



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

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I N D E X

MR. FRANÇOIS PONCHAUD (TCW-536)

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
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

*Extraordinary Chambers in the Courts of Cambodia*  
*Trial Chamber – Trial Day 165*  
*Case No. 002/19-09-2007-ECCC/TC*  
*9/04/2013*

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

2 (Court opens at 0909H)

3 MR. PRESIDENT:

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

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

6 Chamber is scheduled to hear TCW-536.

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

8 of the parties to the proceedings today.

9 [09.10.42]

10 THE GREFFIER:

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

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

13 in his holding cell due to his health concerns.

14 Witness who is to testify today, TCW-536, is present in the

15 waiting room, awaits call from the Chamber. According to the

16 witness, the witness is not in a relationship with the co-accused

17 persons, Mr. Khieu Samphan, and Nuon Chea or any party - or civil

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

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

20 MR. PRESIDENT:

21 Thank you.

22 The Chamber has received a medical report from the treating

23 physicians who advised the Chamber that Mr. Nuon Chea be allowed

24 to observe the proceedings from his holding cell due to his

25 health reason. As Mr. Nuon Chea is in need of medical physician

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1 in his assistants and the Chamber is seized to of such a  
2 recommendation and such recommendation is relevant to the  
3 experts' testimonies during the trial proceedings.

4 [09.12.46]

5 And according to the Internal Rule, due to Mr. Nuon Chea's health  
6 concerns, he is fit to stand trial and for - or in the interest  
7 of justice, Mr. Nuon Chea is now allowed to observe the  
8 proceedings from his holding cell through video audio 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.

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

25 A. I was born in February 1939, in the area of the Alp^

1 (phonetic) Mountain.

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 priest.

8 Q. What are your parents' names?

9 A. My father is Léon Ponchaud. He was born in - in 1989; he died  
10 20 years ago. And my mother is Édith Jaccoux and she died 15  
11 years ago.

12 Q. Thank you, Mr. François Ponchaud. As a witness before this  
13 Chamber, you are supposed to take the oath according to religion,  
14 do you agree?

15 A. I would like to declare solemnly that I now will tell the  
16 truth, nothing but the whole 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 am not in any relationship with either Nuon Chea, or Khieu  
4 Samphan, although I met one of them, Mr. Khieu Samphan, eight  
5 years ago.

6 Q. Before we proceed to put some questions for you, the Chamber  
7 wishes to inform you of your rights as a witness.

8 [09.19.46]

9 Mr. François Ponchaud, as the witness during these proceedings  
10 before the Trial Chamber, you can choose not to respond to any  
11 questions that are - that in your response you feel that they  
12 will be self-incriminating. And as the witness, you are to  
13 respond to all questions put for you by the Judges of the Trial  
14 Chamber, or parties to the proceedings and you are to speak the  
15 truth, the whole truth, nothing but the truth. And this truth  
16 must be relevant to the experiences you have had relevant to the  
17 events, and also relevant to the questions put to you by the  
18 Judges and the parties to the proceedings.

19 The next question is: Mr. François Ponchaud, have you ever given  
20 any interviews to any of the Co-Investigating Judges of the ECCC  
21 during the last few years?

22 A. Mr. Marcel Lemonde called me to speak with me for the whole  
23 day. It was four years ago and I already reported to the Human  
24 Right Committee or UN Human Right Committee in Geneva on the 15th  
25 of September 1998 about the Khmer Rouge regime or Democratic

5

1 Kampuchea.

2 [09.21.55]

3 Q. Thank you, Mr. Ponchaud. We have already noted that you are  
4 speaking in Khmer, but what is your nationality, please?

5 A. I am French, originally. However, I work at Preah Vihear to  
6 develop the province. At Preah Vihear, they said that I was a  
7 French individual who – or, rather, a Khmer who was born French,  
8 who helped to claim Preah Vihear for Cambodia.

9 MR. PRESIDENT:

10 Mr. Ponchaud, it is really impressive indeed that you speak Khmer  
11 during the trial proceedings. Nonetheless, it would also be great  
12 if you can also speak French, but the Chamber would not really  
13 discriminate against the way you choose your language to speak.  
14 If you choose to speak Khmer, then you will be supposed to speak  
15 Khmer all throughout the whole proceedings for the convenience of  
16 interpreting purposes. But if you choose to speak French, then  
17 you may do so and just speak one language so that it is easy for  
18 us to understand. Indeed, it's for the purpose of justice here  
19 before this Chamber.

20 [09.23.50]

21 Could you please hold on, Mr. Ponchaud. Please speak when you see  
22 the red light is on your mic, otherwise your message cannot be  
23 conveyed.

24 MR. PONCHAUD:

25 In Cambodia, we are now trying – we are prosecuting the Accused



6

1 who have committed the crimes and as it is in Cambodia, we should  
2 speak Khmer. I have been -- now I have a Khmer citizenship, and I  
3 can speak Khmer without any problem.

4 MR. PRESIDENT:

5 Indeed, your Khmer is very fluent and clear. The Chamber would  
6 not object to your choice of language and you can, indeed, speak  
7 Khmer during these proceedings. But as I already made it clear,  
8 if you choose to speak Khmer, please speak Khmer in the whole  
9 proceeding so that the interpreters could follow you very  
10 smoothly and very well.

11 Next the Chamber would like to inform the parties to the  
12 proceedings that during the testimony of Mr. François Ponchaud,  
13 the Chamber would like to proceed with putting a few questions to  
14 the witness before handing over the floor to the prosecutors; and  
15 Lead Co-Lawyers for the civil parties; and finally, the defence  
16 counsels for Mr. Nuon Chea and Khieu Samphan.

17 [09.25.47]

18 BY MR. PRESIDENT:

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

21 MR. PONCHAUD:

22 A. I came to Cambodia on the 4th of November 1965 during the  
23 Sihanouk regime and also I lived through Lon Nol's regime. And  
24 for another piece of information, I offered the key to the U.S.  
25 embassy to a person on the 7th of May and I was taken to the

7

1 border area by the 7th of May 1975. So altogether, I had been in  
2 Cambodia for 47 years and a half.

3 Q. Thank you.

4 Can you tell the Chamber also, what was your purpose of coming to  
5 Cambodia in 1965, and where did you work?

6 A. I arrived in Cambodia as a member of an association, the  
7 Christian Association who -- or which had to travel countries in  
8 Asia. This committee came to Asia in 1959 and there was a small  
9 Christian community and they would like to have young people to  
10 engage in this mission and I was selected.

11 [09.28.07]

12 And for the first three years, I studied Khmer and also the  
13 customs and traditions -- and Buddhism. And I lived with Khmer  
14 people so that I could easily understand Buddhism and I studied  
15 how Buddhism could help Christians on how we could also make use  
16 of the way we understand Buddhism and the way we understand  
17 Christianity.

18 Q. Thank you very much. You said you came to Cambodia in 1965 and  
19 had lived all the way to the 7th of May 1975 when you left, and  
20 you were deported by the liberated soldiers. The next question  
21 is: During this period of time, from 1965 to 1975, did you ever  
22 leave Cambodia on any occasion? For example, did you ever leave  
23 Cambodia for France or for a foreign country during this time?

24 [09.29.29]

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

8

1 that time because I had to travel to France. The French  
2 government offered two airplanes to evacuate the French  
3 immigrants. At that time, my association -- I was assigned, but I  
4 was asked to travel to another country, not France.

5 I would like to tell the world what happened in Cambodia, but I  
6 was then sent to France. I was in France in July 1975 where I  
7 started writing about what happened in Cambodia, about when the  
8 Khmer Rouge soldiers entered Phnom Penh. And my writing was also  
9 published on the 15th of October. It was about the revolution,  
10 the miserableness of the revolution.

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 asked a lot of questions by the parties to  
14 the proceedings. As the President of the Trial Chamber, I would  
15 like to only proceed with very simple or common questions  
16 concerning your living in Cambodia, in particular, in Phnom Penh.  
17 We asked you these questions concerning the period of time prior  
18 to 1975 to establish the fact and to learn from you based on your  
19 experience living in this country during this time. And the Khmer  
20 Rouge soldiers came to Phnom Penh in 1975, on the 17th of April.  
21 We will ask you a few more questions concerning this  
22 chronological order of the events until the moment when you were  
23 deported from Cambodia, and then you landed in Thailand through  
24 Poipet checkpoint. These are the line of questions to be asked  
25 and we believe that if you respond more than what we ask, then

9

1 you would then answer the questions that the party might be  
2 asking already.

3 [09.32.42]

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

8 A. I left Cambodia for one month in 1972.

9 Q. Thank you.

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

18 [09.34.39]

19 A. From 1965 to 1970, I had been in Cambodia for about five years  
20 already, and I was impressed by the development. I did not pay  
21 great interest to the poverty or injustice into society. I knew  
22 that there was some injustice, people talked about this, but I  
23 did not have great interest in that because I was rather young. I  
24 heard about Prince Norodom Sihanouk cursing Hu Nim and Hou Youn,  
25 and in that I also heard about the riots, rebellions in Samlaut.

10

1 And at that time, Samdech Sihanouk would like to arrest Mr. Khieu  
2 Samphan, Hu Nim, and Hou Youn. I also read new articles that --  
3 about the death of these people, so I learned about this before  
4 1970. But later on, I learned that the three people escaped; they  
5 were not killed as what claimed by the news.

6 In Samlaut, I don't remember the exact month, but it was in 1967,  
7 the farmers revolted against the -- Sihanouk's people because  
8 their land was grabbed to pave way for the sugar factory. People  
9 started these riots and there was not -- or the Khmer Rouge  
10 soldiers did not exist yet.

11 [09.36.52]

12 I heard in 1968 about the Khmer Rouge soldiers and I also heard  
13 about the killing of the people in -- who were killed by the  
14 Khmer Rouge soldiers. Indeed, I heard that Khmer Rouge killed  
15 these people.

16 Then I went to Kroch Chhmar further south of Kroch Chhmar at  
17 Kratie province. At night I would hear dogs barking and I asked  
18 people why dogs barked and they said that was normal. Actually,  
19 it was not normal because the Khmer Rouge had to come to the  
20 villages during night time to propagandize their course.

21 That's all I remember, and this event remained the same until  
22 1970.

23 And when it comes to Khieu Samphan, I would like to admire him.

24 His Excellency Khieu Samphan was Mr. Clean, and King Norodom

25 Sihanouk promoted him to be the officer in charge of the Ministry

11

1 of Commerce. He did not receive bribes. He was offered a Mercedes  
2 Benz as a form of bribe but he did not take it, so he was a very  
3 admirable person, and we learned that he has been a nice person,  
4 good person all along.

5 [09.38.48]

6 I was young at that time, but I learned that Samdech Sihanouk's  
7 police undressed Mr. Khieu Samphan in front of the Assembly, and  
8 Mr. Khieu Samphan protested against the prince and he wrote about  
9 this in the "Observateur". And indeed, we were worried that he  
10 would be arrested.

11 Q. Thank you very much.

12 Can you also describe to the Chamber the events or what happened  
13 in Phnom Penh during the time when the liberated soldiers  
14 approached the city? Tell the Chamber about your impression  
15 concerning the people and the general situation briefly, please.

16 A. In a few words, I may say in 1970, when King Norodom Sihanouk  
17 was toppled down, I was in Kampong Cham. We heard that people  
18 from Kratie and Snuol had to travel all the way from these  
19 locations to revolt against the government.

20 [09.40.31]

21 At that time, Lon Nol soldiers dropped bombs in Skun to destroy  
22 all the demonstrators. Demonstrators came to the Chrouy Changva  
23 area. Mr. -- the Frenchmen fired guns of -- opened fire at these  
24 demonstrators. It was in the March -- or the 30th of March that  
25 this event happened. It was at about 6 o'clock when Lon Nol

12

1 soldiers had to open fire on the unarmed demonstrators, 60 of  
2 whom were killed in this incident.

3 The Khmer Rouge were cruel, but I believe that they were cruel  
4 because they had reason to do that as they were not pleased with  
5 the way they were treated by the Lon Nol soldiers. And at that  
6 time, the Vietnamese troops were invading the border area of  
7 Cambodia. And I, myself, was also arrested at Han Chey Mountain  
8 in Kampong Cham, but I had to bribe them for my release. I had to  
9 pay them about 44,000 dongs for my release.

10 [09.42.21]

11 I think it is also important to recall the event, that on the 1st  
12 of May 1970, American soldiers and the South Vietnamese troops  
13 invaded Cambodia. They came deep inside to Cambodia, 40  
14 kilometres deep into the country. Now, I live in the area where  
15 it was once occupied by these troops. It was in Ou Reang Ov  
16 district. These Vietnamese troops came all the way to S'ang  
17 Village, the village which was the hometown of Deputy Prime  
18 Minister Sar Kheng<V>.

19 The American and the Vietnamese troops were very brutal. They  
20 killed civilians and raped them. The only way the people could be  
21 safe was to join or to reach the Khmer Rouge soldiers. I could  
22 also refer to witnesses who say that the Khmer Rouge soldiers  
23 were very nice and good people. They helped us cultivate rice and  
24 also they were engaged in this assistance all along. It happened  
25 during the time when Cambodia was bombarded by the Americans.

13

1 I am talking about this because I have my own version about the  
2 Khmer Rouge. At the beginning, Khmer Rouge provided some form of  
3 hope for the people of Cambodia. Even I, myself, in my book,  
4 "Camboge, année zéro", I also wrote that I would pray that the  
5 Khmer Rouge soldiers came because people lost all hope during the  
6 Lon Nol regime. Cambodian people had to suffer greatly and in  
7 despair. And by 1973, we already knew what the Khmer Rouge had  
8 been doing. They were helping us in the fields.

9 [09.44.59]

10 And we also learned that people were evacuated in 1973 when I was  
11 in Kampong Cham. I learned that this happened in Bos Khnor and  
12 Damnak Chang'aeur locations, but the information about the bad  
13 deeds of Khmer Rouge intensified. We did not know why this  
14 happened. Perhaps it was a kind of tactic in war. And we were  
15 still convinced that Khmer Rouge were not bad people. When they  
16 won the war, we expected that they would lessen their cruelty,  
17 but that was not our expectation. But it was better than what the  
18 people had been treated by the Lon Nol soldiers, though.

19 On the 17th of April 1975, the whole population was evacuated  
20 from the city. It was after the victory won over by the Khmer  
21 Rouge. And on the 20th and - of January 1973, there was a  
22 signature signed by the - Mr. Kissinger. And Mr. Kissinger should  
23 also be brought to stand trial for his acts during that time. The  
24 Americans dropped bombs all across Cambodia, and I was the  
25 witness, I bore witness to these events.



14

1 [09.47.04]

2 I was in a house near the market of Kandal or Kandal Market. At  
3 night, I could see that the bombs were dropped in the horizon. It  
4 was like the skyline was burning. The American soldiers  
5 mistreated Cambodian people without any reason whatsoever. They  
6 killed Cambodian people through bombings.

7 Some researchers said that about 100,000 Cambodian people died.  
8 To me, about 400,000 people could have been killed by the bombs.  
9 People were shivering; they were terrified and traumatized by  
10 these carpet bombings. We all know that everyone was having a  
11 very difficult time during the time of the bombings, and people  
12 in the paddy fields had to run to the cities to take refuge. They  
13 were afraid of the Americans who kept bombing on them.

14 [09.49.05]

15 So, by 1975, the -- by April 1975, people already came to the  
16 city and then we were informed or asked to leave the city because  
17 they said that Americans would be bombing us again. As I told  
18 you, we had been traumatized by the bombings, so by way of  
19 hearing that we had to leave the city, otherwise we would be  
20 bombed again, people were convinced and we had to leave the city.

21 I talked to the Khmer Rouge that I did not want to leave  
22 Cambodia, I would like to live in Cambodia until I die, but the  
23 Khmer Rouge told me that I could be on my own and I - if I did  
24 not want to leave Cambodia, then I would have to be responsible  
25 for my own safety.

15

1 Q. Mr. Ponchaud, you already testified the events you bore  
2 witness to, for example, the bombings, and that you lived in  
3 Phsar Kandal location, on a tall building.

4 [09.50.42]

5 Can you please be more precise? How close were you to the bomb  
6 sites that you could really see them from your apartment or the  
7 place where you stayed?

8 A. I could see the skyline which was so bright the skyline was  
9 illuminated already by these fires, the fireball from the bombs,  
10 so the sounds of the bombs could be heard easily. So I could see  
11 that it would not be very far from Phnom Penh, that's why the  
12 bombs could be heard when they were dropped. And also, the ground  
13 were - was shaking at some point, so I believed that the bombs  
14 were dropped not very far from the vicinity of the city.

15 Q. Thank you, Mr. Ponchaud.

16 You talked about the increment of population flowing into the  
17 city before the 17th of April 1975, and you even emphasized that  
18 according to your estimation, the number of people could have  
19 reached 3 million by the time in 1975 - April 1975. Can you also  
20 tell the Chamber, where were these people from?

21 [09.52.36]

22 A. (Microphone not activated)

23 Q. Mr. Ponchaud, could you please hold on? Wait a moment until  
24 you see the red light on your mic, otherwise you could not be  
25 heard.

16

1 A. Mr. Stalin (phonetic) said in the statistic that about 1 to 2  
2 million people could have come to the city, but there was no  
3 other substantiated report to support this. But I worked with the  
4 organization to help the refugees, and I could see that people  
5 kept coming to the city every day. I can't exactly say how many  
6 people could have come to the city, but I can estimate that there  
7 could have been 2 to 3 million people in Phnom Penh at that time  
8 because people could be seen staying at different pagodas and  
9 street corners.

10 Q. What was your impression concerning the way people lived their  
11 life back then? Did they have enough food to eat or did they live  
12 a decent life?

13 [09.53.52]

14 A. Life was miserable because they couldn't survive such  
15 situation. They could not make a living in a chaotic situation.  
16 My organization, and Caritas organization assisted the refugees  
17 and we also helped them grow some vegetables on the outskirts of  
18 the city. People did not have enough to eat. First, we could help  
19 them but the assistance was very minimal. We could help them  
20 until January 1975, and we also saw that ships were seen  
21 transporting rice to Phnom Penh.

22 On the 1st of January 1975, by midnight, we were bombed or fired  
23 at by all - from all directions, and I learned at that time that  
24 Phnom Penh would soon be captured by the Khmer Rouge. Two days  
25 later, the Khmer Rouge soldiers crossed the Mekong River, so no

1 more food would be shipped from Vietnam as we saw before. The  
2 American planes brought rice and food from Bangkok.  
3 As early as March 1975, the Khmer Rouge attacked Pochentong  
4 Airport and the Americans had to drop food from the air through  
5 the parachutes. And these parachutes end up landing on the area  
6 conquered by the Khmer Rouge on several occasions.

7 [09.55.58]

8 On the 17th of April 1975, it was the day when Khmer Rouge all  
9 came to the city. We were very terrified because we knew already  
10 that the Khmer Rouge did something very bad in the rice fields  
11 but we had no choice.

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

13 Did you also have an opportunity to visit some hospitals? If so,  
14 what was your impression concerning the medical care service and  
15 how patients were treated?

16 A. In Lon Nol time, I did not work at hospitals, I had different  
17 assignments and we worked in different direction that I had no  
18 opportunity to go to the hospitals. I was an interpreter and  
19 translator. Although I knew the situation was very bad, I had to  
20 remain at home performing my job.

21 [09.57.31]

22 I helped some people who were seriously ill from Treang location  
23 and we collected them and have them kept in one centre so that  
24 this kind of disease they had could not be spread out to other  
25 people. So this is the only incident when I can tell you about

18

1 people who were sick, but I did not pay great attention to work  
2 at hospitals.

3 Q. Thank you. We would like to proceed to events from - during  
4 April 1975.

5 Now, the evening before the 17th of April, where were you and  
6 what did you do?

7 A. As I already told you this morning, I worked at a church, and  
8 from the 13th of April 1975, I learned already back then that the  
9 Khmer Rouge soldiers would capture Phnom Penh anytime soon, so I  
10 stayed at a commune office. And there was a church, a very tall  
11 church in the area. The location was not proper for such building  
12 of the tall -- big church, because I learned that if a government  
13 ruled by the nationalists took power then this church would be  
14 destroyed. But I thank the Khmer Rouge who actually finally  
15 destroyed this monument anyway, because it was too tall, like a  
16 mountain, it was not a kind of good building.

17 [09.59.58]

18 But I was in the building and I could see Khmer Rouge soldiers  
19 marching into the city. They burned down some houses. So on the  
20 16th of April, I thought that it was about time already that the  
21 Khmer Rouge came to the city. Mr. François Perez<V>, the head of  
22 the Red Cross, created a kind of campsite for people who would  
23 like to take refuge at Wat - rather, at Santakir (phonetic)  
24 Phnom, or Phnom Hotel - Le Phnom Hotel. And they wrote that place  
25 was the international site for refugees, and it's a free soldiers

1 zone.

2 So, I was asked to help translate into Khmer and from Khmer into  
3 French, and we received senior people or officials who would like  
4 to take refuge at that place. And I had to help check them before  
5 they could be allowed to get into the place. I had to help remove  
6 or unarm them before they could be allowed into the vicinity.

7 [10.01.52]

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

16 And at night, I could hear fighting; gunfire surrounding the  
17 vicinity of Phnom Penh. Khmer Rouge opened fire and every now and  
18 then I - when I was at the Phnom Penh Commune Office, I could  
19 hear this, and I had to travel from this place to Phsar Thmei,  
20 but by the time I came back I saw seven people died because a  
21 bomb was dropped a moment ago, and these seven people lie dead  
22 near my house. And from 1973 onwards, the situation in Phnom Penh  
23 was so miserable, was so difficult. There was no food and Khmer  
24 Rouge continued fighting and open fire, and I believe that in  
25 1972, this fierce fighting happened once already.

1 [10.04.22]

2 The Khmer Rouge dropped bombs and killed about 200 people at Tuol  
3 Svay Preah location. In 1973, Khmer Rouge dropped bombs again and  
4 killed all the people in that "sangkat". All houses were on fire  
5 and people had no food and they were terrified, they were  
6 traumatized by this war.

7 Q. Now, you talked already about the 17th of April 1975, so we  
8 would like to have a few questions concerning the event after 17  
9 of April 1975. Nonetheless, we are convinced that the parties to  
10 the proceeding may be asking you some questions concerning this.  
11 At this moment the Chamber would like to know more from you about  
12 the events that happened exactly on the 17th of April 1975, in  
13 particular, what happened in Phnom Penh when you saw - in 1975 on  
14 the 17th of April. Please, describe to the Chamber only what  
15 happened during that particular day.

16 [10.06.04]

17 A. On the night of the 16th of April, I was still at the Le Phnom  
18 Hotel to disarm people, the government officials who would like  
19 to take refuge at the international refugee camp - or site. And  
20 later on I was at the municipality and I could see that hundreds  
21 of people were coming from all directions into the city, and they  
22 said that the Khmer Rouge were coming, and we received them. We  
23 placed them in a building, a big building, and we believed that  
24 everyone could be safe in that area, bombs could never reach us.  
25 And then there was a Sedan, a white Sedan, parked before the

1 French embassy and we believed that the French officials would be  
2 negotiating with the Khmer Rouge so that we could be safe. We  
3 hoped good things could happen.

4 But later on we learned – or we saw, tanks rolling to the cadre  
5 school and shells were fired from that tank and a man had to walk  
6 all the way to the tank to negotiate with the soldiers; and as  
7 the result, half of the soldiers surrendered when the remaining –  
8 or the rest continued fighting and this person disappeared and  
9 the tank disappeared. And I had the impression that it was  
10 strange that there were some youths who were wearing black  
11 clothes, holding a flag, and journalists could identify them as  
12 Khmer Rouge soldiers. Actually, they were not Khmer Rouge  
13 soldiers. They were Lon Nol's brother and relatives.

14 [10.09.15]

15 These people could have taken the advantage of the opportunity to  
16 claim the victory of Phnom Penh and they were joined by some  
17 people in cars to congratulate them, and also they were  
18 congratulated by the people in Phnom Penh. And all the  
19 journalists still were convinced that this group of people were  
20 the Khmer Rouge, and Le Monde also captured this event, and they  
21 even said that Khmer Rouge liberated Phnom Penh. I think the  
22 journalists were misled by this event and I was also surprised  
23 when I was at the church and I did not know why the fighting had  
24 been very fierce and people exchanged hostility but now they  
25 hacked one another. It is not like what I expected.



1 Among these young people who wore black clothes I could see that  
2 they were not the people that we could smile at. At 10 o'clock,  
3 they captured the whole city. So, by then, I can see that Phnom  
4 Penh was occupied by all these soldiers, and we could also see  
5 other people who had to surrender or were disarmed. At the  
6 beginning, we saw only young people searching others for weapons,  
7 but then we learned that they were the Khmer Rouge soldiers and  
8 we learned also that the Lon Nol soldiers had to surrender, and  
9 the representative of the Lon Nol soldiers made it clear that the  
10 Lon Nol soldiers now were defeated. And they surrendered and they  
11 did not do any harm to the Khmer Rouge soldiers anymore, and  
12 Samdech Huot Tat<sup>^</sup>, also told the people at that time that it is  
13 time. Now we had to join hands in rebuilding the country and we  
14 begged the victors not to engage in any hostility further.

15 [10.12.42]

16 So by 10 o'clock, as I told you, Phnom Penh was fully captured  
17 and it was complete silent. There was no more gunfire. I did not  
18 believe that the Khmer Rouge stopped killing people, but I did  
19 not hear any more gunshots and at 11 o'clock I saw the  
20 unspeakable events. I saw the sick people, I saw the cripples who  
21 were crawling like worms right in front of my house and people  
22 were moving out of the city, and one of the handicapped asked to  
23 stay in our house and I said, sorry, you have to move on  
24 otherwise you will be killed if you stayed here.  
25 So we did not receive any patients and it was shameful for me not

23

1 to do that. But we had no choice, and a lot of injured people had  
2 to be – were asked to move to the paddy fields, and I heard  
3 people say if the injured people did not want to leave then they  
4 would be killed by bombs by the soldiers.

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

18 [10.15.57]

19 I saw people walking along the street. They were marching out of  
20 the city. They walked in slow motion. I saw people march along  
21 the street but the movement were very slow. They could actually  
22 travel on foot around four, three to four kilometres per hour and  
23 then at around 6 o'clock, I did not see any people in Phnom Penh.  
24 At least in my place I did not see any civilians. I read a book  
25 which cited the shooting incident of the civilians somewhere

24

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

8 [10.17.38]

9 We - I and my friend - met with the Khmer Rouge and I looked into  
10 the Khmer Rouge eyes and then they looked at us with a strange  
11 look. Actually, the Khmer Rouge could threaten us by only a bare  
12 look of eyes. They were very fierce. That was the events on the  
13 16th of April and on the night of the 17 April. At night, there  
14 were military groups comprising of around 10 members each, and it  
15 was led by a leader, deputy leaders and members. They came to our  
16 house. They wanted to stay over there. When they met us they gave  
17 us a very fierce look. They communicated with us. They asked us  
18 whether or not I knew "Mae" Hélène, because "Mae" Hélène was the  
19 wife of Bizot.

20 [10.19.13]

21 And they told us not to move around freely, and then at night we  
22 talked to those Khmer Rouge soldiers and it was not that  
23 difficult to talk to them. They were like ordinary youths as  
24 well, and the Khmer Rouge wanted to learn how to drive our cars  
25 and when they drove the car and then they hit the tree, they

1 blame the car. Why the car did not find the way by itself. So the  
2 Khmer Rouge in general were dumb. They were ignorant of this --  
3 of anything. So we stayed and played with the Khmer Rouge that  
4 night and they did not appear to be, you know, somebody who were  
5 fierce.

6 And on the 18 of April, the team leader asked me,-- and they told  
7 me that we had to go to the train station -- and I was driving  
8 the Khmer Rouge in my car at that time, and I was acting as a  
9 tour guide. I told them that this was the residence of this  
10 person and that person. This was the Independence Monument. This  
11 mansion belongs to a Royal Family, so on and so forth, and then  
12 we drove past the Royal Palace. And then, at that time, I still  
13 noticed that there were some remaining Lon Nol soldiers resisting  
14 as well, and they were fighting and I told the Khmer Rouge. But  
15 they were not frightened of the Lon Nol soldiers and they kept  
16 asking me, where the American soldiers were staying? And I told  
17 them, no, there was no Americans around. So the Khmer Rouge  
18 thought that there was the presence of American soldiers  
19 everywhere.

20 [10.21.28]

21 So we went along Kramuon Sar Road and we noticed that there were  
22 Lon Nol soldiers who were fighting with the Khmer Rouge and the  
23 Khmer Rouge soldiers were a bit frightened, and they asked us to  
24 drive them around Phnom Penh to show them around. The reason why  
25 I am describing all of these events is because to make the Court

1 clear that on the 17th of April the Khmer Rouge evacuated the  
2 city, at least in the Sangkat Chen^. I drove from train station,  
3 I drove them through the Independence Monument, and then I go  
4 through all the way through the Royal Place Kramuon Sar Street  
5 and I did not see any civilians, and the Khmer Rouge soldier  
6 broke the door of the houses opened and then they took all the  
7 properties from the houses, and then we went all the way to the  
8 French embassy in Phnom Penh.

9 Q. Thank you. Just now you talked about the order of the Khmer  
10 Rouge and you say you did not recall whether or not the Khmer  
11 Rouge used loudspeaker to announce to the public to evacuate the  
12 city. That's what you testified earlier on.

13 A. (Microphone not activated)

14 Q. No, my question is: Do you still recall the words the Khmer  
15 Rouge used to announce to the civilians in Phnom Penh to leave  
16 the city? What was the actually wordings they used, either  
17 through loudspeakers or orally?

18 [10.23.33]

19 A. They said, "Comrade, leave Phnom Penh City as soon as you can  
20 because the American soldiers will bombard the city. You will  
21 leave the city for about three or four days. You do not have to  
22 bring anything along with you. You will only leave for a short  
23 period of time. You will come back. The Khmer Rouge soldiers are  
24 not theft. Your properties will not be stolen so just leave the  
25 city as soon as you can."

1 So that's what I still -- it still echoes in my mind the words  
2 that the Khmer Rouge used at that time.

3 Q. Was only one person made that announcement or they actually  
4 designated different groups in order to make such announcements  
5 to evacuate people out of the city? Did they make that  
6 announcement everywhere in the city in order to evacuate the  
7 people, or only one group of persons to make such an  
8 announcement?

9 [10.24.40]

10 A. At that time, one thing came to my mind, because I saw a Khmer  
11 Rouge soldier in black clothes and they asked people to leave,  
12 and they asked us to leave as well, and then I said I did not  
13 want to go. I want to die in Cambodian territory. And then I saw  
14 another group of Khmer Rouge soldiers, they were in green clothes  
15 and there were another group of Khmer Rouge as well, and I  
16 thought to my mind that the Khmer Rouge was erratic. They were  
17 not in organized groups. I saw some of them were wearing black  
18 clothes, some were in green, dark green clothes, and some were  
19 carrying different, you know, rifles. And I noticed that there  
20 were six different groups of soldiers gathering for a meeting  
21 somewhere around the railway station, and then I - it raises some  
22 questions to my mind and at that time I think that the  
23 announcement was made through loudspeaker, but I do not recall  
24 that event.

25 Q. What was your impression when the Phnom Penh dwellers were

1 being evacuated by the Khmer Rouge through the announcement you  
2 said, and the Khmer Rouge who said that people had to leave the  
3 city for a short period of time, say three or four days, for fear  
4 of the bombing by the American soldiers? What was your  
5 observation at that time? Did they leave the city with specific  
6 purpose in mind, or did they have any specific direction to go,  
7 or it was under the command of the Khmer Rouge to leave into  
8 whatever direction they wanted the civilians to go?

9 A. (Microphone not activated)

10 [10.26.51]

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

14 A. Well, those who stayed in the northern part of the city, they  
15 had to leave from the northern part. So they had to leave through  
16 a different direction according to their areas of residence.  
17 Now, for example, one young boy, he was about 12 years of age, he  
18 was crying. He told me that my mother was delivering another baby  
19 in the East. He wanted to go to see his mother, no, but actually  
20 he could not go because we had to go in accordance with the  
21 orders of the Khmer Rouge. And people were actually - were very  
22 sad and they were very depressed as well. We look at their facial  
23 expression, they were sadder than sad and they did not want to  
24 leave because they noticed that - the way the Khmer Rouge  
25 actually exerted pressure on us, not only through weapons, but

1 also through the eyes as well. They only stared at us, and then  
2 we would be frightened to listen to their orders.

3 [10.28.23]

4 Q. Now you described only a few words that the Khmer Rouge used  
5 and you also said that they only stared at the civilians and then  
6 they are frightened stare -- frightening stare at the people were  
7 enough to move the people out of the city, or there was any  
8 actual order of physical coercion, for example, against the  
9 people so that they move in accordance with their direction.

10 A. To my recollection, the Khmer Rouge did not use physical  
11 coercion in order to move people out, at least in my areas that I  
12 could witness. We could not travel around at that time, even to  
13 the central market. But in the squatter that I stayed, I did not  
14 see the Khmer Rouge exercising physical coercion against the  
15 people. They only ordered people to leave and then people had to  
16 leave.

17 [10.29.33]

18 I think that they exercised certain psychological pressure to the  
19 people. I think that the Phnom Penh people were used to the  
20 bombing prior to the 16th of April. That's why they found that  
21 the information was rather true, because the 17th was considered  
22 a peace day - that Phnom Penh dwellers knew that the Khmer Rouge  
23 were not that bad and they would not actually kill their own  
24 people, and they thought that probably there would no longer be  
25 any bombing. They followed the order of the Khmer Rouge. They



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1 were sad, but they had to leave at that time. I did not see the  
2 killing. I did not see the physical coercion. I don't say that  
3 there would not be any killing at that time, but I just did not  
4 see -- witness the killing myself.

5 [10.30.22]

6 Q. You said you did not witness the killing. But you said also  
7 that you had to walk along with the Khmer Rouge soldiers all the  
8 way to Independence Monument and to Kramuon Sar Road and to the  
9 railway station, and you were also warned by the Khmer Rouge  
10 soldiers.

11 Can you tell the Chamber please, did you witness any mistreatment  
12 by the Khmer Rouge soldiers toward the civilians, and did you  
13 also see any dead bodies lying on the roads?

14 A. I did not see the corpses, but I saw the people who were  
15 walking on the roads. No dead bodies, although the war was not  
16 yet over.

17 Regarding your question, how people were treated, I can say that  
18 the way people were treated was bad, was beyond imagination,  
19 because it was a brutal act by the Khmer Rouge towards the  
20 people, the evacuees.

21 [10.32.17]

22 I had to leave the French embassy on two occasions, a few days  
23 later, perhaps on the 23rd -- or 21st, or 22nd of April. I had to  
24 leave the French embassy so that I could monitor the actual  
25 situation, and I saw the Khmer Rouge occupied the municipality

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1 and I could not see other people other than the Khmer Rouge  
2 soldiers. And later on I met a Khmer Rouge female soldier. I was  
3 very frightened, because women soldiers of the Khmer Rouge were  
4 believed to be even more cruel than their male counterparts. The  
5 Khmer Rouge then evacuated or gathered the French citizens and  
6 those who were holding French passports. At -- in the vicinity of  
7 Phnom Penh, it was empty. But I saw hundreds of people gather at  
8 Preaek Pnov. But I never saw any dead bodies. I couldn't say that  
9 people did not die during the course of the evacuation, but I  
10 just didn't see any.

11 MR. PRESIDENT:

12 Thank you, Mr. Witness.

13 It is now appropriate moment for adjournment. The Chamber will  
14 adjourn for 15 minutes.

15 Court officer is now instructed to assist Mr. Ponchaud during the  
16 adjournment and have him returned to the courtroom by 10 to  
17 11.00.

18 (Court recesses from 1034H to 1065H)

19 MR. PRESIDENT:

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

21 BY MR. PRESIDENT:

22 Q. Mr. François Ponchaud, before we broke, you told the Court  
23 that you took refuge in the French embassy. And then you were  
24 evacuated and you went along National Road Number 5, and then you  
25 reached kilometre 13, in search for your friends who were foreign

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1 nationals, and who are Christian, Catholic. And you intended to  
2 bring them back to stay in the French embassy at that time. So  
3 you left the embassy along National Road Number 6 through -  
4 rather, kilometre number 6, along National Road Number 5. Who did  
5 you go along with at that time?

6 MR. PONCHAUD:

7 A. There were two Khmer Rouge soldiers, and another French  
8 national who was a teacher. He was the driver. And there were two  
9 soldiers -- two Khmer Rouge soldiers going along with us.

10 [10.58.34]

11 And I went all the way to Preaek Pnov. I did not see anyone along  
12 the street. But when I reached Preaek Pnov, I saw seas of people  
13 in the paddy fields.

14 Q. What was your observation of the situation along the street  
15 when you were travelling down to Preaek Pnov? Did you notice any  
16 dead bodies scattered on the street or people around - or along  
17 the streets?

18 A. No, I did not see any corpses. I would not say that there was  
19 no dead bodies, but I just did not see those dead bodies.

20 Q. When you were travelling to Preaek Pnov, along the way, did  
21 you witness any events? For example, people being arrested by the  
22 Khmer Rouge soldiers in order to forcibly evacuate them out of  
23 the city?

24 [10.59.54]

25 A. None. I did not see any - anyone - not even the Khmer Rouge

1 soldier, not even the civilians along the street.

2 Q. Did you – when you reached kilometre 13 of Preaek Pnov, did  
3 you – went to see the people over there, when you saw – see the  
4 people as you described it? Did you mingle with them, or you just  
5 saw them from a distance?

6 A. I was inside the car. I did not get out of the car, because we  
7 were terrified at the time. I was terrified, myself. There were  
8 Khmer Rouge soldiers carrying rifles. I met -- I saw people whom  
9 I knew before. I dare not even talk to them. I only actually  
10 signalled them through my eyes. We used our eye contact to  
11 communicate. But we did not even use words to communicate.

12 Q. Do you recall the date when you went out of the French embassy  
13 to Preaek Pnov, along with the two Khmer Rouge soldiers? Do you  
14 recall the date you went there?

15 A. I do not recall it clearly, but it could have been five or six  
16 days following the 17th of April. Around five to six days  
17 following the 17th of April, but I do not recall exactly.

18 [11.01.48]

19 Q. Thank you. You said, earlier, that on the 18 of April, you  
20 stayed in the French embassy; is that correct?

21 A. On the 18th of April, it was the glorious day of the Khmer  
22 Rouge. At that time, we did not have place or shelter to stay.  
23 Actually, we slept under the bamboo trees.

24 Q. Can you tell the Court the overall condition of your living,  
25 particularly, people in the French embassy? What was the

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1 situation like in the French embassy at that time, and could you  
2 tell the Court the categories of people who took refuge in the  
3 French embassy, and what was the main events that came to your  
4 mind, if you can still recall, when you were staying in the  
5 French embassy?

6 [11.03.12]

7 A. In French embassy, there were around 500 foreigners, ranging  
8 from Americans to the leader of CIA. And there were other foreign  
9 nationals. There was one Laotian. There were altogether around  
10 500 foreigners. And there were around 500 Cambodians, too. The  
11 Cambodians who took refuge over there - the majority of whom were  
12 the former soldiers of the previous regimes - I do not recall  
13 their names. There were other soldiers who retreated before the  
14 16th of April. They also took refuge over there.

15 [11.04.04]

16 And a few days after that - around the 18th or 19th of April -  
17 now, I would like to describe the activities on the 18th and the  
18 19th of April. We talked to military personnel who wanted to seek  
19 refuge in the French embassy. And then they told us that,  
20 actually, the embassy is the sovereign territory of a foreign  
21 government. So they tried to seek refuge in the French embassy.  
22 They wanted to stay inside. But we tried to explain to them, but  
23 they could not understand. And on the 20th, there was one soldier  
24 who was in advanced age already - actually, he called a meeting  
25 of all nationals who were staying in the French embassy. And he

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1 told us that Comrade Khieu Samphan wanted to meet all comrades  
2 here, in order to rearrange the revolution. Khieu Samphan wanted  
3 to come to talk to all people in the French embassy, but he was  
4 engaged in re-arranging the revolution.

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

11 [11.06.27]

12 They had to leave the French embassy. There was one French lady  
13 who was very young, and her husband was a former nurse at  
14 Calmette hospital. She refused to stay in the French embassy. She  
15 refused to be separated from her husband, so she had to accompany  
16 her husband. She decided to leave the French embassy. And then  
17 one of them said -- next year, or in one year time, we would see  
18 each other in Champs-Élysées. I could not recall the name of that  
19 person. But on the 20th of April, it was the hardest day of their  
20 life, because they were separated from their loved ones on the  
21 day, from the French embassy.

22 So - and later, I learned from others that the Angkar - separated  
23 soldiers from the civilians, and they had to go in different  
24 directions.

25 [11.07.47]

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1 So they had to leave the embassy compound from that time onwards.  
2 And I encouraged Y Bun Suor, whom I had some sense of affection -  
3 I asked him - actually, I knew that they killed some of the  
4 soldiers or army commanders, but they did not kill other people.  
5 And then, on the 19th of April, there were some soldiers standing  
6 outside the French embassy compound; they demanded that the  
7 French Embassy hand over the seven "super traitors" - namely,  
8 Boun Hor, Sirik Matak - Boun Hor was the former official at the  
9 Senate - and Manivan, who was connected to the former king,  
10 Norodom Sihanouk, and there was another person whom I do not  
11 recall. We wanted to protest, but they actually pointed AK rifles  
12 against us. They asked the French Embassy to hand over the seven  
13 "super traitors" to them, so we had no choice. We had to  
14 surrender them to-  
15 We did not know what happened to them and their fate afterwards.  
16 And normally - Khmer Rouge killed those people. I heard from  
17 others the ways that they were executed, but I did not witness it  
18 by myself. But I learned that those people were all executed by  
19 the Khmer Rouge by various means. And then the Khmer Rouge also  
20 sent a group of them to the border. And then, later on, there  
21 were around some 500 Pakistanis.  
22 [11.10.08]  
23 And we were the ones who left the latest, on the 7th of May 1975.  
24 We had to travel along national road number 4, and we reached  
25 somewhere before we reached Kampong Speu province or Angk Snuol.

1 And then we reached Udong and Amleang, all the way to Kampong  
2 Chhnang. And in Kampong Chhnang, Angkar provided us sufficient  
3 food, and they were friendly to us.  
4 And the next morning we were sent to Pursat on the trucks. And  
5 then we reached Pursat; we had to change our truck. And before we  
6 reached Battambang, Angkar allowed us to relax for a few hours,  
7 and then we had to travel overnight across Battambang provincial  
8 town, and then we reached Poipet around 6 o'clock in the morning.  
9 So, from the French embassy all the way to the Cambodian-Thai  
10 border, I did not see anyone - not even the Khmer Rouge soldiers.  
11 I did not see the civilians in Phnom Penh, in Udong, Kampong  
12 Chhnang, Pursat - all the way, I did not see a single person.  
13 When we - we thought that we leaving from in a ghost country. I  
14 did not see any corpses - any dead bodies. I did not say that  
15 they did not kill any people, but I just did not see the dead  
16 bodies.  
17 [11.12.05]  
18 Q. Thank you. Just now you said that people forced a certain  
19 group of people to leave the French embassy. One group of them is  
20 the Cambodian men with French wives. They were supposed to go out  
21 to the field to work with the people. And another group is the  
22 so-called seven "super traitors". And just now you recall only a  
23 few of them by name.  
24 So, my question to you now is: When they were separating the  
25 couples -the Cambodian husbands with the French wives - how many



1 of them? And how did they get them out of the French embassy? Or  
2 they simply ordered that they left the French embassy and then  
3 they could go anywhere to the - to the countryside or they used  
4 any other transport means in order to take them out of the French  
5 embassy? Can you enlighten the Court on that?

6 A. The so-called seven "super traitors", I did not see them by my  
7 own eyes, because - François Bizot was standing at the gate, but  
8 I was at the back. I was - I only heard there was an announcement  
9 to leave - announcement asking them to leave, and I heard that  
10 Sirik Matak, at that time, was very - rather articulate, at that  
11 time.

12 [11.13.50]

13 And as for the Cambodian men who had a French wife, they had to  
14 leave with all Cambodian civilians. They left with other  
15 civilians.

16 I told the Cambodians who were inside the French embassy - I told  
17 them to leave, to leave the French embassy or sooner or later the  
18 Khmer Rouge would come and get them, so they had but to leave.

19 And then - and there was one man who - by the name of Tep  
20 (phonetic), something like that; I asked him not to leave and I  
21 told him that if he left the embassy now, he would die the next  
22 day, but if he stay here probably he could live two - one or two  
23 weeks longer.

24 And then some people were taken from the French embassy and they  
25 were placed at the - a place somewhere around the old stadium,

1 and then the Khmer Rouge separated them, tried to segregate them  
2 between soldiers and civilians. And I was told that they killed  
3 some of those soldiers in the old stadium, but that's what - that  
4 was what I heard; I did not witness the execution myself.

5 Q. You said that Sirik Matak, before he left, he met with the  
6 French Consular attached to the French Embassy. Do you recall the  
7 consular's name?

8 [11.15.55]

9 A. I was the personal interpreters of the consular. The French,  
10 at that time, were not clear between the diplomatic relations  
11 with Lon Nol administration. Before, there was the ambassador,  
12 but later on the diplomatic relation between Cambodia and French  
13 were at the ambassador level at that time. And then, later on,  
14 there were certain problems with the two governments - the Lon  
15 Nol government and Cambodian (sic) government - and then they  
16 withdrew the ambassador. The French wanted to recognize the Khmer  
17 Rouge because the Khmer Rouge was supported by the then Prince  
18 Norodom Sihanouk. So, at that time, the diplomatic relations were  
19 reduced to chargé d'affaires, and there was a consular, Jean  
20 Dyrac, and then this - he was - he was demoted to the position of  
21 vice-consular only.

22 So, actually, at that time, in terms of - the diplomatic level  
23 between French and Lon Nol soldiers were reduced to the smallest  
24 level compared - at that time, because they were waiting for the  
25 Khmer Rouge government at that time, I think, before it was

40

1 promoted to the ambassador level.

2 [11.17.30]

3 Q. At that time you were the interpreter. Were there any verbal  
4 protests at that time, in order that those people could stay in  
5 the - in the French embassy? Did you observe that there was any  
6 diplomatic discussions in relation to how those people who took  
7 refuge in the French embassy be treated or prevented from being  
8 taken away by the Khmer Rouge?

9 A. There was no protest. There was no negotiator at all at that  
10 time. We wanted to negotiate, but the Khmer Rouge were - were  
11 not, actually, ready to negotiate. So there was no negotiation  
12 undertaken.

13 You may ask Mr. François Bizot because he could respond to this  
14 question more clearly because he contacted the Khmer Rouge, and  
15 as for myself, I contacted with the Cambodians who were in the  
16 French embassy compound at that time. As for Mr. Bizot, he had  
17 direct contact with the Khmer Rouge at that time.

18 [11.18.51]

19 Q. You also said that in the French embassy, at that time, there  
20 were mixed nationalities, not only the French and Cambodians. But  
21 could you please tell the Court the various nationalities that -  
22 who were seeking refuge in the French embassy at that time?

23 A. (Microphone not activated)

24 Q. Please, Mr. François Ponchaud, the mic is not on yet. Please  
25 wait until you see the red light on the mic.

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1 A. There are mixed nationalities: Laotian; I guess, some South  
2 Vietnamese; Americans, particularly journalists - they stayed in  
3 the residence of the ambassador; and there were some CIA.  
4 Actually, I was surprised because the Khmer Rouge was very  
5 courteous to foreigners and they thought - they thought - they  
6 probably - they did not want to mistreat the foreigners. They did  
7 not intend to mistreat us. It was - it was surprising because  
8 they did not want to hurt foreigners.

9 [11.20.27]

10 At that time, I was 31, 32, or 33 years of age; I got used to  
11 living in the countryside. But for other elderly French or so -  
12 at that time, I was - considered myself youth. I thought that the  
13 Khmer Rouge was very courteous. They're courteous in the ways  
14 that the Khmer Rouge considered to be courteous at that time.

15 Q. Beside the French embassy, to your knowledge, do you know that  
16 there were - were there any gathering in other embassy compounds  
17 - other foreign embassies compounds, other than French embassy?

18 A. No, there was no any other embassy at that time. Well, there  
19 was a Soviet embassy. Back then it was called Soviet embassy.  
20 They came to Phnom Penh by airplanes on the 16 of April and they  
21 actually put a signboard on the embassy. The signboard read, "We,  
22 Communist brotherhood". So we - the Khmer Rouge went to the  
23 Soviet embassy compound, they opened the fridge, and they took  
24 the eggs from the fridge, and then they dropped it, one after  
25 another. And then they told the Soviet counterpart that, "You are

1 the fake Communist; you are not good Communist. So, you see, we  
2 had other eggs, and then this egg, we should not eat it now  
3 because we have to wait until these eggs hatch, and then they get  
4 the hens, and then we will get more hens or more chicken to eat."

5 So-

6 [11.22.41]

7 Actually, they - for East Germany, they considered themselves  
8 Communist. They - they actually tried to implicate the French;  
9 they said that they were mistreated by the French, so on and so  
10 forth, and then they hate the French, but later on it was not an  
11 issue; the matter was sorted out.

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

16 The Khmer rouge said that, "You are not the revolutionists, so  
17 you should go to the French embassy", so they took the two -  
18 couple to the French embassy. They praised the Khmer Rouge  
19 revolution. At that time the Khmer Rouge threatened them with  
20 force, saying that if they did not keep silent, they would be  
21 hit.

22 [11.24.46]

23 Q. Mr. François Ponchaud, in your observation and assessment,  
24 what was the refugees - I mean, both foreign nationals and  
25 Cambodian nationals, aside from the seven "super traitors" and

1 the - no, after, after the seven "super traitors" were taken  
2 away, as well as the Cambodian men with French wives who were -  
3 who had to leave the embassy compound, how many left in the  
4 embassy?

5 A. Finally there were around 500 people left, both Cambodian  
6 nationals and foreigners - 500 - around 500 left. And then there  
7 were 500 more refugees of Pakistani national; they came along  
8 with Keo Sophea (phonetic); it is the organization. They gather  
9 foreigners to come and take refuge in the French embassy.

10 Q. Just now you also said that there were trucks taking  
11 foreigners from the French embassy to the Cambodian-Thai border.  
12 I would like to expand from this. When you talk about a fleet of  
13 trucks taking foreigners out of the French embassy, was it - was  
14 the fleet of trucks organized by the Khmer Rouge soldiers? And  
15 can you describe the first day of departure of these foreign  
16 nationals from the French embassy?

17 [11.26.57]

18 A. The first day they left the embassy was on the 30th of April,  
19 and then the second wave of transport was on the 7th of May. And  
20 then, later, there was - around 23rd or 24, François Bizot was  
21 the negotiator with the Khmer Rouge and he told me that there had  
22 been meetings with the leaders of the Khmer Rouge. I did not know  
23 which level of the Khmer Rouge cadres he met and negotiated with,  
24 but he told me that the Government of France agreed to prepare  
25 the airplanes in order to take the foreign nationals out of the

1 French embassy. And then the Khmer Rouge was very angry. He was  
2 very, very upset. At that time he said that he did not – they did  
3 not agree with the means of transport from – the imperialist  
4 means of transport. So they decided to take them out by the  
5 trucks on the 30th of April, particularly those who were  
6 vulnerable to the Khmer Rouge – for example, the CIA leaders and  
7 ladies who are – who were pregnant at that time, or elderly  
8 people; they had to leave first.

9 And then, on the first day, there was no information. The second  
10 day, there was no information either. And then we thought that  
11 probably the Khmer Rouge had already killed them, or one day we  
12 would be killed. So, on the fourth day, I heard the information  
13 from those people that they had already reached Poipet. And then,  
14 on the 7 of May–

15 [11.28.54]

16 On this particular juncture I would like to say some words of  
17 praise for the Khmer Rouge. They did not ask any question at all.  
18 They did not even bother to check passports. There was an  
19 association. We had certain experience with the Communist when  
20 they got to Hanoi and Beijing in 1949 in Beijing, and then  
21 Communists in 1954. The Vietnamese Communists and Beijing  
22 Communists checked everything. They searched everything. Even a  
23 small note in your pocket, they would seriously check and they  
24 would even probably put the person in jail, as well, for keeping  
25 a small note in the pocket. But the Khmer Rouge did not do that.

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1 As a matter of fact, the Khmer Rouge did not ask us even a word,  
2 not even about our passports. The Khmer Rouge did not even bother  
3 to look at the passports we held.

4 And then, at that time, we thought that we could probably save  
5 some of the Khmer – Cambodians who stayed with us.

6 [11.30.15]

7 Q. Thank you. You mentioned about the evacuation of the  
8 foreigners, the first batch on the 13th of April 1975, and you  
9 said you also left Phnom Penh embassy on the 7th of May 1975. Was  
10 that the last batch already when you were being sent out?

11 A. Yes, it was. And I had to leave the key for the embassy to  
12 Comrade Nhiem – that was the head of the division conquering the  
13 Eastern part of the city. Comrade Nhiem told me to leave Phnom  
14 Penh for Paris, and after the country had been cleaned, he said,  
15 he would warmly welcome me back. After that there was no  
16 foreigner in Cambodia.

17 Q. During the time of the evacuation of the foreigners out of the  
18 French embassy, were these people escorted by soldiers or armed  
19 men? And did you have to travel by cars or vehicles all the way  
20 from Phnom Penh to Poipet?

21 [11.32.09]

22 A. We wanted to travel on foot because we would like to know what  
23 – the situation the people were living in the countryside, but we  
24 were not allowed to walk; we had to take the vehicles. But we did  
25 not see any soul, any people. We took the GMC trucks, and the



1 Khmer Rouge soldiers had to remain standing on the trucks with  
2 us, and we had to cross several creeks, bridges, and rivers. And  
3 in Kampong Chhnang, we were stopped and we had our nice meal. By  
4 8 o'clock we reached Pursat province. One of the bridges broke,  
5 and we had to stop there for a while. The Khmer Rouge allowed us  
6 to pick some fruits if we liked, but we didn't dare picking any  
7 fruits.

8 And then we were received by tourist bus, the bus that could  
9 accommodate about 80 people, and we were received by more Khmer  
10 Rouge, who were older than the previous soldiers who had escorted  
11 us. And from then on we were with only one soldier per vehicle.  
12 And I told - a man on the truck told me, although he was a  
13 soldier, he said he would like to go to France, as well, and I  
14 could tell from that moment that even a cadre from the Khmer  
15 Rouge clique also was afraid of their own people.

16 [11.34.38]

17 Q. Thank you. According to your best recollection, on what date  
18 did you leave border checkpoint?

19 A. (Microphone not activated)

20 Q. Mr. Witness, could you please hold on?

21 A. I don't remember whether I left Phnom Penh on the 7 of May or  
22 I reached the border on the 7 of May, but it was on that day. And  
23 I had to carry some bags - s suitcase belonging to a consular  
24 official and I was smiling. And people did not even bother to ask  
25 me any question at the checkpoint, and I had been allowed to

1 leave the country easily. A French man, Mr. Laporte, who has  
2 passed away and who got married to a Cambodian woman - and he had  
3 to leave his wife behind.

4 Q. When you reached the border, did you see Khmer Rouge being  
5 very vigilant or being on guard at the checkpoint?

6 A. There were very few soldiers. It was very peaceful. It was  
7 peace, and I could see that it was a quiet place. No soldiers  
8 were seen.

9 [11.36.41]

10 Q. Thank you. I have the final question for you; and I should  
11 have asked you already a while ago, but I would like to ask you  
12 now, Mr. Ponchaud. You said about the peace negotiation between  
13 the leaders of the - the republican regime, and you mentioned  
14 about Samdech Huot Tat. In your testimony you emphasized that  
15 there was a form of negotiation underway.

16 Can you please tell the Chamber, how did you learn about this  
17 information? And how many people from the republican side who  
18 engaged in the negotiation? And how many people from the Khmer  
19 Rouge side were part in this agreement? And where did it happen?

20 A. Actually, there was no such negotiation. Mey Sichan would like  
21 the soldiers to surrender, the republican soldiers to disarm, and  
22 there was no negotiation at all. Samdech Huot Tat advised  
23 everyone to unite to work together to rebuild the country.

24 [11.38.20]

25 But at - later on there was an announcement by someone. I believe

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1 that that person could have been the people from the Lon Nol's  
2 regime who were wearing black clothes and sent to negotiate with  
3 the Khmer Rouge. But then he was stopped immediately, when he was  
4 grabbing the microphone, because the Khmer Rouge said there was  
5 no form of negotiation at all. The Khmer Rouge won the victory  
6 and they were the victors, and there was no negotiation. If there  
7 was, that could have been long before the - the victory was won.

8 Q. Could you also tell where this event happened?

9 A. It took place at the Ministry of Information, as I was told.  
10 It was near the railway station. I think it perhaps happened  
11 there because - I also heard that Long Boret also surrendered.  
12 And I also heard that Long Boret was executed, but I only heard  
13 of this.

14 MR. PRESIDENT:

15 Thank you, Mr. Ponchaud.

16 I would like to know whether fellow Judges of the Bench wish to  
17 have some questions for the witness.

18 Judge Lavergne, you may now proceed.

19 [11.40.01]

20 QUESTIONING BY JUDGE LAVERGNE:

21 Yes, thank you, Mr. President.

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

24 I would like to ask you if it's possible to speak a bit more  
25 slowly. Interpreters are in the - are in the booth and they must

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1 complete their task, and if you speak too fast, it's going to  
2 become extremely difficult. So, I also believe that the  
3 interpreters are requesting that we use only one single language.  
4 I don't know if they only want to use French for us to  
5 communicate, but in any case, I think what we should avoid is  
6 that you don't speak in French and in Khmer at the same time. So,  
7 of course, you're free to use the language you wish, but please  
8 speak slowly. Thank you.

9 [11.41.12]

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

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

18 MR. PONCHAUD:

19 A. (Microphone not activated)

20 Q. Please pay attention to the microphone because-

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

1 [11.43.06]

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

13 A. A person who was a governor – and I – a bishop, rather, and we  
14 had to learn Khmer for three years – six months, and we moved to  
15 Chrouy Changva location, near Pasteur Hospital, and I spoke  
16 French a lot. And we went to the paddy fields, to the  
17 countryside, living with the peasants. For two months I was  
18 there.

19 [11.45.13]

20 And then I came to Phnom Penh in 1966, in September, to receive  
21 someone, and I had later on moved to Kampong Cham to continue  
22 learning Khmer.

23 And at Stung Treng I heard that the Americans already started  
24 bombing the Ho Chi Minh Trail. Ho Chi Minh was about 80 to 100  
25 kilometres far – away from Stung Treng, but I could hear bombs

1 being dropped by the Americans; about 1 million tons of bombs  
2 were dropped. And Mr. Kissinger - according to the documents we  
3 read that were exposed in public yesterday - last year, Kissinger  
4 asked Nixon to use atomic bomb to destroy and block Ho Chi Minh  
5 Trail.

6 At that time, Samdech Sihanouk, perhaps intentionally or not  
7 intentionally, from 1965, allowed the Chinese weapons and Soviet  
8 weapons being transported all the way to the Port of  
9 Sihanoukville and being transported from that to Neak Loeang and  
10 to Stung Treng.

11 [11.47.17]

12 I talked about this because these are what I saw. And people who  
13 were good - are good historians could also challenge this, but  
14 King Norodom Sihanouk, whether he should be accountable for this  
15 or not, it's up to the historians. Because I saw truckloads of  
16 weapons being transported from Neak Loeang to Svay Rieng, from  
17 Neak Loeang to Memot, and from Neak Loeang to Stung Treng, and I,  
18 on one occasion, saw an overturned truck filled with weapons.

19 I would leave the province at about 6.30 and I saw - also saw the  
20 North Vietnamese soldiers.

21 Q. I have a bit of trouble here. I have a bit of trouble which  
22 year you're referring to and I'd also like to backtrack to the  
23 question that I asked you, which is when you were in Battambang,  
24 and when were you in Kampong Cham, and why you left Kampong Cham.

25 A. In 1966 and 1977, I saw the North Vietnamese soldiers and I

1 also saw weapons being transported from Neak Loeang.

2 [11.49.23]

3 In 1987, I went to Battambang. I asked that I be sent to  
4 Battambang because we can – we could speak Khmer very well, and  
5 it would do a lot of good for us to go to Battambang and we knew  
6 that in Battambang there were some Christian communities from  
7 even back in 1972, so I was there to also teach Christians. It  
8 was back then.

9 THE FRENCH-ENGLISH INTERPRETER:

10 The number was 1782.

11 MR. PONCHAUD:

12 A. Then I was asked to go to Kdol Leu, in Battambang, for one and  
13 a half year, then moved to Kampong Cham. It was on the 15 of  
14 August when I was in Kampong Cham, and I remained in the province  
15 until the war broke out, when King Norodom Sihanouk was toppled  
16 down, on the 17 or 18th of March 1970.

17 [11.50.55]

18 On the 29th, people came from the East, crossing from Kampong  
19 Cham to Phnom Penh, who were met by the Lon Nol soldiers, and  
20 they were executed; hundreds of them were killed. And Lon Nol  
21 government also executed innocent Vietnamese people, and crime of  
22 genocide was already committed in 1970, when about 2,000 people  
23 were executed. The Lon Nol government soldiers killed unarmed and  
24 innocent Vietnamese civilians.

25 With the bishop, we met Mr. In Tam, who was the – Kampong Cham's

1 Governor, and I asked him for permission to bring the Christian  
2 Association and Christians to come back to Kampong Cham. At Phnom  
3 Banchey - rather, Hanchey, we were bombed. And when I reached the  
4 riverbanks, I saw the South Vietnamese troops, who asked me what  
5 nationality I was. They asked whether I was American, and I said  
6 I was French.

7 [11.52.57]

8 And at that time I noted that people were listening to the speech  
9 delivered by Prince Norodom Sihanouk from Peking. Prince Norodom  
10 Sihanouk appealed to all the people in Cambodia to enter maquis  
11 jungle. People did not know what maquis jungle was at that time.  
12 And when I went to receive some Christians, I was also fired at  
13 and I was warned not to go to Kampong Cham again because I - if I  
14 did so, then I would also be caught in the battlefield. So I did  
15 not take the boat to Kampong Cham; I took a motorbike. At that  
16 time, I was warned that today I was lucky because I was not  
17 killed, but if I kept breaching this rule or order, then I would  
18 end up being killed on another occasion.

19 (Interpreted from French) It's maybe a bit too complex for you,  
20 so is it - is it important for you to understand everything? (End  
21 of interpretation from French)

22 BY JUDGE LAVERGNE:

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

25 [11.54.58]



1 But simply, just to – for the purposes of the transcript, I  
2 understood that you arrived in Battambang in 1967 and then you  
3 went to Kampong Cham and that you left Kampong Cham in 1970,  
4 after the events that you described. Is that the case?

5 MR. PONCHAUD:

6 A. (No interpretation)

7 Q. And then you stayed in Phnom Penh. And I understood that you  
8 were in charge of a student home and you had a specific mission,  
9 which was to translate the Bible into Khmer. Is that the case?  
10 And if – you could tell me if there was a very specific reason  
11 for translating the Bible into Khmer.

12 A. I received students who came to study because there was  
13 nowhere else they could stay. There were a lot of students from  
14 the countryside who came to study in the city – in this location,  
15 and I received about 50 people or students.

16 [11.56.25]

17 And I translated the Bible into Khmer because I believed that,  
18 after we were expelled from the country, we could leave behind  
19 the materials for our Christians.

20 (Interpreted from French) I did not translate the Bible back  
21 then, but many other documents, to allow a community that would  
22 be deprived of our help to live on their own. (End of  
23 interpretation from French)

24 Q. Please, Father, I think it's really, really important that we  
25 avoid changes in languages during your testimony. So, if you want

1 to speak in Khmer, please continue speaking in Khmer.

2 So, what I understood – and tell me if this is so – is that you  
3 started translating the Bible in Khmer because it was necessary  
4 to plan for the future and to plan for the possibility that the  
5 priests could no longer stay in Cambodia, and therefore Khmer  
6 Christians would have to fend for themselves. Is-

7 A. (No interpretation)

8 [11.57.51]

9 Q. Well, I'd like just to backtrack a little bit again. We spoke  
10 about the deposition of Prince Norodom Sihanouk in March 1970,  
11 the tragic events that then followed. And can you tell us,  
12 however, if many people thought that this brought some hope?  
13 Wasn't there any hope that things would change?

14 A. All Cambodian people from all walks of life, we could also see  
15 that some people supported us, some didn't, or some supported the  
16 leaders, some hated King Norodom Sihanouk, when some didn't.  
17 In 1967, King Norodom Sihanouk displayed the "Apsara" movie, and  
18 people didn't like that. People started to hate him from then  
19 because – because that movie depicts some kind of corruption in  
20 Phnom Penh, and people didn't like it. And a teacher, as I  
21 remember, bought a can of beer to celebrate the end of the reign  
22 of King Norodom Sihanouk. They celebrated when King Sihanouk was  
23 toppled down; and the situation was changing. And peasants, from  
24 the beginning, supported Prince Norodom Sihanouk, but  
25 intellectuals in Phnom Penh, the majority of them didn't support

1 him.

2 Q. Can it be said that it was a difference that set apart the  
3 city and the countryside?

4 [12.00.50]

5 A. Concerning the evacuation of people out of the city, we must  
6 know that Cambodian people, before the colonial era, particularly  
7 during the Angkorian period or sometime in 1623, when Annam  
8 established (inaudible) in Prey Nokor, then Annam and Siam were  
9 fighting against one another on Cambodian territory. At that time  
10 there was no cities and Cambodian people-

11 Q. I'm afraid I have to interrupt you, Father Ponchaud. One  
12 moment, please. I need to interrupt you because there are some  
13 clarifications needed. If I'm not mistaken, I believe that you're  
14 referring to the Funan.

15 A. No.

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

17 A. From Annam - in 1623, Annam at that time took control of Prey  
18 Nokor or Saigon - currently Saigon, the southern city of Vietnam  
19 in the present day. At that time Annam soldiers and the Siam  
20 soldiers were fighting against each other on Cambodian territory.

21 [12.02.35]

22 At that time there was no city, and the cities that were  
23 established, then the French controlled, and then it was called  
24 the French colonialism. And when the French hand over  
25 independence to Cambodia, there were some Chinese - there were

1 2,000 and - 6,200 Chinese and a few thousand Vietnamese, as well,  
2 at that time, and they have their own ethnic groups aside from  
3 the mainstream Cambodian people. There are around 60 per cent  
4 Vietnamese, and 10 per cent Chinese. And the Khmer Rouge  
5 considered some people as compradors. They traded with the  
6 people. They bought the vegetables and crops from the people,  
7 produced in the countryside. So, the Khmer Rouge that follow  
8 Marxist-Leninist line, they wanted to eliminate the city and they  
9 want the country to be equal, they want to eliminate social  
10 injustice, they want everyone to be equal. They did not want to  
11 mistreat people. But you have to understand the rationale behind  
12 this.

13 [12.04.24]

14 MR. PRESIDENT:

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

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

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

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

24 The Court is now adjourned.

25 (Court recesses from 1205H to 1344H)

1 MR. PRESIDENT:

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

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

5 [13.44.46]

6 BY JUDGE LAVERGNE:

7 Thank you, Mr. President.

8 The interpreters have requested that I ask you to observe a pause  
9 between the end of a question and the start of an answer. This is  
10 for technical reasons, as there is a slight lag between the  
11 interpretation and the source language.

12 Q. Let us get back to our topic from before the break and the  
13 situation in Phnom Penh before the war, in 1975. And my question  
14 centres on two specific points. The first is information that you  
15 may have received regarding how the Khmer Rouge were treating  
16 people in the liberated zones.

17 Mr. Witness, did you ever hear about the transfer or movement of  
18 populations before 1975? Did you ever hear about the  
19 establishment of a policy of collectivization of land or the  
20 establishment of cooperatives? Had you heard about villages or  
21 houses and residences being sacked, and pillaged, and set alit?  
22 Did you hear about the capture of Udong? What can you tell the  
23 Chamber about how the Khmer Rouge were treating the people before  
24 1975?

25 [13.46.58]

1 MR. PONCHAUD:

2 A. This morning I already testified that from 1970, since my -  
3 1970, when I talked about Bos Khnor, which is near Kampong Cham,  
4 we know very well that when the Khmer Rouge soldiers captured a  
5 village, then the houses in the village would be set on fire,  
6 when - the commune chiefs would be executed, and people would be  
7 evacuated to the forest. And a Cambodian, Ith Sarin, wrote a book  
8 about the soul of Khmers in 1972. And in my book, "Cambodia, Year  
9 Zero", I did not write any new things other than following the  
10 accounts from that writing.

11 And from 1973, I knew the people in Kampong Thom very well  
12 because there were Christians in the area, and Lon Nol soldiers  
13 attacked Kampong Thom and liberated about 400,000 - rather,  
14 40,000 villagers. And people were evacuated, as I told you, when  
15 the heads of the groups were killed. And this thing is not new;  
16 that happened already since 1973, and this was well-known to  
17 everyone.

18 However, we should also be aware that in 1973 - in order to  
19 forgive the Khmer Rouge - the lower-level cooperatives were  
20 established so that people could work in cooperatives to produce  
21 rice for the population. And people who should be punished could  
22 have been Kissinger and Nixon.

23 [13.50.18]

24 Q. The question concerns the context of corruption. The war was  
25 escalating. Many people were victimized, and there were probably

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1 those who also were able to profit from the war. What can you  
2 tell us about that?

3 I believe that you have already explained to us that there were  
4 several types of corruption. What kind of corruption prevailed  
5 during that particular time?

6 A. For example, a governor of Battambang, Sek Sam Iet, who sold  
7 rice to the Khmer Rouge to get some money; for example, Commander  
8 Sosthene Fernandez, who sold weapons to the Khmer Rouge; so, the  
9 Lon Nol Government finally would be defeated because of this.  
10 However, corruption in Lon Nol's regime was less than these days'  
11 corruption.

12 [13.51.49]

13 Q. Can it be said that the population of Phnom Penh had daily  
14 concerns over their survival? Were the people of Phnom Penh very  
15 desirous of peace and security and, obviously, greater justice?  
16 Within that particular context, is that why the popularity of the  
17 Khmer Rouge was able to increase and why they were able to garner  
18 support for their policies? Was there hope among the Khmer,  
19 according to which everything would be all right and would  
20 eventually fall to the Khmer people?

21 A. The people could not survive because they did not grow rice,  
22 they could not do their business. They received assistance from  
23 non governmental organizations, including the humanitarian  
24 organizations. Everyone prayed that peace would prevail. And, as  
25 I told you this morning, Lon Nol had no hope for the people of

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1 Cambodia. And either I was pleased with or was not pleased with  
2 communism or whether I liked it or not, that the Khmer Rouge  
3 would come to Cambodia to kill the population, people could see  
4 that people had no hope already living under Lon Nol's regime,  
5 and everyone shared the same feeling.

6 [13.54.00]

7 For example, when it comes to corruption, some of the ghost  
8 soldiers for a battalion of the division - normally, for a  
9 division, there would be - in a battalion there would be 300  
10 soldiers; and when soldiers died - perhaps 10 to 20 soldiers  
11 died, the remaining people - or when they died, the commanders  
12 would just keep the dead or the ghost soldiers on payroll.

13 Q. Were the political platforms and policies of the Khmer Rouge  
14 and GRUNK and FUNK well-known among the population? And what were  
15 the people's concerns, or fears, if the Khmer Rouge were to claim  
16 victory?

17 A. (Microphone not activated)

18 MR. PRESIDENT:

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

21 MR. PONCHAUD:

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

24 [13.55.53]

25 And on this, I would like the historians to think carefully



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1 whether Prince – King Norodom Sihanouk would be accountable,  
2 because the Khmer Rouge won the war with the support of King  
3 Norodom Sihanouk. Even on the 17th of April, the glorious day for  
4 the Khmer Rouge, I met Prince Sisowath Sirik Matak near Wat  
5 Phnom. I asked him a question; I asked him what he did here. He  
6 said he was waiting for Samdech Sihanouk.

7 So, other people also had the same feeling. They believed that  
8 when the Khmer Rouge won the victory, then King Sihanouk would  
9 eventually return to Cambodia. And the Khmer Rouge knew this even  
10 much better. For example, in 1973, in February, they invited  
11 Samdech Sihanouk to the jungle, in Kulen Prum Tep and to Kulen  
12 Mountain, and Angkar tried its best to make sure that the  
13 soldiers could not see Samdech Sihanouk, because they were afraid  
14 that Sihanouk could incite them to protest against Angkar.

15 [13.58.09]

16 From 1973, Khmer Rouge, so I heard, talked about "A Khnouk" and  
17 "Mi Khnik". They really looked down on both the king and queen  
18 since 1970, when he was – they were visiting Cambodia.

19 Q. So, we are referring to 1973.

20 There were concerns with justice after liberation, and  
21 particularly justice surrounding the seven "super traitors". Do  
22 you think people were persuaded that things would proceed in a  
23 peaceful and civilized manner and that there would be no settling  
24 of affairs amongst the Khmers? Was this a general feeling,  
25 sentiment, or opinion shared among the Khmer population?

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1 A. People were afraid of the Khmer Rouge. They knew that Khmer  
2 Rouge mistreated villagers in countryside. They knew that there  
3 were seven traitors, including Sirik Matak, Long Boret, Sosthene  
4 Fernandez, and other people I don't remember, but that was not  
5 the information that people believed, because they just were  
6 afraid of the Khmer Rouge.

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

8 [14.00.34]

9 A. In my opinion, yes, they were very terrified of the misery  
10 that was looming, but they couldn't do anything about it because  
11 they were the Khmer Rouge. The Lon Nol soldiers did not - Lon Nol  
12 soldiers did not have any hope at all-

13 MR. PRESIDENT:

14 Mr. Ponchaud, please - please hold on.

15 International Counsel, you may proceed.

16 MR. KOPPE:

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

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

25 [14.01.54]

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

6 MR. PRESIDENT:

7 Mr. Prosecutor, you may proceed.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you. Good afternoon, Mr. President. Good afternoon, Your  
10 Honours. Good afternoon to everyone. I would simply like to  
11 answer this question raised by the Defence. Of course, this  
12 requires some clarification.

13 I think we have to distinguish two things here. On the one hand,  
14 the witness is here because, indeed, he saw and he witnessed  
15 events before 1975 and up until the 6th or 7th of May 1975, but  
16 as far as we are concerned, we also want to put questions to him  
17 on his analysis of the refugee accounts that he gathered later on  
18 in Thailand, in France, and elsewhere. And in this regard, this  
19 is not a simple witness, but we're speaking here about an analyst  
20 who is going to be able to shed light on what he saw and to be  
21 able to analyse the refugee accounts.

22 [14.03.23]

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

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1 MR. KOPPE:

2 May I briefly reply, Mr. President?

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

9 (Judges deliberate)

10 [14.08.11]

11 MR. PRESIDENT:

12 I hand over the floor to Judge Silvia Cartwright to give  
13 direction and respond to the request by the defence team for Mr.  
14 Nuon Chea.  
15 Judge, please.

16 JUDGE CARTWRIGHT:

17 Yes. Thank you, President.

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

22 [14.08.48]

23 His testimony has been informed to some degree by his writings,  
24 but of course they are based on his personal experiences, but we  
25 do not consider him to be an expert in the technical sense that

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1 it would be used in this courtroom.

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

5 Thank you, President.

6 MR. PRESIDENT:

7 Thank you, Judge.

8 Now I would like to hand over the floor to Judge Jean-Marc  
9 Lavergne to resume your line of questioning to the witness.

10 [14.10.08]

11 BY JUDGE LAVERGNE:

12 Yes. Thank you.

13 Q. So, we are going to get back to events that you witnessed  
14 directly.

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

20 So, back then, can we say that this - the church was the Phnom  
21 Penh Cathedral, that what you call the "municipality" was the  
22 Bishop's Palace, which today is the Phnom Penh Town Hall, and the  
23 Phnom Hotel is the Royal Hotel? Can you confirm this information?

24 MR. PONCHAUD:

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

1 [14.11.17]

2 Q. And you also spoke this morning about the young people in the  
3 MoNatio, a young person called Hem Keth Dara, it seems, and you  
4 also spoke about the Khmer Rouge soldiers that you met.

5 So, can you describe these soldiers a bit more in detail? You  
6 said that they had a horrible gaze, but can you describe these  
7 soldiers? Were they particularly young? Were some even children?

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

9 What can you say about all of this?

10 A. there are two distinct categories of militaries of that time.

11 One group consists of young soldiers from 14 to 15 years of age.

12 They came from the direction of Boeng Kak and they were stationed  
13 somewhere behind the present Municipal Hall of Phnom Penh. And

14 there is another group of soldiers; they are more mature than

15 this group of soldiers - they were around 30 or older. They

16 looked very fierce indeed. They had a very horrible look. They

17 had hatred with them. If you look at their eyes, they were very

18 fierce indeed. We did not want to get involved with them; we were

19 simply terrified of them. They were like - you know, bad people.

20 [14.13.12]

21 Q. And you said this morning that you saw or that you experienced

22 no physical threats, that you didn't see any bodies. But,

23 however, can we say that the Phnom Penh population was forced to

24 evacuate the city? Did the people have any choice?

25 A. Well, it was a psychological force; it was not by physical

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1 force, actually. That's what I witnessed on northern part of  
2 Phnom Penh. They exert psychological pressure on the people, but  
3 it was not by means of physical threat.

4 Actually, Phnom Penh dwellers were very happy when the Khmer  
5 Rouge soldiers came to Phnom Penh. They took over Phnom Penh  
6 without killing the people. I, myself, had been waiting for the  
7 victory of the Khmer Rouge. We thought that there would be a big  
8 and fierce battlefield or fighting in Phnom Penh, but actually  
9 there was no such fighting at all; they could conquer Phnom Penh  
10 without fighting. So people felt relieved at that time.

11 So, when the Khmer Rouge asked them to leave the city, they had  
12 to leave at that time, but there was no physical threat; there  
13 was only psychological - a sense of psychological pressure on the  
14 people, and people were willing to leave as ordered.

15 [14.15.00]

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

20 A. This was a separate issue. Actually, earlier on you asked me  
21 about the population in Phnom Penh. In the morning, the next  
22 morning, the Khmer Rouge soldiers evacuated the patients out of  
23 hospital. Those who resist the order, according to what I heard  
24 from others, they would throw the grenade inside the hospital.  
25 So, this was the physical threat. That was different from the

1 ordinary citizen.

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

5 A. I was not the eyewitness of Preah Ket Mealea Hospital. I only  
6 heard from others that on the last day of Lon Nol regime, there  
7 were many wounded soldiers everywhere in the hospital, and Preah  
8 Ket Mealea Hospital - they - the Khmer Rouge evacuated the  
9 patients out of the - out of the hospital, but I was not the  
10 eyewitness of that event.

11 [14.16.49]

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

18 A. Yes, that is true. Some family adopted some orphans to be  
19 their child, too. (Inaudible) adopted one child as an adopted  
20 child of one family that I witnessed.

21 Q. So, generally speaking, did the Khmer Rouge provide enough  
22 food, enough water to the people who were within the French  
23 Embassy, seeking refuge?

24 A. For - people who took refuge in the French Embassy, it was not  
25 an important issue to the Khmer Rouge. Actually, what was



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1 important to them was the Cambodian people throughout the  
2 country. Foreign nationals were not that important to the Khmer  
3 Rouge. The Khmer Rouge actually assisted us in the early days -  
4 on the first, second, third days. And then, on the third day,  
5 actually, we ran out of food; we did not have any rice to eat.  
6 But later on the Khmer Rouge distributed rice for us and they  
7 also supplied some water to us, too. And I was, at that time, in  
8 charge of water supply. There was sufficient water supply, and we  
9 also had sufficient rice to eat, too.

10 When the first batch of deportees left, following the 30th of  
11 April, the guards allowed us to kill the pigs around the French  
12 embassy to prepare food for people who stayed behind in the  
13 embassy.

14 [14.19.58]

15 Q. And you said that you worked as an interpreter between the  
16 consul and the Khmer Rouge authorities he was discussing with.  
17 So, who were these Khmer Rouge authorities discussing with the  
18 French Consul.

19 A. Mr. François Bizot was the principal interpreter. And then,  
20 when we left the French embassy, after the 7th of May 1975, I was  
21 the interpreter for the French embassy counsellor. But after  
22 that, no, I did not work as an interpreter.

23 Q. And who was the person you were dealing with?

24 A. (Microphone not activated)

25 Q. Please, please, hold on, hold on. It might - please stop for a

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1 little while between the moment I ask the question and when you  
2 answer, because otherwise it'll be difficult for the  
3 interpreters.

4 [14.21.11]

5 So, I was asking you the question - if you know the name of the  
6 person that consul was dealing with.

7 A. No, I do not know that counsellor.

8 Q. I was not asking you whether there was a Cambodian counsel; I  
9 was asking whether there was a representative of the Khmer  
10 authorities who was interacting with the consul. And I believe  
11 this morning you spoke about a person named Nhiem.

12 A. Comrade Nhiem was the chairman of the northern part of Phnom  
13 Penh. He was actually in charge of taking care of the people in  
14 the French embassy. But he was not a political negotiator. As far  
15 as political negotiation was concerned, somebody else was in  
16 charge of that, and Comrade Nhiem was the one who assisted us on  
17 the day-to-day food supply. For example, when we needed some rice  
18 to eat or water to supply to the embassy, then we would contact  
19 Comrade Nhiem. But in terms of negotiation - political  
20 negotiation - somebody else was in charge.

21 [14.22.46]

22 For example, on the second day and third day, there was one  
23 person who came to tell us that Excellency Khieu Samphan would  
24 like to come to meet all the people in the French embassy, but  
25 unfortunately, His Excellency Khieu Samphan was engaged in his

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1 mission elsewhere. This gentleman came to tell us such  
2 information, but I do not recall his name.

3 Q. Well, in François Bizot's book, which is on the case file at  
4 D222/1.1 (sic) - it is document, now, E3/2815, and the French ERN  
5 is 00237590; English, 00237559 - excuse me, English again:  
6 00392829; I apologize, I don't have the Khmer ERN - and this is a  
7 note, here, that is signed by the Vice-President of the Northern  
8 Front of Phnom Penh in charge of the foreigners. This person is  
9 "Nhem". This note is dated 25 April 1975, and the following is  
10 stated - [free translation]:

11 "During his meeting of 25 April 1975, the GRUNK Council of  
12 Ministers decided what follows. Given that the diplomatic  
13 relations with the other countries are not yet re-established,  
14 because the GRUNK is still endeavouring to bring stability to the  
15 country, the GRUNK has decided to invite all of the foreigners  
16 still residing in Phnom Penh to leave the country as of the 30th  
17 of April 1975. And when, later, the situation will be stabilized,  
18 the GRUNK will examine the issue of re-establishing diplomatic  
19 ties. The GRUNK has decided to lead - to take all foreigners by  
20 road from Phnom Penh to Poipet, and each country involved will  
21 have to take care of its own nationals as of Poipet."

22 [14.25.38]

23 So, do you remember having seen this note or having been  
24 appraised of this note?

25 A. No, I didn't see this note. But, whenever there was the term

1 "negotiation", with Counsellor Jean Dyrac, and Bizot, and the  
2 Cambodian counterpart, there was such a discussion. But Comrade  
3 Nhiem was not a senior cadre; he was a low-ranking cadre.

4 Q. Did – were you also apprised of a communiqué from the Ministry  
5 of Foreign Affairs of the GRUNK dated 29 April 1975, which states  
6 the following:

7 "The diplomatic missions and the counsellor missions" – [free  
8 translation] – "accredited by the traitorous Phnom Penh regime  
9 cannot ask for diplomatic – the regularly accepted diplomatic  
10 practices and usages. Often, during the five years of our war of  
11 national liberation, the GRUNK stated that it would not accept  
12 the legacy of the Phnom Penh traitor regime, and thus it was – it  
13 is not in charge of the – not responsible for the deeds of this  
14 regime."

15 So, this is a document that is indexed as D359/1/1.1.56, and this  
16 is document E3/1772.

17 A. No, I do not know this particular document.

18 [14.28.38]

19 Q. I will specify that this document was also released by the  
20 NUFK – by the mission of the NUFK in Paris – document D59/1/1.156  
21 (sic).

22 And this morning you were asked if, regarding the Cambodian  
23 figures who sought refuge at the French embassy – if any  
24 negotiations took place regarding them, and you answered that –  
25 no, no negotiations had taken place. Was it because there was

1 nothing to negotiate, because - was it because the Khmer Rouge  
2 did not want to talk?

3 A. That's true. There was no negotiation whatsoever at that time.  
4 The Khmer Rouge, in smaller troops - they carried with them AK  
5 rifles - they called for the French embassy to surrender the  
6 seven "super traitors". I actually was staying back behind,  
7 inside the embassy's compound; I was not the eyewitness of the  
8 event, but that's what I heard.

9 [14.30.11]

10 Q. Do you know if there were telegrams concerned that situation  
11 exchanged between the Consul of France and the French authorities  
12 in Paris?

13 A. I think there was a book. I don't remember the title of that  
14 book, but there was correspondence with Paris allowing the seven  
15 "super traitors" to be expelled from the embassy. I did not  
16 really see this, but I heard people talk about this.

17 Q. On the case file, there are a certain number of telegrams that  
18 would have been sent and exchanged between the consul of the  
19 embassy of France in Cambodia and Paris. They're under  
20 D59/6.2.196 (sic). French ERN is 00391442; English ERN 00486889;  
21 and in Khmer, 00491363 to 64. These are telegrams that describe  
22 the list of people taking refuge in the embassy. I'm not sure if  
23 they deal specifically with the seven "super traitors", but the  
24 name of Sirik Matak is on that list. There is also a person -  
25 there is also an individual called Mam Somivan (sic), who is the

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1 third wife of (inaudible) prince, Mr. Ung Sam Hor (sic), as well  
2 as Mr. Loeung Nal, Minister of Health.

3 "The Ministry of Foreign Affairs of France is requested to do the  
4 following, subject to express order by the department. I must  
5 deliver the names of these people no later than in the next 24  
6 hours. This is an ultimatum coming from the Committee of the  
7 Municipality, that a list of the individuals taking refuge in the  
8 embassy be disclosed to them."

9 The response was that it was difficult to apply the principal of  
10 extraterritoriality.

11 Do you recall if the GRUNK had already announced that foreigners  
12 were obliged to leave Phnom Penh and that their presence would  
13 not be tolerated?

14 A. By February 1975, Samdech Sihanouk asked that all foreigners  
15 leave Cambodia.

16 [14.34.17]

17 Q. And if I'm not mistaken, France had - had officially  
18 recognised the GRUNK just one week prior to the fall of Phnom  
19 Penh. France was hoping that through recognition of the Royal  
20 Government Union - that the authorities would demonstrate some  
21 degree of flexibility.

22 A. French Government would like French people in Cambodia to  
23 leave Cambodia on the 19th of March. However, the French policy  
24 was not convincing because people trusted Prince Sihanouk and  
25 they had to wait and see.

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1 Q. This morning you explained that there were two convoys that  
2 were heading towards the Thai border and that the landing of two  
3 aircrafts, as proposed by France, had been denied. Are you aware  
4 of any other aircraft that may have landed at Pochentong?

5 A. On the 18th of April, there was Chinese plane which was very  
6 visible, landing at Pochentong airport. I did not know or take  
7 more notice of airplanes landing at - in Cambodia on other dates,  
8 but that was what I saw on the 18th of April. There were other  
9 planes, but I did take - I didn't take more notice.

10 [14.37.02]

11 Q. I believe that we talked about some of the negotiations to  
12 which - Mr. François Bizot had witnessed, but France had not only  
13 proposed that aircrafts be sent, but that those aircrafts carry  
14 humanitarian commodities and provisions. Were you aware of the  
15 proposal to send humanitarian supplies, either by France or other  
16 countries?

17 A. Planes would transport medicine from Bangkok. However - the  
18 airplane was packed with medicine, but Angkar - the Khmer Rouge  
19 did not welcome such assistance and they said that the country  
20 would not need such support anyway.

21 Q. You described your journey through several villages and that  
22 in - all of these cities and villages were empty. At the time,  
23 did you understand why those villages, and towns, and cities were  
24 empty?

25 A. At the beginning, I didn't understand this, but later on I

1 learned from a cadre in Phnom Penh – it was on the 17th of April  
2 1975, and he said Phnom Penh was not a good place. In the city,  
3 people did not grow any vegetables or plants, so they had to –  
4 people had to go to the countryside to grow crops so that  
5 Cambodians by then understood the value of rice and understand  
6 the value that a human being lives on rice grain.

7 [14.39.40]

8 And Mr. Ieng Sary, so far as I know, explained a lot about this  
9 in France, about the evacuation of the people who had to be  
10 transferred. And they had no food, but he also said that they had  
11 to leave the city because there was no food in the city; and,  
12 secondly, it was because there was lack of safety or security in  
13 the city; and they also envisaged that there would be rebellion  
14 or riots against the Khmer Rouge in Phnom Penh.

15 However, to me, the real reason is more an ideology, a kind of  
16 reason that Angkar would like everyone to return to their  
17 hometown to become real Khmer, because Khmer in Phnom Penh would  
18 be "fake Cambodians". They had to move to the countryside, the  
19 home villages, to become the original Khmer.

20 With that, Khmer Rouge organization, perhaps, received influence  
21 from the Chinese Cultural Revolution, the revolution that started  
22 in 1966. Mao Zedong also gathered the villagers and had them sent  
23 to the countryside to do farming. And in 1968, in May, we heard  
24 that in France, people would like to return home because they  
25 believed that city was not a good place. And Mao Zedong



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1 appreciated Pol Pot for being brave enough to expel the people  
2 from the cities into the countryside. Mao Zedong said that what  
3 he could not do would be done by Pol Pot, and he appreciated the  
4 Khmer people for being that brave.

5 [14.42.37]

6 MR. PRESIDENT:

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

8 It is now appropriate moment for the adjournment. The Chamber  
9 will adjourn for 20 minutes.

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

12 (Court recesses from 1443H to 1504H)

13 MR. PRESIDENT:

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

15 We would like now to hand over to Judge Lavergne to continue  
16 putting the questions to the witness.

17 BY JUDGE LAVERGNE:

18 Thank you, Mr. President.

19 Q. Witness, following the evacuation of the foreigners from  
20 Cambodia, information started pouring out. And do you know what  
21 the reactions were of the Cambodian authorities in relation to  
22 this information that started circulating, regarding the  
23 evacuation of Phnom Penh, for example information regarding  
24 executions? Did you inform yourself to try to see how the  
25 situation was developing?

1 [15.05.39]

2 MR. PONCHAUD:

3 A. I started to find out what had happened since September 1975.

4 I listened to Mr. Ieng Sary in France. He talked about good

5 things in Cambodia and he also convinced some - or invited some

6 students to return to Cambodia. He continued to say that he asked

7 people not to believe people who talked bad about Angkar - it was

8 a lie. And in 1977 - in my book, "Cambodia Year Zero" - Ieng Sary

9 also talked about the - or challenged the content in the book; he

10 said everything written in the book was completely wrong.

11 Q. I would like to return to the moments that immediately

12 followed the evacuation of the foreigners from Cambodia. And on

13 the case file we have a certain number of documents, and one of

14 them is entitled "Press Communiqué" - or "Press Release from the

15 Propaganda and Information Minister of the Royal Government of

16 the National Union of Kampuchea on the Departure of the

17 Foreigners from Kampuchea".

18 [15.08.09]

19 This is a statement that dates back to 10 May 1975, in which the

20 Government of Kampuchea explains that it had no other choice than

21 forcing the foreigners to leave, and it's also stated that - that

22 "the evacuation took place despite much effort to solve in an

23 urgent way the problems of subsistence of our people that went

24 through more than five years of suffering due to the barbarous,

25 imperialist wars. Though we did not have any transportation means

1 and though our roads and our rivers were practically unusable,  
2 all of this demonstrated and proved our high ethical sense and  
3 our sense of justice and fairness. And the foreigners were  
4 brought to the boarder and they cannot claim the opposite. And in  
5 this difficult situation, we were lacking everything, and the  
6 care that we took to take all of these foreigners to the boarder  
7 shows how we have high principles. But the American imperialists  
8 and their lackeys used their propaganda machines to inflate the  
9 story, therefore continuing with their hostility towards  
10 Kampuchea and its people. This is due to their cruel and  
11 aggressive nature and this is due to their low-lying feeling of  
12 vengeance towards Cambodia".

13 So were you aware of the existence of this communiqué?

14 [15.10.10]

15 A. No, I don't. However, I support the first part of the  
16 statement, that Angkar paid attention to foreigners in Cambodian  
17 context during the difficult time.

18 I would not wish to talk much about foreigners because we were in  
19 Cambodia; whatever happened to us we had to be responsible for  
20 ourselves. And I would like to also talk more about Cambodian  
21 people rather than the foreigners.

22 Q. We will get back to this.

23 But, first, let me give you the following information. This is  
24 document D359/1/1.1.56, as well as D199/26.2.116.

25 And you said that you tried to inform yourself. So, among the

81

1 sources of information that you used - for example radio, it  
2 seems - what can you tell us to these sources of information? How  
3 were these sources of information relevant?

4 [15.11.46]

5 A. First, I took refugees as the great sources of information.  
6 The information I gathered from September 1975 was based on these  
7 sources. Nonetheless, when it comes to refugees we had to be  
8 careful because we would like to seek the truth, and refugees  
9 would exaggerate information because they had suffered. That's  
10 why they talked something which, perhaps, may not be true.  
11 However, the accounts I have gathered from refugees on several  
12 occasions, these accounts were well shared by other refugees from  
13 other provinces, including Battambang, Svay Rieng; they talked  
14 the same accounts. And having collected these accounts, I can  
15 compare whether the message is truth.  
16 And at the same time I also had - have some idea. I have a kind  
17 of pre-concept. I supported Angkar and I believed that leaders of  
18 Angkar got educated in France. They were intellectuals, they were  
19 well educated, so they would know much about what happened in  
20 Cambodia. And to learn more about them, I started to listen to  
21 radio broadcasts, the radio broadcasts by the Democratic  
22 Kampuchea, and I got friends of mine who recorded the radio  
23 broadcasts and had them sent to me to listen. I would like to  
24 know the ideology of the Khmer Rouge. And as I told you, I had  
25 the - I had the idea - or I understood that Khmer Rouge would not

1 comprise of bad people. I was convinced that these people had a  
2 better plan for the good of their country; they would never do  
3 damage to their own people, for sure.

4 [15.14.54]

5 The Democratic Kampuchea's radio broadcasts talked about this.  
6 And the refugees also gave me the accounts and how they were  
7 influenced by the ideology. But these people did not know very  
8 much about what had happened around them. And I listened to the  
9 radio broadcast and at the same time I tried to explain to the  
10 refugees what happened in the country.

11 So, there were two sources of information I have gathered. These  
12 sources of information were collected scientifically, and all -  
13 and at the same time they would be combined so that I could get  
14 the full accounts.

15 Q. Well, regarding these reports of - on the refugee accounts,  
16 you wrote to the Investigating Judge on 4 December 2009 - and  
17 this is D133/1/1 (sic) - and you state the following - because  
18 you gave Judge Lemonde, in fact, a certain number of accounts -  
19 of written accounts, and there are two categories: first of all,  
20 there are summaries and translations in French of 94 refugee  
21 accounts, and that amounts to about 300 pages - 300 typed pages;  
22 and then there's also translations and summaries of about 100  
23 refugee accounts in - you interviewed in Paris or in Thailand.

24 [15.17.08]

25 And you say the following:

1 "Out of the 94 accounts, some of these accounts were gathered in  
2 France or in Thailand by myself, orally, between 1975 and 1976,  
3 and for others, 'Père' Venet," Father Venet, therefore, "who was  
4 also present in the refugee camps, asked certain refugees to  
5 describe their lives in Democratic Kampuchea. I translated these  
6 accounts, and then I went to the refugee camps to check these  
7 accounts in July 1976. And most of these accounts were gathered  
8 in Khmer, except for some of them in French. The only aim of  
9 these accounts was to understand as best as possible the  
10 situation in Democratic Kampuchea in order for the French people  
11 to know about it through various publications (such as a  
12 Documentation Center of the Ministry of Foreign Affairs). So this  
13 is something that was conducted seriously, but it was not a  
14 scientific job. And I used these documents to write the book  
15 'Cambodia Year Zero'."

16 [15.18.27]

17 And in fact, you refer to the summaries in your book and you also  
18 say the following: "Regarding the other refugee interviews, the  
19 same method was used for the same purpose for the refugee  
20 accounts after I published 'Cambodia Year Zero'."

21 And you also explain that "in both cases, the recordings were  
22 destroyed. Therefore, I cannot, unfortunately, provide you with  
23 the original Khmer versions because they are in the archives of  
24 the Ministry of Foreign Affairs."

25 So, therefore, there were also audio recordings, I see, with

1 these - audio recordings of the accounts of these Khmer refugees.

2 Is that the case?

3 A. Normally, when we interviewed a witness, we allowed the person  
4 to speak and we would record his or her testimony because by  
5 writing we would not cover the full message. And that - with that  
6 record, if we would like to have it verified, then we would go  
7 back to the recording. And I interviewed several hundreds of  
8 refugees. And after several years I have already discarded them.

9 Q. So, you said that you completed your sources of information  
10 thanks to radio recordings that were given to you, and you also  
11 referred not only to the audio recordings of these radio  
12 broadcasts, but also to the translations of excerpts from these  
13 radio broadcasts by the Summary World Broadcasting that was  
14 broadcast by BBC. Did you also use these sources, or not at all?  
15 [15.21.03]

16 A. No, I didn't cite the sources from the BBC because I couldn't  
17 speak English and it would be difficult for me to use the  
18 sources. And translation is not easy because we cannot really  
19 translate the right messages, most of the time.

20 And I went to the book stores and I also went to another place in  
21 France where communist books would be published and displayed. So  
22 I collected the information concerning - the information on  
23 Cambodia. Because at that time these resources were not plentiful  
24 because Angkar did not write much. At the beginning I heard the  
25 term "kammaphibal" - or "cadre" - and I tried to understand this

1 Khmer term by understanding the combination of words. I thought  
2 that "kammaphibal", or cadre, would be the person who governed or  
3 who administered some work, because it could have come from  
4 French term "cadre". And I used to also feel that Angkar used  
5 strange, unusual terms.

6 [15.22.51]

7 And we have here Steve Heder - for example, Steve Heder is the  
8 best researcher on the Democratic Kampuchea and Angkar. However,  
9 by 1979 - I mean, up until 1979, he supported the Khmer Rouge and  
10 he was a member of the Amnesty International, and he never talked  
11 bad about the Khmer Rouge because he enjoyed living in Cambodia.

12 And he also wrote an article to Noam Chomsky, who was - about the  
13 misunderstanding and translation in Cambodian word, and he  
14 criticized Cambodia concerning the translation of the terms. And  
15 he also talked about this. And I captured this is my book,  
16 "Cambodia Year Zero". And the reason he criticized the  
17 translation of the terms: because he was not the one who lived  
18 through Democratic Kampuchea.

19 Now I can give you two examples. The head monk, in my book - when  
20 we say "kanak sang", which means the "monk head" or "committee" -  
21 but Steve Heder said that I did not know Khmer very much because  
22 when it comes to "kanak", it means "group", and "group" here  
23 referring to - rather, it's -when it comes to "kanak sang", it's  
24 the committee for the monk rather than the head monk. And more  
25 importantly, the Khmer Rouge used some other terms that Mr. Steve



1 Heder did not want us to use. For example, "pukmae"; and "pukmae"  
2 means "parents" - that were used in these Khmer Rouge times at  
3 the rice fields-

4 (End of intervention not interpreted)

5 [15.26.09]

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

11 So, among the documents that you referred to, to try to  
12 understand what was happening in Cambodia, did you refer to  
13 documents - to official documents that were published in  
14 particular by the GRUNK Mission in Paris?

15 A. GRUNK had a house in Paris. Nget Chopinanto was the man who  
16 was in charge of the mansion. And I also looked at the documents,  
17 and we studied the purpose of Angkar and we criticized whether it  
18 was right or wrong that Angkar did like that. And also we  
19 listened to what the refugees had to say about this.

20 [15.27.29]

21 Q. Well, for - in order to note the references, I would like to  
22 give, as an example, a document that you referred to in your  
23 book, which is the "Information Bulletin of the GRUNK Mission in  
24 Paris". It is number 220bis/75, dated 12 September 1975, and the  
25 document is D199/26.2.137. And this is a bulletin that is quite

1 interesting because it was produced a short while after the fall  
2 of Phnom Penh, and we see in it an interview of Mr. Khieu  
3 Samphan, who was the Deputy Prime Minister and Commander-In-Chief  
4 of the FAPLNK, by the representative of the Kampuchea News  
5 Agency, on 12 August 1975. The French ERN is 00386886 to 89;  
6 English, 00878358 to 61; and Khmer, 00877499 to 00877504.  
7 So, I don't think we have the time to describe the content of  
8 this interview, although it's interesting. But basically, Mr.  
9 Khieu Samphan says the following - he's describing a situation he  
10 discovers in 1975 and he says:

11 "Our compatriots, by the millions, were locked up in  
12 concentration camps in Phnom Penh and in the other cities under  
13 enemy temporary control. The victims had no food. Cholera was  
14 decimating them, families were torn apart and scattered  
15 throughout the entire country.

16 [15.30.06]

17 "Immediately after the liberation, the GRUNK and the FUNK, the  
18 people and the people's army decided to tackle these problems  
19 with determination, which were the results of the most barbarous  
20 war of destruction from the U.S. Imperialists.

21 "So, question: How to solve these problems?

22 "On the one hand, the people in the countryside made all  
23 sacrifices in order to win the war of attrition brought upon by  
24 the American imperialists and their lackeys and suffered for  
25 years on end. On the other hand, millions of city dwellers who

1 had only been liberated suffered from hunger owing to the enemy  
2 and were in an appalling state. The problem is of unprecedented  
3 gravity, and we must resolve it without further ado, as this is  
4 vital for both our nation and our people.

5 [15.31.17]

6 "We have managed to mobilize all of the forces, including our  
7 people and our army, in order to fight and deal with the new,  
8 extremely serious situation while at the same time manifesting  
9 deep patriotism on the spirit of independence and sovereignty,  
10 maintaining control over the situation and our decisions, having  
11 confidence in our own forces, and maintaining firm control over  
12 our destiny and that of our country.

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

19 And a bit further he finishes with the following:

20 "Now we have solved all of the difficulties, and our country is  
21 enjoying a profound change. The change is one of continued  
22 improvement. I can assure you that we shall never again  
23 experience economic crisis, unemployment, inflation or price  
24 hikes."

25 [15.32.54]

1 So, knowing that, of course, there was no currency, this might be  
2 a little bit surprising.

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

4 (Inaudible) to specify that it dates back to August 1975.

5 A. (Microphone not activated)

6 MR. PRESIDENT:

7 Witness, please observe some pause. Please see the red light  
8 before you speak.

9 MR. PONCHAUD:

10 A. I do not recall clearly, but this was the propagandized words.

11 I read a lot of propagandized words, but I did not pay attention  
12 to it that much.

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

16 [15.34.04]

17 For example, I listened to the Voice of Democratic Kampuchea on  
18 almost every day basis. They broadcast the last parts, the  
19 finding of the Khieu Samphan dissertation, which indicated that  
20 people had to transform Cambodia into - they broadcast the  
21 finding of his dissertation, and the refugee did not understand  
22 the reason why the Angkar made people to work that hard to build  
23 dyke and dig reservoir also. But actually, Angkar had a plan, and  
24 that plan was not necessarily written, but it was to transform  
25 Cambodia into - and the plan was not clear-cut and people - the

1 Angkar wanted people to build dyke and dams in order to be  
2 self-reliant and self-sufficient for the country. This is the  
3 principal agenda of Angkar, and I actually, myself, find it  
4 satisfactory.

5 Q. (No interpretation)

6 A. Even now, somewhere around Ou Reang Ov, I actually restore the  
7 water reservoir and canals where the Angkar actually made people  
8 to dig up this water reservoir and irrigation system. I actually  
9 did not like the way they treated people, they abused people or  
10 they actually made people work too hard, but actually, I think  
11 that the plan was very well implemented and structured.

12 [15.36.33]

13 Q. If I understood correctly, you said that excerpts from Khieu  
14 Samphan's thesis had been disseminated. I'm not sure that we  
15 heard this properly in French, but Khieu Samphan's thesis was -  
16 excerpts of Khieu Samphan's thesis were broadcast on the radio to  
17 justify the efforts asked from the population for - in order to  
18 dig canals and build dams. Is that what you're telling us?

19 A. Actually, they did not make mention that it was an excerpt  
20 from the dissertation, but it was actually the last page of his  
21 dissertation, in order to motivate people to work.

22 This was actually a very good plan - it was a fairly good plan.  
23 In the 20th century, we could be self-reliant and self-mastery.  
24 We base on agricultural production. At that time, we were  
25 self-sufficient because our agricultural sector was robust.

1 I apologize, Your Excellency Khieu Samphan; I confused the title  
2 of your dissertation with that of Mr. Hu Nim.

3 [15.38.40]

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

8 A. It is on page 113.

9 Q. And just for your information, we are dealing with several  
10 versions. Are you referring to page 113 of the original version  
11 that was published in March 1976?

12 A. On the 3rd of April - of February 1977.

13 Q. Let us return to the bulletin that was issued by the GRUNK  
14 Mission in Paris. For your information, there are a great deal of  
15 documents that are on the case file, including an interview with  
16 Mr. Ieng Sary and conducted by James Pringle, the "Newsweek"  
17 magazine, in 1975. There's also a speech given by Mr. Ieng Sary  
18 at the General Assembly of the UN in August 1975 and, lastly, a  
19 Ieng Sary speech, Vice Prime Minister of the GRUNK, head of the  
20 delegation of Democratic Kampuchea at an extraordinary meeting of  
21 the UN in 1975.

22 [15.40.33]

23 These are the references, the sources that you based upon - that  
24 you based your research upon in drafting several articles, some  
25 of which were published in the French magazines - "France-Asie"

1 or "Échanges". There are others that were published elsewhere.  
2 An article was also lifted by the French daily "Le Monde". I'm  
3 referring to document D103/1/2. You qualify the revolution in  
4 Cambodia as one being quite radical and that it is possible that  
5 there could be some 800,000 victims at the start of this  
6 revolution.

7 There are also articles that you authored and appeared in other  
8 magazines in February or March 1976. You had written in February  
9 but it was only published in March. Is that correct?

10 A. (Microphone not activated)

11 Q. Just for the record, since your microphone was not lit, you  
12 have just stated that the article came out on the 3rd of February  
13 1976.

14 [15.42.09]

15 You also contributed to the drafting of information bulletin on  
16 Cambodia. You also published in the magazines "La Croix",  
17 "Esprit". You also took part in several television and radio  
18 interviews.

19 And what is of interest to us now is your contribution to a piece  
20 written by the International Commission of Jurists to the Human  
21 Rights Commission. It was published on the 16th of August 1978.  
22 Now, thanks to your work, since you were one of the first to draw  
23 attention to this matter, to bring before an international  
24 audience, particularly the Human Rights Commission, what was  
25 going on in Cambodia-

1 What can you tell us about that? In what context did this occur?  
2 And what were the results – what was the ultimate outcome of your  
3 participation?

4 A. First, I would like to make it clear that I am not a  
5 politician. I write books or I speak on the broadcasting system  
6 because I wanted to share my feeling with the Cambodian people  
7 who are suffering from the difficulties and enduring all the  
8 suffering. I have lived with the Cambodian people, both during  
9 happy times and sad times. I am not a politician, not until  
10 today.

11 [15.44.25]

12 I do not understand this Commissioner in Geneva who asked me to  
13 come to report with this committee on the human rights status of  
14 Cambodia at the United Nations. It was on the 15th of July 1978.  
15 Back then I was like an object from nowhere, from another alien  
16 planet; nobody listened to me. They – they did not pay attention  
17 to what I said, at all. I wonder why they did not listen to me.  
18 That's why, to be frank, I do not really like the way the United  
19 Nations worked. They actually not – they did not know – actually,  
20 they had known it very clearly. They had their agents along the  
21 border; they must have known it very well. They knew that the  
22 Khmer Rouge had killed a lot of civilian people, but they chose  
23 to be indifferent of this situation. I did not understand why  
24 they chose this course of action.

25 [15.46.03]



1 Actually, I do understand. I understand; because there was the  
2 ideological warfare between the Soviet and China. There was the  
3 Cold War going on. At that time the American soldiers were  
4 defeated in Vietnam, so all the remaining or residual - residual  
5 issue was left to China. So China got all the support in the  
6 United Nations against Soviet at that time. And at the time they  
7 made use of the Khmer Rouge in order to go against the Soviet,  
8 especially from 1979 onward. The Soviet - rather, China and the  
9 United Nations made use of the Khmer Rouge in order to be against  
10 the Soviet.

11 I am ashamed of the United Nations. They supported the Khmer  
12 Rouge for 19 years, even though they knew that the work that the  
13 Khmer Rouge had done was barbaric and they killed innocent  
14 people; but they chose to be indifferent. What is the meaning of  
15 human rights, then? We want to - we accept the value of human  
16 rights, but if we ignore the human rights abuse in the country, I  
17 feel ashamed of the United Nations. I am actually ashamed that  
18 the United Nations is coming in and now taking part in  
19 prosecuting the Khmer Rouge leader. I am really ashamed of the  
20 United Nations. I don't think that they should be involved in  
21 bringing the Khmer Rouge to trial now.

22 [15.48.24]

23 Q. Let us return to the year of 1978, specifically the Commission  
24 on Human Rights, which was reviewing the Cambodian situation.  
25 Now, if I'm not mistaken, this took place during the 34th

1 Session, in March 1978. At the time, the representative for Great  
2 Britain had requested that Democratic Kampuchea be invited to  
3 comment on the human rights situation in the country, and in  
4 theory, the request had drawn the ire of the Ministry of Foreign  
5 Affairs of Democratic Kampuchea. However, a certain number of  
6 countries and organizations had submitted reports to the  
7 Commission on Human Rights. These reports include documents from  
8 Norway, Amnesty International, as well as the United States, as  
9 well as Great Britain.

10 Norway and Great Britain had relied on an international symposium  
11 on Cambodia organized in Oslo on the 21st and 22nd of April 1978.  
12 A certain number of witnesses and experts were heard; you,  
13 yourself, had appeared before those hearings. And those  
14 deliberations served as the basis for the reports that were  
15 drafted subsequently and ultimately addressed to the Human Rights  
16 Commission.

17 [15.50.34]

18 I'd like for us to focus on the content of those reports. I'm  
19 referring to E3/1804; ERN in French, 00233158 to 00233170; ERN in  
20 English, 00087524 to 7536 (sic); in Khmer, 00235800 to 00235816  
21 (sic).

22 This report contains a certain number of findings. I just wanted  
23 to know if you believe that these findings are still relevant to  
24 this day.

25 Now, the French ERN 00233161, you say the following:

1 "Following review of the refugee accounts which number in the  
2 hundreds, it is quite possible to establish with certainty the  
3 following facts.

4 "Firstly, executions.

5 "Nearly all the officers, senior officials, policemen,  
6 intelligence agents, customs officials, and military police were  
7 executed during the first few days after the victory of 17 April  
8 1975. Detailed and completely independent accounts were obtained  
9 concerning the towns of Phnom Penh, Battambang, Siem Reap, Oddar  
10 Meanchey, Pailin, Preah Vihear, and other smaller settlements.

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

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

16 [15.53.50]

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

1 "Cases of summary execution of doctors, engineers, professors,  
2 teachers, students, and school pupils occurred in the first few  
3 weeks, but this does not seem to have been the general rule. They  
4 were sometimes resettled in special villages and were sometimes  
5 absorbed in the population, but were placed under special  
6 supervision. The slightest offence on their part against  
7 revolutionary morale (be it grumbling, lack of zeal at work) was  
8 punished by death. Since 1977, it seems that they have been  
9 systematically sought out and executed.

10 [15.55.54]

11 "Persons showing any disapproval of the regime are generally  
12 subjected to verbal correction (or edification), sometimes  
13 accompanied by punishment (deprivation of food, bastinado,  
14 exposure to the sun without food or drink, etc.). They are  
15 sometimes imprisoned. A second or third offence is tantamount to  
16 death.

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

23 [15.57.03]

24 MR. VERCKEN:

25 Pardon me for interrupting, Mr. President, but I believe that we

1 are going above and beyond the confines of this trial. I believe  
2 that questions must be relevant, and they are not at all in  
3 correspondence with the scope and definition of this trial.

4 JUDGE LAVERGNE:

5 (No interpretation)

6 MR. KOPPE:

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

13 [15.58.01]

14 MR. PRESIDENT:

15 Prosecutor, you may proceed.

16 MR. DE WILDE D'ESTMAEL:

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

19 Firstly, whether this document submitted to the United Nations is  
20 relevant, I think the matter is very clear. A certain number of  
21 passages from the report have been read out. They concern  
22 execution, and these passages deal with executions that happened  
23 just after the victory of 17 April, which concern the near  
24 totality of military officers, etc. There's also mention of the  
25 execution of certain cadres afterwards in 1977 and 1978, that as

1 far as individuals mentioned by Judge Lavergne. There is a  
2 description of summary executions during the first weeks after  
3 the capture of Phnom Penh.

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

6 Obviously, the witness believes - as to whether the witness can  
7 answer in his capacity as an expert, well, in 1978 - had  
8 considered that this witness did enjoy certain expertise and was  
9 speaking in his capacity as an expert at the time. Thank you.

10 (Judges deliberate)

11 [16.03.59]

12 MR. PRESIDENT:

13 Counsel for Mr. Khieu Samphan's objection, which was supported by  
14 counsel for Nuon Chea, is not sustained. The questions are put by  
15 the Bench, and finally, it is the Bench that will examine or  
16 analyze the probative value of the testimony.

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

20 BY JUDGE LAVERGNE:

21 Well, I would like to specify that the information contained in  
22 this report have a direct link with the scope of this trial, and  
23 in particular, there are findings in there regarding the  
24 evacuations.

25 Q. And you said the following:

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1 "The population of Phnom Penh and of all the cities and towns in  
2 the 'government zones' were evacuated in the days that followed  
3 17 April 1975. Hospitals were emptied, the injured and the ill  
4 had to leave their beds. And those who were not able to move were  
5 executed. And this involved more than 4 million people and caused  
6 the death of many elderly people, young children, and pregnant  
7 women."

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

10 [16.06.11]

11 MR. PONCHAUD:

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

14 And in order to tell the truth, during the Khmer regime one place  
15 was different from another. I gathered information from  
16 Battambang and I did not obtain sources of information from other  
17 locations. Mr. Michael Vickery, who wrote a book, "Cambodia  
18 1975-1982", he criticized me on several points, and I indeed  
19 accept his critics. And I thought that people would receive the  
20 same treatments all across the country, but I learned that,  
21 indeed, people were treated differently from one place to  
22 another. The plan was common in all places, but the restriction,  
23 the discipline was harsh (sic) on one location than the other.

24 [16.08.11]

25 And in this report, when I wrote in - about 1977, I did not know

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1 about the war that was waged between Khmer and Vietnamese. I was  
2 doubtful that - I was suspicious that it could be a war, but  
3 there was no information that could support this suspicion. And  
4 the Khmer Rouge attacked the Vietnamese at the border area, and  
5 the hostility happened and it resulted in some casualties.  
6 And also there was what we call the - what Ta Mok called the  
7 "second revolution". And Ta Mok was in charge of the Southwest,  
8 and along with Pol Pot in the West, they started to reshuffle  
9 cadres all across Cambodia. By 1977 and 1988, people in the rank  
10 of the Khmer Rouge, a lot of them died.  
11 For example, in Oslo, I gave a list of a 100 names in the report,  
12 and these people were Khmer Rouge cadres who were executed in the  
13 East Zone, in Kampong Cham province.  
14 In 1977 - what happened until 1977 was part of the ideology; they  
15 would like to create New People. They would like them to build  
16 dykes and canals and change the way of life. And that happened  
17 all from 1977, and at that time the war in Vietnam also,  
18 logically, happened. I told reporters in France, but they were  
19 not convinced.  
20 [16.10.42]  
21 And in April 1977, I met refugees in France, and I tuned in to  
22 radio broadcasts and I heard Khieu Samphan was talking about the  
23 war with Vietnam. He talked about Vietnamese invading - or coming  
24 into Cambodian territory in Memot area.  
25 MR. PRESIDENT:



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

2 The hearing for today comes to an end. The Chamber will adjourn  
3 today's session, and tomorrow's hearing will resume by 9 a.m.

4 For tomorrow's sessions, the Chamber continues hearing the  
5 testimony of Mr. François Ponchaud, questions to be put by  
6 Co-Prosecutors and Lead Co-Lawyers for the civil parties in the  
7 morning; and in the afternoon sessions, counsels for Mr. Khieu  
8 Samphan would proceed with the questions, and followed by  
9 counsels for Mr. Nuon Chea.

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

13 [16.12.20]

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

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

22 The Court is adjourned.

23 (Court adjourns at 1613H)

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