



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

ឯកសារដើម
ORIGINAL/ORIGINAL
 ថ្ងៃ ខែ ឆ្នាំ (Date): 16-Feb-2015, 13:08
 CMS/CFO: Sann Rada

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
 Kingdom of Cambodia
 Nation Religion King
 Royaume du Cambodge
 Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
 Case File N° 002/19-09-2007-ECCC/TC

9 February 2015
 Trial Day 240

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

The Accused: NUON Chea
 KHIEU Samphan

Lawyers for the Accused:
 Victor KOPPE
 SUON Visal
 KONG Sam Onn
 Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:
 SE Kolvuthy
 Roger PHILLIPS

Lawyers for the Civil Parties:
 Marie GUIRAUD
 LOR Chunthy
 VEN Pov

For the Office of the Co-Prosecutors:
 Nicolas KOUMJIAN
 SENG Leang
 Dale LYSAK

For Court Management Section:
 UCH Arun
 SOUR Sotheavy

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MS. ELIZABETH BECKER (2-TCE-97)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. BECKER (2-TCE-97)	English
MR. KOPPE	English
MR. KOUMJIAN	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SENG LEANG	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of an expert, 2-TCE-97.

6 And the greffier, Se Kolvuthy, could you report the attendance of
7 parties and individuals to today's proceedings.

8 [09.05.16]

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all parties to this case
11 are present, except Pich Ang, the National Lead Co-Lawyer for
12 civil parties, is absent due to his personal business. And Ven
13 Pov is the designated counsel for Mr. Pich Ang.

14 As for Nuon Chea, he's present in the holding cell downstairs as
15 he waives his right to be present in the courtroom. His waiver
16 has been delivered to the greffier. And the expert to be
17 testified today -- that is, 2-TCE-97, confirms, to her best
18 ability, she has no relationship by blood or by law to any of the
19 two Accused; namely Nuon Chea and Khieu Samphan, nor to any of
20 the civil parties admitted in this case. The expert will take an
21 oath in the courtroom and there is no reserve witness today.

22 Thank you, Mr. President.

23 [09.06.25]

24 MR. PRESIDENT:

25 Thank you. The Chamber will now decide on the request by Nuon

1 Chea.

2 The Chamber received a waiver from Nuon Chea to be present in the
3 courtroom, dated 9th February 2015, which states that due to his
4 health -- that is, headache, backache and cannot sit for long and
5 cannot concentrate for long -- and in order to be effective in
6 participating the future hearings, he waives his direct presence
7 in the courtroom today -- that is, 9th February 2015.

8 Nuon Chea has been informed by his counsel about the consequence
9 of this waiver -- that it is in no way can be construed as a
10 waiver of his rights to be tried fairly or to challenge evidence
11 presented or admitted to this Court at any time during his trial.

12 [09.07.30]

13 The Chamber also has seen the medical report of Nuon Chea made by
14 the duty counsel (sic), dated 9th February 2015, who noted that
15 the health condition of Nuon Chea remains the same -- that he
16 cannot sit for long due to backache and recommends that he shall
17 be allowed to follow the proceedings remotely -- that is, from a
18 holding cell downstairs.

19 Based on this information, and pursuant to Internal Rule 81.5 of
20 the ECCC Internal Rules, the Chamber agrees and grants Nuon Chea
21 to follow the proceedings remotely from a holding cell downstairs
22 by audio-visual means for today's proceedings.

23 And as Nuon Chea waives his direct presence in this courtroom,
24 the AV Unit is instructed to link the proceedings so that Nuon
25 Chea can follow it from a holding cell downstairs and that

1 applies for today's proceedings.

2 Court officer, please invite the expert, Elizabeth Becker, into
3 the courtroom.

4 (Short pause)

5 (Ms. Elizabeth Becker, 2-TCE-97 enters courtroom)

6 [09.10.35]

7 QUESTIONING BY THE PRESIDENT:

8 Q. Good morning, madam expert. What is your name?

9 MS. BECKER:

10 A. Elizabeth Becker.

11 Q. Thank you. And before we continue, I'd like to advise you a
12 little bit on the use of the microphone. Please wait until you
13 see the red light on the tip of the microphone before you make
14 your response, otherwise your voice will not go through the
15 system. And most importantly, you need to go through the system
16 so that your response will be interpreted into the official
17 languages of the Court. So please, make a slight pause between
18 question and answer session and we thank you for that.

19 And madam, when were you born?

20 A. October 28th, 1947.

21 [09.11.50]

22 Q. And what is your nationality?

23 A. United States of America.

24 Q. And where is your permanent address?

25 A. Washington, DC.

1 Q. And what is your occupation?

2 A. Journalist and author.

3 Q. Thank you. And what is your religion?

4 A. I'm a Christian.

5 Q. Thank you. The greffier made an oral report this morning that
6 to your best ability you are not related by blood or by law to
7 any of the two Accused -- that is, Nuon Chea and Khieu Samphan,
8 nor to any of the civil parties in this case. Is this information
9 correct?

10 A. Yes.

11 [09.13.30]

12 Q. Thank you. And Madam Elizabeth Becker, pursuant to Rule 31.2
13 of the Internal Rules of the ECCC, as an expert, you have to take
14 an oath before you provide your testimony, or you can make an
15 affirmation based on your religion. Do you agree to that?

16 A. Yes.

17 MR. PRESIDENT:

18 And the international greffier, Mr. Roger, could you please lead
19 the process of swearing in of this expert.

20 THE GREFFIER:

21 Ms. Becker, please repeat after me. I solemnly swear that I will
22 assist the Trial Chamber honestly, confidentially and to the best
23 of my ability.

24 MS. BECKER:

25 I solemnly swear that I will assist the Trial Chamber honestly,

5

1 confidentially and to the best of my ability.

2 THE GREFFIER:

3 Thank you.

4 [09.14.50]

5 BY THE PRESIDENT:

6 Q. Thank you.

7 And Ms. Becker, the Trial Chamber and the parties are grateful to
8 you for making this long journey to assist us in our search for
9 the truth on matters which are crucial for this trial and for
10 Cambodian people. I know that your testimony has been several
11 times postponed and the Trial Chamber really appreciates your
12 availability.

13 Ms. Becker, can you tell us what education did you follow and
14 when did you start your career as a journalist? Was it your
15 occupation during the Democratic Kampuchea period?

16 [09.15.55]

17 MS. BECKER:

18 A. I am a graduate of the University of Washington in Seattle. My
19 degree is in South Asian Studies. I attended the Kendriya Hindi
20 Sansthan in Agra, India, for language training. I went to
21 graduate school at the University of Washington. I came to
22 Cambodia at the end of 1972 and became a journalist, first for
23 the Far Eastern Economic Review and then the Washington Post. I
24 covered the war here until the end of 1974, returned to the
25 United States -- to Washington DC -- where I was a correspondent

6

1 for the Washington Post, then when I came to Democratic Kampuchea
2 in December 1978, I came continuing as a Washington Post
3 correspondent.

4 Q. Thank you. And do you know how to read, write or speak Khmer
5 language?

6 A. I did -- I did speak Khmer, but that was years ago. I was
7 never able to -- I was never able to read.

8 [09.17.13]

9 Q. Thank you. And can you describe to us your experience as a
10 journalist and can you tell us how many books you have written on
11 Cambodia?

12 A. I've been a daily journalist for 40 years, first with the
13 Washington Post correspondent, then with National Public Radio in
14 the United States, where I was the senior foreign editor in
15 charge of all of the foreign correspondence covering the world.
16 Then I went back to newspapering and my last position was New
17 York Times correspondent. I retired from daily journalism six
18 years ago. I have written one largish book on Cambodia called
19 "When the War Was Over". It has been translated into Khmer and
20 French. And then I wrote a very small little book called
21 "Bophana"; that's only available here in Phnom Penh, in Cambodia.

22 [09.18.38]

23 Q. Thank you. And concerning your book, "When the War Was Over",
24 when was it published for the first time? What research have you
25 made? And what methods have you used? And on which sources did

7

1 you rely on?

2 A. The book was first published in 1986 by Simon and Schuster.

3 The sources were multiple. As I said, I was a correspondent here

4 during the war so I relied quite a bit on primary research: the

5 reporting and work I did during the war beginning -- heaviest

6 beginning in January 1973, many interviews with the major players

7 and with the common people and documentation. Then back in

8 Washington, I did more interviews -- United Nations -- that's

9 when I first met and interviewed political figures from

10 Democratic Kampuchea, primarily Ieng Sary and Thiounn Prasith.

11 Then I kept up through refugee reports that came through

12 Washington, the FBIS, which is the -- then the government

13 translation service so that I could hear -- I could know what was

14 being said on the radio of Democratic Kampuchea and, as I said, I

15 would go the UN every year when the Democratic Kampuchea

16 delegation arrived to hear what they had to say and to request a

17 visa to visit Cambodia. Then, as you know, I travelled there in

18 December 1978 for two weeks. After that, I began serious work on

19 my book, augmenting my previous research with more interviews,

20 coming back here to Cambodia to read and to work in all of the

21 archives that became available after the Vietnamese invasion. And

22 as well, I interviewed foreign diplomats involved with their

23 policy towards this country and foreign diplomats who lived here.

24 [09.21.24]

25 Q. Thank you. Have you used material provided by other

8

1 researchers? Can you identify them and indicate the nature of
2 this material, if any?

3 A. Well, certainly, there was a handful of people who were
4 working on the same subject so, for instance, Ben Kiernan at
5 Yale, Stephen Heder -- the two people who had the most original
6 research at the beginning -- other journalists. We all tended to
7 cooperate and work together because it was such a difficult
8 story. The UN -- on the border I certainly talked to many --
9 going back to the border to find out what the refugees said, I
10 had a lot of help from the United Nations researchers. I think
11 that -- that -- those are the major -- David Hawk, David
12 Chandler. They were just -- there's a dozen people who shared a
13 lot. We shared what we had.

14 [09.22.57]

15 Q. Thank you. And do you remember the most significant interviews
16 you conducted personally during the period of Democratic
17 Kampuchea or immediately just after it?

18 A. Yes, it was unforgettable. While I was in Democratic Kampuchea
19 I interviewed Ieng Sary and Pol Pot. Immediately afterwards,
20 again I interviewed Ieng Sary and I interviewed Ieng Thirith at
21 length. Those I would say were the most significant.

22 [09.23.43]

23 MR. PRESIDENT:

24 Thank you. And the Chamber would like to make the following
25 remark on certain issues. The Chamber has already noted in its

1 decision -- that is paragraph 18 of document E215 -- that
2 Elizabeth Becker has been principally sought by the Parties due
3 to her personal knowledge of facts relevant to the Democratic
4 Kampuchea period, either through her presence in Cambodia during
5 this period or through the interviews she conducted with leaders
6 or cadres. Parties are therefore reminded that while Elizabeth
7 Becker has been called as an expert, she may also be questioned
8 on facts within her knowledge relevant to the current case.

9 [09.24.55]

10 Parties are also reminded that in order to facilitate the
11 testimony of the expert, Elizabeth Becker, the Trial Chamber has
12 informed them that it considers the following topics as the most
13 relevant for Case 002/02:

14 The December 1978 trip in Democratic Kampuchea of Elizabeth
15 Becker with Richard Dudman and Malcolm Caldwell;

16 The interviews she conducted with Ieng Sary, Ieng Thirith, Pol
17 Pot, Thiounn Prasith, other Khmer Rouge cadres and Cambodian
18 refugees if any;

19 CPK policies concerning the treatment of specific groups;

20 The relationships between Kampuchea Democratic and Vietnam;

21 And the allegations of mass violations of human rights against

22 Democratic Kampuchea and the international context in which these
23 allegations were made.

24 These topics will form the framework of its questioning and

25 Parties are encouraged to focus on them as well.

10

1 I leave the floor now to the Judges of the Bench who may want to
2 put questions to this expert, if you wish to do so. Judge
3 Lavergne, you have the floor.

4 [09.26.32]

5 QUESTIONING BY JUDGE LAVERGNE:

6 Thank you, Mr. President. Good morning, Ms. Becker, I will put a
7 number of questions to you. I have many questions and will go
8 through those questions this morning. I hope we will complete the
9 examination.

10 Q. You have said that you were a correspondent for several
11 newspapers here in Cambodia up to 1974. You also told us that you
12 came to Cambodia in December 1978. You also said that you had
13 contacts with officials of Democratic Kampuchea, particularly
14 when these officials went to New York to the United Nations.
15 Can you tell us, more specifically, who you met? From when? And
16 how often?

17 [09.27.40]

18 MS. BECKER:

19 A. Every year at the General Assembly in New York, which is
20 usually in October, I would go to New York and either go to a
21 press conference or a reception to talk to Ieng Sary. Normally, I
22 believe Thiounn Prasith and Keat Chhon were with him but the
23 majority of the conversation would be with Ieng Sary. The first
24 time I met him was not long after the Mayaguez incident, when the
25 American ship was captured offshore here in the gulf of Thailand

11

1 and the United States responded with the bombing and the crew was
2 eventually released. So that was the first time and Ieng Sary, at
3 that moment, gave the first Cambodian -- DK -- Democratic
4 Kampuchea response, which I then wrote up for the Washington
5 Post.

6 [09.28.58]

7 The next year and the year after were generally -- he was less
8 forthcoming. There was -- the next year, I believe, was the
9 question of what happened to Cambodian intellectuals who returned
10 to Cambodia and were never heard of again and several families
11 were there asking about their missing relatives. The year after,
12 if I remember correctly, was the whole issue of relations with
13 Vietnam and at one reception I was in a conversation with both
14 Ieng Sary and Nguyen Co Thach, who was then the Vietnamese
15 Minister of Foreign Affairs, and they were very polite to each
16 other but Ieng Sary afterwards was talking about the issues. And
17 in '78 -- 1978 -- was when he invited the United Nations
18 Secretary General, Kurt Waldheim, to visit Cambodia. The
19 Secretary General declined and then he invited me, Richard Dudman
20 and Malcolm Caldwell in that place, and thereafter I then went to
21 Democratic Kampuchea. But that's the extent of -- that's the only
22 time Democratic Kampuchea officials were in the United States.

23 [09.30.42]

24 Q. Thank you. So to summarize what you said, you said that you
25 met essentially Mr. Ieng Sary in New York and possibly Mr.

12

1 Thiounn Prasith, Mr. Keat Chhon. Do you remember other members of
2 the delegation of Democratic of Kampuchea? Do you remember, for
3 example, someone called Chan Yourann or another Cambodian by the
4 name of Heng Sukhom -- Hing Sokhom?

5 A. Definitely Chan Yuran, yes, and he was there at least twice.
6 And I'm sorry I forgot his name. The second name I don't
7 remember. I don't remember.

8 Q. The second name is Mr. Hing Sokhom. Maybe he was not a
9 diplomat but he was a Cambodian who was living in the United
10 States and then he returned to Democratic Kampuchea and his name
11 was found on the name -- on the lists of the S-21 prisoners. Does
12 that ring a bell?

13 A. Yes. Hing Sokhom. Yes, he was the American whose family I
14 mentioned earlier. Excuse me. That's -- his wife was there.
15 Remember I said one of the families -- and I remember the wife
16 was at one of the receptions asking after him. And I had met him
17 before he went and I believe I met him in Washington through one
18 of the -- I think the Quaker groups -- one of the pacifist
19 religious groups were supporting a reunification of -- you know
20 -- trying to get Cambodians back together after the war. So I had
21 met him and then later, after he had gone back to Cambodia and
22 there was no communication with him, I then met his wife. So yes,
23 you're right. But I didn't associate him with the delegation.

24 [09.33.00]

25 Q. And were you aware of the fact that a certain number of

1 Cambodians living in the United States had returned to Democratic
2 Kampuchea? Were you aware of that? Were you concerned about these
3 people?

4 A. Oh, yes. The first sort of red flag that came up was total
5 lack of communication and some of the Cambodians who had returned
6 from Paris had talked about it in a press conference and I
7 remember reading -- reading the press releases on that so when --
8 when the Americans -- Cambodians from the United States left and
9 then never came back -- no word -- there was no question, there
10 was concern, yes. The families were very concerned.

11 [09.34.05]

12 Q. So you told us that Mr. Ieng Sary came very often every year
13 to New York to the United Nations and you said that the first
14 time was right after the Mayaguez incident -- that is to say in
15 September 1975. This was the 29th General Assembly session of the
16 UN and back then people were still speaking about the GRUNK --
17 the Royal Government of National Union of Cambodia (sic). And do
18 you know in which circumstances the members of the GRUNK were
19 called to represent Cambodia at the United Nations? How was that
20 transition made from the Lon Nol members to GRUNK members and
21 then to members of Democratic Kampuchea? Do you know how things
22 were organized? And when that transition was made?

23 A. I'm afraid not. The last year of the Khmer Republic, then
24 Prince Sihanouk tried to convince the UN to vote to -- to seat
25 GRUNK rather than Khmer Republic -- that failed and the only

14

1 members of the delegation who next were seated as Democratic
2 Kampuchea, who I had any interaction with, was the then -- the
3 new Foreign Minister Ieng Sary and I'm afraid I do not remember
4 if or who represented GRUNK.

5 [09.36.12]

6 Q. So we have just spoken about the role of King Sihanouk. Did
7 you have the opportunity of meeting him during that period, in
8 particular in October 1975?

9 A. No, he was not at the UN and I did not meet him until January
10 1979 when he came back to the UN. The next time I saw him was at
11 the UN in January 1979.

12 Q. So I personally drew up a list of Ieng Sary's visits to the UN
13 and I also noted that Prince Norodom Sihanouk travelled to New
14 York on 6th October 1975. And we know that he also spoke with
15 Kurt Waldheim back then. So the first time that Ieng Sary
16 travelled to New York was 5th September 1975. He travelled again
17 to New York the following year, 5th October 1976. On 11th October
18 1977, Ieng Sary is going to make a speech again before the UN
19 General Assembly and you wrote, by the way, an article, which
20 appeared in the Washington Post on 22nd October 1977, and it's
21 called "Wait Until the Movie". So this was in reference to the
22 broadcasting of propaganda films. Each time that Ieng Sary
23 travelled to New York, apparently there were certain -- he came
24 with a bit of propaganda material to explain the situation.

25 [09.38.16]

15

1 So I'm also going to read out an excerpt from this document in
2 which you state, or in any case you say that – or Ieng Sary is
3 expected to say that the poor image of Democratic Kampuchea is
4 linked to poor information. And Ieng Sary in his address before
5 the UN explains that, in reality, Democratic Kampuchea is moving
6 ahead swiftly under the clairvoyant leadership of the CPK. Its
7 extraordinary successes also involve the water issues which will
8 be a very important matter for Democratic Kampuchea and he
9 provides figures, he speaks about the building of reservoirs that
10 can contain in total 2,000 -- two point billion (sic) cubic
11 metres of water.

12 He also speaks about building hundreds of kilometres of canals,
13 allowing to irrigate 250,000 hectares of rice paddies. He speaks
14 about the building of eight dams allowing for the irrigation of
15 130,000 hectares.

16 [09.39.37]

17 He also says that the illiteracy rate has been brought down to
18 only 10 per cent and he specifies that the country is training
19 revolutionary doctors who have a deep love for the people and a
20 high spirit of abnegation. And he also says out of 100 families
21 there is one hospital, three practitioners, a medicine factory
22 and three pharmacists. And he also says that malaria has been
23 practically eradicated. The average annual ration is 312 kilos of
24 rice per person and that the production was in excess and it
25 allowed Cambodia to export several thousand tonnes of rice, and

16

1 that Democratic Kampuchea is going through -- which no longer has
2 any crime, prostitution and any - and banditry. Do you remember
3 this kind of address? Do you remember this kind of information
4 that Ieng Sary provided?

5 A. Yes. And I think I pretty much wrote down exactly what he
6 said. And in that context, that was what he would later say I
7 would see when I went to the country.

8 [09.41.28]

9 Q. So in order for us to take note for the hearing -- so document
10 is E3/5096. That's the index of the document. The French ERN is
11 00617792 to 99; and the Khmer ERN 00291025 to 28; in English,
12 00079810 to 16. So now, I would like you to tell me if you
13 remember if the tone of these speeches changed in 1978, the
14 character. You said earlier on that the problems with Vietnam had
15 become a bit more prominent. Is that the case? Did the tone of
16 his speeches change?

17 A. I can't say that I remember the speech exactly, but the
18 conversation had changed. And I believe it's reflected in the
19 article I wrote. I can't remember the exact words but the -- I
20 believe the article even had a photograph of Mr. Ieng Sary and
21 Mr. Nguyen Co Thach talking to each other. The problem had
22 elevated to the point where it was now part of the Sino-Soviet
23 split. It was a concern of imminent warfare and many delegations
24 were concerned about it, not just the Democratic Kampuchea and
25 Vietnam.

1 [09.43.55]

2 Q. And at that very same period there were a certain number of
3 complaints regarding massive violations of human rights,
4 complaints that were filed before the Human Rights Commission of
5 the United Nations. Can you tell us a little bit more about that?

6 A. Well I did not go to Geneva, but the United States submitted
7 one of the largest files and it was testimony collected along the
8 border with Thailand. I remember the author was Charles Twining,
9 an American diplomat. The United States was not the only country
10 that filed it, but it was the -- it was a parallel concern that
11 the question of human rights with more and more evidence to back
12 up the accusation was rising in Geneva as the threat of war was
13 building between Vietnam and Cambodia, and it was one of those
14 perfect storms.

15 [09.45.08]

16 Q. So it's in 1978 when you were invited to visit Democratic
17 Kampuchea. So why do you think you were invited with Mr. Dudman
18 and Mr. Caldwell?

19 A. The delegation would have preferred UN General Secretary, the
20 Secretary General Kurt Waldheim. When he refused -- and he said
21 he refused on the advice of the Soviet Union -- then, after that
22 we were invited. And I just received a cable like that, at the
23 newsroom. My -- after talking to them, my presumption was,
24 suddenly they wanted foreign witnesses, and not just friendly
25 delegations. You can extrapolate that, as I did, that perhaps it

18

1 was as witnesses and perhaps it was to postpone an imminent
2 invasion.

3 Before I left for Phnom Penh, I visited American officials and
4 foreign officials in Washington with expertise, and they were --
5 they were baffled. They were unsure if a war would happen.

6 Generally, they thought that if the Vietnamese did fight back,
7 they wouldn't go past the east bank -- the eastern bank of the
8 Mekong. I remember one official said "this will be a piece of
9 cake; they'll treat you very well and enjoy yourself". But it was
10 mixed signals, very mixed signals.

11 [09.47.32]

12 Q. And back then you already knew you were going to travel with
13 Mr. Dudman and Caldwell? Or when did you know that they would
14 accompany you on this trip?

15 A. I learned about Mr. Dudman when he came to the Washington Post
16 and tried to talk my newspaper into using his articles instead of
17 mine. And we learned about Mr. Caldwell when we all met in
18 Beijing. The only way you could get into Cambodia at that time
19 was through Beijing. There was no other way. So we all met there
20 and flew down together. I believe that's the case. I do not
21 remember knowing about Mr. Caldwell until I got to Beijing.

22 Q. And did you know that before you there had been a certain
23 number of foreign delegations -- governmental and
24 non-governmental -- that had visited Democratic Kampuchea? And
25 what can you tell us about that?

1 A. Yes, I certainly knew and I read all of their reports. The
2 broadcasting service that I mentioned earlier -- FBIS -- was very
3 good at translating them. The Democratic Kampuchea Radio always
4 broadcast, and I followed it. So by the time I went I knew which
5 cooperatives they always brought the delegations to, what the
6 sort of standard scenario would be. It was -- part of my travel
7 preparations was to go over those friendly delegation meetings --
8 who would see Pol Pot, who would see Ieng Sary. There was a --
9 you know, once you study them, there is a certain logic to what
10 they did. And the only delegation that included sort of
11 journalists like us was from Yugoslavia. And that was the most
12 eye-opening of all the reports.

13 [09.49.56]

14 Q. So, indeed, on the case file we have reports of numerous
15 visits and I'm going to mention only a few. In particular there's
16 a visit that apparently was very important, which was the visit
17 of a Chinese leader Chen Yung-kuei, or known as Chen Yongqui, who
18 was the leader who created the production brigades in Dazhai
19 commune and this visit occurred in December 1977, a little while
20 after Pol Pot's visit to China. And there is also a report of a
21 visit of Japanese of delegations, French delegations, Belgian,
22 Danish, and you also spoke about the visit that was conducted in
23 March 1978 by a delegation of Yugoslav journalists. Can you tell
24 us a bit more about this? You say that this is a visit that was
25 an eye-opener. Why?

20

1 [09.51.22]

2 A. Because the others were friendly delegations in the sense that
3 they came back with reports that were not critical at all. They
4 came back with reports that more or less mimicked, reflected what
5 they were told, without asking questions that would have been
6 considered, you know, impolitic or whatever.

7 The Yugoslavs, they brought real journalists with them, and the
8 film and the photographs, as well as the report, was the first
9 one where you could see, for instance child labour in the
10 factories. They had a critical eye, so you could see between --
11 you could hear between the lines what was going on. And I just
12 remember saying "aha, this is starting to make more sense". But I
13 think you have a couple of the articles in your case, do you not?

14 [09.52.36]

15 Q. What we have on the case file are not necessarily articles.
16 They are telegrams in fact. And these telegrams are quite
17 interesting. There are two of them in particular: documents
18 E3/1112 and E3/1113. The ERNs are the following: first Khmer, ERN
19 00020960 to 962; French, ERN 00810029 to 31; and English,
20 00434861 to 63. And with regard to the second telegram, this in
21 Khmer is ERN 00020965 to 967; French, 00623009 to 12; and
22 English, 00434864 to 66.

23 So what's interesting is the fact that these telegrams are
24 addressed to a certain number of recipients, in particular men,
25 "Om, uncle -- Om Nuon Chea, Bong Khiev Van, Bong Vorn, to the

21

1 Office and to the Records". So, of course, the parties may
2 discuss the meaning of these titles -- Om apparently refers to
3 Pol Pot, Om Nuon refers to Nuon Chea, Om Van refers to Ieng Sary,
4 Om Vorn to Vorn Vet. And the Office is Office 870, and the person
5 signing this telegram is a certain Kan, which -- whose name will
6 appear again in another document. So what's interesting to note
7 here is that the person who wrote this telegram obviously
8 accompanied the delegation during its trip and he provides the
9 detail of the questions that were asked by the journalists and he
10 explains that when certain questions were not answered -- and he
11 states that the conversation when -- he avoided the questions
12 deliberately, and he also mentions Cambodia's refusal to
13 negotiate with Vietnam, and also he mentions quantities of rice
14 that were exported. And he also provides comments on the way that
15 the journalists react as well as the members of the delegation,
16 and he also says that the journalists would like the CPK to fall
17 within a revisionist line by focusing on material priorities. So
18 you discovered these documents that were given to you to prepare
19 for your testimony. Do you have any comments therefore to make
20 with relation to these documents?

21 [09.56.45]

22 A. Well that was the first time I'd seen them and it reminded me
23 a bit of some of the documents that were written after my trip as
24 well. When I said the trip was eye-opening to me at the time, I
25 believe one of the things that most brought this home was the

22

1 film, the footage they took. And that's the first time I'd seen
2 real footage from a delegation and it was -- it was shown on
3 American television, on CBS, and I talked to the people who put
4 it together. And that more than anything, it was the photographs
5 and the film that made such a strong impression.

6 MR. PRESIDENT:

7 Counsel Koppe, you can have the floor.

8 [09.58.00]

9 MR. KOPPE:

10 Thank you, Mr. President. Good morning. Very small comment; no
11 objection at all, but just when you were reading the telegram, I
12 observed, at least in my English translation, Om, Om Nuon,
13 Brother Van and Brother Vorn; not Om, not Uncle. This is a very
14 small thing, but as you know, the words "Brother" and "Om" are
15 relevant to us. So I don't know how that is in French, but in the
16 English translation it reads "Brother Van -- Vorn and Brother
17 Van".

18 BY JUDGE LAVERGNE:

19 That's exactly what I said. I read Uncle Nuon and Brother Van.

20 That is what I read.

21 Q. So other delegations kept on coming to visit Democratic
22 Kampuchea, in particular delegations from the Marxist-Leninist
23 Communist Party of Australia, as well as a delegation from the
24 Communist -- Leninist -- Marxist Party of the United States. This
25 delegation was led by a certain Dan Burstein.

1 Did you meet Daniel Burstein? Have you ever heard of Daniel
2 Burstein and what can you tell us about him?

3 [09.59.32]

4 MS. BECKER:

5 A. I didn't meet him until -- in the 80s, I believe. By then he
6 had stopped being a Marxist-Leninist and he was writing financial
7 journalism. It's -- what I knew about him -- and the party was
8 very small and it was part, as you pointed out, it was a sign to
9 those of us watching that Democratic Kampuchea was opening up. To
10 have an American delegation, even a friendly one, was considered
11 an opening up of the country.

12 [10.00.28]

13 Q. Particularly an American delegation, a friendly American
14 delegation because Mr. Dan Burstein at the time wrote a lot of
15 articles for a newspaper, an American newspaper. He also wrote
16 reports on his visit, his trips. And one of the sentences he
17 wrote, he said "not a single person who really visited Kampuchea
18 comes back telling stories of forced labour, famine, genocide.
19 Independently of their political perspectives, all visitors to
20 Democratic Kampuchea have been very impressed by the enthusiasm,
21 the determination and the spirit of hard work of the Kampuchean
22 people, a country that has been devastated by war". So we are
23 talking about document E3/707 and the ERN in French is as
24 follows: S00742556.
25 We have a book written by someone -- there was a cut in

24

1 communication. Mr. President -- that book is titled "Living Hell:
2 Democratic Kampuchea". That document is E3/2415.

3 THE ENGLISH INTERPRETER:

4 There are cuts in the source speech of Judge Lavergne. The
5 interpreters cannot hear what he is saying.

6 JUDGE LAVERGNE:

7 (Technical problem)

8 [10.02.50]

9 MS. BECKER:

10 Could you repeat the question?

11 BY JUDGE LAVERGNE:

12 Q. What I was saying is that, what was perhaps remarkable in all
13 the reports I have referred to is the fact that some sites are
14 always visited during those trips and among those sites we have
15 certain sites that were also part of your tour within Democratic
16 Kampuchea. Did you notice that? And can you tell us what sites
17 appeared to be most appropriate for visits by international
18 delegations?

19 [10.03.49]

20 MS. BECKER:

21 A. Yes, in fact in my book I point out every single visit that I
22 knew another one had visited. And those sites usually, the people
23 who are presented as common peasants are usually top cadre and
24 it's all set up in a, you know, Potemkin village kind of thing.
25 And I wrote in my book, and off the top of my head, unless you

1 want me to look in my book, Preah Meas, I think was one of them.
2 And if you notice the Dan Burstein, you know, the propaganda is
3 not all that different from a lot of the other delegations. There
4 was a Swedish gentleman. They're very repetitive. They come back
5 with the same stories, the same things, and of course it's in
6 complete opposite of what the refugees say. So it's standard
7 issue and I believe Mr. Burstein -- and anyway, that's not --
8 Q. I would like to revisit the issue of the context of your
9 invitation in December 1978. Do you also recall whether during
10 that period the Vietnamese had also invited foreign journalists
11 to visit the front line to see what was happening?

12 [10.05.26]

13 A. If I remember correctly, and that's not something I prepared
14 for, I believe this is the same time that Nayan Chanda , D. T.
15 Arnold (phonetic), Tiziano Terzane. Isn't that more or less the
16 same time? I know there were -- I'm not sure if this was before
17 or after our trip, but it was similar, it was the same time. And
18 maybe Parango (phonetic) was there, of Le Monde. Yes, I think
19 those three.

20 Q. So indeed, it would appear that both sides wanted to
21 communicate with people. Perhaps they also have a willingness to
22 open up. You said the UN Secretary General, Mr. Kurt Waldheim,
23 had been invited. I also noted that you made mention of a policy
24 to open up for touristic purposes; that was also on the agenda.
25 Some Thai tourism agencies were invited to visit Angkor for short

1 periods of time. There were projects of that nature. Do you
2 recall such projects?

3 A. All I remember is talk of the projects. I did not see any
4 tourists.

5 [10.07.17]

6 Q. Still regarding the context of your visits, that is the
7 context from the American point of view, it would appear that the
8 consequences of the Vietnam War were extremely important for the
9 American public opinion. And there were perhaps too many
10 manifestations of interest regarding what was happening in South
11 East Asia at the time. Can you tell us how American public
12 opinion reacted to any information that was transpiring from
13 Democratic Kampuchea at the time?

14 A. Before the invasion?

15 Q. Yes, that is prior to your visit, at the time when you visited
16 Kampuchea, Democratic Kampuchea.

17 A. Well, in context, the Vietnam War was the first American
18 defeat, so it was not a topic of conversation. In the United
19 States, public opinion was largely concerned about the refugees
20 from Vietnam or, and to a lesser extent, Cambodia. There was the
21 beginning of an understanding that something strange was going on
22 in Cambodia. But the Cambodians who were resettled were having
23 the usual struggles of refugees, immigrants, establishing their
24 base. Whereas the Vietnamese community, larger, stronger. So
25 Cambodia wasn't much on the radar except for official Washington.

1 And official Washington -- you had -- the administration of
2 President Jimmy Carter was concerned about, obviously, the
3 Sino-Soviet split moving towards the Chinese side. Just -- if you
4 remember, just before the invasion, Vietnam signed a friendship
5 treaty with the Soviet Union. At that time both the Vietnamese
6 and Democratic Kampuchea were visiting the different capitals of
7 ASEAN, trying to get them on their side. So there was a who's
8 going to be with whom atmosphere. And the United States was
9 definitely leaning towards China, but then the problem was,
10 Democratic Kampuchea was the Chinese ally and the United States
11 simultaneously was creating this incredible dossier about human
12 rights violations in Democratic Kampuchea. So the policy makers
13 were at wits' end. An example that's just -- the State Department
14 had their separate desks for Vietnam, Laos and Cambodia. And the
15 nickname was "Very Lost Causes". That's how much it was a
16 confusion for the United States.

17 [10.10.46]

18 Q. Now we have on record a document with the reference number
19 E3/2370 -- that is a report which had been prepared at the
20 request of the Sub Commission for Asia and the Pacific for the
21 International Relations Commission of the United States Congress.
22 That document is dated 4th October 1978, that is shortly before
23 your visit, and at a time when, as you said, it wasn't clear how
24 the situation was going to unfold, particularly the conflict
25 between Vietnam and Cambodia. But it appears that the US

1 government had felt that there was a serious and important
2 conflict between these two countries. Were you aware of that
3 report? That report which was established for the Congress?

4 A. Yes, and I knew the committee members and they knew it was a
5 very, very serious issue, yes.

6 [10.12.10]

7 Q. Perhaps what we gather from that report is point number 9 of
8 the findings, wherein it is stated, "The reaction of other
9 nations to the war has taken the form of universal repugnance to
10 getting involved in it. They all call for a negotiated solution
11 from both of them, but none of them seems to lead the mediation
12 out of fear of getting bogged down in the war. Such reluctance,
13 repugnance would increase should the conflict persist."

14 So this repugnance to get involved in Cambodian affairs, is that
15 something that you also felt?

16 A. Yes, I cannot exaggerate the feeling in the United States
17 after the defeat in Vietnam. No one wanted to get involved in
18 Vietnam or Cambodia. Now Cambodia itself, if you remember at this
19 time, Senator McGovern, I believe, went on the floor of the
20 Senate to suggest sending in troops perhaps, suggesting some sort
21 of intervention in Cambodia to stop the human rights violations.
22 And he was ridiculed because he was the man who wanted the US out
23 of Vietnam. And then he said he knew he would be ridiculed but he
24 wanted to say the human rights violations, the stories of them
25 are so serious there might be a need for intervention. So yes, it

1 was a very serious argument. At that stage, I also -- yes, that's
2 what I remember.

3 [10.14.33]

4 MR. PRESIDENT:

5 The time is appropriate for a short break. We will take a break
6 now and resume at half past 10.00.

7 And Court officer, please assist the expert during the break and
8 have her returned to the courtroom at half past 10.00.

9 The Court is now in recess.

10 (Court recesses from 1015H to 1036H)

11 MR. PRESIDENT:

12 Please be seated. The Court is back in session.

13 Judge Lavergne will have the floor to continue putting questions
14 to the expert. You may proceed, Judge Lavergne.

15 JUDGE LAVERGNE:

16 Thank you, Mr. President.

17 BY JUDGE LAVERGNE:

18 Q. Well, now we're going to come specifically to your trip in
19 December, 1978. You told us that you had met Mr. Caldwell in
20 Beijing, and that Mr. Dudman, you had heard about him in rather
21 strange circumstances. But wasn't there a difference between, on
22 the one hand a journalist, that is to say, you and Dudman, and
23 Caldwell, who was a professor? What was this difference?

24 MS. BECKER:

25 A. Yes, we were -- Richard Dudman and I were invited as

1 journalists, and that was our category. Malcolm Caldwell was
2 invited as a friend. We had talked about friendly delegations
3 before, so he was definitely a friend and we were journalists.
4 When we met in Beijing, we all travelled together on the same
5 flight, but when we arrived at Pochentong, Richard Dudman and I
6 were taken in one car, and Malcolm Caldwell was taken in another.
7 Not often, but at significant moments, we were separated in that
8 way. And the presumption is, they accepted that we were
9 journalists who would ask questions they didn't particularly want
10 to answer, and that Malcolm Caldwell had come as a friend who
11 would be very supportive of what they were doing.

12 [10.38.47]

13 Q. So, now I would like to show you a document. This is a report,
14 indexed E3/1156. So if -- could someone please provide the expert
15 with the report? Thank you. So, I'd like to specify the ERNs of
16 the document: English, 00524507 to 08; French, 00807142 to 43;
17 and Khmer, 00032944 to 945. So, this document is addressed to the
18 "Much Beloved and Respected Brother", and it is signed by Kan and
19 Mut. It is dated 8 September 1978. And what's interesting in this
20 document is that this document contains the list of the wishes
21 expressed by the visitors with regard to the places that they
22 would like to visit, and the topics they would like to discuss,
23 or the people that they would like to meet.
24 Maybe I'm going to focus more specifically on the part that
25 concerns you directly. I'd like to, however, let you know that

1 the English and French translations are a little bit different.
2 That is to say, in the French version we can clearly -- Professor
3 Caldwell's clearly identified, and in the English version,
4 reference is made to Dr. Cartwell. Mr. Dudman, in the English
5 version, is presented as Mr. Lidman, and you are presented as
6 Miss. Backer. So, I apologize. But that's not the most serious
7 issue. What's most important is what I'm going to read.

8 [10.41.20]

9 [Free translation] "Miss Backer, aged 30, single, was in
10 Kampuchea for two years during the period of the despicable Lon
11 Nol, and she wishes: to travel to the border, that is her
12 priority request;

13 "2) to know how Kampuchea is waging war, and how Kampuchea
14 organizes itself to survive;

15 "3) she wishes to see how the cooperatives are organized, and the
16 cooperatives located in Kampong Chhnang, in Takeo and in the
17 Northwest Zone, as well, and she would like to know how, right
18 now, the cooperatives are managing for fish and mines;

19 "4) with regard to social action and culture, she would like to
20 meet the former citizens, and to understand how society is
21 organized in order for them to go live in the countryside, and
22 she would also like to speak with the Minister of Education;

23 "5) she would like to get information on the government and on
24 the Party, and she'd like to meet the leaders, and she would like
25 to speak with Ieng Thirith, with Bong Khieu Ponnary, with Bong

1 Khieu Sampan, Sihanouk, Hou Youn, and Hu Nim, and then, of
2 course, to visit the sowing in Kampong Chhnang, Angkor, the
3 Northwest area, and to take a boat along the Mekong, and to take
4 the train;

5 "7) she would like to inform herself on how the army is
6 organized, and interview Bong Prime Minister, meet the
7 ambassadors, visit Phnom Penh on a bicycle, and she would like to
8 get information on the Cham population."

9 So, does this list of wishes correspond, as far as you remember,
10 to what you requested from the Khmer Rouge authorities, from the
11 Democratic Kampuchea authorities, at the beginning of your trip?

12 [10.43.45]

13 A. Yes, and we also asked for the interview with Pol Pot. It does
14 make sense to read it in sequence because we did try to
15 coordinate -- the three of us -- so that we could sort of cover
16 the same ground. I mean, include all of the different ideas.

17 Q. You said that you expressed the wish to meet Pol Pot. I
18 believe that's indeed something that was noted, because you said
19 "to interview Bong Prime Ministers". So, it's probably to him
20 that this is referring to. But regarding the other people, you --
21 did you insist to meet, for example, Sihanouk, Hou Youn or Hu
22 Nim? What were you told with regard to that?

23 A. We were told that Sihanouk did not want to see us. And I
24 believe that was the only one where we were told that he truly
25 didn't want to see us. And the others that we asked for were

1 unavailable, either in the countryside, or unavailable. No, we
2 were not told that Hou Youn and Hu Nim were dead.

3 [10.45.25]

4 Q. So, last observation with regard to this document. It is
5 signed by Kan and Mut. I would like to let you know that the
6 document was presented during the testimony of witness Ny Khan,
7 and Ny Kan authenticated (sic) the document, saying that the
8 document -- that he was indeed the author of the document. Did
9 you know Ny Kan? Do you know Ny Kan? Have you met him? Do you
10 remember who asked you these questions?

11 A. I can see his face, that's all. That was our first -- first
12 day. I remember Mut, I believe, but not Ny Kan, no.

13 Q. And Mut? He was?

14 A. He was one of the cadres, Mit Mut, who would be with us at
15 different intervals during the trip.

16 Q. Well, Ny Kan was -- testified before this Court, and he
17 identified Mut as being possibly His Excellency Keat Chhon.

18 A. Keat Chhon? Then there's another Mut in my -- that I met. No,
19 I do not in fact remember Keat Chhon being at that meeting at
20 all.

21 [10.47.12]

22 Q. Well, you tried to describe the trip that you had done, and
23 you spoke then about a visit that was supervised, "a visit of the
24 Revolution". I think is the expression used in English is-- Can
25 you describe to us why you used such a description? What led you

1 to describe that visit in that way? You also said -- it's a bit
2 further on -- "we were like the three blind people in the fable
3 who are trying to imagine the elephant".

4 A. The easiest way to describe is we were under the equivalent of
5 house arrest, so we could not move without someone escorting us.
6 We could not choose what we wanted. We could not talk without,
7 usually, Thiounn Prasith there, doing all the translation. And as
8 you know, I described the various times that I went out on my
9 own, and I was always brought back and reprimanded. And
10 eventually, all of our houses, our guest houses, were locked, and
11 we were not allowed to leave. So, you got a glimpse of this and
12 got a glimpse of that, but you know, the fable of what is an
13 elephant if you only can touch the trunk or the tail?

14 [10.49.14]

15 So, it was incomplete, to put it mildly, and it was very
16 "Potemkin village". We saw what they wanted to see, and every
17 once in a while, you'd get a glimpse, and you'll see in the other
18 reports that they became angry if we took photographs of the
19 bedraggled children, and the -- the obvious poverty. I've never
20 been on a trip like that in my life, before or after, where every
21 move was controlled.

22 Q. And you say that, from time to time, you got glimpses of the
23 other reality, the reality that was different from the reality
24 that was presented to you. You in particular spoke about a walk,
25 a visit of Phnom Penh that you did on your own. What did you see

1 then?

2 A. The Phnom Penh we saw in the car when we arrived was
3 immaculate. We only went down the main streets, Norodom and
4 Monivong. We were taken by car everywhere, not allowed to walk.
5 When I escaped, I went to the side streets, and I saw, beneath
6 this lovely façade, were the other reality of abandoned villas,
7 and homes, and shops, sometimes filled with, for instance, stacks
8 of furniture or old air conditioners; other times, just garbage,
9 everything overgrown; sometimes rather filthy. That's on the side
10 streets.

11 [10.51.21]

12 Then I walked up further, and you could see clumps of workers,
13 men in black -- black pyjamas, waiting for a ride on a truck or
14 whatever. Then I got all the way up to -- our house was on the
15 old Chamkar Mon compound, and I walked all the way up to the
16 Hotel Royal, and right where the René Descartes Lycée was.
17 Further down, I think, towards Phnom -- I went into the hotel. It
18 looked great on the outside and awful on the inside. Then I met a
19 couple of cadres who let me take their photograph. Then they
20 started to get frightened of me, and then I began to feel that
21 maybe I'd gone too far, and I started to walk back. Remember,
22 this is the first few days. So, I didn't realize just how severe
23 the restrictions were. I hitched a ride with a cadre on a moped.
24 This is coming down, now -- we're coming down Monivong, and by
25 this point, they had taken gruel at breakfast, and they knew I

1 wasn't there. So, a Mercedes, one of the comrades came and
2 screeched to a halt, and had me come in. That's when they read me
3 the riot act. But, that's what I saw.

4 [10.53.03]

5 But in a sense, what made my stomach drop was what I didn't see.
6 I kept thinking I'd turn a corner and I'd see real life. You
7 know, I'd run into some kids playing a game, or some women, you
8 know, talking or maybe, you know, anything that resembled, you
9 know -- Cambodians are, as you know, lively people. There was
10 nothing. That's what started to make me pause. That, no matter
11 where I went, it was empty, regimented. Just clumps of people,
12 who didn't respond. You know, the laugh and the songs, and all
13 that. Not gone. That was -- what was missing was almost
14 profoundly more upsetting to me than what was there.

15 Q. And you stayed in 1973-1974 in Cambodia, so therefore you met
16 quite a few people then. When you returned in 1978, did you meet
17 any of these people again that you had known before?

18 A. No.

19 [10.54.33]

20 Q. Now I would like to speak a bit more in detail about someone
21 who played a very important role during your trip, who is Thiounn
22 Prasith. Thiounn Prasith, if I understood properly, you met him
23 previously in New York. Is that the case?

24 A. Yes.

25 Q. Thiounn Prasith, you told us, gave you a certain number of

1 explanations on what Democratic Kampuchea is. He is going to
2 provide you with documents, and he spoke to you in particular
3 about the black book -- the black paper. Do you remember this
4 document? Had you seen this document before? Or what can you tell
5 us about it?

6 A. Yes, I had seen it before. If I'm not mistaken, I first saw it
7 at the UN in 1978. I'd already read it by the time I'd got to
8 Phnom Penh, and then they gave us more copies. I believe we --
9 yes. And it's - it's, you know, it's the book that lays out
10 Democratic Kampuchea's reasoning for saying that Vietnam is the
11 aggressor in the war, and essentially the Vietnamese wanted to
12 make, to recreate, the Indochinese Federation. It sort of -- what
13 was remarkable at the time was how quickly old allies became
14 bitter enemies, and the language was very severe.

15 [10.56.52]

16 Q. Well, Thiounn Prasith, you questioned him on the existence of
17 violations of human rights in Cambodia. And I think you
18 questioned him several times about this. Do you remember the way
19 Thiounn Prasith would react to those kinds of questions?

20 A. Yes. He considered them bourgeois. He considered my line of
21 questioning overly concerned with people who had lived in Phnom
22 Penh, and not concerned enough with the peasantry. And I
23 explained to him, to no avail, that in order to answer charges
24 about human rights violations, it would behoove him and the
25 government to show that the stories about the former inhabitants

1 of Phnom Penh were false, because they, the New People, were the
2 ones who, in the documents, were treated the most poorly. He
3 rejected that there was any distinctions, and became irritated at
4 my line of questioning. Irritated.

5 [10.58.42]

6 Q. You said the following: "The only Cambodia that you were
7 allowed to see during this trip was Democratic Kampuchea as
8 Prasith would imagine it. We could meet no one. We would eat
9 separately. We would be lodging aside from the people. The only
10 people we could speak to were the people that Angkar had chosen
11 to represent Cambodia. And Prasith would translate each time what
12 these people would say." Does that correspond to what you
13 remember?

14 A. Yes.

15 Q. I will refer to another document, E3/96. This is the interview
16 of Thioun Prasith. That interview was carried out by the
17 investigators of the Co-Investigating Judges. The ERN in French
18 is 00342219; and in English, 00346944. Thioun Prasith explained
19 as follows: In fact, he had served as an interpreter on several
20 occasions. He explained that, "there were many government
21 delegations. The objective of that visit was to show that
22 everything was going well. Everything was organized beforehand.
23 The places visited were not always the same. We often went on the
24 road to Phnom Penh, Kampong Thom and Siem Reap."

25 [11.00.38]

1 There is another document, and that document is E3/1697, and it
2 is the autobiography of Thioun Prasith. Two questions on this
3 subject. Did Thioun Prasith tell you what were the different
4 stages of the Revolution in Cambodia? Did you receive any
5 information, ideological information, on the line of the CPK? Did
6 he tell you that he had written his autobiography?

7 A. He certainly, during the trip, regularly described the
8 politics and the policy of Democratic Kampuchea, and that would
9 obviously include the ideology. Did he tell me he wrote his
10 autobiography? No.

11 [11.01.51]

12 Q. I will read out part of that autobiography, and please tell us
13 whether it corresponds to anything you may have heard. This is
14 what is stated therein. He explained earlier that he had been to
15 China before he returned to Democratic Kampuchea, and this is
16 what he said:

17 "Before going back home, at the end of 1975, I hadn't realized
18 that the 17th of April 1975, indeed marked the end of the
19 Democratic National Revolution. I had thought that that
20 revolution was going to continue for some time. I wasn't
21 sufficiently interested in the major measures, such as the
22 evacuation of the population, the abolition of money, because I
23 did not know then that they were extraordinary measures of the
24 class struggle, and the continuation of the socialist revolution
25 and the socialist edification.

1 "At the time, there were indispensable but provisional measures
2 that were required by a devastating war. And that observation was
3 based on an ideology that was not practical, and that was
4 completely cut off from what was happening within the country.
5 And I reasoned, in light of the books I had read, after studying
6 them all along, and after understanding all the measures
7 completely that the Party had taken with a view to pursuing the
8 socialist revolution, and socialist edification. In the history
9 of socialist revolution in the world, there are three dates in
10 all: notably October 1977 (sic), the first socialist revolution -
11 October 1917, I beg your pardon - the Soviet Socialist
12 Revolution; then, the Chinese Revolution; and 17 April 1975, the
13 Khmer Revolution."

14 [11.04.27]

15 Then he adds: "The measures taken by the Party to pursue the
16 socialist revolution, have never existed before. I therefore had
17 the conviction then that, if those measures had not been taken,
18 Cambodia would have faced an unthinkable situation, and would
19 have lost its national independent sovereignty, and independence.
20 The blood of more than a million of our inhabitants would have
21 been shed for nothing. If the Party had not taken those radical
22 measures, the Vietnamese would have penetrated and trampled
23 underfoot our territory."
24 Let me specify that this document is dated December 1976, and
25 that Thiounn Prasith explained that that autobiography was

1 written at the request of Ieng Sary, and that at the time, he was
2 suspected of being a CIA or KGB agent.

3 [11.05.50]

4 Now, do these words, "National Democratic Revolution, Socialist
5 Revolution, exceptional measures of the class struggle", were
6 they expressions that Thiounn Prasith used during your visit?

7 A. They sound familiar. I'm not sure if it was exactly that way,
8 but very much - this sounds very familiar, and the
9 rationalization for abolishing money, for evacuation, for the
10 massive evacuation, that all sounds very familiar. Yes, and the
11 different kinds of revolutionary, which I have to admit that I
12 don't understand always the distinctions myself, but I certainly
13 heard them from him. He was -- he was in charge of telling us
14 that giving us the history and putting in context.

15 [11.07.08]

16 Q. What is particularly important to stress here perhaps is that
17 he explains all the measures that were taken to avoid a
18 Vietnamese invasion. And this is what it says, "If the Party
19 hadn't taken these radical measures, the Vietnamese would have
20 penetrated and trampled underfoot our territory." So when we talk
21 of the evacuation of towns, reference is made first and foremost
22 to the Vietnamese. Is that something that you felt?

23 A. No, on the contrary. On the forced evacuation, he very much
24 emphasised the -- what he called what the - what the country -
25 what the DK considered the threat of American bombing. And we had

1 a conversation or two about the fact that Americans stopped
2 bombing Cambodia in August 1973 and the likelihood was small, and
3 then he would say well there is no food, we sent them out. I
4 never heard him say that it was to avoid Vietnamese invasion.
5 And on abolishing money, it was put in terms of finding equality
6 for everyone, sharing everything, and he even said "your economy
7 uses credit cards. I bet you don't use your money very often".
8 Vietnam was never mentioned.

9 [11.08.57]

10 Q. It will be difficult for us to go into detail and to talk
11 about all the places you visited and all the people you have met,
12 but I will perhaps focus from time to time on certain important
13 details. So on the first day of your visit to Phnom Penh, you had
14 explanations given to you regarding -- you saw propaganda films,
15 next day you were led to visit the Mekong. You went around the
16 Mekong. You saw refineries. You saw rubber factories, banana
17 plantations, and you visited an institute called the Institute
18 for Training and Scientific Information where you met a brother
19 of Thiounn Prasith called Thiounn Mumm. Can you tell us of that
20 visit to the training institute?

21 A. This was the institute/factory that had caught my attention in
22 the Yugoslav film. So when I first went there, I said aha, that's
23 it. Very young children, small, standing on boxes to work on - I
24 can't remember what they were building, but Thiounn Mumm was
25 presented as number two for this Institute whereas a cadre was

1 the number one, number two being the intellectual, the number one
2 being the Party guy. He - he said this is innovative, he would
3 teach these young kids how to be engineers in this month worth of
4 study and that month was of practice and so on and so forth. And
5 I already knew the story of the Thiounn family and after a while
6 I said to Prasith, why are you pretending, you don't know your
7 brother? And that led to a little bit of nervous laughter, but it
8 was - and then -- it was remarkable because of the artificiality
9 of this distinction between the intellectuals in the Party, the
10 people who were -- the cadres, the Party people who were
11 considered of a purist stance and it -- I have to -- it was not
12 convincing that these young kids were going to be the future
13 engineers of the country.

14 [11.12.12]

15 Q. Do you recall where that Institute was situated, and how many
16 children were there?

17 A. It was in the old French quarter near one of the Catholic ---
18 French Catholic buildings on the riverfront along, I think, on
19 the riverfront or right near it. It's in the old French quarter
20 and couple dozen children, I'm not sure I think we saw that many,
21 I can't remember how many were actually there. That's memory.

22 Q. Thiounn Mumm was also interviewed by investigators from the
23 Office of the Co-Investigating Judges and it's document E3/5304
24 and in that interview, he explains that he was the director of a
25 laboratory, but also director of an institute which is situated

1 in the former Soviet Training Centre. And he said that according
2 to his reckoning, there were about 300 children there and that
3 these were undoubtedly the children of Party cadres. Does that
4 jog your memory? Do you know where the former Soviet Training
5 Institute was located?

6 A. No.

7 [11.13.58]

8 Q. Very well, you -- you explained that the training as explained
9 by Thiounn Mumm was quite revolutionary since in six months,
10 children who were almost illiterate were going to acquire such a
11 high level as fourth year in the French system and another that
12 don't go and work in a cooperative for six months and after 18
13 months, they would acquire the level of the qualified engineers
14 and eventually become engineers. Was that indeed the
15 revolutionary education process that Mr. Thiounn Mumm explained
16 to you, Mr. Thiounn Mumm, who himself had -- had a brilliant
17 academic career?

18 A. Yes.

19 Q. And then you went to Kampong Cham. Can you tell us what you
20 saw in that region, the region of Kampong Cham? Can you please
21 tell us of the zones you visited, zones close to the front? Did
22 you visit and meet people at the military headquarters on Road
23 Number 7?

24 A. Is this -- this is the trip to Kratie?

25 [11.16.04]

1 Q. No. I noted a trip to Kampong Cham. I also noted that you went
2 to the military headquarters situated on Road Number 7, where you
3 met comrade Thiounn -- comrade Pin, I beg your pardon. Can you
4 tell us about him? Does that remind you of anything?

5 A. Yes. I mean, comrade Pin was an important part of the trip,
6 and he was meant to show us that in fact, Democratic Kampuchea
7 had held off the Vietnamese and that they still held the front.
8 We were escorted by several jeeps of armed soldiers. We got close
9 enough to the front so that we could see an exchange of artillery
10 in the distance, the pass of smoke. They had us take our
11 photograph there so we could show that we were at the -- the
12 marker that showed that Democratic Kampuchea had held the line
13 and to show that the foreign broadcasts were wrong that they were
14 full control of the country. I think by that time we were hearing
15 over BBC that Pol Pot and the leadership were in discussions
16 about abandoning the city. I think it was around that time.

17 [11.17.56]

18 Q. Do you remember interviewing comrade Pin, and asking him what
19 had become of the former officers of the Lon Nel army? And you
20 asked whether the refugees had been killed shortly after the war.
21 Did you ask him questions regarding that?

22 A. Yes. He and he -- he probably had -- he answered very
23 confidently. He was a very convincing man and he said, I believe
24 I should have brought my book. The former military officers -- if
25 I'm not mistaken -- he said that they -- those who were capable

1 were reintegrated and he did not -- I do not believe he -- I
2 can't remember the response to the refugees. What did -- what did
3 I write?

4 Q. I will try to sum up what you wrote, and this is what I noted.
5 "Penh answered that he did not have any idea as to what had
6 happened to former Lon Nol officers. And he provided information
7 on the fate of the Vietnamese infiltrated soldiers who had
8 entered the East Zone, and he specified that we eliminated them."
9 Does that ring a bell to you?

10 A. Vaguely. It's been too long.

11 [11.20.03]

12 Q. Very well, perhaps your memory would be better regarding the
13 visit to the Phum Preah Meas, the cooperative called Chevreuil
14 dore -- that is the, Golden Deer. Well, you talked about that
15 cooperative, saying the following: "It is truly something out of
16 the film Potemkin Village."

17 Were you surprised to find that what you saw was very different
18 from what you had gathered from refugees' testimonies?
19 You also made mention of the fact that everyone had three meals a
20 day, and they even had dessert after the main course and that
21 they had three days of rest. Does that remind you of anything?

22 A. Well, yes, and this is what I was told, I did not see them
23 eating and resting and all that sort of stuff. It was -- it was
24 remarkably handsome, not just from what refugees had said but
25 also what I'd seen on the roads. I mean, you could -- you could

1 get a sense of how other people lived just slightly from what you
2 could gather from the roads and nothing had prepared us for that.
3 And if you saw the photographs, you could tell there was also
4 nervousness among the people to be seen with us, and they -- they
5 hesitated. Some of them hesitated to answer the questions, but it
6 was also -- I also knew that it was a major spot on all the other
7 friendly delegations towards, so I knew that this is -- this was
8 the -- one of the favourite spots to take all the friendly -- all
9 the delegations, friendly and then us.

10 [11.22.30]

11 Q. Do you remember stopping at a dam near Stueng Chinit? The 1st
12 or the 6th January Dam? Was that dam in the process of being
13 built or it was already in place, had already been built?

14 A. It was being repaired. The monsoon had been heavy that year,
15 we were told, and it was in the process of being repaired. And if
16 I remember correctly, we were taken there rather than to any
17 cooperative in the Northwest, which is what I'd asked for and
18 that was where I interviewed one of the workers about what it was
19 like to be a soldier for the Khmer Rouge during the war.

20 Q. Well, you met certain people. You also asked to meet certain
21 inhabitants of Phnom Penh town and you were shown people who are
22 supposedly urban dwellers.

23 A. I believe that was the -- a man who was Sino-Khmer and he
24 described his life of one makeshift job -- excuse me -- after
25 another working in a furniture store, working -- repairing

1 bicycles that sort of thing and his testimony was enough to make
2 me think he might have lived in Phnom Penh, but Prasith
3 considered that, you know, enough.

4 [11.24.56]

5 Q. During your visit on the 17th of December you went to
6 Battambang, and you had asked to visit cooperatives in the
7 Northwest. You were very disappointed and I'll give you the floor
8 to explain why?

9 A. Battambang was the last refuge of the Khmer Republic. It was
10 the second city, the place where if inhabitants of Phnom Penh had
11 the money, they would go to Battambang, and that's where the
12 refugees who escaped often came from the Battambang province or
13 the Battambang city. So I had explained to Prasith that this
14 would be key to convincing the rest of the world that in fact
15 they had not committed the atrocities that were being documented
16 to refugee testimony because Battambang was the centre of the old
17 life and where the people would have gone. And we'd heard about,
18 through refugee testimony, that a lot of the inhabitants had been
19 evacuated up there, and I was very disappointed and we got into
20 an argument, and he stopped talking to me for a while.

21 [11.26.32]

22 Q. Now let me point out that on the same day, 18th of December,
23 we have a document on record and it is E333.1 and it is a report
24 on the visit by the French professor and American journalists.
25 Let me point out that this document was provided to the Chamber

1 by Mr. Ben Kiernan and he had mentioned in a footnote in his book
2 called the "Pol Pot Regime: Power and Genocide in Cambodia under
3 the Khmer Rouge".

4 Did you have -- since you had an opportunity to talk to Mr. Ben
5 Kiernan, did you talk about that document? Did you have an
6 opportunity to look at that book before your testimony today?

7 A. Not thoroughly, no. Could you remind me of the document,
8 please?

9 [11.27.42]

10 Q. Perhaps we should give this document to Ms. Becker. It is
11 document E333.1. The ERN in Khmer is 01047237 to 241; and the
12 French ERN is 01055093 to 96; and in English, it is 01054098 to -
13 rather, 88 to 92; and in this report mention is made of places
14 you visited, people you've met, you talked about photographs you
15 were able to take.

16 Did Mr. Ben Kiernan tell you of this document or you discovered
17 it only before this hearing?

18 A. No, I have a copy. I have had it for years, and he shared it
19 with me earlier. Thank you. Yes, and I know it now. Yes.

20 Q. And can you describe this document for us a little bit?

21 A. It's more or less accurate. You can see that they -- they were
22 very happy with Malcolm Caldwell. They were less happy -- they
23 were the least happy with me, and this I don't think they call me
24 a CIA agent in this one. They call me a CIA agent in another one,
25 but you know that he has me living all over the place whereas I

1 visited, I only lived in Phnom Penh, but I visited all these
2 provinces. And it's pretty accurate that as he says the British
3 professor was easy and gentle. I resist giving my impressions of
4 what's going on and Dick Dudman was more open about being
5 impressed with what was going on, and you can see and hear the
6 tension of not being able to see what we wanted to see and they
7 have several times wanted to stop me from taking photographs, but
8 it's inaccurate - it's - it's, I mean, in its way it's accurate.
9 [11.31.09]

10 Q. We're going to have to move on. I'm very much behind, but I
11 would like now to speak about a discussion you had with Ieng Sary
12 on the following day, that is to say 19 December, and you
13 explained that you had had a dinner with Ieng Sary, and you spoke
14 with Ieng Sary, as well as with Thiounn Prasith the issue of the
15 violation of human rights and you said the following:
16 [free translation] "Since war is imminent, questions with regard
17 to human rights and the conditions of the population were
18 irrelevant. Prasith and Sary both stated that there were no
19 prisons in the country; that justice was done in the cooperatives
20 by public people's courts and that was all that was said with
21 regards to these matters."

22 [11.32.11]

23 And then you wrote an article called "Journey to the Heart of a
24 New Cambodia", [free translation]. It's document D365/1.1.68 in
25 which you referred to Ieng Sary statements as follows:

1 "In order to be honest", it is Ieng Sary speaking here, "with
2 regard to the supposed massacres, we could not prevent the
3 killings, but with relation to the complexity of the situation in
4 Kampuchea after the end of the war, the Communist Party solved
5 the problem by applying a good solution, which avoided further
6 slaughters, and if it had been obliged to choose another
7 solution." And you add the following: "Ieng Sary was much more
8 interested in speaking about the war with Vietnam and he said
9 that this problem is a question of life and death for us in
10 saying that Vietnam is scheming in many, many different ways
11 against us, including political assassinations."

12 Does this remind you of anything?

13 A. Yes, that was the discussion at dinner.

14 [11.33.46]

15 Q. Then you visited another co-operative, which is the
16 co-operative of Leay Bour when you returned from Kampong Som
17 because you then went to Kampong Som. You went back up and as you
18 travelled back North, you stopped at the Leay Bour model
19 cooperative. Do you remember this co-operative and do you
20 remember having asked them if there were people's courts
21 operating in these cooperatives?

22 A. I don't remember. Did I? I remember asking, but I'm not sure
23 it was at Leay Bour.

24 [11.34.39]

25 Q. In an article that I am going to refer to it -- this is a

1 document that is not indexed I believe, but it has ERN numbers
2 English 00419355 to 56, and you explained first of all, that in
3 this co-operative you met former city dwellers from Phnom Penh.
4 And you also say that you asked if they existed people's courts,
5 and you were told that they do not exist. And you also asked how
6 Vietnamese war prisoners were treated, and you were answered that
7 they were kept in a closed area and that they were sent outside
8 to do production work and often you asked to see these places
9 where these were prisoners were apparently working. One day maybe
10 when you were joking, your guide called you to show you something
11 that was rather special. It was a crocodile. It was at the -- a
12 pond full of crocodiles. Do you remember that?

13 A. Yes, it was a dark humour, you know, that's the old crocodile
14 joke.

15 [11.36.18]

16 JUDGE LAVERGNE:

17 Mr. President, I have a few more questions to put but I
18 understand that it's time for the adjournment so, so I might need
19 an extra 20 minutes. So if the parties may accept this, I would
20 like to continue with my questions when we resume.

21 MR. PRESIDENT:

22 The time is appropriate for a lunch break. We will take a break
23 now, and return at 1.30 this afternoon to resume our hearings.
24 And Court officer, please assist the expert during the lunch
25 break, and please invite her back into the courtroom at 1.30 this

1 afternoon.

2 And security guards are instructed to take Khieu Samphan to the
3 resting room downstairs, and have him returned to the courtroom
4 before 1.30 this afternoon.

5 (Court adjourns from 1137H to 1333H)

6 MR. PRESIDENT:

7 Please be seated.

8 The Court is back in session and Judge Lavergne will continue
9 putting further questions to the expert and Judge Lavergne, you
10 have the floor.

11 [13.34.14]

12 BY JUDGE LAVERGNE:

13 Yes, thank you, Mr. President. I'll try to ask shorter questions
14 to the expert.

15 Q. Ms. Becker, when you visited Cambodia in December 1978, did
16 you notice anything particular regarding pagodas and the practice
17 of Buddhism?

18 MS. BECKER:

19 A. Yes, the pagodas were empty. I saw more than a few that were
20 used as granaries. And when I asked about it, Thiounn Prasith in
21 particular said it was a reactionary faith and the people had
22 given it up. I didn't see anything that would suggest any -- that
23 there were any monks allowed. I didn't see a single monk. I
24 didn't see any example of worship or the ability to worship.

25 [13.35.32]

1 Q. Did you ask any questions regarding the changes that had been
2 entailed by the revolution in family relations between men and
3 women, marriage, and so on and so forth?

4 A. Yes. Usually I asked every co-op I went to and of course to
5 Prasith and the other officials. Essentially, they acknowledged
6 that children were taken away from -- children were no longer
7 living with their families by and large -- they were sent on -
8 children -- what they called Children's Brigade. And, at one
9 point I saw a row of very young children gathering firewood and
10 that was called the Children's Brigade. Other times, you'd see a
11 truckload of what looked like, sort of, pre-teens, teenagers, and
12 by gender, they would be either young girls or boys, and they
13 would be in brigades. So, that would be the children.

14 In terms of married couples, again, every once in a while in the
15 co-op, you'd see -- in the coops you would see couples, but in
16 the cities there were by dormitories, men and women. So, they
17 were segregated. They said that they -- you had to have
18 permission to get married and they wanted older -- I can't
19 remember the age, but sort of twentyish, but I did not -- except
20 for in the model co-ops, I didn't see family groupings and there
21 was no disguising that it was by and large discouraged so that
22 they would be working, working, working, as they kept saying,
23 "Work is their major resource".

24 [13.37.45]

25 Q. In your contacts with cadres and the officials of Democratic

1 Kampuchea, did they express any concerns about increasing the
2 population of Cambodia?

3 A. Yes, they said they wanted to increase the population and when
4 I pointed out that some of their policies may discourage it, they
5 said that there were essentially conjugal visiting hours, couple
6 of -- I can't remember how many days but there are certain days
7 of the month that men could visit their wives and vice-versa. So
8 that -- it was a policy, but, in theory, they wanted to improve
9 it, but in practice, it wasn't the kind of thing that they
10 actually did. But yes, they wanted to increase the population.

11 [13.38.52]

12 Q. During your trip, were you able to meet with refugees
13 presented to you as refugees of Kampuchea Krom, and if yes, do
14 you remember when you met with them and what kind of
15 conversations you had with those people?

16 A. Yes, we did meet and it was mid-way in our trip, and the
17 conversations were largely the Kampuchea Krom saying that they
18 were starving in Vietnam and they came to Cambodia for a better
19 life.

20 Q. I had noted this and it appeared quite strange. You met with
21 those refugees when you were going to Kampong Som, and the
22 refugees told you that they had fled from Vietnam because the
23 authorities there were opposed to capitalism and that they had
24 come to Cambodia to make money. I noted that, and I don't know
25 whether it is in line with what you remember. I found it quite

1 strange.

2 A. Right. And, I wrote it down because it was strange. And, there
3 was no follow-up like how could you make money here when there's
4 no money. But, that's what they said.

5 [13.40.41]

6 Q. Now, I would like us to talk about one of the high points of
7 that trip and that was the interview you granted to Prime
8 Minister Pol Pot. What can you tell us about that interview for a
9 start?

10 (Technical problem)

11 JUDGE LAVERGNE:

12 It would appear that there is a translation problem. There is no
13 interpretation into Khmer. Is there any problem with
14 interpretation into English as well?

15 Neither.

16 I am being told to try again.

17 Is it working now?

18 Yes?

19 Very well.

20 [13.41.32]

21 BY JUDGE LAVERGNE:

22 I would like to put questions to you regarding the interview you
23 granted to Pol Pot.

24 Q. Can you tell us when that interview was conducted and how it
25 unfolded? What subjects you broached and so on and so forth?

1 MS. BECKER:

2 A. We were asked several days earlier to prepare questions in
3 advance, which we did. The subjects were all the subjects we've
4 already mentioned, including the war, the impending the war,
5 about human rights, and, Richard Dudman and I had one set of
6 questions Malcom Caldwell had another because he was a friend and
7 he would have a separate interview. At the same time we were not
8 guaranteed an interview. And on our last day, we presumed that we
9 would not have one. And, once again, I was out on a walk, which I
10 shouldn't have been on when the interview was granted so one of
11 the cadre came, fetched me, and within 30 minutes we were driven
12 over to what was the former French Governor General's home here,
13 right on the river, a beautiful sort of art decor home.

14 [13.43.01]

15 And, it was a very dramatic scenario. We had a special Mercedes
16 take us, a very fancy one that we hadn't used before. Waiting for
17 us at the door was Thiounn Prasith again I believe, walked into
18 the big audience hall, and there sitting down in this large chair
19 as if it were a throne was Pol Pot himself. With him were Ieng
20 Sary and Keat Chhon. So, we went over, introductions were made.
21 He did not get up. We had a time to take photographs, sit down,
22 have a little chat, and then we were told that he would not
23 answer any of our questions. They were given -- the answers were
24 later given to us in writing, and that he would talk to us. So,
25 instead of an interview, it became a lecture. And, for

1 approximately two hours, he lectured us on the impending war with
2 Vietnam. And, it was a -- without a note, entirely
3 extemporaneous. He drew this incredible vision of the Vietnamese
4 army coming across from the East supported by Warsaw Pact, tanks,
5 and armed forces. And then he said the Cambodians would stop them
6 with the Cambodian forces and forces from NATO, the
7 North-Atlantic Treaty Organisation.

8 [13.44.56]

9 He imagined that NATO would then be supporting Cambodia. And,
10 you'd have the Warsaw Pact from Eastern Europe and the Soviet
11 Union -- I mean Warsaw Pact from Eastern Europe and Vietnam
12 coming and there'd be the big clash and Cambodia would win. And
13 it was so bizarre that Richard and I were looking at each other's
14 notes to make sure we heard the same thing. You know, Warsaw
15 Pact, NATO.

16 And, then he described how this would be the biggest crisis in
17 the world because if Cambodia became a satellite of Vietnam it
18 would trigger ever-larger cold war problems. That was two hours.
19 And, at the end of it, he said goodbye to us and we went back to
20 the house.

21 And, the car dropped us off and then the car took Malcom Caldwell
22 to his interview. And, what Malcom told us when he came back was
23 that he actually had a discussion with Pol Pot. It was -- Malcom
24 had already told Ieng Sary and others that he was very upset that
25 Cambodia and Vietnam were fighting, that he had supported both of

1 their revolutions, and it made him very sad that they would be
2 fighting each other. So, he did not talk about Vietnam with Pol
3 Pot. He only talked about revolutionary economics. And, I can't
4 remember everything he said but he came back very happy. He
5 thought his mission was done. The one thing he cared about was
6 understanding how a communist country could have their economic
7 theories. And, then he came back and we thought that was the end
8 of our trip.

9 [13.46.51]

10 Q. Regarding that interview with Pol Pot, you explained that Pol
11 Pot had his theory about eventual consequences of the conflicts
12 and I believe that you said that he said that Vietnam was going
13 to be supported by the Warsaw Pact forces and Cambodia would be
14 supported by NATO. Did he at any point in time refer to the role
15 of China?

16 A. I don't remember that he did. I do not remember that he did.

17 Q. You also explained that you did not receive any answers to the
18 questions you had prepared for Pol Pot but you did say that he
19 subsequently gave you answers in writing. I noted in reading one
20 of your articles, an article I referred to earlier. I have
21 already given the references of that document this morning. It is
22 stated therein that you interviewed Pol Pot on two subjects.
23 The first question was how it could happen that the government
24 had given with so much assurance, statistics regarding the number
25 of births, the number of deaths? Do you remember the answer that

60

1 you obtained for that question? I mean an answer from Pol Pot?

2 A. Exactly, no.

3 [13.49.01]

4 Q. I noted in reading this article and you were quoting Pol Pot
5 and this is what you said and I quote: "Cooperatives send their
6 regular reports, including figures in all fields. The Central
7 Administration needs only to assemble this data."

8 Does that jog your memory?

9 Okay. And, in the same article you also write that you
10 interviewed Pol Pot on the judicial system in place in Cambodia.
11 And apparently, he also answered your questions regarding the
12 existence of popular courts or tribunals. And, if I quote your
13 article, this is what Pol Pot said and I quote:

14 "All problems can be resolved by the people. Ordinarily, the
15 people hold regular meetings during which they engage in
16 criticism and self-criticism exercises. They always end up
17 resolving minor and major disputes. And, the tribunals only
18 intervene to ratify the decisions of the people and they are
19 guided by the principles of Democratic Centralism." End of quote.

20 Do you also recall that answer?

21 A. Yes.

22 [13.51.02]

23 Q. I would also like you to tell us whether you interviewed the
24 officials of Democratic Kampuchea on the organisation chart of
25 the Government of Democratic Kampuchea.

61

1 Did you try to find out who was in-charge of what, who was a
2 minister of what ministry?

3 A. Yes. Yes.

4 Q. And, did they answer that question?

5 A. I had with me, if I remember correctly, the chart that the US
6 Government made up with all of their - outline, and -- I believe
7 it was Prasith -- I think it was -- my memory doesn't -- I know
8 -- I believe it was Prasith who did not want to answer but he did
9 not say it was wrong. And, it's the chart that you all have seen
10 of, you know, Standing Committee, Government, Party.

11 Q. And, it would appear that you asked: "Who was the
12 Vice-President of the State Presidium?" And it appears that that
13 question was not answered.

14 A. I guess not.

15 [13.53.04]

16 Q. You, nevertheless, stated during your visit to the rubber
17 plantation that you were given a name, the name of Van Rith. Does
18 that name ring a bell to you?

19 A. The name for -- what? The number two?

20 Q. No. Perhaps I should start by refreshing your memory. At the
21 time of your visit to the rubber factory, you were given the name
22 of Van Rith until that rubber factory was directly under the
23 auspices of the Minister of Commerce or the person in-charge of
24 the Department of Commerce and you were given the name Van Rith.
25 Does that ring a bell?

1 A. Vaguely.

2 [13.54.12]

3 Q. Very well. I had promised not to go beyond 20 minutes. I have
4 already gone beyond 20 minutes.

5 So, please tell me very quickly, what was the last high point of
6 your visit? And, the last night you spent in Phnom Penh -- that
7 is, the night of the death of Caldwell. What do you have to say
8 regarding that?

9 A. Well, we had all gone to bed and packed our bags. We were
10 ready to leave when I was woken -- and I'll just give my version.
11 I won't talk about the others. I was woken up by noise that I
12 didn't recognise until I smelt the (inaudible) and I realised
13 that I'd been woken by a gunshot. And, I got out of bed and went
14 -- I was on the first floor, the men were on the second floor --
15 and ran into literally a young man (inaudible) and, he pointed
16 his gun at me. And, I'd heard some mumbling Khmer, some moaning
17 and groaning. And he clearly looked Cambodian but he had on a
18 strange cap. And, he pointed the gun and I screamed at him, first
19 in English, and then in Khmer, "No". And, then I ran into my
20 room, and ran into the bath tub which is what you learn when you
21 are a war correspondent. That's the only place you can be safe.
22 And that happened to be under the stairwell.

23 [13.56.14]

24 He did not follow me and I heard him go up the stairs and then I
25 heard lots of gunshots. Then, I heard him run away. And, then

1 there was quiet. This, for several hours, I believe. And, I did
2 not hear anybody upstairs, I didn't hear anything outside. And,
3 at first, I thought this was the invasion and they came to the
4 wrong house. Then, I wondered if there was a coup. Then, I
5 wondered if there was an uprising. And then I just stopped
6 thinking. And then, after a while, I heard a -- sounded like
7 glass breaking on our front door, someone coming in, dragging
8 something up the stairs, down the stairs, I can't remember which.
9 And then, another door shutting. Then, I heard commands in Khmer
10 as people were running around the house. Just numbers, mouy, bpi,
11 bey.

12 [13.57.30]

13 And, then, one of the guards came into the bedroom and I
14 recognised him and I presumed he was there to help me. So, I was
15 glad to see him. And he said to stay, "Stay in your bedroom". He
16 turned on all the lights but he told me to stay in the bedroom.
17 And then he was gone for a while. And, I asked in Khmer if
18 everybody was okay, and he said, "Yes, everybody's fine, but you
19 stay in your room". And, then, within the hour, Prasith came into
20 the bedroom and said that Richard Dudman was fine but that they
21 had killed Malcom Caldwell. That Malcom Caldwell had been killed.
22 And, please pack up everything and leave the house. I asked what
23 was going on in the city. Why is the whole city up? "No, no, no,
24 no, no. It's just you, and you have to get out of the house." So,
25 we were driven somewhere close on the same street in the

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1 neighbourhood where we were questioned by a high-ranking security
2 type and left to wait for morning.

3 [13.59.00]

4 Prasith came to pick us up and take us back to the house where
5 Malcom's body was laid out in a coffin. We had a secular kind of
6 ceremony with Ieng Sary giving a ceremony and he blamed it all on
7 the Vietnamese. And, just -- we were just sort of paralysed. It
8 was just very, very, very frightening. And, I gave them a message
9 to send to my paper and to my family to say everything was fine.
10 They didn't send it.

11 We got on the airplane to Beijing, and discovered -- Prasith came
12 with us -- and discovered that they didn't send any of the
13 cables. When we arrived, nothing was prepared. So, we got in
14 touch with the British and the American representatives. We
15 didn't have a full embassy then. And, Mr. Woodcock was fabulous,
16 the British pastor was fabulous. And, then we got in touch with
17 the outside world. At first, no one could believe this had
18 happened. So, we went home and I think it was the day after we
19 got home that the Vietnamese invaded.

20 [14.00.38]

21 Q. So, with regard to the date, it seems to me that you left and
22 you arrived in Peking -- Beijing on the 23rd of December. And
23 apparently the Vietnamese troops started coming into Cambodia on
24 the 25th of December. So, two days after you left for Cambodia.
25 So, later on, did you become aware of certain documents regarding

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1 what happened that night? Can you tell us about that?

2 A. As I said, Ieng Sary wanted to blame the Vietnamese. It made
3 no sense to us. Well, nothing made sense about these murders but,
4 then, I think it was Ben Kiernan who got the documents from Tuol
5 Sleng. One of the last things that they did before they had to --
6 before the Khmer rouge had to leave, was that they arrested some
7 of the stewards who had been taking care of us and accused them
8 of a rather twisted plot to kill Malcom. There were some
9 insinuation that I was the better target because I was a CIA
10 agent, but, somehow, there was -- it made no sense, but, the gist
11 of it is that it was -- at least one person was killed in Tuol
12 Sleng because of Malcolm's -- accused of being Malcolm's murderer
13 and that, it was all part of "they were Cambodians, they were not
14 Vietnamese". So, within the internal documents, the Vietnamese
15 weren't blamed. Cambodians, who'd served on us was. And, it was
16 part of one of their fantastic network's CIA agent thing. So, you
17 know, it makes no sense why the friend would be killed and not
18 the journalists, unless you imagine that we were saved in order
19 to write the story.

20 [14.02.58]

21 JUDGE LAVERGNE:

22 I think that it would be difficult to know exactly what happened,
23 who was behind what, and who did what. In any case, what we know,
24 is that Duch testified that four guards belonging to a unit
25 called Y-8 had been brought the following day to Tuol Sleng and

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1 that he asked that these prisoners be kept so that they could be
2 questioned and he also said that these were among the last
3 prisoners killed before the arrival of the Vietnamese. And there
4 were also statements made by a certain Phy Phuon, Mr. Rochoem Ton
5 alias Phy Phuon, precisely, and other statements in that regard,
6 so I'm a bit out of -- running out of time, so I think I'm going
7 to stop here with my questioning.

8 [14.04.00]

9 Thank you very much, Ms. Becker. Of course, I would have wanted
10 to ask questions to you about the interviews that you made in
11 particular with Ms. Ieng Thirith, but now I think the parties
12 might want to put the questions to you that I could not put to
13 you. So, I hope that they're not going to ask the same questions
14 over and over again. Thank you.

15 MR. PRESIDENT:

16 Thank you, Judge Lavergne.

17 The Chamber will hand the floor to the Co-Prosecutors to put
18 questions to the expert, Elizabeth Becker. You have the floor
19 now.

20 [14.04.55]

21 QUESTIONING BY MR. SENG LEANG:

22 Good afternoon, Mr. President; and good afternoon, Madam Expert.
23 My name is Seng Leang. I'm a National Co-Prosecutor. I have some
24 questions for you in relation to your visit in December 1978. I
25 will not ask you too many questions as some of my other questions

1 have been covered by Judge Lavergne.

2 Q. My first question to you is the following: This morning you
3 stated before this Court that you visited Cambodia in December
4 1978, and it was three of you -- that is, yourself, Mr. Dudman,
5 and Professor Caldwell. Could you tell the Court, why the Khmer
6 Rouge chose you for the trip to Cambodia at the time?

7 MS. BECKER:

8 A. They said they chose me because they knew me, first of all,
9 from my writing during the war and because I kept asking them. I
10 would go every year to the UN and ask them. And I wrote letters
11 to their embassy in Beijing.

12 [14.06.46]

13 Q. And why Dudman was also chosen by the Khmer Rouge, if you
14 know?

15 A. Richard believed he was chosen because he was well known as a
16 Washington correspondent who wrote articles critical of the
17 American war in Vietnam and Cambodia. He had already visited
18 post-war Vietnam. And he was very near retirement and very much
19 wanted to visit post-war Cambodia.

20 Q. And what about Professor Caldwell? You already stated that you
21 met him in Beijing. Before your encounter with him there, had you
22 known him before, prior to that?

23 A. I did not know him, but I knew his book about Cambodia, that
24 he wrote with Lek Tan. So, I knew him by reputation only.

25 [14.08.09]

1 Q. Thank you.

2 And amongst the three of you, did any of you speak or understand
3 Khmer language?

4 A. I used to speak, and so I still could then, and so I
5 understood a bit. Neither Malcolm nor Richard Dudman spoke either
6 Khmer or French.

7 Q. And with your limited Khmer language, could you actually make
8 a conversation in Khmer?

9 A. Well, no, not a real conversation but I was able to get a
10 couple of things known. But, no, I depended always on
11 interpreters.

12 MR. PRESIDENT:

13 National Co-Prosecutor, please leave sufficient pause so that the
14 interpreter can provide proper interpretation. Thank you.

15 BY MR. SENG LEANG:

16 Thank you, Mr. President.

17 Q. Why at that time you did not bring along any interpreter to
18 assist you?

19 MS. BECKER:

20 A. I would have loved to. It was not allowed. I couldn't bring a
21 photographer. I could not bring an interpreter. I was lucky to
22 get the visa for myself.

23 [14.09.57]

24 Q. During your entire trip, who was actually responsible in
25 providing you with the interpretation to you and to your team? It

1 was always Thiounn Prasith.

2 MR. PRESIDENT:

3 Mr. National Co-Prosecutor, you've been reminded twice already.

4 Please leave sufficient pause between question and answer

5 session.

6 BY MR. SENG LEANG:

7 Q. Could you tell the Court what was your main purpose of

8 visiting Cambodia at the time? What did you actually want to see?

9 MS. BECKER:

10 A. It was -- no one had been to, you know, no journalist had been

11 to Democratic Kampuchea. I had every question everybody had: what

12 was really going on? It was a closed-door society. There was no

13 communication, no cables, no telephone, nothing. We were -- it

14 was -- its self-isolation. So it was a big question what's really

15 going on in Democratic Kampuchea and everybody was very afraid.

16 So I went there because I cared about what was going on.

17 [14.11.33]

18 Q. As a journalist, did you actually see what you wanted to see?

19 A. Well, no. But I saw enough to get the beginning of an idea.

20 But yes, it was really important to go and to see. No, of course

21 not. That's what I said it was -- I was -- it was the equivalent

22 of being under house arrest. So no, I didn't see everything I

23 wanted to see.

24 Q. This morning you actually read a report provided to you by

25 Judge Lavergne and that is in relation to a report submitted to

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1 the upper echelon on the request of your visit. And beside what
2 was mentioned in that report or request, did you actually visit a
3 hospital or healthcare centre?

4 A. I -- we went to a medical factory and I snuck into a hospital
5 with -- I think it's the old Chinese hospital and saw some
6 soldiers there who were wounded. And I think along with -- there
7 is a small clinic to go with the pharmaceutical factory. But no,
8 we didn't-- other than that, no.

9 [14.13.46]

10 Q. Thank you. I'd like now to ask you a question or two in
11 relation to violations of human rights. Throughout your visit,
12 did you meet or talk to or interview people or groups of people
13 who were reported to be victimised?

14 A. No.

15 MR. PRESIDENT:

16 National Co-Prosecutor, please switch off your microphone after
17 you've finished your question.

18 BY MR. SENG LEANG:

19 Q. This morning, in your response to Judge Lavergne, you stated
20 that you visited a cooperative in Kampong Cham, and that you met
21 a man whom you considered a former Phnom Penh resident. And you
22 interviewed that man. What was your opinion of that particular
23 man? Was he arranged for the purpose of your interview or was it
24 a coincidence?

25 MS. BECKER:

1 A. It was definitely arranged. It was not a coincidence.

2 [14.15.39]

3 Q. I'd like to refer to your trip to an institution which was ran
4 by Thiounn Mumm, the brother of Thiounn Prasith. And allow me to
5 have a quote -- it's E3/20; Khmer ERN is 00232539240; and in
6 English, 00238120 -- that is, page 407; and the French ERN is
7 00638659 -- that is, page 399. You stated that in those
8 classrooms as well as on televisions, they were similar to the
9 boys who were considered rough waifs.

10 And then on the next page, you refer to an English author -- that
11 is, from nineteen -- is it Dickensian? And that they were of
12 similar age -- aged 7 to 8 years old. And that their performance
13 was amounted to child labour. And in the Khmer translation of
14 your book, what you describe was similar to what was described in
15 Dickensian waifs. Could you elaborate a little bit further on
16 this wording with waifs?

17 A. What was the last -- web? I'm sorry I didn't understand.

18 [14.18.02]

19 Q. The word that you used is "Dickensian waifs". Let me spell it
20 D-i-c-k-e-n-s-i-a-n and W-a-i-f-s.

21 A. Sorry, I didn't understand. Waif is a little child, and
22 Dickensian, of course, is Charles Dickens, and Charles Dickens
23 wrote those heart-breaking sagas, newspaper series, about the
24 poor treatment of children in the industrialisation of England.
25 And it's -- if it was someone who grew up in the English speaking

1 world, when you see young kids like that -- the waifs -- you
2 immediately think of Charles Dickens because his work helped
3 change the labour laws. And so, it's an automatic thing that you
4 see these poor kids working instead of going to school or
5 something, you think of Charles Dickens.

6 [14.19.13]

7 Q. Thank you. And during your visit to Cambodia, you have a
8 chance to interview ordinary people beside the Khmer Rouge
9 cadres?

10 A. The interviews were all arranged by the Khmer Rouge. So even
11 when someone was presented to me as a normal person, I doubted
12 that they were normal people. So nothing was me going out to say
13 "hi, I'd like to talk to you"; that was forbidden. Whoever I was
14 able to talk to was given to me.

15 Q. How about the low level cadres; how many of them were you
16 allowed to speak to or to interview?

17 A. I would say dozens. But interview might be too grand a word. I
18 was able to have a few conversations until many of them were cut
19 off.

20 Q. And in your capacity as an experienced journalist, and that
21 you interviewed several or many interviewees, what did you notice
22 in terms of the manner or the expression of the people, the
23 cadres or the low level cadres whom you spoke to? Were they of
24 their own free will during the time that you interviewed them?

25 [14.21.32]

1 A. No. In fact, what helped me exactly in this issue was the fact
2 that I used to live here. And there was no question that these
3 were not normal reactions of Cambodians. They were more like
4 robots. There is a guardedness of them. They definitely had me
5 mostly speak to men. Women, no. Very, very few. Mostly had to
6 speak to men and they were largely veterans. So they were cadres
7 who they trusted. There is nothing relaxed, casual, interesting,
8 funny. There is no expansion of moods or conversation. It was
9 talk-talk-talk-talk. Only within a very narrow band of what they
10 wanted to ask about it. And if I asked a wrong question, it was
11 cut off.

12 Q. Thank you. And now let me go through part of your visit to a
13 cooperative in Kampong Cham. Actually it was covered already by
14 the Judge this morning. There is a term in reference to the
15 document E3/20, ERN in Khmer is 00232543 to 44, that is page 545
16 to 546; and English is 00238124, page 411; and French ERN is
17 00638661262, page 401 to 402. And I refer to your book, "When the
18 War was Over", and I'd like to make a direct quote here - quote:
19 "We passed a newly constructed concrete granary. Later, more
20 children with skinny limbs and extended bellies appeared. Then we
21 saw a single village scene from our car. And those people seemed
22 to be fed well". End of quote.

23 Comparing the children with skinny limbs and extended bellies to
24 the scenery where people looked well-fed, what reflection had you
25 got about these sceneries -- the two contrasting sceneries that

1 you saw?

2 [14.25.00]

3 A. I presumed that I was seeing the difference between what was
4 generally called Old People and New People; that there were --
5 there was something resembling a cast system there. And the
6 people who were trusted, the Old People of the Revolution were
7 cared for better and fed better.

8 Q. Thank you. And also my next question is in regards to your
9 visit to Kampong Cham cooperative. That is in reference to your
10 book, document E3/20, Khmer is 00232547; and ERN in English is
11 00288127, page 414; and the French ERN is 00638664, that is page
12 404. And I'd like to make the following quote:

13 "Prasith told us to be calm and announced that we were off to
14 rubber plantation cooperative. And then our first agricultural
15 cooperative, Phum Preah Meas." End of quote.

16 [14.26.38]

17 And also to the lower part of the page, let me quote: "We
18 returned back into the car and we were off to the cooperatives."
19 And for the Khmer translation, it was just "cooperative", but in
20 the English text, it reads that "we were off to the cooperative
21 Potemkin village"; that is, p-o-t-e-m-k-i-n.

22 Can you elaborate a little bit further on this term that you used
23 -- that is, the "Potemkin"?

24 A. Potemkin is referring to Soviet -- early Soviet Union. And
25 visitors were shown a village called Potemkin. And it came to --

1 it is now a term for a model village that looks really great,
2 that hides the grim reality behind it. So Potemkin in just
3 everyday language means a splendid model that hides what is a
4 gruesome reality. So it's a Russian -- it's from a Russian
5 village name but it's, you know, the 20th century term.

6 [14.28.20]

7 Q. Thank you. Also on the issue of this cooperative visit, I'd
8 like to make another quote from your book -- that is, E3/20, and
9 ERN in Khmer is 00232548, page 550; and English is at 00238127,
10 page 415; and French is at 00638664 - that is, page 404, and I
11 quote:

12 "Village leader told us that there was a house, a wooden house on
13 stilt, and they had three holidays a month on the 10th, 20th and
14 30th, and the cooperative showed us women weaving cloth, men
15 repairing implement, and a large canteen where all share their
16 meals. The leader emphasised that he and the other cadres were
17 providing service to the people and that they were selected by
18 the masses as leaders because of their qualification to manage
19 the village. Later on, I discovered that they were actually
20 senior leaders of the Party." End of quote.

21 Could you please tell the Court, how could you discover that they
22 were leaders within the Party or the top Party officials they
23 were?

24 [14.30.25]

25 A. How did I find that out? It was -- when I came back in the

1 '80s to complete my research, I believe I cross-checked with
2 Party documents. There's probably a footnote in there -- in my
3 book. But yes, I interviewed Cambodians who were still in
4 Cambodia, who were -- it could have been one of the intellectuals
5 who were in the camps -- but I did some cross-referencing with
6 documents and people who were there and told me that they knew
7 it. And then I double-checked it with a couple other researchers.
8 So that's how -- it was afterwards in the '80s when I -- I came
9 back on several trips here -- Cambodia.

10 Q. Thank you. And did you believe that people during the Khmer
11 Rouge had the freedom to choose their leader as mentioned by the
12 chief?

13 A. Absolutely not. This is part of that phrase Potemkin. This is
14 all fantasy -- this is made up. So they tell me these things but,
15 you know, I didn't believe them. No, there was no reason to
16 believe them.

17 [14.32.14]

18 Q. Thank you. And during your trip from Kampong Thom to Siem Reap
19 -- that is, in your book E3/20, in Khmer, 00232549, that is page
20 551 to 52; and the ERN in English is 00238129, that is page 416;
21 and the French ERN is 00638666, at page 406. Let me quote:

22 "We drove to Siem Reap from the cooperative. Siem Reap is a large
23 town adjacent to Angkor, home of Cambodia's famous temple
24 complex. Along the way, we lunch at Kampong Thom at a new house
25 boat on the great lake. And then on the highway, our car stopped

1 spontaneously to see from a distance a group of peasants working
2 field and singing revolutionary songs and they are flapping a red
3 flag. That man and I took photographs. Cowell, the sympathetic
4 friend was the only experienced tourist in the communist
5 countries and by far the greater cynic. He preferred to stay in
6 the car and laugh at the clumsy photo opportunity prepared for
7 us." End of quote.

8 Please explain to the Court what did you write in that book?

9 [14.34.28]

10 A. What I was saying was that they stopped the car to say, "oh,
11 look at this. Isn't this interesting?" But it wasn't spontaneous;
12 it was a mise en scène. It was set up for us so we could believe
13 that peasants just loved to sing while they work with this flag
14 flying. But this is all made up. It was fantasy land. They made
15 it up so we would think that way. It was a production for us
16 only; it was not real life.

17 Q. Thank you. And now I move on to part of your book. On your
18 trip to Battambang, and in your book you said that you argued a
19 lot with Prasith because you were not allowed to visit the
20 Northwest Zone. Khmer ERN is 00232552, that is page 554; and the
21 English is at 00238131, that is page 418; and the French is at
22 00638667268, that is page 407 to 408; and allow me to quote:
23 "It went on like that. I brought up Ieng Sary's pledge that we
24 could visit North-western cooperatives, especially to refute the
25 charges of massive human rights violations against the former

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1 residents of Phnom Pehn. But there was nothing to be gained
2 finally. Prasith was the bureaucrat charged with lying to us. And
3 he had no choice but to enlarge those lies the more he was
4 pressed." End of quote.

5 Did you know why they changed their mind and not allowed you to
6 visit the cooperative in Battambang?

7 [14.37.02]

8 A. He made up a reason but I didn't think it was true. I don't
9 know that they have a plan to. I doubt that they planned to. One
10 of the things that happened was we would spend long days on the
11 highway, and then we'd have 30 minutes to see something very
12 quickly, and then long hours driving around. So it was a process
13 of spending a lot of time by ourselves in this car and then
14 showing up for very little reporting time. So it was a way to
15 stall - stalling us.

16 Q. Did you know that when Prasith told you lie?

17 A. Well, yes. Because one, he had a horrible twitch and he got
18 very bad when he lied. Two, he always dropped his head. But then
19 generally, it's because he kept contradicting himself. That's
20 what I meant that it got larger and larger as if it wasn't for
21 this reason, then it was that reason. But you know, you never got
22 a straight answer.

23 [14.38.35]

24 Q. Was he himself intended to lie or was he instructed to lie
25 you?

1 A. As I wrote, he was the person in charge of explaining Cambodia
2 to us. So I believe he was told the kind of Cambodia -- what
3 image they wanted us to see of Democratic Kampuchea. This was not
4 his; he was instructed, yes.

5 Q. Thank you, Madam Becker. Now, I would like you to give
6 clarification that you respond to Judge Lavergne this morning as
7 regards your conversation with Mr. Ieng Sary during -- in a
8 reception. And your response to the question -- your question on
9 human rights and Ieng Sary said that there was no human rights
10 problem in Cambodia and justice was given; said that there was no
11 prison in the country; justice was administered through the
12 cooperative by the people. And that was the end of such issue.
13 Could you explain what you wrote or what was it the people's
14 court?

15 [14.40.18]

16 A. I never saw one. All I -- he told us this. We never saw one.
17 So there was never any proof that there existed such a people's
18 court.

19 Q. Did you ask anything as to whether solution toward the opposer
20 of the Khmer Rouge regime or anyone react or refuse to the
21 regime? Did you ask any question as regards this matter?

22 A. You mean how they treated people who oppose them?

23 Q. I would like you to elaborate as to whether -- did you ask
24 further question the Khmer Rouge regime would -- how would the
25 Khmer Rouge treat the people who has opposed or have the opposing

1 opinion against the regime?

2 A. Yes, on almost all of the spots. I tried in many different
3 ways to ask that question because the human rights question,
4 always -- and they always cut me off and said that this was not a
5 problem. As I said this morning, they considered that -- proof
6 that I was either bourgeois or CIA agent. This is not -- they
7 said it is not a problem and they did not -- they stopped the
8 questioning. They tended to stop me from asking the question.

9 [14.42.23]

10 Q. Thank you. Did you insist to visit to the prison or any
11 security centres during your trip -- your visit?

12 A. They denied that there were prisons.

13 Q. Thank you. Now, I would like to move on to another question
14 before my -- I conclude this -- As regards the trip to Takeo,
15 when you visited the cooperative at Leay Bour as a model
16 cooperative of the regime, how do you know it was a model
17 cooperative or someone told you about that?

18 A. This is the cooperative where they took all the delegations.
19 And compared to everything else we saw, this was a model. So
20 there -- if you saw this compared to the others, there's no
21 question you would say that this was a model.

22 [14.43.42]

23 Q. On the same page, document -- your book E3/20, ERN in Khmer
24 00232557, page 559; English ERN at 00238135, page 422; French,
25 ERN 00638671, page 411; I quote:

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1 "We were taken to one such family dwelling and introduced to a
2 mother and her son. He sat on the mat, babysit, dressed in a
3 black sarong and blouse and staring at us with a worried
4 countenance that never is. It was one of the faces of the
5 Yugoslav had noticed, a face that could not smile. We left the
6 hut quickly for fear of upsetting the woman or putting her in
7 jeopardy."

8 My question for you is that, could you explain further to the
9 Court, based on your experience in doing the interview with many
10 people, especially Khmer refugee at the refugee camp, when you
11 compare to the appearance of an old woman, how can you tell the
12 Court the difference between the face expression and what you
13 saw?

14 [14.46.00]

15 A. Well, I took pictures of this. In fact, you can -- in the
16 book, you see her sitting there, very guarded, does not want to
17 make any emotional face. Whereas when you talk to refugees, even
18 if they're tired and even if they've gone through a lot, after a
19 few minutes, people respond, you develop a rapport; that was
20 impossible. It was very impossible and I was not the only one who
21 felt it. We all three felt we'll leave her alone; this is not the
22 time to talk to her. It's -- you will pick it up. There's the
23 definite single signal not to talk.

24 MR. SENG LEANG:

25 Thank you very much for your effort to respond to my question.

1 Mr. President, I have no further question. My esteemed colleague
2 will ask further question.

3 [14.46.53]

4 MR. PRESIDENT:

5 Thank you, Prosecution.

6 The Trial Chamber take recess until 3 o'clock.

7 Court officer, please work with the Expert Support Section to
8 coordinate the expert to take a break during the Court recess.

9 The Court is now in recess.

10 (Court recesses from 1447H to 1504H)

11 MR. PRESIDENT:

12 Please, be seated. The Court is back in session and, once again,
13 the floor is given to the Prosecution to put further questions to
14 this expert. You may proceed.

15 QUESTIONING BY MR. KOUMJIAN:

16 Good afternoon, Mr. President and Your Honours. Good afternoon,

17 Ms. Becker. My name is Nicholas Koumjian, I'm the International

18 Co-Prosecutor. I would like to take advantage of your being an

19 American journalist with a significant time in Southeast Asia,

20 and before asking you specific questions about Democratic

21 Kampuchea during 1975 to 1979, I'd like to discuss the context of

22 American and Vietnamese relations.

23 Q. You -- as part of your career as a journalist -- did you, in

24 fact, cover this history of American-Vietnamese relations?

25 MS. BECKER:

1 A. Yes. Specifically – generally, in terms of the American war in
2 Vietnam, and how it then led into the war in Cambodia.

3 [15.06.08]

4 Q. As part of your work, did you speak to American government
5 officials? Let me make it clear, I'm asking particularly in the
6 period after 1975; after April 1975, American government
7 officials about their relations with Vietnam.

8 A. Yes. Yes, yes.

9 Q. The pause is due to the translation ongoing, and possibly
10 because I'm speaking quickly. I'll slow down.

11 Did you also speak to political groups -- interest groups, in the
12 United States -- concerned with that issue? Such as American
13 veterans of the Vietnam war -- military veterans -- and families
14 of those missing in action in the Vietnam war.

15 A. Yes, I spoke to the Vietnam veterans groups, the POW family
16 groups, to government officials, to the Quaker peace groups, that
17 it became, in essence, at The Post, I would be asked to do some
18 of those stories.

19 [15.07.39]

20 Q. You've already mentioned that there was a traumatic experience
21 in American political life with what most people view as the
22 first defeat of the American military in the war in Vietnam. Did
23 that continue to have an effect on American-Vietnam relations
24 after 1975?

25 A. Yes. And you see this in – particularly, when President Ford

1 pardons the people who dodged the draft; that caused a big stir.
2 Then with President Carter trying to figure out if he can have
3 relations -- renew relations with Vietnam. And all through this,
4 it was very hard to even bring up the subject. There were so many
5 roadblocks because of that defeat. It was very hard; name issue:
6 people didn't want to talk about it.

7 Q. Based on your interviews, your knowledge and experience, was
8 the United States and Vietnam government relations -- were they
9 affected by the context of the ongoing Cold War at that time and
10 the relationship between Vietnam and the Soviet Union?

11 [15.09.31]

12 A. Yes. Since the United States was moving to the Chinese side of
13 the Sino-Soviet split, it caused even more problems. So, on top
14 of the problem that the United States faced having had the defeat
15 -- on top of that -- you have the fact that the Vietnamese were
16 allied with the other side of the Sino-Soviet split. And it
17 particularly became acute after the Soviet invasion of
18 Afghanistan.

19 Q. Did Soviet agreements with Vietnam regarding military matters
20 (inaudible), had an effect on the US relationship? The
21 relationship between Vietnam and the United States?

22 A. The biggest military event was Vietnam signing the Friendship
23 Pact with the Soviet Union just before the invasion of Cambodia.
24 That sealed the deal. After that, there was never -- that was the
25 end of it -- and there was not going to be US relations. Within

1 the government, there were certain groups that were looking for
2 an excuse not to improve relations, and they kept popping up
3 everywhere, so, there's no question after that. That was the end.

4 [15.11.09]

5 Q. Okay, we've discussed the factors, but can you now explain
6 what was the state of relations between the United States
7 government and Vietnam's government from 1975 to 1979?

8 A. At the beginning of the administration of President Jimmy
9 Carter, there was a window where there were negotiations. Then,
10 Assistant Secretary of State, Richard Holbrooke, was closing in
11 and -- Leonard Woodcock, in fact -- there was a moment where it
12 looked like there might be a resumption of relations, it was the
13 beginning -- it was the honeymoon period for the Carter
14 administration -- that they bogged down because the Vietnamese
15 wanted war reparations. And it would've been a stretch to get
16 relations, but to give war reparations was not going to happen.
17 So, just when the Vietnamese were beginning to realize they were
18 losing it, the Americans pulled the plug. So, relations -- except
19 for that very brief period -- relations were very sour.

20 Q. Thank you. So, would it be correct to say there was no formal
21 diplomatic relations between the United States and Vietnam from
22 1975 through 1979?

23 A. No, there were no relations, and it would be decades before
24 there were.

25 [15.13.06]

1 Q. In all of your studies -- interviews -- including to date,
2 things that have come out, whether it's WikiLeaks or Freedom of
3 Information requests information, have you come across any
4 information about military cooperation between the United States
5 and Vietnam from 1975 to 1979? Was there any?

6 A. Not that I know of. The next -- when there's finally
7 cooperation it is to recover the remains of missing -- I mean --
8 the missing in action.

9 Q. So, just so that answer is clear, you're saying, eventually
10 there was cooperation where Vietnam allowed American military to
11 go search for the remains of American soldiers who died or went
12 missing during the conflicts in Southeast Asia, correct?

13 A. Yes.

14 Q. Now I'd like to take Judge Lavergne's invitation and speak to
15 you briefly about an interview you conducted with Ieng Thirith,
16 and that is a document that is E3/659.

17 Perhaps it would be helpful if we could give a copy to the
18 witness. Would that be possible, Mr. President?

19 MR. PRESIDENT:

20 Yes, you can do so.

21 [15.15.52]

22 BY MR. KOUMJIAN:

23 And -- just -- the French ERN begins 00743047, I believe, or
24 that's the page I'm going to, 047 and 048. The Khmer is 0057889
25 to 8900. So, I'm going to the top of page 25 of that interview,

1 which has the ERN 00182322, in English.

2 Q. First, let me ask you, this document in front of you, do you
3 recognize -- you haven't have much time to look at it -- but do
4 you recognize this as being some kind of transcript of your
5 interview?

6 MS. BECKER:

7 A. Yes, it is. I reviewed it over the weekend.

8 Q. Did you tape-record your interview with Ieng Thirith or did
9 you take notes? How did you record it?

10 A. This is a tape-recording.

11 Q. Do you recall when it was that you interviewed her?

12 A. October 1980, I think.

13 [15.17.35]

14 Q. Where did the interview take place?

15 A. In New York, around the UN.

16 Q. At the top of page 25, the transcript reads, and it indicates
17 "IT", I presume that's Ieng Thirith, stated: "Yes, I was
18 travelling in order to see the conditions of the people, and at
19 the time, when I came back in Phnom Penh, I reported to our
20 leaders that there was something queer in some provinces. For
21 example, in Battambang, I saw something very clear, that they
22 make people -- all people going to the rice fields very far from
23 the village and they have no home. And I saw they have no home,
24 and they are all ill. I reported to my leaders that."

25 Do you recall an answer like that from Ieng Thirith?

1 A. Yes.

2 [15.19.04]

3 Q. And then, I'm going to summarize a bit. If there's any
4 objection, I'll read the entirety. You then asked her who were
5 the leaders, and she said she reported to the Prime Minister, but
6 she said it was Ros Nhim, he was in the Northwest region. She
7 goes on and says: "At the time, I told my leader" -- I'm now
8 reading verbatim - "there was something wrong in that province,
9 because I know the directives of the Prime Minister: not young,
10 not old people, not pregnant women, not women feeding babies and
11 not small children. But I saw everybody there in the rice fields,
12 in open air -- nothing -- and with the sun, very hot sun. I saw
13 many people ill of diarrhoea and malaria, so I reported it to
14 him."

15 Does that coincide with your recollection of what Ieng Thirith
16 told you?

17 A. Yes.

18 Q. Now, in your interview with Pol Pot, did he also confirm that
19 he received regular reports from the provinces or regions?

20 A. Yes.

21 [15.20.45]

22 Q. And can you tell us if you received any other confirmation,
23 from any source, that reports were made from the regions to the
24 Centre?

25 A. Yes, it's all throughout -- if you read the Tuol Sleng

1 confessions -- when they begin the biographies and they believe
2 that if they tell the truth they'll get freed, often they talk
3 about the reports to the Centre about the supplies needed, the
4 different things that are going on.

5 Q. I believe this morning Judge Lavergne showed you an article
6 you wrote -- and somebody correct me if my recollection is wrong
7 -- but it talked -- you quoted Pol Pot speaking about people's
8 courts and he said it was according to the principle of
9 democratic centralism. Do you recall that?

10 A. Yes.

11 [15.21.58]

12 Q. Can you explain your understanding of democratic centralism?

13 A. It's a communist idea that the authority is centralised --
14 there is one authority -- and you call it democratic because you
15 say that it's popular, but there is not a democratic component as
16 we would understand it, of people electing somebody.

17 Q. Under democratic centralism, who made the decisions?

18 A. It's top-down.

19 Q. I want to briefly go forward a couple of pages in that
20 interview, to the bottom of page 28 in English. So, that's the
21 ERN 00182325. And for those following in other languages, this is
22 a little past 37 minutes in the interview. You make a comment at
23 the bottom of the page, "But when I went to DK, in fact, I didn't
24 see that. I think I saw two schools, and I saw many children
25 working in the fields." Ieng Thirith then told you, "Yes, part

1 day schools. They worked half a day, they learned half a day,
2 they worked half a day, according to the circumstances of that
3 time, not full day schools." And then at 38 minutes, "Because at
4 that time, you see, we had to combine manual work with study."
5 Does that coincide with your recollection of what Ieng Thirith
6 told you?

7 A. Yes.

8 [15.24.22]

9 Q. Does it coincide with what you saw in terms of seeing children
10 at work, working for the DK authorities in your trip in 1978?

11 A. I saw them working, I didn't see them studying.

12 Q. When you saw -- when you talk about seeing children working,
13 can you give us an idea of how young the children were that you
14 saw working?

15 A. Well, there were children under five carrying firewood, there
16 were just above toddler. You saw what they called fishing co-ops,
17 which were a bunch of kids fishing up through -- you know, as I
18 said -- young, sort of middle school aged children being ferried
19 around in trucks. And then, we weren't allowed to get terribly
20 close to the fields, so you could only see the -- I can't tell
21 you exactly how young they were but you saw them with bricks,
22 brick-making. Almost every kind of work situation, there would be
23 children involved.

24 [15.26.04]

25 Q. Thank you. Now I would like to take you a few pages further.

1 At page 20 -- excuse me -- 43, near the end of the interview,
2 just before and after the 36 minute mark. The English ERN is
3 00182340. And you see on that page you had a discussion about the
4 United States bombing of Cambodia, and Ieng Thirith talked about
5 200 days and nights of bombing without interruption. She said she
6 was in the country and then she said, "That was from February to
7 August. 15 August. I think that's a reaction of self-defence but
8 there is the Vietnamese behind this. The Vietnamese." And then
9 you asked her, "Behind the United States?" And she answered,
10 "Yes. You see, because they worked by proxy at the time. They
11 dare not openly say things against us but they began the wars
12 since 1975, because they attacked us in 1975."
13 Ms. Becker, based on -- in 1973, were you in Cambodia?

14 A. Yes.

15 [15.28.02]

16 Q. Based on your knowledge of the political and military
17 situation, in 1973 the war in Vietnam was still raging; is that
18 correct?

19 A. The war is still going on. The Americans were beginning their
20 pull out after the Paris Peace Accords, but yes, there was war in
21 Vietnam and war in Cambodia.

22 Q. And the United States was backing the South Vietnamese
23 authorities in that war in a full-scale military conflict with
24 the North and the communist forces in the South, correct?

25 A. Yes.

1 Q. So, what do you make of Ieng Thirith's statement blaming the
2 Vietnamese for the American bombing of Cambodia?

3 A. It makes no sense. It's irrational.

4 [15.29.14]

5 Q. Now, was this kind of accusation against Vietnam, blaming them
6 for, in this case, American bombing, atypical of how the
7 government of Democratic Kampuchea responded in explaining the
8 problems in Cambodia?

9 MR. PRESIDENT:

10 Madam Expert, please wait and Counsel Koppe, you have the floor.

11 MR. KOPPE:

12 I object to this question. The witness, or the expert, cannot
13 possibly say what the opinions could be, or were at the time, of
14 other leaders or other people within the CPK, or later, within
15 DK. Clearly, we'll go back to the words of Ieng Thirith are not
16 taken literally -- or should not be taken literally -- but should
17 mean something completely different. The same goes, by the way,
18 of the things about Ros Nhim, the next paragraph wasn't read by
19 the Prosecution, but I'll get back to that. But the problem is,
20 although Ms. Becker is considered to be an expert, she cannot
21 second guess as to the opinions or reflections of opinions of
22 what Ieng Thirith possibly has said. And, anyway, to me it's
23 completely clear that she means something different than is
24 literally written down. That could've been part of the
25 translation, it could've had lots of other reasons, but the way

1 the question was framed -- it is framed in such a way that the
2 expert cannot possibly answer that.

3 [15.30.47]

4 MR. KOUMJIAN:

5 If I may respond, Mr. President.

6 Contrary to what defence counsel just did, I didn't say what was
7 in Ieng Thirith's mind, I'm not asking her what was in the minds
8 of the leaders of Democratic Kampuchea. What I'm asking her is,
9 based on all her interviews and her readings of official
10 statements of the government of Democratic Kampuchea, did they
11 blame Vietnam for all the internal problems of Democratic
12 Kampuchea? Did that happen or didn't it?

13 MR. PRESIDENT:

14 The objection by the defence team is overruled as the Chamber
15 needs to hear the response from the expert to the last question
16 put by the Prosecution. And, Madam Expert, if you can recall the
17 last question put to you, you may respond.

18 [15.31.47]

19 MS. BECKER:

20 A. Yes, in the last -- particularly in the last two years of
21 Democratic Kampuchea, officially and in the documents later read,
22 the Democratic Kampuchea did find the Vietnamese to be the
23 problem behind all sorts -- to be the source behind all kinds of
24 problems.

25 MR. KOUMJIAN:

1 OK, thank you. I'm finished with that interview, but I would like
2 to ask you now a few questions about an interview you did with
3 Ieng Sary. So, could the witness please be given -- Perhaps we
4 can retrieve the last document and give her E393 -- E3/93 -- and
5 that is at ERN in English -- Your Honour, may I hand it to her?

6 MR. PRESIDENT:

7 Yes, you can do so.

8 [15.33.21]

9 BY MR. KOUMJIAN:

10 Ms. Becker, you spoke this morning about speaking to Ieng Sary,
11 is that correct? You interviewed him during your trip.

12 MS. BECKER:

13 A. Yes.

14 Q. And I don't want to repeat what's already been said, but just
15 to remind us, that is when you said you talked to him about human
16 rights reports about killings in Cambodia submitted to the UN, if
17 I remember correctly, and he said that he admitted them but said
18 "We did what we could to avoid killings." Is that correct?

19 First let me just say, if at any time you are not sure of
20 something just say so, I don't want to put any words in your
21 mind.

22 [15.34.18]

23 MS. BECKER:

24 A. Yes, that was in the interview but I don't think we talked
25 about it this morning.

1 Q. Just for the counsel's benefit, the document that I was
2 thinking of for the '79 interview is D31251, but I want to go
3 concentrate on another interview you had with Ieng Sary.

4 Did you interview him in 1981?

5 A. Yes.

6 Q. Where did that interview take place?

7 A. The UN Mission of Democratic Kampuchea in New York.

8 [15.35.22]

9 Q. Now, if you turn to the second page of that interview,
10 document E394, in English, this is ERN00342501; in Khmer,
11 00578895; and the French, I believe it is at the bottom 00602000.

12 Ieng Sary, you're talking about your trip and he said he was
13 worried about a coup and then it says at the bottom three lines
14 in English, "[answered to my interjection] I was not in charge of
15 security, I only heard reports on security. Who was in charge of
16 Security? Three or four very top leaders discussed the matter,
17 then reported to the Standing Committee."

18 Do you recall this conversation with Ieng Sary?

19 A. Yes.

20 Q. And when we see on page "QS" what does that mean?

21 A. Question.

22 Q. And when we see "Question: Who were those three or four
23 leaders?" and the answer was, "Pol Pot, Nuon Chea, So Phim and
24 Son Sen. And Son Sen was in charge of security. They relied on
25 regional people for reporting on security."

1 Do you recall Ieng Sary giving that answer to you?

2 A. Yes.

3 [15.37.50]

4 Q. Now from the context, to the best of your recollection, when
5 Ieng Sary was talking about security, can you enlighten us at all
6 what he meant by security, if you can't tell us?

7 A. In this context we're talking about security within the
8 country, national security. But this would not be -- you would
9 call police per se, I believe it's still military. I believe he's
10 talking about military because he used the word "coup". But it
11 was very hard talking to him. There was not -- the distinction
12 between police and military is not always clear.

13 Q. In that context, did you understand if he was talking about
14 internal enemies, external enemies or both? And if you're not
15 clear, just say so.

16 A. The context was in terms of coup, it was internal.

17 MR. PRESIDENT:

18 Co-Prosecutor, please switch on your microphone.

19 [15.39.36]

20 BY MR. KOUMJIAN:

21 Thank you Mr. President. I apologise. Trying to find my place.

22 Q. Going to the next page, page 4, it indicates at the top, and
23 this is the very beginning of in Khmer ERN 00578897, it ends in
24 the previous page and begins there. It indicates at the top. "He
25 returns to the subject of the difficulty in finding cadres to

1 staff his ministry. In Kampuchea the problem was of finding
2 cadres. We couldn't find cadres to run the ministry. I asked 100
3 or so Khmer from abroad to open a university in Phnom Penh. We
4 asked for educated, they said 'No'. Question: Who was 'they' who
5 said 'No'? Answer: That is the Department of Security, Nuon Chea
6 and Pon, the Vietnamese agent under Nuon Chea."

7 Do you recall Ieng Sary giving you this answer in 1981?

8 A. Yes.

9 [15.41.11]

10 Q. Do you know anything about this Pon that he was referred to?

11 A. No.

12 Q. Now it indicates that, "at this point I show Ieng Sary a 'New
13 Statesman' magazine with reproductions of two confessions from
14 Tuol Sleng and I ask him if he can verify the documents." Before
15 I read on the interview, can you explain did you bring something
16 called New Statesman and what was that?

17 A. New Statesman is a news magazine published in London.

18 Q. The particular edition of the magazine that you brought, what
19 did they deal with?

20 A. This was one of the first stories about Tuol Sleng with the
21 confession.

22 Q. What did do you with New Statesman in your interview with Ieng
23 Sary?

24 A. I brought the copy of the New Statesman, I gave it to him; he
25 looked at it and read it.

1 Q. What language did you conduct the interview in?

2 A. I can't remember.

3 [15.42.53]

4 Q. What was language was the article written?

5 A. English.

6 Q. Did the article include any reproductions, any photographs?

7 A. Yes, there were reproductions of the confessions.

8 Q. It says, reading on to these notes of the interview, "At this
9 point, I'm showing Ieng Sary a New Statesman magazine, with
10 reproductions of the confessions from Tuol Sleng and I ask him if
11 he can verify the documents. Answer: 'Yes'. He says, 'Yes, this
12 is Duch, Chief of Security in Tuol Sleng. I learnt only about
13 this in New York. At that time I called it by its number 21-S'."
14 Do you recall Ieng Sary giving you this answer after looking at
15 the New Statesman magazine?

16 A. Yes.

17 [15.44.32]

18 Q. And I appreciate that you're waiting for the light, perhaps
19 for the audience who might not understand the delay in your
20 answer, the light was not on. So I'll just continue to read on.

21 He said, "I thought 21-S was on the road to Pochentong. I knew it
22 as headquarters of security. I didn't think they were malicious.
23 The lives of the people were considered like packages. Inhuman.
24 Question: Didn't you know people suspected of being agents, were
25 taken there?" And he answered: "Yes. Question: Didn't you know

1 they were killed? Answer: No. They told me only the agents were
2 sent out to co-operatives to be re-educated. Question: You didn't
3 know what happened to Hu Nim?"

4 First of all, was Hu Nim's confession included in the New
5 Statesman?

6 A. Yes.

7 Q. And is that reflected also in the notes, in the next line it
8 says, [His confession was reproduced in the New Statesman
9 article]"

10 Is that referring to Hu Nim?

11 A. Yes.

12 [15.46.08]

13 Q. And he answered, "I wasn't aware. I knew only he was arrested
14 and accused as having a conspiracy with Koy Thuon, a team of
15 traitors to gain power."

16 Let me ask you, first of all, about these two individuals. Who
17 was Hu Nim?

18 A. Hu Nim h was one of the three ghosts. There were three
19 intellectuals, who were popular in Phnom Penh in Cambodia during
20 the 60s, including Khieu Samphan, Hu Nim and Hou Youn, they were
21 considered upcoming bright intellectuals of the last who had
22 following and when -- they got the name "Three Ghosts" after the
23 coup d'état and the Cambodian Government wanted to say that they
24 were no longer in power so that they would not be -- this is the
25 Khmer Republic so that the populist would not be attracted to the

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1 Khmer Rouge. And in fact, the very first article I wrote in my
2 life was about the "Three Ghosts", arguing the fact that they
3 were alive, they were not dead.

4 [15.47.46]

5 Q. So the "Three Ghosts" who had been linked to Sihanouk's
6 government; is that correct? Did they later appear during the
7 GRUNK government in exile or during the Democratic Kampuchea
8 government after 1975?

9 A. Yes, they were part of -- in different capacities of
10 Sihanouk's government. It was - Sihanouk had a tendency to
11 embrace his opponents and then they were part of the GRUNK. Khieu
12 Samphan was the titular head and the other two were ministers.
13 When Sihanouk made his -- Sihanouk, of course, was the major
14 spokes - was the titular head and when Prince Sihanouk visited
15 the Liberation Zone, it was the "Three Ghosts" who were
16 photographed with him in part of the propaganda. Then under
17 Democratic Kampuchea, only Khieu Samphan lasted through the whole
18 -- in his position; the other two were killed. I can't remember,
19 I think --

20 [15.49.26]

21 Q. You're trying to remember the positions, for example, the
22 position that Hu Nim held.

23 A. Hu Nim was Minister of Information.

24 Q. Thank you.

25 Then you asked him - or perhaps, after he said that he only knew

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1 that he was arrested and accused as having a conspiracy with Koy
2 Thuon, a team of traitors, to gain power, you asked him, "Did you
3 believe this?" He answered, "Yes", but all he said, he couldn't
4 do anything because they had no military behind them. "Later I
5 saw some military went to the other side." Who did you understand
6 Ieng Sary to refer to when he said they had no military behind
7 them?

8 A. Hu Nim and Koy Thuon.

9 Q. Thank you. I want to go back down the page a little bit, go a
10 little bit further and I'm reading from about the ninth line up,
11 Ieng Sary says, "Personally, I wasn't aware of the deaths at
12 all." Question: "Was Pol Pot aware?" Answer: "Maybe not all the
13 details. He knew the accused were killed but not their family. At
14 the beginning, if three people accused someone, it was accepted
15 as true. If three people said someone was CIA or KGB, then that
16 person was arrested. Then at the end of 1977, beginning of 1978,
17 Pol Pot said five people had to accuse."

18 Do you recall this particular statement by Ieng Sary?

19 A. Yes.

20 [15.52.33]

21 Q. When he says that, Pol Pot knew that the accused were killed
22 but not their family, did Ieng Sary -- was he acknowledging that
23 he knew that the families of these people were killed?

24 A. I don't believe so. He was -- I don't think that he knew
25 contemporaneously. He is not acknowledging he knew it at that

1 time. No.

2 Q. Thank you. I want to just briefly follow up with a few
3 questions about your meeting with Pol Pot in 1979. Now you had
4 submitted written questions to him; is that correct?

5 A. Yes.

6 Q. And if I understood you correctly, when you met with him you
7 received a lecture about the coming war with Vietnam and how it
8 would turn into a NATO Warsaw Pact battle. But you also
9 subsequently received written answers to your questions; is that
10 correct?

11 A. Yes.

12 [15.54.05]

13 Q. Do you still have the answers that were provided by Pol Pot,
14 the written answers?

15 A. Yes, but not with me.

16 Q. Were these answers only to -- you said there were a set of
17 questions submitted by you and Dudman and a separate set
18 submitted by Malcolm Caldwell -- which answers did you receive?

19 A. The ones for us journalists.

20 Q. Did you ever see answers -- do you know if answers were given
21 to Caldwell?

22 A. I can't say for sure, no.

23 Q. When did you receive those answers, did you receive them at
24 the time of the interview or later?

25 A. Right afterwards, it was clear that they had already been

1 prepared and after we got home, they gave it to us.

2 [15.55.32]

3 Q. Would you be willing to provide that to the Trial Chamber, if
4 requested, those written answers?

5 A. Yes. As I've told the Court before, I deposit them in a public
6 library and then I'll give them to you. As an American
7 journalist, that's the way we do it.

8 Q. You were not present for the conversation between Caldwell and
9 Pol Pot; is that correct?

10 A. That's correct.

11 Q. Can you tell us a little bit more about Malcolm Caldwell and
12 how -- you mentioned something about this, this morning. What was
13 his view of the various Communist parties and revolutionary
14 movements in South East Asia?

15 A. He was very sympathetic in -- kind of - in not a naive --
16 entirely naive way at all. He was a sophisticated man and he
17 would look at -- he was so opposed to the capitalist system that
18 he was -- I would say -- somewhat blind to the communist system,
19 because he was so opposed to it. He was very sympathetic, he was
20 very sympathetic to the cause and he had already visited North
21 Korea, China and then, of course, Cambodia, with us.

22 [15.57.40]

23 Q. Do you know if he believed that if Vietnam invaded Cambodia it
24 would lead to a NATO Warsaw Pact conflict on Cambodian soil? Was
25 Malcolm Caldwell a believer in Pol Pot's theory on that, to the

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1 best of your knowledge?

2 A. I don't remember that we talked about it.

3 Q. You don't recall whether you explained to Caldwell what Pol
4 Pot had said in your interview?

5 A. I know we talked about it in our interview, did he respond to
6 it, I can't remember.

7 Q. Forgive me if I have asked this question before: When did you
8 receive the written answers and actually physically from whom did
9 you receive the written answers?

10 A. The written answers came after we returned home from the
11 interview.

12 Q. Were you aware – and how did they come to you?

13 A. I don't remember.

14 [15.59.10]

15 Q. Thank you. Now, were you aware of -- there's something written
16 -- you've read Ben Kiernan's book, I believe you mentioned; is
17 that correct, "The Pol Pot Regime"?

18 A. Yes.

19 Q. On Page 442 to 450 – maybe the microphone didn't pick that up
20 – on page 442 to 450, he discusses your trip with Malcolm
21 Caldwell and Dudman and the ERNs are in English, 00678723 to 27;
22 French, 00639231 to 39; and in Khmer, it begins 0063801.

23 MR. PRESIDENT:

24 The International Co-Prosecutor, please repeat the document
25 number and the ERN again. Thank you.

1 [16.00.25]

2 BY MR. KOUMJIAN:

3 This is Ben Kiernan's book. I apologise I didn't give the
4 document number. It is E3/1593 and the ERNs of the section about
5 the trip in English begins 00678723; French, 00639231; Khmer,
6 0063801.

7 Q. On Page 443 in English, Caldwellll writes that "In October
8 1978, Caldwell wrote informing me that DK had just offered him a
9 visa. He was really keyed up to go and holding his book for his
10 return. He added that Khmers abroad had asked him to enquire
11 about various Cambodians who returned after 1975. This I am
12 prepared to do, so if you could be thinking of a list you would
13 like me to enquire about, please let me have it". And Kiernan
14 replies -- "I replied our friends Lay Roget and Ou Lam and two
15 others whom you didn't know well, Chu Vuth and Ku Kim Sru, went
16 home in July 1976 from Sydney. We'd love to hear how they are."
17 Were you aware that Ben Kiernan had asked Malcolm Caldwell to ask
18 the authorities in Democratic Kampuchea about some overseas
19 Cambodians who had returned to Cambodia?

20 A. No. I didn't know that.

21 [16.02.50]

22 Q. Do you know if Malcolm Caldwell asked Pol Pot what happened to
23 these people who returned, who we now know, for most of them if
24 not for all of them, were killed?

25 A. We all did.

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1 Q. Do you know if Malcolm Caldwell asked Pol Pot about that? I'm
2 sorry I didn't quite understand your answer.

3 A. We all asked officials. I do not know if Malcolm Caldwell
4 asked Pol Pot himself. No, I don't. He did not mention that.

5 [16.03.44]

6 MR. KOUMJIAN:

7 Mr. President, do you want me to go on, it's --

8 MR. PRESIDENT:

9 Thank you, International Co-Prosecutor.

10 It is time now for the Chamber to adjourn today's proceedings and
11 we will resume it at tomorrow morning -- that is, Tuesday, 10th
12 February 2015, starting from 9.00 a.m.

13 Tomorrow we will continue to hear the testimony of the expert,
14 Ms. Becker, and this information is for both the parties to the
15 proceedings and to the general public.

16 And Ms. Becker, the Chamber is grateful for your testimony and
17 your testimony as an expert is not yet concluded and you are
18 invited to return to the Court tomorrow morning from 9.00 a.m.

19 You may now return to your place of residence.

20 Court officer, in collaboration with the WESU, please make
21 necessary arrangement and transportation for the expert to her
22 residence and have her returned to the courtroom before 9.00 a.m.
23 Security guards, you are instructed to take the two Accused, Nuon
24 Chea and Khieu Samphan, back to the detention facility and have
25 them returned to the Court tomorrow prior to 9.00 a.m.

1 The Court is now adjourned.

2 (Court adjourned at 1605H)

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