



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Request for Correction

Case : 002/19-09-2007-ECCC/TC

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Reason for changes:

- 1- Transcription errors: Transcript corrected to reflect audio recording (verbatim)
- 2- Interpretation errors: Transcript amended to ensure consistency among the three language versions of the transcript.

Details:

See attached track changes for details.
The following footnote has been added to this transcript:
"Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript."

Filed by: Charles Zama, ITU

Signature:

Approved by Greffier (for originals): M. CRIPPA/TC

Signature:

Approved by ITU (for translations):

Signature:

INDEX

MR. FRANÇOIS PONCHAUD (TCW-536)

Questioning by the President page 2

Questioning by Judge Lavergne page ~~48~~50

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

2 (Court opens at 0909H)

3 MR. PRESIDENT:

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

5 During today's sessions and through the end of this week, the

6 Chamber is scheduled to hear TCW-536.

7 Ms. Se Kolvuthy is now instructed to report on the current status

8 of the parties to the proceedings today.

9 [09.10.42]

10 THE GREFFIER:

11 Good morning, Mr. President, and Your Honours. All the parties to

12 the proceedings are present, except Mr. Nuon Chea, who is present

13 in his holding cell due to his health concerns.

14 ~~<Witness>~~The witness who is to testify today, TCW-536, is present

15 in the waiting room~~<, awaits and is awaiting a>~~ call from the

16 Chamber. ~~<According to the witness, the>~~The witness <has stated

17 that he> is not in a relationship with the co-accused~~<-persons>~~,

18 Mr. Khieu Samphan, and Nuon Chea or any ~~<party or of the>~~ civil

19 parties to the proceedings. The witness will take the oath before

20 the Chamber in a moment and the witness has no duty counsel.

21 MR. PRESIDENT:

22 Thank you.

23 The Chamber has received a medical ~~<report from the treating~~

24 certificate dated 9 April 2013 from the> physicians who advised

25 the Chamber that Mr. Nuon Chea be allowed to observe the

1 proceedings from his holding cell due to his health reason. <As>
2 Mr. Nuon Chea is in need of medical <assistance, as recommended by
3 the experts who testified recently~~physician in his assistants and~~
4 ~~the Chamber is seized to of such a recommendation and such~~
5 ~~recommendation is relevant to the experts' testimonies during the~~
6 trial proceedings>.

7 [09.12.46]

8 And according to <the ECCC> Internal Rule <81.5>, <due to Mr. Nuon
9 Chea's health concerns, he is fit to stand trial and for - or the
10 Chamber is of the view that Nuon Chea is unfit to participate in
11 the hearings in the courtroom but may,> in the interest of
12 justice, <Mr. Nuon Chea is now allowed to> observe the proceedings
13 from his holding cell through <video-link>~~video audio link>~~.

14 AV booth officials are now instructed to ensure that the audio-
15 visual link is now fed to his holding cell so that he can observe
16 the proceedings from there.

17 Court officer is now directed to bring in the next witness.

18 (Short pause)

19 [09.14.30]

20 MR. PRESIDENT:

21 Very good morning, Mr. Witness.

22 MR. PONCHAUD:

23 Good morning, Mr. President and good morning to all Cambodian
24 people.

25 QUESTIONING BY THE PRESIDENT:

1 Q. Mr. Witness, can you please tell the Chamber your full name?

2 MR. PONCHAUD:

3 A. My name is François Ponchaud ~~<, or "hot bridge" in French>.~~

4 Q. Mr. François Ponchaud, when were you born?

5 A. I was born ~~<in on 8>~~ February 1939, ~~<in Sallanches, in the~~
6 ~~foothills of the Alps in the area of the _Alp^ (phonetic)~~
7 ~~Mountain>.~~

8 Q. Thank you, Mr. François Ponchaud. ~~a~~And where do you live now?

9 A. I live on Street Number 57 -- rather house number 57, Street
10 101, Boeng Trabek.

11 [09.16.43]

12 Q. What do you do for a living?

13 A. I am a ~~<Catholic>~~ priest.

14 Q. What are your parents' names?

15 A. My father is Léon Ponchaud. He was born in - in ~~<1989 1899>~~; he
16 died 20 years ago. And my mother is Édith Jaccoux and she died 15
17 years ago.

18 Q. Thank you, Mr. François Ponchaud.

19 ~~-~~As a witness before this Chamber, you are supposed to take
20 ~~<the an>~~ oath according to ~~<your>~~ religion, do you agree?

21 A. I would like to declare solemnly that I now will tell the
22 ~~<whole>~~ truth, nothing but the ~~<whole>~~ truth.

23 Q. Thank you.

24 Mr. Ponchaud, according to the report by the Greffier of the Trial
25 Chamber, and to the best of your knowledge you are not in a

1 relationship with any individuals or civil parties who have been
2 admitted as the civil parties before the Chamber, and you are not
3 in any relationship with the two co-accused; is it true?

4 A. Yes, it is.

5 [09.18.46]

6 Q. According to the same report by the ~~ex~~Greffier, you are not in
7 any relationship with any of the parties to the proceedings; is
8 that true?

9 A. ~~<I am not in any relationship with either Nuon Chea, or Khieu~~
10 ~~Samphan, although I met one of them, Mr. Khieu Samphan, eight~~
11 ~~years ago>~~ I met Nuon Chea but I am not in any relationship with
12 Khieu Samphan, although I know him. I met Mr. Khieu Samphan, eight
13 years ago>.

14 Q. Before we proceed to ~~<put some questions for>~~question you, the
15 Chamber wishes to inform you of your rights <and duties> as a
16 witness.

17 [09.19.46]

18 Mr. François Ponchaud, as <the> witness ~~<during these~~
19 ~~proceedings>~~ before the Trial Chamber, you can choose not to
20 respond to any <question if the answer may tend to incriminate
21 you> ~~questions that are - that in your response you feel that they~~
22 ~~will be self-incriminating>~~. And as <the> witness, you are to
23 respond to all questions put ~~<for to>~~ you by the Judges of the
24 Trial Chamber, or <the> parties to the proceedings and you are to
25 speak the truth, the whole truth, <and> nothing but the truth.

1 ~~<And this truth must be relevant to the experiences you have had~~
2 ~~relevant to the events, and also~~ Your testimony must be based on
3 what you saw, heard, experienced or noted and your answers must
4 be relevant to the questions put to you ~~<by the Judges and the~~
5 ~~parties to the proceedings>.~~

6 The next question is: Mr. François Ponchaud, have you ever ~~<given~~
7 ~~any interviews to any of~~ been interviewed by the Co-Investigating
8 Judges of the ECCC ~~<during in>~~ the last few years?

9 A. ~~<Mr. Marcel Lemonde called me to speak with me for the whole~~
10 ~~day. It was four years ago and I already reported to the Human~~
11 ~~Right Committee or UN Human Right Committee in Geneva on the 15th~~
12 ~~of September 1998 about the Khmer Rouge regime or Democratic~~
13 ~~Kampuchea~~ Mr. Marcel Lemonde interviewed me for a full day four
14 years ago. I also reported to the UN Human Rights Commission in
15 Geneva on the 15th of September 1978 about Democratic Kampuchea>.

16 [09.21.55]

17 Q. Thank you, Mr. Ponchaud. We ~~<have already noted~~ note that you
18 are speaking in Khmer, but what is your nationality, please?

19 A. ~~<I am French, originally. However, I work at Preah Vihear to~~
20 ~~develop the province. At Preah Vihear, they said that I was a~~
21 ~~French individual who - or, rather, a Khmer who was born French,~~
22 ~~who helped to claim Preah Vihear for Cambodia~~ I am French,
23 originally. However, I have worked at Preah Vihear in the
24 development of the province. At Preah Vihear, they say that I was
25 a Khmer reborn as a French because my Uncle determined the

1 Cambodia-Thai border. Everyone said that I am a Khmer reborn as a
2 French by an error of fate>.

3 MR. PRESIDENT:

4 ~~<Mr. Ponchaud, it is really impressive indeed that you speak Khmer~~
5 ~~during the trial proceedings. Nonetheless, it would also be great~~
6 ~~if you can also speak French, but the Chamber would not really~~
7 ~~discriminate against the way you choose your language to speak. If~~
8 ~~you choose to speak Khmer, then you will be supposed to speak~~
9 ~~Khmer all throughout the whole proceedings for the convenience of~~
10 ~~interpreting purposes. But if you choose to speak French, then you~~
11 ~~may do so and just speak one language so that it is easy for us to~~
12 ~~understand. Indeed, it's for the purpose of justice here before~~
13 ~~this Chamber~~The Chamber is pleased to be able to hear your
14 testimony in Khmer. The choice is yours. If you choose to speak
15 Khmer, you must speak Khmer throughout your testimony for ease of
16 interpretation. If you use both languages, interpretation will be
17 complicated and difficult to follow. That is the practice before
18 this Chamber, and it is intended to ensure that your testimony is
19 valid, useful and contributes to the ascertainment of the truth>.

20 [09.23.50]

21 MR. PONCHAUD:

22 (Microphone not activated)

23 MR. PRESIDENT:

24 Could you please hold on, Mr. Ponchaud-? Please speak when you see
25 the red light ~~<is>~~ on your mic, otherwise <we will not hear

1 ~~you your message cannot be conveyed~~.

2 MR. PONCHAUD:

3 ~~<In Cambodia, we are now trying - we are prosecuting the Accused~~
4 ~~who have committed the crimes and as it is in Cambodia, we should~~
5 ~~speak Khmer. I have been - now I have a Khmer citizenship, and I~~
6 ~~can speak Khmer without any problem~~ We are in Cambodia and we are
7 trying accused Cambodians for crimes committed in Cambodia so I
8 think it is appropriate that I speak Khmer. I am not a Cambodian
9 citizen. I applied for citizenship two years ago, but Samdech
10 Techo has not approved it yet. We should speak Khmer.

11 MR. PRESIDENT:

12 Indeed, your Khmer is very fluent and clear. The Chamber would not
13 object to your choice of language and you can, indeed, speak Khmer
14 during these proceedings. But as I already made it clear, if you
15 choose to speak Khmer, please speak Khmer ~~<in the whole~~
16 ~~proceeding~~ throughout so that the interpreters ~~<could can>~~ follow
17 you ~~<very smoothly and very well>~~.

18 Next the Chamber would like to inform the parties to the
19 proceedings that during the testimony of Mr. François Ponchaud,
20 the Chamber ~~<would like to proceed with putting a few~~ will first
21 put questions to the witness before handing over the floor to the
22 prosecutors ~~<, then the, and>~~ Lead Co-Lawyers for the civil
23 parties; and finally, the defence counsels for Mr. Nuon Chea and
24 Khieu Samphan.

25 [09.25.47]

1 BY MR. PRESIDENT:

2 Q. Mr. François Ponchaud, can you tell the Chamber, please, how
3 long have you been working and living in Cambodia?

4 MR. PONCHAUD:

5 A. ~~<I came to Cambodia on the 4th of November 1965 during the~~
6 ~~Sihanouk regime and also I lived through Lon Nol's regime. And for~~
7 ~~another piece of information, I offered the key to the U.S.~~
8 ~~embassy to a person on the 7th of May and I was taken to the~~
9 ~~border area by the 7th of May 1975. So altogether, I had been in~~
10 ~~Cambodia for 47 years and a half~~ I arrived in Cambodia on the 4th
11 of November 1965. I lived for five years during the peaceful
12 Sihanouk regime and I lived here during the war years under the
13 Lon Nol regime. I also lived three weeks in Democratic Kampuchea.
14 One minor detail: I handed the keys of the French embassy to
15 Comrade Nhien, the head of the northern sector of Phnom Penh, on
16 the 7th of May 1975, after which I was driven to the border on the
17 7th of May 1975. So, altogether, I have been in Cambodia for 47
18 and a half years>.

19 Q. Thank you.

20 Can you tell the Chamber also, ~~<what was your purpose of coming~~ why
21 you came> to Cambodia in 1965, and where <you have worked in
22 Cambodia ~~did you work>?~~

23 A. ~~<I arrived in Cambodia as a member of an association, the~~
24 ~~Christian Association who — or which had to travel countries in~~
25 ~~Asia. This committee came to Asia in 1959 and there was a small~~

1 ~~Christian community and they would like to have young people to~~
2 ~~engage in this mission and I was selected~~I arrived in Cambodia as
3 a member of an association, the Société des Missions étrangères de
4 Paris, a Roman Catholic missionary organization which came to Asia
5 in 1659. The head of a small Catholic community was looking for
6 young people to serve in this mission, and I was selected and
7 sent to Cambodia when I was 26 years old.

8 [09.28.07]

9 And for the first three years, I studied Khmer-~~<, and also the~~ as
10 well as Khmer customs and traditions—, and Buddhism. And I
11 lived with Khmer people so that I could ~~<easily>~~ understand
12 Buddhism <very well> and I studied how Buddhism could help
13 Christians <adopt a new approach. I came to learn from Buddhism>~~en~~
14 ~~how we could also make use of the way we understand Buddhism and~~
15 ~~the way we understand Christianity~~.

16 Q. Thank you very much. You said you came to Cambodia in 1965 and
17 ~~<had>~~ lived <here until all the way to> the 7th of May 1975 when
18 you left, ~~<and when>~~ you were deported by the <liberation
19 forces~~liberated soldiers~~.

20 ~~<—The~~My next question is: During this period~~<—of time>~~, from 1965
21 to 1975, did you ever leave Cambodia ~~<on any occasion? For~~
22 ~~example, did you ever leave Cambodia>~~ for France or ~~<for a~~
23 ~~foreign~~another country during this time?

24 [09.29.29]

25 A. I left Cambodia on the 7th of May 1975. I was ~~<so~~very worried

1 at that time because I ~~<had to travel>~~was to be sent to France.
2 The French government ~~<offered>~~made two airplanes <available> to
3 evacuate the French ~~<nationals to France>~~immigrants. At ~~<that>~~that
4 the time, my association~~<, Missions étrangères de Paris, asked me~~
5 ~~— I was assigned, but I was asked>~~ to travel to another country~~<,~~
6 ~~not France>~~. <I said no. I asked to be given time to rest and
7 reflect on the extraordinary events that had occurred.>
8 ~~<I would like to tell the world what happened in Cambodia, but I~~
9 ~~was then sent to France. I was in France in July 1975 where>~~So,
10 back in France, in July 1975,> I started writing about what
11 happened ~~<in Cambodia, about>~~ when ~~<the>~~ Khmer Rouge soldiers
12 entered Phnom Penh. ~~<And my writing was also published on the 15th~~
13 ~~of October. It was about the revolution, the miserableness of the~~
14 ~~revolution>~~On the 15th of October 1975, I published an article in
15 the "La Croix" newspaper, entitled "Une Révolution née avec tant
16 de peines et de souffrances">.
17 Q. Mr. Ponchaud, could you please wait and listen to my question
18 precisely and just respond directly to the question being asked?
19 Indeed, you will be ~~<asked a lot of questions>~~questioned by the
20 parties to the proceedings. As ~~<the>~~ President of the Trial
21 Chamber, I would like to <ask you simple questions concerning your
22 life>~~only proceed with very simple or common questions concerning~~
23 ~~your living>~~ in Cambodia, in particular~~<,~~ in Phnom Penh. We
24 ~~<asked>~~ask you these questions concerning the ~~<period of time~~
25 ~~prior to 1975>~~pre-1975 period to establish the <facts and to

1 ~~understand~~~~fact and to learn from you based on~~ your experience
2 living in this country~~<during this time>~~. ~~<And the>~~ Khmer Rouge
3 soldiers came to Phnom Penh in 1975, on the 17th of April. We will
4 ask you ~~<other questions concerning that and on the chronology of~~
5 ~~events until you were deported from Cambodia and arrived in~~
6 ~~Thailand, crossing the border at Poipeta~~~~<few more questions~~
7 ~~concerning this chronological order of the events until the moment~~
8 ~~when you were deported from Cambodia, and then you landed in~~
9 ~~Thailand through Poipet checkpoint>~~. These are the line of
10 questions ~~<to that will>~~ be asked. ~~a~~ And we believe that if you
11 respond more than what we ask, then you would ~~<be answering~~
12 ~~questions that the parties might be asking~~~~then answer the~~
13 ~~questions that the party might be asking already>~~.

14 [09.32.42]

15 Again, you said you came to Cambodia in 1965, but then you left on
16 the 7th of May 1975. My question to you again, between 1965 and
17 1975, did you ever leave Cambodia on any occasion, for example, on
18 a field mission or a trip to France?

19 A. I left Cambodia for ~~<one month>~~six months in 1972 ~~<for~~
20 holidays>.

21 Q. Thank you.

22 We would like to know also what ~~<was>~~ Cambodia ~~<was>~~ like ~~<during~~
23 ~~the time>~~ when you were ~~<here>~~ from 1970 to 1975. Can you please
24 describe to the Chamber the real situation in the country, because
25 you had been living in Cambodia for a long period of time,

1 although you had left temporarily on one occasion in 1972, you
2 said you left Cambodia for about six months before you returned.
3 So ~~<you had remained in Cambodia all the time already during this~~
4 ~~period of time, so>~~ we would like to know what happened <during
5 that time>.

6 [09.34.39]

7 A. From 1965 to 1970, ~~<I had been in Cambodia for about five years~~
8 ~~already, I lived in Cambodia>~~ and I was impressed by the
9 development <of the country>. ~~<I did not pay great interest to the~~
10 ~~poverty or injustice into society. I knew that there was some~~
11 ~~injustice, people talked about this, but I did not have great~~
12 ~~interest in that because I was rather young>~~ I knew there was
13 poverty and injustice. People talked about it, but I was not
14 particularly interested in that because I was too young>. I heard
15 about Prince Norodom Sihanouk cursing Hu Nim and Hou Youn ~~<., and~~
16 ~~in that>~~ I also heard about the riots, rebellions in Samlaut <in
17 1977>. ~~<And at that time>~~ At the time>, Samdech Sihanouk ~~<would~~
18 ~~like>~~ wanted> to arrest Mr. Khieu Samphan, Hu Nim, and Hou Youn. I
19 also read <Chinese Embassy news articles saying that the three
20 were dead and that Samdech Sihanouk had dumped their bodies into
21 acid. All of that was before 1970> ~~new articles that — about the~~
22 ~~death of these people, so I learned about this before 1970>~~. But
23 later on, I learned that the three ~~<people>~~ had> escaped <to Kampot
24 and that they had not been killed, contrary to what was claimed by
25 the press, they were not killed as what claimed by the news>.

1 In Samlaut, I don't remember the exact month, but it was in
2 1967, the farmers revolted against the ~~<— Sihanouk's~~
3 ~~people Sihanouk regime>~~ because their land ~~<was grabbed to pave way~~
4 ~~for the~~ had been confiscated to establish a sugar factory. <Riots
5 ensued. At the time, the Khmer Rouge soldiers did not exist yet. I
6 heard about the Khmer Rouge in 1968. I also heard about people who
7 had been killed by Khmer Rouge soldiers ~~People started these riots~~
8 ~~and there was not — or the Khmer Rouge soldiers did not exist~~
9 ~~yet>.~~

10 [09.36.52]

11 ~~<I heard in 1968 about the Khmer Rouge soldiers and I also heard~~
12 ~~about the killing of the people in — who were killed by the Khmer~~
13 ~~Rouge soldiers. Indeed, I heard that Khmer Rouge killed these~~
14 ~~people~~ I studied Khmer in Battambang in 1968. According to what was
15 being said in 1968, the Khmer Rouge had killed people>.

16 Then I went to Kroch Chhmar <, where Samdech Techo lived and
17 further to the south ~~further south of Kroch Chhmar at>~~ Kratie
18 province. At night I would hear dogs barking; and I asked people
19 why dogs barked, and they said that <that> was normal. Actually,
20 it was not normal <. What was happening was that the Khmer Rouge
21 came to the villages at night passing by my home to spread their
22 ideology among the people ~~because the Khmer Rouge had to come to~~
23 ~~the villages during night time to propagandize their course>.~~
24 That's all I remember <about that period through 1970, ~~and this~~
25 ~~event remained the same until 1970>.~~

1 ~~<And when it comes to Khieu Samphan, I would like to admire~~
2 ~~him~~ Concerning Khieu Samphan, I admired him at the time>. His
3 Excellency Khieu Samphan was Mr. Clean, and King Norodom Sihanouk
4 ~~<promoted him to be the officer in charge of~~ had put him at the
5 head of the Ministry of Commerce. He did not ~~<receive~~ take
6 bribes. He was offered a Mercedes Benz as a <bribe for a deal on
7 meat purchases, but he refused ~~form of bribe but he did not take~~
8 ~~it>.~~ So he was a very admirable person ~~<. What happened next was~~
9 a different story. However, at the time, Mr. Khieu Samphan was an
10 idol - someone we admired. The youth admired him, ~~and we learned~~
11 ~~that he has been a nice person, good person all along~~>.

12 [09.38.48]

13 I was young at ~~<that~~ the time, but I learned that <Kou Roun, ->
14 Samdech Sihanouk's police <chief, caused Mr. Khieu Samphan to be
15 undressed in front of the National ~~undressed Mr. Khieu Samphan in~~
16 ~~front of the ->~~ Assembly, and Mr. Khieu Samphan <was brave to
17 protest ~~ed>~~ against the ~~p~~Prince. ~~a~~And he wrote about this in the
18 "Observateur". <In this regard, I admired him for his courage to
19 challenge Samdech Sihanouk peacefully. We were worried that he
20 would be arrested ~~And indeed, we were worried that he would be~~
21 ~~arrested~~>.

22 Q. Thank you very much.

23 Can you also describe to the Chamber <what happened in Phnom Penh
24 in 1975, before the city was captured by the liberation army ~~the~~
25 ~~events or what happened in Phnom Penh during the time when the~~

1 ~~liberated soldiers approached the city?~~ ~~<Tell the Chamber about~~
2 ~~your impression concerning the people and the general situation~~
3 ~~briefly, please.~~ Can you briefly describe what the general
4 situation was, and in particular concerning the inhabitants of the
5 city?>

6 A. In a few words, I may say in 1970, when King Norodom Sihanouk
7 was toppled~~<-down>~~, I was in Kampong Cham. We heard that people
8 from Kratie and Snuol had <travelled across the Mekong River to
9 protest against Lon Nol, the government, and parliamentarianste
10 ~~travel all the way from these locations to revolt against the~~
11 ~~government>~~.

12 [09.40.31]

13 ~~<At that time, Lon Nol soldiers dropped bombs in Skun to destroy~~
14 ~~all the demonstrators. Demonstrators came to the Chrouy Changva~~
15 ~~area. Mr. --- the Frenchmen fired guns of --- opened fire at these~~
16 ~~demonstrators. It was in the March --- or the 30th of March that~~
17 ~~this event happened. It was at about 6 o'clock when Lon Nol~~
18 ~~soldiers had to open fire on the unarmed demonstrators, 60 of whom~~
19 ~~were killed in this incident.~~

20 ~~The Khmer Rouge were cruel, but I believe that they were cruel~~
21 ~~because they had reason to do that as they were not pleased with~~
22 ~~the way they were treated by the Lon Nol soldiers. And at that~~
23 ~~time, the Vietnamese troops were invading the border area of~~
24 ~~Cambodia. And I, myself, was also arrested at Han Chey Mountain in~~
25 ~~Kampong Cham, but I had to bribe them for my release. I had to pay~~

1 ~~them about 44,000 dongs for my release~~At Skun, Lon Nol soldiers
2 ~~dropped bombs in order to destroy the demonstrators. When some of~~
3 ~~them reached the Chrouy Changva bridge area, Mr. Sosthène~~
4 ~~Fernandez ordered that fire be opened on the demonstrators using~~
5 ~~heavy guns, including 167 and 107 mm cannons. It was on 30 April,~~
6 ~~pardon me the 30th of March. I was in Kampong Cham at the time. It~~
7 ~~was at about 6 o'clock when Lon Nol soldiers opened fire on the~~
8 ~~demonstrators, at least 60 of whom were killed.~~

9 Note: We should understand the feelings of the Khmer Rouge. The
10 Khmer Rouge were cruel. They had reason to oppose Lon Nol because
11 his soldiers were very bad. At the time, Vietnamese troops,
12 Communist Vietnam, North Vietnam, were invading the border area of
13 Cambodia. All young people were arrested and enlisted in the
14 Cambodian Army for National Liberation. I, myself, was also
15 arrested at Ang Chey Mountain north of Kampong Cham, but I had to
16 pay a bribe of 40,000 for my release. At the time, that was very
17 little money. Then the war started. It lasted from May 1970 to
18 1975>.

19 [09.42.21]

20 ~~I think it is also important to recall the event, that on the 1st~~
21 ~~of May 1970, American soldiers and the South Vietnamese troops~~
22 ~~invaded Cambodia. They came deep inside to Cambodia, 40 kilometres~~
23 ~~deep into the country. Now, I live in the area where it was once~~
24 ~~occupied by these troops. It was in Ou Reang Ov district. These~~
25 ~~Vietnamese troops came all the way to S'ang Village, the village~~

1 ~~which was the hometown of Deputy Prime Minister Sar Kheng<V>.~~
2 ~~The American and the Vietnamese troops were very brutal. They~~
3 ~~killed civilians and raped them. The only way the people could be~~
4 ~~safe was to join or to reach the Khmer Rouge soldiers. I could~~
5 ~~also refer to witnesses who say that the Khmer Rouge soldiers were~~
6 ~~very nice and good people. They helped us cultivate rice and also~~
7 ~~they were engaged in this assistance all along. It happened during~~
8 ~~the time when Cambodia was bombarded by the Americans.~~
9 ~~I am talking about this because I have my own version about the~~
10 ~~Khmer Rouge. At the beginning, Khmer Rouge provided some form of~~
11 ~~hope for the people of Cambodia. Even I, myself, in my book,~~
12 ~~"Cambodge, année zéro", I also wrote that I would pray that the~~
13 ~~Khmer Rouge soldiers came because people lost all hope during the~~
14 ~~Lon Nol regime. Cambodian people had to suffer greatly and in~~
15 ~~despair. And by 1973, we already knew what the Khmer Rouge had~~
16 ~~been doing. They were helping us in the fields~~It should also be
17 noted that in May and June 1970, American soldiers and the South
18 Vietnamese troops invaded Cambodia. They came deep inside
19 Cambodia, 40 kilometres deep into the country. I currently live in
20 the area which was once occupied by these troops in Ou Reang Ov
21 district, Chak commune. I currently run development projects in
22 the province. The troops of the contemptible Ky - Nguyen Cao Ky -
23 came all the way to Sai Yang Village, the hometown of Deputy Prime
24 Minister Sar Kheng.
25 The American and Vietnamese troops were very brutal. They killed

1 civilians, beat and raped them. The only way the people could be
2 safe was to join the Khmer Rouge soldiers so that they could be
3 protected. I could also refer to witnesses, if Your Honours would
4 like to summon them, who say that the Khmer Rouge soldiers were
5 very nice and good people. The Khmer Rouge helped us cultivate
6 rice and they bought everything. They became cruel from 1973, when
7 Cambodia was bombarded by the Americans.

8 I am talking about this because I think we should view the Khmer
9 Rouge differently. At the beginning, the Khmer Rouge represented
10 some form of hope for the people of Cambodia. Even I, myself, in
11 my book, "Cambodia Year Zero", I also wrote that at the time I
12 would pray for the Khmer Rouge soldiers to come, because people
13 had lost all hope. Cambodian people were suffering a lot and were
14 in despair. Beginning in 1973, we knew what the Khmer Rouge were
15 doing in the paddy fields. We knew that after a village was
16 captured, houses were torched and the village chief and
17 influential people were executed>.

18 [09.44.59]

19 ~~<And we also learned that people were evacuated in 1973 when I was~~
20 ~~in Kampong Cham. I learned that this happened in Bos Khnor and~~
21 ~~Damnak Chang'aeur locations, but the information about the bad~~
22 ~~deeds of Khmer Rouge intensified. We did not know why this~~
23 ~~happened. Perhaps it was a kind of tactic in war. And we were~~
24 ~~still convinced that Khmer Rouge were not bad people. When they~~
25 ~~won the war, we expected that they would lessen their cruelty, but~~

1 ~~that was not our expectation. But it was better than what the~~
2 ~~people had been treated by the Lon Nol soldiers, though.~~
3 ~~On the 17th of April 1975, the whole population was evacuated from~~
4 ~~the city. It was after the victory won over by the Khmer Rouge.~~
5 ~~And on the 20th and - of January 1973, there was a signature~~
6 ~~signed by the - Mr. Kissinger. And Mr. Kissinger should also be~~
7 ~~brought to stand trial for his acts during that time. The~~
8 ~~Americans dropped bombs all across Cambodia, and I was the~~
9 ~~witness, I bore witness to these events~~We also learned that in
10 1970, people were evacuated into the forest. I was in Kampong
11 Cham. I learned that this happened in Bos Khnor, where I had a
12 friend and Damnak Chang'aur. People in these locations told the
13 same story, so we knew about the bad deeds of the Khmer Rouge. We
14 did not know why. We thought the Khmer Rouge were perhaps cruel as
15 part of their war tactics. And we were still convinced that when
16 the Khmer Rouge won the war, they would lessen their cruelty, but
17 we were mistaken. Our political analysis was not right.
18 But there was no hope under the Lon Nol regime, though. What
19 happened during the Lon Nol regime provides a very good
20 explanation for the evacuation of the entire population by the
21 victorious Khmer Rouge on the 17th of April 1975.
22 And on the 20th or 21st of January 1973, the contemptible
23 Kissinger and the contemptible Nixon signed a document - and they
24 also should be prosecuted for their actions at the time. They
25 dropped bombs all across Cambodia. I personally witnessed this>.

1 [09.47.04]

2 I was in ~~<a house near the market of Kandal or the tallest house~~
3 ~~near>~~ Kandal Market. At night, I could see ~~<the sky burning red~~
4 ~~that the bombs were dropped in the horizon>~~. It was like the
5 skyline was burning. ~~<I heard bombs. The earth would shake.>~~ The
6 ~~<barbaric>~~ American soldiers mistreated Cambodian people ~~<by~~
7 ~~dropping bombs on Cambodia>~~ without any reason whatsoever. ~~<They~~
8 ~~killed Cambodian people through bombings>~~ ~~They dropped bombs in~~
9 ~~Cambodia in order to withdraw from Vietnam>~~.

10 Some researchers said that about 100,000 Cambodian people died.
11 ~~<That is an exaggeration. To me, the appropriate figure would be~~
12 ~~about 40,000 people killed by the bombs -- 40, 000 people is a lot~~
13 ~~already>~~ ~~To me, about 400,000 people could have been killed by the~~
14 ~~bombs>~~. People were shivering; ~~<Vietnamese, Cambodians, and the~~
15 ~~Khmer Rouge soldiers were terrified and traumatized by these~~
16 ~~carpet bombings. We all knew that the situation was extremely~~
17 ~~difficult, and people ran away from the paddy fields to seek~~
18 ~~refuge in Phnom Penh. There were about 3 million people. They were~~
19 ~~afraid of being mistreated by the Khmer Rouge and they were afraid~~
20 ~~of the Americans, who kept bombing them>~~ ~~they were terrified and~~
21 ~~traumatized by these carpet bombings. We all know that everyone~~
22 ~~was having a very difficult time during the time of the bombings,~~
23 ~~and people in the paddy fields had to run to the cities to take~~
24 ~~refuge. They were afraid of the Americans who kept bombing on~~
25 ~~them>~~.

1 [09.49.05]

2 So, ~~<by 1975, the by April 1975, people already came to the~~
3 ~~city and then we were informed or asked to leave the city because~~
4 ~~they said that Americans would be bombing us again~~ in April 1975 -
5 on that "glorious day", as the Khmers referred to it - many people
6 had come to the city, and the comrades told us to leave the city
7 immediately because Americans were going to bomb again>. As I told
8 you, we had been traumatized by <these bombings, so when people
9 heard that they had to leave the city to escape from the bombings,
10 they were convinced, and that is how they left the city ~~the~~
11 ~~bombings, so by way of hearing that we had to leave the city,~~
12 ~~otherwise we would be bombed again, people were convinced and we~~
13 ~~had to leave the city>.~~
14 ~~<I talked to the Khmer Rouge that I did not want to leave~~
15 ~~Cambodia, I would like to live in Cambodia until I die, but the~~
16 ~~Khmer Rouge told me that I could be on my own and I - if I did not~~
17 ~~want to leave Cambodia, then I would have to be responsible for my~~
18 ~~own safety>~~ We have to have an appreciation of the circumstances at
19 the time. There is no black and white. We have to understand
20 history. I told the Khmer Rouge that I was prepared to stay
21 because I did not want to leave Cambodia, that I wanted to remain
22 here until my death, but the Khmer Rouge told me that I would have
23 to be responsible for my own safety. At the time, I did not
24 understand. It meant that I would soon be killed. I was not used
25 to the way the Khmer Rouge spoke. They spoke differently from us>.

1 Q. Mr. Ponchaud, you already testified ~~<-about->~~ the events you
2 bore witness to <. You testified about the bombings, and that you
3 lived near Kandal market, in a tall building, for example, the
4 bombings, and that you lived in Phsar Kandal location, on a tall
5 building>.

6 [09.50.42]

7 Can you please be more precise? <What was the distance from your
8 residence to the place where the bombs were falling>~~How close were~~
9 ~~you to the bomb sites that you could really see them from your~~
10 ~~apartment or the place where you stayed>?~~

11 A. ~~<I could see the skyline which was so bright the skyline was~~
12 ~~illuminated already by these fires, the fireball from the bombs,~~
13 ~~so the~~ I'm not sure I could be more specific, but I could see the
14 horizon glowing. The falling bombs were shooting out fireballs.
15 The> sounds of the bombs could be heard easily. So ~~<I could see~~
16 ~~that it would not be very far from~~ I thought the bombs were not
17 falling far away from> Phnom Penh, that's why the bombs could be
18 heard when they were dropped. <The earth shook, so I believed that
19 the bombs were not falling very far from the city. However, I am
20 not a technician so I cannot give you a clearer answer>~~And also,~~
21 ~~the ground were - was shaking at some point, so I believed that~~
22 ~~the bombs were dropped not very far from the vicinity of the~~
23 ~~city>.~~

24 Q. Thank you, Mr. Ponchaud.

25 You talked about the <influx of people into the city before April

1 1975. You said that you estimated that there were perhaps 3
2 million people in the city in April 1975. Where did all these
3 people come from~~increment of population flowing into the city~~
4 ~~before the 17th of April 1975, and you even emphasized that~~
5 ~~according to your estimation, the number of people could have~~
6 ~~reached 3 million by the time in 1975 — April 1975. Can you also~~
7 ~~tell the Chamber, where were these people from~~?

8 [09.52.36]

9 A. (Microphone not activated)

10 MR. PRESIDENT:

11 ~~Q.~~ Mr. Ponchaud, could you please hold on? Wait a moment until you
12 see the red light on your mic, otherwise you <could> not be
13 heard.

14 MR. PONCHAUD:

15 A. ~~<Mr. Stalin (phonetic) said in the statistic that about 1 to 2~~
16 ~~million people could have come to the city, but there was no other~~
17 ~~substantiated report to support this. But I worked with the~~
18 ~~organization to help the refugees, and I could see that people~~
19 ~~kept coming to the city every day>~~As Stalin said, 1 million, 2
20 million, those are just statistics. At the time, we did not have
21 accurate figures. We, Catholics, helped hundreds of thousands of
22 refugees who were arriving every day>. I can't <say exactly how
23 many people were arriving, but I estimate that there were 2,000,
24 three million, 3,000 people in Phnom Penh at the time. Many people
25 slept on the street and in pagodas~~exactly say how many people~~

1 ~~could have come to the city, but I can estimate that there could~~
2 ~~have been 2 to 3 million people in Phnom Penh at that time because~~
3 ~~people could be seen staying at different pagodas and street~~
4 ~~corners>.~~

5 MR. PRESIDENT:

6 Q. What ~~<was your impression concerning~~did you think about the
7 way people lived ~~<at the timetheir life back then>~~? Did they have
8 enough food to eat~~<? Did they have jobs?-or did~~Did they live a
9 decent life?

10 [09.53.52]

11 A. Life was miserable~~<because they couldn't survive such~~
12 ~~situation. They~~It was hard to survive. People could not make a
13 living in ~~<such chaos.a chaotic situation. My organization, and~~
14 ~~Caritas organization assisted the refugees~~Caritas, our
15 organization, assisted refugees,> and we also helped them grow
16 ~~<some>~~ vegetables on the outskirts of the city ~~<of Phnom Penh>~~.
17 People did not have enough to eat. ~~<First, we could help them but~~
18 ~~the assistance was very minimal. We could help them until January~~
19 ~~1975, and we also saw that ships were seen transporting rice to~~
20 ~~Phnom Penh~~When the Khmer Rouge attacked, they wanted to protect
21 their territory. But most of them did not have anything to eat. At
22 the beginning, we could help them, but the assistance was very
23 minimal. We could only help them until January 1975. American
24 ships brought rice from Vietnam to Phnom Penh>.

25 On the 1st of January 1975, ~~<byat>~~ midnight, ~~<we were bombed or~~

1 ~~fired at by all~~ ~~from all directions, and~~ all weapons in Phnom
2 Penh started firing simultaneously.> I learned at that time that
3 Phnom Penh would soon be captured by the Khmer Rouge. Two <or
4 three> days later, <the> Khmer Rouge soldiers crossed the Mekong
5 River, ~~<so no more food would~~ food could no longer> be shipped from
6 Vietnam<. American planes air lifted rice and food from Bangkok.
7 In early March 75, the Khmer Rouge attacked Pochentong Airport,
8 and the Americans had to air drop food and rice by parachute.
9 These parachutes often fell in areas controlled by the Khmer
10 Rouge as we saw before. The American planes brought rice and food
11 from Bangkok.

12 ~~As early as March 1975, the Khmer Rouge attacked Pochentong~~
13 ~~Airport and the Americans had to drop food from the air through~~
14 ~~the parachutes. And these parachutes end up landing on the area~~
15 ~~conquered by the Khmer Rouge on several occasions>.~~

16 [09.55.58]

17 ~~<On the 17th of April 1975, it was the day when Khmer Rouge all~~
18 ~~came to the city. We were very terrified because we knew already~~
19 ~~that the Khmer Rouge did something very bad in the rice fields but~~
20 ~~we had no choice>~~ So, from 1973 to the 17th of April 1975, life was
21 miserable. When the Khmer Rouge arrived in the city, we were
22 terrified because we know about the atrocities that the Khmer
23 Rouge had committed in the rice fields. But we had no other hope>.

24 Q. Thank you very much, Mr. Ponchaud.

25 Did you also have an opportunity to visit <some> hospitals <before

1 17 April 1975>? If so, what was your impression concerning the
2 medical care <available at these hospitals, and how were patients
3 and the wounded treated, and what was your impression concerning
4 the distribution of drugs~~service and how patients were treated~~>?

5 A. ~~<In Lon Nol time, I did not work at hospitals, I had different~~
6 ~~assignments and we worked in different direction that I had no~~
7 ~~opportunity to go to the hospitals. I was an interpreter and~~
8 ~~translator. Although I knew the situation was very bad, I had to~~
9 ~~remain at home performing my job~~Under Lon Nol, I did not visit any
10 hospitals because we all had different tasks. I was working as a
11 translator. I stayed at home, working with a lot of difficulty I
12 did not understand the situation in the hospitals. I only heard
13 about it from others>.

14 [09.57.31]

15 ~~<I helped some people who were seriously ill from Treang location~~
16 ~~and we collected them and have them kept in one centre so that~~
17 ~~this kind of disease they had could not be spread out to other~~
18 ~~people. So this is the only incident when I can tell you about~~
19 ~~people who were sick, but I did not pay great attention to work at~~
20 ~~hospitals~~We helped some lepers who were from Treang. We set them
21 up at Tuek L'ak in order to prevent the disease from spreading
22 across Cambodia. We created a leprosy hospital at Tuek L'ak and
23 Ruessei Keo. I didn't know any other hospitals because it was none
24 of my business>.

25 Q. Thank you. ~~<We would like to proceed to events from - during~~

1 ~~April 1975~~ Let's turn now to what happened as from 17 April 1975.

2 Now, the ~~<evening night>~~ before the 17th of April, where were you
3 and what ~~<were you doing>~~~~did you do~~?

4 A. (Microphone not activated.)

5 MR. PRESIDENT:

6 <-Please wait for the microphone to be turned on.>

7 MR. PONCHAUD:

8 A. As I ~~<have>~~ already ~~<said>~~~~told you this morning~~, I ~~<-worked at~~
9 ~~was>~~ a ~~<church>~~Catholic, and from the 13th of ~~<-March or->~~ April
10 1975 ~~<- pardon me - we knew, I learned already back then>~~ that the
11 Khmer Rouge soldiers would capture Phnom Penh anytime soon<. I was
12 at the Cathedral, the current location of the Phnom Penh city
13 hall. The cathedral was a large and very tall building. The
14 location was not appropriate for it. In 1965, a friend of mine
15 said that if a nationalist government came to power, the cathedral
16 would be destroyed. In fact, it was the Khmer Rouge who did it. I
17 thank them for that. It was too tall. It was a shame to have this
18 cathedral that was as tall as a mountain, because it dishonoured
19 the Khmer,~~so I stayed at a commune office. And there was a~~
20 ~~church, a very tall church in the area. The location was not~~
21 ~~proper for such building of the tall --- big church, because I~~
22 ~~learned that if a government ruled by the nationalists took power~~
23 ~~then this church would be destroyed. But I thank the Khmer Rouge~~
24 ~~who actually finally destroyed this monument anyway, because it~~
25 ~~was too tall, like a mountain, it was not a kind of good~~

1 ~~building~~.

2 [09.59.58]

3 ~~<But I was in the building and I could see Khmer Rouge soldiers~~
4 ~~marching into the city. They burned down some houses. So on the~~
5 ~~16th of April, I thought that it was about time already that the~~
6 ~~Khmer Rouge came to the city. Mr. François Perez<V>, the head of~~
7 ~~the Red Cross, created a kind of campsite for people who would~~
8 ~~like to take refuge at Wat - rather, at Santakir (phonetic) Phnom,~~
9 ~~or Phnom Hotel - Le Phnom Hotel. And they wrote that place was the~~
10 ~~international site for refugees, and it's a free soldiers zone~~
11 I talked about this because every day we would climb this very tall
12 building and we could see Khmer Rouge soldiers approaching . They
13 torched houses and anything along their path. So we bet that the
14 Khmer Rouge would enter the city within two or three days. On the
15 16th of April, I thought that it was about time the Khmer Rouge
16 came to the city. Mr. François Perez, the head of the Red Cross
17 and ICRC-International Committee of the Red Cross set up some sort
18 of shelter, at Wat Phnom, or Phnom Hotel - Le Phnom Hotel, which
19 is now Le Royal Hotel. In bold letters, it was written: "This is
20 an international shelter. Please come, this is a demilitarised
21 zone">.

22 So, I ~~<-and others who spoke Khmer were was->~~ asked ~~<-by François~~
23 ~~Perez->~~ to help translate into Khmer and from Khmer into French,
24 and we received ~~<ministers, Khmers, and especially senior~~
25 ~~government officials who wanted to take refuge there~~~~senior people~~

~~or officials who would like to take refuge at that place>. <And I had to help check them before they could be allowed to get into the place. I had to help remove or unarm them before they could be allowed into the vicinity.~~ All night, I confiscated weapons from people's suitcases before letting them in. These people were carrying large dollar amounts. I have regretted a lot for having taken away weapons from the small Rhade army which had created FULRO - the United Front for the Liberation of Oppressed Races. The Khmer Leu wanted to gain their independence. Some of them were fighting against the Vietnamese and the Khmers. The head of FULRO was Y Bham. He and Colonel Y Bun Suor took refuge there, and I had to disarm them. I had to disarm them. I also had to take away his machetes, but I was very sad because these people used these machetes to survive.

~~{10.01.52}~~

~~I also met a group of people who created FULRO, the group that was created in a form of the Front for liberating the suppressed groups of people. So, this FULRO group had to fight against the Vietnamese and also the Khmer. And Y Bham was the head of this FULRO group and he also took refuge at the place. And I had to take away his weapon and knives, but I felt so bad after all that I had to remove these items because they needed knives for food, cutting foods>.~~

~~<And at night, I could hear fighting, gunfire surrounding the vicinity of Phnom Penh. Khmer Rouge opened fire and every now and~~

1 ~~then I — when I was at the Phnom Penh Commune Office, I could hear~~
2 ~~this, and I had to travel from this place to Phsar Thmei, but by~~
3 ~~the time I came back I saw seven people died because a bomb was~~
4 ~~dropped a moment ago, and these seven people lie dead near my~~
5 ~~house. And from 1973 onwards, the situation in Phnom Penh was so~~
6 ~~miserable, was so difficult. There was no food and Khmer Rouge~~
7 ~~continued fighting and open fire, and I believe that in 1972, this~~
8 ~~fierce fighting happened once already~~The whole night, I could hear
9 rockets being fired from the other side of the river, from
10 Areyksat. Every five minutes, the Khmer Rouge opened fire.
11 I have not yet told you that from 1972 to 1975, the Khmer Rouge
12 fired a lot of rockets at Phnom Penh. For example, to go and eat
13 at the present City Hall of Phnom Penh, I had to leave the central
14 market. When I came back, I saw seven dead bodies in my house. The
15 rockets had been fired a short while before. The seven people were
16 lying dead close to the wall of my house.
17 From 1973 onwards, the situation in Phnom Penh was absolutely
18 miserable and very difficult. There was no food, and the Khmer
19 Rouge continued firing rockets at the city every day.
20 For example, in 1972, there were two ferocious battles in a pagoda
21 near Tuol Kork. I do not recall the name of the pagoda, but it was
22 not the Chumpu Voan Pagoda where Samdech Techo has had a small
23 pagoda built>.
24 [10.04.22]
25 The Khmer Rouge dropped bombs<, killing-and killed> about 200

1 people at Tuol Svay Preah~~<location>~~. In 1973, Khmer Rouge ~~<again~~
2 ~~fired rockets and reduced the whole neighbourhood to ashes~~~~dropped~~
3 ~~bombs again and killed all the people in that "sangkat">~~. All
4 houses ~~<were on>~~went up in fire~~<. and people~~ People had no food
5 and ~~<they>~~ were terrified~~<, they were and>~~ traumatized by this
6 ~~<war~~ lack of food and every day fighting by the Khmer Rouge>.

7 Q. ~~<Now, you talked already about the 17th of April 1975, so we~~
8 ~~would like to have a few questions concerning the event after 17~~
9 ~~of April 1975. Nonetheless, we are convinced that the parties to~~
10 ~~the proceeding may be asking you some questions concerning this.~~
11 ~~At this moment the Chamber would like to know more from you about~~
12 ~~the events that happened exactly on the 17th of April 1975, in~~
13 ~~particular, what happened in Phnom Penh when you saw — in 1975 on~~
14 ~~the 17th of April. Please, describe to the Chamber only what~~
15 ~~happened during that particular day~~You have already testified
16 about 17 April 1975. We would like now to ask you a few questions
17 about the post-April 17 period, although we suppose the parties
18 will ask you supplementary questions on that if they need
19 clarification. The Chamber would now like to ask you questions on
20 the events of 17 April 1975. In particular, we would like to know
21 what happened in Phnom Penh, what you saw on 17 April 1975. Please
22 describe what you saw and only what happened on that day>.

23 [10.06.04]

24 A. ~~<On the night of the 16th of April, I was still at the Le Phnom~~
25 ~~Hotel to disarm people, the government officials who would like to~~

1 ~~take refuge at the international refugee camp or site. And later~~
2 ~~on I was at the municipality and I could see that hundreds of~~
3 ~~people were coming from all directions into the city, and they~~
4 ~~said that the Khmer Rouge were coming, and we received them. We~~
5 ~~placed them in a building, a big building, and we believed that~~
6 ~~everyone could be safe in that area, bombs could never reach us.~~
7 ~~And then there was a Sedan, a white Sedan, parked before the~~
8 ~~French embassy and we believed that the French officials would be~~
9 ~~negotiating with the Khmer Rouge so that we could be safe. We~~
10 ~~hoped good things could happen.~~

11 ~~But later on we learned — or we saw, tanks rolling to the cadre~~
12 ~~school and shells were fired from that tank and a man had to walk~~
13 ~~all the way to the tank to negotiate with the soldiers; and as the~~
14 ~~result, half of the soldiers surrendered when the remaining — or~~
15 ~~the rest continued fighting and this person disappeared and the~~
16 ~~tank disappeared. And I had the impression that it was strange~~
17 ~~that there were some youths who were wearing black clothes,~~
18 ~~holding a flag, and journalists could identify them as Khmer Rouge~~
19 ~~soldiers. Actually, they were not Khmer Rouge soldiers. They were~~
20 ~~Lon Nol's brother and relatives~~
21 On the night of the 16th and the
22 morning of the 17th of April, I was still at the Le Phnom hotel
23 disarming government officials and all those who were seeking to
24 take refuge at that international shelter. The next morning, I was
25 at the present City Hall and I could see hundreds, thousands of
people arriving from the north, as well as the Khmer Rouge. We

1 welcomed them and set them up in the cathedral, a concrete
2 building, where we believed they would be protected from rocket
3 fire. At about 6.30, the city was very calm. There were cars,
4 including a white 404 sedan, parked in front of the French
5 embassy. We thought that if the embassy was negotiating with the
6 Khmer Rouge, we might be out of danger, because we thought that we
7 were going to die. Then some people got into the cars. There were
8 tanks in front of Calmette and the Lycée Descartes, the current
9 University of Business. One of the tanks shelled Calmette. Khmer
10 Rouge trucks stopped. A few Khmer Rouge went right up to the tanks
11 to negotiate. Following the negotiations, half of them surrendered
12 and laid down their weapons. The other half continued fighting in
13 Phnom Penh. The white 404 sedan drove past my house and went to an
14 unknown location. Later, I thought it was a bit strange to see
15 these young men dressed in black and who were waving a red and
16 blue flag similar to the scout flag. All the reporters identified
17 them as Khmer Rouge, but in fact they were not Khmer Rouge. They
18 were the troops of Lon Non, Lon Nol's brother, who were trying to
19 take advantage of the situation and take full credit for the
20 capture of Phnom Penh before the Khmer Rouge>.

21 [10.09.15]

22 ~~<These people could have taken the advantage of the opportunity to~~
23 ~~claim the victory of Phnom Penh and they were joined by some~~
24 ~~people in cars to congratulate them, and also they were~~
25 ~~eongratulated by the people in Phnom Penh. And all the journalists~~

1 ~~still were convinced that this group of people were the Khmer~~
2 ~~Rouge, and Le Monde also captured this event, and they even said~~
3 ~~that Khmer Rouge liberated Phnom Penh. I think the journalists~~
4 ~~were misled by this event and I was also surprised when I was at~~
5 ~~the church and I did not know why the fighting had been very~~
6 ~~fierce and people exchanged hostility but now they hacked one~~
7 ~~another. It is not like what I expected.~~
8 ~~Among these young people who wore black clothes I could see that~~
9 ~~they were not the people that we could smile at. At 10 o'clock,~~
10 ~~they captured the whole city. So, by then, I can see that Phnom~~
11 ~~Penh was occupied by all these soldiers, and we could also see~~
12 ~~other people who had to surrender or were disarmed. At the~~
13 ~~beginning, we saw only young people searching others for weapons,~~
14 ~~but then we learned that they were the Khmer Rouge soldiers and we~~
15 ~~learned also that the Lon Nol soldiers had to surrender, and the~~
16 ~~representative of the Lon Nol soldiers made it clear that the Lon~~
17 ~~Nol soldiers now were defeated. And they surrendered and they did~~
18 ~~not do any harm to the Khmer Rouge soldiers anymore, and Samdech~~
19 ~~Huot Tat^, also told the people at that time that it is time. Now~~
20 ~~we had to join hands in rebuilding the country and we begged the~~
21 ~~victors not to engage in any hostility further~~These people were
22 trying to take advantage of the opportunity to claim the victory
23 for capturing Phnom Penh before the Khmer Rouge. The man in the
24 404 and the young people waving a flag similar to a scout flag
25 were Lon Non's people. Then some vehicles arrived, joined later by

1 people in cars, who came to congratulate them. The people were
2 also congratulating them. All the reporters thought they were
3 Khmer Rouge. Patrice de Beer of "Le Monde" wrote a cheerful
4 article about this, saying that the Khmer Rouge had liberated
5 Phnom Penh. In fact, the reporters were mistaken. In fact, I was
6 very surprised when I was at the church with my friend; I said I
7 did not know why, after such fierce fighting, people could hug one
8 another like that. It was strange.
9 Then we saw a few tired small-sized fighters dressed in black, and
10 one of them was carrying a writing instrument. I told my friend
11 that one could not smile at them. These were young Khmer Rouge
12 fighters who had entered the city by way of Boeng Kak, behind the
13 City Hall, where there were no houses. By 10 o'clock, they had
14 taken control of the entire city. As the French saying goes, a
15 leaden shroud had fallen over Phnom Penh. We knew we had been
16 caught in a fish net. These young people searched people at all
17 intersection. Soldiers took off their uniforms and threw away
18 their weapons in the middle of the street. We realized that the
19 Khmer Rouge soldiers were not very nice. They searched vehicles.
20 I forgot to tell you that Mey Sichan, head of Lon Nol's army,
21 wanted to surrender and had ordered his troops to stop fighting
22 the Khmer Rouge because they had lost the war. Samdech Huot Tat,
23 supreme patriarch of the Mohanikay order, said: "The war is over.
24 We have to rebuild the country together. We are among brothers.
25 The victors must stop fighting">.

1 [10.12.42]

2 ~~<So by 10 o'clock, as I told you, Phnom Penh was fully captured~~
3 ~~and it was complete silent. There was no more gunfire. I did not~~
4 ~~believe that the Khmer Rouge stopped killing people, but I did not~~
5 ~~hear any more gunshots and at 11 o'clock I saw the unspeakable~~
6 ~~events. I saw the sick people, I saw the cripples who were~~
7 ~~crawling like worms right in front of my house and people were~~
8 ~~moving out of the city, and one of the handicapped asked to stay~~
9 ~~in our house and I said, sorry, you have to move on otherwise you~~
10 ~~will be killed if you stayed here~~That was a little before 10
11 o'clock. And at about 10 o'clock, it was as if a fish net had been
12 cast over the entire city. I no longer heard any sound of gunfire.
13 I am not saying that the Khmer Rouge did not kill anyone. But I
14 did not hear any sound of gunfire for a whole day. At 11 o'clock,
15 I witnessed an unforgettable event. I saw hundreds of sick people,
16 wounded people leave the city passing in front of my house.
17 Disabled people were crawling on the street like worms. One of the
18 disabled people ask me if he could stay at my place, and I told
19 him no, that he must move on because if he stayed he would die in
20 any event>.

21 ~~<So we did not receive any patients and it was shameful for me not~~
22 ~~to do that. But we had no choice, and a lot of injured people had~~
23 ~~to be were asked to move to the paddy fields, and I heard people~~
24 ~~say if the injured people did not want to leave then they would be~~
25 ~~killed by bombs by the soldiers~~We could not help any of the

1 patients. It was a shame not to be able to take in the wounded and
2 I still feel ashamed to this day. Thus, hundreds of wounded people
3 were sent to the rice fields. I heard people say that if the
4 injured did not want to leave the city, the soldiers would kill
5 them with bombs>.

6 ~~<At about 12 o'clock, I heard the Khmer Rouge expelled the Cham~~
7 ~~people. I was happy. I was happy because the Cham people was~~
8 ~~were allowed to leave the city so that they could return to their~~
9 ~~hometown. At around 2.00, I saw that Khmer Rouge soldier in black~~
10 ~~clothes and they forced us to leave immediately for fear of~~
11 ~~bombing. I do not recall whether or not they made that~~
12 ~~announcement through loudspeaker or not. But as I told you~~
13 ~~earlier, the civilians were very frightened of the air bombardment~~
14 ~~by the American soldiers so they had to leave, and then they had~~
15 ~~to leave by themselves. I told them not to leave, but they said~~
16 ~~they were fearful of American bombardment so they decided to leave~~
17 ~~and I could not stop them. I said, well, you could leave~~

18 then Around noon, I heard that the Khmer Rouge had expelled the
19 Cham from Phnom Penh. I was happy because if the Cham were allowed
20 to leave the city, they could return to their hometown. That was
21 very good. Then, at about 2 p.m., I saw Khmer Rouge soldiers
22 dressed in black. They told us to leave immediately, out of fear
23 of American bombing. I do not recall whether the announcement was
24 made by loudspeaker or using a helicopter. But as I told you
25 earlier, I believe civilians were very afraid of the aerial

1 bombardment by the American army, and therefore they had to leave.
2 They left by themselves, freely. I told them that I was prepared
3 to die. They told me that I would bear personal responsibility>.

4 [10.15.57]

5 <At about 2 p.m.,> I saw people walking along the street. They
6 were marching out of the city<, to the north. I saw my colleagues
7 walk past my house at about 3 p.m. People were moving slowly
8 because there were too many people. In three or four hours, they
9 only travelled 2 or 3 kilometres. At around 6 p.m., I did not see
10 any people in Phnom Penh. In any case, where I was, I saw no one.
11 The Khmer Rouge did not fire on anyone. I read a book which talked
12 about fire being opened on civilians somewhere around Wat Phnom.
13 However, I did not witness nor hear it myself. The Khmer Rouge
14 were not as depicted in the movie "The Killing Fields" by Roland
15 Joffé. The movie served his interest because he was able to arouse
16 world opinion concerning the Khmer Rouge. However, it did not
17 depict the Khmer Rouge as they actually were. It depicted them as
18 brutal, violent. In fact, they were not. In fact, the Khmer Rouge
19 chilled our blood just by the fierceness of their look.~~They~~
20 ~~walked in slow motion. I saw people march along the street but the~~
21 ~~movement were very slow. They could actually travel on foot around~~
22 ~~four, three to four kilometres per hour and then at around 6~~
23 ~~o'clock, I did not see any people in Phnom Penh. At least in my~~
24 ~~place I did not see any civilians. I read a book which cited the~~
25 ~~shooting incident of the civilians somewhere around Wat Phnom, but~~

1 ~~I did not witness that by myself. Actually, the Khmer Rouge~~
2 ~~soldier was not like the picture depicted in the "Killing Field"~~
3 ~~film, because I think that that film by Roland Joffe, he was not~~
4 ~~depicting the real picture of the Khmer Rouge at that time. It was~~
5 ~~only reflected in the film, but actually the Khmer Rouge was~~
6 ~~threatening us indirectly. They used their fierce eye to threat~~
7 ~~the people>.~~

8 [10.17.38]

9 ~~<We - I and my friend - met with the Khmer Rouge and I looked into~~
10 ~~the Khmer Rouge eyes and then they looked at us with a strange~~
11 ~~look. Actually, the Khmer Rouge could threaten us by only a bare~~
12 ~~look of eyes. They were very fierce. That was the events on the~~
13 ~~16th of April and on the night of the 17 April. At night, there~~
14 ~~were military groups comprising of around 10 members each, and it~~
15 ~~was led by a leader, deputy leaders and members. They came to our~~
16 ~~house. They wanted to stay over there. When they met us they gave~~
17 ~~us a very fierce look. They communicated with us. They asked us~~
18 ~~whether or not I knew "Mae" Hélène, because "Mae" Hélène was the~~
19 ~~wife of Bizot~~I wanted to return to my home at the market with Ta
20 Vine, a Second World War veteran. We met Khmer Rouge, and they
21 looked at us in the eyes and said, "You too!" We dared not
22 continue. We turned back. The Khmer Rouge could threaten simply by
23 their cruel look. Those were the events of 16 April and on the
24 night of 17 April.
25 Finally, at nightfall, a military unit of 10 members led by three

1 persons - a leader, a deputy leader and a member - came to our
2 house and wanted to stay with us. When they arrived, they gave us
3 an unpleasant look, but because we spoke Khmer, they became nice
4 to us. Their leader asked us if we knew Hélène's mother. She was
5 the wife of Bizot - whom, Mr. President, you have called to
6 testify before this Chamber. We said she lived 200 metres away.
7 However, she was not there because she was prohibited from going
8 out at night>.

9 [10.19.13]

10 ~~<And they told us not to move around freely, and then at night we~~
11 ~~talked to those Khmer Rouge soldiers and it was not that difficult~~
12 ~~to talk to them. They were like ordinary youths as well, and the~~
13 ~~Khmer Rouge wanted to learn how to drive our cars and when they~~
14 ~~drove the car and then they hit the tree, they blame the car. Why~~
15 ~~the car did not find the way by itself. So the Khmer Rouge in~~
16 ~~general were dumb. They were ignorant of this -- of anything>~~The
17 whole night, we spoke with these Khmer Rouge soldiers. We
18 spoke to them easily. They were young people who had not yet
19 been fully indoctrinated. These young Khmer Rouge wanted to
20 learn how to drive. Well, they tried to drive. When they
21 finally hit a tree, they cursed the vehicle: "Why don't you
22 know the road?" They were dumb and ignorant>.

23 ~~<So we stayed and played with the Khmer Rouge that night and they~~
24 ~~did not appear to be, you know, somebody who were fierce.~~

25 ~~And on the 18 of April, the team leader asked me, -- and they told~~

1 ~~me that we had to go to the train station and I was driving the~~
2 ~~Khmer Rouge in my car at that time, and I was acting as a tour~~
3 ~~guide. I told them that this was the residence of this person and~~
4 ~~that person. This was the Independence Monument. This mansion~~
5 ~~belongs to a Royal Family, so on and so forth, and then we drove~~
6 ~~past the Royal Palace. And then, at that time, I still noticed~~
7 ~~that there were some remaining Lon Nol soldiers resisting as well,~~
8 ~~and they were fighting and I told the Khmer Rouge. But they were~~
9 ~~not frightened of the Lon Nol soldiers and they kept asking me,~~
10 ~~where the American soldiers were staying? And I told them, no,~~
11 ~~there was no Americans around. So the Khmer Rouge thought that~~
12 ~~there was the presence of American soldiers everywhere~~That night,
13 we did not want to sleep because we were very apprehensive.
14 We played with these Khmer Rouge the whole night, and they
15 appeared friendly to us. On 18 April, the leader of the unit
16 told me that Angkar had asked his group to go to the train
17 station, which was about 300 metres away. I looked at my
18 friend, raising my eyebrows. So I drove the Khmer Rouge in
19 my car, acting like a tour guide. I said to them: "This is
20 the house of the contemptible Long Boret, that is the house
21 of the Queen." Their eyes widened. "This is the Independence
22 Monument." There were several thousand Khmer Rouge soldiers
23 at the Independence Monument. "This house belongs to the
24 Royal Family", and so on and so forth. Then we drove past
25 the Royal Palace, and I noticed that there were still Lon

1 Nol soldiers putting up resistance at that location. The
2 Khmer Rouge were frightened, and I told them not to be
3 afraid because everything would be alright. We continued,
4 and they asked me: "But where are the American soldiers?" I
5 told them: "But no" - that there were no American soldiers.
6 The Khmer Rouge thought American soldiers were everywhere>.

7 [10.21.28]

8 ~~<So we went along Kramuon Sar Road and we noticed that there were~~
9 ~~Lon Nol soldiers who were fighting with the Khmer Rouge and the~~
10 ~~Khmer Rouge soldiers were a bit frightened, and they asked us to~~
11 ~~drive them around Phnom Penh to show them around. The reason why I~~
12 ~~am describing all of these events is because to make the Court~~
13 ~~clear that on the 17th of April the Khmer Rouge evacuated the~~
14 ~~city, at least in the Sangkat Chen^.~~ I drove from train station, I
15 ~~drove them through the Independence Monument, and then I go~~
16 ~~through all the way through the Royal Place Kramuon Sar Street and~~
17 ~~I did not see any civilians, and the Khmer Rouge soldier broke the~~
18 ~~door of the houses opened and then they took all the properties~~
19 ~~from the houses, and then we went all the way to the French~~
20 ~~embassy in Phnom Penh~~We took Kramuon Sar and we noticed that there
21 were Lon Nol soldiers exchanging fire with Khmer Rouge soldiers.
22 The Khmer Rouge soldiers became a bit frightened. We went to the
23 train station after driving around Phnom Penh to show them around.
24 Their leader scolded them very violently, and we fled.
25 The reason I am describing all of this to you is because I would

1 like the Chamber to understand very well that on the 17th of April
2 the Khmer Rouge evacuated the population from the city, at least
3 from the Chinese quarter. From the train station to the
4 Independence Monument, the Royal Palace and up to Kramuon Sar
5 Street, I saw no one. Khmer Rouge soldiers broke into houses and
6 took away what was inside. Then I fled to the French embassy>.

7 Q. Thank you. ~~<Just now you talked about the order of the Khmer~~
8 ~~Rouge and you say you did not recall whether or not the Khmer~~
9 ~~Rouge used loudspeaker to announce to the public to evacuate the~~
10 ~~city. That's what you testified earlier on~~You just talked about
11 the order given by the Khmer Rouge, but you do not recall whether
12 the Khmer Rouge used loudspeakers or megaphones to tell the
13 citizens of Phnom Penh to leave. That is what you said earlier -
14 rather, what you said just now>.

15 A. (Microphone not activated)

16 Q. ~~<No, my question is: Do you still recall the words the Khmer~~
17 ~~Rouge used to announce to the civilians in Phnom Penh to leave the~~
18 ~~city? What was the actually wordings they used, either through~~
19 ~~loudspeakers or orally~~Do you recall the words used by the Khmer
20 Rouge to tell the population to leave the city? What exactly did
21 they say>?

22 [10.23.33]

23 A. They said, "~~<Comrade, leave Phnom Penh City as soon as you can~~
24 ~~because the American soldiers will bombard the city. You will~~
25 ~~leave the city for about three or four days. You do not have to~~

1 ~~bring anything along with you. You will only leave for a short~~
2 ~~period of time. You will come back. The Khmer Rouge soldiers are~~
3 ~~not theft. Your properties will not be stolen so just leave the~~
4 ~~city as soon as you can~~Comrades, you must leave quickly. The
5 Americans are going to bomb the City. Go 10 or 12 miles away,
6 don't take much with you, don't bother to lock up; Khmer Rouge
7 soldiers are not thieves. You'll return in two or three days, as
8 soon as we've cleaned up the city>."

9 ~~<So that's what I still — it still echoes in my mind the words~~
10 ~~that the Khmer Rouge used at that time~~Basically, that is what they
11 said and what I still remember>.

12 Q. ~~<Was only one person made that announcement or they actually~~
13 ~~designated different groups in order to make such announcements to~~
14 ~~evacuate people out of the city? Did they make that announcement~~
15 ~~everywhere in the city in order to evacuate the people, or only~~
16 ~~one group of persons to make such an announcement~~Was the
17 announcement to evacuate made by a single person or by different
18 groups? Did they make the announcement everywhere in the city, or
19 was it made only by a single group>?

20 [10.24.40]

21 A. ~~<At that time, one thing came to my mind, because I saw a Khmer~~
22 ~~Rouge soldier in black clothes and they asked people to leave, and~~
23 ~~they asked us to leave as well, and then I said I did not want to~~
24 ~~go. I want to die in Cambodian territory. And then I saw another~~
25 ~~group of Khmer Rouge soldiers, they were in green clothes and~~

1 ~~there were another group of Khmer Rouge as well, and I thought to~~
2 ~~my mind that the Khmer Rouge was erratic. They were not in~~
3 ~~organized groups. I saw some of them were wearing black clothes,~~
4 ~~some were in green, dark green clothes, and some were carrying~~
5 ~~different, you know, rifles. And I noticed that there were six~~
6 ~~different groups of soldiers gathering for a meeting somewhere~~
7 ~~around the railway station, and then I - it raises some questions~~
8 ~~to my mind and at that time I think that the announcement was made~~
9 ~~through loudspeaker, but I do not recall that event~~At the time,
10 one thing came to my mind, because I saw black-clad Khmer Rouge
11 soldiers asking people to leave, and they asked us to leave. I
12 told them, "I do not want to leave. I want to die in Cambodia."
13 Other Khmer Rouge told us to stay. Then I saw another group of
14 Khmer Rouge soldiers dressed in green. So there was another group
15 of Khmer Rouge. The thought crossed my mind that they were a
16 completely anarchical and that they were not organized at all. I
17 have been in the army and I know that soldiers have to wear the
18 same uniform. Some of them were dressed in black, others in olive
19 green. Others were carrying different types of guns. In fact, I
20 noticed a group of six - or, rather, six different groups of
21 soldiers who were meeting near the train station. This raised
22 doubts in my mind. They may have had loudspeakers, but I do not
23 remember>.

24 Q. ~~<What was your impression when the Phnom Penh dwellers were~~
25 ~~being evacuated by the Khmer Rouge through the announcement you~~

1 ~~said, and the Khmer Rouge who said that people had to leave the~~
2 ~~city for a short period of time, say three or four days, for fear~~
3 ~~of the bombing by the American soldiers? What was your observation~~
4 ~~at that time? Did they leave the city with specific purpose in~~
5 ~~mind, or did they have any specific direction to go, or it was~~
6 ~~under the command of the Khmer Rouge to leave into whatever~~
7 ~~direction they wanted the civilians to go~~What did you think when
8 you heard the Khmer Rouge tell the population to leave the city
9 for three or four days for fear of bombing? What did you observe?
10 When the people left the city, could they go freely in whatever
11 direction they wanted or did they have to follow a specific
12 direction ordered by the Khmer Rouge>?

13 A. (Microphone not activated)

14 [10.26.51]

15 MR. PRESIDENT:

16 ~~Q.~~ Mr. Ponchaud, please pause a bit when - in between questions.
17 When you see the red light on your microphone then you can start
18 speaking. Otherwise, your testimony will not go through.

19 MR. PONCHAUD:

20 A. ~~<Well, those who stayed in the northern part of the city, they~~
21 ~~had to leave from the northern part. So they had to leave through~~
22 ~~a different direction according to their areas of residence~~Those
23 who were in the northern part of the city had to go towards the
24 north, those who were in the southern part of the city had to
25 travel towards the south, those who were in the western part of

1 the city had to go towards the west, and those who were in the
2 eastern part of the city had to go towards the east>.

3 ~~<Now, for example, one young boy, he was about 12 years of age, he~~
4 ~~was crying. He told me that my mother was delivering another baby~~
5 ~~in the East. He wanted to go to see his mother, no, but actually~~
6 ~~he could not go because we had to go in accordance with the orders~~
7 ~~of the Khmer Rouge~~Now, I remember a young boy, who is now the
8 owner of the La Gare Pharmacy. He was 12 years old and he was
9 crying in front of my place of work. I asked him why he was
10 crying, and he said, "My mother is having a baby in the South."
11 And he wanted to go and see his mother but he couldn't go because
12 we had to comply with the orders of the Khmer Rouge. I told him to
13 take my bicycle and go and see his mother. There was no turning
14 back>.

15 ~~<And people were actually - were very sad and they were very~~
16 ~~depressed as well. We look at their facial expression, they were~~
17 ~~sadder than sad and they did not want to leave because they~~
18 ~~noticed that - the way the Khmer Rouge actually exerted pressure~~
19 ~~on us, not only through weapons, but also through the eyes as~~
20 ~~well. They only stared at us, and then we would be frightened to~~
21 ~~listen to their orders~~People were very upset, very sad. When you
22 looked at their faces, you could see that they were very sad, even
23 the poor. They did not want to leave, but the Khmer Rouge
24 pressured them - not only by force of arms, but also by their look
25 which frightened us. We had to obey their orders. No one was

1 happy, even though the Khmer Rouge were telling everyone to leave
2 only for three weeks>.

3 [10.28.23]

4 Q. ~~<Now you described only a few words that the Khmer Rouge used~~
5 ~~and you also said that they only stared at the civilians and then~~
6 ~~they are frightened stare — frightening stare at the people were~~
7 ~~enough to move the people out of the city, or there was any actual~~
8 ~~order of physical coercion, for example, against the people so~~
9 ~~that they move in accordance with their direction~~ You said - you
10 repeated a few words used by the Khmer Rouge and said that their
11 look frightened people. Was that enough to cause people to leave
12 the city, or did the Khmer Rouge use arms or other means to force
13 the people to go in the direction indicated by them?->

14 A. ~~<To my recollection, the Khmer Rouge did not use physical~~
15 ~~coercion in order to move people out, at least in my areas that I~~
16 ~~could witness. We could not travel around at that time, even to~~
17 ~~the central market. But in the squatter that I stayed, I did not~~
18 ~~see the Khmer Rouge exercising physical coercion against the~~
19 ~~people. They only ordered people to leave and then people had to~~
20 ~~leave~~ As I recall, the Khmer Rouge did not use any physical force
21 to evacuate the population - or at least not where I went. We
22 could not move, for example, around the central market. But where
23 I was, I did not see the Khmer Rouge use physical force or shoot.
24 They did not escort the evacuees. They simply ordered people to
25 leave, and people had to leave>.

1 [10.29.33]

2 ~~<I think that they exercised certain psychological pressure to the~~
3 ~~people. I think that the Phnom Penh people were used to the~~
4 ~~bombing prior to the 16th of April. That's why they found that the~~
5 ~~information was rather true, because the 17th was considered a~~
6 ~~peace day that Phnom Penh dwellers knew that the Khmer Rouge~~
7 ~~were not that bad and they would not actually kill their own~~
8 ~~people, and they thought that probably there would no longer be~~
9 ~~any bombing. They followed the order of the Khmer Rouge. They were~~
10 ~~sad, >but they had to leave at that time. I did not see the~~
11 ~~killing. I did not see the physical coercion. I don't say that~~
12 ~~there would not be any killing at that time, but I just did not~~
13 ~~see — witness the killing myself~~Psychologically, we were scared
14 of the Khmer Rouge. The people of Phnom Penh had been bombed day
15 and night, especially on the 16th of April. That is why they
16 believed this information. The 17th of April was supposed to be a
17 day of peace. They knew that the Khmer Rouge were not that bad,
18 that they were not going to kill their own people, and that they
19 were no longer going to be bombings. That is why they obeyed the
20 orders of the Khmer Rouge. They were sad. They did not want to
21 leave, but they had to. I did not witness any killings or use of
22 physical force. I have not said there were no deaths, but I did
23 not see the Khmer Rouge kill>.

24 [10.30.22]

25 Q. ~~<You said you did not witness the killing. But you said also~~

1 ~~that you had to walk along with the Khmer Rouge soldiers all the~~
2 ~~way to Independence Monument and to Kramuon Sar Road and to the~~
3 ~~railway station, and you were also warned by the Khmer Rouge~~
4 ~~soldiers.~~

5 ~~Can you tell the Chamber please, did you witness any mistreatment~~
6 ~~by the Khmer Rouge soldiers toward the civilians, and did you also~~
7 ~~see any dead bodies lying on the roads~~You have testified that you
8 did not witness any execution or killing, but you also said that
9 you accompanied and drove Khmer Rouge soldiers all the way to the
10 Independence Monument, the Royal Palace, Kramuon Sar Street, and
11 to the train station. You said that the Khmer Rouge soldiers were
12 scolded by the commanders.

13 Can you tell the Chamber whether, during this drive, you saw Khmer
14 Rouge soldiers use violence against the people of Phnom Penh?
15 During your short drive with the Khmer Rouge soldiers to the
16 Independence Monument and the Royal Palace, did you see any
17 corpses>?

18 A. ~~<I did not see the corpses, but I saw the people who were~~
19 ~~walking on the roads. No dead bodies, although the war was not yet~~
20 ~~over~~I did not see any corpses. Some remnants of the Lon Nol army
21 were ambushing Khmer Rouge soldiers in front of the Royal Palace
22 and on Kramuon Sar Street. The war was not yet over>.

23 ~~<Regarding your question, how people were treated, I can say that~~
24 ~~the way people were treated was bad, was beyond imagination,~~
25 ~~because it was a brutal act by the Khmer Rouge towards the people,~~

1 ~~the evacuees~~ Regarding your question about how people were treated,
2 how people were evacuated, it was beyond imagination. People were
3 not well treated. The Khmer Rouge treated the evacuees with
4 brutality >.

5 [10.32.17]

6 ~~<I had to leave the French embassy on two occasions, a few days~~
7 ~~later, perhaps on the 23rd — or 21st, or 22nd of April. I had to~~
8 ~~leave the French embassy so that I could monitor the actual~~
9 ~~situation, and I saw the Khmer Rouge occupied the municipality and~~
10 ~~I could not see other people other than the Khmer Rouge soldiers.~~
11 ~~And later on I met a Khmer Rouge female soldier. I was very~~
12 ~~frightened, because women soldiers of the Khmer Rouge were~~
13 ~~believed to be even more cruel than their male counterparts. The~~
14 ~~Khmer Rouge then evacuated or gathered the French citizens and~~
15 ~~those who were holding French passports. At — in the vicinity of~~
16 ~~Phnom Penh, it was empty. But I saw hundreds of people gather at~~
17 ~~Preack Pnov. But I never saw any dead bodies. I couldn't say that~~
18 ~~people did not die during the course of the evacuation, but I just~~
19 ~~didn't see any~~ I had to get out of the French embassy on two
20 occasions.

21 A few days later, on the 21st or 22nd April, I had to leave the
22 French embassy in order to survey the situation. I went to City
23 Hall. I found that it was occupied by the Khmer Rouge. I spoke to
24 them, and they let me go upstairs, but I only saw Khmer Rouge
25 soldiers. I saw no one else. The next day I again left the embassy

1 and I met female Khmer Rouge soldiers. I was very frightened and I
2 fled because they were even nastier than their male counterparts.
3 About 10 days later I went up to Preaek Pnov in search of French
4 citizens who had left the city with the population. The Khmer
5 Rouge gathered together French citizens who were religious
6 followers. I then became an interpreter at the gate of the French
7 embassy. I took the opportunity to find out about what was
8 happening at Preaek Pnov. The road between Phnom Penh and Preaek
9 Pnov was empty, but I saw hundreds of thousands of people in the
10 rice fields in Preaek Pnov. They were waiting, but I don't know
11 what for. Again I did not see any dead bodies.
12 I am not saying that nobody died during the evacuation, but simply
13 that I did not see any dead bodies>.

14 MR. PRESIDENT:

15 Thank you, Mr. Witness.

16 It is now <an> appropriate moment for adjournment. The Chamber
17 will adjourn for 15 minutes.

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

20 (Court recesses from 1034H to 1065H)

21 MR. PRESIDENT:

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

23 BY MR. PRESIDENT:

24 Q. Mr. François Ponchaud, before we broke, you told the Court that
25 you took refuge in the French embassy. And then you were evacuated

1 and you ~~<went along>~~took National Road Number 5~~<7>~~ and ~~<then you>~~
 2 reached kilometre 13, in search ~~<for of>~~ your friends who were
 3 foreign nationals~~<, and who are Christian, and>~~ Catholic. And you
 4 intended to ~~<bring them back to stay intake them to>~~ the French
 5 embassy~~<-at that time>~~. So you left the embassy~~<, took along>~~
 6 National Road Number ~~<5, passing through kilometre>~~ 6~~<-through-~~
 7 ~~rather>~~, ~~<and arrived at>~~ kilometre ~~<13 number 6, along National~~
 8 ~~Road Number 5>~~. Who did you go along with? And how did you go
 9 there at that time?

10 MR. PONCHAUD:

11 A. There were two Khmer Rouge soldiers~~7~~ and another French
 12 national who was a teacher. He was the driver. ~~<And there were two~~
 13 ~~soldiers - two Khmer Rouge soldiers going along with us~~Besides
 14 him, there were two Khmer Rouge soldiers>.

15 [10.58.34]

16 ~~<And>~~ I went all the way to Preaek Pnov. I did not see anyone ~~<on~~
 17 ~~the streets along the street>~~. But when I reached Preaek Pnov, I
 18 saw ~~<hundreds of thousands of people in the rice fields seas of~~
 19 ~~people in the paddy fields>~~.

20 Q. ~~<What was your observation of the situation along the street~~
 21 ~~when you were travelling down to Preaek Pnov? Did you notice any~~
 22 ~~dead bodies scattered on the street or people around - or along~~
 23 ~~the streets~~From your observations as you were travelling to Preaek
 24 Pnov, what was the situation? Did you see dead bodies lying
 25 everywhere? Did you see people>?

1 A. No, I did not see any corpses. I ~~<would not say>~~
2 that there was no dead bodies, ~~<just that I but I just>~~ did not see
3 ~~<any those dead bodies>~~.

4 Q. ~~<When you were travelling to Preaek Pnov, along the way, did~~
5 ~~you witness any events? For example, people being arrested by the~~
6 ~~Khmer Rouge soldiers in order to forcibly evacuate them out of the~~
7 ~~city>~~ Did you witness any incidents on your way to Preaek Pnov - for
8 ~~example, evacuees being arrested by the Khmer Rouge soldiers>~~?

9 [10.59.54]

10 A. None. I did not see any - anyone - not even ~~<the>~~ Khmer Rouge
11 soldiers ~~<, not even the nor>~~ civilians ~~<along the street>~~.

12 Q. ~~<Did you when you reached kilometre 13 of Preaek Pnov, did~~
13 ~~you went to see the people over there, when you saw see the~~
14 ~~people as you described it? Did you mingle with them, or you just~~
15 ~~saw them from a distance>~~ When you reached kilometre 13, at Preaek
16 Pnov, did you go and meet the people there when you saw many
17 people, as you have said? Did you mingle with these people or did
18 you just see them from a distance>?

19 A. ~~<I was inside the car. I did not get out of the car, because we~~
20 ~~were terrified at the time. I was terrified, myself. There were~~
21 ~~Khmer Rouge soldiers carrying rifles. I met I saw people whom I~~
22 ~~knew before. I dare not even talk to them. I only actually~~
23 ~~signalled them through my eyes. We used our eye contact to~~
24 ~~communicate. But we did not even use words to communicate>~~ I stayed
25 ~~inside the car. I did not get out of the car. I was very afraid -~~

1 we were very afraid. There were Khmer Rouge soldiers carrying
2 rifles. I saw people whom I knew before, but I did not dare speak
3 to them. We only exchanged furtive glances. No words were
4 exchanged>.

5 Q. Do you recall the date <when> you went out of the French
6 embassy <and travelled> to Preaek Pnov⁷ along with the two Khmer
7 Rouge soldiers? Do you recall the date <-you went there>?

8 A. I do not recall it clearly, but it could have been five or six
9 days following the 17th of April <- Around five to six days
10 following the 17th of April>, but I do not recall exactly.

11 [11.01.48]

12 Q. Thank you. You said, earlier, that <on the 18 of April,> you
13 <stayed in arrived at> the French embassy <on 18 April>; is that
14 correct?

15 A. <On the 18th of April, it was the glorious day of the Khmer
16 Rouge. At that time, we did not have place or shelter to stay.
17 Actually, we slept under the bamboo trees The 18th of April was a
18 glorious day for the Khmer Rouge. That day, we had nowhere else to
19 stay. We slept under bamboo bushes>.

20 Q. <Can you tell the Court the overall condition of your living,
21 particularly, people in the French embassy? What was the situation
22 like in the French embassy at that time, and could you tell the
23 Court the categories of people who took refuge in the French
24 embassy, and what was the main events that came to your mind, if
25 you can still recall, when you were staying in the French

1 ~~embassy~~Can you describe your living conditions and those of the
2 ~~people who were at the French embassy? Can you describe to the~~
3 ~~Chamber what the situation was like inside the embassy at the~~
4 ~~time? Can you tell the Chamber the different types of people who~~
5 ~~took refuge at the embassy? Can you tell the Chamber anything, if~~
6 ~~you can still remember, that happened at the French embassy>?~~

7 [11.03.12]

8 A. ~~<In French embassy, there were around 500 foreigners, ranging~~
9 ~~from Americans to the leader of CIA. And there were other foreign~~
10 ~~nationals. There was one Laotian. There were altogether around 500~~
11 ~~foreigners. And there were around 500 Cambodians, too. The~~
12 ~~Cambodians who took refuge over there — the majority of whom were~~
13 ~~the former soldiers of the previous regimes — I do not recall~~
14 ~~their names. There were other soldiers who retreated before the~~
15 ~~16th of April. They also took refuge over there>There were some 500~~
16 ~~foreigners at the French embassy. There were Americans, including~~
17 ~~the head of the CIA. There was one Laotian. There were 500 foreign~~
18 ~~nationals and some 500 Cambodians. The Cambodians who took refuge~~
19 ~~at the embassy were mostly former high ranking officers of the~~
20 ~~previous regime, such as Di Balong and Di Balen. There were a few~~
21 ~~others, but I do not recall their names. There were others whom I~~
22 ~~disarmed on the 16th of April and who had taken refuge at the~~
23 ~~embassy>.~~

24 [11.04.04]

25 ~~<And a few days after that — around the 18th or 19th of April —~~

1 ~~now, I would like to describe the activities on the 18th and the~~
2 ~~19th of April. We talked to military personnel who wanted to seek~~
3 ~~refuge in the French embassy. And then they told us that,~~
4 ~~actually, the embassy is the sovereign territory of a foreign~~
5 ~~government. So they tried to seek refuge in the French embassy.~~
6 ~~They wanted to stay inside. But we tried to explain to them, but~~
7 ~~they could not understand. And on the 20th, there was one soldier~~
8 ~~who was in advanced age already - actually, he called a meeting of~~
9 ~~all nationals who were staying in the French embassy. And he told~~
10 ~~us that Comrade Khieu Samphan wanted to meet all comrades here, in~~
11 ~~order to rearrange the revolution. Khieu Samphan wanted to come to~~
12 ~~talk to all people in the French embassy, but he was engaged in~~
13 ~~re-arranging the revolution~~A few days later, on the 18th or 19th
14 of April - and if you may, I would like to describe what happened
15 on the 18th and 19th of April. We talked to Khmer Rouge soldiers
16 who wanted to enter the French embassy. We told them that the
17 embassy was the sovereign territory of a foreign government -
18 "extraterritoriality". We tried to explain it to them, but they
19 could not understand. On 20 April, a soldier who was quite older
20 called a meeting of all foreign nationals staying at the embassy.
21 He said that Comrade Khieu Samphan wanted to meet all comrades but
22 that he could not come because he was very busy reorganizing the
23 Revolution. He added that Khieu Samphan had sent his apologies for
24 not having the time to come and greet all of us and was appealing
25 to all Cambodians to go and rebuild the nation with their fellow

1 compatriots>.

2 ~~<So, at that time, the Cambodian ladies who got married to French~~
3 ~~national — they could stay in the French embassy. As for men, they~~
4 ~~had to leave the French embassy in order to work with the~~
5 ~~Cambodian people, in general. So on the 20th of April, the~~
6 ~~situation was depressing, because around 25 Cambodian men who got~~
7 ~~married to French ladies — they were separated~~ Cambodian women who
8 were married to French men could remain at the embassy. As for
9 men, they had to leave the embassy to go and work with the
10 Cambodian people.

11 So the situation on 20 April was very depressing. Twenty to
12 twenty-five Cambodians who were married to French women had to
13 leave the French embassy, leaving their wives behind. The men had
14 to go to the rice fields, and the women could remain at the
15 embassy with pupils and children>.

16 [11.06.27]

17 ~~<They had to leave the French embassy. There was one French lady~~
18 ~~who was very young, and her husband was a former nurse at Calmette~~
19 ~~hospital. She refused to stay in the French embassy. She refused~~
20 ~~to be separated from her husband, so she had to accompany her~~
21 ~~husband. She decided to leave the French embassy~~ A very young
22 French woman whose husband was a former nurse at Calmette Hospital
23 chose to leave with her husband and has since disappeared>.

24 ~~<And then one of them said — next year, or in one year time, we~~
25 ~~would see each other in Champs-Élysées. I could not recall the~~

~~name of that person~~ A Cambodian of mixed heritage spoke to me one year later on the Champs-Élysées, in Paris. I have forgotten his name, but I can still remember his face>.

~~<But on the 20th of April, it was the hardest day of their life, because they were separated from their loved ones on the day, from the French embassy.~~

~~So — and later, I learned from others that the Angkar — separated soldiers from the civilians, and they had to go in different directions~~ The 20th of April was the hardest day, especially for women and for children who had lost their father. People were separated from their loved ones. Those who left the embassy went to the Lambert Stadium. Later I learned that Angkar had separated the military commanders from civilians, among whom were members of FULRO>.

[11.07.47]

~~<So they had to leave the embassy compound from that time onwards. And I encouraged Y Bun Suor, whom I had some sense of affection — I asked him — actually, I knew that they killed some of the soldiers or army commanders, but they did not kill other people. And then, on the 19th of April, there were some soldiers standing outside the French embassy compound; they demanded that the French Embassy hand over the seven “super traitors” — namely, Boun Hor, Sirik Matak — Boun Hor was the former official at the Senate — and Manivan, who was connected to the former king, Norodom Sihanouk, and there was another person whom I do not recall. We wanted to~~

1 ~~protest, but they actually pointed AK rifles against us. They~~
2 ~~asked the French Embassy to hand over the seven "super traitors"~~
3 ~~to them, so we had no choice. We had to surrender them to-~~
4 ~~We did not know what happened to them and their fate afterwards.~~
5 ~~And normally - Khmer Rouge killed those people. I heard from~~
6 ~~others the ways that they were executed, but I did not witness it~~
7 ~~by myself. But I learned that those people were all executed by~~
8 ~~the Khmer Rouge by various means. And then the Khmer Rouge also~~
9 ~~sent a group of them to the border. And then, later on, there were~~
10 ~~around some 500 Pakistanis~~I gave encouragement to Y Bham and Y Bun
11 Suor, for whom I had a certain affection. In fact, they are
12 perhaps dead. I heard that they killed only the military leaders,
13 and not civilians.
14 On 19 April, there were soldiers in front of the embassy
15 requesting that the Embassy surrender the seven "super traitors":
16 Prince Sirik Matak, Boun Hor, President of the Senate, Monivan, a
17 wife of Samdech Sihanouk, and four other persons whose names I do
18 not recall. We wanted to protest, but they pointed their weapons -
19 their AK-47s - at us and ordered the Embassy to surrender the
20 seven "super traitors". We had no choice. They said that if we did
21 not hand them over, we would also be shot. We had to hand over
22 these people. We do not know what happened to these people. Some
23 have said the Khmer Rouge took them out to the market and killed
24 them. Others have said they were killed at the sports complex. I
25 did not witness it myself, but I heard about it. On 30th of April,

1 the Khmer Rouge sent a certain group to the border. Some 500
2 Pakistanis were sent to the border>.

3 [11.10.08]

4 ~~<And we were the ones who left the latest, on the 7th of May 1975.~~
5 ~~We had to travel along national road number 4, and we reached~~
6 ~~somewhere before we reached Kampong Speu province or Angk Snuol.~~
7 ~~And then we reached Udong and Amleang, all the way to Kampong~~
8 ~~Chhnang. And in Kampong Chhnang, Angkar provided us sufficient~~
9 ~~food, and they were friendly to us~~We were the last to leave. We
10 left on 7 May 1975. We took National Road Number 4 and we arrived
11 at Angk Snuol before arriving in Kampong Speu province. We
12 travelled through Udong, Amleang, up to Kampong Chhnang. At
13 Kampong Chhnang, Angkar provided us with sufficient food. They
14 were friendly to us>.

15 ~~<And the next morning we were sent to Pursat on the trucks. And~~
16 ~~then we reached Pursat; we had to change our truck. And before we~~
17 ~~reached Battambang, Angkar allowed us to relax for a few hours,~~
18 ~~and then we had to travel overnight across Battambang provincial~~
19 ~~town, and then we reached Poipet around 6 o'clock in the morning.~~
20 ~~So, from the French embassy all the way to the Cambodian-Thai~~
21 ~~border, I did not see anyone — not even the Khmer Rouge~~
22 ~~soldiers~~The next morning we were sent to Pursat by truck. When we
23 arrived in Pursat, we changed trucks. Then some 10 to 15 km before
24 Battambang, Angkar allowed us to rest. We drove through the
25 Battambang provincial town at night. We reached Thma Koul at dawn.

1 We reached Poipet at 6 a.m. So, from the French embassy to the
2 Thai border, I did not see anyone, not even Khmer Rouge soldiers>.
3 ~~<I did not see the civilians in Phnom Penh, in Udong, Kampong~~
4 ~~Chhnang, Pursat - all the way, I did not see a single person. When~~
5 ~~we - we thought that we leaving from in a ghost country. I did not~~
6 ~~see any corpses - any dead bodies. I did not say that they did not~~
7 ~~kill any people, but I just did not see the dead bodies~~I did not
8 see civilians in Phnom Penh, in Udong, in Kampong Chhnang or
9 Pursat. Throughout the journey, I did not see a single person. We
10 had the impression we were leaving a ghost country. I did not see
11 any dead bodies. Once again, I am not saying that they did not
12 kill anyone, but I just did not see any dead bodies>.

13 [11.12.05]

14 Q. Thank you. Just now you said that ~~<people forced>~~ a certain
15 group of people <were forced> to leave the French embassy~~<, among~~
16 ~~whom were. One group of them is the>~~ Cambodian men with French
17 wives. They were supposed to go out to the field to ~~<work>~~rebuild
18 the nation> with the people. And another group <called - that they
19 called theis the - so-called> seven "super traitors". ~~<And just now~~
20 ~~you recall only a few~~You mentioned some> of them by name.

21 So, my question to you now is: When they ~~<were separating the~~
22 ~~couples>~~separated these couples> - the Cambodian ~~<husbands>~~
23 ~~<the>~~ French wives - how many of them <were there>? And how did
24 they get them out of the French embassy? Or <did> they simply
25 ~~<ordered that they left the French embassy and then they could go~~

1 ~~anywhere to the~~ order them to leave the embassy and march to the
2 countryside <? Did they provide any type of transport to take them
3 away from the ~~or they used any other transport means in order to~~
4 ~~take them out of the French~~ embassy? Can you enlighten the Court
5 on that?

6 A. ~~<The so called seven "super traitors", I did not see them by my~~
7 ~~own eyes, because - François Bizot was standing at the gate, but I~~
8 ~~was at the back. I was - I only heard there was an announcement to~~
9 ~~leave - announcement asking them to leave, and I heard that Sirik~~
10 ~~Matak, at that time, was very - rather articulate, at that~~
11 ~~time~~ These seven "super traitors", I did not see them personally.
12 François Bizot was at the gate, while I was at the back of the
13 French embassy. I only heard that they were forced to leave and I
14 heard that Sirik Matak was very dignified when he said goodbye to
15 the Consul.

16 [11.13.50]

17 And as for the Cambodian men who had ~~<a>~~ French ~~<wiveswife>~~, they
18 had to leave with all Cambodian civilians. ~~<They left with other~~
19 ~~civilians~~ There were over 500 Cambodian nationals, including
20 members of FULRO.

21 I told the Cambodians who were inside the French embassy ~~<- I told~~
22 ~~them to leave, that they had~~ to leave ~~<the French embassy~~
23 ~~or because~~ sooner or later the Khmer Rouge would come and
24 ~~<get kill>~~ them, so ~~<they had but it was better for them>~~ to leave.
25 ~~<And then - and there was one men who - by the name of Tep~~

1 ~~(phonetic), something like that; I asked him not to leave and I~~
2 ~~told him that if he left the embassy now, he would die the next~~
3 ~~day, but if he stay here probably he could live two - one or two~~
4 ~~weeks longer.~~ There was one old man by the name Tep; I told him not
5 to leave. I told him that if he left the embassy, he would
6 probably be dead the next day, but if he stayed at the embassy, he
7 might live for another two weeks. However, he did not listen to me
8 because his wife, a French Cambodian, pushed him to leave>.

9 ~~<And then some people were taken from the French embassy and they~~
10 ~~were placed at the - a place somewhere around the old stadium, and~~
11 ~~then the Khmer Rouge separated them, tried to segregate them~~
12 ~~between soldiers and civilians. And I was told that they killed~~
13 ~~some of those soldiers in the old stadium, but that's what - that~~
14 ~~was what I heard; I did not witness the execution myself.~~ So, all
15 Cambodian nationals left the embassy on foot and went into the
16 Lambert Stadium, the old stadium.

17 Later, I heard that the Khmer Rouge had separated military leaders
18 from civilians. Personally, I did not witness that. I was told
19 that the military leaders were executed at the old stadium. That
20 is what I was told. I did not witness it>.

21 Q. You said that Sirik Matak, before <leaving on the orders of the
22 Khmer Rouge>, <he met> spoke with the French <Consul ~~Consular~~
23 ~~attached to the French Embassy>~~. Do you recall the
24 <consular> Consul's name?

25 [11.15.55]

1 A. ~~<I was the personal interpreters of the consular. The French,~~
2 ~~at that time, were not clear between the diplomatic relations with~~
3 ~~Lon Nol administration. Before, there was the ambassador, but~~
4 ~~later on the diplomatic relation between Cambodia and French were~~
5 ~~at the ambassador level at that time. And then, later on, there~~
6 ~~were certain problems with the two governments — the Lon Nol~~
7 ~~government and Cambodian (sic) government — and then they withdrew~~
8 ~~the ambassador. The French wanted to recognize the Khmer Rouge~~
9 ~~because the Khmer Rouge was supported by the then Prince Norodom~~
10 ~~Sihanouk. So, at that time, the diplomatic relations were reduced~~
11 ~~to chargé d'affaires, and there was a consular, Jean Dyrac, and~~
12 ~~then this — he was — he was demoted to the position of vice-~~
13 ~~consular only~~I was the Consul's interpreter.

14 Diplomatic relations between France and the Lon Nol administration
15 were not clear. Before, diplomatic relations between Cambodia and
16 France were at the ambassadorial level. Problems arose between the
17 two governments, and the Lon Nol government withdrew its
18 ambassador from France. The French government then withdrew its
19 ambassador from Cambodia because it was Cambodia's fault. As a
20 consequence, France was only represented by a chargé d'affaires in
21 Cambodia. The French wanted to recognize the Khmer Rouge because
22 the Khmer Rouge were together with Samdech Sihanouk. That is why
23 diplomatic relations at the time were reduced to the chargé
24 d'affaires level, and there was a consul, Jean Dyrac, and then his
25 function was reduced to that of vice-consul>.

1 ~~<So, actually, at that time, in terms of the diplomatic level~~
2 ~~between French and Lon Nol soldiers were reduced to the smallest~~
3 ~~level compared - at that time, because they were waiting for the~~
4 ~~Khmer Rouge government at that time, I think, before it was~~
5 ~~promoted to the ambassador level~~So, diplomatic relations between
6 France and Cambodia were at a low level because France was waiting
7 for the Khmer Rouge government to take over. I heard that the
8 Khmer Rouge had established relations with the French government;
9 however, I was not certain about this>.

10 [11.17.30]

11 Q. ~~<At that time you were the interpreter. Were there any verbal~~
12 ~~protests at that time, in order that those people could stay in~~
13 ~~the - in the French embassy? Did you observe that there was any~~
14 ~~diplomatic discussions in relation to how those people who took~~
15 ~~refuge in the French embassy be treated or prevented from being~~
16 ~~taken away by the Khmer Rouge~~You were the interpreter. Were there
17 any pleas for those who were at the embassy to be granted the
18 right to seek asylum at the French embassy, where Jean Dyrac was
19 Vice-Consul, as you said earlier? Were any pleas made for those
20 people to be afforded diplomatic protection>?

21 A. ~~<There was no protest. There was no negotiator at all at that~~
22 ~~time. We wanted to negotiate, but the Khmer Rouge were - were not,~~
23 ~~actually, ready to negotiate. So there was no negotiation~~
24 ~~undertaken~~No, no such pleas were made. There were no negotiations.
25 We wanted to negotiate, but the Khmer Rouge were not prepared to

1 negotiate because they were of lower rank. Later, higher level
2 Khmer Rouge cadres came and asked us questions>.

3 You may ask Mr. François Bizot because he ~~<could>~~may be able to>
4 respond to this question more clearly because he ~~<contacted>~~was in
5 contact with> the Khmer Rouge~~7. a~~And as for myself, I
6 ~~<contacted>~~was in contact> with the Cambodians who were ~~<in>~~at> the
7 French embassy~~<compound at that time. As for Mr. Bizot, he had~~
8 ~~direct contact with the Khmer Rouge at that time>.~~

9 [11.18.51]

10 Q. You also said that <there were nationals of several countries>
11 in the French embassy, ~~<at that time, there were mixed~~
12 ~~nationalities,>~~ not only ~~<the>~~ French and Cambodians <nationals>.
13 ~~<But could you please~~Could you briefly> tell the Court <what
14 nationalities took refuge at the embassy>~~the - various nationalities~~
15 ~~that - who were seeking refuge in the French embassy at that~~
16 ~~time>?~~

17 A. (Microphone not activated)

18 MR. PRESIDENT:

19 ~~Q.~~ Please, Mr. François Ponchaud, the mic is not on yet. Please
20 wait until you see the red light on the mic.

21 MR. PONCHAUD:

22 A. ~~<There are mixed nationalities: Laotian; I guess, some South~~
23 ~~Vietnamese; Americans, particularly journalists - they stayed in~~
24 ~~the residence of the ambassador; and there were some CIA.~~
25 ~~Actually, I was surprised because the Khmer Rouge was very~~

1 ~~courteous to foreigners and they thought they thought they~~
2 ~~probably they did not want to mistreat the foreigners. They did~~
3 ~~not intend to mistreat us. It was - it was surprising because they~~
4 ~~did not want to hurt foreigners~~There were nationals of various
5 countries. There were Laotians, I guess, South Vietnamese;
6 Americans in the residence of the ambassador; among them was the
7 CIA station chief. I was quite surprised because the Khmer Rouge
8 were very courteous to the foreigners. They did not mistreat any
9 foreigner. The CIA station chief thought Angkar was going to kill
10 him. That is why he wanted to accumulate merits before he died by
11 being kind to the refugees. However, Angkar did not mistreat us.
12 It was surprising to see that Angkar did not mistreat any
13 foreigner>.

14 [11.20.27]

15 ~~<At that time, I was 31, 32, or 33 years of age; I got used to~~
16 ~~living in the countryside. But for other elderly French or so - at~~
17 ~~that time, I was - considered myself youth. I thought that the~~
18 ~~Khmer Rouge was very courteous. They're courteous in the ways that~~
19 ~~the Khmer Rouge considered to be courteous at that time~~At the
20 time, I was about 32 or 33; I was used to living in the
21 countryside. But for the French or other foreigners who were
22 older, that might have been a problem. I was young, and as such I
23 did not have any problem and I thought that the Khmer Rouge were
24 very courteous to us in their own way>.

25 BY THE PRESIDENT:

1 Q. Besides s the French embassy, to your knowledge, <did people take
2 refuge elsewhere, in other embassies in Phnom Penh~~do you know that~~
3 ~~there were -- were there any gathering in other embassy compounds --~~
4 ~~other foreign embassies compounds, other than French embassy~~>?

5 A. ~~<No, there was no any other embassy at that time. Well, there~~
6 ~~was a Soviet embassy. Back then it was called Soviet embassy. They~~
7 ~~came to Phnom Penh by airplanes on the 16 of April and they~~
8 ~~actually put a signboard on the embassy. The signboard read, "We,~~
9 ~~Communist brotherhood". So we -- the Khmer Rouge went to the Soviet~~
10 ~~embassy compound, they opened the fridge, and they took the eggs~~
11 ~~from the fridge, and then they dropped it, one after another. And~~
12 ~~then they told the Soviet counterpart that, "You are the fake~~
13 ~~Communist; you are not good Communist. So, you see, we had other~~
14 ~~eggs, and then this egg, we should not eat it now because we have~~
15 ~~to wait until these eggs hatch, and then they get the hens, and~~
16 ~~then we will get more hens or more chicken to eat."~~ So-No, there
17 was no other embassy.

18 Well, there was the embassy of the Soviet Union, as it was called
19 back then - not Russia. The Soviets arrived in Phnom Penh by air
20 on the 16th of April. There was a poster on the gate of the Soviet
21 and East German embassies saying, "We are Communists, we are your
22 brothers. Come forward with a French speaking interpreter." Khmer
23 Rouge went into the Soviet embassy, opened the fridge and removed
24 eggs and dropped them on the floor one by one, and then told the
25 Soviets, "You are not true Communists. We are true Communists. A

1 true Communist does not eat eggs; he puts a hen on them to hatch
2 them so he can eat the chickens later, at a meal shared with his
3 fellows.>

4 [11.22.41]

5 ~~<Actually, they — for East Germany, they considered themselves~~
6 ~~Communist. They — they actually tried to implicate the French;~~
7 ~~they said that they were mistreated by the French, so on and so~~
8 ~~forth, and then they hate the French, but later on it was not an~~
9 ~~issue; the matter was sorted out~~ Then the Khmer Rouge took the
10 Soviets away. As far as I could remember, they took a Soviet woman
11 and two Soviet men, and one East German national. They were
12 frustrated. The East German national said, "I am a Communist, a
13 former officer of the Wehrmacht, once I was made a prisoner by the
14 French and now I'm a prisoner with the French">.

15 ~~<Later on there was a French couple. They were considered pure~~
16 ~~Communists. They came along with Martigny (phonetic) to somewhere~~
17 ~~around Pochentong. Martigny (phonetic) is anarchist and they are a~~
18 ~~strong believer in Communism.~~

19 ~~The Khmer rouge said that, "You are not the revolutionists, so you~~
20 ~~should go to the French embassy", so they took the two — couple to~~
21 ~~the French embassy. They praised the Khmer Rouge revolution. At~~
22 ~~that time the Khmer Rouge threatened them with force, saying that~~
23 ~~if they did not keep silent, they would be hit~~ There were also two
24 French couples, Jérôme and Jocelyne Steinbach, who taught Marxism-
25 Leninism in Moscow. They were considered pure Communists. They had

1 arrived with Martigny (phonetic) and his wife near the University
2 on the road to Pochentong. Both couples were Communists. Martigny
3 (phonetic) was an anarchist, while Jérôme and Jocelyne Steinbach
4 were fervent Communists. They were wearing the Khmer Rouge black
5 uniform. The Khmer Rouge told them that they were not
6 revolutionaries and that they had to go to the French embassy like
7 everyone else. They were then driven to the embassy in a GMC with
8 their personal belongings. Both couples praised the Khmer Rouge
9 revolution. I warned them to be quiet; otherwise I would beat them
10 up. Thereafter, they remained completely silent>.

11 [11.24.46]

12 <Q. Thank you->

13 <A. (Microphone not activated)>

14 Q. Mr. François Ponchaud, <how many foreigners of various
15 nationalities, including the French, were left at the French
16 embassy after the departure of the seven "super traitors" and
17 Cambodian men with French wives~~in your observation and assessment,~~
18 ~~what was the refugees — I mean, both foreign nationals and~~
19 ~~Cambodian nationals, aside from the seven "super traitors" and the~~
20 ~~— no, after, after the seven "super traitors" were taken away, as~~
21 ~~well as the Cambodian men with French wives who were — who had to~~
22 ~~leave the embassy compound, how many left in the embassy>?~~

23 A. ~~<Finally there were around 500 people left, both Cambodian~~
24 ~~nationals and foreigners — 500 — around 500 left. And then there~~
25 ~~were 500 more refugees of Pakistani national; they came along with~~

1 ~~Keo Sophea (phonetic); it is the organization. They gather~~
2 ~~foreigners to come and take refuge in the French embassy~~There
3 remained around 500 people, both Cambodian nationals and
4 foreigners. Then there were the 500 odd Pakistanis who came maybe
5 in early May. Angkar gathered all foreigners in order to separate
6 them from the population that had to take part in rebuilding the
7 country>.

8 Q. ~~<Just now you also said that there were trucks taking~~
9 ~~foreigners from the French embassy to the Cambodian Thai border. I~~
10 ~~would like to expand from this. When you talk about a fleet of~~
11 ~~trucks taking foreigners out of the French embassy, was it — was~~
12 ~~the fleet of trucks organized by the Khmer Rouge soldiers? And can~~
13 ~~you describe the first day of departure of these foreign nationals~~
14 ~~from the French embassy~~You said that trucks took the foreigners
15 from the French embassy to the Cambodian-Thai border. I would like
16 you to expand on this. You talked about a convoy of trucks. Were
17 the trucks or the transportation by truck organized by the Khmer
18 Rouge soldiers? Please describe the day of the first departure?>

19 [11.26.57]

20 A. ~~<The first day they left the embassy was on the 30th of April,~~
21 ~~and then the second wave of transport was on the 7th of May. And~~
22 ~~then, later, there was — around 23rd or 24, François Bizot was the~~
23 ~~negotiator with the Khmer Rouge and he told me that there had been~~
24 ~~meetings with the leaders of the Khmer Rouge. I did not know which~~
25 ~~level of the Khmer Rouge cadres he met and negotiated with, but he~~

1 ~~told me that the Government of France agreed to prepare the~~
2 ~~airplanes in order to take the foreign nationals out of the French~~
3 ~~embassy. And then the Khmer Rouge was very angry. He was very,~~
4 ~~very upset. At that time he said that he did not — they did not~~
5 ~~agree with the means of transport from — the imperialist means of~~
6 ~~transport. So they decided to take them out by the trucks on the~~
7 ~~30th of April, particularly those who were vulnerable to the Khmer~~
8 ~~Rouge — for example, the CIA leaders and ladies who are — who were~~
9 ~~pregnant at that time, or elderly people; they had to leave first.~~
10 ~~And then, on the first day, there was no information. The second~~
11 ~~day, there was no information either. And then we thought that~~
12 ~~probably the Khmer Rouge had already killed them, or one day we~~
13 ~~would be killed. So, on the fourth day, I heard the information~~
14 ~~from those people that they had already reached Poipet. And then,~~
15 ~~on the 7 of May.~~ The first departure was on the 30th of April, and
16 then the second wave on the 7th of May. Around the 23rd or 24th,
17 François Bizot was the negotiator with the Khmer Rouge and he told
18 me that he had met with Khmer Rouge leaders. I do not know what
19 level of the Khmer Rouge hierarchy he negotiated with, but he told
20 me that the Government of France had agreed to provide airplanes
21 to take the foreign nationals out of the French embassy and that
22 the Khmer Rouge were very angry. He was upset. He said the Khmer
23 Rouge did not agree with the idea of imperialist means of
24 transport and chose to take them by truck on 30 April,
25 particularly those who were very vulnerable. Well, the CIA chief

1 of station, whom we thought had died, pregnant women or women with
2 children, and the elderly had to leave first. The first day, we
3 received no information; the second day, still no news; third day,
4 no news either. We wondered whether the Khmer Rouge had already
5 killed all of them and whether we would be killed also. On the
6 fourth day, I heard that those people had reached Poipet. And
7 then, on the 7th of May, it was our turn to leave.>

8 [11.28.54]

9 ~~<On this particular juncture I would like to say some words of~~
10 ~~praise for the Khmer Rouge. They did not ask any question at all.~~
11 ~~They did not even bother to check passports. There was an~~
12 ~~association. We had certain experience with the Communist when~~
13 ~~they got to Hanoi and Beijing in 1949 in Beijing, and then~~
14 ~~Communists in 1954. The Vietnamese Communists and Beijing~~
15 ~~Communists checked everything. They searched everything. Even a~~
16 ~~small note in your pocket, they would seriously check and they~~
17 ~~would even probably put the person in jail, as well, for keeping a~~
18 ~~small note in the pocket. But the Khmer Rouge did not do that. As~~
19 ~~a matter of fact, the Khmer Rouge did not ask us even a word, not~~
20 ~~even about our passports. The Khmer Rouge did not even bother to~~
21 ~~look at the passports we held.~~

22 ~~And then, at that time, we thought that we could probably save~~
23 ~~some of the Khmer Cambodians who stayed with us~~Please allow me
24 simply to congratulate or to say a few words of praise to the
25 Khmer Rouge. They did not cause any problem. They didn't even

1 check our passports. My association, which has some experience
2 with Communists, arrived in Hanoi and Peking in 1949 and 1954. The
3 Vietnamese Communists and the Chinese Communists checked and
4 searched everything, even a piece of paper at the bottom of your
5 pocket, and could throw you in jail for keeping a simple piece of
6 paper in your pocket. At the time, we had destroyed all our
7 documents, even photographs. But the Khmer Rouge did not do that.
8 They did not ask us anything; they did not even ask to see our
9 passports. The Khmer Rouge did not even check our passports, and
10 we thought that we could probably have saved some of the
11 Cambodians who had been with us. But we did not know that in
12 advance>.

13 [11.30.15]

14 Q. Thank you. ~~<You mentioned about the evacuation of the~~
15 ~~foreigners, the first batch on the 13th of April 1975, and you~~
16 ~~said you also left Phnom Penh embassy on the 7th of May 1975. Was~~
17 ~~that the last batch already when you were being sent out~~ You spoke
18 about the evacuation of foreigners. The first group left on the
19 30th of April 1975. You said you left the embassy on the 7th of
20 May 1975. When you were expelled, were you part of the last
21 group>?

22 A. ~~<Yes, it was. And I had to leave the key for the embassy to~~
23 ~~Comrade Nhiem that was the head of the division conquering the~~
24 ~~Eastern part of the city. Comrade Nhiem told me to leave Phnom~~
25 ~~Penh for Paris, and after the country had been cleaned, he said,~~

1 ~~he would warmly welcome me back. After that there was no foreigner~~
2 ~~in Cambodia~~Yes, indeed. I had to hand over the keys to the embassy
3 to Comrade Nhiem, who was the head of the Northern sector of Phnom
4 Penh. No one remained at the embassy. Comrade Nhiem told me to go
5 to France and return me after the country would have been cleaned
6 up. He said they would welcome us after the country would have
7 been properly reorganized. After that, there were no French
8 nationals in Cambodia>.

9 Q. ~~<During the time of the evacuation of the foreigners out of the~~
10 ~~French embassy, were these people escorted by soldiers or armed~~
11 ~~men? And did you have to travel by cars or vehicles all the way~~
12 ~~from Phnom Penh to Poipet~~When foreigners were expelled from the
13 French embassy, were they escorted by soldiers or armed men? Did
14 you travel by car directly from Phnom Penh to Poipet on the
15 Cambodian-Thai border or did you change vehicles on the way>?

16 [11.32.09]

17 A. We wanted to travel <onby> foot because we ~~<would like>~~wanted
18 to know ~~<what the situation the people were living>~~the living
19 conditions in the countryside, but we were not allowed to walk;
20 we had to take ~~<the>~~ vehicles. <We saw not a single soul. We took
21 GMC trucks. Khmer Rouge soldiers had to remain standing in the
22 truck with us. We had to cross several creeks, bridges, and
23 rivers. We spent a night in Kampong Chhnang, where we had a very
24 nice meal. The next morning, at 8 o'clock, we reached Pursat. One
25 of the bridges had collapsed, so we had to stop there for a while.

1 The Khmer Rouge allowed us to pick fruits or coconuts if we
2 wanted, as there was absolutely no one, but we didn't dare do it;
3 we were worried that we would get ourselves into trouble~~But we did~~
4 ~~not see any soul, any people. We took the GMC trucks, and the~~
5 ~~Khmer Rouge soldiers had to remain standing on the trucks with us,~~
6 ~~and we had to cross several creeks, bridges, and rivers. And in~~
7 ~~Kampong Chhnang, we were stopped and we had our nice meal. By 8~~
8 ~~o'clock we reached Pursat province. One of the bridges broke, and~~
9 ~~we had to stop there for a while. The Khmer Rouge allowed us to~~
10 ~~pick some fruits if we liked, but we didn't dare picking any~~
11 ~~fruits>.~~

12 ~~<And then we were received by tourist bus, the bus that could~~
13 ~~accommodate about 80 people, and we were received by more Khmer~~
14 ~~Rouge, who were older than the previous soldiers who had escorted~~
15 ~~us. And from then on we were with only one soldier per vehicle.~~
16 ~~And I told -- a man on the truck told me, although he was a~~
17 ~~soldier, he said he would like to go to France, as well, and I~~
18 ~~could tell from that moment that even a cadre from the Khmer Rouge~~
19 ~~elique also was afraid of their own people~~We crossed Pursat River,
20 and then switched to passenger buses that could each accommodate
21 about 80 people. We were welcomed by other Khmer Rouge who were
22 older than those who had escorted us up to that point. From then
23 on, there was only one soldier per vehicle. On the truck, a
24 soldier told me that he would have liked me to help him to go to
25 France. From that moment I understood that even Khmer Rouge cadres

1 were afraid of the Khmer Rouge. He did not want to stay with the
2 Khmer Rouge>.

3 [11.34.38]

4 Q. Thank you. ~~<According to your best recollection, on what date~~
5 ~~did you leave border checkpoint~~To the best of your recollection,
6 on what date and at what time did you cross the border at Poipet>?

7 A. (Microphone not activated)

8 MR. PRESIDENT:

9 ~~Q.~~ Mr. Witness, could you please hold on?

10 MR. PONCHAUD:

11 A. I don't remember whether I left Phnom Penh on the 7~~<th>~~ of May
12 or ~~<whether>~~ I reached the border on the 7~~<th>~~ of May, but ~~<I~~
13 ~~remember that we arrived at the border at around 9 a.m.it was on~~
14 ~~that day>.~~ ~~<And>~~ I had to carry ~~<some bags -- s suitecases~~suitcases,
15 bags> belonging to a consular official~~<.-and>~~ I was smiling. ~~<And~~
16 ~~people did not even bother to ask me any question at the~~
17 ~~checkpoint, and I had been allowed to leave the country easily~~On
18 the Cambodian side, no one asked me anything. But Thai officials
19 stamped my passport. I was allowed to leave the country easily>. A
20 French man, Mr. Laporte, ~~<who has passed away and who got~~now
21 deceased, who was> married to a Cambodian woman~~<, did not want to~~
22 take his wife with him to France. His wife was screaming. He
23 crossed the border, leaving his wife in Cambodia~~--and he had to~~
24 leave his wife behind>.

25 BY THE PRESIDENT:

1 Q. When you reached the border, did you ~~<see~~notice whether the
2 Khmer Rouge ~~<soldiers were being very>~~ vigilant~~<? Were they strict~~
3 ~~or being on guard at the checkpoint>~~?

4 A. There were ~~<very few no>~~ soldiers~~<, except for the two or three~~
5 ~~who had accompanied us to the border>~~. It was very peaceful.~~It~~
6 ~~was peace, and I could see that it was a quiet place; it was like~~
7 ~~a graveyard. We thought we were leaving a ghost country>~~. ~~<No~~
8 ~~soldiers were seen~~There were no soldiers. It was peaceful>.

9 [11.36.41]

10 Q. Thank you. I have ~~<the one>~~ final question for you~~<. and I~~
11 ~~skipped it;>~~ I should have asked ~~<you it>~~ already~~<a while ago, In~~
12 ~~any case, I will ask it now.>~~

13 ~~<Mr. Ponchaud, you talked about peace negotiations with Khmer~~
14 ~~Republic leaders, including Mey Sichan and Samdech Sangha Raja~~
15 ~~Huot Tat. You testified that there had been negotiations but I~~
16 ~~would like to ask you now, Mr. Ponchaud. You said about the peace~~
17 ~~negotiation between the leaders of the - the republican regime,~~
18 ~~and you mentioned about Samdech Huot Tat. In your testimony you~~
19 ~~emphasized that there was a form of negotiation underway>~~.

20 ~~<Can you please tell the Chamber, how did you learn about this~~
21 ~~information? And how many people from the republican side who~~
22 ~~engaged in the negotiation? And how many people from the Khmer~~
23 ~~Rouge side were part in this agreement? And where did it happen~~How
24 did you know that? How many Khmer Republic representatives were
25 involved in the negotiations? And how many Khmer Rouge

1 representatives were involved? And where did the negotiations take
2 place>?

3 A. Actually, there ~~<was>~~were no ~~<such>~~ negotiationss. Mey Sichan
4 ~~<would like>~~wanted the soldiers to surrender< . He wanted the Khmer
5 Republic soldiers to lay down their arms. There were no
6 negotiations, the republican soldiers to disarm, and there was no
7 negotiation at all>. Samdech Huot Tat advised everyone to unite to
8 work together to rebuild the country.

9 [11.38.20]

10 ~~<But at a later on there was an announcement by someone. I believe~~
11 ~~that that person could have been the people from the Lon Nol's~~
12 ~~regime who were wearing black clothes and sent to negotiate with~~
13 ~~the Khmer Rouge. But then he was stopped immediately, when he was~~
14 ~~grabbing the microphone, because the Khmer Rouge said there was no~~
15 ~~form of negotiation at all. The Khmer Rouge won the victory and~~
16 ~~they were the victors, and there was no negotiation. If there was,~~
17 ~~that could have been long before the - the victory was won~~But
18 later, someone who was probably from the Lon Nol regime said he
19 had come to negotiate with the Khmer Rouge. He was dressed in
20 black. While he was speaking, we heard an announcement over the
21 microphone saying, "We are not here to negotiate. We have won the
22 war. You must obey our orders." We then understood that there were
23 no negotiations and that the victorious Khmer Rouge did not want
24 to negotiate>.

25 Q. ~~<Could you also tell where this event happened>~~Where did this

1 happen? What happened to the Khmer Republic representatives? Do
2 you know>?

3 A. ~~<It took place at the Ministry of Information, as I was told.~~
4 ~~It was near the railway station. I think it perhaps happened there~~
5 ~~because — I also heard that Long Boret also surrendered. And I~~
6 ~~also heard that Long Boret was executed, but I only heard of~~
7 ~~this~~ At the Ministry of Information, according to what I was told,
8 near the train station, on Kramuon Sar Street. I think it happened
9 there. I also heard that Long Boret surrendered. And I also heard
10 that Long Boret was executed, but this is something I only heard
11 about>.

12 MR. PRESIDENT:

13 Thank you, Mr. Ponchaud.

14 I would like to know whether fellow Judges of the Bench wish to
15 ~~<have some questions for~~ question> the witness.

16 Judge Lavergne, you may now proceed.

17 [11.40.01]

18 QUESTIONING BY JUDGE LAVERGNE:

19 Yes, thank you, Mr. President.

20 I am Judge Jean-Marc Lavergne, and I have a few questions to put
21 to you, Father Ponchaud.

22 I would like to ask you if it's possible to speak a bit more
23 slowly. Interpreters are in the — are in the booth and they must
24 ~~<complete~~ perform> their task, and if you speak too fast, it's
25 going to become extremely difficult. So, I also

1 ~~<believe~~understand that the interpreters are requesting that we
2 use only one ~~<single>~~ language. I don't know if they only want to
3 use French~~<for us to communicate>~~, but in any case, I think what
4 we should avoid is that you ~~<don't>~~ speak in French and in Khmer
5 at the same time. So, of course, you're free to use the language
6 you wish, but please speak slowly. Thank you.

7 [11.41.12]

8 Q. So, I, indeed, have a few questions to put to you and I'd like
9 to revisit your personal history.

10 You explained to the Court that you arrived in Cambodia a while
11 ago, in 1965. And prior to that, you had studied, I imagine, in
12 order to become a priest. And I also understand that you had been
13 a soldier and that you took part in difficult events, because I
14 understand that you were a paratrooper during the Algerian war.

15 So, can you confirm this?

16 MR. PONCHAUD:

17 A. (Microphone not activated)

18 JUDGE LAVERGNE:

19 ~~Q.~~ Please pay attention to the microphone because-

20 MR. PONCHAUD:

21 A. In France, when we are 20 years old, we were obliged to join
22 the army, and I was conscripted and I belonged to a parachute unit
23 in the army - in the regular army~~<unit>~~, and I had to serve in
24 Algeria for two and half years. And from then on I started to hate
25 war because ~~<war brought all the~~it was a source of destruction.

1 [11.43.06]

2 BY JUDGE LAVERGNE:

3 Q. Now, regarding your experience in Cambodia - and I noted this
4 and I'd like you to confirm this, that when you arrived you
5 ~~<started working>~~lived first in Phnom Penh ~~< - on the Chrouy~~
6 Changva peninsula, to be exact -> and you ~~<then moved to>~~
7 ~~living on Chrouy Changva peninsula, and you were working in>~~ a
8 community called Moat Krasas. I'm - I apologize for my bad
9 pronunciation in Khmer, but - but I also understood that you
10 <then> went to Stung Treng and that you were - then went to work
11 in Battambang and at Kdol Leu, which is north of Kampong Cham. And
12 then you worked in Kampong Cham itself, and then you arrived in
13 Phnom Penh. Is this true? And can you tell us when you were in
14 Battambang, and when you were in Kampong Cham, and why you left
15 Kampong Cham?

16 A. ~~<A person who was a governor - and I ->~~There was a governor -> a
17 bishop, rather, and we had to learn Khmer <, Buddhism, and customs>
18 for three years ~~<. - six months, and we moved to Chrouy Changva~~
19 ~~location, near Pasteur Hospital>~~ I lived close to Chrouy Changva,
20 near Pasteur Hospital, for the first six months>, and I spoke
21 French a lot. And ~~<we went to the paddy fields, I moved>~~ to the
22 countryside < to live, living> with the peasants. <I lived there
23 for two months> ~~For two months I was there>~~.

24 [11.45.13]

25 And then I came to Phnom Penh in 1966, ~~<in>~~on 1st> September, to

1 ~~<welcome De Gaulle>~~~~receive someone>~~, and ~~<I had later on>~~later I>
2 moved to ~~<Kampong Cham>~~Stung Treng to meet my old friends and> to
3 continue learning Khmer.
4 And at Stung Treng I heard that the Americans ~~<already>~~had> started
5 bombing the Ho Chi Minh Trail. ~~<The>~~ Ho Chi Minh was about 80 to
6 100 kilometres ~~<far>~~ away from Stung Treng, but I could hear
7 bombs being dropped by the Americans; about 1 million tons of
8 bombs were dropped. And ~~<the contemptible Mr.>~~ Kissinger -
9 according to the documents we read that were ~~<exposed in public>~~
10 ~~yesterday>~~released> last year, Kissinger ~~<asked>~~proposed to> Nixon
11 to use ~~<an>~~ atomic bomb to destroy ~~<and block>~~the> Ho Chi Minh
12 Trail. <That's incredible, when one considers that Americans held
13 themselves up as defenders of human rights in the world.>
14 At that time, Samdech Sihanouk, ~~<perhaps>~~ intentionally or not~~<~~
15 ~~intentionally>~~, from 1965, allowed the Chinese ~~<weapons>~~ and
16 Soviet weapons ~~<being to be>~~ transported ~~<to Phnom Penh, to Neak~~
17 ~~Loeang, and from Neak Loeang to Memot and Stung Treng>~~all the way
18 ~~to the Port of Sihanoukville and being transported from that to~~
19 ~~Neak Loeang and to Stung Treng>~~.
20 [11.47.17]
21 ~~<I talked about this because these are what I saw. And people who~~
22 ~~were good - are good historians could also challenge this, but~~
23 ~~King Norodom Sihanouk, whether he should be accountable for this~~
24 ~~or not, it's up to the historians. Because I saw truckloads of~~
25 ~~weapons being transported from Neak Loeang to Svay Rieng, from~~

~~Neak Loeang to Memot, and from Neak Loeang to Stung Treng, and I,~~
~~on one occasion, saw an overturned truck filled with weapons.~~
~~I would leave the province at about 6.30 and I saw - also saw the~~
~~North Vietnamese soldiers~~ I can say a lot about this because I
witnessed it. Historians may debate this, but in any case, it will
be up to them to say whether Sihanouk was responsible or not. In
any event, I saw truckloads of weapons being transported from Neak
Loeang to Svay Rieng, from Neak Loeang to Memot, and from Memot to
Stung Treng, and on one occasion I saw an overturned truck with
its load of weapons spilled on the ground. One day, I left the
province at about 6.30 a.m. and I saw North Vietnamese soldiers
near Memot>.

Q. I have a bit of trouble here. <Maybe this was lost in
translation, but> I have a bit of trouble <which> with the> year
 you're referring to. a And I'd <also> like to backtrack to the
 question that I asked you, which is <: When were you in Battambang,
and when were you in Kampong Cham, and why did you leave Kampong
Cham? when you were in Battambang, and when were you in Kampong
Cham, and why you left Kampong Cham.>

A. In 1966 and <1977, 1967, when I was in Stung Treng,> I saw
<the Viet Cong - no, not Viet Cong,> North Vietnamese <soldiers,>
 and I also saw weapons being transported <on the road to
Sihanoukville from Neak Loeang>.

[11.49.23]

<In 1987, I went to Battambang. I asked that I be sent to

1 ~~Battambang because we can — we could speak Khmer very well, and it~~
2 ~~would do a lot of good for us to go to Battambang and we knew that~~
3 ~~in Battambang there were some Christian communities from even back~~
4 ~~in 1972, so I was there to also teach Christians. It was back~~
5 ~~then.~~

6 ~~THE FRENCH-ENGLISH INTERPRETER:~~

7 ~~The number was 1782.~~

8 ~~MR. PONCHAUD:~~

9 ~~A. Then I was asked to go to Kdol Leu, in Battambang, for one and~~
10 ~~a half year, then moved to Kampong Cham. It was on the 15 of~~
11 ~~August when I was in Kampong Cham, and I remained in the province~~
12 ~~until the war broke out, when King Norodom Sihanouk was toppled~~
13 ~~down, on the 17 or 18th of March 1970~~ I asked to be sent to
14 Battambang because in Battambang Christians spoke a marvellous
15 form of Khmer which was different from ordinary Khmer. So I went
16 to Battambang because there was a Catholic community there dating
17 back to 1782. I stayed in Battambang for six months, studying the
18 Khmer language used by these Christians.

19 Then the head of the community asked me to go to Kdol Leu. I
20 stayed there for one and a half year; then the head of the
21 community asked me to move to Kampong Cham. It was on the 15th of
22 August. I remained in the province until the war broke out — that
23 is, when Sihanouk was toppled — on the 17th or 18th of March
24 1970>.

25 [11.50.55]

1 On the 29th, people came from the East, <arriving in Phnom Penh
2 from Kampong Cham. They were intercepted by Lon Nol soldiers, who
3 executed them in the hundreds. The Lon Nol government also
4 executed innocent Vietnamese.~~crossing from Kampong Cham to Phnom~~
5 ~~Penh, who were met by the Lon Nol soldiers, and they were~~
6 ~~executed, hundreds of them were killed. And Lon Nol government~~
7 ~~also executed innocent Vietnamese people, and crime of genocide~~
8 ~~was already~~ Crimes of genocide had already been committed in
9 1970, when about 2,000 people were executed. The Lon Nol
10 government <soldiers> killed unarmed and innocent Vietnamese
11 civilians <because North Vietnam invaded Cambodia>.
12 ~~<With~~ Together with the bishop, we met Mr. In Tam, who was ~~<the>~~
13 Kampong Cham's Governor, and I asked him for permission to bring
14 the Christian Association and Christians <to come> back to Kampong
15 Cham. ~~<At Phnom Banchey - rather, Banchey, we were bombed~~ At Phnom
16 Angkor Chey, our two motorboats sustained mortar fire>. And when I
17 reached the riverbanks, I saw ~~<the>~~ South Vietnamese troops, who
18 asked me what nationality I was. ~~<They~~ One soldier asked whether I
19 was American, and I said I was French.
20 [11.52.57]
21 ~~<And at that time I noted that people were listening to the speech~~
22 ~~delivered by Prince Norodom Sihanouk from Peking. Prince Norodom~~
23 ~~Sihanouk appealed to all the people in Cambodia to enter maquis~~
24 ~~jungle~~ Then, the Vietnamese asked the people on the boats to listen
25 to the speeches delivered by King Norodom Sihanouk from Peking on

1 23 March 1973. Norodom Sihanouk appealed to all Cambodians to take
2 to the maquis>. People did not know what "maquis" <jungle> was at
3 <that> time. <They did not know that "maquis" meant "forest".
4 And I heard it with my own ears.>

5 <And when I went to receive some Christians> When I returned from
6 going to welcome Vietnamese Christians>, I was also fired at <by
7 Lon Nol soldiers,> and I was warned not to <go> to Kampong
8 Cham <again> because <I—> if I did <I could be caught in a
9 crossfire—so, then I would also be caught in the battlefield>. So
10 I did not take the boat to Kampong Cham; I took a motorbike<,
11 going through the forest by Sala Da>. <At that time, I was warned
12 that today I was lucky because I was not killed, but if I kept
13 breaching this rule or order, then I would end up being killed on
14 another occasion> I was asked to go and tell my bishop in Phnom Penh
15 that this time I was lucky because I was not killed by the Viet
16 Cong but that the next time I would end up being killed. So I took
17 refuge in Phnom Penh during the war which lasted five years>.

18 (~~Interpreted from~~ Intervention in French) <It's maybe> It may be> a
19 bit too complex for you, so is it - is it important for you to
20 understand everything? (End of ~~interpretation from~~ intervention in
21 French)

22 ~~BY~~ JUDGE LAVERGNE:

23 ~~Q.~~ Well, you know, it's that our jurisdiction is very limited. The
24 rest interests us as context <, ~~so we shouldn't go into detail.~~

25 MR. PONCHAUD:

1 (Intervention in French) Yes.

2 JUDGE LAVERGNE:

3 -so maybe we shouldn't go into detail-

4 MR. PONCHAUD:

5 (Intervention in French) That's right.

6 [11.54.58]

7 BY JUDGE LAVERGNE:

8 But simply, just <to--> for the <record>~~purposes of the~~
9 ~~transcript~~, I understood that you arrived in Battambang in 1967
10 and then you went to Kampong Cham and that you left Kampong Cham
11 in 1970, after the events that you <have just> described. Is that
12 the case?

13 MR. PONCHAUD:

14 A. <(No interpretation) Yes, indeed>

15 Q. And then you stayed in Phnom Penh. And I understood that you
16 were in charge of a student <home>~~hostel~~ and you had a specific
17 mission, which was to translate the Bible into Khmer. Is that the
18 case? And if - <you could>~~can you~~ tell me if there was a very
19 specific reason for translating the Bible into Khmer<?-->

20 A. I received students who came to study <at L'École Miche>
21 because there was nowhere else they could stay. <Otherwise they
22 would have had to study at the pagoda.> There were <a lot of many>
23 students from the countryside who came to study in the city<. I
24 hosted 55 students, only three of whom are still alive-- in this
25 location, and I received about 50 people or students>.

1 [11.56.25]

2 And I translated the Bible into Khmer because I believed that,
3 after we were expelled from the country, we could leave behind
4 ~~<the>~~ materials for our Christians.

5 (~~Interpreted from~~Intervention in French) I did not translate the
6 Bible ~~<back then at that time>~~, but many other documents, to allow
7 a community that would be deprived of our help to live on their
8 own. (End of ~~interpretation from~~intervention in French)

9 JUDGE LAVERGNE:

10 ~~Q.~~ Please, Father, I think it's really, really important that we
11 avoid ~~<changes in switching>~~ languages during your testimony. So,
12 if you ~~<want>~~have chosen to speak in Khmer, please continue
13 speaking in Khmer.

14 MR. PONCHAUD:

15 (Microphone not activated)

16 BY JUDGE LAVERGNE:

17 Q. So, what I understood - and tell me if this is so - is that you
18 started translating the Bible ~~<in>~~into Khmer because it was
19 necessary to plan for the future and to plan for the possibility
20 that ~~<the>~~missionary priests could no longer stay in Cambodia, and
21 therefore Khmer Christians would have to fend for themselves. Is ~~<~~
22 that right?->

23 MR. PONCHAUD:

24 A. ~~<(No interpretation)>~~Yes, indeed.>

25 [11.57.51]

1 Q. Well, I'd like just to backtrack a little bit ~~<again>~~. We spoke
2 about the deposition of Prince Norodom Sihanouk in March 1970, the
3 tragic events that then followed. And can you tell us, however, if
4 ~~<many people thought that this brought~~ possibly this was not also
5 seen by a part of the population as cause for ~~some~~ > hope? Wasn't
6 there any hope that things would change?

7 A. ~~<All Cambodian people from all walks of life, we could also see~~
8 ~~that some people supported us, some didn't, or some supported the~~
9 ~~leaders, some hated King Norodom Sihanouk, when some didn't~~ All
10 sorts of Cambodians: Some supported Samdech Sihanouk, while others
11 opposed him. For example, intellectuals and teachers hated him >.

12 In 1967, King Norodom Sihanouk ~~<displayed the~~ made bad propaganda
13 in the movie > "Apsara" ~~<~~. However, it was not his intention. People
14 started to hate him from that time because the movie depicted
15 corruption in Phnom Penh. On this point, I agree with Khieu
16 ~~Samphan~~ ~~movie, and people didn't like that. People started to hate~~
17 ~~him from then because - because that movie depicts some kind of~~
18 ~~corruption in Phnom Penh, and people didn't like it. And a~~
19 ~~teacher, as I remember, bought a can of beer.~~

20 Samdech Sihanouk was toppled while I was in Kampong Cham. A medic
21 brought beer, and we drank together > to celebrate the end of the
22 reign of King Norodom Sihanouk. <However, the situation was the
23 opposite for peasants; it was a cosmic revolution. They asked me,
24 "How can we cultivate rice if Samdech Sihanouk is not there to
25 give us rain?" This is why peasants supported Sihanouk, but most

1 ~~intellectuals in Phnom Penh didn't support him~~~~They celebrated when~~
 2 ~~King Sihanouk was toppled down; and the situation was changing.~~
 3 ~~And peasants, from the beginning, supported Prince Norodom~~
 4 ~~Sihanouk, but intellectuals in Phnom Penh, the majority of them~~
 5 ~~didn't support him~~.

6 Q. Can it be said that it was <also one of the differences that
 7 would epitomize the divide between~~a difference that set apart~~ the
 8 city and the countryside?

9 [12.00.50]

10 A. (Intervention in French) Yes, it was one of the- (End of
 11 intervention in French)
 12 <There was a difference.> Concerning the evacuation of people out
 13 of the ~~<city>~~cities, we must ~~<know>~~remember that Cambodian people,
 14 before the colonial era, particularly during the Angkorian period
 15 or ~~<sometime in>~~around 1623, when Annam established ~~<(inaudible)>~~
 16 its base in Prey Nokor, ~~<then>~~ Annam and Siam ~~<were fighting~~
 17 ~~against one another~~fought each other on Cambodian territory. At
 18 ~~<that>~~the time there was no <Cambodian people, nor were there
 19 Cambodian cities~~cities and Cambodian people~~.

20 Q. I'm afraid I have to interrupt you, Father Ponchaud. One
 21 moment, please. I need to interrupt you because there are
 22 ~~<translation problems>~~some clarifications needed. If I'm not
 23 mistaken, I believe that you're referring to ~~<the>~~ Funan.

24 A. (Intervention in French) No, <much later>.

25 Q. Then that was a misunderstanding on my part.

1 A. ~~<From Annam in 1623, Annam at that time took control of Prey~~
2 ~~Nokor or Saigon currently Saigon, the southern city of Vietnam~~
3 ~~in the present day. At that time Annam soldiers and the Siam~~
4 ~~soldiers were fighting against each other on Cambodian~~
5 ~~territory~~Annam took control of Prey Nokor in 1623 - or Saigon,
6 known today as Ho Chi Minh City. So, at the time, Annam and
7 Siamese soldiers fought each other on Cambodian territory>.

8 [12.02.35]

9 ~~<At that time there was no city, and the cities that were~~
10 ~~established, then the French controlled, and then it was called~~
11 ~~the French colonialism. And when the French hand over independence~~
12 ~~to Cambodia, there were some Chinese there were 2,000 and~~
13 ~~6,200 Chinese and a few thousand Vietnamese, as well, at that~~
14 ~~time, and they have their own ethnic groups aside from the~~
15 ~~mainstream Cambodian people. There are around~~At the time, there
16 were no cities. Cities were established by French colonists. And
17 in Phnom Penh, when the French granted independence to Cambodia,
18 there were some 6,200 Chinese,> 60 per cent Vietnamese, and 10 per
19 cent Chinese. And the Khmer Rouge considered some ~~<people of them>~~
20 as compradors. ~~<They traded with the people. They bought the~~
21 ~~vegetables and crops from the people, produced in the countryside.~~
22 ~~So, the Khmer Rouge that follow Marxist-Leninist line, they wanted~~
23 ~~to eliminate the city~~They were traders. They bought vegetables and
24 crops from the countryside, while the Khmer Rouge, who were
25 Marxist-Leninists, wanted to eliminate cities, havens for

1 foreigners and injustice,> and they <wantedwant> the country to be
2 equal, they <wantedwant> to eliminate social injustice~~<, they want~~
3 ~~everyone to be equal>~~. They did not want to mistreat
4 <anyonepeople>. But you have to understand the rationale behind
5 this.

6 [12.04.24]

7 MR. PRESIDENT:

8 Thank you, Judge, and thank you, Mr. François Ponchaud.

9 The time is now appropriate for lunch break. The Court is now
10 adjourned, and we will resume at 1.30 this afternoon.

11 Court Officer, please arrange the waiting room for the witness to
12 rest during lunch time and then please have him back in this
13 courtroom before 1.30 this afternoon.

14 Security guards are instructed to bring Mr. Khieu Samphan to the
15 holding cell downstairs and have him back in this courtroom before
16 1.30 this afternoon.

17 The Court is now adjourned.

18 (Court recesses from 1205H to 1344H)

19 MR. PRESIDENT:

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

21 Next we would like to hand over to Judge Lavergne to continue
22 putting questions to the witness. You may proceed.

23 [13.44.46]

24 BY JUDGE LAVERGNE:

25 Thank you, Mr. President.

1 The interpreters have requested that I ask you to observe a pause
2 between the end of a question and <when you start answering>~~the~~
3 ~~start of an answer>~~. This is for technical reasons, ~~<as there is~~
4 ~~a~~because interpretation takes some time, and there is therefore a
5 slight lag between the interpretation and the source language.

6 Q. Let us get back to our topic from before the break~~<-and. This~~
7 morning, we dealt with> the situation in <wartime> Phnom Penh~~< -~~
8 that is, before 1975-before the war, in 1975>. And my question
9 centres on two specific points. The first is information that you
10 may have received regarding how the Khmer Rouge were treating
11 people in the liberated zones.

12 Mr. Witness, did you ever hear about the transfer or movement of
13 populations before 1975? Did you ever hear about the
14 <establishment/implementation> of a policy of collectivization of
15 land ~~<or by>~~ the establishment of cooperatives? <What type of
16 cooperatives?> Had you heard about villages or houses and
17 residences being sacked, and pillaged, and set alit <to force
18 people to leave where they resided>? Did you hear about the
19 capture of Udong <or other areas>? What can you tell the Chamber
20 about how the Khmer Rouge were treating the people before 1975?

21 [13.46.58]

22 MR. PONCHAUD:

23 A. This morning I already testified that <as> from <May> 1970,
24 ~~<since my - 1970, when I as from the month of May - I have already>~~
25 talked about <Kampong Cham and> Bos Khnor~~<. We knew that when the~~

1 Khmer Rouge captured a village, they set the houses in the village
2 on fire, executed the village chief, and evacuated the people to
3 the forest, ~~which is near Kampong Cham, we know very well that~~
4 ~~when the Khmer Rouge soldiers captured a village, then the houses~~
5 ~~in the village would be set on fire, when the commune chiefs~~
6 ~~would be executed, and people would be evacuated to the forest~~.

7 And a Cambodian, Ith Sarin, wrote a book about the soul of Khmers
8 in 1972. And in my book, "Cambodia, Year Zero", I did not write
9 <anything new. All I did was borrow from him> ~~any new things other~~
10 ~~than following the accounts from that writing~~.

11 And from 1973 <onwards>, I <knew> started knowing the people <in of>
12 Kampong Thom very well <. because there There> were Christians in
13 the area <., and> Lon Nol soldiers attacked Kampong Thom and
14 liberated about <400,000 - rather, > 40,000 villagers. <And people
15 were evacuated, as I told you, when the heads of the groups> They
16 described how the Khmer Rouge controlled villages, how people were
17 evacuated to the forest and worked communally after village heads>
18 were killed. < And this thing is not new, that happened already
19 since> This is nothing new; it started in> 1973, and this was well-
20 known to everyone.

21 However, <in fairness to the Khmer Rouge,> we should <remember
22 that Americans bombed and forced the Khmer Rouge to establish
23 lower-level cooperatives so that people could work communally> ~~also~~
24 ~~be aware that in 1973 - in order to forgive the Khmer Rouge - the~~
25 ~~lower level cooperatives were established so that people could~~

1 ~~work in cooperatives~~ to produce rice for <their own consumption.
2 And maybe Kissinger and Nixon should be the ones standing trial,
3 as I stated this morning~~the population. And people who should be~~
4 ~~punished could have been Kissinger and Nixon~~.

5 [13.50.18]

6 Q. ~~<The question concerns the context of corruption~~Another
7 question concerning the context, and this time an urban context
8 instead: that of corruption. ~~<The~~As the war was escalating~~<-~~
9 ~~Many~~many more people were victimized, and there were probably
10 those who ~~<also were able to profit~~were profiteering from the
11 war. What can you tell us about that?

12 I believe that you have already ~~<explained to us~~said that there
13 were ~~<- that there could be~~ several types of corruption. What
14 kind of corruption ~~<prevailed~~was the most frequent during that
15 ~~<particular~~ time?

16 A. ~~<For~~Let's take, for example, ~~<at the~~ ~~g~~Governor of Battambang,
17 Sek Sam Iet, who sold rice to the Khmer Rouge to <line his
18 ~~pockets~~get some money; for example, Commander Sosthène
19 Fernandez, who sold weapons to the Khmer Rouge; so, the Lon Nol
20 Government ~~<finally would be~~would end up being defeated because
21 of this. ~~<However~~That said, corruption in Lon Nol's regime was
22 less <rampant than it is today~~than these days' corruption~~.

23 [13.51.49]

24 Q. Can it be said that the ~~<population~~people of Phnom Penh had
25 daily concerns over their survival? Were the people of Phnom Penh

1 ~~<very desirous of hankering for>~~ peace and security and, obviously,
2 greater justice? ~~<Within that particular context, is that why the~~
3 ~~popularity of the Khmer Rouge was able to increase and why they~~
4 ~~were able to garner support for their policies>~~ Can the popularity
5 of the Khmer Rouge and their policies be better understood within
6 that context>? Was there hope among the Khmer ~~<, according to which~~
7 ~~that>~~ everything would be all right and ~~<that there would be no~~
8 ~~killings between the Khmers would eventually fall to the Khmer~~
9 ~~people>~~?

10 A. The people could not survive because they ~~<did not grow>~~ were not
11 growing> rice, they could not ~~<undertake their activities>~~ do their
12 business>. They ~~<received>~~ were receiving> assistance from non-
13 governmental organizations, including ~~<the>~~ humanitarian
14 organizations. Everyone prayed that peace would prevail. And, as I
15 told you this morning, Lon Nol ~~<had represented>~~ no hope for the
16 people of Cambodia. ~~<And either I was pleased with or was not~~
17 ~~pleased with communism or whether I liked it>~~ Whether one
18 sympathized with communism> or not, <I prayed for the Khmer Rouge
19 to take over, to end the bloodbath. People had lost all hope under
20 the Lon Nol regime. This feeling of despair was widespread> ~~that the~~
21 ~~Khmer Rouge would come to Cambodia to kill the population, people~~
22 ~~could see that people had no hope already living under Lon Nol's~~
23 ~~regime, and everyone shared the same feeling>~~.

24 [13.54.00]

25 ~~<For example, when it comes to corruption, some of the ghost~~

1 ~~soldiers for a battalion of the division normally, for a~~
2 ~~division, there would be in a battalion there would be 300~~
3 ~~soldiers; and when soldiers died - perhaps 10 to 20 soldiers died,~~
4 ~~the remaining people - or when they died, the commanders would~~
5 ~~just keep the dead or the ghost soldiers on payroll.~~I will take an
6 example: Corruption. Let's take the case of ghost soldiers. A
7 battalion or a division - normally, a battalion has 300 soldiers.
8 And when one or more soldiers died - let's say 10 or 20 soldiers,
9 or even 270 died, leaving 30 soldiers - the commanders would just
10 keep the 300 number on the payroll and pocket the pay of the dead
11 soldiers. How could they win the war under these conditions?>

12 Q. ~~<Were the political platforms and policies of the Khmer Rouge~~
13 ~~and GRUNK and FUNK well known among the population? And what were~~
14 ~~the people's concerns, or fears, if the Khmer Rouge were to claim~~
15 ~~victory>~~Was the political programme of the Khmer Rouge or, at any
16 rate, the GRUNK and FUNK known to the population? Was this
17 something that was discussed? What were the people's fears, if
18 any, at the prospect of a Khmer Rouge victory>?

19 A. (Microphone not activated)

20 MR. PRESIDENT:

21 Mr. Ponchaud, could you please wait a moment? Please proceed when
22 you see the red light.

23 MR. PONCHAUD:

24 A. I don't know whether people thought about the GRUNK or FUNK,
25 but they knew that Sihanouk would be on their side.

1 [13.55.53]

2 And on this, ~~<I would like the>~~ historians ~~<would have>~~ to think
3 carefully ~~<in determining>~~ whether Prince ~~<- King>~~ Norodom
4 Sihanouk ~~<would>~~~~<should>~~ be ~~<held>~~ accountable~~<., because the Khmer~~
5 ~~Rouge won the war with~~ If the Khmer Rouge won the war, it was
6 because they had> the support of King Norodom Sihanouk. Even on
7 the 17th of April, the "glorious day" for the Khmer Rouge, I met
8 Prince Sisowath Sirik Matak near Wat Phnom. I asked him a
9 question; I asked him what he ~~<what he was doing there>~~~~did here>~~.
10 He ~~<said>~~told me> he was waiting for Samdech Sihanouk.

11 So, other people also had the same feeling. They believed that
12 ~~<when>~~after> the Khmer Rouge won ~~<the>~~ victory, ~~<then>~~ King
13 Sihanouk would ~~<eventually>~~ return to <the helm of> Cambodia. And
14 the Khmer Rouge knew this even much better. For example, in 1973,
15 in February, they invited Samdech Sihanouk to the ~~<jungle, in~~
16 ~~Kulen Prum Tep and to~~forest on> Kulen Mountain <and Tep Mountain,
17 in Siem Reap>, and Angkar tried its best to make sure that the
18 soldiers could not see Samdech Sihanouk, because they were afraid
19 that Sihanouk could incite them to protest against Angkar.

20 [13.58.09]

21 From 1973, ~~<the>~~ Khmer Rouge, so I heard, ~~<talked about>~~started
22 using the terms> "A Khnouk" and "Mi Khnik". They ~~<really looked~~
23 ~~down on both>~~had been despising> the king and queen since 1970,
24 when ~~<he was>~~ they were visiting Cambodia.

25 Q. So, we are referring to 1973.

1 ~~<There were concerns with~~Good. It was about> justice after
2 liberation, and ~~<as it had been announced, this justice would, a~~
3 ~~priori, mainly concern~~particularly justice surrounding> the seven
4 "super traitors".

5 -Do you think people were persuaded that things would proceed in a
6 ~~<peaceful~~orderly> and civilized manner and that there would be no
7 settling of ~~<affaires~~scores> amongst ~~<the>~~ Khmers? Was this ~~<a~~
8 ~~general feeling, sentiment, or opinion shared among the Khmer~~
9 ~~something largely shared among the>~~ population?

10 A. People were afraid of the Khmer Rouge. They knew that Khmer
11 Rouge ~~<mistreated~~were mistreating> villagers in ~~<the>~~ countryside.
12 They knew that there were seven ~~<traitors~~"super traitors">,
13 including Sirik Matak, ~~<Lon Nol,>~~ Long Boret, Sosthène Fernandez,
14 ~~<In Tam,>~~ and ~~<two>~~ other people ~~<whose names>~~ I don't remember,
15 but ~~<that was not the information that people believed, people did~~
16 ~~not believe it>~~ because they ~~<just>~~ were ~~<simply>~~ afraid of the
17 Khmer Rouge.

18 Q. So, the people were expecting the worst?

19 [14.00.34]

20 A. ~~<In my opinion, yes, they were very terrified of the misery~~
21 ~~that was looming, but they couldn't do anything about it because~~
22 ~~they were the Khmer Rouge. The Lon Nol soldiers did not - Lon Nol~~
23 ~~soldiers~~They were very afraid of the looming misery, but couldn't
24 ~~do anything except accept the Khmer Rouge. The Lon Nol side>~~ did
25 not have any hope at all-

1 MR. PRESIDENT:

2 Mr. Ponchaud, please - please hold on.

3 International Counsel, you may proceed.

4 MR. KOPPE:

5 Thank you, Mr. President. I would like to have some clarification
6 from the Bench.

7 I think I've understood correctly that Mr. Ponchaud is a witness
8 and that he has been asked and will be asked questions about the
9 things that he has seen, has observed. However, there seems to be
10 also questions being posed that go more to the opinion of the
11 witness. For instance, he's been asked what the population of
12 Phnom Penh were thinking or fearing, etc.

13 [14.01.54]

14 Now, I'm very interested in what the witness has to say, but at
15 the end of the day, it is his opinion, and not the things that he
16 actually knows. So I would like to have some clarification from
17 the Bench on how we should be approaching this particular witness.

18 MR. PRESIDENT:

19 Mr. Prosecutor, you may proceed.

20 MR. DE WILDE D'ESTMAEL:

21 Thank you. Good afternoon, Mr. President. Good afternoon, Your
22 Honours. Good afternoon to everyone. I would simply like to

23 <answer> say something on > this question raised by the Defence. Of
24 course, this requires some clarification.

25 I think we have to distinguish <between> two things here. On the

1 one hand, the witness is here because, indeed, he saw and he
2 witnessed events before 1975 and up until the 6th or 7th of May
3 1975, but as far as we are concerned, we also want to put
4 questions to him on his analysis of the refugee accounts that he
5 gathered later on in Thailand, in France, and elsewhere. And in
6 this regard, this is not a simple witness, but we're speaking here
7 about an analyst <or researcher> who is going to be able to shed
8 light on what <he saw and to be able to analyse> was learned from
9 the refugee accounts.

10 [14.03.23]

11 So I think we have to distinguish two things here, and I would
12 like the Chamber to shed some light on this and to confirm to me
13 that I have - I am taking the right stance here.

14 MR. KOPPE:

15 May I briefly reply, Mr. President?

16 As far as I'm concerned, the word "analyst" is not a legal term;
17 it's either a witness or an expert. I mean, I could imagine there
18 are circumstances to consider Mr. Ponchaud an expert, but then it
19 has to be a separate formal decision. Right now, he's an - he's a
20 witness, and the word "analyst" doesn't mean anything to me, at
21 least not in this courtroom.

22 (Judges deliberate)

23 [14.08.11]

24 MR. PRESIDENT:

25 I hand over the floor to Judge Silvia Cartwright to give direction

1 and respond to the request by the defence team for Mr. Nuon Chea.

2 Judge, please.

3 JUDGE CARTWRIGHT:

4 Yes. Thank you, President.

5 The Chamber confirms that François Ponchaud has been called as a

6 witness, and as such, it is for the Chamber to determine not only

7 the relevance of the questions that are put to him, but their

8 probative value.

9 [14.08.48]

10 His testimony has been informed to some degree by his writings,

11 but of course they are based on his personal experiences, but we

12 do not consider him to be an expert in the technical sense that it

13 would be used in this courtroom.

14 So, I realize that this is not, perhaps, a black-and-white answer

15 for you, but we will deal with any concerns as they - if they do

16 arise out of the examination of this witness.

17 Thank you, President.

18 MR. PRESIDENT:

19 Thank you, Judge.

20 Now I would like to hand over the floor to Judge Jean-Marc

21 Lavergne to resume ~~<your line of his>~~ questioning to the witness.

22 [14.10.08]

23 BY JUDGE LAVERGNE:

24 Yes. Thank you.

25 Q. So, we are going to get back to events that you witnessed

1 directly.

2 And, first of all, I would like to have a few explanations on the
3 locations you spoke about this morning. You spoke about the church
4 that was very large, you spoke about the Phnom, and you also spoke
5 about the - what was translated in French as the municipality.

6 So, back then, can we say that this - the church was the Phnom
7 Penh Cathedral, that what you call the "municipality" was the
8 Bishop's Palace, which today is the Phnom Penh ~~<TownCity>~~ Hall,
9 and the ~~<Le>~~ Phnom Hotel is the ~~<Le>~~ Royal Hotel? Can you confirm
10 this information?

11 MR. PONCHAUD:

12 A. Yes, it is correct. It is as what you have just described.

13 [14.11.17]

14 Q. And you also spoke this morning about the young people in the
15 MoNatio, a young person called Hem Keth Dara, it seems, and you
16 also spoke about the Khmer Rouge soldiers that you ~~<saw~~
17 ~~arrivingmet>~~.

18 So, can you describe these soldiers a bit more in detail? You said
19 that they had ~~<an absolutely>~~ horrible gaze, but can you describe
20 these soldiers? Were they particularly young? Were some even
21 children?

22 And you also spoke about the "Neary", the young women soldiers.

23 What can you say about ~~<themall of this>~~?

24 A. ~~<there are two distinct categories of militaries of that~~
25 ~~time~~ There were two categories of soldiers at the time>. One group

1 ~~<consists~~consisted of young soldiers from 14 to 15 years of age.
2 They ~~<came~~entered Phnom Penh from the direction of Boeng Kak~~<and~~
3 ~~they were stationed somewhere behind the present Municipal, behind~~
4 ~~the present City~~ Hall of Phnom Penh. And there ~~<is~~was another
5 group of soldiers; they ~~<are more mature than this group of~~
6 ~~soldiers they~~ were around 30 or older. They looked very fierce~~<~~
7 ~~indeed~~. They had a ~~<very horrible~~terrifying look. ~~<They had~~
8 ~~hatred with them~~One could see that in their eyes. If you look at
9 ~~their eyes, they were very fierce indeed~~. ~~<We~~You did not want to
10 ~~<have anything to do with female soldiers~~get involved with them;
11 we were ~~<simply~~ terrified of them. They were ~~<worse than male~~
12 ~~soldiers~~like you know, bad people.

13 [14.13.12]

14 Q. ~~<And you said~~You testified this morning that you ~~<saw or that~~
15 ~~you experienced none~~either witnessed nor experienced any physical
16 threats, that you didn't see any ~~<dead~~ bodies. But, however, can
17 we say that the Phnom Penh population was forced to evacuate the
18 city? Did the people have any choice?

19 A. Well, it was a psychological ~~<threat~~force; it was ~~<a~~
20 ~~psychological coercion~~not by physical force, actually. That's
21 what I witnessed ~~<on northern part~~in the northern sector of Phnom
22 Penh. They ~~<exert~~exerted psychological pressure on ~~<the~~ people,
23 but it was not by ~~<armed force~~means of physical threat.
24 Actually, Phnom Penh dwellers were very happy when the Khmer Rouge
25 soldiers ~~<came to~~arrived in Phnom Penh~~<.~~ ~~<They because they~~ took

1 over Phnom Penh without killing ~~<the>~~ people. I, myself, had been
2 waiting for the victory of the Khmer Rouge. We thought that there
3 would be ~~<a big and>~~ fierce ~~<battlefield or>~~ fighting in Phnom
4 Penh, but actually there was no such fighting at all; they ~~<could~~
5 ~~conquer~~conquered Phnom Penh without fighting, ~~<, so~~ so people felt
6 relieved at ~~<thatthe>~~ time.

7 So, when the Khmer Rouge asked them to leave the city, they had to
8 leave ~~<. Only psychological pressure was exerted; there was no~~
9 ~~pressure by the use of arms at that time, but there was no~~
10 ~~physical threat; there was only psychological - a sense of~~
11 ~~psychological pressure on the people, and people were willing to~~
12 ~~leave as ordered>.~~

13 [14.15.00]

14 Q. And this psychological pressure that you're speaking about, was
15 it sufficiently strong for people who were in their hospital beds
16 or people who were disabled to find enough strength to escape,
17 sometimes in absolutely horrendous conditions ~~<, as you have~~
18 ~~described>?~~

19 A. This was a separate issue. ~~<Actually, earlier on~~Earlier,> you
20 asked me about the ~~<population in~~people of Phnom Penh. In the
21 morning ~~<, the next morning,>~~ the Khmer Rouge soldiers evacuated
22 the patients out of hospital. ~~<Those who resist~~And for those who
23 resisted> the order, according to what I heard from others, they
24 would throw ~~<thea>~~ grenade inside the hospital. So, this was ~~<a~~
25 threat accompanied by the use of armed force~~the physical threat>.~~

1 That was different ~~<from the>~~<with respect to> ordinary citizens.

2 Q. And do you know what happened, for example, at the Preah Ket
3 Mealea Hospital? Did you ~~<hear about - did you witness anything>~~see
4 ~~anything happening there? Did you hear about anything happening~~
5 ~~there>~~?

6 A. I was not ~~<the>~~<an> eyewitness of ~~<events at the>~~ Preah Ket
7 Mealea Hospital. I only heard ~~<about what happened. from others~~
8 ~~that on On>~~ the last day of ~~<the>~~ Lon Nol regime, there were
9 ~~<many>~~ wounded ~~<people all over>~~soldiers everywhere in the
10 ~~hospital, and>~~ Preah Ket Mealea Hospital~~<. -- they -- the The>~~ Khmer
11 Rouge evacuated ~~<the>~~ patients out of the ~~<-- out of the>~~ hospital,
12 but I was not ~~<the>~~<an> eyewitness of that event.

13 [14.16.49]

14 Q. So, we also spoke this morning about what happened at the
15 French Embassy and we spoke about ~~<the>~~ mixed couples being
16 separated, in particular Khmer husbands and ~~<Khmer -- and their~~
17 ~~French or>~~ foreign wives, and I think there were also a few
18 ~~<marriages of convenience>~~arranged marriages, too, to facilitate
19 the situation of a certain number of young women. Can you confirm
20 this?

21 A. Yes, that is true. Some ~~<families adopted orphans, too. I saw a~~
22 ~~radio operator adopt a Rhade child>~~family adopted some orphans to
23 ~~be their child, too. (Inaudible) adopted one child as an adopted~~
24 ~~child of one family that I witnessed>~~.

25 Q. So, generally speaking, did the Khmer Rouge provide enough

1 food~~<, enough and>~~ water to the people who ~~<were within>~~had taken
2 refuge at> the French ~~E~~mbassy~~<, seeking refuge>~~?

3 A. ~~<For -- people who>~~The fact that people> took refuge in the
4 French ~~E~~mbassy~~<, it>~~ was not ~~<an important issue to a matter of~~
5 concern for> the Khmer Rouge. Actually, what was important to them
6 was the ~~<rest of the population>~~Cambodian people throughout the
7 country>. Foreign nationals were ~~<of no concern to them>~~not that
8 important to the Khmer Rouge>. The Khmer Rouge <actually> assisted
9 us in the early days - on the first, second, <and> third days.

10 ~~<And then, on the third day, actually, we ran out of food>~~We had no
11 food>; we did not have any rice to eat. ~~<But later on the>~~The>
12 Khmer Rouge distributed rice for us and they also supplied <us
13 with water>~~some water to us, too>~~. ~~<And I was, at that time,>~~At the
14 time, I was> in charge of water supply. ~~<There was sufficient~~
15 water supply>We had enough water>, and we also had
16 ~~<sufficient>~~enough> rice to eat~~<, too>~~.

17 When the first batch of deportees left, following the 30th of
18 April, ~~<the>~~ guards allowed us to ~~<kill the>~~catch> pigs around the
19 French embassy <and give them to a medic named Sen Tan, from the
20 Calmette Hospital, to kill them>~~to prepare food for people who~~
21 ~~stayed behind in the embassy>~~.

22 [14.19.58]

23 Q. And you said that you ~~<worked>~~served> as an interpreter between
24 the ~~C~~onsul and the ~~<Khmer Rouge>~~Cambodian> authorities he was
25 discussing with. So, who were these ~~<Khmer Rouge>~~Cambodian>

1 authorities ~~<discussing>~~who were in contact with the French
2 Consul?~~-~~

3 A. Mr. François Bizot was the ~~<principal>~~main interpreter. And
4 then, when we left the French embassy, ~~<after>~~on the 7th of May
5 1975, ~~<and until we arrived at the border,>~~ I was the interpreter
6 for the French ~~<Consul. But before that date, I do not know who~~
7 ~~his interpreter was>~~embassy counsellor. But after that, no, I did
8 ~~not work as an interpreter>~~.

9 Q. And who was the person you were dealing with? ~~<Do you know his~~
10 ~~identity?>~~

11 A. (Microphone not activated)

12 Q. Please, please, hold on, hold on. It might - please stop for a
13 little while between the moment I ask the question and when you
14 answer, because otherwise it'll be difficult for the interpreters.

15 [14.21.11]

16 So, I was asking you the question - if you know the name of the
17 person that ~~<the>~~ ~~e~~Consul was dealing with.

18 A. No, I do not know~~<-that counsellor>~~.

19 Q. I was not asking you whether there was a Cambodian
20 ~~<Consul>~~~~counsel>~~; I was asking whether there was a representative
21 of the Khmer authorities who was interacting with the consul. And
22 I believe this morning you spoke about a person named ~~<Nhem or>~~
23 Nhien.

24 A. Comrade Nhien was the chairman of the northern ~~<part>~~sector of
25 Phnom Penh. He was ~~<actually>~~ in charge of taking care of the

1 people in the French embassy. But he was not a political
2 negotiator. As far as political ~~<negotiation was negotiations were>~~
3 concerned, somebody else was in charge of that, and Comrade Nhim
4 was the one who assisted us ~~<with our daily needs. on the day to-~~
5 ~~day food supply. For example, when we needed some rice to eat or~~
6 ~~water to supply to the embassy, then we~~ For example, when I needed
7 rice or water or food, I> would contact Comrade Nhim. But in
8 terms of negotiation - political negotiations - somebody else was
9 in charge. <I did not know the name of that person.>

10 [14.22.46]

11 For example, on the second day and third day, there was one person
12 who came to tell us that Excellency Khieu Samphan would like to
13 come to meet all the people in the French embassy, but
14 unfortunately, His Excellency Khieu Samphan was engaged in his
15 mission elsewhere. ~~<This gentleman came to tell us such~~
16 ~~information, but I do not recall his name>~~ I knew him by sight, but
17 I did not know his name>.

18 Q. Well, in François Bizot's book, which is on the case file at
19 ~~<D222/1.1 (sic) D222/1.2>~~ - it is document, now, E3/2815, and the
20 French ERN is 00237590; English, 00237559 - excuse me, English
21 again: 00392829; I apologize, I don't have the Khmer ERN - and
22 this is a note, here, that is signed by the Vice-President of the
23 Northern Front of Phnom Penh in charge of ~~<the>~~ foreigners. This
24 person is "Nhiem". This note is dated 25 April 1975 < and states>
25 ~~and the following is stated - [free translation]>:~~

~~"During his meeting of 25 April 1975, the GRUNK Council of Ministers decided what follows. Given that the diplomatic relations with the other countries are not yet re-established, because the GRUNK is still endeavouring to bring stability to the country, the GRUNK has decided to invite all of the foreigners still residing in Phnom Penh to leave the country as of the 30th of April 1975. And when, later, the situation will be stabilized, the GRUNK will examine the issue of re-establishing diplomatic ties. The GRUNK has decided to lead - to take all foreigners by road from Phnom Penh to Poipet, and each country involved will have to take care of its own nationals as of Poipet~~At the meeting that took place on 25 April 1975, the Cabinet of the Government of the Royal National Union of Kampuchea decided the following:
"Given that diplomatic relations with other countries have not yet been established owing to the fact that the GRNUK is busy restoring stability, The Government of the Royal National Union of Kampuchea has decided to invite all foreigners still residing in the city of Phnom Penh to leave the country as of 30 April 1975. Later, when the situation has stabilised, the GRNUK will examine the question of re-establishing diplomatic relations;
"The GRNUK has decided to convey all foreigners by, road from Phnom Penh to Poipet, and each of the countries concerned must take responsibility for their own nationals from Poipet onwards."

[14.25.38]

So, do you remember having seen this note or having been appraised

1 of this note?

2 A. No, I ~~<didn't see~~have never seen this note. But, whenever
3 there ~~<were negotiations, Consul Jean Dyrac, François Bizot, and~~
4 ~~the Angkar representative would make decisions, as you have just~~
5 ~~stated~~~~was the term "negotiation", with Counsellor Jean Dyrac, and~~
6 ~~Bizot, and the Cambodian counterpart, there was such a~~
7 ~~discussion~~>. But Comrade Nhiem was not a senior cadre; he was a
8 low-ranking cadre.

9 Q. Did - were you also apprised of a communiqué from the Ministry
10 of Foreign Affairs of the GRUNK dated 29 April 1975, which states
11 the following:

12 "~~<The diplomatic missions and the counsellor missions~~" [free
13 translation] ~~- "accredited by the traitorous Phnom Penh regime~~
14 ~~cannot ask for diplomatic - the regularly accepted diplomatic~~
15 ~~practices and usages. Often, during the five years of our war of~~
16 ~~national liberation, the GRUNK stated that it would not accept the~~
17 ~~legacy of the Phnom Penh traitor regime, and thus it was - it is~~
18 ~~not in charge of the - not responsible for the deeds of this~~
19 ~~regime~~Diplomatic and consular missions accredited to the Phnom
20 Penh traitor regime shall not be entitled to claim any accepted
21 customary and conventional diplomatic privileges and immunities
22 from the GRUNC;
23 "During the five years of our war of national liberation, the
24 GRUNC repeatedly stated that it shall not be bound, by reason of
25 state succession, by the acts of the Phnom Penh traitor regime and

1 that, as a result, it accepts no responsibility for any such
2 acts>."

3 So, this is a document that is indexed as D359/1/1.1.56, and this
4 is <now> document E3/1772.

5 A. No, I do not know this <particular> document.

6 [14.28.38]

7 Q. I will specify that this document <- the same document> was
8 <also> released by the <NUFK - by the GRUNK> mission <of the NUFK>
9 in Paris - document <D59/1/1.156 D59/1/1.156 (sic)>.

10 And this morning you were asked if, regarding the Cambodian
11 figures who sought refuge at the French embassy - if any
12 negotiations took place regarding them, and you answered that -
13 no, no negotiations <as such> had taken place. Was it because
14 there was nothing to negotiate, because - was it because the Khmer
15 Rouge did not want to talk?

16 A. That's true. There <were no negotiations at the time>~~was no~~
17 ~~negotiation whatsoever at that time>~~. The Khmer Rouge, in smaller
18 <troops groups> - they <carried with them AK>~~were carrying Ak-47>~~
19 rifles - they called for the French embassy to surrender the seven
20 "super traitors". I actually was <not at the gate, but at the
21 back>~~staying back behind>~~, inside the embassy ~~'s~~ compound; I <did
22 not witness the event>~~was not the eyewitness of the event, but~~
23 ~~that's what I heard>~~.

24 [14.30.11]

25 Q. Do you know if <there were any> telegrams <concerned>concerning>

1 that situation <were> exchanged between the Consul of France and
2 the French authorities in Paris?

3 A. ~~<I think there was>~~Ung Boun Hor wrote a book. I don't remember
4 the title of that book, but there was <a> correspondence with
5 Paris allowing the seven "super traitors" to be expelled from the
6 embassy. I did not really see this, but I heard people talk about
7 this.

8 Q. ~~<On the case file, there are a certain number of telegrams that~~
9 ~~would have been sent and exchanged between the consul of the~~
10 ~~embassy of France in Cambodia and Paris. They're~~The case file
11 includes a number of telegrams that were exchanged between the
12 French Consul and the Ministry of Foreign Affairs in Paris. They
13 are> under <D59/26.2.199D59/6.2.196 (sie)>. French ERN is
14 00391442; English ERN 00486889; and in Khmer, 00491363 to 64.
15 These are telegrams that describe the list of people ~~<taking~~
16 ~~refuge~~present> in the embassy<, namely -, I'm not sure if they
17 they did not> deal specifically with the seven "super traitors"<;
18 they dealt with, but the name of> Sirik Matak<, whose name is on
19 the list of "super traitors" is on that list>. There ~~<is was>~~ also
20 ~~<Princess Mom Manivonga person - there is also an individual~~
21 ~~called Mam Somivan (sie)>~~, who ~~<is was>~~ the third wife of
22 ~~<(inaudible) prince>~~Prince Sihanouk, his daughter, son-in-law, and
23 grand-children>, Mr. Ung <Boun Hor, President of the National
24 Assembly>~~Sam Hor (sie)>~~, as well as Mr. Loeung Nal, Minister of
25 Health.

1 ~~<The Quai d'Orsay - the~~^{"The"} Ministry of Foreign Affairs of France
2 is requested to do the following~~<:~~

3 "Barring express and immediate order from the Department
4 requesting me to grant political asylum, I will be compelled to
5 turn these names in within 24 hours, ~~subject to express order by~~
6 ~~the department. I must deliver the names of these people no later~~
7 ~~than in the next 24 hours. This is an ultimatum coming from the~~
8 ~~Committee of the Municipality, that a list of the individuals~~
9 ~~taking refuge in the embassy be disclosed to them>."~~

10 <This followed an ultimatum from the delegation of the City
11 Committee that a list of the individuals taking refuge in the
12 embassy be disclosed to them.>

13 The response was that it was difficult to apply the ~~principal~~
14 principle of extraterritoriality <in this situation>.

15 Do you recall~~<, however,>~~ if the GRUNK had already <effectively>
16 announced that foreigners were obliged to leave Phnom Penh and
17 that their presence would not be tolerated?

18 A. ~~<By In>~~ February 1975, Samdech Sihanouk asked that all
19 foreigners leave Cambodia.

20 [14.34.17]

21 Q. And if I'm not mistaken, France had - had officially recognised
22 the GRUNK ~~<just>~~ one week prior to the fall of Phnom Penh. France
23 was hoping that through recognition of the <GRUNK, the
24 revolutionary~~Royal Government Union - that the>~~ authorities would
25 demonstrate some degree of flexibility.

1 A. <The> French Government ~~<would like>~~wanted French
 2 ~~<people>~~nationals in Cambodia to leave Cambodia on the 19th of
 3 March. However, the French policy was not ~~<convincing because>~~
 4 ~~<people>~~clear. The French trusted Prince Sihanouk and they ~~<had>~~saw
 5 that Prince Sihanouk was on the side of the Khmer Rouge. They
 6 wanted to wait and see. <And they recognized the GRUNK at the
 7 last moment.>

8 Q. This morning you explained that there were two convoys ~~<that>~~
 9 ~~were heading towards~~headed for the Thai border and that the
 10 landing of ~~<aircraft>~~two aircrafts, as proposed by France, had
 11 been denied. ~~<Are you aware of any other aircraft that may have>~~
 12 ~~landed~~Did you observe aircraft - other aircraft - landing at
 13 Pochentong?

14 A. On the <glorious> 18th of April, there was <a> Chinese plane ~~<-~~
 15 clearly it was a Chinese plane - which was very visible,> landing
 16 at Pochentong ~~a~~Airport. <Subsequently,> I did not ~~<know or take>~~
 17 ~~more~~take notice of airplanes landing ~~<at>~~ in Cambodia on other
 18 dates, but <I noticed it>~~that was what I saw~~ on the 18th of April.
 19 There were other planes, but I <didn't take notice>~~did take - I~~
 20 ~~didn't take more notice~~.

21 [14.37.02]

22 Q. <Do you know whether -> I believe that ~~<we>~~you talked about
 23 ~~<some of>~~that,> the negotiations ~~<to which>~~which Mr. François
 24 Bizot ~~<had>~~may have witnessed, but <it appeared that> France had
 25 not only proposed that aircrafts be sent, but that those aircrafts

1 carry humanitarian ~~<suppliees, commodities and provisions>~~. ~~<Were you~~
 2 ~~aware of the proposal to send~~ Can you tell us what you know about
 3 the proposals concerning humanitarian supplies, <made> either by
 4 France or other <organizations or> countries?

5 A. Planes ~~<would transport medicine>~~ transported a lot of medicines
 6 from Bangkok. ~~<However, the airplane was~~ There was a least one
 7 airplane packed with medicines, but ~~<Angkar>~~ the Khmer Rouge
 8 did not welcome such assistance and they said that <Angkar was
 9 independent and that they no longer need assistance from
 10 colonialists> ~~the country would not need such support anyway>~~.

11 Q. You described your journey through several <towns and> villages
 12 and that ~~<in>~~ all of these <cities> towns and villages were
 13 empty. At the time, did you understand why those villages, and
 14 towns, and cities were empty?

15 A. ~~<At the beginning>~~ Initially, I didn't understand this, but
 16 later on I learned from a cadre in Phnom Penh - it was on the 17th
 17 of April 1975, and he said Phnom Penh was not a good place. ~~<In~~
 18 ~~the city, City>~~ City people did not grow any vegetables or plants <
 19 Instead, they ate what others planted in the countryside>, so they
 20 ~~<had to - people>~~ had to go to the countryside to grow crops so
 21 that ~~<Cambodians by then understood>~~ they would understand the
 22 value of rice and ~~<understand the value that a human being lives~~
 23 ~~on>~~ that human beings are born of> rice grain.

24 [14.39.40]

25 ~~<And Mr. Ieng Sary, so far as I know, explained>~~ explained believe

1 Mr. Ieng Sary talked a lot about this in France<. He talked about
2 the evacuation. He explained that people had to leave the city
3 because there was not enough food in the city.~~about the~~
4 ~~evacuation of the people who had to be transferred. And they had~~
5 ~~no food, but he also said that they had to leave the city because~~
6 ~~there was no food in the city; and, secondly, it was because there~~
7 ~~was lack of safety or security in the city; and they also~~
8 ~~envisaged that there would be rebellion or riots against the Khmer~~
9 Rouge Secondly, there was lack of safety or security in the city;
10 and they also envisaged that there could be a rebellion or an
11 uprising against Angkar in Phnom Penh.

12 ~~<However~~That said, to me, the real <justification for the
13 evacuation is more ideological.~~reason is more an ideology, a kind~~
14 ~~of reason that Angkar would like~~ Angkar wanted everyone to return
15 to their hometown to become real Khmers, because <the> Khmers in
16 Phnom Penh ~~<would be were>~~ "fake Cambodians". ~~<They~~Therefore, they>
17 had to move to the countryside, ~~<the~~to return to their> home
18 villages~~<, to become the original~~ in order to become authentic>
19 Khmers.

20 ~~<With that, Khmer Rouge organization, perhaps, received influence~~
21 ~~from the Chinese Cultural Revolution, the revolution that started~~
22 ~~in 1966. Mao Zedong also gathered the villagers and had them sent~~
23 ~~to the countryside to do farming~~In that regard, maybe the Khmer
24 Rouge were influenced by the Chinese Cultural Revolution, which
25 started in 1966. Mao Zedong also rounded up people and sent them

1 to the countryside to farm>. And in 1968, in May, we heard that in
2 France, people ~~<would like to return home>~~were advocating the
3 people return to their place of origin because they believed that
4 ~~<the>~~ city was not a good place. ~~<And>~~ Mao Zedong
5 ~~<appreciated>~~commended Pol Pot for being brave enough to expel the
6 people from the cities into the countryside. Mao Zedong said that
7 <Pol Pot had accomplished what he couldn't>~~what he could not do~~
8 ~~would be done by Pol Pot>~~, and he ~~<appreciated>~~commended the Khmer
9 people for <their courage>~~being that brave>~~.

10 [14.42.37]

11 MR. PRESIDENT:

12 Thank you, Judge Lavergne, and thank you, Mr. Witness.

13 It is now appropriate moment for the adjournment. The Chamber will
14 adjourn for 20 minutes.

15 Court officer is now instructed to assist Mr. Witness and have him
16 return to the courtroom when the next session resumes.

17 (Court recesses from 1443H to 1504H)

18 MR. PRESIDENT:

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

20 We would like now to hand over to Judge Lavergne to continue
21 putting ~~<the>~~ questions to the witness.

22 BY JUDGE LAVERGNE:

23 Thank you, Mr. President.

24 Q. Witness, following the evacuation of ~~<the>~~ foreigners from
25 Cambodia, information started pouring out. And do you know what

1 the reactions were of the Cambodian authorities in relation to
2 this information that started circulating, regarding the
3 evacuation of Phnom Penh, ~~<for example>~~ information regarding
4 ~~<summary>~~ executions? Did you ~~<inform yourself to>~~ try to ~~<see find~~
5 ~~out>~~ how the situation was developing?

6 [15.05.39]

7 MR. PONCHAUD:

8 A. I started to find out what ~~<had happened since>~~ was happening in
9 September 1975. I listened to Mr. Ieng Sary <at Maubert-Mutualité>
10 in France. He talked about <the> good things <happening> in
11 Cambodia and he also convinced some - or invited ~~<some>~~ students
12 to return to Cambodia. He continued to ~~<say that he asked>~~ tell>
13 people not to believe ~~<people who talked bad>~~ those who said bad
14 things> about Angkar~~<, because they were telling lies - it was a~~
15 ~~lie>~~. And in 1977~~<- in, when I started writing>~~ my book~~<,~~
16 entitled> "Cambodia Year Zero"~~<, I tried to send it to Angkar, but~~
17 Ieng Sary objected. I don't know what the other leaders would have
18 thought of it, but clearly Ieng Sary disputed the content of the
19 book, saying everything in it was wrong - Ieng Sary also talked
20 about the - or challenged the content in the book; he said
21 everything written in the book was completely wrong>.

22 Q. I would like to return to the moments that immediately followed
23 the evacuation of ~~<the>~~ foreigners from Cambodia. And on the case
24 file we have a certain number of documents, and one of them is <a
25 press release from the Ministry of Propaganda and Information of

1 the Royal Government of National Union of Cambodia concerning the
2 departure of foreigners from Kampuchea~~entitled "Press Communiqué"~~
3 ~~— or "Press Release from the Propaganda and Information Minister~~
4 ~~of the Royal Government of the National Union of Kampuchea on the~~
5 ~~Departure of the Foreigners from Kampuchea">.~~

6 [15.08.09]

7 ~~<This is a statement that dates back to~~In the statement, dated 10
8 May 1975, ~~<in which>~~ the Government of Kampuchea explains that
9 ~~<"it had no choice but to evacuate foreigners"it had no other~~
10 ~~choice than forcing the foreigners to leave>~~, and it's also stated
11 <:

12 ~~that — that "the evacuation took place despite much effort to~~
13 ~~solve in an urgent way the problems of subsistence of our people~~
14 ~~that went through more than five years of suffering due to the~~
15 ~~barbarous, imperialist wars. Though we did not have any~~
16 ~~transportation means and though our roads and our rivers were~~
17 ~~practically unusable, all of this demonstrated and proved our high~~
18 ~~ethical sense and our sense of justice and fairness. And the~~
19 ~~foreigners were brought to the boarder and they cannot claim the~~
20 ~~opposite. And in this difficult situation, we were lacking~~
21 ~~everything, and the care that we took to take all of these~~
22 ~~foreigners to the boarder shows how we have high principles. But~~
23 ~~the American imperialists and their lackeys used their propaganda~~
24 ~~machines to inflate the story, therefore continuing with their~~
25 ~~hostility towards Kampuchea and its people. This is due to their~~

1 ~~eruel and aggressive nature and this is due to their low lying~~
2 ~~feeling of vengeance towards Cambodia".~~

3 "We did this despite the fact that we are extremely busy solving
4 the problems of our people's livelihood, which we must urgently
5 solve after more than 5 years of suffering caused by U.S.
6 imperialism's war of destruction. We did this despite the fact
7 that we are experiencing difficulties in providing the means of
8 transportation and that all communication lines, such as other
9 than roads and waterways and a root have either been badly damaged
10 or destroyed. This clearly shows our lofty moral and justice. If
11 asked, the conscience of those foreigners we just escorted out of
12 Cambodia would not allow them to answer otherwise. In the state we
13 are in, lacking all and needing everything, we still sincerely
14 provided them escort. This demonstrates that our morals are good."

15 The statement ends as follows:

16 "However, the U.S. imperialists and their allies have used their
17 propaganda apparatus to distort the truth in order to pursue their
18 opposition to the Cambodian nation and people. This stems from the
19 aggressive, ferocious nature and their ugly resentment toward the
20 Cambodian nation and people.">

21 <It goes on; I will not read the entire document.> So, were you
22 aware of the existence of this communiqué?

23 [15.10.10]

24 A. No, I ~~<was not don't>~~. However, I support the first part of the
25 statement, that Angkar ~~<took care of the paid attention to>~~

1 foreigners in <the> Cambodian context during <the> difficult
2 time.

3 I would not wish to talk much about foreigners because we were in
4 Cambodia; whatever happened to us we had to be responsible for
5 ourselves. <What concerned me the most was the fate of the
6 Cambodian people.> And I would like to also talk more about
7 Cambodian people rather than <the> foreigners.

8 Q. We will get back to <that>.

9 B, but, first, let me give you the following information. This is
10 document D359/1/1.1.56, as well as D199/26.2.116.

11 And you said that you tried to inform yourself. So, among the
12 sources of information that you used <a lot>, for example radio,
13 <it seems> what can you tell us <to these sources>
14 source> of information? <How were these sources of information
15 relevant> Why is this source of information interesting?

16 [15.11.46]

17 A. First, I <took> <considered> refugees as <the> <great> sources of
18 information. The information I gathered from September 1975 was
19 based on these sources. Nonetheless, when it comes to refugees, we
20 had to be careful because we <would like to seek> <wanted> the truth,
21 and refugees <would> <could> exaggerate <their stories to defend
22 themselves. information because they had suffered. That's why they
23 talked something which, perhaps, may not be true. However, the
24 accounts I have gathered from refugees on several occasions, these
25 accounts were well shared by other refugees from other provinces,

1 ~~including~~ They had left their country because it was bad.
2 Initially, I did not believe, but as time went on the accounts
3 were consistent, whether the refugees came from> Battambang, <Siem
4 Reap or> Svay Rieng<. I therefore recorded everything and compared
5 the accounts, they talked the same accounts. And having collected
6 these accounts, I can compare whether the message is truth>.
7 And at the same time I also had <my own idea. I was predisposed
8 towards Angkar. — have some idea. I have a kind of pre-concept. I
9 supported Angkar and I believed that leaders of Angkar got I knew
10 the Angkar leadership had been> educated in France. They were
11 intellectuals, they were <well> educated, so they <would had to>
12 know <much about what happened in> what was good for> Cambodia.
13 <Maybe the refugees did not understand what actually was going on
14 in Cambodia.>
15 <— And to learn more about them, I started to listen to radio
16 broadcasts, the radio broadcasts by the Democratic Kampuchea, and
17 I got friends of mine who recorded the radio broadcasts and had
18 them sent to me to listen. I would like to know the ideology of
19 the Khmer Rouge. And as I told you, I had the — I had the idea —
20 or I understood that Khmer Rouge would not comprise of bad people I
21 then started to listen to Democratic Kampuchea radio broadcasts.
22 Friends of mine recorded the broadcasts in Thailand and sent them
23 to me to listen. Now I have handed them over to the Bophana
24 Centre. I wanted to understand the ideology of the Khmer Rouge. I
25 assumed that they were not stupid people; they were well-

1 educated. I was convinced that these people had ~~<a better plan~~
2 ~~for the good of~~good intentions for their country~~<+, that>~~ they
3 would never ~~<do damage to>~~harm their own people~~<, for sure>~~.

4 [15.14.54]

5 The Democratic Kampuchea~~is~~ radio broadcasts <put a positive spin
6 on the Khmer Rouge ideology~~talked about this>~~. And the refugees
7 ~~<also gave me the accounts and~~told me how they ~~<were~~had been
8 influenced by the ideology. But these ~~<people~~refugees did not
9 know very much about what had happened around <that ideology~~them>~~.
10 And I <also> listened to the radio broadcast and ~~<at the same time~~
11 ~~I>~~ tried to explain to the refugees what ~~<happened~~was happening
12 in the country.

13 So, <I had two sources of information. ~~there were two sources of~~
14 ~~information I have gathered. These sources of information were~~This
15 information was collected scientifically~~<. I put it together so~~
16 that I could get a full picture, and the two sources corroborated
17 each other, ~~and all - and at the same time they would be combined~~
18 ~~so that I could get the full accounts>~~.

19 Q. Well, regarding these reports of - on the refugee accounts, you
20 wrote to the Investigating <Judge~~Judges~~ on 4 December 2009 - and
21 this is <D133/1.1~~D133/1/1 (sic)>~~ - and you state the following -
22 because you gave Judge Lemonde, in fact, a certain number of
23 accounts - of written accounts, and there are two categories:
24 first of all, there <is a French translation or summary of 94
25 testimonies totalling~~are summaries and translations in French of~~

1 ~~94 refugee accounts, and that amounts to~~ about 300 pages - 300
2 typed pages; and then there's also <a translation or summary of
3 about 100 interviews of refugees conducted~~translations and~~
4 ~~summaries of about 100 refugee accounts in - you interviewed~~ in
5 Paris or in Thailand.

6 [15.17.08]

7 And you say the following:

8 "~~<Out of the 94 accounts, some of these accounts were gathered in~~
9 ~~France or in Thailand by myself, orally, between 1975 and 1976,~~
10 ~~and for others, 'Père' Venet," Father Venet, therefore, "who was~~
11 ~~also present in the refugee camps, asked certain refugees to~~
12 ~~describe their lives in Democratic Kampuchea. I translated these~~
13 ~~accounts, and then I went to the refugee camps to check these~~
14 ~~accounts in July 1976. And most of these accounts were gathered in~~
15 ~~Khmer, except for some of them in French. The only aim of these~~
16 ~~accounts was to understand as best as possible the situation in~~
17 ~~Democratic Kampuchea in order for the French people to know about~~
18 ~~it through various publications (such as a Documentation Center of~~
19 ~~the Ministry of Foreign Affairs). So this is something that was~~
20 ~~conducted seriously, but it was not a scientific job. And I used~~
21 ~~these documents to write the book 'Cambodia Year Zero'~~The 94
22 testimonies. Some of the testimonies were given orally to me in
23 France or in refugee camps in Thailand between 1975 and 1976.
24 Others were given in writing after Father Venet, who was present
25 in the camps, asked some refugees to write down their experiences

1 in Democratic Kampuchea. I translated those writings and then went
2 to the camps to crosscheck the testimonies in July 1976. A large
3 majority of those testimonies were given in Khmer, except for some
4 that were given in French. The sole objective of taking the
5 testimonies was to better acquaint myself with the situation in
6 Democratic Kampuchea, so as to acquaint the French public with
7 them through the publications of Échanges France-Asie (Services de
8 Documentation des Missions Étrangères) [France-Asia Dialogue
9 (Documentation Services of Foreign Missions)]. The testimonies can
10 therefore be considered as the fruit of serious but non-scientific
11 research. The documents were some of the sources of 'Cambodia Year
12 Zero'>."

13 [15.18.27]

14 ~~<And in fact, you refer to the~~ There. So, indeed, you referred to
15 these> summaries in your book ~~<. and you also say the following~~
16 With respect to the other interviews of refugees, you say - you
17 state>:
18 ~~—"Regarding the other refugee interviews, the same method was~~
19 ~~used for the same purpose for the refugee accounts after I~~
20 ~~published~~ The same method was used and the objective was the same
21 for the interviews of refugees conducted after the publication of>
22 'Cambodia Year Zero'."

23 And you also explain that "in both cases, the recordings <that had
24 been done> were destroyed. ~~<Therefore, I cannot, I am>~~
25 unfortunately<, provide you with not in a position to give you>

1 the original Khmer versions <before the end of next year. I have
2 to search for them in the archives I left at the Missions
3 étrangères de Paris [Paris Foreign Missions]~~because they are in~~
4 ~~the archives of the Ministry of Foreign Affairs>.~~"

5 So, therefore, there were also audio recordings~~<, I see, with~~
6 ~~these — audio recordings of the accounts of these~~ of these
7 interviews of Khmer refugees. Is that the case?

8 A. Normally, when we interviewed a <refugee, we would audio record
9 his or her account. If we only took notes, there were chances of
10 misunderstanding it. By audio recording it, in case of doubt, we
11 could listen to the recording. I interviewed hundreds of refugees.
12 After several years I discarded the tapes, for it was over, after
13 all. I now regret discarding them, for they were really
14 useful~~witness, we allowed the person to speak and we would record~~
15 ~~his or her testimony because by writing we would not cover the~~
16 ~~full message. And that — with that record, if we would like to~~
17 ~~have it verified, then we would go back to the recording. And I~~
18 ~~interviewed several hundreds of refugees. And after several years~~
19 ~~I have already discarded them>.~~

20 Q. So, you said that you completed your sources of information
21 thanks to radio recordings that were <given sent> to you, and you
22 also referred not only to the audio recordings of these radio
23 broadcasts, but also to the translations of excerpts from these
24 radio broadcasts <by in> the Summary <of> World Broadcasting that
25 was <broadcast published> by <the> BBC. Did you also use these

1 sources, or not at all?

2 [15.21.03]

3 A. No, I didn't cite the <BBC> sources ~~<from the BBC>~~ because I
4 couldn't speak English, and it would ~~<be>~~<have been very> difficult
5 for me to use ~~<the>~~<those> sources. And translation is not easy<. As
6 you know, one might not translate exactly what is said because we
7 cannot really translate the right messages, most of the time>.
8 ~~<And I went to the book stores and I also went to another place in~~
9 ~~France where communist books would be published and displayed. So~~
10 ~~I collected the information concerning the~~I read books in
11 libraries and bookstores such as Phénix and Normandie in Paris,
12 which both carried books on communism. I collected> information on
13 Cambodia. ~~<Because>~~<But> at that time these resources were not
14 plentiful because Angkar ~~<did not write>~~<had not written> much. ~~<At~~
15 ~~the beginning>~~ I <had> heard the term "kammaphibal" - or "cadre" -
16 and I tried to understand this Khmer term by <analysing its
17 structure>~~understanding the combination of words>.~~ I thought ~~<that>~~
18 "kammaphibal", or cadre, would be ~~<the person>~~<someone> who governed
19 or who administered ~~<something>~~<some work>, because it could have
20 come from <the> French term "cadre". ~~<And I used to also feel>~~I
21 also felt> that Angkar used strange, unusual terms.

22 [15.22.51]

23 And ~~<we have here>~~<there was> Steve Heder. ~~<f>~~<F> For example, Steve
24 Heder is the best researcher on the Democratic Kampuchea and
25 Angkar. However, by 1979 - I mean, up until 1979, he supported the

1 Khmer Rouge and he was ~~<a member of the~~an advisor for Amnesty
2 International~~<. Amnesty International never said anything, and he~~
3 ~~never talked>~~ bad about the Khmer Rouge because ~~<he~~Steve enjoyed
4 living in Cambodia. And he also wrote ~~<an article~~a letter to Noam
5 Chomsky, who ~~<is a renowned linguist, was~~> about the
6 misunderstanding and ~~<translation in~~mistranslation of Cambodian
7 ~~<terms~~word, and he criticized ~~<Cambodia concerning the~~
8 ~~translation of the terms. And he also talked about this. And I~~
9 ~~captured this is my book,~~the mistranslation of certain Khmer terms
10 in "Cambodia Year Zero">, saying that the mistranslation was
11 because the translator himself had not. ~~And the reason he~~
12 ~~criticized the translation of the terms: because he was not the~~
13 ~~one who~~> lived through Democratic Kampuchea.

14 Now I can give you two examples.

15 ~~<The head monk, in my book - when we say "kanak sang", which~~
16 ~~means the "monk head" or "committee" - but Steve Heder said that I~~
17 ~~did not know Khmer very much because when it comes to "kanak", it~~
18 ~~means "group", and "group" here referring to - rather, it's when~~
19 ~~it comes to "kanak sang", it's the committee for the monk rather~~
20 ~~than the head monk. And more importantly, the Khmer Rouge used~~
21 ~~some other terms that Mr. Steve Heder did not want us to use. For~~
22 ~~example, "pukmae"; and "pukmae" means "parents" - that were used~~
23 ~~in these Khmer Rouge times at the rice fields -~~
24 ~~(End of intervention not interpreted)~~In my book, "kanak sang" is
25 an abbreviation for "National Monk Commission", a body that

1 supervises monks (inaudible). "Kanak" means "group", such as in
2 Kanak Thommayut and Kanak Mohanikay. But Cambodians during the
3 Democratic Kampuchea used the abbreviated word "Kanak Sang",
4 referring to "Monk Commission".
5 Another example: The Khmer Rouge commonly used "pukmae" for
6 "parents". Steve Heder argued that Cambodian people never called
7 their parents "pukmae", but commonly called their parents "euw puk
8 mday". But to be precise, one had to refer to terms commonly used
9 amongst Cambodians in the rice fields->

10 [15.26.09]

11 Q. Well - and I'm sorry for interrupting you because,
12 unfortunately, we don't have a lot of time and we have other
13 questions to put to you. And I'm sure what you're talking about
14 could interest linguists, but we might have other priorities right
15 now.

16 So, among the documents that you referred to, to try to understand
17 what was happening in Cambodia, did you refer to documents - to
18 official documents that were published in particular by the GRUNK
19 Mission in Paris?

20 A. GRUNK had a house in Paris <, at 4, Barcelone Street>. Nget
21 Chopinanto was <the man who was> in charge of the
22 <missionmansion>. ~~<And I also looked at the documents, and we~~
23 ~~studied the purpose of Angkar and we criticized whether it was~~
24 ~~right or wrong that Angkar did like that. And also we listened to~~
25 ~~what the refugees had to say about this~~ I read the documents, and

1 we tried to understand the goals of Angkar. We wondered whether
2 what the refugees were saying was true>.

3 [15.27.29]

4 Q. Well, ~~<for>~~ in order to note the references, I would like to
5 give, as an example, a document that you referred to in your book,
6 which is the "Information Bulletin of the GRUNK Mission in Paris".
7 It is number 220bis/75, dated 12 September 1975, and the document
8 <number> is D199/26.2.137. And this is a bulletin that is quite
9 interesting because it was produced a short while after the fall
10 of Phnom Penh, and we see in it an interview of Mr. Khieu Samphan,
11 who was the Deputy Prime Minister and Commander-In-Chief of the
12 FAPLNG, by the representative of the Kampuchea News Agency, on 12
13 August 1975. The French ERN is 00386886 to 89; English, 00878358
14 to 61; and Khmer, 00877499 to 00877504.

15 So, I don't think we have the time to ~~<described>~~deal with the
16 content of this interview, although it's interesting. But
17 basically, Mr. Khieu Samphan says the following - he's describing
18 <at the> situation he discovers in 1975 and he says:

19 ~~"<Our compatriots, by the millions, were locked up in~~
20 ~~concentration camps in Phnom Penh and in the other cities under~~
21 ~~enemy temporary control. The victims had no food. Cholera was~~
22 ~~decimating them, families were torn apart and scattered throughout~~
23 ~~the entire country>~~By the millions, our compatriots were forcibly
24 enlisted and locked up in concentration camps in Phnom Penh and
25 other towns which were under provisional enemy control. Those

1 victims went without food; they were decimated by cholera, and
2 families were separated and scattered all over the country>.

3 [15.30.06]

4 "~~<Immediately after the liberation, the GRUNK and the FUNK, the~~
5 ~~people and the people's army decided to tackle these problems with~~
6 ~~determination, which were the results of the most barbarous war of~~
7 ~~destruction from the U.S. Imperialists~~In the immediate wake of the
8 revolution, the GRUNK and the FUNK, the people as a whole and the
9 entire people's army resolutely embarked on the task of resolving
10 all the problems which resulted from the particularly barbaric war
11 of attrition brought upon us by the American imperialists and
12 their lackeys>.

13 "~~<So, question: How to solve these problems~~How were those problems
14 resolved>?

15 "On the one hand, the people in the countryside made all
16 sacrifices in order to win the war of attrition brought upon by
17 the American imperialists and their lackeys and suffered for years
18 on end. On the other hand, millions of city dwellers who had only
19 been liberated suffered from hunger owing to the enemy and were in
20 an appalling state. The problem is of unprecedented gravity, and
21 we must resolve it without further ado, as this is vital for both
22 our nation and our people.

23 [15.31.17]

24 "We have managed to mobilize all of the forces, including our
25 people and our army, in order to fight and deal with the new,

1 extremely serious situation while at the same time manifesting
2 deep patriotism ~~on the~~ and a spirit of independence and
3 sovereignty, maintaining control over the situation and our
4 decisions, having confidence in our own forces, and maintaining
5 firm control over our destiny and that of our country.

6 "After more than three months of dogged struggle, we were able to
7 resolve the core of the problem. We were able to provide the
8 entire country with basic necessities. We may not be living in
9 abundance, but we have managed to resolve this vital issue. Our
10 people now have the means to lead a normal life and to work
11 towards getting the country back on its feet."

12 And a bit further he finishes with the following:

13 "~~<Now we have solved all of the difficulties~~ At this time, we have
14 resolved most of the problems>, and our country is ~~<enjoying~~
15 ~~<undergoing>~~ profound change. The ~~<change trend>~~ is one of
16 continued improvement. I can assure you that we shall ~~<never not~~
17 ever> again experience <any> economic crises, unemployment,
18 inflation or price hikes."

19 [15.32.54]

20 So, knowing that ~~<, of course, >~~ there was no currency, this might
21 be a little bit surprising.

22 So, do you remember this interview of Mr. Khieu Samphan?

23 ~~<(Inaudible) to specify that it>~~ It dates back to August 1975.

24 A. (Microphone not activated)

25 MR. PRESIDENT:

1 Witness, please observe some pause. ~~<Please see~~Wait for the red
2 light before you speak.

3 MR. PONCHAUD:

4 A. I do ~~<not>~~ recall ~~<it>~~ clearly, but ~~<that was propaganda~~this
5 ~~was the propagandized words>~~. I read a lot of
6 ~~<propaganda~~propagandized words, but I did not pay attention to it
7 that much. <I only paid attention to it if it contained new
8 terms.>

9 On this particular issue, it was completely different from what I
10 heard from the refugees. That's why I do not believe in this
11 statement.

12 [15.34.04]

13 ~~<For example, >~~I listened to the Voice of Democratic Kampuchea
14 ~~<on>~~ almost every day~~<basis>~~. ~~<They broadcast the last parts, the~~
15 ~~finding of the Khieu Samphan dissertation, which indicated that~~
16 ~~people had to transform Cambodia into - they broadcast the finding~~
17 ~~of his dissertation, and the refugee did not understand the reason~~
18 ~~why the Angkar made people to work that hard to build dyke and dig~~
19 ~~reservoir also. But actually, Angkar had a plan, and that plan was~~
20 ~~not necessarily written, but it was to transform Cambodia into -~~
21 ~~and the plan was not clear cut and people - the Angkar wanted~~
22 ~~people to build dyke and dams in order to be self-reliant and~~
23 ~~self-sufficient for the country. This is the principal agenda of~~
24 ~~Angkar, and I actually, myself, find it satisfactory~~The broadcasts
25 referred to the conclusions of Khieu Samphan's thesis on Cambodian

1 agriculture and its modernization problems. It was said that dykes
2 had to be dug, dams built, and that Cambodian agriculture had to
3 be transformed and modernized. They broadcast the conclusions of
4 the thesis. The refugees did not understand why Angkar made people
5 work so hard to build dykes and dams, but we understood it
6 clearly. Actually, Angkar had a plan - and, obviously, not a silly
7 plan - to transform Cambodia's farmland into well-structured and
8 irrigated agricultural lands in order to improve rice yields to
9 ensure the independence and sovereignty of the county. This was
10 the goal Angkar wished to realize, and I liked it>.

11 Q. (~~No interpretation~~ Microphone not activated)

12 A. ~~<Even now, somewhere around Ou Reang Ov, I actually restore the~~
13 ~~water reservoir and canals where the Angkar actually made people~~
14 ~~to dig up this water reservoir and irrigation system. I actually~~
15 ~~did not like the way they treated people, they abused people or~~
16 ~~they actually made people work too hard, but actually, I think~~
17 ~~that the plan was very well implemented and structured~~ Now, near Ou
18 Reang Ov, I have restored the water reservoir and irrigation
19 system that was built by the Khmer Rouge. I do not like the way
20 they mistreated people, how they made people work too hard, like
21 animals, but I think their plan was fairly good>.

22 [15.36.33]

23 Q. If I understood correctly, you said that excerpts from Khieu
24 Samphan's thesis had been ~~<broadcast~~ disseminated. I'm not sure
25 that we heard this properly in French, but Khieu Samphan's thesis

1 was - excerpts of Khieu Samphan's thesis were broadcast on the
2 radio to justify the efforts asked from the population for - in
3 order to dig canals and build dams. Is that what you're telling
4 us?

5 A. Actually, they did not ~~<make mentionsay>~~ that it was an excerpt
6 from the dissertation, but it was actually the last page of his
7 dissertation, in order to motivate people to work.

8 ~~<This was actually a very good plan - itIt>~~ was a fairly good
9 plan. In the ~~<20th21st>~~ century, ~~<one can be independent and~~
10 ~~sovereign by relying solely on agriculturewe could be self-reliant~~
11 ~~and self-mastery. We base on agricultural production. At that~~
12 ~~time, we were self-sufficient because our agricultural sector was~~
13 ~~robust>~~.

14 I apologize, Your Excellency Khieu Samphan; I confused the title
15 of your dissertation with that of Mr. Hu Nim. <In fact, it is
16 "Cambodia's Economy and its Problems of Industrialisation".>
17 [15.38.40]

18 Q. If you are referring to a specific page from your book, can you
19 please inform the Chamber exactly what reference you are reading
20 from? And if you don't have it now, could you please provide that
21 tomorrow morning?

22 A. It is on page 113.

23 Q. And ~~<to be more specific, just for your information, we are~~
24 ~~dealing with because there are>~~ several versions <on the case
25 file, -Are are> you referring to page 113 of <the French version,>

1 the original version that was published in March <1977 - not the
 2 Kailash edition 1976>?

3 A. On the 3rd of <April - of> February 1977.

4 Q. Let us return to the bulletin that was issued by the GRUNK
 5 Mission in Paris <and which contained the interview of Mr. Khieu
 6 Samphan>. For your information, there are <a great deal of many
 7 more> documents that are on the case file, including an interview
 8 with Mr. Ieng Sary <and> conducted by James Pringle, <the of>
 9 "Newsweek" magazine, <in dated 4 September> 1975. There's also a
 10 speech given by Mr. Ieng Sary at the <Extraordinary Session of
 11 the> General Assembly of the UN <in on 30> August 1975 and, lastly,
 12 a <speech by> Ieng Sary <-speech>, Vice Prime Minister of the
 13 GRUNK, head of the delegation of Democratic Kampuchea at <the
 14 Extraordinary Session of the General Assembly of the UN on 30
 15 August 1975 an extraordinary meeting of the UN in 1975>.

16 [15.40.33]

17 These are the references, the sources that you based upon - that
 18 you based your research upon in drafting several articles, some of
 19 which were published in the <magazine "Échanges France-Asie" French
 20 magazines - "France Asie" or "Échanges">. <There are others that
 21 were Others are> published elsewhere <-
 22 An article was also lifted by, including an article that appeared
 23 in> the French daily "Le Monde" <on 17 and 18 February 1976>. I'm
 24 referring to document <D133/1.2 D103/1/2>. You <qualify describe>
 25 the revolution in Cambodia as <one being quite radical and a

1 radical revolution and you raise a sort of alarm that it is
2 possible that ~~<there could be some 800,000 victims at more than~~
3 800,000 had already died since the start of this revolution.
4 There are also articles that you authored and <which> appeared in
5 other magazines <, such as "Monde asiatique". And then you
6 published your book, "Cambodia Year Zero",> in February or March
7 <nineteen seventy-1976->
8 <A. (Microphone not activated)>
9 <Q.> You ~~<had may have>~~ written <it> in February, but <I believe>
10 it was only published in March. ~~<-Is that correct?>~~
11 A. (Microphone not activated)
12 Q. Just for the record, since your microphone was not lit, you
13 have just stated that the ~~<article>~~ book, "Cambodia Year Zero",>
14 came out on the 3rd of February <1977-1976>.
15 [15.42.09]
16 You also contributed to ~~<the drafting of information bulletina~~
17 newsletter> on Cambodia <entitled "Bulletin d'information sur le
18 Camodge">. You also published ~~<in the>~~ articles in other>
19 magazines <:> "La Croix", <"Études",> "Esprit". You also ~~<took part~~
20 ingave> several television and radio interviews.
21 And what is of interest to us now is your contribution to a piece
22 written by the International Commission of Jurists <in response to
23 a decision of the> the Human Rights Commission. It ~~<was published on~~
24 ~~<the>~~ dated> 16th of August 1978.
25 <Now, No doubt> thanks to your work, since you were one of the

1 first to draw attention to this matter, ~~<to bring before an~~
2 ~~international audience, particularly~~what was happening in Cambodia
3 was brought to the attention of international institutions, such
4 as> the Human Rights Commission~~<, what was going on in Cambodia.>~~

5 What can you tell us about that? In what context did this occur?

6 And what were the results - what was the ultimate outcome of your
7 participation?

8 A. First, I would like to make it clear that I am not a
9 politician. I write books or I speak on the <radio in
10 particular broadcasting system> because I wanted to ~~<share my~~
11 ~~feeling with~~make the suffering and the difficulties endured by>
12 the Cambodian people ~~<known who are suffering from the difficulties~~
13 ~~and enduring all the suffering>~~. I have lived with the Cambodian
14 people, both during happy times and sad times. <To this day,> I am
15 not a politician~~<, not until today>~~.

16 [15.44.25]

17 ~~<I do not understand this Commissioner in Geneva who asked me to~~
18 ~~come to report with this committee on the human rights status of~~
19 ~~Cambodia at the United Nations~~The International Commission of
20 Jurists in Geneva asked me to report on the human rights situation
21 in Cambodia to the United Nations Commission on Human Rights>. It
22 was on the 15th of <July> 1978. ~~<Back then I was like an~~
23 ~~object from nowhere, from another alien planet; nobody listened to~~
24 ~~me. They - they did not pay attention to what I said, at all. I~~
25 ~~wonder why they did not listen to me~~At the time, I was a sort of

1 UFO. Nobody listened to me. It was as if I had come from an alien
2 planet. No one paid attention to what I was saying. I wondered why
3 no one was listening to me>. That's why, to be frank, I do not
4 really like the way the United Nations <functions>worked>. <They
5 actually not -- they did not know -- actually, they had known it
6 very clearly. They had their agents along>In fact, they knew. There
7 were people on> the border; they must have known <it very well.
8 They knew--> that the Khmer Rouge had killed a lot of
9 <civilian>civilian people>. but they chose to be indifferent <of
10 this to the> situation. I did not understand why they chose this
11 course of action.

12 [15.46.03]

13 Actually, I do understand. I understand; <because there was the
14 ideological warfare>there was an ideological war> between the
15 Soviet <Union> and China. <There was the>The> Cold War <was> going
16 on. <At that time the> American soldiers <were>had been> defeated
17 in Vietnam, so <China found all the unresolved issues in its
18 hands.>all the remaining or residual -- residual issue was left to
19 China. So China got all the>China received> support in the United
20 Nations against <the> Soviet <Union.>at that time. And at the time
21 they made use of the Khmer Rouge in order to go against the Soviet
22 China used the Khmer Rouge in its battle against the Soviet
23 Union>. especially from 1979 onward. <The Soviet -- rather,> China
24 and the United Nations <made use of>used> the Khmer Rouge <in order
25 to be> against the Soviet <Union>.

1 I am ashamed of the United Nations. They supported the Khmer Rouge
2 for 19 years, even though they knew that ~~<the work that>~~ the
3 Khmer Rouge had done was barbaric and ~~<that>~~ they killed innocent
4 people; but they chose ~~<indifferenceto be indifferent>~~. What is
5 the meaning of human rights~~<, then>~~? ~~<We want to -- we accept the~~
6 ~~value of~~ It is great to recognize human rights, but if we ignore
7 ~~<the>~~ human rights ~~<abuse in the>~~ violations in a given country,
8 <it is a shame. I feel I am> ashamed of the United Nations. I am
9 <actually> ashamed that the United Nations is coming in and now
10 taking part in prosecuting the Khmer Rouge leaders. I am <really>
11 ashamed~~<of the United Nations>~~. I don't think that they should be
12 involved in bringing the Khmer Rouge to trial now.

13 [15.48.24]

14 Q. Let us return to the year ~~<of>~~ 1978, specifically <to> the
15 Commission on Human Rights, which was reviewing the Cambodian
16 situation. Now, if I'm not mistaken, this <first> took place
17 during the 34th Session, in March 1978. At the time, the
18 representative ~~<for of>~~ Great Britain had requested ~~<that the~~
19 Secretary General to invite Democratic Kampuchea ~~<be invited>~~ to
20 comment on the human rights situation in the country, and
21 ~~<presumptively in theory>~~, the request had drawn the ire of the
22 Ministry of Foreign Affairs of Democratic Kampuchea. However, a
23 <certain> number of countries and organizations ~~<had>~~ submitted
24 reports to the Commission on Human Rights. These reports
25 ~~<include~~ included documents from Norway, <Great Britain, as well

1 as> Amnesty International ~~<, as well as~~ and> the United States ~~<, as~~
2 ~~well as Great Britain~~>.

3 Norway ~~<and Great Britain~~> had relied on an international
4 ~~<symposium~~hearing> on Cambodia ~~<organized~~held> in Oslo on the 21st
5 and ~~<22nd~~23rd> of April 1978. A ~~<certain~~> number of witnesses and
6 experts were heard; you, yourself, ~~<had~~> appeared before those
7 hearings. And those deliberations served as the basis for the
8 ~~<reports that were drafted~~report that was> subsequently ~~<and~~
9 ~~ultimately~~> addressed to the Human Rights Commission.

10 [15.50.34]

11 I'd like for us to focus on the content of ~~<that report~~those
12 ~~reports~~>. I'm referring to E3/1804; ERN in French, 00233158 to
13 00233170; ERN in English, 00087524 to 7536 ~~-(sie)~~; in Khmer,
14 00235800 to 00235816 ~~-(sie)~~.

15 This report contains a certain number of findings. I ~~<just~~
16 ~~wanted~~want> to know if you believe that these findings are still
17 relevant to this day.

18 Now, <at> the French ERN 00233161, you say the following:

19 ~~"<Following review of the refugee accounts which number in the~~
20 ~~hundreds, it is quite possible to establish with certainty the~~
21 ~~following facts~~After studying the testimony of several hundred
22 refugees, it has been possible to establish the following facts
23 with certainty>.

24 ~~"<Firstly, executions~~1. Executions>.

25 "Nearly all the officers, senior officials, policemen,

1 intelligence agents, customs officials, and military police were
2 executed during the first few days after the victory of 17 April
3 1975. Detailed and completely independent accounts were obtained
4 concerning the towns of Phnom Penh, Battambang, Siem Reap, Oddar
5 Meanchey, Pailin, Preah Vihear, and other smaller settlements.

6 "People in these categories who succeeded in concealing their
7 identities during the first few months have been systematically
8 sought out, especially since early 1976, and executed.

9 "In a very large number of cases, the wives and children of these
10 people are also reported to have been executed.

11 [15.53.50]

12 "Non-commissioned officers, army privates, minor officials,
13 headmen of 10, 50 or 100 households and members of paramilitary
14 militia groups were treated differently according to the region
15 concerned: some were executed during the days immediately
16 following the revolutionary victory; others were sent to extremely
17 hard labour camps, practically death camps; yet others were
18 allowed to go back to their native villages, where some of them
19 were executed in 1975, while the remainder have been actively
20 sought out since 1976 and have mostly been executed.

21 "Cases of summary execution of doctors, engineers, professors,
22 teachers, students, and school pupils occurred in the first few
23 weeks, but this does not seem to have been the general rule. They
24 were sometimes resettled in special villages and were sometimes
25 absorbed in the population, but were placed under special

1 supervision. The slightest offence on their part against
2 revolutionary morale (~~<be it>~~grumbling, lack of zeal at work) was
3 punished by death. Since 1977, it seems that they have been
4 systematically sought out and executed.

5 [15.55.54]

6 "Persons showing any disapproval of the regime are generally
7 subjected to verbal correction~~<(or edification)>~~, sometimes
8 accompanied by punishment (deprivation of food, bastinado,
9 exposure to the sun without food or drink, etc.). They are
10 sometimes imprisoned. A second or third offence ~~<is tantamount~~
11 ~~to~~means death.

12 "In 1977 and 1978, bloody purges struck at the State machinery
13 itself. In the northern region at least (in Battambang, Siem Reap,
14 Oddar Meanchey, Preah Vihear, Kampong Thom) and even in Kratie-
15 Kampong Cham, large numbers of officials were arrested and
16 executed, usually with their families. Peasants working under the
17 orders of certain officials sometimes suffered the same fate."

18 [15.57.03]

19 MR. VERCKEN:

20 ~~<Pardon me for interrupting~~If you may, Mr. President, <pardon me
21 for interrupting Your Honour,> but I believe that we are going
22 above and beyond the confines of this trial <and that you are
23 setting up to ask the witness to react to something that is not
24 within. I believe that questions must be relevant, and they are
25 not at all in correspondence with> the scope <and definition> of

1 this trial.

2 JUDGE LAVERGNE:

3 ~~<(No interpretation)>~~ I don't know if I have to->

4 MR. KOPPE:

5 May I add something to the submissions of my learned colleague? I
6 also believe that, as I have said earlier, the witness is a
7 witness to the events that he has witnessed - that's why he's
8 witness - but I'm not sure if we should ask him questions which
9 have the scope of treating him like an expert, which seems, with
10 all due respect, Your Honour, that you are doing at the moment.

11 [15.58.01]

12 MR. PRESIDENT:

13 Prosecutor, you may proceed.

14 MR. DE WILDE D'ESTMAEL:

15 Thank you. I believe that there are two separate matters that are
16 being raised by the Defence.

17 Firstly, whether this document submitted to the United Nations is
18 relevant, I think the matter is very clear. A certain number of
19 passages from the report have been read out. They concern

20 <execution>~~execution~~, and these passages deal with executions

21 that happened just after the victory of 17 April, which concern

22 the near totality of military officers, <civil servants,

23 policemen,> etc. There's also mention of the execution of certain

24 cadres afterwards in <1977>~~1976~~ and <1977>~~1978~~, that as far as

25 individuals mentioned by Judge Lavergne. There is a description of

1 summary executions during the first weeks <or a different
2 treatment> after the capture of Phnom Penh.

3 In that respect, if indeed the defence for Khieu Samphan is
4 raising an objection, it cannot be sustained.

5 ~~<Obviously, the witness believes -- asAs>~~ to whether the witness
6 can answer ~~<in his capacity>~~ as an expert < - that is the term used
7 by the defence for Nuon Chea --> well, <I note simply that - and
8 that speaks volumes - that> in 1978 ~~<the United Nations, the~~
9 Human Rights Commission> had considered that this witness <could
10 be an expert given the groundwork that he had undertaken with
11 refugees. ~~did enjoy certain expertise and was speaking in his~~
12 ~~capacity as an expert~~ So it is perfectly legitimate for him to
13 comment on what he wrote> at the time. Thank you.

14 (Judges deliberate)

15 [16.03.59]

16 MR. PRESIDENT:

17 Counsel for Mr. Khieu Samphan's objection, which was supported by
18 counsel for Nuon Chea, is not sustained. The questions are put by
19 the Bench, and finally, it is the Bench that will ~~<examine or~~
20 analyze assess> the probative value of the testimony.

21 And since it is now - this afternoon's session is coming to an
22 end, we would like Judge Lavergne to finish putting the few final
23 questions.

24 BY JUDGE LAVERGNE:

25 Well, I would like to specify that the information contained in

1 this report ~~<have>~~has a direct link ~~<with>~~to the scope of this
2 trial, and in particular, there are findings in there regarding
3 the evacuations.

4 Q. And you said the following:

5 "The population of Phnom Penh and of all the cities and towns in
6 the 'government ~~<areas>~~zones' were ~~<evacuated in the days that~~
7 ~~followed~~deported during the days immediately following 17 April
8 1975. ~~<Hospitals>~~The hospitals were emptied, the ~~<injured and the~~
9 ~~ill had~~wounded, sick and surgery patients being obliged to leave
10 their beds. ~~<And those who were not able to move were~~
11 ~~executed~~Those who could not do so were killed on the spot. ~~<And~~
12 ~~this involved~~This deportation affected more than 4 million people
13 and caused the death of many ~~<elderly>~~old people, ~~<young>~~small
14 children, and ~~<women in labour>~~pregnant women."

15 So, can you tell us, Witness, based on what information were you
16 able to write this account?

17 [16.06.11]

18 MR. PONCHAUD:

19 A. I interviewed several hundred refugees. With that, there is no
20 shred of doubt at all.

21 And in order to tell the truth, ~~<because>~~ during the Khmer
22 regime~~<, matters were dealt with differently from>~~ one place ~~<to~~
23 ~~the other>~~was different from another.,> I gathered information
24 ~~<mainly>~~ from Battambang and I did not obtain ~~<sources of>~~much
25 information from other locations. Mr. Michael Vickery, who wrote a

1 book~~<7~~ entitled "Cambodia 1975-1982", ~~<he>~~ criticized me on
2 several points, and I ~~<indeed>~~ accept his ~~<criticismmerities>~~. And
3 I thought that people would receive the same treatments all across
4 the country, but I learned that, indeed, people were treated
5 differently from one place to another. The plan was
6 ~~<common>~~ similar in all places, but ~~<the restriction, the>~~
7 discipline ~~<was harsh (sic) on>~~ could be harsher in one location
8 than ~~<at another>~~ the other.

9 [16.08.11]

10 And in this report ~~<written in 1977, when I wrote in - about 1977,~~
11 ~~I did not know about the war that was waged between Khmer and~~
12 ~~Vietnamese. I was doubtful that I was suspicious, I was not even~~
13 ~~aware of the conflict between Cambodia and Vietnam. I suspected>~~
14 that it could be a war, but there was no information ~~<that~~
15 ~~could to>~~ support <or disproof> this suspicion. ~~<And>~~ When the Khmer
16 Rouge attacked the Vietnamese at the border area, ~~<and the~~
17 ~~hostility happened and it resulted in some>~~ starting hostilities,
18 there were many> casualties.

19 ~~<And also there was what we call the - what Ta Mok called>~~ In 1977,
20 the second revolution erupted. Ta Mok called it> the "second
21 revolution". And Ta Mok was in charge of the Southwest, and along
22 with Pol Pot in the West, they started to reshuffle cadres all
23 across Cambodia. By 1977 and 1988, people in the ranks of the
24 Khmer Rouge, a lot of them died.

25 For example, in Oslo, I gave a list of a 100 names in the report,

1 and these people were Khmer Rouge cadres who were executed in the
2 East Zone, in Kampong Cham province.

3 In 1977 - what happened until 1977 was part of the ideology; they
4 ~~<would like>~~wanted to create <a> New People. They ~~<would like~~
5 ~~them>~~wanted to build dykes and canals and change the way of life.
6 ~~<And that happened all from 1977, and at that time the war in~~
7 ~~Vietnam also, logically, happened~~This was logical, because war
8 with Vietnam became imminent from 1977 onwards. I told reporters
9 in France, but they were not convinced.

10 [16.10.42]

11 ~~<And in April 1977, I met refugees in France, and I tuned in to~~
12 ~~radio broadcasts and I heard Khieu Samphan was~~And on 31 December
13 1977, I visited refugees from Am Laing, in France; I was listening
14 to radio broadcasts and I heard Khieu Samphan talking about the
15 war with Vietnam. He talked about Vietnamese invading - or coming
16 into Cambodian territory in <the> Memot <and Dak Dam areas>~~area~~.

17 MR. PRESIDENT:

18 Thank you, Mr. Witness, and thank you, Judge Lavergne.

19 The hearing for today comes to an end. The Chamber will adjourn
20 today's session, and tomorrow's hearing will resume ~~<by>~~at 9 a.m.

21 For tomorrow's sessions, the Chamber continues hearing the
22 testimony of Mr. François Ponchaud, questions to be put by Co-
23 Prosecutors and Lead Co-Lawyers for the civil parties in the
24 morning; and in the afternoon sessions, counsels for Mr. Khieu
25 Samphan would proceed with the questions, and followed by counsels

1 for Mr. Nuon Chea.

2 Mr. Ponchaud, your testimony has not yet concluded, so we would
3 like you to return to the courtroom tomorrow, the session which
4 commences at 9 a.m.

5 [16.12.20]

6 Court Officer is now directed to assist with the WESU unit to
7 ensure that Mr. Ponchaud is well assisted during the adjournment
8 and have him returned to the courtroom by 9 a.m.

9 Security personnel are now instructed to bring Mr. Khieu Samphan
10 and Nuon Chea back to the detention facility and have them
11 returned to the courtroom by 9 a.m. For Mr. Nuon Chea, he is
12 directed to be returned to the holding cell, where - he can
13 observe the proceedings from there through audio-visual means.

14 The Court is adjourned.

15 (Court adjourns at 1613H)

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