broadcast, they referred to

1 these places as the "worksites", the place where people had to
2 work days and nights. They worked without thinking of being tired
3 or the suffering they had endured.

4 MR. DE WILDE D'ESTMAEL:

5 Thank you very much, Witness.

6 Now I will give the floor to my colleague, who has a few
7 questions to - for the remaining time that is allotted to us.

8 Thank you.

9 QUESTIONING BY MR. CHAN DARARASMEY:

10 Good morning, Mr. President, and good morning, everyone. Good
11 morning to Mr. François Ponchaud. I am Chan Dararasmeay, National
12 Co-Prosecutor, from the Co-Prosecutors' Office. Due to time
13 constraints, I would like to only be brief and have very few
14 questions for you.

15 Q. Can you please help clarify a point that - you said, at the
16 French embassy, there were the seven "super traitors" and other
17 individuals who were the spouses - married to foreigners and were
18 forced to leave the embassy. Were these people asked to leave
19 peacefully or at gunpoint? And if so, who did that to expel them
20 from the embassy?

21 [11.16.12]

22 MR. PONCHAUD:

23 A. So far as I remember, no people were forced at gunpoint to
24 leave the embassy. I remember there was a senior cadre who asked
25 people who had French family or spouses to leave. They did not

1 threaten those people; they only asked them to leave. And the
2 people were afraid. We were afraid of the Khmer Rouge in general,
3 anyway, and whatever they told us to do, we had to follow them.

4 Q. You said you were present at that time. Can you also tell the
5 Chamber, please, what was the reaction by the French Embassy
6 regarding such order to leave?

7 A. During the Khmer Rouge, the environment made everyone feel
8 terrified. Even Mr. Jean-Jacques, who was the consular official,
9 was terrified himself. He did not protest such order or
10 instruction, and we had just to follow suit.

11 [11.17.56]

12 Q. Regarding the evacuation of the population of Phnom Penh – you
13 already testified a lot on this, but we would like you to also
14 add a few more points, whether you had ever met any senior leaders
15 of the Khmer Rouge before you left Cambodia. If so, did you ever
16 hear or have you ever been told by any of the senior leaders
17 about the plan to evacuate the city?

18 A. I only knew Comrade Nhim, who contacted us, and he was a
19 focal person between Angkar and us, and I only heard from him
20 that we had to leave. I never met any other cadres of Angkar.

21 Q. Have you ever met – or did you ever meet Mr. Khieu Samphan
22 after 1975, either in person or through other arrangements? If
23 you did, please tell the Chamber. If not, it is fine.

24 MR. PRESIDENT:

25 Mr. Witness, could you please hold on?

1 Counsel for Mr. Khieu Samphan, you're on your feet. You may now
2 proceed.

3 [11.19.44]

4 MR. KONG SAM ONN:

5 Thank you, Mr. President.

6 The witness already talked about this. He said he met him once,
7 eight years ago.

8 BY MR. CHAN DARARASMEY:

9 Thank you, Counsel, for this.

10 Q. I believe that I would like to move to the next question
11 instead.

12 Mr. Ponchaud, when you were in Cambodia and at the time when you
13 left Phnom Penh in 1975, what was your impression concerning what
14 you saw that made you remember when you were travelling from
15 Phnom Penh all the way to the border area?

16 MR. PONCHAUD:

17 A. What made me excited was that the road was completely empty
18 from the French embassy to Udong to Kampong Chhnang, Pursat, and
19 Battambang. We did not see a soul, and that already terrified us,
20 because I believe that at that time we were living the ghost
21 country. We did not meet a Cambodian, not even a single soul, and
22 we saw the smoke coming out of some fields and villages. We
23 presumed that it could be the smoke from burning houses or from
24 the fields that were burned.

25 [11.21.49]

1 Q. Did you also witness any protests by the villagers who did not
2 wish to leave Phnom Penh during the evacuation? And if they did,
3 what would be the result of such resistance?

4 A. Yesterday I already mentioned about the incidences that
5 happened in two locations when the fighting happened between Lon
6 Nol soldiers and the Khmer Rouge. And apart from these, I did not
7 see anyone fighting back, because my observation was that people
8 were leaving the city, and no one would be coming from the wrong
9 direction. Every now and then I heard gunshots, but I did not
10 know whether the Khmer Rouge were firing these gunshots; and
11 perhaps it could have been the sound of the doors being banged
12 shut by the soldiers during this ordeal.

13 Q. During the evacuation phase, were people separated from their
14 family members?

15 A. I knew from the refugees, although I did not see this myself,
16 normally Angkar allowed family members to be together. Now, for
17 example, at Preaek Kdam, people had to march through National
18 Road Number 5 and they were carried by the ferry. And when the
19 ferry was full, for example if the family members would already
20 be on board the ferry and the remaining family members would be
21 on the other side of the river, then the Khmer Rouge would never
22 care to bring them together, they just would let the ferry to
23 cross the river.

24 [11.24.22]

25 Q. In the aftermath of the evacuation policy being implemented,

1 is that your knowledge that people would be treated differently?
2 For example, like the Cham, the Vietnamese, or the Chinese who
3 had been living in the country during that time?

4 A. All population of the city was entirely evacuated. They were
5 not evacuated discriminately, so - except those foreigners who
6 were French nationals or who got married to the French citizens
7 who had to take refuge at the French embassy.

8 And I also wish to also add that in late 1975 Angkar allowed
9 Vietnamese immigrants to return to their home country. We
10 believed in general that the Khmer Rouge could have killed the
11 Vietnamese people, but that is not true because the Khmer Rouge
12 did help these Vietnamese to be repatriated. And I also have
13 ample documents to support this assertion. And again, by late
14 1975, these Khmer Rouge or Angkar helped Vietnam to return home.

15 [11.26.06]

16 MR. CHAN DARARASMEY:

17 Thank you, Mr. Witness.

18 And thank you, Mr. President, Your Honours. I have no further
19 questions to put to the witness. And with that, I wish the
20 witness all the best.

21 MR. PRESIDENT:

22 Thank you.

23 Next we would like to hand over to the Lead Co-Lawyers for the
24 civil parties to put questions to the witness.

25 MR. PICH ANG:

1 Good morning, Mr. President, and good morning, Your Honours.
2 Counsels who will be putting questions to the witness will be
3 Counsel Élisabeth and Moch Sovannary.

4 [11.26.55]

5 MR. PRESIDENT:

6 (No interpretation)

7 QUESTIONING BY MS. MOCH SOVANNARY:

8 Good morning, Mr. President. Good morning, Your Honours, and very
9 good morning to you, Mr. Witness. I am Moch Sovannary, here
10 representing civil parties who are victims of the Khmer Rouge. I
11 have a few questions for you. These questions are classified into
12 two sections: first, I would like to ask a few questions, the
13 follow-up questions, questions that have already been put to the
14 witness; and, secondly, I would like to ask the witness about the
15 information he has obtained from the refugees, in particular the
16 accounts of the refugees who shared concerning their suffering
17 under the Khmer Rouge regime and during the time when they became
18 the refugees.

19 [11.28.04]

20 Q. The first question that I wish to ask you now is a follow-up
21 question.

22 Yesterday you responded to the President of the Trial Chamber
23 that on the evening of the 17th of April 1975, a group of
24 soldiers would like to take refuge at your home, and you talked
25 with them the whole night and you were deprived of your sleep.

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1 When you talked to the soldiers the whole night without sleep,
2 what did you talk to them? Did you talk about Khmer Rouge
3 ideology, did you talk about the plan to evacuate the city, or
4 you talk anything about what could happen to the country at that
5 time?

6 MR. PONCHAUD:

7 A. These soldiers came from Srah Srang, from Siem Reap. I did not
8 wish to talk about ideology or the Angkar's plan because these
9 people perhaps did not know about it or I, myself, was not brave
10 enough to engage in this, perhaps, politically motivated topics
11 because these soldiers already showed the facial impression that
12 is not - that was not very friendly, and that's enough for me not
13 to engage or invoke such discussion.

14 [11.29.38]

15 MR. PRESIDENT:

16 Counsel, could you slow down a little bit when you're putting
17 questions to the witness, for good record, indeed?

18 BY MS. MOCH SOVANNARY:

19 Thank you, Mr. President, for reminding.

20 Q. I have another question. Yesterday you said on, one occasion
21 you brought some Khmer Rouge soldiers to the railway station for
22 a meeting. And at that time you said that there was a meeting.
23 Can you tell the Chamber how many people attended the meeting and
24 what was the subject matter of such meeting?

25 [11.30.27]

1 MR. PONCHAUD:

2 A. Yesterday I said about the railway station, but I did not
3 mention about the meeting being convened at the train station. I
4 talked about the people who asked me to bring them to the railway
5 station; I did not know whether they would have a meeting there,
6 or perhaps they would be there to discuss about the plan to fight
7 at the border. And I said to the Khmer Rouge, deceitfully, that
8 there was six soldiers who would be meeting at the train station.
9 And I learned at a later date that there were different groups of
10 soldiers - young soldiers, old soldiers, those who wore black
11 clothes or dark green clothes - and I felt suspicious because I
12 knew that there could have been other groups of soldiers mingled
13 together in this city. And then I noted that there were six
14 soldiers who met. I did not know what they were doing.

15 [11.32.02]

16 Q. Thank you, Mr. Witness.

17 Yesterday you also answered the question by Judge Lavergne, and
18 in that testimony you made - mentioned the cadre of the Khmer
19 Rouge by the name of Nhiem and you also said that he was not
20 holding position of importance and he was not in the position to
21 enter into any political negotiation. What was the basis you rely
22 on in order to come to the conclusion that he was not a senior
23 Khmer Rouge cadre? What do you base your answer on?

24 A. I do not know how to explain, and I can hardly distinguish
25 between the higher-ranking and lower-ranking official. Both Bizot

1 and I, we communicated with Comrade Nhiem on a daily basis. We
2 only asking for the daily day-to-day work for our survival in
3 French embassy; we did not talk politics at that time with him.

4 [11.33.15]

5 And later on there was another cadre, and I suspected that he was
6 somebody of higher ranking position. I did not know his name. He
7 was a cadre and supposedly a higher ranking official, according
8 to the words he used. He said he conveyed the words and
9 instruction from the upper authority. He told everyone that His
10 Excellency Khieu Samphan wanted to talk to people at the French
11 embassy, but he was being engaged in reorganizing the
12 revolutionary forces. So he was addressing us at that time in the
13 position of somebody important, so I thought that he was somebody
14 in a ranking - higher ranking official. For example, there was
15 another cadre negotiating with us about the repatriation of the
16 foreign nationals in the French embassy. So I could assume that
17 those people were from higher ranking positions.

18 Q. Thank you. On this particular issue, you mentioned Mr. Khieu
19 Samphan. Yesterday and today you said there was a cadre, and
20 supposedly he was holding position of importance. He met with him
21 and he talked to you about Mr. Khieu Samphan.

22 [11.34.53]

23 And in your book - relevant page in Khmer, 00862302; English,
24 00862034; French, 00862147 - this is an excerpt in your book
25 describing the event relevant to Mr. Khieu Samphan. On - I am not

1 going to read out this excerpt from your book, but I just would
2 like to ask you to expand on this.

3 At that time, I just would like you tell the Court whether or not
4 that cadre told you what position Mr. Khieu Samphan held and
5 whether or not that person mentioned Mr. Khieu Samphan. And in
6 your book you address him with a higher ranking title as
7 "Excellency". So, did the person tell you at that time what
8 position Mr. Khieu Samphan held?

9 A. At that time, that comrade told us that Mr. Khieu Samphan was
10 somebody among the leaders who led the country at that time, but
11 there was no mention of a specific position, but they only said
12 that Mr. Khieu Samphan was among the leaders of the country. He
13 did not make mention of Pol Pot or any other official.

14 [11.36.21]

15 And in my book I mention the men by the names of Pot, Hem, Vorn,
16 and these were the names of the high-ranking officials in the
17 upper authority. And Pech Lim Kuon, who was the helicopter pilot,
18 he also shared with me the names, but I did not - in my book, I
19 described Comrade Pot; I did not know who Comrade Pot was -
20 probably Non Suon or Saloth Sar. Comrade Hem I did not know
21 either, but Comrade Hem is now with us now. At that time, I did
22 not know. And Vorn Vet - Comrade Vorn was Vorn Vet. I did not
23 know who was actually the apparatus of the Khmer Rouge or Angkar
24 at that time, but we knew that - later that Comrade Pol was
25 Saloth Sar. I learned about it in September 1977. And Saloth Sar

1 once went to China to announce the existence of the Communist
2 Party of Kampuchea.

3 Q. Thank you.

4 Just now you told the national prosecutor that you did not meet
5 Mr. Khieu Samphan later on. So my follow-up question to this:
6 Have you heard - or did you ever hear, when you were residing in
7 France, that Mr. Khieu Samphan had travelled to France in order
8 to appeal to the Cambodian intellectuals who were pursuing their
9 study in France to return to Cambodia to help rebuild the
10 country? Or did you ever hear any statement made by Mr. Khieu
11 Samphan to this effect?

12 [11.38.44]

13 A. I guess you might have misunderstood me. Actually, Mr. Khieu
14 Samphan did not go to France; it was Mr. Ieng Sary. Mr. Ieng Sary
15 went to France and he convened a meeting in a place - it was a
16 very big place. And before Mr. Ieng Sary went to France, he
17 prepared a big - a video footage of the appeal and - as well as
18 the situations in Cambodia. And then he went there. He appealed
19 to the Cambodian intellectual residing in France to return to
20 Cambodia to help rebuild the country.

21 And I think our Court also invited Mr. Ong Thong Hoeung to
22 testify, as well. At that time, Mr. Ong Thong Hoeung was me - was
23 with me. He listened to the address by Mr. Ieng Sary. And then I
24 told him that, "You must not return to Cambodia", but at that
25 time he did not believe me. He blamed me; he said - he accused me

1 of being CIA. But I told - I told him that he must not return to
2 Cambodia-

3 Q. I'm sorry, I'm sorry. Witness, I would like to interrupt you.
4 You have already answered my question. I would like to now
5 continue with another question.

6 [11.40.07]

7 This morning you said Angkar was very good at lying, lying to
8 people or tricking the people. So I would like to ask you to
9 expand on this. When did Angkar start to lie to people? And how
10 did you come to know this?

11 A. Angkar used lies to actually lure people to follow them, and
12 it was a tactic they used at the time to control the situation.
13 They deployed this trick in order to evacuate people out of the
14 city. And I noticed - I came to notice this because in their
15 propaganda, they used certain words - now, for example, "great
16 leap forward", "the glorious 17 April", so on and so forth. This
17 was some things that - I came to know that there were some things
18 that Angkar is actually lying to people, especially when they
19 executed innocent people.

20 As I mentioned this morning, one man in Kien Svay, he appealed to
21 the soldiers and senior ranking officials of the previous regime
22 to write down their names on a board, and eventually these people
23 were executed. So, this - this happened on the 20th of April
24 1975.

25 [11.41.48]

1 Q. Thank you, Witness.

2 I would like to move to my second part concerning the information
3 you obtained from the victims regarding the suffering they have
4 endured.

5 With leave from Mr. President, I would like to present a document
6 written by the witness, document D133/1.2.

7 MR. PRESIDENT:

8 You may proceed.

9 Court officer is now instructed to obtain the hard-copy document
10 from the lawyer and present it to the witness for his
11 examination.

12 MS. MOCH SOVANNARY:

13 (Microphone not activated)

14 [11.42.36]

15 MR. PRESIDENT:

16 Please make sure that your mic is activated.

17 BY MS. MOCH SOVANNARY:

18 Mr. President, I would also like to have it displayed on the
19 screen - in Khmer, 00832483; English, 00609102; French, 00410324.

20 Q. In the document that you have before you, I have highlighted
21 for you in - with green coat. In this part, you mention: "Based
22 on this, the whole Cambodia was turned into an open worksite, and
23 people did not consider whether or not they were working during
24 the day or night; they were working tirelessly with joy."

25 So, I would like to ask you, what basis - or how did you base

1 your writing on? Did you receive information from any sources?

2 And how did you confirm that this sources is reliable?

3 [11.43.53]

4 MR. PONCHAUD:

5 A. So, at that time, we - I based on the radio broadcast by the
6 Democratic Kampuchea radio. When we have the quotation, then we
7 quote it from the radio broadcast.

8 Q. Can you expand the substance of this quotation based on the
9 radio broadcast, as well as the subsequent information you
10 received from the victims who came across this regime? Were they
11 really enjoying the work that they were doing at that time in
12 that so called vast worksite?

13 A. I explained yesterday, when I started conducting research on
14 the - on Cambodia, starting from September 1975, first, I
15 listened to the refugees. Refugees tell the accounts of their
16 past experience that - I could hardly believe it. They said they
17 worked day and night. But earlier on I could hardly believe them
18 because it was beyond anyone's imagination. But later on I had an
19 idea to go and listen to the radio broadcast by the Democratic
20 Kampuchea.

21 [11.45.35]

22 Because at that time I thought that Angkar was not crazy enough
23 to make people do such a harsh job, because the Angkar's leaders
24 were well-educated - like Saloth Sar was educated in France. So I
25 thought that they must have had a very well organized plan to

1 develop the country. I thought in the first place that they had
2 good intention for the development of the country. So I, at that
3 time, paid more attention to listening to the Khmer Rouge radio
4 broadcasts in order to follow the political lines.

5 And you see, here, when I quoted using the inverted commas over
6 here, actually, it was the direct quote from the radio broadcast.

7 And in other parts I actually based on the broadcast of the
8 Democratic Kampuchea radio.

9 And if you read over there, outside the quotation, it was the
10 report based on the accounts of people who have come across this
11 period. They worked very hard. Actually, they did not work with
12 joy and pride, but actually, they worked very hard, extremely
13 hard.

14 Now, for example-

15 [11.47.08]

16 Q. I think you have already answered my question I have. Due to
17 my time limitation, I need to pursue my next line of questioning.
18 So, my next question. With permission from Mr. President, I would
19 like to present another document, D134.1, entitled in Khmer
20 "Cambodia Liberation Year".

21 MR. PRESIDENT:

22 You may proceed.

23 BY MS. MOCH SOVANNARY:

24 Q. In this particular document, I would like to refer to only a
25 relevant portion of the book; relevant ERN: in Khmer, 00323735;

1 English, 00323693; French, 00283064.

2 [11.48.25]

3 On this particular portion of your book, you said:

4 "From the 17th of April 1975, some 20,000 Cambodians decided to
5 leave the country. They crossed border sometime on the 17th of
6 April. And in December every year, two or three people arrived at
7 Aranyaprathet."

8 So, based on your interview with those refugees, did they tell
9 you the reason why they decided to take risk to exile to other
10 countries? Because at that time they must have known that their
11 country was liberated, but on the contrary they decided to take
12 all the risk to cross the border illegally to a foreign country.

13 MR. PONCHAUD:

14 A. There were different categories of people. Now, the civil
15 servants or soldiers of the previous regime, they ran into the
16 border because they want to escape from that.

17 For example, one man by the name of Sam Iet, he was considered
18 the most corrupt official. He sells rice to the Khmer Rouge. So,
19 at that time, when the Khmer Rouge conquered in the war, they
20 fled in fear of reprisal of the Khmer Rouge at that time.

21 [11.50.12]

22 And some people who lived some 30 kilometres away from the - from
23 the border, they told us - they heard from others that the Khmer
24 Rouge killed so many people, so they decided to flee the country.
25 At that time, we learned that many people were terrified for the

1 - and they fled for their life.

2 Q. Thank you, Mr. Witness. I have my last two questions
3 concerning the same topic.

4 My first question, I refer to the same document that I handed
5 over to you, document D133/1.2. And I would like to extract the
6 relevant page: ERN 00 - in Khmer, 002485 (sic); English,
7 00609103; French, 00410324.

8 On this particular portion, you mention the refugees whom you
9 interviewed concerning the second phase of population movement.

10 According to you, you said:

11 "According to the refugees who arrived in Thailand, they said
12 that the second wave of population movement led to many more
13 casualties. The numbers of casualties was even more than the
14 first wave of evacuation in 1975. That was due to the food
15 shortages as well as diseases and other living conditions."

16 [11.52.22]

17 So, when you met with those refugees, could you tell the Court,
18 what suffering did they tell you when they were being evacuated -
19 when, for example, they did not have sufficient food to eat, they
20 did not have access to medicine or healthcare? When they were
21 forcibly evacuated from one place to another, what were the
22 sufferings they described to you at the time when you were
23 interviewing them?

24 A. On May or June 1975 or early 1976, Angkar evacuated the
25 population for the second time. I wrote this article, again -

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1 because Judge Lemonde might have confused through the
2 interpretation.

3 There were people who were transported from Takeo to Phnom Penh,
4 and then they were taken by - carried by the train, and then they
5 went all the way to Phnom Thipakdei, near Mongkol Borei. It was
6 like Hitler taking (inaudible). The Khmer Rouge were not Hitler;
7 they were Communists, they were not Nazis.

8 [11.53.49]

9 They described their accounts of the events at that time. It was
10 a barbaric treatment. They were staying in the wagons of the
11 train. They were not given food, they were not given water, they
12 did not have place to defecate or relieve themselves. They had to
13 stay in the small wagon packed with people over there. It was
14 like the Jewish were being taken by the Nazis in the past. So,
15 among those people, there were so many casualties.

16 And if you want to seek clarification on this situation, you can
17 ask Oum Nal; he was a former doctor at Preah Ket Mealea Hospital,
18 and he was the person who received those people in Sisophon, and
19 he was one of the surviving witnesses.

20 MS. MOCH SOVANNARY:

21 Thank you, Witness. You have answered my question. And actually,
22 you also answered my last question that I am about to ask, so I
23 do not have any further question to you.

24 [11.54.58]

25 And I thank you, Mr. President, for giving me the opportunity to

1 put the questions to the witness.

2 And I thank you, Witness, for endeavouring to answering my
3 questions.

4 I would like to now cede the floor to my colleague.

5 MR. PRESIDENT:

6 Yes, please, Lawyer, you may proceed.

7 MS. SIMONNEAU-FORT:

8 Good morning, Mr. President. Good morning, Your Honours. Good
9 morning to all. Good morning to you, Mr. Witness.

10 I would point out that I have approximately 30 minutes' worth of
11 questions. Mr. President, do you wish that I begin immediately or
12 do you wish that I commence following the lunch break. I am in
13 your hands, Mr. President.

14 MR. PRESIDENT:

15 You may proceed now, and we will try our best to make use of the
16 Court time to ensure efficiency and expeditiousness of the trial.
17 So you may proceed.

18 [11.56.12]

19 QUESTIONING BY MS. SIMONNEAU-FORT:

20 Thank you very much.

21 Mr. Witness, my name is Élisabeth Simonneau-Fort. I am a civil
22 party lawyer in this trial. What is of concern to me is - and I
23 will state it to you most bluntly - it's not what you think,
24 since I have very little time. What is of interest to me is what
25 you witnessed with your own eyes, what you heard from the

1 refugees who provided you oral testimony. As I stated yesterday
2 and as you stated yesterday, with which I fully agree, this is of
3 the utmost importance for Cambodians and it is most important
4 that we place on the record what they experienced.

5 Therefore, I would ask that you clarify a certain number of
6 matters, specifically the manner in which you gathered some of
7 these testimonies and accounts, as well as how you were able to
8 report on these testimonies, which eventually led you to the
9 publication of some reports and articles.

10 [11.57.31]

11 I also want to draw your attention to a report that was cited by
12 Judge Lavergne yesterday. I am referring to document E3/1004
13 (sic), a report that was submitted to this Human Rights
14 Sub-Commission in July 1978. I will also be referring to the two
15 articles published in the French daily "Le Monde", that were also
16 referred to yesterday by Judge Lavergne and which bear the
17 document number D133/1.2.

18 Q. With respect to the report that you submitted to this Human
19 Rights Commission, you make mention of certain violations of
20 human rights. You wrote that the violations were still ongoing.
21 And you wrote your articles just a few months following the rise
22 to power of the Khmer Rouge.

23 In the first document, which is the report, you talk about
24 several human rights violations, observations that you had made
25 yourself, based on the refugee accounts and which brought you to

1 certain equivocal opinions, including the movement of population.
2 Yesterday Judge Lavergne read to you a passage from the article,
3 which I will not repeat here. In terms of the movement of
4 populations in the first and second transfers, is it correct to
5 say, sir, that your findings were the outcome of what you saw,
6 heard, and learned when you were in Cambodia up until the start
7 of May 1975?

8 [11.59.56]

9 MR. PONCHAUD:

10 A. Until May 1975, I did not see anything. I saw the evacuation
11 of people from Phnom Penh, but I could not see the fate of those
12 people later on. What I knew was gained from my interview with
13 the refugees from September 1975.

14 Q. In the interest of clarity, sir, you still noticed in Phnom
15 Penh a certain number of things occurring between the 17th of
16 April and your departure.

17 A. I saw that Phnom Penh was empty, no people was over there. I
18 saw the evacuation of 200 or 300 people along Monivong Boulevard.
19 I did not see any other thing. People of all ages, children,
20 women, patients were all evacuated, so they would die, they would
21 surely die. Those women who have just given birth would have
22 little chance to survive.

23 [12.01.58]

24 Q. Thank you for that clarification. Therefore, you have just
25 stated that the findings were based on the refugee accounts. And,

1 as the Co Prosecutor recalled earlier this morning, this was a
2 systematic implementation of the policy.

3 I want to turn to the second finding that you make in the report,
4 according to which you talk about human rights violations. You
5 make a second series of observations regarding the lives of
6 people and families in cooperatives and in work camps.

7 In document E3/1804, you write:

8 "Husbands and wives are generally separated and they only reunite
9 occasionally, especially for the New People. Children are usually
10 left to the older women of the cooperatives, and as of the age of
11 six, they are practically separated from their parents. They
12 rarely have the chance to live together as a family. As of the
13 age of 13 or 14, teenagers enter mobile troops and they very
14 rarely get to see their parents."

15 [12.03.34]

16 In the "Le Monde" article of the 17th of April (sic) 1976 - on
17 ERN: French, 00410324; English, 00609102; Khmer, 00832484 - you
18 write, on the second series of observations that you had
19 previously conveyed: "This category of mobile workers are used by
20 Angkar, and Angkar seems to be bent on exploiting human potential
21 to the very limit of its physical strength."

22 Mr. Witness, if I understand correctly, these observations were
23 based on what you heard from the refugees. Can you please confirm
24 as to whether such comments were made by a great number of
25 refugees who were either along the Thai border or along the

1 Vietnamese border?

2 A. I interviewed the refugees who fled into Thailand, not the
3 refugees in Vietnam. And I also interviewed a refugee who went to
4 France, as well. The Khmer Rouge radio also gave some information
5 about the mobile unit, children unit. I learned about the Khmer
6 Rouge society through the Khmer Rouge radio. I learned about the
7 children unit, which was in charge of collecting cattle excrement
8 and plants to be used as fertilizer. Later there were mobile
9 unit, women's unit. So, this is the explanation from the Khmer
10 Rouge radio.

11 [12.06.13]

12 And they divided the people into two groups. Those who were
13 married, husbands were assigned to work far away to clear
14 forests, to plough rice field, to fish. Women worked close to the
15 villages.

16 The Khmer Rouge radio explained that old aged people - old people
17 aged from 55 upward were assigned to make tools for farming, and
18 they said that those people described their work in happiness;
19 they enjoyed working.

20 [Interpreted from French:] I didn't say that [end of
21 interpretation from French].

22 Khmer Rouge radio broadcasts broadcast about how the society
23 should be educated and also how people lived their life.

24 MR. PRESIDENT:

25 Thank you, Mr. Witness and Counsel for the civil parties.

66

1 It is now appropriate moment for lunch adjournment. The Chamber
2 will adjourn, and the next session will be resumed by 1.30 p.m.
3 Court officer is now instructed to assist the witness during this
4 adjournment and have him returned to the courtroom by 1.30 p.m.
5 Security personnel are now instructed to bring Mr. Khieu Samphan
6 to his holding cell and have him returned to the courtroom when
7 the next session resumes.

8 (Court recesses from 1208H to 1334H)

9 MR. PRESIDENT:

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

11 And the Chamber would like to give the floor to Lead Co-Lawyer to
12 put question to the witness. You may proceed.

13 BY MS. SIMONNEAU-FORT:

14 Yes, thank you, Mr. President. Good afternoon to you, to Your
15 Honours, and to all of you. Good afternoon, Mr. Ponchaud.

16 Q. This morning we were speaking - or we stopped when we were
17 talking about the second series of observations included in your
18 1978 report and in your articles in "Le Monde" newspaper, and you
19 said that these observations were based on accounts, but also
20 based on the radio broadcasts you were listening to and that a
21 friend of yours would pass on to you.

22 [13.36.00]

23 Now I'd like to look at a third series of observations that
24 appear in your report, in which you speak about various
25 violations, and this third series of observations concern the

1 rebuilding or the re-education of the person who doesn't follow
2 the instructions of Angkar and the - and the elimination of those
3 who do not follow these instructions at all. You speak about
4 executions in your report. And yesterday Judge Lavergne read out
5 an excerpt from this report to you regarding doctors, engineers,
6 teachers, students.

7 And I would like to refer to what you wrote in "Le Monde" on 18
8 February 1976, at ERN: French, 00041325; English, 00609109; and
9 Khmer, 00832491. And you say in February 1976 - and I quote,
10 [free translation]:

11 "The person who does not follow Angkar's instructions is
12 sentenced to 'construction', a term which is synonymous with a
13 reprimand coupled with punishment, food deprivation, standing in
14 the hot sun, etc. If such persons do not mend their ways, they
15 are sent to disciplinary facility for collective training. And if
16 they disobey orders from Angkar for the third time, they are
17 summoned to the 'supreme organization', 'Angkar Leu', from where
18 no one returns."

19 [13.37.55]

20 And, once again, what you're saying here in this report and in
21 this article is based - is it based on accounts that you heard -
22 on many, many accounts that you were apprised of?

23 MR. PONCHAUD:

24 A. [Interpreted from French:] Indeed, this is based- [end of
25 interpretation from French]

1 I got information from witnesses who told me.

2 Q. And in your report to the UN, you write in your first
3 sentence: "After having reviewed the accounts of hundreds of
4 refugees, it is quite clear that we can establish the truth as
5 follows..."

6 So, is your certainty based on the convergence of these accounts
7 and of the usage of the same words in these accounts? Is it based
8 on common references, on common details?

9 A. Those are not only the accounts of the refugees. They - these
10 accounts are also consistent with the broadcast of the Democratic
11 Kampuchea radio.

12 This morning I said the Cambodian revolution has three stages.
13 The first stage was about the national revolution. In that stage,
14 they destroyed those who were not real people, who were enemies
15 who served the Americans and Lon Nol. So, they killed soldiers
16 and civil servant, high-ranking officials in all cities. I got
17 information from the Khmer Rouge radio.

18 [13.40.31]

19 Q. Thank you. And since I don't have much time, I'm going to ask
20 you, please, to answer very concisely and very precisely to my
21 last questions.

22 I'd like to now bring up a fourth series of observations you made
23 in your 1978 report and in the articles you wrote for "Le Monde".
24 And this fourth series of observations on what was happening in
25 Democratic Kampuchea concerns the specific treatment reserved for

1 certain groups.

2 Yesterday Judge Lavergne read out an excerpt from the report that
3 you presented to the Commission of Human Rights. I'm not going to
4 read it again, but I'll read another excerpt, which is on the
5 following page, and this concerns a specific group - and I quote:
6 "Those who were the wealthiest were executed, as well as the
7 monks, a few days after the revolutionary victory. Others were
8 grouped in special camps and forced to lead a lay life as of
9 1976. And the pagodas that were not destroyed during the war were
10 transformed into warehouses or had other profane usages. Buddha
11 statues were destroyed and most often broken, and the Muslims are
12 persecuted in particular. Christian and animus religions have no
13 possibility of expressing themselves."

14 [13.42.00]

15 And I'm going to read to you very, very quickly an excerpt from
16 the article that you wrote in "Le Monde" newspaper, at - on the
17 17th of - on the 17th of February 1976. And you stated, regarding
18 the army: "An impressive number of accounts coming from all
19 different backgrounds confirm that there were purges of the quasi
20 totality of military and administrative officials."

21 And in the article the following day, on the 18th of February
22 1976, you write:

23 "And it is the same regarding Islam that is practiced by a
24 150,000 Cham, or 'Khmer Islam'. Accounts speak about persecution,
25 about destruction of religious books, of the obligation to eat

1 pork, and of being forced to give up certain (inaudible)."

2 These observations that you mentioned back then, during the Khmer
3 Rouge regime, are they based on a great number of accounts or
4 not?

5 A. Yes, I got many accounts from monks since January 1976. There
6 were no monks - there were no more monks; there were only a few
7 monks who could be used by Khmer Rouge leaders. Since January
8 1976, there were no more - no more monks. Monks were forced to
9 leave the monkhood.

10 [13.44.06]

11 With regard to the Cham, I got some more information from
12 different sources, as you have mentioned. I do not believe that
13 the Khmer Rouge mistreated the Cham based on religious principle.
14 The ethnic Cham had their own tradition, and the Khmer Rouge
15 wanted all the people to do the same thing. So, those who agreed
16 to follow the Khmer Rouge would survive, no matter - no matter
17 they are the ethnic Cham or the Vietnamese. But if they did not
18 follow the Khmer Rouge, they would be in danger.

19 Since 1978, the situation became strange. They searched for the
20 Muslim, the "Khmer Islam", because of the conflict between
21 Cambodia and Vietnam, and ethnic Cham were suspected to support
22 the Vietnamese.

23 Q. Thank you. And now I'm coming to a fifth series of
24 observations that you make in your report to the UN and that
25 probably will not surprise many of us. You - in this report, you

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1 speak about marriage and you say, regarding this, on the second
2 page of your report, that "if there were cases of forced
3 marriages between young city girls and disabled veterans, this
4 was not generalized. In order to get married, however, young men
5 and young women depended entirely on Angkar's will."

6 What you indicate here, is this also - does this also result from
7 accounts that you gathered then?

8 [13.46.40]

9 A. I got a lot of accounts regarding the marriage arranged by
10 Angkar. Women who rejected the marriage with Khmer Rouge soldiers
11 who were handicapped committed suicide. Those women committed
12 suicide.

13 I know two couples who lived with each other until now. Their
14 marriage was arranged by Angkar.

15 I would like to say that Angkar was the parents of the people.
16 According to the Cambodian tradition, parents arrange the
17 marriage for their children, so Angkar had the right to arrange
18 the marriage for the children. I do not like that practice, but
19 of course this is the view of Angkar.

20 Q. Thank you.

21 Aside from these five series of observations which, for me, of
22 course, are crucial - and also for you, because you qualify all
23 this as violations - and in "Le Monde", you brought up two
24 points, as well, two points that I would like to read out to you
25 before I put questions to you.

1 [13.48.24]

2 The first is at ERN: French, 004110324 (sic); English, 00609105;
3 and Khmer, 00832487. And you say in this article in February
4 1976:

5 "Refugees divide the people between the Old People, those from
6 the Liberated Zone before 1975, and the New People, who were
7 liberated on the 17th of April 1975. These New People are still
8 considered prisoners of war and have no rights whatsoever."

9 And I'm going to quote a second excerpt from the article of 18
10 February 1976 - ERN in French; 00410325; English, 00609110; and
11 Khmer, 00832492. And you say at the end: "The absence of
12 medicine, work without stop makes us envisage an incredible loss
13 of human life."

14 So, these observations are made nine months after Phnom Penh
15 fell. Well, were these - are these observations based on accounts
16 that you heard from refugees?

17 [13.50.08]

18 A. Yes, I got the accounts from refugees who said that many
19 people were killed. In every family, people died. There was a
20 study to find out, within 1,000 families, how many people were
21 killed or died during the Khmer Rouge regime. I said that 800,000
22 were killed during the Khmer Rouge.

23 André Fontaine, the president of "Le Monde", called me and said
24 that I exaggerated, and I said, "No, I did not exaggerate."

25 At the time, CIA said 1 million people - 1 million - 1.4 million

1 people were killed. And foreign ambassador said that 1 million
2 people were killed. And I said only 800,000 were killed and I did
3 not remember the exact source-

4 Q. Sir - sir, may I interrupt you? I have to interrupt you
5 because I would like to proceed with my questions, and the exact
6 number of victims is not what I would like to focus on the most
7 today.

8 And just to finish off, I would to read a few excerpts of civil
9 party statements, civil parties who testified in December 2012.
10 And since I don't have much time, I will just read out one and
11 I'll ask you if this excerpt has a few similarities with what you
12 heard in 1975, or 1976, or '77, or even '78, when you were
13 interviewing refugees - so are there any similarities with what
14 the civil party said in October-November 2012 and what you heard.
15 [13.52.36]

16 And the excerpt is in the transcript. It is E1/146.1 (sic). It is
17 from 4 December 2012 and is at 2.07 in the afternoon - and 38
18 seconds - and Ms. Toeng Sokha says the following - [free
19 translation] - she speaks about the forced evacuation 2 that you
20 brought up yourself, in fact, and she says:

21 "It took us all day. It didn't start early in the morning. And we
22 were gathered at around 8 or 9 o'clock in the morning. They made
23 us board a truck, and then, later, we were transported towards
24 this place and we arrived on site at the end of the afternoon.
25 And it took a long time because the roads were no good, and there

1 was no break along the way. The Khmer Rouge would go into the
2 forest to relieve themselves, but we were not allowed to step off
3 the truck. And it's only when we arrived in Pursat that we were
4 allowed to step off the truck."

5 And a question is put to her: "Did you take a freight car or did
6 you take a passenger car on the train?"

7 And she answers: "We were grouped in a freight car that was
8 empty."

9 And she describes the rest of her journey.

10 Can you tell us, quickly speaking, if this resembles what you
11 heard maybe 35 or 36 years ago?

12 [13.54.13]

13 A. I agree 100 per cent with this account.

14 MS. SIMONNEAU-FORT:

15 Thank you.

16 Well, I am done with my questions. I would like to thank you for
17 your contribution to this work of justice taking place here.

18 In Cambodia, as you know, there are civil parties and victims and
19 other Cambodians who are expecting a lot from this Court. This
20 Court, of course, does not intend to cover everything, but it's
21 already something that's very, very important. A lot of people
22 are expecting a lot, so, on their behalf, I would like to thank
23 you for your contribution to this work of justice.

24 MR. PRESIDENT:

25 Thank you.

1 Next we would like to cede the floor over to counsels for Mr.

2 Khieu Samphan to put some questions to this witness.

3 [13.55.20]

4 QUESTIONING BY MR. KONG SAM ONN:

5 Thank you, Mr. President and Your Honours. I am Kong Sam Onn,

6 representing Khieu Samphan. Along with my colleague, I have a few

7 questions for the witness.

8 Q. I may seek some clarification from you. You have mentioned

9 about Mr. Khieu Samphan and you said you met him once, eight

10 years ago, and you knew Mr. – you heard of Mr. Khieu Samphan even

11 back in Sihanouk's regime.

12 Can you tell the Chamber, when exactly did you become to know Mr.

13 Khieu – or hear of Mr. Khieu Samphan?

14 MR. PONCHAUD:

15 A. I heard of him in Sangkum Reastr Niyum, or Sihanouk's regime.

16 And, as I already mentioned, I knew him to be the clean person,

17 the person who believes in justice, a person who would like to

18 find justice. And he was mistreated by the police right in front

19 of the Assembly, and I still admire him greatly.

20 [13.56.48]

21 And Prince Sihanouk, in his statement, tried to mistreat Mr.

22 Khieu Samphan. He tried to arrest Mr. Khieu Samphan and on one

23 occasion said that these three people were dead.

24 And the Chinese Embassy talked about Prince Norodom Sihanouk who

25 said that the dead bodies of these three individuals, including

1 Hu Nim and Hou Youn, were plunged into a pit and that they
2 regarded him as the ghost minister.

3 Q. Mr. Witness, could you please just be more concise on the
4 time? When did you learn of his name?

5 A. It was in 1966, a year after I arrived in Cambodia.

6 Q. Yesterday you also mentioned Khieu Samphan, who wrote
7 something on the "Observateur". Did you also read those articles
8 or you only have heard of him having written such articles?

9 [13.58.26]

10 A. I was in the countryside. I heard people talked about this; I
11 didn't read the articles myself. And King - Norodom Sihanouk, at
12 that time, ordered the closure of the "Observateur".

13 Q. Just now you mentioned about the police in Sangkum Reastr
14 Niyum and that Khieu Samphan were undressed in front of the
15 Assembly. Do you know what was the reason behind this?

16 A. Kou Roun, the head of the police - and I don't know the reason
17 behind this - he had to do that. And perhaps Khieu Samphan did
18 not agree to sign on a commercial agreement. And we also heard
19 the guy - or the person was bragging of - about having undressed
20 Mr. Khieu Samphan before the Assembly.

21 Q. I believe that - and you said that Mr. Khieu Samphan was not
22 willing to take bribe; that's why he was mistreated. Can you
23 clarify a little bit on this? Why a clean person like him was
24 mistreated?

25 A. It is very normal, even during current days. Clean people who

1 do – who do some harms to some other people, in a sense, would
2 then be not wanted.

3 [14.00.43]

4 Q. You also talked about Mr. Khieu Samphan who was holding a
5 position in the Ministry of Commerce. Did you know Mr. Khieu
6 Samphan very well when he was still holding that senior position?

7 A. I did not have any interest in the government. I spent most of
8 my time in the countryside, living with the peasants, so I'm
9 afraid I cannot respond to your question because I don't know
10 about this.

11 Q. You called Mr. Khieu Samphan "Mr. Clean". Can you tell the
12 Chamber how you could call him like that? Did you hear villagers
13 say so?

14 A. Youth, intellectuals, teachers used to call him "Mr. Clean"
15 because teachers did not like then Prince Norodom Sihanouk
16 because they believed that he was leading a corrupt government.

17 Q. To the best of your recollection, how can you describe Mr.
18 Khieu Samphan's popularity back then?

19 [14.02.42]

20 A. During that time, the youth, and teachers, and intellectuals
21 had wisdom. They would like to free their country from the – from
22 being under the rule of the monarch. And for that, I can say that
23 Mr. Ieng Sary and Saloth Sar, who were the teachers at the
24 Kampucheabot School, they were much appreciated and they were
25 believed to be following Communism.

1 Q. With regard to the event that Mr. Khieu Samphan had to flee to
2 Kampot, do you know the reason behind his fleeing to Kampot?

3 A. It was because villagers in Samlaut revolted against the
4 government, who grabbed their land. They grabbed the land to pave
5 way for the sugar factory, and peasants were unhappy and they
6 stole some weapons - rifles from the soldiers. And then Prince
7 Norodom Sihanouk cursed Mr. Khieu Samphan, Hu Nim, and Hou Youn;
8 they - he accused them of being the traitors. And the prince said
9 that his subjects, his children, and people would never do such
10 thing against him without anyone behind them.

11 [14.04.55]

12 And when this happened, I was still young and I went to the
13 cinema, and before we watched the movie, an episode of Preap In
14 being tied to a pole and fired at by soldiers - he was shot dead,
15 and the video footage of such ordeal was shown in movie before
16 each movie was being shown.

17 Indeed we respect the Prince - King Norodom Sihanouk. However,
18 when it comes to power, King Norodom Sihanouk was not familiar
19 with how the power would be properly distributed.

20 Q. Can you also tell the Chamber, please, the relation between
21 the revolt or rebellion that happened in Samlaut and why it was
22 connected to Khieu Samphan?

23 A. I did not conduct a study or research on this. However, I
24 believe that this incident was not relevant - not interrelated.
25 But the Khmer Rouge, and including Khieu Samphan and other

1 people, fled to Samlaut, and a group of Democratic Kampuchea
2 soldiers were organized. Mr. Khieu Samphan, according to my
3 knowledge, was not engaged in this. Nonetheless, I have not done
4 any study on this to verify it.

5 [14.07.21]

6 Q. After the disappearance of Mr. Khieu Samphan and after you
7 heard people talked that the government had to douse the dead
8 bodies of the three people in acid, what can you tell us more
9 about this?

10 A. I, at that time, was convinced that he and the other people
11 were dead, but later on we learned that he did not die, because
12 he emerged to welcome Prince Norodom Sihanouk coming to Cambodia.
13 But at that time, in Phnom Penh, we were still not convinced,
14 because it was, we believed, part of the Khmer Rouge propaganda
15 that these people dead or alive. But we, in 1978, saw Prince
16 Norodom Sihanouk and his wife when Prince Norodom Sihanouk was
17 hugging Khieu Samphan when they visited Kulen Mountain. With
18 that, I was convinced that Khieu Samphan could have not died. He
19 was not a ghost, or otherwise he would be a ghost who has already
20 now reborn.

21 Q. Did you know what Mr. Khieu Samphan could have been doing when
22 he re-emerged?

23 A. I did not have great interest in this. There were wars, there
24 were concerns, and we were overwhelmed by these worries already.
25 We were too overwhelmed with these worries to think about Khieu

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1 Samphan. And nonetheless we believed that the Khmer Rouge would
2 like to show the world that Mr. Khieu Samphan was a clean,
3 innocent person; that's why they would like to show his picture
4 near then Prince Norodom Sihanouk.

5 [14.10.33]

6 Q. I would like to go back a little bit to the Italian journalist
7 (sic), Mr. (sic) "Cristiana". Do you still recall his name?

8 A. This is a shameful thing. Mr. (sic) "Cristiana" talked about
9 Mr. Khieu Samphan but he never met him; he never met Khieu
10 Samphan. He was a big liar because he never met Khieu Samphan.

11 Q. Can you also tell the Chamber how Mr. (sic) "Cristiana" made
12 up all these stories? What makes you believe that he made this
13 all up?

14 A. Frankly, I don't remember this very well, but Mr. (sic)
15 "Cristiana" formed - formed a group, and they created some - or
16 made up some stories against the Democratic Kampuchea which was
17 the Communist society. And to me, I can see that these people
18 would like to do anything opposing the Communist state.

19 [14.13.02]

20 MR. KONG SAM ONN:

21 Mr. President, I would like to have this document be put up on
22 the screen: document E/608 (sic).

23 MR. PRESIDENT:

24 (No interpretation)

25 BY MR. KONG SAM ONN:

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1 Q. Mr. Witness, could you look at this paper and see whether it
2 is part of the article that "Cristiana" published?

3 MR. PONCHAUD:

4 A. This is part of the past. I don't remember this quite well,
5 but I met a journalist who stayed with Paolo (sic), and we met in
6 Colombo, and he talked to me that he never met Khieu Samphan. So
7 I believed that what being said by these paper is not true; even
8 the interview itself was made up.

9 [14.14.48]

10 MR. KONG SAM ONN:

11 Mr. President, I would like document - document E190.1.353 being
12 handed over to the witness.

13 MR. PRESIDENT:

14 You may proceed.

15 BY MR. KONG SAM ONN:

16 Q. I would like you to also look at this article of the newspaper
17 about the ignorance of the suffering in the Democratic Kampuchea,
18 written by Lewis Simons. And you may refer to the area with some
19 highlight: ERN in Khmer, 00811089; English ERN 00445460; and
20 French ERN 00775746.

21 I would also like to read the part that you stated. You said you
22 know for sure that the Italian newspaper or the Italian
23 journalist never interviewed or met Khieu Samphan. Do you still
24 stand by that statement? Or is that - the statement you made to
25 that journalist - the "Washington Post" on the 19th of February

1 1978, is it true?

2 [14.17.10]

3 MR. PONCHAUD:

4 A. Yes, this statement was what I talked to New York for the
5 "Time" magazine, and I met the journalist who said that this
6 gentleman never - or this journalist never met Mr. Khieu Samphan
7 before.

8 And later on there was another journalist who talked bad about
9 Khieu Samphan. They exaggerated the information. They tried to
10 establish bad image of the Democratic Kampuchea by saying bad
11 things about individuals who were in the Democratic Kampuchea.
12 So, I can see that, although some people in the Democratic
13 Kampuchea could have made some big mistakes, but they're still
14 respected people.

15 MR. KONG SAM ONN:

16 Thank you, Mr. President, and Your Honours, and Mr. Witness.
17 I have no further questions, but I would like to cede the floor
18 over to my colleague to continue putting some more questions.

19 [14.18.35]

20 MR. PRESIDENT:

21 Thank you, Counsel.

22 Counsel for Mr. Khieu Samphan, you may now continue.

23 QUESTIONING BY MR. VERCKEN:

24 Thank you very much indeed, Mr. President. Good afternoon, Father
25 Ponchaud. My name is Arthur Vercken. I am one of the co-lawyers

1 representing Mr. Khieu Samphan.
2 A few questions for you to clarify a potential misunderstanding,
3 because my colleague was asking you a question about the
4 "Washington Post", whereas you were talking about an article that
5 may have appeared in the "Time" magazine or "New York Times". I
6 just wanted to point out that this is an error. But for the
7 record, we are dealing with an original article that was
8 initially published in the "Washington Post" - a minor detail,
9 but one that I wish to inform you of.

10 [14.19.55]

11 To your honour and to your credit, you have decided to speak in
12 Khmer. After all, we are in Cambodia; you are addressing a Bench
13 of Cambodian Judges. However, one precision I would like to point
14 out is, when you speak in Khmer, your words are interpreted into
15 English and then relayed into French. Our interpreters are of the
16 highest calibre. However, you will understand that there is a
17 certain lag and -- that occurs.

18 And in particular, in regards to something you said yesterday,
19 because of the possible discrepancy, I had to consult my
20 Cambodian colleague and have him clarify what you meant by
21 "cosmic revolution". This particular excerpt comes from your
22 testimony that you had commented on and Sihanouk's reputation
23 prior to the coup d'état, and you talked about the showing of an
24 "Apsara" film. You said that intellectuals hated Sihanouk, that
25 he had a very bad reputation, and that there was a clear gap

1 between intellectuals thought and what more ordinary,
2 simple-minded people thought.
3 So, there was some cloudiness or confusion around that, so could
4 you, perhaps, make explicit exactly what you meant by "cosmic
5 revolution"?

6 [14.22.15]

7 MR. PONCHAUD:

8 A. To the peasants, the king is the master of the land and the
9 water. And you may be aware that during the ploughing ceremony,
10 the king would be the first person who starts ploughing this
11 field. And after that the people can sow - can grow crops. It is
12 the king who creates rain; no king, no rain.

13 So, when the Assembly decided to topple down the king, peasants
14 felt that they could not do farming because the king was no
15 longer there to create some more rain for them to grow their
16 crops. According to the French saying, it was the king who
17 creates the sun and the rain. I talked a lot about this, but I
18 would not talk more.

19 Even the former king, King Norodom Sihanouk - and when Charles de
20 Gaulle came to Cambodia on the 1st of September 1966, King
21 Norodom Sihanouk started to tell the world, before Charles de
22 Gaulle coming to Cambodia, that he would even stop the rain from
23 coming, and indeed he's - he would like to tell the world that he
24 would be the best king ever. And when Charles de Gaulle came,
25 indeed, true enough, there was no rain. I would not wish to talk

1 more about this, as I already said a lot.

2 [14.25.30]

3 Q. Yesterday, in response to a question put to you by Mr.

4 President, you said that intellectuals detested Sihanouk when he

5 was in power, and in fact you put it in comparison with the

6 "Apsara" film. Could you please tell us why?

7 A. The term "hatred" in French that you said would be too strong

8 to describe the sentiment of the students; they just did not like

9 the former prince. When students who came from France - they

10 would like to get some power from the king, but the king was not

11 ready to relinquish this power to the students.

12 We talk about Khieu Samphan, Hu Nim, and Hou Youn, but we, at the

13 same time, forget that there is another person by the name of

14 Chau Seng, who was a Cambodian, a Communist who got married to a

15 French woman, and he was the Minister of Education. So, in all

16 educational departments, these departments were under the

17 supervision of the Communist leaders.

18 [14.27.44]

19 So, these people who loved communism did not like King Norodom

20 Sihanouk. And since King Norodom Sihanouk did not want to share

21 power and because the country was hampered by corruption and

22 injustice, that's why this thing happened.

23 With regard to "Apsara" movie, I was at Stung Treng. I was

24 teaching French to some Khmer students at a high school. We were

25 forced to watch that movie, and this movie showed that there was

1 no cattle, no ox carts, no peasants in the city; there were only
2 life for the rich.

3 Even Mr. Sosthene Fernandez, who really didn't like gambling, he
4 was the one who made this all happen. Mr. Sosthene Fernandez was
5 in charge of eliminating or suppressing gambling, but at the same
6 time he was the ringleader of this gambling network-

7 Q. Father Ponchaud, please, please - because you know what you're
8 saying, but you don't know what I'm hearing, and what I'm hearing
9 does not make any sense, so that's why I would like to - that's
10 why I'm interrupting you.

11 So, what is the relationship here with the film "Apsara"? I don't
12 understand. I don't want to get into the details of the
13 translation, but still, it's just a very simple question. Okay?
14 Please speak to me - you can speak to me in French if the Chamber
15 is okay with that, but - maybe that would make things easier; I
16 don't know.

17 [14.30.20]

18 A. [Interpreted from French:] "Apsara" staged a story that was
19 taking place in Phnom Penh, where we saw no peasant, no carts -
20 no ox carts and where those in charge of the government were
21 acting like hooligans, like gangsters. Sosthene Fernandez, who
22 was in charge of suppressing gambling, was leading a casino.
23 Nhiek Tioulong, the father-in-law of Sam Rainsy, the head of the
24 army, was completely decadent. So the people in the countryside
25 were saying, "Is that what Phnom Penh is about? Is that what

1 Sihanouk's government is about?" They could only be
2 flabbergasted, and I understand very clearly that the Communists
3 were furious against Sihanouk and wanted to destroy him.

4 Q. Thank you. Now I understand the relation between the film and
5 the reaction that this film might have caused against Sihanouk.

6 [14.31.26]

7 And regarding this and to continue in a chronological way, I
8 would like you to speak to us now about the way the regime - the
9 Lon Nol regime dealt with the image of the ex-king - or
10 Sihanouk's image, therefore - once he was deposed. How did the
11 Lon Nol regime deal with this issue?

12 A. Just now I criticized the regime under Sihanouk, but Lon Nol
13 administration made a big mistake, too, because they distorted
14 information in order to defame Sihanouk following the ousting of
15 Samdech Sihanouk on the 18 of March 1970.

16 From the 19 of March onwards, the Democratic Kampuchea radio made
17 announcement on air that Sihanouk was very naughty, was
18 notorious, he lived in a luxurious life, he ate rice in a - in a
19 plate made of gold, so on and so forth. So, these were all the
20 criticism and defamation of Prince Sihanouk at that time. So,
21 what they wanted to do was to defame him, and Prince Sihanouk, at
22 that time, found it unacceptable and he found it unbearable too.

23 [14.33.45]

24 Q. Father Ponchaud, Father Ponchaud, please can you tell us again
25 who would calumniate Sihanouk? You - I heard "the Khmer Rouge

1 radio". So, here's an example of the difference between what I
2 understand and what you are saying in Khmer. But maybe there
3 would have been the same problem had you been speaking in French,
4 the other way around. But this is what I heard.

5 So, can you please repeat who would degrade Sihanouk in this
6 manner?

7 A. I think it is easier for me to speak in French to avoid any
8 confusion through translation.

9 Q. Please proceed.

10 A. [Interpreted from French:] It's not the Khmer Rouge who were
11 criticizing or insulting Sihanouk. The Khmer Rouge practically
12 did not exist. Maybe there were 3,000 to 5,000 fighters, and they
13 were not directly in Phnom Penh for the moment. So it's the
14 radio, and especially the papers - and I can show you cartoons,
15 as well, and I can also show you cartoons in Cambodian papers
16 that are absolutely horrible in relation to Prince Sihanouk,
17 where we can see cartoons of Sihanouk and of Monique making love
18 in all different possible ways. It's - this is, of course, not
19 something that is acceptable for a head of a - for a head of
20 state even if he's been overthrown. Every head of state deserves
21 respect, even if he is our political enemy.

22 [14.35.32]

23 So, Sihanouk was not able to accept that, of course. And, in
24 fact, he says it himself in his "Chroniques de guerre et
25 d'histoire": "If they had simply deposed me, simply, I would have

1 maybe gone to Mougins, in France, and I would have stayed there,
2 that's all. And then I would have just ended my life peacefully."
3 But as a Khmer, he could not accept - or he could not not react
4 to this kind of insult. And when Khmer people lose face, they're
5 able - they're even capable of committing suicide to cleanse
6 their honour.

7 So, I'm convinced that Prince Sihanouk supported the Khmer Rouge,
8 of course, because he was a bit of a nationalist, but also and
9 above all, in order to cleanse his honour, even if this meant the
10 death of many Cambodians.

11 Even our French compatriot, a certain Mr. Laporte, wrote horrible
12 editorials about Sihanouk, which a Khmer worthy of this name
13 cannot accept, under no circumstances.

14 [14.37.00]

15 Q. So, the answer that you have just provided me leads me to get
16 back to another aspect of what you were talking about, which-
17 You just told us - I don't know what - you were saying "even if
18 this cost the lives of many Cambodians"; you said that. And you
19 also wrote in your book and in numerous articles that you,
20 yourself, in fact, wished - and you even said it here - wished
21 this revolution; you thought that it was justified, you thought
22 it was - it was expected, and you thought that people desired
23 this cleansing, there were good intentions behind it - you wrote
24 it.

25 So here we have the impression suddenly that you maybe are

1 jumping ahead a bit too much, but you're saying that when he -
2 when the king - when he was supporting the Khmer Rouge, the king
3 was already aware of what was going to happen.

4 [14.38.27]

5 A. Never be confused-

6 [Interpreted from French:] Okay, please don't mix up the dates.

7 If I supported - well, if I was - I didn't really support the
8 revolution, the Khmer Rouge revolution; I simply noted, at the
9 end of the Lon Nol regime, that there was no hope in Cambodia for
10 the Cambodian people under Lon Nol. So the only hope was maybe
11 the Khmer Rouge. Okay, we were wrong, but I continue believing
12 that this was the only possible hope for the Cambodian people.
13 However, in the days of Sihanouk, we were hoping that the
14 Sihanouk regime was going to improve. It was possible. It was a
15 regime that could improve.

16 So, then, of course, we were not obviously in favour of the
17 revolution back then. There were many, many student,
18 professionals who were against Prince Sihanouk, but not
19 necessarily as revolutionaries.

20 Even if we look at the Khmer Rouge, Mr. Khieu Samphan, Hou Youn,
21 Hu Nim, Chau Seng were - believed in a revolution coming from the
22 top. That is to say that they were going to take the power - the
23 ministerial powers from the top and then install a regime - a
24 Communist regime that is fairer, whereas there was another branch
25 of the Khmer Rouge, those who went to Andoung Meas -Saloth Sar -

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1 Pol Pot, therefore – Ieng Sary, Rochento (phonetic), Ros Samoeun
2 (phonetic), Son Sen – who had decided since 1963 that there was
3 only one single possible solution to put an end to the – to
4 Sihanouk's feudalism was to overthrow Sihanouk with arms.
5 So, of course I was more in favour of Khieu Samphan's idea than
6 in the idea of armed revolution, because you know that when we
7 start using weapons, we don't know where we end up.

8 [14.40.55]

9 Q. And Sihanouk, in all of this, who – who was Sihanouk
10 supporting, in your eyes?

11 A. (Microphone not activated)

12 MR. PRESIDENT:

13 Witness, please hold on. Wait until you see the red light is on,
14 on your microphone.

15 [14.41.20]

16 MR. VERCKEN:

17 I don't know if this is technically difficult, but – but here, if
18 you change languages, maybe it causes a few – an issue. I'm not
19 sure, but I think you already said yesterday that if there's a
20 change in language – we have to choose one single language and
21 stick to that language.

22 MR. PRESIDENT:

23 Thank you.

24 Yesterday the witness also made it clear that he would use Khmer
25 language in testifying before the Chamber. This is his preference

1 because he can speak Khmer fluently.

2 And I also made it clear to parties and members of the public
3 that once the witness is testifying, he may choose the language
4 of his preference, but he should stick to that language, even
5 though he can switch between French and Khmer. But one language
6 should be used. Because yesterday there was an issue, as well,
7 concerning the mixture of language in responding and questioning.

8 [14.42.38]

9 And if you believe that since the witness is French and you are
10 also a French counsel, you want to communicate in French, it of
11 course serves your interest and probably it may be favourable for
12 you, but this is not something that the witness is preferring.

13 And according to the preference of the witness, he prefers to
14 testify in Khmer and he speaks Khmer fluently, to my
15 understanding. Because I think that the Cambodian public would
16 understand his Khmer testimony very well because he speaks very
17 fluently. And if there is any discrepancy, that might have been
18 because of the interpretation.

19 The time is now appropriate - we will adjourn now and resume at
20 3.00.

21 Court officer is instructed to facilitate the witness during the
22 break and bring him back to this courtroom by 3 o'clock.

23 Upon coming back, witness will have to indicate the language that
24 he is going to use in testifying. And we - I also urge that the
25 interpreter endeavour to render it as accurately as possible.

1 (Court recesses from 1444H to 1506H)

2 MR. PRESIDENT:

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

4 And we would like to cede the floor over to counsel for Mr. Khieu
5 Samphan to continue putting questions.

6 [15.06.54]

7 BY MR. VERCKEN:

8 Thank you, Mr. President.

9 Q. Father Ponchaud, can you hear me?

10 Let's just go back in time. But I am looking for some details. On
11 several occasions you talked about your time at the embassy of
12 France along with others, and there was a Khmer Rouge cadre who
13 came before you and told you that Khieu Samphan wanted to greet
14 those taking refuge in the embassy but that he was occupied
15 elsewhere.

16 My question to you is as follows: Did you find it reassuring and,
17 perhaps, did the others find it reassuring to hear the name of
18 Mr. Khieu Samphan?

19 MR. PONCHAUD:

20 A. No. He was a normal Khmer Rouge, and to us - we only knew that
21 Khieu Samphan could have been a leader of the Khmer Rouge, like
22 Pol Pot.

23 [15.08.26]

24 Q. It's true. It's true. Nevertheless, in this very witness
25 stand, you talked about his very good reputation, you talked

1 about how high you held him in your esteem, you talked about his
2 revolutionary ideals. Wouldn't such a reference be reassuring?
3 Wouldn't it be comforting? Wouldn't you find it rather
4 exceptional and a source of reassurance, especially for those
5 there?

6 A. For us, we saw Khmer Rouge evacuating the whole population
7 from Phnom Penh, so any cadre of the Khmer Rouge would be the
8 same. To us, Khieu Samphan would just be one of the leaders among
9 many others.

10 Q. I'll go a bit further back in time and refer to two documents
11 that are on the case file. I'll provide the specific references.
12 These pieces are refugee testimonies that you, yourself, had
13 probably transcribed yourself with a typewriter and that you had
14 related to the Co-Investigating Judges during your interview. I
15 would also like to refer to a press article entitled "Cambodia
16 Liberated" that was published in 1976.

17 [15.11.00]

18 You sent to the Co-Investigating Judges two bundles of documents.
19 They are under D133/1.4; ERN in French, 00410379; ERN in English,
20 00820377 to 78; and in Khmer, 00846128 (sic) to 29. The article
21 entitled "Cambodia Liberated" is classified - the document is
22 classified as: ERN French, 00283060; in Khmer, 00323728; and ERN
23 in English, 0032368 to 80.

24 This leads me to the following question. In the refugee accounts
25 - and sometimes it's rather convoluted because even in your

1 letter to the Co-Investigating Judges, you stated to them that
2 you had undertaken a serious piece of work but that it was not
3 necessarily scientific. In here we have an excerpt from a letter
4 from Thailand, the 21st of November 1975. It appears that you are
5 transcribing a letter that was sent to you. And I'll write (sic)
6 what here is written in between the quotation marks:

7 "There's a strange silence surrounding Khieu Samphan and Hu Nim
8 Youn. Have they been removed, as rumours say, or have they been
9 eliminated? All this is not certain. A lot is being said about
10 Ieng Sary, and we see him everywhere."

11 [15.13.52]

12 That's the first passage I wanted to put before you.

13 And further on in the article dated January 1977 - 1976, rather:

14 "Very little is said about Mr. Khieu Samphan. However, Mr. Ieng
15 Sary's activities are being recounted in detail."

16 Mr. Witness, I would point out that you wrote what you had heard
17 on the radio in November 1975, and in your article of January
18 1976, you talk about the silence surrounding the figure of Mr.
19 Khieu Samphan. Can you please provide us some details?

20 A. I wrote the truth. I recorded what I heard from the radio
21 broadcasts of the Democratic Kampuchea.

22 It should be reminded that Mr. Samphan was not Brother Number
23 One. Saloth Sar was Brother Number One, and Brother Number Two
24 was Nuon Chea. And Khieu Samphan was even behind Ieng Sary in
25 this ordering.

1 So, the statement I put in writing was consistent with what I
2 heard from the radio broadcast and also consistent with the power
3 shared within Angkar.

4 [15.16.34]

5 Q. On the same topic, I believe that given what I understood of
6 what you described and in response to a question put to you by
7 the civil parties, you mention the name of a person that you had
8 perhaps met. You talked about Lieutenant Chhuon (phonetic). He's
9 a military officer - he was a military officer who had escaped-
10 His name is Lieutenant Kuon - K-u-o-n - an officer who had
11 escaped Democratic Kampuchea for Thailand, and he was interviewed
12 by journalists. Sir, did you mention the name of that person, or
13 am I mistaken?

14 A. (Microphone not activated)

15 MR. PRESIDENT:

16 Mr. Witness, could you please hold on? Wait until you see the red
17 light before you proceed.

18 MR. PONCHAUD:

19 A. In my book, "Cambodia Year Zero", I changed all the names of
20 the people because I would like to protect their identity for
21 their safety.

22 [15.18.52]

23 BY MR. VERCKEN:

24 Q. Very well. My question was if this morning, in response to a
25 question, you talked about Mr. Pech Lim Kuon.

1 This is significant for our defence team because we have
2 requested the admission of an interview this gentleman made with
3 journalists concerning two sets of governments: a puppet
4 government being led by Mr. Khieu Samphan and an active, de facto
5 government.

6 Did you meet this individual?

7 MR. PONCHAUD:

8 A. I met Mr. Pech Lim Kuon in Mairut site, in Thailand. It was
9 perhaps in July 1976. He was a helicopter pilot and he was in
10 charge of giving advice to Angkar. And I asked him what Angkar
11 was. He was in charge-

12 [Interpreted from French:] He was responsible for all of the
13 travels of Angkar [end of interpretation from French].

14 [15.21.16]

15 I asked him what "Angkar" was. He said Angkar comprised of
16 Comrades Pot, Hem, Vorn. I asked him again who was Comrade Pot,
17 and he said he didn't know.

18 In this book, I said Pot could have been Non Suon, perhaps Saloth
19 Sar. Comrade Hem, I don't know who he was, but here Comrade Hem
20 is sitting right in the courtroom. And Comrade Van was Ieng Sary.
21 I only learned about this at a later stage and I only learned at
22 a later stage who belonged to Angkar.

23 They fled Cambodia not because they hated Democratic Kampuchea.

24 They did that because Angkar asked them to teach young peasants-

25 Q. Father Ponchaud, I must interrupt you. What is happening?

1 What's going on?

2 A. [Interpreted from French:] I'm talking about one single
3 individual, Mr. Seng Pim Kuon (sic), who left not because he
4 hated Angkar, but because Angkar had asked him to train young
5 peasants to pilot helicopters.

6 [15.23.40]

7 Q. I'm sorry, but what's being heard – what's being translated –
8 I understand that, but there is relay interpretation going on, so
9 perhaps there is a small degree of loss. Unfortunately, this is
10 the state of affairs. Let's move on.

11 I want to centre on a detail that you had provided in response to
12 a question put by the President about what you had to do when the
13 Khmer Rouge entered Phnom Penh in the days that followed April
14 17. You explained that you served as a sort of tourist guide – at
15 least that's what I heard in my earpiece. You recounted that
16 there were some pockets of resistance of Lon Nol soldiers, but
17 that wasn't the main cause of concern; it was really the Khmer
18 Rouge soldiers who were accompanying you, and they wanted to know
19 – you wanted to know and they wanted to know where were the
20 American soldiers. Can you please confirm that?

21 A. It is true. I was asked where the Americans were and I told
22 them that there were no American soldiers. They didn't believe
23 me.

24 Q. Were they truly expecting to find American soldiers in Phnom
25 Penh?

1 [15.25.43]

2 A. Yes, it is part of the propaganda by the Khmer Rouge. Even
3 documents that we have obtained here, they said that Americans
4 were in Cambodia during the time of the war. And during Lon Nol
5 regime, there were American advisors. However, there were no Lon
6 Nol (sic) soldiers. It was part of the Khmer Rouge propaganda to
7 say there were American soldiers in the country. There were some
8 advisors in the country, but very few.

9 Q. This leads me to another statement you made in response to a
10 question put to you by the President. Apparently, there were CIA
11 agents with you and assembled at the embassy of France. And as we
12 know, the Americans had been evacuated. So how were you informed
13 of this?

14 A. John (sic) left Cambodia on the 7 of April 1975. Later on,
15 there was the head of CIA who was with us in the French embassy.
16 Everyone knew him because there were American journalists. And
17 there was another person; he was at the head of CIA in Cambodia.
18 It was known to everyone at the embassy.

19 [15.28.18]

20 Q. Thank you. I wish to turn now to a linguistic matter. You have
21 achieved a very impressive piece of work by listening to these
22 radio broadcasts in your attempt to understand the new language
23 of the Khmer Rouge. You even dedicated a few pages in your book
24 on the matter. You also talk about it in the article published in
25 January 1976, called "Cambodia Liberated".

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1 Can you please talk to the Chamber about the issues that you
2 raise in that press about the war-like language, the warrior-like
3 terminology, to describe even the most mundane of tasks?

4 I'll cite for - a few examples, but I'll let you expand on this.

5 You talk about the "struggle to develop products with much
6 courage", "struggling to clear the forests", "struggle to dig
7 dykes", "struggle to fish", "work actively with combativeness",
8 to "attack the work of cattle".

9 What can you tell us about your understanding of this new
10 language, of this very war-like dialect to describe the most
11 daily of tasks?

12 A. To understand the Khmer Rouge and the mistakes this regime has
13 committed, we need to understand that Khmer Rouge won the victory
14 over Lon Nol because of the American bombings in Cambodia. They
15 won the victory because they engaged in the attack. And when they
16 won such victory, they still used such terms. They said peace was
17 a new war. They had to attack the internal enemies and the nature
18 to pave way for such a victory, and they had to win victory over
19 this like they won victory over the enemies.

20 [15.32.18]

21 There were two battlefields: the front battlefields and - the
22 front battlefields refer to digging canals, building - digging
23 dykes; and the rear was about normal work in the villages. And
24 everything was - people were organized like an army to grow - or
25 to do farming.

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1 The regular army or the mobile units comprised of youth were
2 meant to build canals and dykes. And there was another group,
3 group comprised of people who got married, and the husband would
4 be working far from home. So all the people could be regarded as
5 a group or army that attacked but "attacked" in the sense of
6 cultivation - [interpreted from French:] production.

7 Q. And by the way, in your book, you also noted that this
8 vocabulary was so widespread that you could find it even when you
9 would speak with refugees in Thailand?

10 A. Even now we use the words "Samdech Techo". Sometimes we use
11 the Khmer Rouge term as well. Sometimes we use it unknowingly.
12 So, when we say we eat rice, we use the word "m'hob".
13 [Interpreted from French:] No, "m'hob" is not - "m'hob" is not
14 "hope"; it means "to chow down".

15 [15.35.45]

16 Q. And to continue with the refugees, I would like you to speak
17 to us about the position of Thailand in regard to the refugee
18 camps in Thailand as of when these camps were set-up on Thai
19 territory. What was Thailand's stance - what was Thailand's
20 position vis-à-vis these camps? If you know, can you know can you
21 tell us about this?

22 A. Thai wants to achieve its own gain. At first, when I crossed
23 the border in May 1975, Thailand said that there was no refugee.
24 In fact, I knew very clearly, because my friend had crossed the
25 border, there were thousands of Khmer people living along the

1 border. From 1975 to 1976, there were around 20 refugee camps
2 along the border, but Thailand wants to see how Khmer Rouge would
3 act toward Thailand; if the Khmer Rouge did nothing, we would
4 remain quiet.

5 Near Aranyaprathet, in 1976 – in June 1976, I met a group of
6 high-ranking soldiers, including colonel: Sayas Youk Morn
7 (phonetic), Ket Rith (phonetic) – there were four or five
8 high-ranking soldiers. They organized the army to attack the
9 Khmer Rouge.

10 MR. VERCKEN:

11 (No interpretation)

12 MR. PONCHAUD:

13 A. But Youk Morn (phonetic) was under the Thai control-
14 [15.39.17]

15 MR. PRESIDENT:

16 You can put more questions.

17 BY MR. VERCKEN:

18 Thank you for your assistance, Mr. President.

19 Q. I tried to interrupt you, in fact, because I wanted you to
20 tell us which country these soldiers came from, and you didn't
21 tell us.

22 Well, the question that I put to you was: What was, if you know,
23 the – Thailand's political position vis-à-vis the refugee camps
24 in Thai territory? Was it – did they try to hide these camps? Did
25 they ever try to close down these camps? So, I would like to get-

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1 Yes, maybe my question was a bit too broad, so maybe this is more
2 a detailed explanation.

3 [15.40.20]

4 MR. PONCHAUD:

5 A. Thailand agreed to welcome the refugees who were against the
6 Khmer Rouge, but Thailand controlled the refugees in order to
7 achieve its own political gains. From 1979, when the Vietnamese
8 troops entered Cambodia, hundreds of thousands of refugees fled
9 into Thailand – millions of refugees. At the time, Thailand did
10 not accept the refugees anymore. Around 300,000 – around 30,000
11 refugees were dropped from Preah Vihear Mountain. At the time,
12 the United Nations created UNBRO to help the refugees. At the
13 time, there were at least 40,000 refugees in Thailand. Thailand
14 agreed to – accept to recruit some of the refugees as the
15 soldiers.

16 [15.43.03]

17 Q. You said that there were, back then, 40,000 refugees in
18 Thailand?

19 MR. PRESIDENT:

20 Co-Lead Lawyer, you may proceed.

21 MR. PONCHAUD:

22 (No interpretation)

23 MR. PRESIDENT:

24 Mr. Witness, could you please hold on?

25 Counsel for the civil parties, you may proceed first.

1 MS. SIMONNEAU-FORT:

2 More than an objection. In fact, I would like to make a few
3 comments on the method that this - there's a total confusion
4 between dates and periods. I hear about UNTAK or - there's a -
5 there's total confusion regarding figures.

6 So maybe you could ask questions. And you might have the solution
7 - you might be the only one to have the solution, so I think
8 maybe you should ask questions that are extremely specific, with
9 specific dates and specific references that might avoid this
10 chaos right now. Thank you.

11 [15.44.29]

12 BY MR. VERCKEN:

13 In order to respond, of course, I would love to do so, but as you
14 know, Mr. President, and as you know, dear colleagues, the
15 problem with questions that are - that are too specific is that
16 they may give rise to objections because they might - people
17 might believe that I might be suggesting or leading the witness.
18 So this is why I always start with open questions. But indeed, as
19 we see, there are problems with the interpretation, which might
20 explain that things are not as clear as they should be.

21 Q. But to be more precise about what you were saying, we heard
22 first that there were 40,000 refugees in Thailand. So, is that
23 what said, 40,000?

24 What I'd like to know is if there was any kind of tension that
25 was perceptible in these refugee camps, which - and refugees per

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1 se, of course, are vulnerable. Was there any kind of threat
2 hovering over the refugees, threat of being sent back to Cambodia
3 by Thailand?

4 [15.45.56]

5 MR. PONCHAUD:

6 A. From 1975 until 1978, when the Democratic Kampuchea was in
7 power, there were about 50,000 refugees in Thailand. Thai did not
8 like the presence of the refugees, but they had no choice but to
9 accept them.

10 Sometimes the Thais killed the refugees who entered into Cambodia
11 (sic). They had killed several thousands of Cambodian refugees
12 who could find their way to Thai territory. At that time, it was
13 in 1976. Some Cambodians - some Cambodian soldiers, as I already
14 talked to you about their names, including Youk Morn (phonetic),
15 Kong Vanna (phonetic), Ket Rith (phonetic) - these individuals
16 created an army in order to oppose the Khmer Rouge. However,
17 Thais sometimes allowed them to fight the Khmer Rouge but on some
18 occasions didn't do so. Then they killed all these leaders of the
19 soldiers - they killed them all.

20 Q. The Thai, was it? So it is the Thai who killed these
21 commanders?

22 A. Thai soldiers killed these Khmer soldiers who opposed the
23 Khmer Rouge.

24 [15.48.52]

25 Q. And was this situation that you have just described - beyond

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1 the situation of vulnerability of the refugees, was this extra
2 political, problematic context something that you could take into
3 account in - or something that the refugees could take into
4 account in the description of what they had experienced in
5 Cambodia? Did this have any influence? Is this something that you
6 took into account, as well?

7 A. That's what I was thinking about. I was thinking of the Khmer
8 refugees in Thailand who could have had difficulty living there.
9 However, the accounts of the Khmer Rouge were true (sic).

10 [Interpreted from French:] It's not the Khmer Rouge who were
11 saying the truth! [End of interpretation from French]

12 I think perhaps we have some interpreting problem because I -
13 what I said would not be properly conveyed. I did not wish to
14 speak in French because I did not want people to see that I was
15 helping the Defence, at the same time.

16 [Interpreted from French:] I'm afraid you're going to say that I
17 prefer the Defence if I only speak French - there's really a
18 problem with translation. If the Prosecution does not see any
19 problem with this, I will speak French, but I'm afraid that you
20 will say that I favour the Defence in this case. This is why-

21 [15.51.13]

22 MR. PRESIDENT:

23 The Chamber allows you to speak in French from now on. This is
24 the decision by the Chamber.

25 MR. PONCHAUD:

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1 Please ask your question again.

2 MR. VERCKEN

3 I think you already answered the question, despite everything, so

4 I think I will turn to the next question-

5 MR. DE WILDE D'ESTMAEL:

6 Mr. President.

7 MR. PRESIDENT:

8 International Co-Prosecutor, you may now proceed.

9 [15.52.00]

10 MR. DE WILDE D'ESTMAEL:

11 Thank you, Mr. President.

12 I don't believe we should turn to the next question, because we

13 were still translating the last sentence of the witness, which

14 was the following. It was said - the interpretation said that

15 it's the Khmer Rouge who were telling the truth, and I imagine

16 that it was rather the refugees who were speaking the truth.

17 So could this be confirmed before we move on to the next point?

18 Thank you.

19 BY MR. VERCKEN:

20 Q. Yes, please, of course, of course, Witness, please proceed.

21 Please.

22 [15.52.47]

23 MR. PONCHAUD:

24 A. [Interpreted from French:] I said that even considering the

25 political context in which the refugees in Thailand were

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1 oppressed by the Thai army, which actually is a fact, they were
2 behind barbed wire, and the Thai soldiers were not particularly
3 friendly to the Khmer refugees. But despite this Thai pressure,
4 when the refugees were being questioned on what they had
5 experienced in Democratic Kampuchea, morally speaking, we can be
6 convinced that they were saying the truth. At least that was my
7 conviction because, when you interview someone, there is, of
8 course, a feeling between the interviewer and the interviewee; we
9 can see if the person being interviewed is lying or not.

10 Q. Yes, of course, but sometimes you can be misled.

11 A. [Interpreted from French:] Yes, that's true.

12 Q. Well, I didn't want, of course, to question the honesty of the
13 work that you performed, but you - in fact, you were honest
14 enough to tell the Co-Investigating Judge, when you gave him
15 these two wads of refugee accounts, that you had done a serious
16 job, however not a scientific job. So, I'm just trying to
17 underscore and trying to allow you to comment on the difficulties
18 that you faced when you interviewed these refugees, refugees who
19 were in a difficult situation, refugees who were in a country
20 that did not really accept them.

21 [15.54.30]

22 And another difficulty that I want to ask you about is - you
23 explained to the Co-Investigating Judge, I believe, that before
24 you interviewed these refugees, some people would identify these
25 refugees ahead of time or would - or would take notes with them

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1 before. Is that so? This means that when you would meet later
2 these refugees, they had been in that camp where you met them for
3 quite a while.

4 A. [Interpreted from French:] So many ridiculous things were said
5 about me. For example, if you look at the "Libération" newspaper
6 that followed the "Monde" article and - the headline was "Priest
7 Journalist, French Secret Service Agent, and CIA Secret Agent",
8 saying that the refugees were chosen ahead of time by the camp
9 leaders before speaking to us directly.

10 So, who do these people think they were? I don't need people to
11 choose the refugees for me. When I went to the camps, I would
12 just sit down on the ground and I would speak to the people
13 directly, asking them, "Well, sir, what did you do, where did you
14 come from", etc., etc. It was not the camp administration that
15 would determine ahead of time which refugees I would have to
16 interview. This is pure nonsense, and I would even say that this
17 is defamation. This - I never, never - nobody ever chose people
18 for me to interview, and this should be clear.

19 [15.56.30]

20 MR. VERCKEN:

21 Well, of course, I didn't want to go that far. I mean, to say -
22 go as far as what maybe such-and-such French daily might have
23 written.

24 But I see that's it's almost 4 o'clock, so before I start a new
25 line of questioning, maybe I can - maybe we could adjourn now and

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1 resume tomorrow morning with this.

2 MR. PRESIDENT:

3 You have five more minutes.

4 BY MR. VERCKEN:

5 Q. In your book, you explain that - well, you speak about the "12
6 revolutionary commandments", and you say that the refugees that
7 you met knew these 12 commandments, and you also say that the
8 soldiers who were guarding the French embassy after the fall of
9 Phnom Penh would recite these commandments every morning. So this
10 leads me to believe that there was a certain kind of ethical
11 thoroughness within the troops, in terms of the propaganda that
12 was disseminated, and that this had - was important.

13 [15.58.13]

14 MR. PONCHAUD:

15 A. [Interpreted from French:] I absolutely confirm that the
16 soldiers, the Khmer Rouge fighters, were disciplined -
17 absolutely. And that the French embassy we had young boys - maybe
18 they were 13 or 14 years old - who were watching over us, and
19 they would recite the 12 Khmer Rouge commandments. And I don't
20 know how well they understood them, but in any case they would
21 recite them.

22 And morally speaking, yes, generally speaking, we can say, yes,
23 that the Khmer Rouge army behaved in a very, very strict and
24 ethical way - well, "ethical", of course, in a sense that they
25 would kill if they felt it was necessary. But in terms of their

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1 conduct, especially in terms of their sexual conduct, I could say
2 that, basically speaking – but of course, all right, there were
3 sometimes incidents, but basically speaking, they stuck to a very
4 strict moral line.

5 MR. VERCKEN:

6 Thank you.

7 [15.59.22]

8 MR. PRESIDENT:

9 Thank you. Thank you, Mr. Witness, and thank you, Counsel.

10 The hearing today is now coming to the time when we should
11 adjourn, and today's session will be adjourned, and the next
12 sessions will be resumed by tomorrow, at 9 a.m. During tomorrow's
13 sessions the Chamber continues hearing the testimony of Mr.
14 François Ponchaud until his testimony is complete.

15 Mr. Ponchaud, your testimony is not yet finished, so we would
16 like to ask you to return to the courtroom again tomorrow, and we
17 believe that perhaps we may need just the whole morning for
18 tomorrow to hear your testimony.

19 And court officer is now directed to bring Mr. Ponchaud to his
20 residence and have him returned to the courtroom before 9 a.m.

21 [16.00.33]

22 Security personnel are now instructed to bring Mr. Nuon Chea and
23 Khieu Samphan back to the detention facility and have them
24 returned to the courtroom before 9 a.m. tomorrow. Mr. Nuon Chea
25 is directed to be brought to the holding cell, where he can

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1 observe the proceedings from there. Mr. Khieu Samphan is to be

2 returned to the courtroom.

3 The Court is adjourned.

4 (Court adjourns at 1601H)

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