



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

ឯកសារដើម

ORIGINAL/ORIGINAL

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

9 April 2013

Trial Day 165

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Victor KOPPE
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Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

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MR. FRANÇOIS PONCHAUD (TCW-536)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. DE WILDE D'ESTMAEL	French
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PONCHAUD (TCW-536)	Khmer
MR. VERCKEN	French

1

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 <The witness> who is to testify today, TCW-536, is present in the

15 waiting room <and is awaiting a> call from the Chamber. <The>

16 witness <has stated that he> is not in a relationship with the

17 co-accused<>, Mr. Khieu Samphan, and Nuon Chea or any <of the>

18 civil parties to the proceedings. The witness will take the oath

19 before the Chamber in a moment and the witness has no duty

20 counsel.

21 MR. PRESIDENT:

22 Thank you.

23 The Chamber has received a medical <certificate dated 9 April

24 2013 from the> physicians who advised the Chamber that Mr. Nuon

25 Chea be allowed to observe the proceedings from his holding cell

2

1 due to his health reason. <> Mr. Nuon Chea is in need of medical
2 <assistance, as recommended by the experts who testified
3 recently>.

4 [09.12.46]

5 And according to <ECCC> Internal Rule <81.5>, <the Chamber is of
6 the view that Nuon Chea is unfit to participate in the hearings
7 in the courtroom but may,> in the interest of justice, <> observe
8 the proceedings from his holding cell through <video-link>.

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

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

13 (Short pause)

14 [09.14.30]

15 MR. PRESIDENT:

16 Very good morning, Mr. Witness.

17 MR. PONCHAUD:

18 Good morning, Mr. President and good morning to all Cambodian
19 people.

20 QUESTIONING BY THE PRESIDENT:

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

22 MR. PONCHAUD:

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

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

25 A. I was born <on 8> February 1939, <in Sallanches, in the

3

1 foothills of the Alps>.

2 Q. Thank you, Mr. François Ponchaud. And where do you live now?

3 A. I live on Street Number 57 -- rather house number 57, Street
4 101, Boeng Trabek.

5 [09.16.43]

6 Q. What do you do for a living?

7 A. I am a <Catholic> priest.

8 Q. What are your parents' names?

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

12 Q. Thank you, Mr. François Ponchaud.

13 As a witness before this Chamber, you are supposed to take <an>
14 oath according to <your> religion, do you agree?

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

17 Q. Thank you.

18 Mr. Ponchaud, according to the report by the Greffier of the
19 Trial Chamber, and to the best of your knowledge you are not in a
20 relationship with any individuals or civil parties who have been
21 admitted as the civil parties before the Chamber, and you are not
22 in any relationship with the two co-accused; is it true?

23 A. Yes, it is.

24 [09.18.46]

25 Q. According to the same report by the Greffier, you are not in

4

1 any relationship with any of the parties to the proceedings; is
2 that true?

3 A. <I met Nuon Chea but I am not in any relationship with Khieu
4 Samphan, although I know him. I met Mr. Khieu Samphan, eight
5 years ago>.

6 Q. Before we proceed to <question> you, the Chamber wishes to
7 inform you of your rights <and duties> as a witness.

8 [09.19.46]

9 Mr. François Ponchaud, as <a> witness <> before the Trial
10 Chamber, you can choose not to respond to any <question if the
11 answer may tend to incriminate you>. And as <a> witness, you are
12 to respond to all questions put <to> you by the Judges of the
13 Trial Chamber or <the> parties to the proceedings and you are to
14 speak the truth, the whole truth, <and> nothing but the truth.
15 <Your testimony must be based on what you saw, heard, experienced
16 or noted and your answers must be> relevant to the questions put
17 to you<>.

18 The next question is: Mr. François Ponchaud, have you ever <been
19 interviewed by> the Co-Investigating Judges of the ECCC <in> the
20 last few years?

21 A. <Mr. Marcel Lemonde interviewed me for a full day four years
22 ago. I also reported to the UN Human Rights Commission in Geneva
23 on the 15th of September 1978 about Democratic Kampuchea>.

24 [09.21.55]

25 Q. Thank you, Mr. Ponchaud. We <note> that you are speaking in

5

1 Khmer, but what is your nationality, please?

2 A. <I am French, originally. However, I have worked at Preah
3 Vihear in the development of the province. At Preah Vihear, they
4 say that I was a Khmer reborn as a French because my uncle
5 determined the Cambodia-Thai border. Everyone said that I am a
6 Khmer reborn as a French by an error of fate>.

7 MR. PRESIDENT:

8 <The Chamber is pleased to be able to hear your testimony in
9 Khmer. The choice is yours. If you choose to speak Khmer, you
10 must speak Khmer throughout your testimony for ease of
11 interpretation. If you use both languages, interpretation will be
12 complicated and difficult to follow. That is the practice before
13 this Chamber, and it is intended to ensure that your testimony is
14 valid, useful and contributes to the ascertainment of the truth>.

15 [09.23.50]

16 MR. PONCHAUD:

17 (Microphone not activated)

18 MR. PRESIDENT:

19 Could you please hold on, Mr. Ponchaud? Please speak when you see
20 the red light <> on your mic, otherwise <we will not hear you>.

21 MR. PONCHAUD:

22 <We are in Cambodia and we are trying accused Cambodians for
23 crimes committed in Cambodia so I think it is appropriate that I
24 speak Khmer. I am not a Cambodian citizen. I applied for
25 citizenship two years ago, but Samdech Techo has not approved it

6

1 yet. We should speak Khmer>.

2 MR. PRESIDENT:

3 Indeed, your Khmer is very fluent and clear. The Chamber would
4 not object to your choice of language and you can, indeed, speak
5 Khmer during these proceedings. But as I already made it clear,
6 if you choose to speak Khmer, please speak Khmer <throughout> so
7 that the interpreters <can> follow you<>.

8 Next the Chamber would like to inform the parties to the
9 proceedings that during the testimony of Mr. François Ponchaud,
10 the Chamber <will first put> questions to the witness before
11 handing over the floor to the prosecutors<, then the> Lead
12 Co-Lawyers for the civil parties; and finally, the defence
13 counsels for Mr. Nuon Chea and Khieu Samphan.

14 [09.25.47]

15 BY MR. PRESIDENT:

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

18 MR. PONCHAUD:

19 A. <I arrived in Cambodia on the 4th of November 1965. I lived
20 for five years during the peaceful Sihanouk regime and I lived
21 here during the war years under the Lon Nol regime. I also lived
22 three weeks in Democratic Kampuchea. One minor detail: I handed
23 the keys of the French embassy to Comrade Nhien, the head of the
24 northern sector of Phnom Penh, on the 7th of May 1975, after
25 which I was driven to the border on the 7th of May 1975. So,

7

1 altogether, I have been in Cambodia for 47 and a half years>.

2 Q. Thank you.

3 Can you tell the Chamber also, <why you came> to Cambodia in 1965
4 and where <you have worked in Cambodia>?

5 A. <I arrived in Cambodia as a member of an association, the
6 Société des Missions étrangères de Paris, a Roman Catholic
7 missionary organization which came to Asia in 1659. The head of a
8 small Catholic community was looking for young people to serve in
9 this mission, and I was selected and sent to Cambodia when I was
10 26 years old>.

11 [09.28.07]

12 And for the first three years, I studied Khmer<, as well as
13 Khmer> customs and traditions, and Buddhism. And I lived with
14 Khmer people so that I could <> understand Buddhism <very well>
15 and I studied how Buddhism could help Christians <adopt a new
16 approach. I came to learn from Buddhism>.

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

20 <My> next question is: During this period<>, from 1965 to 1975,
21 did you ever leave Cambodia <> for France or <another> country
22 during this time?

23 [09.29.29]

24 A. I left Cambodia on the 7th of May 1975. I was <very> worried
25 at that time because I <was to be sent> to France. The French

8

1 government <made> two airplanes <available> to evacuate the
2 French <nationals to France>. At <that the> time, my
3 association<, Missions étrangères de Paris, asked me> to travel
4 to another country<>. <I said no. I asked to be given time to
5 rest and reflect on the extraordinary events that had occurred.>
6 <So, back in France, in July 1975,> I started writing about what
7 happened <> when <> Khmer Rouge soldiers entered Phnom Penh. <On
8 the 15th of October 1975, I published an article in the "La
9 Croix" newspaper, entitled "Une Révolution née avec tant de
10 peines et de souffrances">.

11 Q. Mr. Ponchaud, could you please wait and listen to my question
12 precisely and just respond directly to the question being asked?
13 Indeed, you will be <questioned> by the parties to the
14 proceedings. As <> President of the Trial Chamber, I would like
15 to <ask you simple questions concerning your life> in Cambodia,
16 in particular in Phnom Penh. We <ask> you these questions
17 concerning the <pre-1975 period> to establish the <facts and to
18 understand> your experience living in this country<>. <>Khmer
19 Rouge soldiers came to Phnom Penh in 1975, on the 17th of April.
20 We will ask you <other questions concerning that and on the
21 chronology of events until you were deported from Cambodia and
22 arrived in Thailand, crossing the border at Poipet>. These are
23 the line of questions <that will> be asked. And we believe that
24 if you respond more than what we ask, then you would <be
25 answering questions that the parties might be asking>.

9

1 [09.32.42]

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

6 A. I left Cambodia for <six months> in 1972 <for holidays>.

7 Q. Thank you.

8 We would like to know also what <> Cambodia <was> like <> when
9 you were <here> from 1970 to 1975. Can you please describe to the
10 Chamber the real situation in the country, because you had been
11 living in Cambodia for a long period of time, although you had
12 left temporarily on one occasion in 1972, you said you left
13 Cambodia for about six months before you returned. So <> we would
14 like to know what happened <during that time>.

15 [09.34.39]

16 A. From 1965 to 1970, <I lived in Cambodia> and I was impressed
17 by the development <of the country>. <I knew there was poverty
18 and injustice. People talked about it, but I was not particularly
19 interested in that because I was too young>. I heard about Prince
20 Norodom Sihanouk cursing Hu Nim and Hou Youn<.> I also heard
21 about the riots, rebellions in Samlaut <in 1977>. <At the time>,
22 Samdech Sihanouk <wanted> to arrest Mr. Khieu Samphan, Hu Nim,
23 and Hou Youn. I also read <Chinese Embassy news articles saying
24 that the three were dead and that Samdech Sihanouk had dumped
25 their bodies into acid. All of that was before 1970>. But later

10

1 on, I learned that the three <had> escaped <to Kampot and that
2 they had not been killed, contrary to what was claimed by the
3 press>.

4 In Samlaut - I don't remember the exact month, but it was in 1967
5 - the farmers revolted against the <Sihanouk regime> because
6 their land <had been confiscated to establish a> sugar factory.
7 <Riots ensued. At the time, the Khmer Rouge soldiers did not
8 exist yet. I heard about the Khmer Rouge in 1968. I also heard
9 about people who had been killed by Khmer Rouge soldiers>.

10 [09.36.52]

11 <I studied Khmer in Battambang in 1968. According to what was
12 being said in 1968, the Khmer Rouge had killed people>.

13 Then I went to Kroch Chhmar <, where Samdech Techo lived and
14 further to the south in> Kratie province. At night I would hear
15 dogs barking; and I asked people why dogs barked, and they said
16 that <that> was normal. Actually, it was not normal<. What was
17 happening was that the Khmer Rouge came to the villages at night
18 passing by my home to spread their ideology among the people>.

19 That's all I remember <about that period through 1970>.

20 <Concerning Khieu Samphan, I admired him at the time>. His
21 Excellency Khieu Samphan was Mr. Clean, and King Norodom Sihanouk
22 <had put him at the head of> the Ministry of Commerce. He did not
23 <take> bribes. He was offered a Mercedes Benz as a <bribe for a
24 deal on meat purchases, but he refused>. So he was a very
25 admirable person<. What happened next was a different story.

11

1 However, at the time, Mr. Khieu Samphan was an idol – someone we
2 admired. The youth admired him>.

3 [09.38.48]

4 I was young at <the> time, but I learned that <Kou Roun,> Samdech
5 Sihanouk's police <chief, caused Mr. Khieu Samphan to be
6 undressed in front of the National> Assembly, and Mr. Khieu
7 Samphan <was brave to protest> against the Prince. And he wrote
8 about this in the "Observateur". <In this regard, I admired him
9 for his courage to challenge Samdech Sihanouk peacefully. We were
10 worried that he would be arrested>.

11 Q. Thank you very much.

12 Can you also describe to the Chamber <what happened in Phnom Penh
13 in 1975, before the city was captured by the liberation army>?
14 <Can you briefly describe what the general situation was, and in
15 particular concerning the inhabitants of the city?>

16 A. In a few words, I may say in 1970, when King Norodom Sihanouk
17 was toppled<>, I was in Kampong Cham. We heard that people from
18 Kratie and Snuol had <travelled across the Mekong River to
19 protest against Lon Nol, the government, and parliamentarians>.

20 [09.40.31]

21 <At Skun, Lon Nol soldiers dropped bombs in order to destroy the
22 demonstrators. When some of them reached the Chrouy Changva
23 bridge area, Mr. Sosthène Fernandez ordered that fire be opened
24 on the demonstrators using heavy guns, including 167 and 107 mm
25 cannons. It was on 30 April, pardon me the 30th of March. I was

12

1 in Kampong Cham at the time. It was at about 6 o'clock when Lon
2 Nol soldiers opened fire on the demonstrators, at least 60 of
3 whom were killed.

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

14 [09.42.21]

15 It should also be noted that in May and June 1970, American
16 soldiers and the South Vietnamese troops invaded Cambodia. They
17 came deep inside Cambodia, 40 kilometres deep into the country. I
18 currently live in the area which was once occupied by these
19 troops in Ou Reang Ov district, Chak commune. I currently run
20 development projects in the province. The troops of the
21 contemptible Ky - Nguyen Cao Ky - came all the way to Sai Yang
22 Village, the hometown of Deputy Prime Minister Sar Kheng.
23 The American and Vietnamese troops were very brutal. They killed
24 civilians, beat and raped them. The only way the people could be
25 safe was to join the Khmer Rouge soldiers so that they could be

13

1 protected. I could also refer to witnesses, if Your Honours would
2 like to summon them, who say that the Khmer Rouge soldiers were
3 very nice and good people. The Khmer Rouge helped us cultivate
4 rice and they bought everything. They became cruel from 1973,
5 when Cambodia was bombarded by the Americans.
6 I am talking about this because I think we should view the Khmer
7 Rouge differently. At the beginning, the Khmer Rouge represented
8 some form of hope for the people of Cambodia. Even I, myself, in
9 my book, "Cambodia Year Zero", I also wrote that at the time I
10 would pray for the Khmer Rouge soldiers to come, because people
11 had lost all hope. Cambodian people were suffering a lot and were
12 in despair. Beginning in 1973, we knew what the Khmer Rouge were
13 doing in the paddy fields. We knew that after a village was
14 captured, houses were torched and the village chief and
15 influential people were executed>.
16 [09.44.59]
17 <We also learned that in 1970, people were evacuated into the
18 forest. I was in Kampong Cham. I learned that this happened in
19 Bos Khnor, where I had a friend and Damnak Chang'aeur. People in
20 these locations told the same story, so we knew about the bad
21 deeds of the Khmer Rouge. We did not know why. We thought the
22 Khmer Rouge were perhaps cruel as part of their war tactics. And
23 we were still convinced that when the Khmer Rouge won the war,
24 they would lessen their cruelty, but we were mistaken. Our
25 political analysis was not right.

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.

14

1 But there was no hope under the Lon Nol regime, though. What
2 happened during the Lon Nol regime provides a very good
3 explanation for the evacuation of the entire population by the
4 victorious Khmer Rouge on the 17th of April 1975.

5 And on the 20th or 21st of January 1973, the contemptible
6 Kissinger and the contemptible Nixon signed a document – and they
7 also should be prosecuted for their actions at the time. They
8 dropped bombs all across Cambodia. I personally witnessed this>.

9 [09.47.04]

10 I was in <the tallest house near> Kandal Market. At night, I
11 could see <the sky burning red>. It was like the skyline was
12 burning. <I heard bombs. The earth would shake.> The <barbaric>
13 American soldiers mistreated Cambodian people <by dropping bombs
14 on Cambodia> without any reason whatsoever. <They dropped bombs
15 in Cambodia in order to withdraw from Vietnam>.
16 Some researchers said that about 100,000 Cambodian people died.
17 <That is an exaggeration. To me, the appropriate figure would be
18 about 40,000 people killed by the bombs -- 40, 000 people is a
19 lot already>. People were shivering; <Vietnamese, Cambodians, and
20 the Khmer Rouge soldiers were terrified and traumatized by these
21 carpet bombings. We all knew that the situation was extremely
22 difficult, and people ran away from the paddy fields to seek
23 refuge in Phnom Penh. There were about 3 million people. They
24 were afraid of being mistreated by the Khmer Rouge and they were
25 afraid of the Americans, who kept bombing them>.

15

1 [09.49.05]

2 So, <in April 1975 – on that "glorious day", as the Khmers
3 referred to it – many people had come to the city, and the
4 comrades told us to leave the city immediately because Americans
5 were going to bomb again>. As I told you, we had been traumatized
6 by <these bombings, so when people heard that they had to leave
7 the city to escape from the bombings, they were convinced, and
8 that is how they left the city>.

9 <We have to have an appreciation of the circumstances at the
10 time. There is no black and white. We have to understand history.
11 I told the Khmer Rouge that I was prepared to stay because I did
12 not want to leave Cambodia, that I wanted to remain here until my
13 death, but the Khmer Rouge told me that I would have to be
14 responsible for my own safety. At the time, I did not understand.
15 It meant that I would soon be killed. I was not used to the way
16 the Khmer Rouge spoke. They spoke differently from us>.

17 Q. Mr. Ponchaud, you already testified <about> the events you
18 bore witness to<. You testified about the bombings, and that you
19 lived near Kandal market, in a tall building>.

20 [09.50.42]

21 Can you please be more precise? <What was the distance from your
22 residence to the place where the bombs were falling>?

23 A. <I'm not sure I could be more specific, but I could see the
24 horizon glowing. The falling bombs were shooting out fireballs.
25 The> sounds of the bombs could be heard easily. So <I thought the

16

1 bombs were not falling far away from> Phnom Penh, that's why the
2 bombs could be heard when they were dropped. <The earth shook, so
3 I believed that the bombs were not falling very far from the
4 city. However, I am not a technician so I cannot give you a
5 clearer answer>.

6 Q. Thank you, Mr. Ponchaud.

7 You talked about the <influx of people into the city before April
8 1975. You said that you estimated that there were perhaps 3
9 million people in the city in April 1975. Where did all these
10 people come from>?

11 [09.52.36]

12 A. (Microphone not activated)

13 MR. PRESIDENT:

14 Mr. Ponchaud, could you please hold on? Wait a moment until you
15 see the red light on your mic, otherwise you <would> not be
16 heard.

17 MR. PONCHAUD:

18 A. <As Stalin said, 1 million, 2 million, those are just
19 statistics. At the time, we did not have accurate figures. We,
20 Catholics, helped hundreds of thousands of refugees who were
21 arriving every day>. I can't <say exactly how many people were
22 arriving, but I estimate that there were 2,000, three million,
23 3,000 people in Phnom Penh at the time. Many people slept on the
24 street and in pagodas>.

25 MR. PRESIDENT:

17

1 Q. What <did you think about> the way people lived <at the time>?
2 Did they have enough food to eat<? Did they have jobs? Did> they
3 live a decent life?

4 [09.53.52]

5 A. Life was miserable<. It was hard to survive. People> could not
6 make a living in <such chaos. Caritas, our organization, assisted
7 refugees,> and we also helped them grow <> vegetables on the
8 outskirts of the city <of Phnom Penh>. People did not have enough
9 to eat. <When the Khmer Rouge attacked, they wanted to protect
10 their territory. But most of them did not have anything to eat.

11 At the beginning, we could help them, but the assistance was very
12 minimal. We could only help them until January 1975. American
13 ships brought rice from Vietnam to Phnom Penh>.

14 On the 1st of January 1975, <at> midnight, <all weapons in Phnom
15 Penh started firing simultaneously.> I learned at that time that
16 Phnom Penh would soon be captured by the Khmer Rouge. Two <or
17 three> days later, <> Khmer Rouge soldiers crossed the Mekong
18 River, <food could no longer> be shipped from Vietnam<. American
19 planes air lifted rice and food from Bangkok. In early March 75,
20 the Khmer Rouge attacked Pochentong Airport, and the Americans
21 had to air drop food and rice by parachute. These parachutes
22 often fell in areas controlled by the Khmer Rouge>.

23 [09.55.58]

24 <So, from 1973 to the 17th of April 1975, life was miserable.
25 When the Khmer Rouge arrived in the city, we were terrified

18

1 because we know about the atrocities that the Khmer Rouge had
2 committed in the rice fields. But we had no other hope>.

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

4 Did you also have an opportunity to visit <> hospitals <before 17
5 April 1975>? If so, what was your impression concerning the
6 medical care <available at these hospitals, and how were patients
7 and the wounded treated, and what was your impression concerning
8 the distribution of drugs>?

9 A. <Under Lon Nol, I did not visit any hospitals because we all
10 had different tasks. I was working as a translator. I stayed at
11 home, working with a lot of difficulty I did not understand the
12 situation in the hospitals. I only heard about it from others>.
13 [09.57.31]

14 <We helped some lepers who were from Treang. We set them up at
15 Tuek L'ak in order to prevent the disease from spreading across
16 Cambodia. We created a leprosy hospital at Tuek L'ak and Ruessei
17 Keo. I didn't know any other hospitals because it was none of my
18 business>.

19 Q. Thank you. <Let's turn now to what happened as from 17 April
20 1975>.

21 Now, the <night> before the 17th of April, where were you and
22 what <were you doing>?

23 A. (Microphone not activated.

24 MR. PRESIDENT:

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

19

1 MR. PONCHAUD:

2 A. As I <have> already <said>, I <was> a <Catholic>, and from the
3 13th of <March or> April 1975 <- pardon me - we knew> that the
4 Khmer Rouge soldiers would capture Phnom Penh anytime soon<. I
5 was at the Cathedral, the current location of the Phnom Penh city
6 hall. The cathedral was a large and very tall building. The
7 location was not appropriate for it. In 1965, a friend of mine
8 said that if a nationalist government came to power, the
9 cathedral would be destroyed. In fact, it was the Khmer Rouge who
10 did it. I thank them for that. It was too tall. It was a shame to
11 have this cathedral that was as tall as a mountain, because it
12 dishonoured the Khmer>.

13 [09.59.58]

14 <I talked about this because every day we would climb this very
15 tall building and we could see Khmer Rouge soldiers approaching .
16 They torched houses and anything along their path. So we bet that
17 the Khmer Rouge would enter the city within two or three days. On
18 the 16th of April, I thought that it was about time the Khmer
19 Rouge came to the city. Mr. François Perez, the head of the Red
20 Cross and ICRC-International Committee of the Red Cross set up
21 some sort of shelter, at Wat Phnom, or Phnom Hotel - Le Phnom
22 Hotel, which is now Le Royal Hotel. In bold letters, it was
23 written: "This is an international shelter. Please come, this is
24 a demilitarised zone">.

25 So, I <and others who spoke Khmer were> asked <by François Perez>

20

1 to help translate into Khmer and from Khmer into French, and we
2 received <ministers, Khmers, and especially senior government
3 officials who wanted to take refuge there>. <All night, I
4 confiscated weapons from people's suitcases before letting them
5 in. These people were carrying large dollar amounts. I have
6 regretted a lot for having taken away weapons from the small
7 Rhade army which had created FULRO – the United Front for the
8 Liberation of Oppressed Races. The Khmer Leu wanted to gain their
9 independence. Some of them were fighting against the Vietnamese
10 and the Khmers. The head of FULRO was Y Bham. He and Colonel Y
11 Bun Suor took refuge there, and I had to disarm them. I had to
12 disarm them. I also had to take away his machetes, but I was very
13 sad because these people used these machetes to survive>.
14 <The whole night, I could hear rockets being fired from the other
15 side of the river, from Areyksat. Every five minutes, the Khmer
16 Rouge opened fire.
17 I have not yet told you that from 1972 to 1975, the Khmer Rouge
18 fired a lot of rockets at Phnom Penh. For example, to go and eat
19 at the present City Hall of Phnom Penh, I had to leave the
20 central market. When I came back, I saw seven dead bodies in my
21 house. The rockets had been fired a short while before. The seven
22 people were lying dead close to the wall of my house.
23 From 1973 onwards, the situation in Phnom Penh was absolutely
24 miserable and very difficult. There was no food, and the Khmer
25 Rouge continued firing rockets at the city every day.

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.

21

1 For example, in 1972, there were two ferocious battles in a
2 pagoda near Tuol Kork. I do not recall the name of the pagoda,
3 but it was not the Chumpu Voan Pagoda where Samdech Techo has had
4 a small pagoda built>.

5 [10.04.22]

6 The Khmer Rouge dropped bombs<, killing> about 200 people at Tuol
7 Svay Preah<>. In 1973, Khmer Rouge <again fired rockets and
8 reduced the whole neighbourhood to ashes>. All houses <went up
9 in> fire<. People> had no food and <> were terrified <and>
10 traumatized by this <lack of food and every day fighting by the
11 Khmer Rouge>.

12 Q. <You have already testified about 17 April 1975. We would like
13 now to ask you a few questions about the post-April 17 period,
14 although we suppose the parties will ask you supplementary
15 questions on that if they need clarification. The Chamber would
16 now like to ask you questions on the events of 17 April 1975. In
17 particular, we would like to know what happened in Phnom Penh,
18 what you saw on 17 April 1975. Please describe what you saw and
19 only what happened on that day>.

20 [10.06.04]

21 A. <On the night of the 16th and the morning of the 17th of
22 April, I was still at the Le Phnom hotel disarming government
23 officials and all those who were seeking to take refuge at that
24 international shelter. The next morning, I was at the present
25 City Hall and I could see hundreds, thousands of people arriving

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

22 [10.09.15]

23 <These people were trying to take advantage of the opportunity to
24 claim the victory for capturing Phnom Penh before the Khmer
25 Rouge. The man in the 404 and the young people waving a flag

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

1 The victors must stop fighting">.
2 [10.12.42]
3 <That was a little before 10 o'clock. And at about 10 o'clock, it
4 was as if a fish net had been cast over the entire city. I no
5 longer heard any sound of gunfire. I am not saying that the Khmer
6 Rouge did not kill anyone. But I did not hear any sound of
7 gunfire for a whole day. At 11 o'clock, I witnessed an
8 unforgettable event. I saw hundreds of sick people, wounded
9 people leave the city passing in front of my house. Disabled
10 people were crawling on the street like worms. One of the
11 disabled people ask me if he could stay at my place, and I told
12 him no, that he must move on because if he stayed he would die in
13 any event>.
14 <We could not help any of the patients. It was a shame not to be
15 able to take in the wounded and I still feel ashamed to this day.
16 Thus, hundreds of wounded people were sent to the rice fields. I
17 heard people say that if the injured did not want to leave the
18 city, the soldiers would kill them with bombs>.
19 <Around noon, I heard that the Khmer Rouge had expelled the Cham
20 from Phnom Penh. I was happy because if the Cham were allowed to
21 leave the city, they could return to their hometown. That was
22 very good. Then, at about 2 p.m., I saw Khmer Rouge soldiers
23 dressed in black. They told us to leave immediately, out of fear
24 of American bombing. I do not recall whether the announcement was
25 made by loudspeaker or using a helicopter. But as I told you

25

1 earlier, I believe civilians were very afraid of the aerial
2 bombardment by the American army, and therefore they had to
3 leave. They left by themselves, freely. I told them that I was
4 prepared to die. They told me that I would bear personal
5 responsibility>.

6 [10.15.57]

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

23 [10.17.38]

24 <I wanted to return to my home at the market with Ta Vine, a
25 Second World War veteran. We met Khmer Rouge, and they looked at

1 us in the eyes and said, "You too!" We dared not continue. We
2 turned back. The Khmer Rouge could threaten simply by their cruel
3 look. Those were the events of 16 April and on the night of 17
4 April.
5 Finally, at nightfall, a military unit of 10 members led by three
6 persons – a leader, a deputy leader and a member – came to our
7 house and wanted to stay with us. When they arrived, they gave us
8 an unpleasant look, but because we spoke Khmer, they became nice
9 to us. Their leader asked us if we knew Hélène's mother. She was
10 the wife of Bizot – whom, Mr. President, you have called to
11 testify before this Chamber. We said she lived 200 metres away.
12 However, she was not there because she was prohibited from going
13 out at night>.
14 [10.19.13]
15 <The whole night, we spoke with these Khmer Rouge soldiers. We
16 spoke to them easily. They were young people who had not yet been
17 fully indoctrinated. These young Khmer Rouge wanted to learn how
18 to drive. Well, they tried to drive. When they finally hit a
19 tree, they cursed the vehicle: "Why don't you know the road?"
20 They were dumb and ignorant>.
21 <That night, we did not want to sleep because we were very
22 apprehensive. We played with these Khmer Rouge the whole night,
23 and they appeared friendly to us. On 18 April, the leader of the
24 unit told me that Angkar had asked his group to go to the train
25 station, which was about 300 metres away. I looked at my friend,

1 raising my eyebrows. So I drove the Khmer Rouge in my car, acting
2 like a tour guide. I said to them: "This is the house of the
3 contemptible Long Boret, that is the house of the Queen." Their
4 eyes widened. "This is the Independence Monument." There were
5 several thousand Khmer Rouge soldiers at the Independence
6 Monument. "This house belongs to the Royal Family", and so on and
7 so forth. Then we drove past the Royal Palace, and I noticed that
8 there were still Lon Nol soldiers putting up resistance at that
9 location. The Khmer Rouge were frightened, and I told them not to
10 be afraid because everything would be alright. We continued, and
11 they asked me: "But where are the American soldiers?" I told
12 them: "But no" - that there were no American soldiers. The Khmer
13 Rouge thought American soldiers were everywhere>.

14 [10.21.28]

15 <We took Kramuon Sar and we noticed that there were Lon Nol
16 soldiers exchanging fire with Khmer Rouge soldiers. The Khmer
17 Rouge soldiers became a bit frightened. We went to the train
18 station after driving around Phnom Penh to show them around.
19 Their leader scolded them very violently, and we fled.
20 The reason I am describing all of this to you is because I would
21 like the Chamber to understand very well that on the 17th of
22 April the Khmer Rouge evacuated the population from the city, at
23 least from the Chinese quarter. From the train station to the
24 Independence Monument, the Royal Palace and up to Kramuon Sar
25 Street, I saw no one. Khmer Rouge soldiers broke into houses and

28

1 took away what was inside. Then I fled to the French embassy>.

2 Q. Thank you. <You just talked about the order given by the Khmer
3 Rouge, but you do not recall whether the Khmer Rouge used
4 loudspeakers or megaphones to tell the citizens of Phnom Penh to
5 leave. That is what you said earlier -rather, what you said just
6 now>.

7 A. (Microphone not activated)

8 Q. <Do you recall the words used by the Khmer Rouge to tell the
9 population to leave the city? What exactly did they say>?

10 [10.23.33]

11 A. They said, "<Comrades, you must leave quickly. The Americans
12 are going to bomb the City. Go 10 or 12 miles away, don't take
13 much with you, don't bother to lock up; Khmer Rouge soldiers are
14 not thieves. You'll return in two or three days, as soon as we've
15 cleaned up the city>."

16 <Basically, that is what they said and what I still remember>.

17 Q. <Was the announcement to evacuate made by a single person or
18 by different groups? Did they make the announcement everywhere in
19 the city, or was it made only by a single group>?

20 [10.24.40]

21 A. <At the time, one thing came to my mind, because I saw
22 black-clad Khmer Rouge soldiers asking people to leave, and they
23 asked us to leave. I told them, "I do not want to leave. I want
24 to die in Cambodia." Other Khmer Rouge told us to stay. Then I
25 saw another group of Khmer Rouge soldiers dressed in green. So

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1 there was another group of Khmer Rouge. The thought crossed my
2 mind that they were a completely anarchical and that they were
3 not organized at all. I have been in the army and I know that
4 soldiers have to wear the same uniform. Some of them were dressed
5 in black, others in olive green. Others were carrying different
6 types of guns. In fact, I noticed a group of six - or, rather,
7 six different groups of soldiers who were meeting near the train
8 station. This raised doubts in my mind. They may have had
9 loudspeakers, but I do not remember>.

10 Q. <What did you think when you heard the Khmer Rouge tell the
11 population to leave the city for three or four days for fear of
12 bombing? What did you observe? When the people left the city,
13 could they go freely in whatever direction they wanted or did
14 they have to follow a specific direction ordered by the Khmer
15 Rouge>?

16 A. (Microphone not activated)

17 [10.26.51]

18 MR. PRESIDENT:

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

22 MR. PONCHAUD:

23 A. <Those who were in the northern part of the city had to go
24 towards the north, those who were in the southern part of the
25 city had to travel towards the south, those who were in the

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

4 <Now, I remember a young boy, who is now the owner of the La Gare
5 Pharmacy. He was 12 years old and he was crying in front of my
6 place of work. I asked him why he was crying, and he said, "My
7 mother is having a baby in the South." And he wanted to go and
8 see his mother but he couldn't go because we had to comply with
9 the orders of the Khmer Rouge. I told him to take my bicycle and
10 go and see his mother. There was no turning back>.

11 <People were very upset, very sad. When you looked at their
12 faces, you could see that they were very sad, even the poor. They
13 did not want to leave, but the Khmer Rouge pressured them - not
14 only by force of arms, but also by their look which frightened
15 us. We had to obey their orders. No one was happy, even though
16 the Khmer Rouge were telling everyone to leave only for three
17 weeks>.

18 [10.28.23]

19 Q. <You said - you repeated a few words used by the Khmer Rouge
20 and said that their look frightened people. Was that enough to
21 cause people to leave the city, or did the Khmer Rouge use arms
22 or other means to force the people to go in the direction
23 indicated by them?>

24 A. <As I recall, the Khmer Rouge did not use any physical force
25 to evacuate the population - or at least not where I went. We

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1 could not move, for example, around the central market. But where
2 I was, I did not see the Khmer Rouge use physical force or shoot.
3 They did not escort the evacuees. They simply ordered people to
4 leave, and people had to leave>.

5 [10.29.33]

6 <Psychologically, we were scared of the Khmer Rouge. The people
7 of Phnom Penh had been bombed day and night, especially on the
8 16th of April. That is why they believed this information. The
9 17th of April was supposed to be a day of peace. They knew that
10 the Khmer Rouge were not that bad, that they were not going to
11 kill their own people, and that they were no longer going to be
12 bombings. That is why they obeyed the orders of the Khmer Rouge.
13 They were sad. They did not want to leave, but they had to. I did
14 not witness any killings or use of physical force. I have not
15 said there were no deaths, but I did not see the Khmer Rouge
16 kill>.

17 [10.30.22]

18 Q. <You have testified that you did not witness any execution or
19 killing, but you also said that you accompanied and drove Khmer
20 Rouge soldiers all the way to the Independence Monument, the
21 Royal Palace, Kramuon Sar Street, and to the train station. You
22 said that the Khmer Rouge soldiers were scolded by the
23 commanders.

24 Can you tell the Chamber whether, during this drive, you saw
25 Khmer Rouge soldiers use violence against the people of Phnom

1 Penh? During your short drive with the Khmer Rouge soldiers to
2 the Independence Monument and the Royal Palace, did you see any
3 corpses>?

4 A. <I did not see any corpses. Some remnants of the Lon Nol army
5 were ambushing Khmer Rouge soldiers in front of the Royal Palace
6 and on Kramuon Sar Street. The war was not yet over>.

7 <Regarding your question about how people were treated, how
8 people were evacuated, it was beyond imagination. People were not
9 well treated. The Khmer Rouge treated the evacuees with
10 brutality>.

11 [10.32.17]

12 <I had to get out of the French embassy on two occasions.

13 A few days later, on the 21st or 22nd April, I had to leave the
14 French embassy in order to survey the situation. I went to City
15 Hall. I found that it was occupied by the Khmer Rouge. I spoke to
16 them, and they let me go upstairs, but I only saw Khmer Rouge
17 soldiers. I saw no one else. The next day I again left the
18 embassy and I met female Khmer Rouge soldiers. I was very
19 frightened and I fled because they were even nastier than their
20 male counterparts.

21 About 10 days later I went up to Preaek Pnov in search of French
22 citizens who had left the city with the population. The Khmer
23 Rouge gathered together French citizens who were religious
24 followers. I then became an interpreter at the gate of the French
25 embassy. I took the opportunity to find out about what was

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1 happening at Preaek Pnov. The road between Phnom Penh and Preaek
2 Pnov was empty, but I saw hundreds of thousands of people in the
3 rice fields in Preaek Pnov. They were waiting, but I don't know
4 what for. Again I did not see any dead bodies.

5 I am not saying that nobody died during the evacuation, but
6 simply that I did not see any dead bodies>.

7 MR. PRESIDENT:

8 Thank you, Mr. Witness.

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

11 Court officer is now instructed to assist Mr. Ponchaud during the
12 adjournment and have him returned to the courtroom by 10 to
13 11.00.

14 (Court recesses from 1034H to 1065H)

15 MR. PRESIDENT:

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

17 BY MR. PRESIDENT:

18 Q. Mr. François Ponchaud, before we broke, you told the Court
19 that you took refuge in the French embassy. And then you were
20 evacuated and you <took> National Road Number 5 <> and <> reached
21 kilometre 13, in search <of> your friends who were foreign
22 nationals <and> Catholic. And you intended to <take them to> the
23 French embassy<>. So you left the embassy<, took> National Road
24 Number <5, passing through kilometre> 6 <>, <and arrived at>
25 kilometre <13>. Who did you go along with? And how did you go

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1 there?

2 MR. PONCHAUD:

3 A. There were two Khmer Rouge soldiers and another French
4 national who was a teacher. He was the driver. <Besides him,
5 there were two Khmer Rouge soldiers>.

6 [10.58.34]

7 <>I went all the way to Preaek Pnov. I did not see anyone <on the
8 streets>. But when I reached Preaek Pnov, I saw <hundreds of
9 thousands of people in the rice fields>.

10 Q. <From your observations as you were travelling to Preaek Pnov,
11 what was the situation? Did you see dead bodies lying everywhere?
12 Did you see people>?

13 A. No, I did not see any corpses. I <am not saying> that there
14 was no dead bodies, <just that I> did not see <any>.

15 Q. <Did you witness any incidents on your way to Preaek Pnov –
16 for example, evacuees being arrested by the Khmer Rouge
17 soldiers>?

18 [10.59.54]

19 A. None. I did not see any – anyone – not even <> Khmer Rouge
20 soldiers <nor> civilians<>.

21 Q. <When you reached kilometre 13, at Preaek Pnov, did you go and
22 meet the people there when you saw many people, as you have said?
23 Did you mingle with these people or did you just see them from a
24 distance>?

25 A. <I stayed inside the car. I did not get out of the car. I was

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

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

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

10 [11.01.48]

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

13 A. <The 18th of April was a glorious day for the Khmer Rouge.
14 That day, we had nowhere else to stay. We slept under bamboo
15 bushes>.

16 Q. <Can you describe your living conditions and those of the
17 people who were at the French embassy? Can you describe to the
18 Chamber what the situation was like inside the embassy at the
19 time? Can you tell the Chamber the different types of people who
20 took refuge at the embassy? Can you tell the Chamber anything, if
21 you can still remember, that happened at the French embassy>?

22 [11.03.12]

23 A. <There were some 500 foreigners at the French embassy. There
24 were Americans, including the head of the CIA. There was one
25 Laotian. There were 500 foreign nationals and some 500

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1 Cambodians. The Cambodians who took refuge at the embassy were
2 mostly former high ranking officers of the previous regime, such
3 as Di Balong and Di Balen. There were a few others, but I do not
4 recall their names. There were others whom I disarmed on the 16th
5 of April and who had taken refuge at the embassy>.

6 [11.04.04]

7 <A few days later, on the 18th or 19th of April – and if you may,
8 I would like to describe what happened on the 18th and 19th of
9 April. We talked to Khmer Rouge soldiers who wanted to enter the
10 French embassy. We told them that the embassy was the sovereign
11 territory of a foreign government – "extraterritoriality". We
12 tried to explain it to them, but they could not understand. On 20
13 April, a soldier who was quite older called a meeting of all
14 foreign nationals staying at the embassy. He said that Comrade
15 Khieu Samphan wanted to meet all comrades but that he could not
16 come because he was very busy reorganizing the Revolution. He
17 added that Khieu Samphan had sent his apologies for not having
18 the time to come and greet all of us and was appealing to all
19 Cambodians to go and rebuild the nation with their fellow
20 compatriots>.

21 <Cambodian women who were married to French men could remain at
22 the embassy. As for men, they had to leave the embassy to go and
23 work with the Cambodian people.

24 So the situation on 20 April was very depressing. Twenty to
25 twenty-five Cambodians who were married to French women had to

1 leave the French embassy, leaving their wives behind. The men had
2 to go to the rice fields, and the women could remain at the
3 embassy with pupils and children>.

4 [11.06.27]

5 <A very young French woman whose husband was a former nurse at
6 Calmette Hospital chose to leave with her husband and has since
7 disappeared>.

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

11 <The 20th of April was the hardest day, especially for women and
12 for children who had lost their father. People were separated
13 from their loved ones. Those who left the embassy went to the
14 Lambert Stadium. Later I learned that Angkar had separated the
15 military commanders from civilians, among whom were members of
16 FULRO>.

17 [11.07.47]

18 <I gave encouragement to Y Bham and Y Bun Suor, for whom I had a
19 certain affection. In fact, they are perhaps dead. I heard that
20 they killed only the military leaders, and not civilians.

21 On 19 April, there were soldiers in front of the embassy
22 requesting that the Embassy surrender the seven "super traitors":
23 Prince Sirik Matak, Boun Hor, President of the Senate, Monivan, a
24 wife of Samdech Sihanouk, and four other persons whose names I do
25 not recall. We wanted to protest, but they pointed their weapons

1 - their AK-47s - at us and ordered the Embassy to surrender the
2 seven "super traitors". We had no choice. They said that if we
3 did not hand them over, we would also be shot. We had to hand
4 over these people. We do not know what happened to these people.
5 Some have said the Khmer Rouge took them out to the market and
6 killed them. Others have said they were killed at the sports
7 complex. I did not witness it myself, but I heard about it. On
8 30th of April, the Khmer Rouge sent a certain group to the
9 border. Some 500 Pakistanis were sent to the border>.
10 [11.10.08]
11 <We were the last to leave. We left on 7 May 1975. We took
12 National Road Number 4 and we arrived at Angk Snuol before
13 arriving in Kampong Speu province. We travelled through Udong,
14 Amleang, up to Kampong Chhnang. At Kampong Chhnang, Angkar
15 provided us with sufficient food. They were friendly to us>.
16 <The next morning we were sent to Pursat by truck. When we
17 arrived in Pursat, we changed trucks. Then some 10 to 15 km
18 before Battambang, Angkar allowed us to rest. We drove through
19 the Battambang provincial town at night. We reached Thma Koul at
20 dawn. We reached Poipet at 6 a.m. So, from the French embassy to
21 the Thai border, I did not see anyone, not even Khmer Rouge
22 soldiers>.
23 <I did not see civilians in Phnom Penh, in Udong, in Kampong
24 Chhnang or Pursat. Throughout the journey, I did not see a single
25 person. We had the impression we were leaving a ghost country. I

1 did not see any dead bodies. Once again, I am not saying that
2 they did not kill anyone, but I just did not see any dead
3 bodies>.

4 [11.12.05]

5 Q. Thank you. Just now you said that <> a certain group of people
6 <were forced> to leave the French embassy<, among whom were>
7 Cambodian men with French wives. They were supposed to go out to
8 the field to <rebuild the nation> with the people. And another
9 group <called - that they called the> seven "super traitors".
10 <You mentioned some> of them by name.

11 So, my question to you now is: When they <separated these
12 couples> - the Cambodian <> with <> French wives - how many of
13 them <were there>? And how did they get them out of the French
14 embassy? Or <did> they simply <order them to leave the embassy
15 and march> to the countryside<? Did they provide any type of
16 transport to take them away from the> embassy? Can you enlighten
17 the Court on that?

18 A. <These seven "super traitors", I did not see them personally.
19 François Bizot was at the gate, while I was at the back of the
20 French embassy. I only heard that they were forced to leave and I
21 heard that Sirik Matak was very dignified when he said goodbye to
22 the Consul>.

23 [11.13.50]

24 And as for the Cambodian men who had <> French <wives>, they had
25 to leave with all Cambodian civilians. <There were over 500

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1 Cambodian nationals, including members of FULRO>.

2 I told the Cambodians who were inside the French embassy <that

3 they had> to leave <because> sooner or later the Khmer Rouge

4 would come and <kill> them, so <it was better for them> to leave.

5 <There was one old man by the name Tep; I told him not to leave.

6 I told him that if he left the embassy, he would probably be dead

7 the next day, but if he stayed at the embassy, he might live for

8 another two weeks. However, he did not listen to me because his

9 wife, a French Cambodian, pushed him to leave>.

10 <So, all Cambodian nationals left the embassy on foot and went

11 into the Lambert Stadium, the old stadium.

12 Later, I heard that the Khmer Rouge had separated military

13 leaders from civilians. Personally, I did not witness that. I was

14 told that the military leaders were executed at the old stadium.

15 That is what I was told. I did not witness it>.

16 Q. You said that Sirik Matak, before <leaving on the orders of

17 the Khmer Rouge>, <spoke> with the French <Consul>. Do you recall

18 the <Consul>'s name?

19 [11.15.55]

20 A. <I was the Consul's interpreter.

21 Diplomatic relations between France and the Lon Nol

22 administration were not clear. Before, diplomatic relations

23 between Cambodia and France were at the ambassadorial level.

24 Problems arose between the two governments, and the Lon Nol

25 government withdrew its ambassador from France. The French

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1 government then withdrew its ambassador from Cambodia because it
2 was Cambodia's fault. As a consequence, France was only
3 represented by a chargé d'affaires in Cambodia. The French wanted
4 to recognize the Khmer Rouge because the Khmer Rouge were
5 together with Samdech Sihanouk. That is why diplomatic relations
6 at the time were reduced to the chargé d'affaires level, and
7 there was a consul, Jean Dyrac, and then his function was reduced
8 to that of vice-consul>.

9 <So, diplomatic relations between France and Cambodia were at a
10 low level because France was waiting for the Khmer Rouge
11 government to take over. I heard that the Khmer Rouge had
12 established relations with the French government; however, I was
13 not certain about this>.

14 [11.17.30]

15 Q. <You were the interpreter. Were there any pleas for those who
16 were at the embassy to be granted the right to seek asylum at the
17 French embassy, where Jean Dyrac was Vice-Consul, as you said
18 earlier? Were any pleas made for those people to be afforded
19 diplomatic protection>?

20 A. <No, no such pleas were made. There were no negotiations. We
21 wanted to negotiate, but the Khmer Rouge were not prepared to
22 negotiate because they were of lower rank. Later, higher level
23 Khmer Rouge cadres came and asked us questions>.

24 You may ask Mr. François Bizot because he <may be able to>
25 respond to this question more clearly because he <was in contact

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1 with> the Khmer Rouge. And as for myself, I <was in contact> with
2 the Cambodians who were <at> the French embassy<>.

3 [11.18.51]

4 Q. You also said that <there were nationals of several countries>
5 in the French embassy, <> not only <> French and Cambodians
6 <nationals>. <Could you briefly> tell the Court <what
7 nationalities took refuge at the embassy>?

8 A. (Microphone not activated)

9 MR. PRESIDENT:

10 Please, Mr. François Ponchaud, the mic is not on yet. Please wait
11 until you see the red light on the mic.

12 MR. PONCHAUD:

13 A. <There were nationals of various countries. There were
14 Laotians, I guess, South Vietnamese; Americans in the residence
15 of the ambassador; among them was the CIA station chief. I was
16 quite surprised because the Khmer Rouge were very courteous to
17 the foreigners. They did not mistreat any foreigner. The CIA
18 station chief thought Angkar was going to kill him. That is why
19 he wanted to accumulate merits before he died by being kind to
20 the refugees. However, Angkar did not mistreat us. It was
21 surprising to see that Angkar did not mistreat any foreigner>.

22 [11.20.27]

23 <At the time, I was about 32 or 33; I was used to living in the
24 countryside. But for the French or other foreigners who were
25 older, that might have been a problem. I was young, and as such I

1 did not have any problem and I thought that the Khmer Rouge were
2 very courteous to us in their own way>.

3 BY THE PRESIDENT:

4 Q. Besides the French embassy, to your knowledge, <did people
5 take refuge elsewhere, in other embassies in Phnom Penh>?

6 A. <No, there was no other embassy.

7 Well, there was the embassy of the Soviet Union, as it was called
8 back then - not Russia. The Soviets arrived in Phnom Penh by air
9 on the 16th of April. There was a poster on the gate of the
10 Soviet and East German embassies saying, "We are Communists, we
11 are your brothers. Come forward with a French speaking
12 interpreter." Khmer Rouge went into the Soviet embassy, opened
13 the fridge and removed eggs and dropped them on the floor one by
14 one, and then told the Soviets, "You are not true Communists. We
15 are true Communists. A true Communist does not eat eggs; he puts
16 a hen on them to hatch them so he can eat the chickens later, at
17 a meal shared with his fellows.>

18 [11.22.41]

19 <Then the Khmer Rouge took the Soviets away. As far as I could
20 remember, they took a Soviet woman and two Soviet men, and one
21 East German national. They were frustrated. The East German
22 national said, "I am a Communist, a former officer of the
23 Wehrmacht, once I was made a prisoner by the French and now I'm a
24 prisoner with the French">.

25 <There were also two French couples, Jérôme and Jocelyne

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

12 Thereafter, they remained completely silent>.

13 [11.24.46]

14 <Q. Thank you->

15 <A. (Microphone not activated)>

16 Q. Mr. François Ponchaud, <how many foreigners of various
17 nationalities, including the French, were left at the French
18 embassy after the departure of the seven "super traitors" and
19 Cambodian men with French wives>?

20 A. <There remained around 500 people, both Cambodian nationals
21 and foreigners. Then there were the 500 odd Pakistanis who came
22 maybe in early May. Angkar gathered all foreigners in order to
23 separate them from the population that had to take part in
24 rebuilding the country>.

25 Q. <You said that trucks took the foreigners from the French

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1 embassy to the Cambodian-Thai border. I would like you to expand
2 on this. You talked about a convoy of trucks. Were the trucks or
3 the transportation by truck organized by the Khmer Rouge
4 soldiers? Please describe the day of the first departure.>

5 [11.26.57]

6 A. <The first departure was on the 30th of April, and then the
7 second wave on the 7th of May. Around the 23rd or 24th, François
8 Bizot was the negotiator with the Khmer Rouge and he told me that
9 he had met with Khmer Rouge leaders. I do not know what level of
10 the Khmer Rouge hierarchy he negotiated with, but he told me that
11 the Government of France had agreed to provide airplanes to take
12 the foreign nationals out of the French embassy and that the
13 Khmer Rouge were very angry. He was upset. He said the Khmer
14 Rouge did not agree with the idea of imperialist means of
15 transport and chose to take them by truck on 30 April,
16 particularly those who were very vulnerable. Well, the CIA chief
17 of station, whom we thought had died, pregnant women or women
18 with children, and the elderly had to leave first. The first day,
19 we received no information; the second day, still no news; third
20 day, no news either. We wondered whether the Khmer Rouge had
21 already killed all of them and whether we would be killed also.
22 On the fourth day, I heard that those people had reached Poipet.
23 And then, on the 7th of May, it was our turn to leave.>

24 [11.28.54]

25 <Please allow me simply to congratulate or to say a few words of

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

14 [11.30.15]

15 Q. Thank you. <You spoke about the evacuation of foreigners. The
16 first group left on the 30th of April 1975. You said you left the
17 embassy on the 7th of May 1975. When you were expelled, were you
18 part of the last group>?

19 A. <Yes, indeed. I had to hand over the keys to the embassy to
20 Comrade Nhiem, who was the head of the Northern sector of Phnom
21 Penh. No one remained at the embassy. Comrade Nhiem told me to go
22 to France and return me after the country would have been cleaned
23 up. He said they would welcome us after the country would have
24 been properly reorganized. After that, there were no French
25 nationals in Cambodia>.

1 Q. <When foreigners were expelled from the French embassy, were
2 they escorted by soldiers or armed men? Did you travel by car
3 directly from Phnom Penh to Poipet on the Cambodian-Thai border
4 or did you change vehicles on the way>?

5 [11.32.09]

6 A. We wanted to travel <by> foot because we <wanted> to know <the
7 living conditions> in the countryside, but we were not allowed to
8 walk; we had to take <> vehicles. <We saw not a single soul. We
9 took GMC trucks. Khmer Rouge soldiers had to remain standing in
10 the truck with us. We had to cross several creeks, bridges, and
11 rivers. We spent a night in Kampong Chhnang, where we had a very
12 nice meal. The next morning, at 8 o'clock, we reached Pursat. One
13 of the bridges had collapsed, so we had to stop there for a
14 while. The Khmer Rouge allowed us to pick fruits or coconuts if
15 we wanted, as there was absolutely no one, but we didn't dare do
16 it; we were worried that we would get ourselves into trouble>.
17 <We crossed Pursat River, and then switched to passenger buses
18 that could each accommodate about 80 people. We were welcomed by
19 other Khmer Rouge who were older than those who had escorted us
20 up to that point. From then on, there was only one soldier per
21 vehicle. On the truck, a soldier told me that he would have liked
22 me to help him to go to France. From that moment I understood
23 that even Khmer Rouge cadres were afraid of the Khmer Rouge. He
24 did not want to stay with the Khmer Rouge>.

25 [11.34.38]

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1 Q. Thank you. <To the best of your recollection, on what date and
2 at what time did you cross the border at Poipet>?

3 A. (Microphone not activated)

4 MR. PRESIDENT:

5 Mr. Witness, could you please hold on?

6 MR. PONCHAUD:

7 A. I don't remember whether I left Phnom Penh on the 7<th> of May
8 or <whether> I reached the border on the 7<th> of May, but <I
9 remember that we arrived at the border at around 9 a.m.>. <> I
10 had to carry <suitcases, bags> belonging to a consular
11 official<.> I was smiling. <On the Cambodian side, no one asked
12 me anything. But Thai officials stamped my passport. I was
13 allowed to leave the country easily>. A French man, Mr. Laporte,
14 <now deceased, who was> married to a Cambodian woman<, did not
15 want to take his wife with him to France. His wife was screaming.
16 He crossed the border, leaving his wife in Cambodia>.

17 BY THE PRESIDENT:

18 Q. When you reached the border, did you <notice whether the>
19 Khmer Rouge <soldiers were> vigilant<? Were they strict?>

20 A. There were <no> soldiers<, except for the two or three who had
21 accompanied us to the border>. It was very peaceful; it was like
22 a graveyard. We thought we were leaving a ghost country>. <There
23 were no soldiers. It was peaceful>.

24 [11.36.41]

25 Q. Thank you. I have <one> final question for you<. I skipped

1 it;> I should have asked <it> already<. In any case, I will ask
2 it now.>

3 <Mr. Ponchaud, you talked about peace negotiations with Khmer
4 Republic leaders, including Mey Sichan and Samdech Sangha Raja
5 Huot Tat. You testified that there had been negotiations>.

6 <How did you know that? How many Khmer Republic representatives
7 were involved in the negotiations? And how many Khmer Rouge
8 representatives were involved? And where did the negotiations
9 take place>?

10 A. Actually, there <were> no <> negotiations. Mey Sichan <wanted>
11 the soldiers to surrender<. He wanted the Khmer Republic soldiers
12 to lay down their arms. There were no negotiations>. Samdech Huot
13 Tat advised everyone to unite to work together to rebuild the
14 country.

15 [11.38.20]

16 <But later, someone who was probably from the Lon Nol regime said
17 he had come to negotiate with the Khmer Rouge. He was dressed in
18 black. While he was speaking, we heard an announcement over the
19 microphone saying, "We are not here to negotiate. We have won the
20 war. You must obey our orders." We then understood that there
21 were no negotiations and that the victorious Khmer Rouge did not
22 want to negotiate>.

23 Q. <Where did this happen? What happened to the Khmer Republic
24 representatives? Do you know>?

25 A. <At the Ministry of Information, according to what I was told,

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1 near the train station, on Kramuon Sar Street. I think it
2 happened there. I also heard that Long Boret surrendered. And I
3 also heard that Long Boret was executed, but this is something I
4 only heard about>.

5 MR. PRESIDENT:

6 Thank you, Mr. Ponchaud.

7 I would like to know whether fellow Judges of the Bench wish to
8 <question> the witness.

9 Judge Lavergne, you may now proceed.

10 [11.40.01]

11 QUESTIONING BY JUDGE LAVERGNE:

12 Yes, thank you, Mr. President.

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

15 I would like to ask you if it's possible to speak a bit more
16 slowly. Interpreters are in the - are in the booth and they must
17 <perform> their task, and if you speak too fast, it's going to
18 become extremely difficult. So, I also <understand> that the
19 interpreters are requesting that we use only one <> language. I
20 don't know if they only want to use French<>, but in any case, I
21 think what we should avoid is that you <> speak in French and in
22 Khmer at the same time. So, of course, you're free to use the
23 language you wish, but please speak slowly. Thank you.

24 [11.41.12]

25 Q. So, I, indeed, have a few questions to put to you and I'd like

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1 to revisit your personal history.

2 You explained to the Court that you arrived in Cambodia a while
3 ago, in 1965. And prior to that, you had studied, I imagine, in
4 order to become a priest. And I also understand that you had been
5 a soldier and that you took part in difficult events, because I
6 understand that you were a paratrooper during the Algerian war.
7 So, can you confirm this?

8 MR. PONCHAUD:

9 A. (Microphone not activated)

10 JUDGE LAVERGNE:

11 Please pay attention to the microphone because-

12 MR. PONCHAUD:

13 A. In France, when we are 20 years old, we were obliged to join
14 the army, and I was conscripted and I belonged to a parachute
15 unit in the army - in the regular army<>, and I had to serve in
16 Algeria for two and half years. And from then on I started to
17 hate war because <it was a source of> destruction.

18 [11.43.06]

19 BY JUDGE LAVERGNE:

20 Q. Now, regarding your experience in Cambodia - and I noted this
21 and I'd like you to confirm this, that when you arrived you
22 <lived first> in Phnom Penh <- on the Chrouy Changva peninsula,
23 to be exact -> and you <then moved to> a community called Moat
24 Krasas. I'm - I apologize for my bad pronunciation in Khmer, but
25 - but I also understood that you <then> went to Stung Treng and

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1 that you were - then went to work in Battambang and at Kdol Leu,
2 which is north of Kampong Cham. And then you worked in Kampong
3 Cham itself, and then you arrived in Phnom Penh. Is this true?
4 And can you tell us when you were in Battambang, and when you
5 were in Kampong Cham, and why you left Kampong Cham?

6 A. <There was a governor -> a bishop, rather, and we had to learn
7 Khmer<, Buddhism, and customs> for three years<. I lived close to
8 Chrouy Changva, near Pasteur Hospital, for the first six months>,
9 and I spoke French a lot. And <I moved> to the countryside <to
10 live> with the peasants. <I lived there for two months>.

11 [11.45.13]

12 And then I came to Phnom Penh in 1966, <on 1st> September, to
13 <welcome De Gaulle>, and <later I> moved to <Stung Treng to meet
14 my old friends and> to continue learning Khmer.

15 And at Stung Treng I heard that the Americans <had> started
16 bombing the Ho Chi Minh Trail. <The> Ho Chi Minh was about 80 to
17 100 kilometres <> away from Stung Treng, but I could hear bombs
18 being dropped by the Americans; about 1 million tons of bombs
19 were dropped. And <the contemptible> Kissinger - according to the
20 documents we read that were <released> last year, Kissinger
21 <proposed to> Nixon to use <an> atomic bomb to destroy <the> Ho
22 Chi Minh Trail. <That's incredible, when one considers that
23 Americans held themselves up as defenders of human rights in the
24 world.>

25 At that time, Samdech Sihanouk, <> intentionally or not<>, from

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1 1965, allowed the Chinese <> and Soviet weapons <to be>
2 transported <to Phnom Penh, to Neak Loeang, and from Neak Loeang
3 to Memot and Stung Treng>.

4 [11.47.17]

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

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

18 A. In 1966 and <1967, when I was in Stung Treng,> I saw <Viet
19 Cong – no, not Viet Cong,> North Vietnamese<,> and I also saw
20 weapons being transported <on the road to Sihanoukville>.

21 [11.49.23]

22 <I asked to be sent to Battambang because in Battambang
23 Christians spoke a marvellous form of Khmer which was different
24 from ordinary Khmer. So I went to Battambang because there was a
25 Catholic community there dating back to 1782. I stayed in

1 Battambang for six months, studying the Khmer language used by
2 these Christians.

3 Then the head of the community asked me to go to Kdol Leu. I
4 stayed there for one and a half year; then the head of the
5 community asked me to move to Kampong Cham. It was on the 15th of
6 August. I remained in the province until the war broke out – that
7 is, when Sihanouk was toppled – on the 17th or 18th of March
8 1970>.

9 [11.50.55]

10 On the 29th, people came from the East, <arriving in Phnom Penh
11 from Kampong Cham. They were intercepted by Lon Nol soldiers, who
12 executed them in the hundreds. The Lon Nol government also
13 executed innocent Vietnamese. Crimes of genocide had already
14 been> committed in 1970, when about 2,000 people were executed.
15 The Lon Nol government <> killed unarmed and innocent Vietnamese
16 civilians <because North Vietnam invaded Cambodia>.
17 <Together with> the bishop, we met Mr. In Tam, who was <> Kampong
18 Cham's Governor, and I asked him for permission to bring the
19 Christian Association and Christians <> back to Kampong Cham. <At
20 Phnom Angkor Chey, our two motorboats sustained mortar fire>. And
21 when I reached the riverbank, I saw <> South Vietnamese troops,
22 who asked me what nationality I was. <One soldier> asked whether
23 I was American, and I said I was French.

24 [11.52.57]

25 <Then, the Vietnamese asked the people on the boats to listen to

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1 the speeches delivered by King Norodom Sihanouk from Peking on 23
2 March 1973. Norodom Sihanouk appealed to all Cambodians to take
3 to the maquis>. People did not know what "maquis" <> was at <the>
4 time. <They did not know that "maquis" meant "forest". And I
5 heard it with my own ears.>
6 <When I returned from going to welcome Vietnamese Christians>, I
7 was also fired at <by Lon Nol soldiers,> and I was warned not to
8 <return> to Kampong Cham <> because <> if I did <I could be
9 caught in a crossfire>. So I did not take the boat to Kampong
10 Cham; I took a motorbike<, going through the forest by Sala Da>.
11 <I was asked to go and tell my bishop in Phnom Penh that this
12 time I was lucky because I was not killed by the Viet Cong but
13 that the next time I would end up being killed. So I took refuge
14 in Phnom Penh during the war which lasted five years>.
15 (Intervention in French) <It may be> a bit too complex for you,
16 so is it - is it important for you to understand everything? (End
17 of intervention in French)
18 JUDGE LAVERGNE:
19 Well, you know, it's that our jurisdiction is very limited. The
20 rest interests us as context-
21 MR. PONCHAUD:
22 (Intervention in French) Yes.
23 JUDGE LAVERGNE:
24 -so maybe we shouldn't go into detail-
25 MR. PONCHAUD:

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1 (Intervention in French) That's right.[11.54.58]

2 BY JUDGE LAVERGNE:

3 But simply, just <> for the <record>, I understood that you
4 arrived in Battambang in 1967 and then you went to Kampong Cham
5 and that you left Kampong Cham in 1970, after the events that you
6 <have just> described. Is that the case?

7 MR. PONCHAUD:

8 A. <Yes, indeed>

9 Q. And then you stayed in Phnom Penh. And I understood that you
10 were in charge of a student <hostel> and you had a specific
11 mission, which was to translate the Bible into Khmer. Is that the
12 case? And if - <can you> tell me if there was a very specific
13 reason for translating the Bible into Khmer<?>

14 A. I received students who came to study <at L'École Miche>
15 because there was nowhere else they could stay. <Otherwise they
16 would have had to study at the pagoda.> There were <many>
17 students from the countryside who came to study in the city<. I
18 hosted 55 students, only three of whom are still alive>.

19 [11.56.25]

20 And I translated the Bible into Khmer because I believed that,
21 after we were expelled from the country, we could leave behind <>
22 materials for our Christians.

23 (Intervention in French) I did not translate the Bible <at that
24 time>, but many other documents, to allow a community that would
25 be deprived of our help to live on their own. (End of

1 intervention in French)

2 JUDGE LAVERGNE:

3 Please, Father, I think it's really, really important that we
4 avoid <switching> languages during your testimony. So, if you
5 <have chosen> to speak in Khmer, please continue speaking in
6 Khmer.

7 MR. PONCHAUD:

8 (Microphone not activated)

9 BY JUDGE LAVERGNE:

10 Q. So, what I understood – and tell me if this is so – is that
11 you started translating the Bible <into> Khmer because it was
12 necessary to plan for the future and to plan for the possibility
13 that <missionary> priests could no longer stay in Cambodia, and
14 therefore Khmer Christians would have to fend for themselves. Is
15 <that right?>

16 MR. PONCHAUD:

17 A. <Yes, indeed.>

18 [11.57.51]

19 Q. Well, I'd like just to backtrack a little bit<>. We spoke
20 about the deposition of Prince Norodom Sihanouk in March 1970,
21 the tragic events that then followed. And can you tell us,
22 however, if <possibly this was not also seen by a part of the
23 population as cause for> hope? Wasn't there any hope that things
24 would change?

25 A. <All sorts of Cambodians: Some supported Samdech Sihanouk,

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1 while others opposed him. For example, intellectuals and teachers
2 hated him>.

3 In 1967, King Norodom Sihanouk <made bad propaganda in the movie>
4 "Apsara"<. However, it was not his intention. People started to
5 hate him from that time because the movie depicted corruption in
6 Phnom Penh. On this point, I agree with Khieu Samphan.
7 Samdech Sihanouk was toppled while I was in Kampong Cham. A medic
8 brought beer, and we drank together> to celebrate the end of the
9 reign of King Norodom Sihanouk. <However, the situation was the
10 opposite for peasants; it was a cosmic revolution. They asked me,
11 "How can we cultivate rice if Samdech Sihanouk is not there to
12 give us rain?" This is why peasants supported Sihanouk, but most
13 intellectuals in Phnom Penh didn't support him>.

14 Q. Can it be said that it was <also one of the differences that
15 would epitomize the divide between> the city and the countryside?
16 [12.00.50]

17 A. (Intervention in French) Yes, it was one of the- (End of
18 intervention in French)
19 <There was a difference.> Concerning the evacuation of people out
20 of the <cities>, we must <remember> that Cambodian people, before
21 the colonial era, particularly during the Angkorian period or
22 <around> 1623, when Annam established <its base> in Prey Nokor,
23 <> Annam and Siam <fought each other> on Cambodian territory. At
24 <the> time there was no <Cambodian people, nor were there
25 Cambodian cities>-

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1 Q. I'm afraid I have to interrupt you, Father Ponchaud. One
2 moment, please. I need to interrupt you because there are
3 <translation problems>. If I'm not mistaken, I believe that
4 you're referring to <> Funan.

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

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

7 A. <Annam took control of Prey Nokor in 1623 – or Saigon, known
8 today as Ho Chi Minh City. So, at the time, Annam and Siamese
9 soldiers fought each other on Cambodian territory>.

10 [12.02.35]

11 <At the time, there were no cities. Cities were established by
12 French colonists. And in Phnom Penh, when the French granted
13 independence to Cambodia, there were some 6,200 Chinese,> 60 per
14 cent Vietnamese, and 10 per cent Chinese. And the Khmer Rouge
15 considered some <of them> as compradors. <They were traders. They
16 bought vegetables and crops from the countryside, while the Khmer
17 Rouge, who were Marxist-Leninists, wanted to eliminate cities,
18 havens for foreigners and injustice,> and they <wanted> the
19 country to be equal, they <wanted> to eliminate social
20 injustice<>. They did not want to mistreat <anyone>. But you have
21 to understand the rationale behind this.

22 [12.04.24]

23 MR. PRESIDENT:

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

25 The time is now appropriate for lunch break. The Court is now

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1 adjourned, and we will resume at 1.30 this afternoon.

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

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

8 The Court is now adjourned.

9 (Court recesses from 1205H to 1344H)

10 MR. PRESIDENT:

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

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

14 [13.44.46]

15 BY JUDGE LAVERGNE:

16 Thank you, Mr. President.

17 The interpreters have requested that I ask you to observe a pause
18 between the end of a question and <when you start answering>.

19 This is for technical reasons, <because interpretation takes some
20 time, and there is therefore a> slight lag between the
21 interpretation and the source language.

22 Q. Let us get back to our topic from before the break<. This
23 morning, we dealt with> the situation in <wartime> Phnom Penh <-
24 that is, before 1975>. And my question centres on two specific
25 points. The first is information that you may have received

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1 regarding how the Khmer Rouge were treating people in the
2 liberated zones.

3 Mr. Witness, did you ever hear about the transfer or movement of
4 populations before 1975? Did you ever hear about the
5 <implementation> of a policy of collectivization of land <by> the
6 establishment of cooperatives? <What type of cooperatives?> Had
7 you heard about villages or houses and residences being sacked,
8 and pillaged, and set alit <to force people to leave where they
9 resided>? Did you hear about the capture of Udong <or other
10 areas>? What can you tell the Chamber about how the Khmer Rouge
11 were treating the people before 1975?

12 [13.46.58]

13 MR. PONCHAUD:

14 A. This morning I already testified that <as> from <May> 1970,
15 <as from the month of May - I have already> talked about <Kampong
16 Cham and> Bos Khnor<. We knew that when the Khmer Rouge captured
17 a village, they set the houses in the village on fire, executed
18 the village chief, and evacuated the people to the forest>. And a
19 Cambodian, Ith Sarin, wrote a book about the soul of Khmers in
20 1972. And in my book, "Cambodia Year Zero", I did not write
21 <anything new. All I did was borrow from him>.
22 And from 1973 <onwards>, I <started knowing> the people <of>
23 Kampong Thom very well<. There> were Christians in the area<.>
24 Lon Nol soldiers attacked Kampong Thom and liberated about <>
25 40,000 villagers. <They described how the Khmer Rouge controlled

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1 villages, how people were evacuated to the forest and worked
2 communally after village heads> were killed. <This is nothing
3 new; it started in> 1973, and this was well-known to everyone.
4 However, <in fairness to the Khmer Rouge,> we should <remember
5 that Americans bombed and forced the Khmer Rouge to establish
6 lower-level cooperatives so that people could work communally> to
7 produce rice for <their own consumption. And maybe Kissinger and
8 Nixon should be the ones standing trial, as I stated this
9 morning>.

10 [13.50.18]

11 Q. <Another question concerning the context, and this time an
12 urban context instead: that of corruption>. <As the> war was
13 escalating <many more> people were victimized, and there were
14 probably those who <were profiteering> from the war. What can you
15 tell us about that?

16 I believe that you have already <said> that there were <- that
17 there could be> several types of corruption. What kind of
18 corruption <was the most frequent> during that <> time?

19 A. <Let's take, for> example, <the> Governor of Battambang, Sek
20 Sam Iet, who sold rice to the Khmer Rouge to <line his pockets>;
21 for example, Commander Sosthène Fernandez, who sold weapons to
22 the Khmer Rouge; so, the Lon Nol Government <would end up being>
23 defeated because of this. <That said>, corruption in Lon Nol
24 regime was less <rampant than it is today>.

25 [13.51.49]

1 Q. Can it be said that the <people> of Phnom Penh had daily
2 concerns over their survival? Were the people of Phnom Penh
3 <hankering for> peace and security and, obviously, greater
4 justice? <Can the popularity of the Khmer Rouge and their
5 policies be better understood within that context>? Was there
6 hope among the Khmer <that> everything would be all right and
7 <that there would be no killings between the Khmers>?

8 A. The people could not survive because they <were not growing>
9 rice, they could not <undertake their activities>. They <were
10 receiving> assistance from non-governmental organizations,
11 including <> humanitarian organizations. Everyone prayed that
12 peace would prevail. And, as I told you this morning, Lon Nol
13 <represented> no hope for the people of Cambodia. <Whether one
14 sympathized with communism> or not, <I prayed for the Khmer Rouge
15 to take over, to end the bloodbath. People had lost all hope
16 under the Lon Nol regime. This feeling of despair was
17 widespread>.

18 [13.54.00]

19 <I will take an example: Corruption. Let's take the case of ghost
20 soldiers. A battalion or a division - normally, a battalion has
21 300 soldiers. And when one or more soldiers died - let's say 10
22 or 20 soldiers, or even 270 died, leaving 30 soldiers - the
23 commanders would just keep the 300 number on the payroll and
24 pocket the pay of the dead soldiers. How could they win the war
25 under these conditions?>

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1 Q. <Was the political programme of the Khmer Rouge or, at any
2 rate, the GRUNK and FUNK known to the population? Was this
3 something that was discussed? What were the people's fears, if
4 any, at the prospect of a Khmer Rouge victory>?

5 A. (Microphone not activated)

6 MR. PRESIDENT:

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

9 MR. PONCHAUD:

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

12 [13.55.53]

13 And on this, <> historians <would have> to think carefully <in
14 determining> whether Prince <> Norodom Sihanouk <should> be
15 <held> accountable<. If the Khmer Rouge won the war, it was
16 because they had> the support of King Norodom Sihanouk. Even on
17 the 17th of April, the "glorious day" for the Khmer Rouge, I met
18 Prince Sisowath Sirik Matak near Wat Phnom. I asked him a
19 question; I asked him what he <what he was doing there>. He <told
20 me> he was waiting for Samdech Sihanouk.

21 So, other people also had the same feeling. They believed that
22 <after> the Khmer Rouge won <> victory, <> King Sihanouk would <>
23 return to <the helm of> Cambodia. And the Khmer Rouge knew this
24 even much better. For example, in 1973, in February, they invited
25 Samdech Sihanouk to the <forest on> Kulen Mountain <and Tep

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1 Mountain, in Siem Reap>, and Angkar tried its best to make sure
2 that the soldiers could not see Samdech Sihanouk, because they
3 were afraid that Sihanouk could incite them to protest against
4 Angkar.

5 [13.58.09]

6 From 1973, <the> Khmer Rouge, so I heard, <started using the
7 terms> "A Khnouk" and "Mi Khnik". They <had been despising> the
8 king and queen since 1970, when <> they were visiting Cambodia.

9 Q. So, we are referring to 1973.

10 <Good. It was about> justice after liberation, and <as it had
11 been announced, this justice would, a priori, mainly concern> the
12 seven "super traitors".

13 Do you think people were persuaded that things would proceed in a
14 <orderly> and civilized manner and that there would be no
15 settling of <scores> amongst <> Khmers? Was this <something
16 largely shared among the> population?

17 A. People were afraid of the Khmer Rouge. They knew that Khmer
18 Rouge <were mistreating> villagers in <the> countryside. They
19 knew that there were seven <"super traitors">, including Sirik
20 Matak, <Lon Nol,> Long Boret, Sosthène Fernandez, <In Tam,> and
21 <two> other people <whose names> I don't remember, but <people
22 did not believe it> because they <> were <simply> afraid of the
23 Khmer Rouge.

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

25 [14.00.34]

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1 A. <They were very afraid of the looming misery, but couldn't do
2 anything except accept the Khmer Rouge. The Lon Nol side> did not
3 have any hope at all-

4 MR. PRESIDENT:

5 Mr. Ponchaud, please - please hold on.
6 International Counsel, you may proceed.

7 MR. KOPPE:

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

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

16 [14.01.54]

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

22 MR. PRESIDENT:

23 Mr. Prosecutor, you may proceed.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you. Good afternoon, Mr. President. Good afternoon, Your

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1 Honours. Good afternoon to everyone. I would simply like to <say
2 something on> this question raised by the Defence. Of course,
3 this requires some clarification.

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

13 [14.03.23]

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

17 MR. KOPPE:

18 May I briefly reply, Mr. President?

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

25 (Judges deliberate)

1 [14.08.11]

2 MR. PRESIDENT:

3 I hand over the floor to Judge Silvia Cartwright to give
4 direction and respond to the request by the defence team for Mr.
5 Nuon Chea.

6 Judge, please.

7 JUDGE CARTWRIGHT:

8 Yes. Thank you, President.

9 The Chamber confirms that François Ponchaud has been called as a
10 witness, and as such, it is for the Chamber to determine not only
11 the relevance of the questions that are put to him, but their
12 probative value.

13 [14.08.48]

14 His testimony has been informed to some degree by his writings,
15 but of course they are based on his personal experiences, but we
16 do not consider him to be an expert in the technical sense that
17 it would be used in this courtroom.

18 So, I realize that this is not, perhaps, a black-and-white answer
19 for you, but we will deal with any concerns as they – if they do
20 arise out of the examination of this witness.

21 Thank you, President.

22 MR. PRESIDENT:

23 Thank you, Judge.

24 Now I would like to hand over the floor to Judge Jean-Marc
25 Lavergne to resume <his> questioning to the witness.

1 [14.10.08]

2 BY JUDGE LAVERGNE:

3 Yes. Thank you.

4 Q. So, we are going to get back to events that you witnessed
5 directly.

6 And, first of all, I would like to have a few explanations on the
7 locations you spoke about this morning. You spoke about the
8 church that was very large, you spoke about the Phnom, and you
9 also spoke about the – what was translated in French as the
10 municipality.

11 So, back then, can we say that this – the church was the Phnom
12 Penh Cathedral, that what you call the "municipality" was the
13 Bishop's Palace, which today is the Phnom Penh <City> Hall, and
14 the <Le> Phnom Hotel is the <Le> Royal Hotel? Can you confirm
15 this information?

16 MR. PONCHAUD:

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

18 [14.11.17]

19 Q. And you also spoke this morning about the young people in the
20 MoNatio, a young person called Hem Keth Dara, it seems, and you
21 also spoke about the Khmer Rouge soldiers that you <saw
22 arriving>.

23 So, can you describe these soldiers a bit more in detail? You
24 said that they had <an absolutely> horrible gaze, but can you
25 describe these soldiers? Were they particularly young? Were some

1 even children?

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

3 What can you say about <them>?

4 A. <There were two categories of soldiers at the time>. One group
5 <consisted> of young soldiers from 14 to 15 years of age. They
6 <entered Phnom Penh> from the direction of Boeng Kak<, behind the
7 present City> Hall of Phnom Penh. And there <was> another group
8 of soldiers; they <> were around 30 or older. They looked very
9 fierce<>. They had a <terrifying> look. <One could see that in
10 their eyes>. <You> did not want to <have anything to do with
11 female soldiers>; we were <> terrified of them. They were <worse
12 than male soldiers>.

13 [14.13.12]

14 Q. <You testified> this morning that you <neither witnessed nor
15 experienced any> physical threats, that you didn't see any <dead>
16 bodies. But, however, can we say that the Phnom Penh population
17 was forced to evacuate the city? Did the people have any choice?

18 A. Well, it was a psychological <threat>; it was <a psychological
19 coercion>. That's what I witnessed <in the northern sector> of
20 Phnom Penh. They <exerted> psychological pressure on <> people,
21 but it was not by <armed force>.

22 Actually, Phnom Penh dwellers were very happy when the Khmer
23 Rouge soldiers <arrived in> Phnom Penh <because they> took over
24 Phnom Penh without killing <> people. I, myself, had been waiting
25 for the victory of the Khmer Rouge. We thought that there would

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1 be <> fierce <> fighting in Phnom Penh, but actually there was no
2 such fighting at all; they <conquered> Phnom Penh without
3 fighting, so people felt relieved at <the> time.
4 So, when the Khmer Rouge asked them to leave the city, they had
5 to leave<. Only psychological pressure was exerted; there was no
6 pressure by the use of arms>.

7 [14.15.00]

8 Q. And this psychological pressure that you're speaking about,
9 was it sufficiently strong for people who were in their hospital
10 beds or people who were disabled to find enough strength to
11 escape, sometimes in absolutely horrendous conditions<, as you
12 have described>?

13 A. This was a separate issue. <Earlier,> you asked me about the
14 <people of> Phnom Penh. In the morning <> the Khmer Rouge
15 soldiers evacuated the patients out of hospital. <And for those
16 who resisted> the order, according to what I heard from others,
17 they would throw <a> grenade inside the hospital. So, this was <a
18 threat accompanied by the use of armed force>. That was different
19 <with respect to> ordinary citizens.

20 Q. And do you know what happened, for example, at the Preah Ket
21 Mealea Hospital? Did you <hear about – did you witness anything>?

22 A. I was not <an> eyewitness of <events at the> Preah Ket Mealea
23 Hospital. I only heard <about what happened. On> the last day of
24 <the> Lon Nol regime, there were <> wounded <people all over>
25 Preah Ket Mealea Hospital<. The> Khmer Rouge evacuated <>

1 patients out of the <> hospital, but I was not <an> eyewitness of
2 that event.

3 [14.16.49]

4 Q. So, we also spoke this morning about what happened at the
5 French Embassy and we spoke about <> mixed couples being
6 separated, in particular Khmer husbands and <their French or>
7 foreign wives, and I think there were also a few <marriages of
8 convenience>, too, to facilitate the situation of a certain
9 number of young women. Can you confirm this?

10 A. Yes, that is true. Some <families adopted orphans, too. I saw
11 a radio operator adopt a Rhade child>.

12 Q. So, generally speaking, did the Khmer Rouge provide enough
13 food <and> water to the people who <had taken refuge at> the
14 French embassy<>?

15 A. <The fact that people> took refuge in the French embassy <>
16 was not <a matter of concern for> the Khmer Rouge. Actually, what
17 was important to them was the <rest of the population>. Foreign
18 nationals were <of no concern to them>. The Khmer Rouge <>
19 assisted us in the early days - on the first, second, <and> third
20 days. <We had no food>; we did not have any rice to eat. <The>
21 Khmer Rouge distributed rice for us and they also supplied <us
22 with water>. <At the time, I was> in charge of water supply. <We
23 had enough water>, and we also had <enough> rice to eat<>.
24 When the first batch of deportees left, following the 30th of
25 April, <> guards allowed us to <catch> pigs around the French

1 embassy <and give them to a medic named Sen Tan, from the
2 Calmette Hospital, to kill them>.

3 [14.19.58]

4 Q. And you said that you <served> as an interpreter between the
5 Consul and the <Cambodian> authorities he was discussing with.
6 So, who were these <Cambodian> authorities <who were in contact>
7 with the French Consul?

8 A. Mr. François Bizot was the <main> interpreter. And then, when
9 we left the French embassy, <on> the 7th of May 1975, <and until
10 we arrived at the border,> I was the interpreter for the French
11 <Consul. But before that date, I do not know who his interpreter
12 was>.

13 Q. And who was the person you were dealing with? <Do you know his
14 identity?>

15 A. (Microphone not activated)

16 Q. Please, please, hold on, hold on. It might – please stop for a
17 little while between the moment I ask the question and when you
18 answer, because otherwise it'll be difficult for the
19 interpreters.

20 [14.21.11]

21 So, I was asking you the question – if you know the name of the
22 person that <the> Consul was dealing with.

23 A. No, I do not know<>.

24 Q. I was not asking you whether there was a Cambodian <Consul>; I
25 was asking whether there was a representative of the Khmer

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1 authorities who was interacting with the consul. And I believe
2 this morning you spoke about a person named <Nhem or> Nhien.
3 A. Comrade Nhien was the chairman of the northern <sector> of
4 Phnom Penh. He was <> in charge of taking care of the people in
5 the French embassy. But he was not a political negotiator. As far
6 as political <negotiations were> concerned, somebody else was in
7 charge of that, and Comrade Nhien was the one who assisted us
8 <with our daily needs. For example, when I needed rice or water
9 or food, I> would contact Comrade Nhien. But in terms of
10 negotiation – political negotiations – somebody else was in
11 charge. <I did not know the name of that person.>
12 [14.22.46]
13 For example, on the second day and third day, there was one
14 person who came to tell us that Excellency Khieu Samphan would
15 like to come to meet all the people in the French embassy, but
16 unfortunately, His Excellency Khieu Samphan was engaged in his
17 mission elsewhere. <I knew him by sight, but I did not know his
18 name>.
19 Q. Well, in François Bizot's book, which is on the case file at
20 <D222/1.2> – it is document, now, E3/2815, and the French ERN is
21 00237590; English, 00237559 – excuse me, English again: 00392829;
22 I apologize, I don't have the Khmer ERN – and this is a note,
23 here, that is signed by the Vice-President of the Northern Front
24 of Phnom Penh in charge of <> foreigners. This person is "Nhien".
25 This note is dated 25 April 1975 <and states>:

1 "At the meeting that took place on 25 April 1975, the Cabinet of
2 the Government of the Royal National Union of Kampuchea decided
3 the following:

4 "Given that diplomatic relations with other countries have not
5 yet been established owing to the fact that the GRNUK is busy
6 restoring stability, The Government of the Royal National Union
7 of Kampuchea has decided to invite all foreigners still residing
8 in the city of Phnom Penh to leave the country as of 30 April
9 1975. Later, when the situation has stabilised, the GRNUK will
10 examine the question of re-establishing diplomatic relations;
11 "The GRNUK has decided to convey all foreigners by, road from
12 Phnom Penh to Poipet, and each of the countries concerned must
13 take responsibility for their own nationals from Poipet onwards."

14 [14.25.38]

15 So, do you remember having seen this note or having been
16 appraised of this note?

17 A. No, I <have never seen> this note. But, whenever there <were
18 negotiations, Consul Jean Dyrac, François Bizot, and the Angkar
19 representative would make decisions, as you have just stated>.
20 But Comrade Nhien was not a senior cadre; he was a low-ranking
21 cadre.

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

25 "<Diplomatic and consular missions accredited to the Phnom Penh

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1 traitor regime shall not be entitled to claim any accepted
2 customary and conventional diplomatic privileges and immunities
3 from the GRUNC;

4 "During the five years of our war of national liberation, the
5 GRUNC repeatedly stated that it shall not be bound, by reason of
6 state succession, by the acts of the Phnom Penh traitor regime
7 and that, as a result, it accepts no responsibility for any such
8 acts>."

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

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

12 [14.28.38]

13 Q. I will specify that this document <- the same document> was <>
14 released by the <GRUNK> mission <> in Paris - document
15 <D59/1/1.156>.

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

22 A. That's true. There <were no negotiations at the time>. The
23 Khmer Rouge, in smaller <groups> - they <were carrying Ak-47>
24 rifles - they called for the French embassy to surrender the
25 seven "super traitors". I actually was <not at the gate, but at

1 the back>, inside the embassy compound; I <did not witness the
2 event>.

3 [14.30.11]

4 Q. Do you know if <any> telegrams <concerning> that situation
5 <were> exchanged between the Consul of France and the French
6 authorities in Paris?

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

11 Q. <The case file includes a number of telegrams that were
12 exchanged between the French Consul and the Ministry of Foreign
13 Affairs in Paris. They are> under <D59/26.2.199>. French ERN is
14 00391442; English ERN 00486889; and in Khmer, 00491363 to 64.
15 These are telegrams that describe the list of people <present> in
16 the embassy<, namely – they did not> deal specifically with the
17 seven "super traitors"<; they dealt with> Sirik Matak<, whose
18 name is on the list of "super traitors">. There <was> also
19 <Princess Mom Manivong>, who <was> the third wife of <Prince
20 Sihanouk, his daughter, son-in-law, and grand-children>, Mr. Ung
21 <Boun Hor, President of the National Assembly>, as well as Mr.
22 Loeung Nal, Minister of Health.
23 <The Quai d'Orsay – the> Ministry of Foreign Affairs of France is
24 requested to do the following<:
25 "Barring express and immediate order from the Department

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1 requesting me to grant political asylum, I will be compelled to
2 turn these names in within 24 hours>."

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

6 The response was that it was difficult to apply the principle of
7 extraterritoriality <in this situation>.

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

11 A. <In> February 1975, Samdech Sihanouk asked that all foreigners
12 leave Cambodia.

13 [14.34.17]

14 Q. And if I'm not mistaken, France had - had officially
15 recognised the GRUNK <> one week prior to the fall of Phnom Penh.
16 France was hoping that through recognition of the <GRUNK, the
17 revolutionary> authorities would demonstrate some degree of
18 flexibility.

19 A. <The> French Government <wanted> French <nationals> in
20 Cambodia to leave Cambodia on the 19th of March. However, the
21 French policy was not <clear. The French> trusted Prince Sihanouk
22 and they <saw that Prince Sihanouk was on the side of the Khmer
23 Rouge. They wanted> to wait and see. <And they recognized the
24 GRUNK at the last moment.>

25 Q. This morning you explained that there were two convoys <headed

1 for> the Thai border and that the landing of <aircraft>, as
2 proposed by France, had been denied. <Did you observe aircraft -
3 other aircraft - landing> at Pochentong?

4 A. On the <glorious> 18th of April, there was <a> Chinese plane
5 <- clearly it was a Chinese plane -> landing at Pochentong
6 Airport. <Subsequently,> I did not <take> notice of airplanes
7 landing <> in Cambodia on other dates, but <I noticed it> on the
8 18th of April. There were other planes, but I <didn't take
9 notice>.

10 [14.37.02]

11 Q. <Do you know whether -> I believe that <you> talked about
12 <that,> the negotiations <which> Mr. François Bizot <may have>
13 witnessed, but <it appeared that> France had not only proposed
14 that aircrafts be sent, but that those aircrafts carry
15 humanitarian <supplies>. <Can you tell us what you know about the
16 proposals concerning> humanitarian supplies, <made> either by
17 France or other <organizations or> countries?

18 A. Planes <transported a lot of medicines> from Bangkok. <There
19 was a least one airplane> packed with medicines, but <> the Khmer
20 Rouge did not welcome such assistance and they said that <Angkar
21 was independent and that they no longer need assistance from
22 colonialists>.

23 Q. You described your journey through several <towns and>
24 villages and that <> all of these <towns> and villages were
25 empty. At the time, did you understand why those villages, and

1 towns, and cities were empty?

2 A. <Initially>, I didn't understand this, but later on I learned
3 from a cadre in Phnom Penh – it was on the 17th of April 1975,
4 and he said Phnom Penh was not a good place. <City> people did
5 not grow any vegetables or plants<. Instead, they ate what others
6 planted in the countryside>, so they <> had to go to the
7 countryside to grow crops so that <they would understand> the
8 value of rice and <that human beings are born of> rice grain.

9 [14.39.40]

10 <explained believe Mr. Ieng Sary talked> a lot about this in
11 France<. He talked about the evacuation. He explained that people
12 had to leave the city because there was not enough food in the
13 city. Secondly, there was lack of safety or security in the city;
14 and they also envisaged that there could be a rebellion or an
15 uprising against Angkar> in Phnom Penh.

16 <That said>, to me, the real <justification for the evacuation is
17 more ideological. Angkar wanted> everyone to return to their
18 hometown to become real Khmers, because <the> Khmers in Phnom
19 Penh <were> "fake Cambodians". <Therefore, they> had to move to
20 the countryside, <to return to their> home villages <in order to
21 become authentic> Khmers.

22 <In that regard, maybe the Khmer Rouge were influenced by the
23 Chinese Cultural Revolution, which started in 1966. Mao Zedong
24 also rounded up people and sent them to the countryside to farm>.
25 And in 1968, in May, we heard that in France people <were

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1 advocating the people return to their place of origin> because
2 they believed that <the> city was not a good place. <> Mao Zedong
3 <commended> Pol Pot for being brave enough to expel the people
4 from the cities into the countryside. Mao Zedong said that <Pol
5 Pot had accomplished what he couldn't>, and he <commended> the
6 Khmer people for <their courage>.

7 [14.42.37]

8 MR. PRESIDENT:

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

10 It is now appropriate moment for the adjournment. The Chamber
11 will adjourn for 20 minutes.

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

14 (Court recesses from 1443H to 1504H)

15 MR. PRESIDENT:

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

17 We would like now to hand over to Judge Lavergne to continue
18 putting <> questions to the witness.

19 BY JUDGE LAVERGNE:

20 Thank you, Mr. President.

21 Q. Witness, following the evacuation of <> foreigners from
22 Cambodia, information started pouring out. And do you know what
23 the reactions were of the Cambodian authorities in relation to
24 this information that started circulating, regarding the
25 evacuation of Phnom Penh, <> information regarding <summary>

1 executions? Did you <> try to <find out> how the situation was
2 developing?

3 [15.05.39]

4 MR. PONCHAUD:

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

16 Q. I would like to return to the moments that immediately
17 followed the evacuation of <> foreigners from Cambodia. And on
18 the case file we have a certain number of documents, and one of
19 them is <a press release from the Ministry of Propaganda and
20 Information of the Royal Government of National Union of Cambodia
21 concerning the departure of foreigners from Kampuchea>.

22 [15.08.09]

23 <In the statement, dated> 10 May 1975, <> the Government of
24 Kampuchea explains that <"it had no choice but to evacuate
25 foreigners">, and it's also stated<:

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

14 The statement ends as follows:

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

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

22 [15.10.10]

23 A. No, I <was not>. However, I support the first part of the
24 statement, that Angkar <took care of the> foreigners in <the>
25 Cambodian context during <a> difficult time.

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

6 Q. We will get back to <that>, but first let me give you the
7 following information. This is document D359/1/1.1.56, as well as
8 D199/26.2.116.

9 And you said that you tried to inform yourself. So, among the
10 sources of information that you used <a lot,> for example radio,
11 <> what can you tell us <about this source> of information? <Why
12 is this source of information interesting>?

13 [15.11.46]

14 A. First, I <considered> refugees as <> sources of information.
15 The information I gathered from September 1975 was based on these
16 sources. Nonetheless, when it comes to refugees, we had to be
17 careful because we <wanted> the truth and refugees <could>
18 exaggerate <their stories to defend themselves. They had left
19 their country because it was bad. Initially, I did not believe,
20 but as time went on the accounts were consistent, whether the
21 refugees came from> Battambang, <Siem Reap or> Svay Rieng<. I
22 therefore recorded everything and compared the accounts>.
23 And at the same time I also had <my own idea. I was predisposed
24 towards Angkar. I knew the Angkar leadership had been> educated
25 in France. They were intellectuals, they were <> educated, so

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1 they <had to> know <what was good for> Cambodia. <Maybe the
2 refugees did not understand what actually was going on in
3 Cambodia.>
4 <I then started to listen to Democratic Kampuchea radio
5 broadcasts. Friends of mine recorded the broadcasts in Thailand
6 and sent them to me to listen. Now I have handed them over to the
7 Bophana Centre. I wanted to understand the ideology of the Khmer
8 Rouge. I assumed that they were not stupid people; they were
9 well-educated>. I was convinced that these people had <good
10 intentions for> their country<, that> they would never <harm>
11 their own people<>.
12 [15.14.54]
13 The Democratic Kampuchea radio broadcasts <put a positive spin on
14 the Khmer Rouge ideology>. And the refugees <told me> how they
15 <had been> influenced by the ideology. But these <refugees> did
16 not know very much about what had happened around <that
17 ideology>. And I <also> listened to the radio broadcast and <>
18 tried to explain to the refugees what <was happening> in the
19 country.
20 So, <I had two sources of information. This information was>
21 collected scientifically<. I put it together so that I could get
22 a full picture, and the two sources corroborated each other>.
23 Q. Well, regarding these reports of – on the refugee accounts,
24 you wrote to the Investigating <Judges> on 4 December 2009 – and
25 this is <D133/1.1> – and you state the following – because you

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1 gave Judge Lemonde, in fact, a certain number of accounts – of
2 written accounts, and there are two categories: first of all,
3 there <is a French translation or summary of 94 testimonies
4 totalling> about 300 pages – 300 typed pages; and then there's
5 also <a translation or summary of about 100 interviews of
6 refugees conducted> in Paris or in Thailand.

7 [15.17.08]

8 And you say the following:

9 "<The 94 testimonies. Some of the testimonies were given orally
10 to me in France or in refugee camps in Thailand between 1975 and
11 1976. Others were given in writing after Father Venet, who was
12 present in the camps, asked some refugees to write down their
13 experiences in Democratic Kampuchea. I translated those writings
14 and then went to the camps to crosscheck the testimonies in July
15 1976. A large majority of those testimonies were given in Khmer,
16 except for some that were given in French. The sole objective of
17 taking the testimonies was to better acquaint myself with the
18 situation in Democratic Kampuchea, so as to acquaint the French
19 public with them through the publications of Échanges France-Asie
20 (Services de Documentation des Missions Étrangères) [France-Asia
21 Dialogue (Documentation Services of Foreign Missions)]. The
22 testimonies can therefore be considered as the fruit of serious
23 but non-scientific research. The documents were some of the
24 sources of 'Cambodia Year Zero'>."

25 [15.18.27]

1 <There. So, indeed, you referred to these> summaries in your
2 book<. With respect to the other interviews of refugees, you say
3 – you state>:

4 "<The same method was used and the objective was the same for the
5 interviews of refugees conducted after the publication of>
6 'Cambodia Year Zero'."

7 And you also explain that "in both cases, the recordings <that
8 had been done> were destroyed. <I am> unfortunately <not in a
9 position to give you> the original Khmer versions <before the end
10 of next year. I have to search for them in the archives I left at
11 the Missions étrangères de Paris [Paris Foreign Missions]>."

12 So, therefore, there were also audio recordings <of these
13 interviews of> Khmer refugees. Is that the case?

14 A. Normally, when we interviewed a <refugee, we would audio
15 record his or her account. If we only took notes, there were
16 chances of misunderstanding it. By audio recording it, in case of
17 doubt, we could listen to the recording. I interviewed hundreds
18 of refugees. After several years I discarded the tapes, for it
19 was over, after all. I now regret discarding them, for they were
20 really useful>.

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

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1 was <published> by <the> BBC. Did you also use these sources, or
2 not at all?

3 [15.21.03]

4 A. No, I didn't cite the <BBC> sources <> because I couldn't
5 speak English, and it would <have been very> difficult for me to
6 use <those> sources. And translation is not easy<. As you know,
7 one might not translate exactly what is said>.

8 <I read books in libraries and bookstores such as Phénix and
9 Normandie in Paris, which both carried books on communism. I
10 collected> information on Cambodia. <But> at that time these
11 resources were not plentiful because Angkar <had not written>
12 much. <> I <had> heard the term "kammaphibal" - or "cadre" - and
13 I tried to understand this Khmer term by <analysing its
14 structure>. I thought <> "kammaphibal", or cadre, would be
15 <someone> who governed or who administered <something>, because
16 it could have come from <the> French term "cadre". <I also felt>
17 that Angkar used strange, unusual terms.

18 [15.22.51]

19 And <there was> Steve Heder. For example, Steve Heder is the best
20 researcher on the Democratic Kampuchea and Angkar. However, by
21 1979 - I mean, up until 1979, he supported the Khmer Rouge and he
22 was <an advisor for> Amnesty International<. Amnesty
23 International never said anything> bad about the Khmer Rouge
24 because <Steve> enjoyed living in Cambodia. And he also wrote <a
25 letter> to Noam Chomsky, who <is a renowned linguist,> about the

1 misunderstanding and <mistranslation of> Cambodian <terms>, and
2 he criticized <the mistranslation of certain Khmer terms in>
3 "Cambodia Year Zero"<, saying that the mistranslation was because
4 the translator himself had not> lived through Democratic
5 Kampuchea.
6 Now I can give you two examples.
7 <In my book, "kanak sang" is an abbreviation for "National Monk
8 Commission", a body that supervises monks (inaudible). "Kanak"
9 means "group", such as in Kanak Thommayut and Kanak Mohanikay.
10 But Cambodians during the Democratic Kampuchea used the
11 abbreviated word "Kanak Sang", referring to "Monk Commission".
12 Another example: The Khmer Rouge commonly used "pukmae" for
13 "parents". Steve Heder argued that Cambodian people never called
14 their parents "pukmae", but commonly called their parents "euew
15 puk mday". But to be precise, one had to refer to terms commonly
16 used amongst Cambodians in the rice fields->
17 [15.26.09]
18 Q. Well - and I'm sorry for interrupting you because,
19 unfortunately, we don't have a lot of time and we have other
20 questions to put to you. And I'm sure what you're talking about
21 could interest linguists, but we might have other priorities
22 right now.
23 So, among the documents that you referred to, to try to
24 understand what was happening in Cambodia, did you refer to
25 documents - to official documents that were published in

1 particular by the GRUNK Mission in Paris?

2 A. GRUNK had a house in Paris<, at 4, Barcelone Street>. Nget
3 Chopinanto was <> in charge of the <mission>. <I read the
4 documents, and we tried to understand the goals of Angkar. We
5 wondered whether what the refugees were saying was true>.

6 [15.27.29]

7 Q. Well, <> in order to note the references, I would like to
8 give, as an example, a document that you referred to in your
9 book, which is the "Information Bulletin of the GRUNK Mission in
10 Paris". It is number 220bis/75, dated 12 September 1975, and the
11 document <number> is D199/26.2.137. And this is a bulletin that
12 is quite interesting because it was produced a short while after
13 the fall of Phnom Penh, and we see in it an interview of Mr.
14 Khieu Samphan, who was the Deputy Prime Minister and
15 Commander-In-Chief of the FAPLKN, by the representative of the
16 Kampuchea News Agency, on 12 August 1975. The French ERN is
17 00386886 to 89; English, 00878358 to 61; and Khmer, 00877499 to
18 00877504.

19 So, I don't think we have the time to <deal with> the content of
20 this interview, although it's interesting. But basically, Mr.
21 Khieu Samphan says the following - he's describing <the>
22 situation he discovers in 1975 and he says:

23 "<By the millions, our compatriots were forcibly enlisted and
24 locked up in concentration camps in Phnom Penh and other towns
25 which were under provisional enemy control. Those victims went

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

3 [15.30.06]

4 "<In the immediate wake of the revolution, the GRUNK and the
5 FUNK, the people as a whole and the entire people's army
6 resolutely embarked on the task of resolving all the problems
7 which resulted from the particularly barbaric war of attrition
8 brought upon us by the American imperialists and their lackeys>.

9 "<How were those problems resolved>?

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

18 [15.31.17]

19 "We have managed to mobilize all of the forces, including our
20 people and our army, in order to fight and deal with the new,
21 extremely serious situation while at the same time manifesting
22 deep patriotism and a spirit of independence and sovereignty,
23 maintaining control over the situation and our decisions, having
24 confidence in our own forces, and maintaining firm control over
25 our destiny and that of our country.

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

7 And a bit further he finishes with the following:

8 "<At this time, we have resolved most of the problems>, and our
9 country is <undergoing> profound change. The <trend> is one of
10 continued improvement. I can assure you that we shall <not ever>
11 again experience <any> economic crises, unemployment, inflation
12 or price hikes."

13 [15.32.54]

14 So, knowing that <> there was no currency, this might be a little
15 bit surprising.

16 So, do you remember this interview of Mr. Khieu Samphan? <It>
17 dates back to August 1975.

18 A. (Microphone not activated)

19 MR. PRESIDENT:

20 Witness, please observe some pause. <Wait for> the red light
21 before you speak.

22 MR. PONCHAUD:

23 A. I do <> recall <it> clearly, but <that was propaganda>. I read
24 a lot of <propaganda>, but I did not pay attention to it that
25 much. <I only paid attention to it if it contained new terms.>

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

4 [15.34.04]

5 <>I listened to the Voice of Democratic Kampuchea <> almost every
6 day<>. <The broadcasts referred to the conclusions of Khieu
7 Samphan's thesis on Cambodian agriculture and its modernization
8 problems. It was said that dykes had to be dug, dams built, and
9 that Cambodian agriculture had to be transformed and modernized.
10 They broadcast the conclusions of the thesis. The refugees did
11 not understand why Angkar made people work so hard to build dykes
12 and dams, but we understood it clearly. Actually, Angkar had a
13 plan - and, obviously, not a silly plan - to transform Cambodia's
14 farmland into well-structured and irrigated agricultural lands in
15 order to improve rice yields to ensure the independence and
16 sovereignty of the county. This was the goal Angkar wished to
17 realize, and I liked it>.

18 Q. (Microphone not activated)

19 A. <Now, near Ou Reang Ov, I have restored the water reservoir
20 and irrigation system that was built by the Khmer Rouge. I do not
21 like the way they mistreated people, how they made people work
22 too hard, like animals, but I think their plan was fairly good>.

23 [15.36.33]

24 Q. If I understood correctly, you said that excerpts from Khieu
25 Samphan's thesis had been <broadcast>. I'm not sure that we heard

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

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

8 <It> was a fairly good plan. In the <21st> century, <one can be
9 independent and sovereign by relying solely on agriculture>.

10 I apologize, Your Excellency Khieu Samphan; I confused the title
11 of your dissertation with that of Mr. Hu Nim. <In fact, it is
12 "Cambodia's Economy and its Problems of Industrialisation".>
13 [15.38.40]

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

18 A. It is on page 113.

19 Q. And <to be more specific, because there are> several versions
20 <on the case file, are> you referring to page 113 of <the French
21 version,> the original version that was published in March <1977
22 - not the Kailash edition>?

23 A. On the 3rd of <> February 1977.

24 Q. Let us return to the bulletin that was issued by the GRUNK
25 Mission in Paris <and which contained the interview of Mr. Khieu

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1 Samphan>. For your information, there are <many more> documents
2 that are on the case file, including an interview with Mr. Ieng
3 Sary <> conducted by James Pringle, <of> "Newsweek" magazine,
4 <dated 4 September> 1975. There's also a speech given by Mr. Ieng
5 Sary at the <Extraordinary Session of the> General Assembly of
6 the UN <on 30> August 1975 and, lastly, a <speech by> Ieng
7 Sary<>, Vice Prime Minister of the GRUNK, head of the delegation
8 of Democratic Kampuchea at <the Extraordinary Session of the
9 General Assembly of the UN on 30 August 1975>.

10 [15.40.33]

11 These are the references, the sources that you based upon - that
12 you based your research upon in drafting several articles, some
13 of which were published in the <magazine "Échanges France-Asie">.
14 <Others are> published elsewhere<, including an article that
15 appeared in> the French daily "Le Monde" <on 17 and 18 February
16 1976>. I'm referring to document <D133/1.2>. You <describe> the
17 revolution in Cambodia as <a radical revolution and you raise a
18 sort of alarm> that it is possible that <more than 800,000 had
19 already died since> the start of this revolution.

20 There are also articles that you authored and <which> appeared in
21 other magazines<, such as "Monde asiatique". And then you
22 published your book, "Cambodia Year Zero",> in February or March
23 <nineteen seventy->

24 <A. (Microphone not activated)>

25 <Q.> You <may have> written <it> in February, but <I believe> it

1 was only published in March. <>

2 A. (Microphone not activated)

3 Q. Just for the record, since your microphone was not lit, you
4 have just stated that the <book, "Cambodia Year Zero",> came out
5 on the 3rd of February <1977>.

6 [15.42.09]

7 You also contributed to <a newsletter> on Cambodia <entitled
8 "Bulletin d'information sur le Camodge">. You also published
9 <articles in other> magazines<: "La Croix", <"Études",>
10 "Esprit". You also <gave> several television and radio
11 interviews.

12 And what is of interest to us now is your contribution to a piece
13 written by the International Commission of Jurists <in response
14 to a decision of> the Human Rights Commission. It <dated> 16th of
15 August 1978.

16 <No doubt> thanks to your work, since you were one of the first
17 to draw attention to this matter, <what was happening in Cambodia
18 was brought to the attention of international institutions, such
19 as> the Human Rights Commission<.>

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

21 And what were the results – what was the ultimate outcome of your
22 participation?

23 A. First, I would like to make it clear that I am not a
24 politician. I write books or I speak on the <radio in particular>
25 because I wanted to <make the suffering and the difficulties

1 endured by> the Cambodian people <known>. I have lived with the
2 Cambodian people, both during happy times and sad times. <To this
3 day,> I am not a politician<>.

4 [15.44.25]

5 <The International Commission of Jurists in Geneva asked me to
6 report on the human rights situation in Cambodia to the United
7 Nations Commission on Human Rights>. It was on the 15th of
8 <August> 1978. <At the time, I was a sort of UFO. Nobody listened
9 to me. It was as if I had come from an alien planet. No one paid
10 attention to what I was saying. I wondered why no one was
11 listening to me>. That's why, to be frank, I do not really like
12 the way the United Nations <functions>. <In fact, they knew.
13 There were people on> the border; they must have known <> that
14 the Khmer Rouge had killed a lot of <civilians>, but they chose
15 to be indifferent <to the> situation. I did not understand why
16 they chose this course of action.

17 [15.46.03]

18 Actually, I do understand. I understand; <there was an
19 ideological war> between the Soviet <Union> and China. <The> Cold
20 War <was> going on. <> American soldiers <had been> defeated in
21 Vietnam, so <China found all the unresolved issues in its hands.
22 China received> support in the United Nations against <the>
23 Soviet <Union. China used the Khmer Rouge in its battle against
24 the Soviet Union>, especially from 1979 onward. <> China and the
25 United Nations <used> the Khmer Rouge <> against the Soviet

1 <Union>.

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

13 [15.48.24]

14 Q. Let us return to the year <> 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 <of> Great Britain had requested <the Secretary
19 General to invite> Democratic Kampuchea <> to comment on the
20 human rights situation in the country, and <presumptively>, the
21 request had drawn the ire of the Ministry of Foreign Affairs of
22 Democratic Kampuchea. However, a <> number of countries and
23 organizations <> submitted reports to the Commission on Human
24 Rights. These reports <included> documents from Norway, <Great
25 Britain, as well as> Amnesty International <and> the United

1 States<>.

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

8 [15.50.34]

9 I'd like for us to focus on the content of <that report>. I'm
10 referring to E3/1804; ERN in French, 00233158 to 00233170; ERN in
11 English, 00087524 to 7536; in Khmer, 00235800 to 00235816.

12 This report contains a certain number of findings. I <want> to
13 know if you believe that these findings are still relevant to
14 this day.

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

16 "<After studying the testimony of several hundred refugees, it
17 has been possible to establish the following facts with
18 certainty>.

19 "<1. Executions>.

20 "Nearly all the officers, senior officials, policemen,
21 intelligence agents, customs officials, and military police were
22 executed during the first few days after the victory of 17 April
23 1975. Detailed and completely independent accounts were obtained
24 concerning the towns of Phnom Penh, Battambang, Siem Reap, Oddar
25 Meanchey, Pailin, Preah Vihear, and other smaller settlements.

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

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

6 [15.53.50]

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

16 "Cases of summary execution of doctors, engineers, professors,
17 teachers, students, and school pupils occurred in the first few
18 weeks, but this does not seem to have been the general rule. They
19 were sometimes resettled in special villages and were sometimes
20 absorbed in the population, but were placed under special
21 supervision. The slightest offence on their part against
22 revolutionary morale (<>grumbling, lack of zeal at work) was
23 punished by death. Since 1977, it seems that they have been
24 systematically sought out and executed.

25 [15.55.54]

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1 "Persons showing any disapproval of the regime are generally
2 subjected to verbal correction<>, sometimes accompanied by
3 punishment (deprivation of food, bastinado, exposure to the sun
4 without food or drink, etc.). They are sometimes imprisoned. A
5 second or third offence <means> death.

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

12 [15.57.03]

13 MR. VERCKEN:

14 <If you may>, Mr. President, <pardon me for interrupting Your
15 Honour,> but I believe that we are going above and beyond the
16 confines of this trial <and that you are setting up to ask the
17 witness to react to something that is not within> the scope <> of
18 this trial.

19 JUDGE LAVERGNE:

20 <I don't know if I have to->

21 MR. KOPPE:

22 May I add something to the submissions of my learned colleague? I
23 also believe that, as I have said earlier, the witness is a
24 witness to the events that he has witnessed - that's why he's
25 witness - but I'm not sure if we should ask him questions which

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1 have the scope of treating him like an expert, which seems, with
2 all due respect, Your Honour, that you are doing at the moment.

3 [15.58.01]

4 MR. PRESIDENT:

5 Prosecutor, you may proceed.

6 MR. DE WILDE D'ESTMAEL:

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

9 Firstly, whether this document submitted to the United Nations is
10 relevant, I think the matter is very clear. A certain number of
11 passages from the report have been read out. They concern
12 <executions>, and these passages deal with executions that
13 happened just after the victory of 17 April, which concern the
14 near totality of military officers, <civil servants, policemen,>
15 etc. There's also mention of the execution of certain cadres
16 afterwards in <1976> and <1977>, that as far as individuals
17 mentioned by Judge Lavergne. There is a description of summary
18 executions during the first weeks <or a different treatment>
19 after the capture of Phnom Penh.

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

22 <As> to whether the witness can answer <> as an expert <- that is
23 the term used by the defence for Nuon Chea -> well, <I note
24 simply that - and that speaks volumes - that> in 1978 <the United
25 Nations, the Human Rights Commission> had considered that this

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1 witness <could be an expert given the groundwork that he had
2 undertaken with refugees. So it is perfectly legitimate for him
3 to comment on what he wrote> at the time. Thank you.

4 (Judges deliberate)

5 [16.03.59]

6 MR. PRESIDENT:

7 Counsel for Mr. Khieu Samphan's objection, which was supported by
8 counsel for Nuon Chea, is not sustained. The questions are put by
9 the Bench, and finally, it is the Bench that will <assess> the
10 probative value of the testimony.

11 And since it is now – this afternoon's session is coming to an
12 end, we would like Judge Lavergne to finish putting the few final
13 questions.

14 BY JUDGE LAVERGNE:

15 Well, I would like to specify that the information contained in
16 this report <has> a direct link <to> the scope of this trial, and
17 in particular, there are findings in there regarding the
18 evacuations.

19 Q. And you said the following:

20 "The population of Phnom Penh and of all the cities and towns in
21 the 'government <areas>' were <deported during the days
22 immediately following> 17 April 1975. <The hospitals> were
23 emptied, the <wounded, sick and surgery patients being obliged>
24 to leave their beds. <Those who could not do so were killed on
25 the spot>. <This deportation affected> more than 4 million people

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1 and caused the death of many <old> people, <small> children, and
2 <women in labour>."

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

5 [16.06.11]

6 MR. PONCHAUD:

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

9 And in order to tell the truth, <because> during the Khmer
10 regime<, matters were dealt with differently from> one place <to
11 the other,> I gathered information <mainly> from Battambang and I
12 did not obtain <much> information from other locations. Mr.
13 Michael Vickery, who wrote a book <entitled> "Cambodia
14 1975-1982", <> criticized me on several points, and I <> accept
15 his <criticism>. And I thought that people would receive the same
16 treatment all across the country, but I learned that, indeed,
17 people were treated differently from one place to another. The
18 plan was <similar> in all places, but <> discipline <could be
19 harsher in> one location than <at another>.

20 [16.08.11]

21 And in this report <written in 1977, I was not even aware of the
22 conflict between Cambodia and Vietnam. I suspected> that it could
23 be a war, but there was no information <to> support <or disproof>
24 this suspicion. <When> the Khmer Rouge attacked the Vietnamese at
25 the border area, <starting hostilities, there were many>

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1 casualties.

2 <In 1977, the second revolution erupted. Ta Mok called it> the
3 "second revolution". And Ta Mok was in charge of the Southwest,
4 and along with Pol Pot in the West, they started to reshuffle
5 cadres all across Cambodia. By 1977 and 1988, people in the ranks
6 of the Khmer Rouge, a lot of them died.

7 For example, in Oslo, I gave a list of a 100 names in the report,
8 and these people were Khmer Rouge cadres who were executed in the
9 East Zone, in Kampong Cham province.

10 In 1977 – what happened until 1977 was part of the ideology; they
11 <wanted> to create <a> New People. They <wanted> to build dykes
12 and canals and change the way of life. <This was logical, because
13 war with Vietnam became imminent from 1977 onwards>. I told
14 reporters in France, but they were not convinced.

15 [16.10.42]

16 <And on 31 December 1977, I visited refugees from Am Laing, in
17 France; I was listening to radio broadcasts and I heard Khieu
18 Samphan> talking about the war with Vietnam. He talked about
19 Vietnamese invading – or coming into Cambodian territory in <the>
20 Memot <and Dak Dam areas>.

21 MR. PRESIDENT:

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

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

25 For tomorrow's sessions, the Chamber continues hearing the

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1 testimony of Mr. François Ponchaud, questions to be put by
2 Co-Prosecutors and Lead Co-Lawyers for the civil parties in the
3 morning; and in the afternoon sessions, counsels for Mr. Khieu
4 Samphan would proceed with the questions, and followed by
5 counsels for Mr. Nuon Chea.

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

9 [16.12.20]

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

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

18 The Court is adjourned.

19 (Court adjourns at 1613H)

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