



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
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ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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07 June 2013
Trial Day 190

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

The Accused: NUON Chea
KHIEU Samphan

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy
Miriam MAFESSANTI
DUCH Phary
Faiza ZOUAKRI

Lawyers for the Accused:

SON Arun
Victor KOPPE
KONG Sam Onn
Anta GUISSÉ

For the Office of the Co-Prosecutors:

SONG Chorvoin
Tarik ABDULHAK
VENG Huot
Keith RAYNOR

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
SAM Sokong
Christine MARTINEAU
SIN Soworn
LOR Chunthy

For Court Management Section:

UCH Arun
SOUR Sotheavy

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. RAYNOR	English
MR. SCHANBERG (TCW-624)	English
MS. SIMONNEAU-FORT	French
MR. SOK ROEU (TCW-665)	Khmer
MS. SONG CHORVOIN	Khmer

1

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

2 (Court opens at 0836H)

3 MR. PRESIDENT:

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

5 For this morning session the Chamber will continue to hear the

6 testimony of the witness Sydney Schanberg, via video link from

7 New York, the United States. And for the afternoon session, we

8 will hear the testimony of a character witness, that is TCW-665.

9 Ms. Se Kolvuthy, could you report the attendance of the parties
10 and individuals to today's proceeding?

11 THE GREFFIER:

12 Mr. President, for today's proceedings all parties to this case
13 are present.

14 It's to be noted that Nuon Chea is present in the holding cell
15 downstairs, based on the decision by the Trial Chamber in
16 relation to his health.

17 This morning, we will continue to hear and conclude the testimony
18 of Mr. Schanberg via video link from the United States. The
19 witness is ready.

20 And for the afternoon session, we will hear the testimony of
21 TCW-665. The witness is in the waiting room to be called by the
22 Chamber.

23 We also have a reserve witness, that is TCW-742.

24 [08.38.05]

25 MR. PRESIDENT:

2

1 Thank you.

2 Hello, Mr. Schanberg. Are you ready?

3 MR. SCHANBERG:

4 Yes, I am.

5 MR. PRESIDENT:

6 Thank you. I will now give the floor to Nuon Chea's defence to
7 continue putting the questions to this witness. You may proceed.

8 MR. KOPPE:

9 Good morning, Mr. President. Good morning, Your Honours, and good
10 evening, Mr. Schanberg.

11 MR. SCHANBERG:

12 Good evening.

13 [08.38.45]

14 QUESTIONING BY MR. KOPPE RESUMES:

15 Yesterday we finished speaking about the day 17 April 1975. I
16 would like to go back to the night before the 17 April 1975. And
17 I would like you to have a look at your diary, page 61 on the
18 very top of that page; that will be ERN 00898269. And that entry
19 on 16 April reads as follows -- and I quote:

20 "About a half hour later, at 1.00 a.m., the news comes over the
21 Agence France-Presse sticker in the cable office that Sihanouk
22 has rejected the proposal as unacceptable. He said the leaders of
23 the Phnom Penh government 'deserve nothing but the gallows'. The
24 Prince said there was only one course open to the Phnom Penh
25 site, raise the white flag and surrender."

1 Q. Do you recall, Mr. Schanberg, listening to that news or can
2 you tell us how that news or that report of Prince Sihanouk came
3 to you?

4 [08.40.20]

5 MR. SCHANBERG:

6 A. It came - it came to me and some other reporters who were
7 there through our radios that we ran on batteries and it was - I
8 think the BBC, but that's how we found out about it.

9 Q. Do you remember if there was more reporting on this or more
10 news on this? Did Prince Sihanouk explain in this radio broadcast
11 why the Phnom Penh government deserved nothing but the gallows?

12 A. I don't - I don't remember in any detail that - if he
13 elaborated, on why he was making these remarks; but it didn't
14 surprise me.

15 Q. Why is that?

16 A. Because he had - he obviously had reasons to support the Khmer
17 Rouge and I don't know that from him. But I know that other
18 people have said that they'd spoken to him and he didn't want to
19 lose his family. Some of his family had already died in the war.

20 Q. Do you remember if in that same news broadcast, Prince
21 Sihanouk said something about Lon Nol soldiers or Lon Nol
22 military, something about what their fate should be?

23 [08.42.05]

24 A. No, I don't remember that.

25 Q. Now going back again to 17 April and the days after. I would

4

1 like you to have a look at page 72 of your diary, and more
2 particularly the paragraph below the first – no, the second from
3 below.

4 That would be, Mr. President, ERN number 00898280.

5 On the bottom of that page, it says:

6 "Foreigners who trickle into the embassy in subsequent days carry
7 stories of bodies on the road, people who died of illness or
8 exhaustion on the march. And also reports of executions, but none
9 of the latter were eyewitness accounts."

10 Would you be able to elaborate especially, Mr. Schanberg, on that
11 last sentence, that there were no eyewitness accounts. Would that
12 be correct?

13 [08.43.27]

14 A. Not exactly. On our way in this convoy of trucks, when we left
15 the city we left it by a road that I'd never been on and it was a
16 road that came into the city, and there were bodies scattered
17 still not picked up, dead bodies. And so there – it was difficult
18 to tell whether they were soldiers or civilians, but we – there
19 were let's say a dozen or so bodies that I saw.

20 Q. What I was actually referring to is whether you, in the days
21 after 17 April, heard accounts of witnesses who had actually seen
22 execution of Lon Nol soldiers or officials?

23 A. We didn't – we weren't able to talk to people on the way out.
24 So I – only after we got our freedom and we entered Thailand were
25 we able to talk to people who had experienced negative, you know,

5

1 negative happenings when – or negative things they witnessed,
2 yes. But I, myself, did not witness those things.

3 Q. On page 77 of your diary, on the top of that page; ERN number
4 00898285, you write and I quote, on the top of that page:

5 "A second-hand report makes the rounds of the embassy that
6 insurgents have executed seven people, including Long Boret.
7 Rumours like this will regularly sweep through the compound, but
8 are never confirmed."

9 [08.45.53]

10 And on page 91, the third paragraph of your diary, you described
11 a person called Henry Becker and you write in the third paragraph
12 as follows:

13 "Becker has some interesting things to tell, he says Khieu
14 Samphan, the top Khmer Rouge leader, has not yet arrived in Phnom
15 Penh. He says Long Boret has not been executed yet."

16 Now, I'm trying to find out what your knowledge was about fact
17 and rumours in respect of possible executions of, on the one hand
18 Lon Nol soldiers or maybe even government officials, and on the
19 other hand the seven super traitors. Did you ever – that will be
20 my more specific question – did you ever have credible reports
21 from eyewitnesses for instance, about their executions, or these
22 alleged executions?

23 [08.47.05]

24 A. Well in the years that followed, I saw statements by Khmer
25 Rouge leaders acknowledging that they had killed Long Boret and

6

1 others and Sirik Matak. So I took that as – I accepted that as a
2 fact, since it was spoken by the Khmer Rouge politburo itself.

3 Q. I agree, but what about rumours about lower ranking military
4 officials or soldiers from the Lon Nol regime?

5 A. When I returned to Cambodia some years later, I met the
6 families of people that I had known, who had worked with me, a
7 driver, In Sarun (phonetic), and his wife told me how he was
8 taken away and killed one night in the place where they were
9 working. And she didn't – she never was told, nor did she ask,
10 why they did it, she was too afraid. And so stories like that,
11 first hand, yes, people told me.

12 Q. But these were accounts that you heard much later, is that
13 correct? You didn't hear eyewitness accounts of executions in the
14 days after 17 April?

15 [08.48.41]

16 A. No, I wasn't – I'm puzzled, if I wasn't – if people weren't
17 out in a refugee camp, I don't know how I would have been able to
18 talk to them and gather such information.

19 Q. If I understood your diary correctly, people did come in the
20 French Embassy in the week after the 17 April with accounts of
21 events that they had seen. So I was wondering maybe if you had
22 heard any direct eyewitness accounts of executions from people
23 coming in in the days after 17 April.

24 A. Are you asking about executions of government leaders; are
25 those the executions you're talking about?

7

1 A. Well let's - yes, I'm not specifically speaking about the
2 seven traitors or super traitors as they're sometimes referred
3 to, but alleged executions of - in general of Lon Nol military or
4 officials?

5 A. I don't remember anybody telling stories like that. People -
6 some people told us how they were forced or brought out of their
7 houses and told to join the rest of the population in - miles
8 away in the countryside. No, I did not hear any - the answer is
9 really, no.

10 [08.50.37]

11 Q. Then another subject, did you hear in the days that you were
12 at the French Embassy, reports, maybe from UN officials or from
13 other people connected to NGOs about the way that the refugees
14 who were living in Phnom Penh left Phnom Penh on 17 April and the
15 days after?

16 A. The people - the NGOs and other people like them who were in
17 the Embassy didn't know any more than I did, they saw what I saw
18 and they were moved out of Cambodia. So the answer is no.

19 Q. Let me ask a little bit more about the situation of the
20 refugees and that would mean that we would go back in time again,
21 leaving the 17 of April. And I would like you to have a look
22 specifically at page 5 of your diary, that's an entry of 7
23 January 1975; ERN 00898213. And in the first paragraph of that
24 page you write as follows:

25 "An embassy official estimates that 40,000 to 50,000 new refugees

8

1 have been generated by this offensive. Already it is generally
2 agreed half the country's population of seven million have been
3 uprooted by the war, it is one of the basic statistics here.
4 Another is the five-year casualty toll, nearly one million killed
5 or wounded, and there are tens of thousands widows and orphans.
6 Hordes of the orphans have become beggars as have hordes of war
7 maimed soldiers. And after five years of thinner and thinner
8 diets, malnutrition has struck, especially at the young. And
9 dozens of malnourished children with concentration camp bodies
10 are dying daily."

11 [08.53.02]

12 Would you, Mr. Schanberg, be able to expand more on those
13 statistics, what was your source of these numbers when you wrote
14 them down in your diary on 7 January?

15 A. The sources is - as I wrote it, came - the first figures came
16 from Embassy officials, that meant Embassy officers from several
17 countries. And the - everything else I witnessed myself, I
18 witnessed infants who were suffering from malnutrition, I
19 witnessed them die at places where they were treated by an NGO
20 and so forth. And so all of the rest of the deaths, that I saw
21 while I was still in Cambodia in that period, were things that I
22 had witnessed myself.

23 [08.54.12]

24 Q. That I understand also from the entry of your diary. But I
25 would say that it refers more to the second part of that

1 paragraph. But in the second sentence of that paragraph you
2 write:

3 "Already it is generally agreed half the country's population of
4 seven million have been uprooted by the war, it's one of the
5 basic statistics."

6 Now when you write "generally agreed", what do you mean?

7 A. I think that the - I can answer that by saying those people
8 who had information - mostly people in embassies or in NGOs -
9 told us what they had found out from what you might call bush -
10 well, it was word to mouth - word of mouth that they had heard or
11 seen. That's where the information came from.

12 Q. Would you be able to recall if you saw reports or any other
13 information indicating the estimated amount of refugees who were
14 living in Phnom Penh in the months before 17 April 1975?

15 [08.55.34]

16 A. No one who was living there at the time would need a document
17 to tell him or her that there were 'New People in Phnom Penh and
18 that the population had doubled and maybe more. The population
19 before the war was about one million, and now it was two million
20 or more. People were living, you know, maybe 20 or 30 people were
21 living in apartments or houses that used to hold maybe the eight
22 people of one family.

23 Q. I'm mindful of the time, so I will move on to another subject.
24 And that is an entry in your diary, Mr. Schanberg, from page 75 -
25 that would be ERN number 00898283. And in the middle of that page

10

1 you describe a discussion which was going on apparently at the
2 compounds of the Embassy. In the middle it says - and I quote as
3 follows:

4 "Several of us watching from the front gate discuss the
5 insurgents' probable reasons for this astonishing emptying of the
6 city. It is a way of cleaning out any possible pockets of armed
7 resistance, some say, and of searching for government officials
8 who had gone into hiding. Others suggest it is a way to avoid the
9 impossible task of feeding a refugee-swollen city of over two
10 million people at a time of extreme rice shortage. They push
11 everybody out and start fresh and then they blame any deaths from
12 the march or any other immediate problems on the old regime,
13 someone says."

14 [08.57.48]

15 It goes a little on - it goes further, do you remember writing
16 this? And if yes, when exactly did you write this?

17 A. I wrote this, as I testified yesterday, from the notes in my -
18 after I came out of Cambodia, from the notes I had taken at that
19 time while I was in the country, and that's how it got into the
20 diary.

21 Q. And do you remember the actual discussion that you had with
22 the people that you are referring to?

23 A. Yes, that's what I remember; it's what I wrote down.

24 [08.58.44]

25 Q. And some of the arguments that you have written down, are you

11

1 able to tell us if they somehow were corresponding with the
2 things that you had yourself observed?

3 A. They did correspond to the things that I had observed and -
4 but not every incident. But yes, I had observed similar things.

5 Q. And especially what some people seemed to suggest that - that
6 it was a way to avoid the impossible task of feeding a
7 refugee-swollen city of over two million at a time of extreme
8 rice shortage. Was that something - was that - were these
9 observations that corresponded with the things that you had seen
10 yourself?

11 A. Yes.

12 Q. Would you be able to expand your "yes" as to reasons why?

13 A. If the Khmer Rouge wanted to feed the population of Phnom Penh
14 at that time, they could have opened the Mekong, which they had
15 blocked off.

16 [09.00.12]

17 Q. But that seems to be a reason not supporting this argument, or
18 am I wrong?

19 A. Yes, the argument that - that they ordered the evacuation in
20 order to feed the two million? Is that what you're saying?

21 Q. Yes, yes.

22 A. Yes, I think that was a false explanation.

23 Q. But that's your opinion?

24 A. No, I explained why it was my opinion. They controlled the
25 river and that was the primary supply place where we were getting

1 - where they usually got their food and other medicine, etc.

2 Q. Let me -if you allow me to try from another angle, do you
3 remember who it was who suggested that it was a way - the moving
4 out of the people to avoid the impossible task of feeding a
5 refugee-swollen city of over two million people at the time of
6 extreme rice shortage; who was it that was suggesting that?

7 [09.01.49]

8 A. As far as I can remember, that came from the Khmer Rouge and
9 people who supported the Khmer Rouge, saying that that was the
10 reason that they - that the city was empty. And I am saying that
11 that didn't - to me, make any sense because all they had to do
12 was stop blocking the Mekong River that came from Saigon to
13 Cambodia, because that's where the ships brought in the supplies.

14 Q. When you say this suggestion came from people who were
15 supporting the Khmer Rouge or maybe from the Khmer Rouge itself,
16 are you maybe referring to two people who also at one point came
17 to the Embassy, two people called - and I refer you to page 89 of
18 your diary - Chu Men (phonetic) and Chen Tar (phonetic)?

19 A. What paragraph are you at?

20 [09.03.19]

21 Q. I'm at page 89, the second paragraph. There you write about
22 two new arrivals at the Embassy, Chu Men (phonetic) and Chen Tar
23 (phonetic).

24 A. Yes, they entered the Embassy, she was of Chinese extraction
25 as I remember it; he was an Australian. They told us when they

13

1 came in that they had tried to join the group going into the
2 interior to begin this so-called sort of food-growing campaign
3 and be able to feed them. And they - so they- and they were -
4 they told us that the Khmer Rouge officials said they appreciated
5 their offer, but they could not protect them and they told these
6 two to come and take refuge in the French Embassy.

7 Q. Do you remember anything about the reports that the two of
8 them made of the things they had seen prior to them entering the
9 Embassy?

10 A. I don't remember any details because they didn't get - they
11 didn't go very far, they went 10 or 15 miles. And they didn't
12 tell us anything about what was going on except for the
13 evacuation.

14 [09.05.08]

15 Q. What do you remember that they did say about the evacuation?

16 A. They said it was a legitimate thing to do, they were
17 supportive.

18 Q. That's what they might have been saying as an argument. But
19 what do you remember of them having - making actually accounts of
20 the things they have seen? Do you remember what they told you
21 that they had seen in the days before they entered the Embassy?

22 A. They were only away for about two days. And no, they did not
23 tell us anything about what they saw. They said they supported
24 the evacuation and they said that we - that people in the Embassy
25 who saw the Khmer Rouge as a destructive force, were wrong. And

14

1 they were supporting what the Khmer Rouge were doing. I have no
2 memory of any details they told us about what they saw.

3 Q. Do you remember or do you know rather, if they wrote or
4 drafted or wrote a report on the things that they have seen in
5 the days and weeks after 17 April in Phnom Penh?

6 A. No, I've never see anything that they wrote.

7 [09.06.59]

8 Q. Yesterday I was referring to criticism on your reporting, and
9 part of the sources of that criticism coming from Noam Chomsky on
10 your reporting is based on a report that those two individuals
11 have written. Are you aware of the discussion or do you know
12 about a discussion on your reporting where people like Chomsky
13 are referring to the reports of these two individuals?

14 A. No, I'm not aware of that, I never saw that.

15 Q. They are - for instance, saying that they - and I will go
16 especially to the part of looting, they say that they never
17 really saw any signs of organized looting or other forms of
18 looting in Phnom Penh. Do you remember speaking to them about
19 looting in Phnom Penh?

20 A. No, I do not.

21 MR. ABDULHAK:

22 Mr. President, if I may be heard?

23 [09.08.36]

24 MR. PRESIDENT:

25 Mr. Prosecutor, you may proceed.

1 MR. ABDULHAK:

2 I'm not rising to object, but merely to request if my learned
3 friend could supply the information as to the source from which
4 he's reading, so that we can all be familiar with it. Thank you.

5 BY MR. KOPPE:

6 Yes, I would be able to do that. I'm referring to a document
7 D3/9942, ERN number S00045507, more specifically S00045594.

8 Q. Mr. Schanberg, I'm sorry, I didn't get your answer. Did you
9 say you didn't remember speaking about any - about looting or
10 their reports about what they saw in Phnom Penh?

11 [09.09.41]

12 MR. SCHANBERG:

13 A. We - I had a couple of conversations with them and they said
14 that everything that we had seen wasn't true. They - and at one
15 point, both he and his girlfriend, threatened - because we
16 disagreed with them, they said they were - if we continue to
17 disagree with them, they were going to report us to the Khmer
18 Rouge leadership. And the reason this conversation with them was
19 negative, was that we had asked them to do what everybody else
20 was doing, and that is to chip in and do the chores that had to
21 be done, cleaning up as we woke up in the morning and getting the
22 - whatever food we had, which was rice primarily, and they
23 refused to take on any chores and they were being fed like
24 everybody else. And that was when - I remember especially the
25 woman, saying that "We'll report you." And I said "Do what you,

16

1 you know, do what you feel you have to do."

2 Q. In the report that I just referred to, they wrote that for the
3 - and I quote them:

4 "For most of the time we spent in the French embassy, we were the
5 object of abuse and fear by those who had nothing but contempt
6 for the Kampuchean people."

7 [09.11.21]

8 And it seems that they were referring not only to Jon Swain, but
9 also to you. Would you be able to tell us on the basis of your
10 encounters and discussions with them, why they would write that
11 about you?

12 A. Because they - because obviously they were supporting an event
13 that was full of bloodshed and lots of lives - we witnessed lots
14 of lives being lost. The night before they entered the city, I
15 spent several hours at a hospital where victims were being
16 brought in, people who got amputees, children. I spoke to them, I
17 asked them what happened, they told us that they were victims of
18 the Khmer Rouge, the fighting. Bodies were piled up, the floors
19 were slick with blood, the doctors at that point didn't have any
20 more gloves to do surgery, and cleaned their hands in alcohol in
21 a bowl after every surgery. And outside the surgery office - the
22 surgery rooms, you would see cardboard boxes with limbs thrown in
23 them because the limbs had to be cut off. It was a hellish scene
24 and it was real.

25 [09.13.21]

17

1 Q. That might very well be, I have never been in a war as you
2 have indicated yesterday. You are just merely now describing, it
3 seems to me, the victims of a war. And that might not be any
4 different than the casualties that we are seeing right now in
5 Syria, for instance. So that still doesn't explain the negative
6 feelings that these two people seemed to have about you and the
7 things that you have been saying to them in those days at the
8 Embassy in Phnom Penh.

9 A. That is something you may believe and I would suggest that you
10 don't go to war, but you go to Cambodia and talk to the people
11 who survived; but that's up to you. But I - and nothing that they
12 told us was supported by anything we had seen.

13 Q. Another thing Tar (phonetic) and his wife have written is:
14 "When it became clear that we had no sensational stories to tell
15 of mass executions, rape, pillage and suicides, many of these
16 journalists became quite disappointed."

17 Do you have a comment on this observation?

18 [09.15.20]

19 A. No, I don't-

20 MR. ABDULHAK:

21 I'm sorry-

22 MR. SCHANBERG:

23 -remember that being said.

24 MR. ABDULHAK:

25 If I may be heard, Mr. President? Thank you. Just a point of

18

1 order, we're trying to follow - to keep up with my learned
2 friend, he indicated the document that he's reading from is
3 authored by Chomsky, it appears to be a note on Chomsky, looking
4 at the first page. I'm not sure about the veracity of the
5 document; it is not an official publication. If he's able to
6 provide further information about what this document actually is
7 and then take us to the specific page, so we can read it and be
8 satisfied that these words are indeed being attributed to this
9 couple. It just a little bit hazy at the moment as to who said
10 what and at what stage and to whom.

11 [09.16.15]

12 MR. KOPPE:

13 I understand the prosecutor's observation, but on the other hand
14 I was passed a note that I have overstepped my time and that the
15 Khieu Samphan team would like to start their questioning. So I
16 presume I have to wrap up my questioning. And I will be very
17 happy to give details after this hearing.

18 MR. PRESIDENT:

19 I hand over to Judge Silvia Cartwright.

20 JUDGE CARTWRIGHT:

21 Thank you, President.

22 Could you just give us the details now rather than wait until the
23 end of the hearing, please?

24 [09.17.06]

25 MR. KOPPE:

19

1 Of course, of course, Judge Cartwright. I actually mentioned
2 already the relevant ERN numbers. My last quote came from
3 S0045593, it's page 83 in the - on a note in relation to - "a
4 note on Chomsky" it is called.

5 JUDGE CARTWRIGHT:

6 Could I have the D number again, please, because I'm not familiar
7 with an ERN number starting with S?

8 MR. SCHANBERG:

9 Is that Cartwright?

10 JUDGE CARTWRIGHT:

11 Yes, Mr. Schanberg.

12 MR. KOPPE:

13 S00045507.

14 [09.18.02]

15 JUDGE CARTWRIGHT:

16 The D number.

17 MR. KOPPE:

18 Sorry, I apologize, D39942.

19 MR. ABDULHAK:

20 If I can be of some assistance, that number - my learned friend
21 may not be familiar with it, but this is a - it appears to be a
22 DC-Cam number, it's in the top right hand corner, this is why the
23 format may not be familiar to Your Honours and perhaps others in
24 Court. We don't have a document number for it; it appears to be
25 in the shared material's drive. But it's a document that

20

1 everybody is able to see at least. Thank you.

2 [09.18.48]

3 MR. PRESIDENT:

4 Thank you.

5 Now I hand over the floor to the defence team for Mr. Khieu

6 Samphan to put the question to the witness, Mr. Schanberg. You

7 may proceed.

8 QUESTIONING BY MR. KONG SAM ONN:

9 Thank you, Mr. President, and good morning, Your Honours and good
10 morning to everyone.

11 And good morning to Mr. Schanberg, my name is Kong Sam Onn; I am
12 the defence counsel for Mr. Khieu Samphan. I have a few questions
13 to put to you.

14 Q. I would like to begin with the period before the Democratic
15 Kampuchea period. You said prior to the Khmer Rouge period, you
16 came to Cambodia between 1970 to 1975. Could you please enlighten
17 the Court as to how long actually you stay in Cambodia?

18 MR. SCHANBERG:

19 A. Well, each trip - each trip I took was a different length, but
20 my visits were never less than two months.

21 [09.20.16]

22 Q. Could you come up with the entire period of time you stayed?
23 For example, how many months did you stay in Cambodia for the
24 period of five years when you were in Cambodia?

25 A. It's an estimate, but I would say a little more than two

21

1 years, maybe two and a quarter years.

2 Q. Thank you. Aside from the time you spent in Cambodia, you were
3 working outside Cambodia during which – did you report anything
4 about the event that unfolded in Cambodia at the time?

5 A. Repeat your last sentence, please. Did I do what?

6 Q. Thank you. My question is that aside from the period you
7 stayed in Cambodia, when you were working outside of Cambodia,
8 did you ever report or write anything about the events that took
9 place in Cambodia from outside Cambodia?

10 [09.21.55]

11 A. I might have, but it was all in notebooks that were records
12 that I prepared or made while I was there. So on any given day if
13 I came out of – let's say I came out of Cambodia after two months
14 and went back to India where my base was, maybe in a day or two
15 after that. But I don't remember any particular story like that,
16 but I may have written a story about my last days on that visit,
17 yes.

18 Q. Thank you. Concerning your report of the events that took
19 place in Cambodia between 1970 to 1975, did you ever capture the
20 information in the battle in any part of Cambodia then?

21 A. Yes.

22 Q. Could you enlighten the Court as to which battlefields you
23 were covering at that time?

24 A. There were several stories that I wrote about battles that I
25 witnessed. And I went to those places because there were reports

1 of fighting and I went and witnessed it. The whole - the whole
2 country was not available, there were some places that were
3 really cut off because they were Khmer Rouge controlled and the
4 Khmer Rouge had already-

5 [09.24.13]

6 Q. My apologies, Mr. Schanberg. I don't think that you are
7 actually answering my question. Let me try to rephrase my
8 question. I would like to know the exact location of the battles
9 that you wrote the article about. Could you please tell the Court
10 the specific location? I would like you to tell the Court the
11 location first of the battles, and then I will ask you the
12 details of the battles later.

13 A. I can't - I can't give you precise dates, because I don't have
14 that in front of me. And - but if you were to read - if you were
15 to read all of the stories I wrote for the New York Times on my
16 visits, from my visits to Cambodia, you will find the names of
17 those battlefields. And there's no secret about it and they'll be
18 there if you Google my name and you put the battles or something,
19 you will find them.

20 Q. Sorry, Mr. Schanberg, because now you are testifying before
21 the Chamber, so I would like you to answer my question according
22 to what you can recall and what you witnessed at the time. And if
23 you cannot recall it, you can simply say so. Now, can you please
24 clarify again to what I have understood you, you do not recall
25 the exact date or location of the battlefields; is that correct?

1 [09.26.10]

2 A. Yes, that is correct. I wrote stories every day or every other
3 day and all of that information is there. And I don't have - I
4 don't want to start out saying "I think it was February or I
5 think it was - the name of the province." I don't want to give
6 you an answer by guessing, I'm just suggesting you can find it
7 and I'm sure that you won't have any difficulty.

8 Q. Thank you. Now I would like to ask you about the details of
9 you going to cover the story in the battlefields. Did you go
10 along with the forces of the Khmer Republic? Because you say that
11 in certain areas it was cut off because it was under the Khmer
12 Rouge control, you did not have access to that area, so you had
13 to go through the forces of the Khmer Republic; is that correct?

14 A. I never went to a battle accompanied by the - with government
15 soldiers or government officials. Either I had - reports would
16 come in to people, refugees would tell us of battles taking place
17 and we would then go to the - following their information - go to
18 those places and witness those battles.

19 [09.28.06]

20 Q. Thank you. Concerning the bombardment of American forces, did
21 you ever cover the story concerning the devastation caused by the
22 bombardments of American forces in Cambodia?

23 A. Yes.

24 Q. Thank you. Could you please enlighten us on your article
25 entitled "Cambodia Diary 1975"? That was your own diary on page

1 5. On the 7th of January, you mention the numbers of casualties
2 and the wounded, it amount to approximately one million or so.
3 Where did you get this figure from?

4 A. The figure came from a lot of reporting, talking to soldiers -
5 Embassy soldiers - who had gone on air patrols to witness these
6 things, that's where that came from.

7 Q. Thank you. Did you actually see a chart or the table of the
8 assessment regarding the total number of those who were killed or
9 wounded at the time?

10 A. No, I saw no list, no lists of that.

11 [09.30.43]

12 Q. Regarding the source of that information, for you as a
13 journalist what was the reliability rate of that source of
14 information that you quoted?

15 A. I never used anything told to me by anyone who had given me
16 exaggerated or wrong information before. So I believe my
17 estimates are very close to the actual numbers.

18 Q. Thank you. Now I would like to ask you about the relationship
19 between the Khmer Republic and the United States administration.
20 Did you make a report regarding the relationship between the
21 Khmer Republic and the United States government? And if so, how
22 frequent was your report for the period between 1970 to 1975?

23 A. I wrote many reports about the relationship of the American
24 Embassy and its - and what it was doing there, and reports of the
25 American bombing. And - so I think you will find - again, if you

25

1 look under my name and in the New York Times library, you will
2 find all of those articles. In fact - in fact, there were times
3 when the bombing took place not - not very far from Phnom Penh,
4 and we watched the bombing from rooftops in Phnom Penh.

5 [09.33.16]

6 Q. Thank you. You also mentioned the military relationship
7 between the Khmer Republic and the United States. And can you
8 also tell us about the relationships between the two governments
9 in terms of diplomatic relationship for instance, that the Khmer
10 Republic actually needed much assistance and support from the
11 United States government?

12 A. Yes, I think - I think the relationship was - existed
13 obviously, and supplies and arms and other things were brought in
14 from the American government. But it's really all I know about
15 that.

16 Q. Thank you. Have you ever made a presentation regarding the
17 independence of the Khmer Republic in between the period of 1970
18 to 1975?

19 A. Can you explain what you mean by "the independence of the
20 Khmer Republic"? What did you mean by "the independence"?

21 [09.35.22]

22 Q. What I want is that - did you write an article or try to get
23 information regarding the independence status of the Khmer
24 Republic for the period during 1970 to 1975? Independence here, I
25 refer to Cambodia as a sovereign country and not an umbrella to

1 another state.

2 A. I don't have any secret information about the relationship
3 between the United States and Cambodia. And it was not a long – I
4 mean it was not – how should I put it? It was not a longstanding
5 relationship. And only the people who made the decisions to
6 support the Lon Nol government will have – you'd have to ask
7 people who were in – who were running the United States
8 government at that time, and what their motives were and so
9 forth. But – and you will find also in my articles – if anyone
10 could possibly go through them – you will find references to
11 statements sometimes from people at the Embassy about decisions
12 that were made. But I don't have in front of me all those
13 articles and there's no mean – there's no – no good result from
14 just trying to remember each story and the details in it.

15 [09.37.47]

16 Q. Thank you. I'd like you now to look at your diary once again,
17 on page 54, in the fourth paragraph.

18 MR. KONG SAM ONN:

19 Mr. President, I would like to read this text in English as it
20 exists only in English.

21 MR. PRESIDENT:

22 Yes, you may do so. And the interpreter, please be ready to
23 switch your channel.

24 BY MR. KONG SAM ONN:

25 Here is the quote:

27

1 "Leading Cambodian figure, Lieutenant-General Sisowath Sirik
2 Matak, a former Prime Minister who was once regarded by the
3 Americans as the only hope for reversing Phnom Penh's fortunes
4 has sent a telegram to President Ford accusing him of betrayal.
5 The General in his cable first recalls the good memory of a
6 meeting he had with Mr. Ford in Vail, Colorado, some time ago and
7 then says: 'Your policy of abandoning our poor country, decided
8 brutally, without warning or preparation, put us in a position of
9 heartbreaking betrayal. We will struggle now alone without your
10 support. We will die on our soil achieving our last desire to die
11 in freedom. I lay on the American conscience all Khmer deaths,
12 present and future.'"

13 [09.40.13]

14 Q. Mr. Schanberg, in this text that I just read from your diary -
15 have you actually read it?

16 MR. SCHANBERG:

17 A. Yes, I've read it, yes.

18 Q. Can you elaborate a little bit further regarding this
19 communication by General Sirik Matak?

20 A. Sirik Matak was a man that I respected. He was no longer a
21 major force in the new government, the Lon Nol government, and a
22 lot of what he says I find to be appropriate.

23 Q. Thank you. Can you tell us if you actually know the purpose of
24 that letter?

25 [09.42.02]

28

1 A. Well since I didn't write the letter, I'm not a - I was not a
2 close friend of Sirik Matak; I don't know how I could answer that
3 question. Those are his thoughts and I have commented on them in
4 response to your question.

5 Q. Thank you. Can you expand the phrase that is used in this text
6 that is, quote: "to die in freedom"? End of quote.

7 MR. PRESIDENT:

8 Mr. Schanberg, please wait. The Prosecution, you may proceed.

9 MR. ABDULHAK:

10 Mr. President, the witness just said that he can't speak to the
11 thoughts behind the letter and he didn't write it, it was written
12 by a different individual who was subsequently killed. As to what
13 particular words in the letter were intended to mean, is clearly
14 beyond the witness' knowledge and the question should not be
15 allowed.

16 [09.43.31]

17 MR. KONG SAM ONN:

18 Thank you, Mr. President. What I aim to get is that although the
19 letter was not written by the witness, but it is part of the text
20 in the diary of the witness, it therefore means the witness
21 understands the text. For that reason, the text has been included
22 in his diary. And it is my understanding that he can elaborate
23 further on the point in the text.

24 MR. PRESIDENT:

25 The objection and ground for objection by the Prosecution is

1 appropriate, therefore sustained.

2 The witness, you are instructed to not to respond to the last
3 question put to you by the national counsel for Nuon Chea.

4 And counsel, you may move to another question.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President.

7 [09.44.46]

8 Mr. Schanberg, please refer to page 41 of your diary. That is for
9 April 11th, it is in the second paragraph below the April 11th.

10 Once again, Mr. President, I will read the quote in English.

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 BY MR. KONG SAM ONN:

14 Mr. Schanberg, here is the quote from your text:

15 "Cambodian Ambassador Um Sin in a speech to Washington Press Club
16 says: 'You have found our case is hopeless, but we have to cling
17 to life until we die. Let's face it, you took advantage of us,
18 our inexperience as you are much cleverer than we are, you could
19 induce us into this fighting.'"

20 Q. Mr. Witness, could you tell us how did you get this report and
21 did you also make a report regarding this speech?

22 [09.46.41]

23 MR. SCHANBERG:

24 A. I did not - I do not remember inserting this quote in an
25 article. I don't know where I heard it, but there we - as a

1 reporter I found these things in other, you know, on the Internet
2 or, you know, in the papers that I saw, I saw this sentence in a
3 reliable newspaper. And I don't remember if I used it in a story.
4 Again, you just have to comb through my writings. But these are
5 my writings, so they're included.

6 Q. Thank you. Did you learn of any information or did you report
7 regarding the reaction by the United States government to the
8 statement made by this person, Um Sin?

9 A. I don't remember, I may have, it looks like something that I
10 might include, but that's an - I can't give you an exact answer.
11 Again, you would have to go in about that time, the April 11th,
12 and look at a few days in that period and then you would find if
13 I had written about it.

14 [09.48.40]

15 Q. Thank you. Regarding the drafting of your diary, you stated
16 that it was written in Cambodia, and then you edited it after you
17 left Cambodia in 1975. My question to you is related to the first
18 writing. Did you make a lot of changes during your editing of
19 your first draft?

20 A. No, what I testified to was that my editors had asked me to
21 keep a diary; I did not keep a separate notebook for that. I put
22 the notes in my regular notebooks. I did not write the diary
23 until I came out of Cambodia. And I explained - I believe
24 yesterday or the day before - that by the time - I didn't - it
25 wasn't published before the fall of Phnom Penh and I wrote long,

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1 long pieces about the fall of Phnom Penh, and so the editors
2 decided they did not need this diary. But I wrote it in Bangkok
3 when I came out of Cambodia in 1975.

4 Q. Thank you. Do you actually have in your possession the first
5 notes that you made, so that the Trial Chamber can compare this
6 existing diary to your original one?

7 [09.50.55]

8 A. No, I never kept a record like that. Again, I could - I could
9 try to find some of my notebooks and then you could compare them
10 to what's here. But I had no reason to, you know, when I made a
11 notation that this for the diary, there's no reason that I would
12 change it in some, you know, some meaningful way, it's just what
13 I wrote in the notebook.

14 MR. KONG SAM ONN:

15 Thank you, Mr. Schanberg. I now conclude my question time.

16 And Mr. President, I'd like my international counsel to continue.

17 MR. PRESIDENT:

18 Yes, International Counsel, you may proceed.

19 QUESTIONING BY MS. GUISSÉ:

20 Thank you, Mr. President. Good morning to the Chamber and the
21 parties and good day to you, Mr. Schanberg. My name is Anta
22 Guissé. I am co-international lawyer for Mr. Khieu Samphan and as
23 such, I have one or two further questions to put to you today.

24 [09.52.30]

25 Q. Are you hearing me well, Mr. Schanberg?

1 (No interpretation)

2 BY MS. GUISSÉ:

3 Good. My first line of questions is connected with your
4 experiences as a journalist who is accustomed to working in war
5 zones. I've been following your testimony and I have understood
6 that apart from the conflict in Cambodia, you also followed the
7 Vietnam War.

8 Q. Have you reported on other wars apart from those?

9 MR. SCHANBERG:

10 A. Yes, the answer is yes. I covered the war between India and
11 Pakistan - excuse me, I covered the - in 1971, I believe - I
12 think I have the date right - I covered the war between India and
13 Pakistan over Bangladesh. And that too is all - is, you know, in
14 - I wrote lots of articles and you will find them in the New York
15 Times - in their collection.

16 [09.54.24]

17 Q. So as to enlighten the Chamber, we need information. Sometimes
18 the questions that we put to you may seem a little bit
19 simplistic, but what we need is testimony and proof from you. So
20 allow me to apologize in advance if occasionally the questions do
21 seem to be a little bit basic, but what we're looking for is
22 clarification. So as a reporter in countries that are in
23 conflict, can you tell us if in terms of the sources that you
24 turn to, there are special precautions to be taken? Allow me to
25 explain. You said when you were in Cambodia for example, that one

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1 of your information sources on the advancements of troops on one
2 or the other side was the U.S. embassies. And so my question to
3 you is, that apart from the U.S. Embassy, what other sources were
4 you using to garner information about troop movements, possible
5 negotiations and diplomatic positions? Can you help us with that,
6 please?

7 [09.55.56]

8 A. Yes, there were other - first of all there were other
9 embassies, the British Embassy, the Australian Embassy, the
10 Japanese Embassy that kept their own watch on the war. And a
11 reporter talks to these people, and I talked to these people and
12 I have to make a decision as to whether they are talking, you
13 know, whether I believe that their information is accurate and so
14 forth, and that's why it's a profession. And so - and then I
15 write what I think I found truthful or complete. And I also
16 talked to officers in the Lon Nol army when I would go out and
17 report on battles and - or when I might meet them in Phnom Penh.
18 And so that's - aside from the things that I witnessed myself,
19 that is how I gathered information from - let's say people who
20 were keeping track for themselves.

21 Q. From your testimony so far, what I have understood is that the
22 sole military sources that you had were on the American side or
23 on the Lon Nol army side, because it was not possible for you to
24 go into the liberated Zones. And so my question to you is, when
25 you were there in Phnom Penh, did you have any contacts with

34

1 friendly parties - friendly to the Khmer Rouge or with FUNK
2 sympathizers?

3 [09.58.27]

4 A. Yes, but only - only through - I didn't have any direct
5 connection with them. But some other people - not necessarily
6 reporters who did make contact with FUNK or with Khmer Rouge -
7 people who supported the Khmer Rouge - and whatever I found
8 useful or believable, I used.

9 Q. Thank you for those details. When you were in Asia, did you
10 ever travel in China and talk directly with FUNK representatives
11 there, including Sihanouk who was present in China?

12 A. No, I never went to China in that period. And the Chinese did
13 not have-

14 MR. PRESIDENT:

15 Thank you.

16 Madam Counsel, may we inquire from you how much time you
17 anticipate to put questions to this witness?

18 MS. GUISSÉ:

19 I think - I can say off the top of my head like this, I will need
20 45 or 50 minutes. I do intend to use the time that has been
21 allocated to me. I may end a little early, but I prefer to talk
22 in terms of 45 or 50 minutes and I have one or two quotes to read
23 which may take some time. Thank you, President.

24 [10.00.32]

25 MR. PRESIDENT:

35

1 I ask you, Counsel, because now is appropriate time for a short
2 break. Hence we will take a short break and we shall return at 20
3 past 10.00.

4 Mr. Schanberg, the Chamber will recess for 20 minutes. Thank you.
5 (Court recesses from 1001H to 1021H)

6 MR. PRESIDENT:

7 Please be seated. The Court is now back in session and once
8 again, hello Mr. Schanberg. Are you ready to continue?

9 MR. SCHANBERG:

10 Yes Your Honour, I am ready.

11 MR. PRESIDENT:

12 Thank you. Once again the floor is given to the international
13 counsel for Mr. Khieu Samphan. You may proceed.

14 BY MS. GUISSÉ:

15 Thank you, Mr. President.

16 Good morning, Mr. Schanberg.

17 [10.22.48]

18 Q. I will resume where we left off. You were talking about your
19 experience as a journalist who specialized in a conflict country.

20 I would also like to talk about the Vietnamese conflict which you
21 studied. I would like to know whether as part of your work in
22 Vietnam, after you stopped working in Cambodia, were you able to
23 establish a link between the two conflicts? Let me be more
24 specific. When you arrived in Cambodia between 1970 and 1975
25 before the 17th of April and even the period before 1975, did

1 your American military sources explain to you why the United
2 States had decided to bomb Cambodian territory; what link do you
3 find or what would explain the link between the Cambodian
4 conflict and the Vietnamese conflict? The interpreters have asked
5 me to speak a little more closely to the microphone and I was
6 trying strike a compromise between the two extremes. I hope I am
7 clear enough now.

8 [10.24.37]

9 Mr. Schanberg, did you hear my question?

10 MR. SCHANBERG:

11 A. Yes, your question was quite clear here. And yes there are
12 links. There is history in - about these events that tells us the
13 link between the United States and the bombing that was done
14 secretly, but not until they had asked permission and got
15 permission, not in writing, but permission to bomb. They bombed
16 what was the Ho Chi Minh Trail which was the trail where supplies
17 were and new troops were channelled from Vietnam and from North
18 Vietnam into South Vietnam to fight there. And the Vietnamese had
19 also set up sanctuaries just inside the border in the south right
20 next to the border with - Cambodia's border with Vietnam. And the
21 Americans were getting - for political and other reasons, were
22 getting very desperate about wanting to end the war in Vietnam it
23 had gone on for a long time. And so they were bringing - reducing
24 their - the size of their troops in Vietnam. And the Vietnamese
25 had asked for permission to build these sanctuaries and to bring

1 in food from the sea, the Gulf of Siam, and they were getting
2 supplies in that way. And the Americans knew it and so they went
3 to Sihanouk, and I don't who individually went to Sihanouk, but
4 they got permission verbally to bomb the trail. And so, there was
5 what we called in America, 'the secret bombing', for about nine
6 months prior to 1970, or prior to the deposing of Sihanouk when
7 he was in France for the summer. And there was this coup in which
8 he was removed from being the head of the government by a group
9 led by Lon Nol, a general and that was - wanted help from the
10 Americans.

11 [10.28.03]

12 And the Americans agreed but they didn't tell the Cambodians all
13 the details. So, suddenly in April or a little - maybe it was
14 even in March, there was an incursion, an American incursion,
15 several thousand soldiers into Cambodia to destroy the
16 sanctuaries and. you know, destroy part of the Ho Chi Minh Trail
17 etc. And Nixon called it - President Nixon called it the "Nixon
18 Doctrine", we will now help them become self - help them to be
19 able to defend themselves. So, those troops only stayed in for
20 six months, but what they did was - the result was that the war,
21 which up to that point had only followed areas close to the
22 eastern border of Cambodia and Vietnam, now the war was breaking
23 out all over the country. And so our troops, "our" being the
24 American troops who were removed after this six week incursion,
25 as it was called, and the Khmer Rouge began to sort of enlarge.

1 [10.30.07]

2 What also happened was that the Americans, having been bombing in
3 secret for nine months, now got permission from the Cambodians to
4 bomb anywhere in the country. Now no one knows, I'm telling you
5 just the way it hit me, that's all, and how I looked upon it, no
6 one knows what would have happened if the Americans hadn't come
7 in and bombed. The war may still have happened and taken a long
8 time.

9 But in any case, at that point, Cambodia was in the Vietnam War
10 and that's, that is the link you're asking me about.

11 Q. Precisely yes. One detail; you said that at the beginning the
12 secret U.S. bombing was limited to the Ho Chi Minh Trail in order
13 to cut off supplies for the Vietnamese. Yesterday I think you
14 told my learned colleague, Mr. Koppe that in cutting off the
15 supply trails, they were using a fairly standard tactic. Can it
16 be said that the United States was therefore doing the same thing
17 on the basis of the knowledge you have received from the
18 different sources?

19 [10.32.08]

20 A. Well I don't think I can answer that question. It would depend
21 upon whether you thought it was a good idea. Say if you are a
22 citizen in America or someplace, there were lots of Americans
23 that thought the Vietnam war was not necessary, but in any case,
24 all I'm observing is that this new bombing and this new
25 relationship; because there had been several years when Sihanouk

1 broke relations with Washington, and that had ended not long
2 before that 1970 deposing of Sihanouk. So, I can't really tell
3 you whether, you know, you could never tell in wars whether if
4 somebody hadn't done something would the outcome have been
5 different. But all I can say that a lot of Americans weren't happy
6 about it.

7 [10.33.38]

8 Q. Maybe there was a little bit of a misunderstanding. Perhaps my
9 question wasn't quite clear enough. Really I was asking you
10 something as a journalist who is used to covering conflicts so my
11 question isn't really to ask you to speculate about what might
12 have happened. What I am trying to do is find out if within the
13 military strategy that was communicated to you, that you became
14 acquainted with, if this kind of strategy was fairly standard on
15 the basis of what you have observed of other conflicts.

16 To be more specific, yesterday, perhaps it was the day before
17 yesterday, you were talking with the International Co-Prosecutor
18 and you were talking about shelling of Phnom Penh Airport. And
19 yesterday to my colleague, Counsel Koppe, you said that you had
20 noticed that in armed conflict the tactic of cutting off the
21 supplies and weapons of the opponent was fairly standard. So my
22 question is about making a comparison between the Khmer Rouge
23 attempts to do that against the Lon Nol Army and the tactic used
24 by the United States in bombing the Ho Chi Minh Trail along which
25 Vietnamese gained their supplies. Does that make it a little

1 clearer?

2 [10.35.32]

3 A. Well only if you're talking about the Vietnam War. My
4 reference to the cutting off of supplies was about the Mekong
5 River which flowed through Cambodia and not just on the border.
6 And so I think we're talking about something that wasn't - these
7 are not equivalencies is what I'm saying, in my mind. The
8 Americans, why they did it, why the bombing was so extensive; I
9 don't know who decided to do that and what they really wanted to
10 do. They never came out and said that they had a series of goals,
11 that they wanted the Lon Nol government to survive, and that's
12 all I can say. No, I don't think it's an equivalent because what
13 the Americans were bombing were not supply rooms. They were
14 trying to bomb Khmer Rouge soldiers.

15 Q. Staying on the same subject of the bombings, you told us how
16 this spread from the Ho Chi Minh Trail to the entire Cambodian
17 territory and you also said that on your travels between 1970 and
18 1975 in Cambodia, you, personally, saw damage caused by the
19 B-52's. First question, in the regions that you visited that had
20 been ravaged by U.S. bombing, you, as you told us yesterday, said
21 that you saw practically no inhabitants and it was difficult to
22 find anybody to talk to in these places. But in what you were
23 able to see over those years, were you able to witness, with your
24 own eyes, the landscape and the fields and the rice field and see
25 how as the bombing went on, those landscapes changed over the

1 years?

2 [10.38.59]

3 A. They were had to – there would have had to be changes. If you
4 are attacking an army that lives in the rural areas, and that's
5 where they came from first and that's where they got most of
6 their soldiers. But that didn't have anything to do supplies, is
7 all I'm saying. They were going after soldiers and you asked for
8 – is this there a connection and I told you that I think there is
9 an historical connection and it was an outgrowth of the Vietnam
10 War and that's really all I can say. I was never allowed to go;
11 let's put it this way, I wouldn't be here today if tried to go
12 into the areas that were being bombed.

13 Q. When you were in Phnom Penh, did you have a chance to talk to
14 a French priest called François Ponchaud?

15 [10.40.18]

16 A. I didn't have any conversations with him. I knew of him. I
17 knew some of his friends and all, but I didn't have any
18 conversations with him.

19 Q. Do you remember that he was also in the French Embassy at the
20 time you were there too?

21 A. Yes.

22 Q. Yesterday when we were talking about displaced people in Phnom
23 Penh, you said that the fugitives that you had spoken to were
24 leaving the liberated zones and if I understood you correctly,
25 you were saying that they were not people who were actually

1 fleeing the U.S. bombings. Have I understood your testimony right
2 or would you like to elaborate on that?

3 [10.41.30]

4 A. It had nothing to do with the - you're talking about - I
5 really can't follow that question. I think that - I don't even -
6 I don't really think I understand it. If the people I talked to -
7 I mean I talked to ordinary people, I talked to people who didn't
8 have any a French passport. The man you're talking about did and
9 he wrote about and you're bringing up his name because he's a
10 scholar and he has written a book about this and you're saying
11 why didn't I interview him. Well I suppose I could have, but I
12 didn't know him and I was talking to people who were going to be
13 thrown out of the Embassy. And that's - those are the people that
14 are - who are going to be thrown into the war.

15 Q. Excuse me for interrupting here, but there really does seem to
16 be a misunderstanding. Perhaps my questions aren't focused enough
17 so I will really try and get this focussed. Now I 'm looking at
18 the period before the 17th of April 1975 and I just wanted to
19 come back to the conditions under which you might have met
20 Francois Ponchaud. But now my questions about these refugees are
21 related to the 1970 to 1975 period.

22 [10.43.10]

23 Now yesterday when you were answering my colleague, Counsel
24 Koppe, what I understood was that you said that the refugees you
25 spoke to in the refugee camps or in the hotels where they stayed

1 in Phnom Penh, that refugees and displaced people that you talked
2 to at that stage, were telling you that they were escaping the
3 zones liberated by the Khmer Rouge. And you did not talk to
4 refugees who were fleeing bombings by the United States.

5 So I hope that is a little clearer?

6 A... (inaudible) said to me. When I - putting aside who was in the
7 Embassy because this has nothing to do with that, but when
8 refugees came in after that, they told their own stories and they
9 never told me that they were fleeing the bombing. They talked
10 about fleeing the Khmer Rouge. Now your colleague suggested that
11 that wasn't true. I don't know how he would know because he
12 didn't interview them. And maybe they were there, but I didn't
13 find them and they were - I met people who were afraid of the
14 Khmer Rouge.

15 [10.44.51]

16 Q. So my understanding of your testimony is correct. The reason I
17 brought the name of Mr. Francois Ponchaud is that Mr. Ponchaud
18 came to testify here in this the Chamber and on the 10th April
19 2013, for the parties - that is document E1/179.1. This was
20 slightly before 9.15 a.m. This is the question that is put to Mr.
21 Ponchaud who had, for quite a few years before the 17th of April
22 1975, been living in Cambodia. And he was asked a question to the
23 effect:

24 "Did these refugees tell you if they were running away from the
25 fighting in general or if some of them were escaping the

1 treatment that the Khmer Rouge were meeting out to them?"

2 And his answer was that:

3 "There were both situations. First, those who were afraid of war,
4 as we say in Khmer, when the elephants start fighting, it's the
5 ants that suffer. And after 1973, a good many people were fleeing
6 the American bombings."

7 Now, bearing in mind this testimony from Mr Ponchaud who worked
8 with the refugees, we can say that that testimony does not quite
9 match the testimony you gathered in Phnom Penh. Is it fair to say
10 that?

11 A. No. All I can say is that he spoke to more people. I have no
12 reason to question his testimony and if you're disappointed that
13 I could not confirm what he said it's simply the fact that he met
14 people that I didn't. That's all it is. I am not saying that none
15 of them ever fled from that bombing and I certainly didn't say
16 that bombing doesn't kill people. And I think that it would be a
17 good idea if you stop trying to get me to say something, to tell
18 you something, and it would be to tell you a lie, because I
19 didn't meet and talk to those people. And there's no way for me
20 to - I just walked up to people.

21 So it was happenstance and maybe the groups that I talked to were
22 not more afraid of the bombing than they were of the Khmer Rouge.
23 But whatever it is, it has nothing to do with me disagreeing with
24 the pastor, and I resent that you tried to do that.

25 [10.48.29]

45

1 Q. Perhaps for the sake of procedure, I have to clarify. I am not
2 disappointed or not disappointed by what you say to this Chamber.
3 You are a witness. You're entirely free to say what you know on
4 the basis of your knowledge.

5 We are in a context of criminal procedure and I am entitled to
6 bring up elements on the case file to elicit a reaction from a
7 witness or to seek further details on a point, but that is all
8 I'm trying to do. I am certainly not, sir, trying to make you say
9 things that you do not wish to say but in all equity I'm putting
10 before you things that have been said in this Chamber so as to
11 confront the two experiences. And your statement that Mr.

12 Ponchaud was able to talk to other people as well is entirely
13 suitable to me. That's your testimony and I really must say that
14 I'm not here to enter into some kind of conflict with you.

15 My wish is to bring out your testimony and to compare it with
16 other testimony that has been delivered in this courtroom.

17 It's important to stress this because, as I have other issues and
18 other documents to quote to you, I would like it to be clear as
19 to what my intention is right at the outset.

20 (Short pause)

21 [10.50.20]

22 Mr. Schanberg, did that point get through on the interpretation
23 and may we continue with the questions?

24 A. I think you should continue.

25 MR. PRESIDENT:

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1 The counsel and Mr. Schanberg, you are reminded that in the
2 proceeding of hearing the testimony, if Mr. Schanberg, you do not
3 know about the facts being put to you through the questions,
4 please simply state so, and that's it, because you cannot simply
5 say anything if you don't know about it.

6 And secondly, there is insufficient time for the interpreter to
7 render your spoken response or question into another language.

8 Please leave a slight pause between the question and answer
9 session, so that the full session can be rendered properly.

10 You may continue.

11 [10.51.49]

12 MR. SCHANBERG:

13 Thank you, Your Honour, for your guidance.

14 BY MS. GUISSÉ:

15 Q. Let us continue, Mr. Schanberg.

16 And just to close on this point about U.S. bombing, the number of
17 bombs dropped during the Cambodia conflict; do you recall any of
18 the figures that were put forward at the time in terms of tonnage
19 of bombs dropped on Cambodia?

20 MR. SCHANBERG:

21 A. I remember people using the tonnage and saying that some of
22 the bombing was even more than was dropped on Germany or whatever
23 during World War II. And I have no - I have no problem saying it.
24 I'm not objecting to that or saying it's not right. I think it's
25 probably true.

1 Q. In this trial, and once again I intend to turn to some other
2 testimony that was taken by this Court, we heard the expert,
3 Philip Short, who wrote a piece E3/9 destined for this Chamber.
4 And I'd like to quote a part of this. In French, the ERN is
5 00639734 and on the subsequent page in French, 00639735; and in
6 English, the ERN is 00396416.

7 [10.54.30]

8 And on the subject of the amount of bombs dropped, what the
9 expert had to say was that:

10 "During the Vietnam war..." it's at the bottom of the French page,
11 "...the United States dropped on Indochina three times more bombs
12 than the amount used by all participants in the entirety of the
13 Second World War. The volume dropped on Cambodia was three times
14 higher than that which was dropped on Japan, including the atom
15 bomb."

16 So my first question to you on this, you said just now that - or
17 rather you referred to the amount dropped in the Second World
18 War. So, this comparison here, with the quantities of bombs
19 dropped on Japan, would that tend to tally with what you were
20 able to find out from your military sources at the time?

21 A. I have no expertise on this but I have no reason to challenge
22 those numbers.

23 [10.55.46]

24 Q. Thank you. Let's move on. I do want to put another point from
25 this same document. In French, the ERN ends in 736. This is what

1 the expert says in his work on the consequences of the bombing in
2 which he says:

3 "There are double consequences. Hundreds of villagers flee
4 towards the cities where they live precarious existence on the
5 verge of famine. The population of Phnom Penh, which amounted to
6 600,000 at the coup d'état reaches one million by the end of the
7 year and by 1975, it's two million - two and a half."

8 With respect to the figure of two and a half million population
9 in Phnom Penh in 1975, would that also match the figures that
10 were available to you at the time in terms of population that was
11 displaced?

12 A. (Unintelligible, technical problems)

13 (Short pause)

14 [10.57.25]

15 MR. PRESIDENT:

16 Court Officer, could you check with the A/V Unit regarding the
17 internet connection from New York?

18 (Short pause)

19 [10.58.05]

20 MR. PRESIDENT:

21 There is a technical issue with the internet connection now.

22 (Short pause; technical problems)

23 [11.03.41]

24 MR. PRESIDENT:

25 The international counsel for Mr. Khieu Samphan, you may resume

1 now and please repeat your last question because the witness
2 might not have remembered.

3 BY MS. GUISSÉ:

4 Q. Mr. Schanberg, pardon me, did you receive the interpretation
5 of the passage I read out to you, the passage from Mr. Short's
6 book?

7 MR. SCHANBERG:

8 A. Could you give me the numbers again? Was that what it was?

9 Q. Yes. Let me read out to you the last part of the quotation:
10 "The population of Phnom Penh, which consisted of 671,000
11 inhabitants exceeded one million at the end of the year and
12 reached 2.5 million in 1975."

13 Does this figure of 1 million at the end of 1970, the time of the
14 coup d'état, and 2.5 million in 1975 correspond to the figures
15 you had at the time or what you were able to observe in Phnom
16 Penh?

17 [11.05.11]

18 A. My response, I think, which was cut off by the break... my
19 response to your question was that I testified to those figures,
20 I believe, yesterday; and if not, the day before, that it was 1
21 million at the start and it was over 2 million at the time of the
22 evacuation.

23 Q. Thank you. One last point and this is only for purposes of
24 clarification. I forgot to ask the question earlier. You stated
25 that you did not have any direct contacts with the Khmer Rouge

50

1 and members but that you had intermediaries. Can you tell us who
2 those intermediaries were, if you are able to reveal your sources
3 to us today?

4 [11.06.23]

5 A. I think you've got my testimony mixed up.

6 If you're talking about the leaders of the Khmer Rouge
7 organization, I never spoke to any of them, but I didn't send
8 anybody else to talk to them because they'd have been killed. And
9 what I know about it is - and I don't think I can answer your
10 question because I think you framed it in a way that wasn't how I
11 was doing my reporting.

12 [11.07.10]

13 Q. Mr. Schanberg, there must be a serious interpretation problem
14 somewhere. A while ago, when I talked about your working methods,
15 I asked you whether as part of your work in Phnom Penh you had
16 contacts with supporters of the Khmer Rouge or the Khmer Rouge in
17 Phnom Penh and whether you had occasion to speak to supporters or
18 members of the FUNK. And from your answer, I was able to
19 understand that you yourself did not have any personal contacts
20 with those people but that other persons - that is
21 intermediaries, provided you with information on that subject.
22 Did I understand your answer correctly or not?

23 A. Intermediaries are not necessarily all reliable when you don't
24 know their political - you don't know their political beliefs or
25 anything else like that. And unless they came back with some

1 surprising or new fresh news, I wouldn't have written any stories
2 about it.

3 I think that's what I'm telling you.

4 [11.08.43]

5 Q. I will, therefore, go into another line of questioning.

6 Before we go into some passages from your diary on Cambodia, you
7 indeed stated in response to questions put to you over the past
8 few days that from the time when you arrived at the French
9 Embassy, on the 17th of April 1975 - I want to be sure that I'll
10 get it right; that was in the afternoon after stopping over at
11 your hotel. And the 30th of April, that is the date of the
12 departure of the first convoy from the French Embassy to
13 Thailand, you did not leave the premises of the French Embassy.
14 Did I properly understand your testimony?

15 A. I took one walk outside the Embassy. We had no water to bathe
16 or wash. There was a body of water about 100 yards behind the
17 Embassy and a few of us left to go down and clean up, and we did.
18 And we met some soldiers and we - they asked us questions. They
19 were not hostile or threatening. The only thing that one of them
20 said that was negative, he said I should get a haircut. And we -
21 they made us extremely nervous not knowing, you know, they were
22 carrying heavy weapons. And so we got back into the Embassy and
23 so that's the one time that I moved outside the Embassy.

24 [11.10.55]

25 Q. Thank you for these clarifications. I would like to proceed in

1 a chronological manner. As I go through passages, I would like
2 you to comment on passages of your diary, and this is Document
3 E236/1/4/3.1.

4 And the first passage that I would like to read out to you is on
5 page 4, last paragraph. The ERN in English, and it is the only
6 one that exists is 00898212. And we are on the 6th of January
7 1975. You are talking about a trip in the company of an American
8 attaché and a Lon Nol soldier.

9 I crave your indulgence for quoting in English. I crave the
10 Court's indulgence for quoting in English and reading the last
11 paragraph, therefore.

12 "At another government position on the road, the insurgents are
13 still sending in rifle and mortar fire. And an American army
14 attaché who has just visited the front, races back to Phnom Penh
15 in his jeep, his head ducked low and his rifle across his lap.
16 The government soldier at the post, however, seemed unimpressed
17 by the enemy harassment. They proudly want to take us out into
18 the fields to show us insurgent bodies from which they have cut
19 the livers. It is a widespread belief that if you eat the liver
20 of your enemy, you will gain strength and courage and maybe even
21 magical good luck. We start to look at the bodies but very
22 suddenly a burst of incoming small arms fire and we got back into
23 a bunker in the garrison. A soldier guide realizing our
24 predicament simply shift the focus his tour. He points along the
25 compound to some cooking pots bubbling around wood fires, 'we are

1 getting ready to eat the livers now.'" End of quote.

2 [11.14.03]

3 Yesterday, in response to a question put to you by my learned
4 colleague Koppe, and that was in English – I hope my translation
5 is good, was that war was not a healthy occupation and that there
6 was something bestial about it.

7 With regard to that particular event, we are talking about what
8 you said yesterday, when we talk of war we are talking of deaths
9 and casualties, and such things are not always easy to understand
10 when you are a civilian. Is that what you, yourself, were
11 thinking?

12 A. No, I wasn't really thinking about the bestiality of war, but
13 I was just – it was something that was very primitive and I had a
14 negative, you know, reaction. When I say that war is bestial,
15 what I'm talking about is that once each side trains their people
16 to kill the other side and then come back with tremendous – those
17 who actually live through it come back with terrible
18 disabilities, not just physical ones. That's what I talk about.
19 And also my experience says to me very few wars solve anything.
20 They just – you get a winner and that's it and then the
21 governments proceed to behave the way governments behave.

22 [11.16.06]

23 But was that a – is that a bestial thing? Sure, that paragraph,
24 and that's why I included it. I do that, I write about war
25 because I would like to explain to people who've never been in

1 one and who've never lived through it and didn't have enemy
2 soldiers pouring through their backyards will not be - I would
3 hope if they knew more about it, they wouldn't be so eager to
4 have so many wars. But it has really nothing to do with eating
5 livers.

6 Q. Another point I would like us to talk about and which you,
7 yourself, broached in your diary on Cambodia and in your
8 articles. I will perhaps start with an article that you wrote on
9 the 29th of March 1975.

10 For the parties and the Chamber, it is E236/1/4/3.1, and in
11 French the ERN is as follows: 00789697. It is a "New York Times"
12 article of the 29th of March 1975 titled "Cambodia Under the
13 Single Sign of Depression." In English it's 00773772 and in Khmer
14 it is 00775767.

15 [11.18.23]

16 The passage that I would like to quote in French this time around
17 is somewhat in the middle of the page, and the paragraph begins
18 as follows: "This vigour was dissipated." Let me start the
19 quotation, and in this quotation, Mr. Schanberg, you are talking
20 about the corruption that is prevalent in the Lon Nol government
21 at the time. You said:

22 "The inefficiency of the government is inhumanity and corruption
23 filled the people with horror and resentment. Some students and
24 teachers have gone underground to join the insurgents. They no
25 longer fight in the army. On the contrary, they are doing

1 everything to avoid that. Those who have the means to be exempted
2 are often caught by the military police and taken to training
3 camps."

4 Let me skip a paragraph and press on. And you say that the reason
5 is corruption. Corruption is the main reason for the drop in the
6 government's popularity.

7 I will read out to you a passage from your newspaper. This is in
8 document E236/1/4/3.1, and it's dated the 7th of January, page 7.
9 For you, Mr. Schanberg, the ERN – page 5, I beg your pardon; it
10 is 00898213 -- that is the ERN. And on the third paragraph, you
11 are relaying statements made by an ambassador, and I'm reading it
12 in English:

13 "(unintelligible) talks to a visitor about the corruption in the
14 Lon Nol government (unintelligible) and the unique problem here
15 and an acute embarrassment for the Americans, whose
16 (unintelligible) money is ending up in the pockets of generals
17 and other war profiteers." End of quote.

18 [11.21.09]

19 My question in light of the passage I have just read out is as
20 follows. During that period, according to your diplomatic
21 sources, your American diplomatic sources, do you know whether
22 such corruption was at the root of the difficulties faced by the
23 American government, the difficulties it had in adopting new
24 assistance measures for the Cambodian government?

25 Is that what was at the root of the problem according to the

1 sources you relied on?

2 A. My response to those passages and stories is that I wrote
3 many, many, many stories about the corruption, and I really think
4 that there's no more to say.

5 You read what I wrote. I think it's true and there isn't anything
6 more to say. You can find several stories, including page 1
7 stories, about that corruption. So yes, there was corruption.

8 That's all.

9 [11.22.48]

10 Q. I do not know whether my question was translated to you.

11 My question was this. In light of your writings on the corruption
12 you referred to and according to your American diplomatic
13 sources, do you know whether the corruption was the cause of the
14 refusal to vote a new American law to support the Cambodian
15 government, the Lon Nol government?

16 If you are not aware of that, then you need not answer the
17 question.

18 A. It's only an opinion, but I will answer the question. I think
19 the reason for that was that everybody was sick of the Vietnam
20 War and wanted to get out of Southeast Asia and close down the
21 war completely. That's my belief, not a fact.

22 Q. Let us deal with another passage from your diary, page 41 this
23 time around. The ERN in English is 00898249, and it is the third
24 paragraph, which I'll also quote in English. In this - in the
25 preceding paragraph or paragraphs, you talk about the problem of

1 hunger in Phnom Penh, and this is what you say, and I quote in
2 English:

3 "But not all Cambodians are hungry. A Lieutenant Colonel with
4 troops are in disarray on the highway southwest of the city
5 enjoyed a long and expensive meal with his family today at the
6 pool of the Hotel de Phnom. I ask him about an episode last night
7 in which government artillery batteries mistakenly fires on their
8 own troops in the area. The smiling Lieutenant Colonel says the
9 mistake was regrettable, but he quickly adds that such things
10 happen all the time in war. The mistaken firing killed at least
11 20 men and panicked government troops into a sizable retreat."
12 End of quote.

13 [11.25.31]

14 My question is related to the passage I have just quoted
15 regarding demoralization of troops, that is, the Lon Nol troops
16 at the time.

17 Is this something you observed at the time, that is to say, that
18 even though the American government and American diplomats, in
19 any case, wished that the assistance to the Lon Nol government be
20 sustained, in spite of all that, the demoralization of the Lon
21 Nol army was a problem which could have also led to that? Is that
22 a problem that you also observed?

23 A. I observed - I've talked about these things before. I don't
24 have any new answers. I've talked - I've written and talked about
25 the corruption. I've written and talked about the poor training

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1 of the soldiers. I wrote stories about child soldiers.

2 This diary is here to tell you about that. I don't have - I have
3 no interpretation of that. That's just the way it was. And I
4 can't read people's minds, so I put that there so that you would
5 have that. That's all. That the public can read it.

6 Q. Mr. President, I see the time now is 11.30. I am almost done
7 with my examination of the witness. May I crave the Court's
8 indulgence to give me additional time in light of the break we
9 had so that I can complete my questioning of the witness? I would
10 need about 10 minutes to complete my examination.

11 I see you nodding, so I will continue.

12 [11.28.02]

13 Another point that you raise in your newspaper, and it is in the
14 article I read earlier on, and it is E131/1/13.4. And the ERN in
15 French is 00789697, and in Khmer it is 00775767. The ERN in
16 English is 00772772. This is what you state in that article,
17 which I quoted a while ago:

18 "Over the five years of warfare, Washington announced a three
19 billion aid for Cambodia as military assistance and very little
20 for humanitarian assistance to refugees."

21 My question to you as - is as follows. What are your figures -
22 rather, your sources for the figures that you provide in this
23 article, if you do remember?

24 A. I think - what I remember is that I believe these figures came
25 from the government. And either they were published out of

1 Washington or they were given to me by the Embassy. I don't
2 remember who exactly gave me those numbers.

3 [11.29.54]

4 Q. I will now talk about a passage in your newspaper which is
5 related to what I just said, and it's page 7 in your diary,
6 00898215. The date is 11th of January, and it is the last
7 sentence. I am quoting in English:

8 "Food is being air-dropped by American planes, but this is for
9 the troops and not for the civilians."

10 I will also quote from another passage, and it is on page 18 of
11 your diary. The ERN is 00898226, 27th of February, the first
12 sentence:

13 "It is extended again. Starting today, chartered planes are
14 bringing in rice for the first time. Up to now, it's all been
15 ammunition and military fuel, but no food." End of quote.

16 As I am running out of time, I just want to know whether you
17 remember that passage and how you got to know that it was from
18 the 27th of February, 1975 that rice was sent as well as
19 ammunition, the rice sent to the population and ammunition to the
20 military, by airlift. Do you remember that passage?

21 A. Yes.

22 [11.32.04]

23 Q. Another point that you raise in your diary - I'm sorry. Did I
24 interrupt you, Mr. Schanberg?

25 A. No. What is your question?

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1 Q. I'm sorry. I just didn't hear that "yes" answer, so let's move
2 on.

3 Yesterday, talking with counsel Koppe, you were discussing U.S.
4 bombing by Lon Nol troops, and you referred to military
5 assistance that was granted. One detail on this, if you please.

6 In your diary on page 19 – the ERN is 00898227 – you write about
7 a delegation of U.S. Congressmen who come to Phnom Penh. And I'll
8 just read that in English underneath March the 1st heading:

9 "The delegation of six Congressmen flying to Phnom Penh to assess
10 the President's request for emergency military aid, that is
11 ostensibly to decide Cambodia's plight."

12 And then the third paragraph where you describe a scene, and I'll
13 read it in English, you are talking about a conversation between
14 two women who were there. I quote:

15 "Look out the window, Millicent. Do you see the smoke? That's the
16 war down there. Millicent and others looked down and someone
17 says, 'It looks like napalm'. And Millicent says, 'How to do they
18 fire that?' And the newsman on the plane replies, 'From
19 airplanes'. 'Whose airplanes?' she ask. 'The government's, the
20 newsman says. 'The other side does not have any'." End of quote.

21 [11.34.56]

22 Mr. Schanberg, let me ask you, the journalist that you refer to
23 in that passage – well, let me go back. Firstly, were you present
24 at this scene or did you just hear about it?

25 A. I was present.

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1 Q. And the newsman who says that the Khmer Rouge didn't have any
2 airplanes, was he right?

3 A. Excuse me. Who's - who said that the - I'm sorry. I didn't
4 hear the first part of your sentence.

5 [11.35.43]

6 Q. I'm sorry. Here, you quote a newsman who says in this
7 conversation that the other side doesn't have any airplanes. In
8 actuality, was he correct?

9 A. Yes.

10 Q. My last point now, Mr. Schanberg, and then I will close, is on
11 page 91 of your diary. And my learned colleague did bring this up
12 briefly, but I'd like to go into a little more detail. The ERN is
13 00898299, second paragraph, and I will read again in English:

14 "10.30 a.m. Henry Becker, another of the survivors, arrives at
15 the Embassy. A French expert of the information ministry has
16 stayed on his job under the new rulers until this morning when
17 they told him he had to come to the Embassy." End of quote.

18 This was on the 21st of April '75 in your diary. So you seem to
19 be saying that this person reached the information ministry on
20 the 21st of April. And on the 17th of April, did you see Mr.
21 Henry Becker in the information ministry when you went there
22 yourself?

23 [11.37.50]

24 A. I don't - I don't know the fellow, and so I wouldn't know if I
25 had seen him.

1 Q. This excerpt from your diary, which begins 10.30 a.m. that I
2 quoted, would, therefore, be something that you were told about,
3 if I understand correctly. This was told to you.

4 A. (Inaudible) my memory.

5 (Short pause)

6 MR. SCHANBERG:

7 A. I met him. That was when he came to the Embassy. I don't know
8 if he was in the crowd at the day when the Khmer Rouge entered
9 the city, but I met him at the Embassy.

10 [11.39.27]

11 Well, on the same page in the next paragraph, you say, and I
12 quote in English:

13 "Becker has some interesting things to tell. He says Khieu
14 Samphan, the top Khmer Rouge leader, has not yet arrived in Phnom
15 Penh." End of quote.

16 Let me ask you, is this something he said to you directly or is
17 it something you heard?

18 A. No, I think there was a group of us talking to him because he
19 was a new face and he had been outside the Embassy and maybe he
20 had seen things that we didn't know about. So we were asking him
21 questions. And he was telling us how much he knew or didn't know,
22 and I think that's where this comes from.

23 Q. And in the next paragraph - and this is really my final
24 question - in English -- I quote:

25 "Becker further reports that the town is a shambles and being

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1 looted and that there have been a lot of fires. He personally has
2 seen no fighting between different Khmer Rouge sections, but some
3 Cambodians told him that there had been some fighting over the
4 demarcation of sectors in the city."

5 End of quote.

6 Are these also points that he communicated to you when you were
7 having your exchange? My question, more precisely, is that you
8 said that on the 17th of April, 1975 when you, yourself, went in
9 to the city you didn't see different factions. You seemed to be
10 saying that there were some Khmer Rouge who looked more battle
11 hardened than others.

12 But did you have any other conversations or contact with people
13 who might have arrived later and who might have told you that
14 there could have been disputes between different Khmer Rouge
15 factions? This aside from what Becker himself told you that day.

16 [11.42.22]

17 A. Well, I don't - I don't remember what - who the two - the
18 groups were that were fighting over things. What I do know is
19 that for a part of the day, a group of young men dressed in black
20 came forward and said they were - they were friends of the - or
21 they were supporters of the Khmer Rouge and they wanted to join
22 in the victory. And we talked to their leader, and I think he
23 was, you know - how should I put it? He had never met the Khmer
24 Rouge Generals or leaders and he was all excited about trying to
25 be part of the victory.

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1 Later in the day, he and his other – his followers disappeared. I
2 have no idea what happened to them.

3 [11.43.45]

4 Q. Mr. President, that brings me to a close. I thank you for your
5 patience and I'd like to thank you, too, Mr. Schanberg, for being
6 very patient. I know it's rather late in New York.

7 A. Thank you.

8 MR. PRESIDENT:

9 Thank you. Thank you, Mr. Schanberg. Your testimony has come to
10 an end now.

11 Mr. Schanberg, you may return home now and the Chamber would like
12 to express our sincere thanks for your support for the testimony
13 that you have provided to the Chamber over the last three days. I
14 thank you for endeavouring to respond to all questions put by the
15 parties. I believe that your testimony will contribute to
16 ascertaining the truth in the case, and we would like to wish you
17 the best of luck and happiness. And goodbye from Cambodia, Mr.
18 Schanberg.

19 [11.45.03]

20 MR. SCHANBERG:

21 Thank you, Your Honour. I'm – I'm going to thank you and your
22 colleagues for giving me this chance to discuss these subjects
23 and to be a part of this because it's a very, very important
24 Tribunal. And it seems to be – it seems to be proceeding in a
25 very professional way, and that's impressive.

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1 So thank you again.

2 MR. PRESIDENT:

3 Thank you. Goodbye, Mr. Schanberg.

4 The time is now appropriate for lunch adjournment. The Chamber
5 adjourns now, and we will resume at 1.00 this afternoon.

6 And this afternoon, the Chamber will hear the testimony of
7 TCW-665. Parties to the proceeding and supporting staff as well
8 as members of public, please be informed of that schedule.

9 And security guards are instructed to bring Mr. Khieu Samphan to
10 the holding cell downstairs and have him returned to this
11 courtroom this afternoon before 1.00.

12 (Court recesses from 1146H to 1302H)

13 MR. PRESIDENT:

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

15 This afternoon, the Chamber will hear the testimony of the
16 witness TCW-665.

17 Court Officer, could you invite the witness into the courtroom?

18 (Short pause)

19 (Witness enters courtroom)

20 [13.03.46]

21 QUESTIONING BY THE PRESIDENT:

22 Q. Good afternoon, Mr. Witness. What is your name?

23 MR. SOK ROEU:

24 A. My name is Sok Roeu, Mr. President.

25 Q. Thank you. How old are you?

1 A. I am 52 years old.

2 Q. Where is your current address?

3 A. I live in Trapeang Prasat district, Oddar Meanchey province.

4 Q. What is your current occupation?

5 A. I am a rice farmer.

6 [13.04.38]

7 Q. What are your parents' names?

8 A. My father is Doy -- Ya Doy (phonetic) and my mother is Ya Neao
9 (phonetic).

10 Q. What is your wife's name, and how many children do you have
11 together?

12 A. My wife's name is Toy Mouy (phonetic). We have two children.

13 Q. Thank you, Mr. Sok Roeu.

14 As reported by the greffier on the 5th of June 2013, that to your
15 best knowledge, you have no relationship by blood or by law to
16 any of the civil parties recognized in this case, nor to any of
17 the two accused; namely, Nuon Chea and Khieu Samphan, and that
18 you already took an oath at the ECCC premises on the 5th of June.

19 Is this correct?

20 A. Yes, it is.

21 [13.06.03]

22 Q. We will now inform you of your right and obligation before
23 this Court.

24 Mr. Sok Roeu, as a witness before this Court, you may refuse to
25 respond to any question or request for your comments which could

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1 incriminate you. That is your right against self-incrimination.

2 And the WESU, through -- the Chamber appoints, through WESU, a
3 duty counsel next to you, Mr. Moeurn Sovann. You may consult with
4 him if you suspect that a question put to you might incriminate
5 you.

6 And here is your obligation. As a witness before this Court, you
7 must respond to all the questions put to you by any of the
8 parties or by any Judges of the Bench and you must tell the truth
9 that you have heard, have known, have witnessed or observed
10 directly of any event that is put to you through the questions.

11 And Mr. Sok Roeu, have you been interviewed or given testimony to
12 the investigators of the Office of the Co-Investigating Judges in
13 the last few years -- that is, from 2008 onward?

14 A. No. Only the counsel for Khieu Samphan came to meet me.

15 [13.07.57]

16 MR. PRESIDENT:

17 Thank you.

18 And for the process of questioning this witness, Mr. Khieu
19 Samphan's defence will be given the floor first before the rest
20 of the parties. And the two defence teams will be allocated 15
21 minutes for this witness. And please allocate the time amongst
22 yourselves because later the floor will be given to Nuon Chea's
23 defence.

24 MR. KONG SAM ONN:

25 Could you please clarify that you give us only 15 minutes?

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1 MR. PRESIDENT:

2 Allow me to clarify. It's 1 hour, 15 minutes, but that's for the
3 two groups, for the two teams. But Nuon Chea's team would be --
4 would put the questions last and you would put the questions
5 first before the rest of the parties.

6 [13.09.13]

7 MR. KONG SAM ONN:

8 Thank you, Mr. President. I received an indication from Nuon
9 Chea's defence that they do not need the time to put questions to
10 this witness.

11 MR. PRESIDENT:

12 Yes. You may proceed.

13 QUESTIONING BY MR. KONG SAM ONN:

14 Thank you, Mr. President. And good afternoon, Your Honours.

15 Q. Mr. Sok Roeu, I am Kong Sam Onn. I am counsel for Mr. Khieu
16 Samphan, and I have some questions for you.

17 The questions are related to Democratic Kampuchea, that is, the
18 fact before us in Case 002 and, in particular, we would need your
19 statement on the character of my client, Mr. Khieu Samphan.

20 Can you hear me properly?

21 [13.10.05]

22 MR. SOK ROEU:

23 A. Yes.

24 Q. Thank you.

25 You stated that the counsel for Khieu Samphan went to meet you.

1 Can you specify the time or date?

2 A. I cannot recall the date, actually. It's about a year or two
3 ago.

4 Q. Thank you. You also said the names of your parents. Are you
5 part of the ethnic community?

6 A. I am an ethnic minority. My original race is Tumpoun, from
7 Ratanakiri province.

8 Q. Thank you. How long did you stay in Ratanakiri before you left
9 for Phnom Penh?

10 A. I left for Phnom Penh in late 1976.

11 Q. Did you come to Phnom Penh directly from Ratanakiri, or did
12 you stay somewhere else?

13 A. I left my district, then I stayed with a unit along the Sesan
14 river, and then I came to stay at a military unit. I stayed there
15 for about two months. Then I went along to -- down to Stung
16 Treng.

17 [13.12.05]

18 Q. Thank you.

19 Regarding the use of language, can you clearly understand the
20 Khmer language in between 1975 to 1979?

21 A. It was rather difficult at the time, as I started learning the
22 letters, the alphabet and also learned to speak Khmer.

23 Q. Where did you study the Khmer alphabet and how many years did
24 you study?

25 A. I studied the Khmer language and there was no formal school. I

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1 in fact, asked those who were literate to teach me the Khmer
2 language, and usually it was after hours -- that is, in the
3 evening or at lunchtime because I found it difficult for the
4 communication and for that reason I needed to study and learn to
5 speak.

6 [13.13.18]

7 Q. How long did you study in that fashion?

8 A. Every time I was transferred, for instance, from my village to
9 the office, and then from the office to Stueng Trang, it was just
10 a minor study, but I had the alphabet book with me most of the
11 time, and I also continued my study in Phnom Penh, and I also did
12 myself a study.

13 Q. Thank you. Did you enrol in formal education, for example
14 starting from year one, up to year two, year three, during any
15 time of your past experience?

16 A. There was no continuous study in 1972 or '73. I studied only
17 after I finished my work, and sometimes I had to stop because I
18 had to assist my parents.

19 Q. Thank you. Besides studying literature, did you study any
20 specialized areas or any technical aspect or field?

21 A. No.

22 [13.15.05]

23 Q. Thank you.

24 As for your work experience, can you describe to us your work
25 experience prior to 1979?

1 A. I do not actually have much work experience besides where I
2 worked in cleaning, in clearing the grass in the field, for
3 instance, and nothing much.

4 Q. Thank you.

5 In relation to your participation in the resistance movement
6 prior to 1975, did you participate in such a movement?

7 A. At that time at Srok Leu (phonetic), there was a movement
8 where children were mobilized and guarded, and that was in 1972
9 or '73. So, sometimes I was called to the commune office to work
10 there, and when they needed the children to work in the rice
11 field, they would call us to do that.

12 [13.16.43]

13 Q. Can you tell us a little bit more details besides working in
14 the rice field, or in the farm, did you engage in any other work
15 activities?

16 A. That was all I did, and by 1973 or '74, I was in a unit that
17 was have children half mobile. But we worked mainly in the rice
18 fields near the riverbank -- that is, the Sesan river, and I
19 mainly stayed there and I rarely went home.

20 Q. Thank you. When you left for Phnom Penh, how come you were
21 brought to Phnom Penh?

22 A. I went to Phnom Penh through the selection by Angkar as they
23 would review the backgrounds and the work activities, the daily
24 work activities, I mean, and then they would select people based
25 on these points. And the selection process started from the

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1 village to the commune, the commune to the district, and then the
2 district to the province level. And at that time, the province
3 was referred to as the zone.

4 [13.18.18]

5 Q. Can you briefly describe your background, including your work
6 experience and the reasons why you were selected?

7 A. The thing is, I never refused any task that I was given. I did
8 not complain.

9 Q. What about the social class?

10 A. Yes, it is related to the social class. I was a son of the
11 peasant class, so there was no difficulty in dealing with my
12 social class.

13 Q. Thank you.

14 When you left for Phnom Penh -- first, where did you go?

15 A. I left Stung Treng, then I was taken to K-8 - rather, it's
16 K-18, and it was adjacent to the K-1 office situated along the
17 riverbank.

18 Q. Can you be specific? Is it K-8 or K-18?

19 MR. PRESIDENT:

20 Witness, please observe a slight pause until you see the red
21 light on your microphone, which means your microphone is
22 activated so your voice will go through the distribution system
23 and your voice can be simultaneously interpreted into Khmer --
24 into French, and English.

25 [13.20.25]

1 BY MR. KONG SAM ONN:

2 Q. Please can you be specific?

3 MR. SOK ROEUR:

4 A. It's K-8.

5 Q. Thank you. What was the function of K-8?

6 A. It was the vegetable plantation place.

7 Q. What was the vegetable for?

8 A. I did not know. We only focused on planting the vegetable and
9 watering the vegetable, but I did not know where the vegetables
10 were for. It was for the first few months that I stayed there.

11 Q. Did you know who was the big chief at K-8?

12 A. At that time, there was Han (phonetic), or Uncle Han
13 (phonetic).

14 [13.21.45]

15 Q. What was his position -- that is, Han (phonetic)?

16 A. People said that he was the chief of the office.

17 Q. Thank you. How long did you stay at K-8?

18 A. I perhaps stayed there for four months.

19 Q. Where did you go after?

20 A. I went to K-1.

21 Q. Why?

22 A. Because I was transferred.

23 Q. Did you also change your job when you were transferred?

24 A. Yes, at the new place I got a new job. But actually, the
25 nature of the job was the same -- that is, to clear the grass.

1 [13.23.19]

2 Q. Does it mean that you were a vegetable grower and a grass
3 clearer both at K-8 and K-1?

4 A. Yes.

5 Q. Did you know who was the chief of K-1?

6 A. I am not really sure, but there was this Uncle Dim (phonetic)
7 that I frequently met him, at the time. He was also a -- from an
8 ethnic minority.

9 Q. Was Dim (phonetic) the one who was your immediate supervisor,
10 or Dim (phonetic) was the top man at K-1?

11 A. I did not know whether there was other people who were above
12 him. But because he spoke the same language, so usually he came
13 to me.

14 Q. Thank you. How long did you stay at K-1?

15 A. I stayed there probably for about six months.

16 [13.24.55]

17 Q. Did you know the function of K-1?

18 A. I asked elder people who were there before me and I was told
19 it was the place for the leaders.

20 Q. Did you know the functions of that office?

21 A. No, I did not. I only focused on the task that I was given.

22 Q. Thank you. Which leaders were at K-1?

23 A. No, I did not know, because in the morning I went to work, so
24 I did not know about the leaders.

25 Q. Did you ever meet any senior leaders at K-1 during the time

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1 that you worked there?

2 A. No, I did not.

3 Q. You stated you worked at K-1 for six months, and where did you
4 go after?

5 A. I went to K-3.

6 Q. Did you go straight to K-3 or did you have to go elsewhere
7 before you went to K-3?

8 A. No. I went straight to K-3.

9 [13.26.44]

10 Q. Can you recall the month or the year that you went to K-3?

11 A. It was in October -- that is, in late '77.

12 Q. Was it October '77 or October '78?

13 A. It was in '78.

14 Q. So it was October '78, and how long did you work at K-3?

15 A. I stayed there for a short period of time because by March
16 1979, it's gone (sic).

17 Q. You talk about March, are you referring to the months that the
18 Khmer Rouge regime fell? How long did you stay at K-3? Can you be
19 more specific?

20 A. I stayed there for about three months because by the 3rd of
21 January we left Phnom Penh.

22 Q. Thank you. What did you do at K-3?

23 A. At K-3, the majority of my work was to clean the house, or
24 sometimes to guard the entrance, and sometimes I engage in my
25 study at lunch and in the evening.

1 [13.28.38]

2 Q. What did you study?

3 A. That is the Khmer alphabets.

4 Q. You stated that you sometimes also guarded. Can you be more
5 specific?

6 A. I guarded the entrance because -- I only did that when the
7 guards actually had lunch.

8 Q. How many entrances at K-3?

9 A. There were two, one to the east and one to the west.

10 Q. Which entrance did you guard?

11 A. It varied. It depends on where I was assigned to. Sometimes it
12 was at the east and sometimes it was at the west.

13 Q. What did you see while you were guarding the entrance?

14 A. During my guard I did not see anything because I already
15 replaced the actual guard for one or two hours while they had a
16 meal. I did not -- I rarely guarded for the whole day.

17 [13.30.14]

18 Q. Can you tell us your immediate supervisor and the top leader
19 at K-3, if you knew?

20 A. The chief of K-3 office, whom I met, was Uncle Dim. But Dim
21 already passed away.

22 Q. What was his role?

23 A. He was in charge of the management in that office.

24 Q. Did you know any leaders of K-3 office?

25 A. At the time, I did not bother to know who the leader was. I

1 only met and interacted with colleagues in my place and I met
2 others, elderly people, who told me that this was the place for
3 senior leaders.

4 Q. Who did you meet? Who did you mingle around with at that time?

5 A. Those elderly -- those older brothers who came in earlier; for
6 example, the late Savy (phonetic), Brother Savy, and others.

7 Q. Do you know that anyone whom you acquainted with at that time
8 is still alive now?

9 A. No. The overwhelming majority of them died already. We
10 actually have parted from each other since the fall of the Khmer
11 Rouge regime in 1979.

12 [13.32.32]

13 Q. Did you know Mr. Khieu Samphan back then?

14 A. I only heard his name, but I never met him in person. I never
15 acquainted with him either.

16 Q. You only heard his name. How did you hear about his name? Did
17 you learn it through the radio broadcast, or any news articles,
18 or from your friends? Can you please clarify it?

19 A. I heard it from my colleagues.

20 Q. Who were your colleagues that you're referring to?

21 A. The late Soeun (phonetic), Ton, John, Leu (phonetic); these
22 people were working with me at that time.

23 Q. Did you have -- or did you ever have a chance to talk to Mr.
24 Khieu Samphan in person when you were in K-3?

25 A. No.

1 [13.33.57]

2 Q. Thank you. Did you know where Mr. Khieu Samphan was working
3 when you were at K-3?

4 A. I knew that he was in K-3, but he was working in a different
5 section and I was only doing my job in my place.

6 Q. Who else in K-3 were the senior leaders whom you knew about?

7 A. I did not know that much at the time.

8 Q. When you were in K-3, did you know what Mr. Khieu Samphan did
9 at the time?

10 A. No, I did not know.

11 Q. Did you know about the eating time, or eating arrangement for
12 Mr. Khieu Samphan when you were there?

13 A. No, I did not know.

14 [13.35.39]

15 Q. Did you know the visit of Mr. Khieu Samphan, the arrival of
16 Mr. Khieu Samphan and his departure, since you were the guard in
17 K-3 office?

18 A. No, I did not know.

19 Q. Did you know the relation between Mr. Khieu Samphan and his
20 colleagues or any of your colleagues whom you worked with?

21 A. No. Back then, I did not know.

22 Q. Thank you. When did you become to know Mr. Khieu Samphan
23 clearly?

24 A. I got to know him well in 1989.

25 Q. From what year until what year? Are you talking about 1989

1 onwards, or it was from 1979 to 1989? Could you please clarify
2 it?

3 A. I worked with him from 1989 up until 1995.

4 [13.37.24]

5 Q. From 1989 to 1995, what was your role during this period?

6 A. I was his bodyguard.

7 Q. What -- how much did you know about his work when you were
8 working as his bodyguard during the period?

9 A. I only observed that he worked. He worked very hard. He was a
10 very diligent worker. Actually, he had his own work and I only
11 minded my own business at that time.

12 Q. Could you please tell the Court the place where you worked
13 from 1985 to 19 -- 1989 to 1995, where was it that you work?

14 A. Well, at that time, the -- we moved from one place to another,
15 to Pailin, Phnom Chat, Anlong Veng to Thailand.

16 [13.39.01]

17 Q. During the period with which you stayed with Mr. Khieu
18 Samphan, how long per day would you stay close to Mr. Khieu
19 Samphan?

20 A. Well, I spent a lot of times with him actually. We were
21 working in the jungle and he was actually, at that time, in
22 charge of foreign affairs. He travelled back and forth to
23 overseas, and then whenever he came back to his home I would go
24 to my house and he'd stay at his home. But normally, wherever he
25 went he would ask me to escort him.

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1 Q. Do you know his family members, or his wife?

2 A. Yes, I do.

3 Q. How much do you know about his education?

4 A. In the past I did not know, I only came to know about it in a
5 later stage.

6 Q. How much do you know about his work background, his
7 qualification, particularly his work from the past regimes before
8 you came to work with him?

9 A. Well, back then, I did not bother to find out of his personal
10 background or his education. I only learned about it when I was
11 working with him.

12 [13.41.07]

13 Q. Thank you. Can you tell the Court the overall character of Mr.
14 Khieu Samphan or his general, you know, behaviours or conducts of
15 life when you were working with him?

16 A. Personality wise for Mr. Khieu Samphan, he was very firm
17 person. He is not a short tempered person and he is very
18 meticulous. He is very thoughtful and he is a reasonable person;
19 he generally advised his subordinates. People like me; he guided
20 me on my work. For me, I am from ethnic minority; he advised me
21 how to make a living, how to get involved in the society, and
22 others. This is to my recollection as far as I can recall from my
23 interaction with him; he never looked down on poor people or
24 peasants.

25 Q. Have you ever encounter with any incidence or moments that

1 made you unhappy or upset or you became angry with Mr. Khieu
2 Samphan during that period when you were working with him?

3 A. To date, I have never had any resentment for Mr. Khieu Samphan
4 because he is the person who never put any blame on subordinates;
5 he only guided us on our work. He advised us and he normally
6 advised us if we needed to get anything done.

7 [13.43.35]

8 Q. How about other people, what did you observe about the
9 reactions of other people for Mr. Khieu Samphan? Did those people
10 get angry with him or what was the general reaction of Mr. Khieu
11 Samphan's friends toward him in general?

12 A. No, I did not witness that they were upset with him for any
13 reason.

14 Q. Concerning political views, can you share your observation
15 based on what you heard from Mr. Khieu Samphan? Did he ever
16 advise you anything in relation to political viewpoints?

17 A. Generally, whenever he talked with me, he discussed the free
18 market economy, the use of bank notes, the generation of income
19 for the family and how to behave decently as a citizen. So he
20 normally advised us to this effect. As for other political
21 advice, I never received from him.

22 [13.45.12]

23 Q. Concerning the advice Mr. Khieu Samphan gave to you directly
24 particularly in relation to the organization of family, the
25 generation of income for family, what comes to your mind? What

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1 strikes you the most when he was advising you at that time?

2 A. No, I did not observe anything other than what I have just
3 described.

4 Q. To your recollection, what are the good activities or good
5 deed of Mr. Khieu Samphan in relation to his colleagues or his
6 friends in general when you were working with him?

7 A. During the period I was working with him -- for others, I did
8 not observe any resentment, any problem at all in relation to Mr.
9 Khieu Samphan.

10 Q. Do you have anything to add in relation to his behaviour, his
11 good deed or good treatment to other people when you were working
12 with him? It is time that you may wish to enlighten the Court on
13 that.

14 A. No, I have none.

15 [13.47.15]

16 MR. KONG SAM ONN:

17 Thank you.

18 Thank you. Mr. President, I have no further questions.

19 Mr. Sok Roeu, I have no further questions for you and I thank you
20 very much for answering my questions.

21 MR. PRESIDENT:

22 Thank you.

23 Now, I hand over the floor to Judge Jean-Marc Lavergne. You may
24 proceed, Judge.

25 QUESTIONING BY JUDGE LAVERGNE:

1 Thank you, Mr. President.

2 Good afternoon, Mr. Witness. I am Judge Lavergne. I would like to
3 ask you a few additional questions to what have already been put
4 to you this afternoon. You were questioned about Mr. Khieu
5 Samphan's personality and if I was listening correctly you said
6 that it was somebody who was very firm but not prone to anger.
7 Who was meticulous, who applied himself seriously and who was
8 reasonable.

9 [13.48.19]

10 Q. Now, my question to you is: Did you perceive Mr. Khieu Samphan
11 as somebody who had certain convictions - or rather, somebody who
12 had self-doubt?

13 MR. SOK ROEU:

14 A. For me, I know that he has a firm conviction for whatever he
15 did, and whatever he did he never cause any trouble or cast any
16 blame on me or his subordinate.

17 Q. Did Mr. Khieu Samphan have a chance to express regret in
18 respect to events that he might have been involved with?

19 A. That I do not know, Your Honour.

20 Q. Did you ever talk with him about what happened between 1975
21 and 1979 or were those things that were never discussed?

22 A. No, it was never discussed at all, but then I did not know
23 about that either.

24 [13.50.06]

25 Q. When you got to Phnom Penh you said that you were at K-1 and

1 then K-3. You met various individuals as the years went by when
2 you were in Phnom Penh, did you ever notice that some people
3 disappeared?

4 A. No. That I did not know either because, at that time, I did
5 not understand Khmer very well; when people talk about conflict
6 subject matter I would not understand.

7 Q. I'm not talking to you about complicated things. I'm asking
8 you if, among the people you knew in your entourage who worked
9 with you, if you ever saw that any had disappeared. Just one day
10 they were no longer there and you never saw them again. Did that
11 kind of thing happen?

12 A. In my entourage I did not see anybody disappear.

13 [13.51.35]

14 Q. Did you ever participate in criticism or self-criticism
15 sessions? Are these terms that you're aware of?

16 A. Well, in my entourage in -- we normally had this criticism and
17 self-criticism session among us.

18 Q. And what about with Mr. Khieu Samphan, did you talk about
19 these criticism and self-criticism sessions and did he have
20 anything to say to you on the subject?

21 A. When I was working with him, he did not take part in the
22 self-criticism session. We only self-criticised our self in our
23 team during the period when I was staying with him.

24 Q. The question I was asking you was: once you were Mr. Khieu
25 Samphan's security guard, did he ever talk to you on the subject

1 of these criticism and self-criticism sessions?

2 A. No. Actually, he never discussed the self-criticism session
3 with me; other people did talk to me about self-criticism
4 session. When we met as a group or unit, we normally exchange our
5 view in order to take lesson learned from each other. As for Mr.
6 Khieu Samphan, never had he told me anything about criticism
7 session.

8 [13.53.44]

9 Q. Just now, you said that Mr. Khieu Samphan was a person with a
10 firm character. Are you trying to say that he was somebody who
11 knew how to command and who garnered respect?

12 A. Yes, that is correct. That's what he interacted with me. When
13 he worked with me the way he talked to me, he actually had these
14 firm things. And he actually used ordinary language, everyday
15 language with me. But he never attended a meeting with me; he
16 only talked to me on a personal level. He shares his view.

17 Q. But when Khieu Samphan gave you an order, when you saw him
18 giving orders to others, these were very clear things that were
19 immediately put into practise; is my understanding correct?

20 A. When I was working with him -- I tried to talk about the
21 period when I started working with him very closely from 1989.
22 Actually, he worked outside of the country other than inside the
23 country, I mean -- or no, rather internally, I mean if his work
24 with the various offices. I was working closely with him; only a
25 few of us were interacting with each other. Normally, he did not

1 work very closely with the offices, various offices. He worked
2 with external places; that's what I experienced when I was
3 working with him in 1989.

4 [13.55.58]

5 Q. Perhaps my question was not clear enough. For you, is Mr.
6 Khieu Samphan somebody with leadership capacities, does he know
7 how to command and give orders?

8 A. I do not understand the command. Are you talking about the
9 command in the military structure or what command is it about?

10 Q. Mr. Khieu Samphan was somebody in a position of authority. He
11 was your superior. He was in a position of authority over a
12 certain number of people and so the question I'm asking you is,
13 from that position, did he know how to lead and command?

14 A. Well, at the time when I was working with him, he actually did
15 not issue the command. It was not an authoritative command; he
16 only advised us. And his advice was for only three or four of us
17 who were around him. And in my capacity as his bodyguard at that
18 time, he talked to me and advised me in relation to my work;
19 things to do with my security protection; things and as for his
20 work he did it by himself. I did not know about that, he only
21 advise us concerning the security affairs.

22 [13.58.07]

23 Q. Mr. Witness, you were his body guard; when he gave you orders,
24 did you obey? Yes or no?

25 A. When I was working with him from 1989, he, of course, was my

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1 superior so if he said I had to go with him then I had to go.

2 Q. I have a last question for you, sir. You said at the start of
3 this hearing that you were contacted by or you met Khieu
4 Samphan's lawyer. Is there somebody in this courtroom who you
5 recognize as being the person who you met? Who are you talking
6 about when you say that you met Mr. Khieu Samphan's lawyer?

7 A. No, if I met someone once I dare not to look at the face of
8 that person.

9 [14.00.01]

10 Q. But you said this person was Khieu Samphan's lawyer, am I
11 correct? You've heard people asking you questions today; are
12 these the same people who came to meet you? Are they the same as
13 the ones who were asking you questions today?

14 A. No, it was not him.

15 Q. Well, do you know the person's name?

16 A. No, I do not recall his name.

17 Q. And what did this person say to you when he or she came to see
18 you?

19 A. He asked me the questions like the counsel asked me about the
20 background, my background.

21 JUDGE LAVERGNE

22 Very well thank you, I have no further questions to put to this
23 witness, Mr. President.

24 MR. PRESIDENT:

25 Thank you.

1 The floor is now given to the Prosecution to put questions to
2 this witness. You may proceed.

3 [14.01.57]

4 MR. RAYNOR:

5 Mr. President, Your Honours, may it please you, and good
6 afternoon to my fellow counsel in the Court and good afternoon to
7 you, Mr. Witness, this afternoon.

8 Mr. President, I'd like, please, with your leave, to start my
9 questioning by picking up on the questions that have just been
10 asked by His Honour Judge Lavergne. For these purposes, Mr.
11 President, I would like to show to this witness the front page of
12 the following document. It is E3/71. It is a sworn OCIJ witness
13 statement from TCW-639, a statement taken by the Co-Investigating
14 Judges on the 14th of February 2009. I propose, with your leave,
15 Mr. President, to show the first page of this witness statement
16 to our witness so that he is able to confirm whether he knows the
17 witness or not. With your leave, Mr. President, can that please
18 be done?

19 [14.03.16]

20 MR. PRESIDENT:

21 Yes, you may do so.

22 QUESTIONING BY MR. RAYNOR:

23 Mr. President, can I explain to you and to everyone else in court
24 that this statement has literally been printed hot off the press
25 by one of my learned colleagues on this team. I can only give

1 English ERN numbers for the relevant pages.

2 Q. Now, Mr. Sok Roeu, can I please, first of all, ask, do you
3 have any knowledge of the man whose name appears on this
4 statement? Yes or no?

5 [14.04.47]

6 MR. PRESIDENT:

7 Mr. Sok Roeu, please wait.

8 The national counsel for Khieu Samphan, you may proceed.

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. I'd like to ask the Prosecution to
11 enlighten the Chamber whether this document has been put on the
12 interface. And please, adhere to the assisting practice.

13 BY MR. RAYNOR:

14 I hope the lack of wisdom in that question becomes apparent
15 immediately. This is something, Mr. President, that has arisen
16 directly from testimony this afternoon. It's risen directly from
17 testimony that we could not have anticipated because we do not
18 have any prior statement from this witness. To use the Latin
19 phrase, it has a risen ex improviso. There is therefore
20 absolutely no way that this document could have been put on the
21 interface, I hope that's apparent now to my learned friend. Can I
22 please continue?

23 I add, it's on the case file and it's on the Rule 80 list.

24 Q. Do you recognize the name? Yes or no?

25 [14.06.25]

1 MR. SOK ROEU:

2 A. No, I don't.

3 Q. All right. Well, this is a witness - and so everyone can
4 follow on the English ERN's. ERN English, 00288623; this witness
5 was asked:

6 "When did you stop working at K-18?"

7 The Answer: "I worked at K-18 until 1993 or 1994."

8 ERN English, 00288622; in the middle of that page, this witness
9 describes that they were a telegram translator and in relation to
10 the period at K-18, this witness said the following:

11 "At that time, Pol Pot and Khieu Samphan were also staying at
12 K-18."

13 So, my first question to you is: Is it correct from your
14 knowledge and observations when you were at K-18 that Khieu
15 Samphan spent time together with Pol Pot?

16 A. At that time I did not know; only later I knew that it was
17 their workplace, because, at that time, I was only a grass
18 clearer.

19 [14.08.28]

20 Q. I think you're probably misunderstanding my question, Mr. Sok
21 Roeun. I'm not talking about the place you described as K-8 back
22 in the 1970s; I'm talking about the place that you described as
23 K-18 and your described being there in the 1990s: in 1992 and
24 1993. So I am going to put the question as simply as I can.
25 When you were working with Khieu Samphan at K-18 in the 1990s,

1 was Khieu Samphan working together with or ever in the company of
2 Pol Pot?

3 A. During the period of '91 or '92, it was a period of war and I
4 did not speak anything in regards to what you said. I was with
5 him in 1999 -- my apology; it was 1989 that I was with him.

6 Q. Let's clarify please the testimony that you've given this
7 Court today. You have told this Court that you worked with Khieu
8 Samphan as his body guard from 1989 until 1995. Is that earlier
9 testimony correct or are you now changing your answers to this
10 Court?

11 A. I was with him from 1989 to around 1996. And prior to that,
12 while I just came to Phnom Penh, I stayed here for a few months
13 and there for a few months.

14 [14.11.10]

15 Q. Because I'm not asking you about that. Let's get back to what
16 I am asking you please.

17 Is your testimony to these Judges in this Court that in the whole
18 of the time you were Khieu Samphan's body guard from 1989 to 1996
19 you never even saw Pol Pot? Yes or no?

20 A. Yes. I saw him, but I was not close to him.

21 Q. Khieu Samphan was close to him; wasn't he?

22 A. They were within the leadership circle and it's beyond my
23 understanding.

24 Q. During this seven-year period, how many times - well, did you
25 see them together: Pol Pot and Khieu Samphan?

1 A. During the time that I stayed with him, yes, they frequently
2 met one another.

3 [14.12.41]

4 Q. Where would they meet?

5 A. Most of the time they met at their office; for example, Office
6 89 along Koh Kong and Pailin area.

7 Q. You said they met at their office; was this an office shared
8 by Khieu Samphan and Pol Pot?

9 A. Yes, because, at that time, we were in the jungle and there
10 had to be an office for them to work.

11 Q. Did they work together quite often?

12 A. I did not know the frequency of how they worked together
13 because once he went into the office I focus on my other task.

14 Q. Did Pol Pot have body guards?

15 A. Yes he did.

16 [14.14.30]

17 Q. How often did you as a body guard for Khieu Samphan get
18 together with Pol Pot's body guards?

19 A. At that time I was pretty young and we usually met one
20 another.

21 Q. Can you remember the names of any of Pol Pot's body guards?

22 A. Most of the body guards around the time that I worked there
23 disappeared and I do not know about the rest of the body guards
24 or where they are living at the moment as we haven't had --
25 contacted one another.

1 Q. Sorry; Pol Pot's body guards disappeared? Is that what you
2 just said?

3 A. By "disappeared" I mean they moved elsewhere after the
4 reintegration. Some of them died during the war and the rest
5 could die because of illness. And the majority of whom I knew
6 died.

7 Q. Right, I want you to imagine it's the seven-year period when
8 you're Khieu Samphan's and I'm going to ask you about a typical
9 day. Now that might be difficult because each day is different,
10 but just give us an idea of how much contact you had with Khieu
11 Samphan in the average day as his body guard.

12 [14.16.40]

13 A. If we were at our place and he did not have to go to work
14 elsewhere I would only did my task and he did his task. And if he
15 were to go to work outside, then he would call to me to escort
16 him. But if he works at our place, then I would only work on my
17 task and he did his.

18 Q. Let's take a day where he asks you to come and accompany him
19 somewhere. I mean what sort of meetings would he go to and what
20 would you do when he was in a meeting?

21 A. I did not know the nature of his meeting. And the meeting at
22 the time took place near the Koh Kong area and we were in the
23 forest along the Kravanh mountain range. And some time it was
24 only Pailin and in Samlaut. That was the place that he worked
25 during the war time. But most of the time, it was along the

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1 Kravanh mountain range located in Koh Kong.

2 Q. When you were at K-18 for seven years, were there ever any
3 meetings of all the cadres, all the soldiers of K-18?

4 A. No. He did not deal with the military.

5 [14.18.48]

6 Q. Right, I'm going back to the statement that we were referring
7 to earlier. Page number English ERN 00288626 and this witness
8 said as follows:

9 "Pol Pot and Khieu Samphan who were my direct supervisors were
10 the persons who gave direct orders at K-18."

11 From your experience, do you agree with that or disagree with
12 that?

13 MR. PRESIDENT:

14 Witness, please wait.

15 Counsel, you may proceed.

16 MR. KONG SAM ONN:

17 Thank you, Mr. President.

18 The Prosecution is now leading the line of questioning outside
19 the facts being put before this Court -- that is, Case 002/01.
20 What is being raised by the Prosecution is related to the events
21 that took place after 1979 which falls outside the scope of the
22 temporal jurisdiction of this Court. This is a character witness;
23 this is not the witness to highlight the relationship or the
24 affairs of the Democratic Kampuchea after 1979. Thank you.

25 [14.21.00]

1 MR. RAYNOR:

2 Whether the Defence has scored an own goal, I'll leave for others
3 to judge. But, Mr. President, the reality is this: The Defence
4 asked for this witness, the Defence indicated that this was a
5 witness going to fact and to character. Somebody's character is
6 not indivisible. Somebody's character does not just relate to a
7 specific period in time. Somebody's character comes as a whole.
8 Judge Lavergne has asked questions about the ability of Khieu
9 Samphan to give orders. This questioning is along the exactly
10 same lines that Judge Lavergne has adopted and it should be
11 permitted to continue however uncomfortable that may be for the
12 Defence.

13 (Judges deliberate)

14 [14.22.22]

15 MR. PRESIDENT:

16 The Chamber rejects the objection raised by the defence counsel.
17 The Chamber needs to hear the response to that question.

18 Witness, please respond to the last question put to you by the
19 Prosecution.

20 BY MR. RAYNOR:

21 President, can I please repeat the question given the objection?

22 Q. Mr. Witness, Sok Roeu, I am referring as you know to another
23 witness statement. And this witness states in his statement to
24 the investigating Judges the following -- and I quote:

25 "Pol Pot and Khieu Samphan, who were my direct supervisors, were

1 the persons who gave direct orders at K-18."

2 From your experience and observations, is that correct or
3 incorrect?

4 [14.23.34]

5 MR. SOK ROEU:

6 A. I actually spoke about K-3; as for K-18, I did not speak about
7 K-18. I only spoke about K-3

8 Q. Forgive me, Mr. Sok Roeu, please don't try and avoid the
9 question. Judge Lavergne has put to you specific questions about
10 Khieu Samphan's ability to lead and him giving orders.

11 I see there's an objection so I won't carry on at this state.

12 MS. GUISSÉ:

13 Yes, thank you, Mr. President. I would like to make a brief
14 remark as an objection to the manner in which the witness'
15 utterances are being characterized. The witness in response to a
16 question put to him by my learned colleague referred to K-8. Now,
17 the prosecutor is referring to K-18. Now, the response of the
18 witness shows that there is a mix-up. Something is not clear,
19 instead of saying that he is avoiding the question the prosecutor
20 should clarify the question so that the witness' response should
21 correspond to a specific question.

22 [14.25.39]

23 MR. PRESIDENT:

24 Thank you.

25 The Prosecution, could you repeat your question and clarify the

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1 point to the witness? And you should specify or seek
2 clarification from the witness.

3 Is it K-3, K-8 or K-18?

4 BY MR. RAYNOR:

5 Q. Let's be absolutely clear. You have described the office that
6 you worked at as K-18 from 1989 to 1996. Is this office K-18? Yes
7 or no?

8 MR. SOK ROEU:

9 A. It seems to me that K-18 office only established during the
10 war time.

11 [14.27.07]

12 Q. In the whole of the time that you were working with Khieu
13 Samphan, are you saying that you never saw or heard him give a
14 direct order?

15 A. No. I did not know anything regarding the orders.

16 Q. How many body guards did he have when you were a body guard?

17 A. I was the only body guard and in fact there was another one
18 but that one was young.

19 MR. RAYNOR:

20 I'm going back to some other themes now --

21 MR. PRESIDENT:

22 Thank you, the Prosecution.

23 We will take a 15-minute break and we return at a quarter to
24 3.00.

25 Court Officer, could you assist the witness during the break and

1 have him returned to the courtroom at a quarter to 3.00. Thank
2 you.

3 (Court recesses from 1428H to 1446H)

4 MR. PRESIDENT:

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

6 I hand over the floor to the prosecutor to put questions to the
7 witness. You may proceed.

8 BY MR. RAYNOR:

9 Thank you very much, Mr. President.

10 Q. Mr. Sok Roeu, do you think that loyalty is a sign of good
11 character in a person?

12 MR. PRESIDENT:

13 Witness, please hold on.

14 Counsel, you may proceed.

15 [14.47.59]

16 MR. KONG SAM ONN:

17 Thank you, Mr. President. I am of the view that because the
18 witness before us now is not an expert in character testifying,
19 so I believe that any questions that elicit his opinion on that
20 is not useful for the Chamber.

21 Here he is now to testify to -- to testify on the character of
22 Mr. Khieu Samphan. I think that if he is raising question in
23 general to get the opinion of this witness concerning the general
24 character of a person, I don't think that it is useful.

25 MR. RAYNOR:

1 Mr. President, somebody's character, as a character witness --
2 and I stress that the Defence have called this witness as a
3 character witness -- somebody's assessment of character routinely
4 in courts all over the world requires an assessment of honesty,
5 veracity, and general character traits. Loyalty is simply part of
6 somebody's character. I ask to proceed.

7 [14.49.30]

8 MR. PRESIDENT:

9 The objection is sustained because Mr. Prosecutor should not have
10 put any question to the witness that elicits his subjective
11 conclusion on the part of his answer because he is not here as an
12 expert, he is a witness.

13 You should move on because you have limited time. You will have
14 time until 3.30, including the time for questioning by the Lead
15 Co-Lawyers for the civil party as well.

16 BY MR. RAYNOR:

17 Thank you, Mr. President. I am going to put the question in
18 another way.

19 Q. Based on your observations of Pol Pot and Khieu Samphan
20 together, how loyal was Khieu Samphan to Pol Pot?

21 MR. SOK ROEU:

22 A. That I do not know.

23 [14.50.45]

24 Q. On the subject of Khieu Samphan giving orders or instructions,
25 in your seven years with Khieu Samphan, has he ever spoken to you

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1 about an occasion on the 5th of January 1979 when he gave orders
2 in a room to a group of people, including Duch and Ruos Suy?

3 A. No, he didn't.

4 Q. Has Khieu Samphan ever spoken with you about a period of 10
5 days prior to the evacuation of Phnom Penh when he was with Pol
6 Pot and there was - quote, "Just the two of us"?

7 A. No, he has not.

8 Q. In your time from the early seventies through to 1979, did you
9 ever hear Khieu Samphan giving speeches, either over the radio or
10 in person?

11 A. No, I did not hear anything.

12 [14.52.46]

13 Q. Has Khieu Samphan ever spoken with you, or do you have any
14 other knowledge of, Khieu Samphan reading out confessions at
15 public gatherings?

16 A. No, I don't.

17 Q. When was the last time you saw his wife, So Socheat?

18 A. It was in 1989.

19 Q. Earlier in your testimony today, you said that before you left
20 for Phnom Penh, there was a selection process by Angkar when your
21 background was reviewed and your work activities and that you
22 were selected to go to Phnom Penh. You then said this -- and I
23 quote: "I was the son of the peasant class and so had no
24 difficulty."

25 Did other people have difficulties during this same process?

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1 A. I'm afraid I do not understand your question.

2 [14.54.46]

3 Q. You had no difficulties in being appointed because you were
4 from the peasant class. Is that correct?

5 A. Well, the decision was up to them. They review my biography.
6 As for me, I did not know how I came about to be selected.

7 Q. Why did you say it was because that you were the son of the
8 peasant class that you had no difficulty?

9 A. Because in the past I get used to a lot of hardship in life,
10 so when I joined with them the work that I was assigned to was
11 nothing difficult for me, I got used to it. For example, digging
12 the dam or building dam or digging dykes or building dykes or so,
13 it's not difficult. It is something that I got used to it.

14 Q. Did anything happen to people whose background was reviewed
15 and they were found not to be from the peasant class?

16 A. That I do now know.

17 [14.56.32]

18 Q. You said also in your evidence this morning, "I never refused
19 and I did not complain". What happened to people who complained
20 against Angkar?

21 A. Among the people whom I knew at the time, they did not refuse
22 or object to the decision on the selection because that was done
23 by my -- others but nobody objected.

24 Q. During the period that you were in Phnom Penh, from 1976 to
25 1979, did you ever hear about anybody complaining against Angkar?

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1 A. At the time I did not bother to think of anything of this
2 sort. I only minded my business at that time.

3 Q. Why was it important to mind your own business?

4 A. Well, because the work that was assigned to me I had to do my
5 job, and for others they were assigned different tasks. They had
6 their own responsibility so they handle their own job.

7 Q. From 1976 to 1979, were you ever, on any day, in any fear of
8 any kind?

9 A. No, I did not have any fear.

10 [14.59.07]

11 Q. Just one question to clarify. In your time when you were at
12 K-3, did you ever see Khieu Samphan's wife, So Socheat, in the
13 kitchens or anywhere else?

14 A. Yes, I saw her at K-3.

15 Q. Is it right at K-3 that she was regularly there working in the
16 kitchens, or can you describe what was happening when you saw
17 her?

18 A. At that time I simply saw her and I did not talk to her. I
19 only saw her from a distance.

20 Q. During the period at K-3, did you ever hear of the name Sua
21 Vasi, alias Doeun?

22 A. No, I did not.

23 Q. Did you ever have any knowledge of, or hear the name, Chhim
24 Sam Aok alias Pang?

25 A. No, I did not.

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1 [15.01.08]

2 MR. RAYNOR:

3 Thank you, Mr. Sok Roeu. Those are all the questions from me, but
4 my national colleague, Song Chorvoin, has some matters to raise.

5 Thank you very much.

6 MS. SONG CHORVOIN:

7 Good afternoon, Mr. President, Your Honours, and everyone in and
8 around the courtroom.

9 QUESTIONING BY MS. SONG CHORVOIN:

10 Q. And good afternoon, Mr. Sok Roeu. I only have about two
11 questions for you.

12 You just told my international colleague that you saw Khieu
13 Samphan's wife at K-3. Why did you know that she was Khieu
14 Samphan's wife?

15 MR. SOK ROEU:

16 A. My friends told me who was who at the time, so I knew it from
17 there.

18 Q. Can you recall who actually told you that she was Khieu
19 Samphan's wife?

20 A. Those people already died, including late Sok and late Sal
21 (phonetic).

22 [15.02.50]

23 Q. Thank you. During the time that you worked as a bodyguard for
24 Mr. Khieu Samphan from 1989 to 1996, did you ever observe, hear
25 or know directly or through other means that Khieu Samphan ever

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1 showed, spoke about, or recalled his regret for what took place
2 during the Khmer Rouge regime?

3 A. No.

4 MS. SONG CHORVOIN:

5 Mr. President, I do not have any more questions.

6 MR. PRESIDENT:

7 Thank you.

8 For the last session the floor is given to the Lead Co-Lawyers to
9 put questions to this witness. You may proceed.

10 MR. PICH ANG:

11 Mr. President, I have some questions for this witness.

12 [15.04.00]

13 QUESTIONING BY MR. PICH ANG:

14 Q. Good afternoon, Mr. Witness. My name is Pich Ang. I am the
15 National Lead Co-Lawyer for civil parties.

16 I'd like to continue the theme that you met Khieu Samphan's wife
17 at K-3. Did you meet her frequently?

18 MR. SOK ROEU:

19 A. No, not that frequent.

20 Q. Can you tell us how many times did you meet her?

21 A. Sometimes once a month, sometimes I did not meet her during
22 the whole month.

23 [15.04.50]

24 Q. What did you do in the kitchen at the time?

25 A. Sometimes she came to the place where I worked -- I mean,

1 while I was clearing the grass.

2 Q. You said you met her in the kitchen. How far was it from the
3 kitchen and the place you cleared the grass?

4 A. Sometimes when I left my workplace I came through that area.

5 Q. Did you mean she went to the place where you cleared the grass
6 and that you also met her in the kitchen? Is my understanding
7 right?

8 A. Yes, the first time I saw her was at the place where I worked
9 and I was told that she was his wife, and later on when I was
10 walking, crossing the kitchen, I saw her there. Because at that
11 time sometimes we walked around, sometime I came and walk across
12 that area after I came from my study. I only simply saw her, but
13 I did not speak to her.

14 [15.06.23]

15 Q. When you saw her, did you notice what she was doing?

16 A. No. She did not do anything in particular; she was looking
17 after her kids. Sometimes she was preparing the food.

18 Q. Did you know the food that she was preparing, what was it
19 meant for? Did she cook the food for somebody in particular?

20 A. No, I did not know.

21 Q. You stated that while you were clearing the grass you were
22 told that she was Khieu Samphan's wife, and did you know what was
23 Khieu Samphan's role at the time?

24 A. No, I did not.

25 Q. In 1978 how old were you?

1 A. I was about 17 years-old.

2 [15.08.14]

3 Q. People talk about Khieu Samphan's name and did you know if he
4 has any other names or alias?

5 A. I usually called him Om Hem or Uncle Hem.

6 Q. And did you hear other people call him by any other name?

7 A. No.

8 Q. Did you ever hear the name Khang?

9 A. No.

10 Q. I'll move on to another topic.

11 After you became a bodyguard for Mr. Khieu Samphan, what kind of
12 principle that you had in serving Khieu Samphan as his bodyguard?

13 A. At that time I thought that he was a leader so I had to give
14 him protection from any other danger. That was all.

15 Q. When he spoke about something or gave you instruction, did you
16 relay what he told you to somebody else?

17 A. Yes, because there was a group in the office where I worked.

18 [15.10.28]

19 Q. And did you speak to somebody else besides your group
20 regarding what he told you or you maintained secrecy?

21 A. No, I did not speak to any other people.

22 Q. Now, I'd like to ask you about the personality of Khieu
23 Samphan. You said that he was a person of a strict manner. Was he
24 somebody who was kind of responsible for his work?

25 A. During the time that I stayed with him, he did his own work

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1 and I did not know about the nature of his work. I only knew he
2 worked and kept working until the mealtime. So even during the
3 time of the Peace Paris Accord, he was working on that task.
4 That's what I knew while I was working for him.

5 Q. This is my last question on this topic and then I will move on
6 to the last topic.

7 Did you observe whether Khieu Samphan was independent in carrying
8 out his task or duty and that he did not receive any orders from
9 anyone? Is this the kind of his character?

10 A. No, I do not know about that. I did not observe anything
11 regarding this aspect.

12 [15.12.40]

13 Q. There is another point that I'd like to ask you, but it's my
14 last point.

15 You said a counsel came to meet you about one or two years ago.
16 Was that lawyer male or female, young or old?

17 A. The counsel was male.

18 Q. How old was the person?

19 A. He was about 60 years old.

20 Q. Was he a talkative person?

21 A. No.

22 Q. What was his nationality?

23 A. He spoke Khmer, so I suspect he is a Cambodian.

24 Q. When you heard him speaking did he speak Khmer in a natural
25 way?

1 A. Yes.

2 [15.14.04]

3 Q. How did you know that he was the lawyer for Khieu Samphan as
4 you said, or did he say something to that effect?

5 A. He said he was the lawyer for Khieu Samphan but I did not ask
6 him any further question regarding this point. He asked me
7 questions about my age, about my background, and about my work,
8 and we chit-chatted a little bit.

9 Q. How many people whom he went with and was there any foreigner?

10 A. Yes, there was a foreigner who actually took the record.

11 Q. Can you describe that foreigner? How old was that person? Male
12 or female?

13 A. The person was a female. She was about 20-something.

14 [15.15.29]

15 Q. This is my last question to you. While you worked at the K-3
16 or 8 or other offices before you came to work at K-3, did you
17 ever feel that something would happen to you?

18 A. Personally, I did not have any concern.

19 MR. PICH ANG:

20 Thank you, Mr. President. I do not have any further questions for
21 you, and thank you, Mr. Witness. My colleague will have some
22 questions.

23 [15.16.29]

24 MS. SIMONNEAU-FORT:

25 Good afternoon, Witness. Good afternoon, Your Honours, and good

1 afternoon to all the parties.

2 [15.16.41]

3 QUESTIONING BY MS. SIMONNEAU-FORT:

4 Q. As a matter of fact, I'm not sure I truly understand the
5 reasons for your testimony today, but I have a few questions for
6 you.

7 You stated that when you were very close to Mr. Khieu Samphan
8 after 1989, he had helped you to work. He assisted you. He spoke
9 to you, and he did not despise the peasants.

10 For that reason, sir, are you grateful to him today and do you
11 wish to thank him and to please him?

12 MR. SOK ROEU:

13 A. I don't really seem to get your question. Please rephrase it.

14 The question is rather long.

15 [15.17.57]

16 Q. Yes, of course, I will shorten it. You stated that Mr. Khieu
17 Samphan took good care of you after 1989. For that reason because
18 of what he did for you personally, do you wish to thank him
19 today?

20 A. I still have some doubt in your question. Is it that I should
21 thank him or something? I understand the beginning of the
22 question but not the latter part.

23 Q. My question to you is as follows. Since he was kind to you, do
24 you feel like thanking him for that?

25 A. Does it mean that I should thank him when I am here to

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1 testify? Is this your question?

2 Q. That is not very important, sir. I will stop here. I have no
3 further questions for you.

4 [15.19.35]

5 MR. PRESIDENT:

6 Mr. Sok Roeu, thank you. The hearing of your testimony has now
7 concluded and it is not necessary to have you here. And we are
8 grateful for your time to come and testify before this Court for
9 this afternoon's session with your best patience and effort, and
10 your testimony may contribute to finding the truth. And we wish
11 you all the very best and have a safe trip back home.

12 The hearing has come to an adjournment today and we will resume
13 on Monday, 10 June 2013 commencing from 9 a.m.

14 And on Monday, we will hear the testimony of the witness TCW-742
15 in the morning; and in the afternoon, we will hear the testimony
16 of TCW-673. This information is for all the parties and the
17 general public.

18 [15.20.51]

19 Court Officer, could you assist the witness, in collaboration
20 with WESU, for his return to his residence or wherever he wishes
21 to go.

22 Security guards, you are instructed to take the two accused back
23 to the detention facility and have them returned to the courtroom
24 on the morning of Monday, 10 June 2013 before 9 a.m.

25 As for Nuon Chea, bring him to the holding cell downstairs which

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1 is equipped with the audio-visual communication.

2 The Court is now adjourned.

3 (Court adjourns at 1521H)

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