



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Trial Day 242

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

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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. BECKER (2-TCE-97)	English
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. KOUMJIAN	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. SUON VISAL	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today the Chamber will continue to hear the testimony of the

6 expert, Elizabeth Becker, and that she will conclude her

7 testimony today as scheduled by the Chamber.

8 Ms. Se Kolvuthy, could you report the attendance of the parties

9 and individuals to today's proceedings?

10 [09.05.07]

11 THE GREFFIER:

12 Good morning, Mr. President. For today's proceedings, all parties

13 to this case are present, except Mr. Ven Pov, the designated

14 lawyer for civil parties who is absent this morning due to

15 personal commitment and he will be available this afternoon.

16 Ms. Elizabeth Becker is already in the courtroom and there is no

17 reserve witness today. Thank you.

18 MR. PRESIDENT:

19 Thank you.

20 And before I hand the floor to the defence teams to continue

21 putting questions to this expert, I'd like to hand the floor to

22 Judge Lavergne to clarify certain issues with the expert; and

23 Judge Lavergne, you have the floor.

24 [09.06.12]

25 JUDGE LAVERGNE:

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1 Thank you, Mr. President. In fact, I am not sure I will provide
2 clarifications. My task is rather to put some questions to Ms.
3 Becker.

4 Ms. Becker, during yesterday's hearings and the hearings of day
5 before yesterday, mention was made of recordings of interviews
6 you granted to Pol Pot, Ieng Sary and Ieng Thirith. We have
7 searched the records and found certain traces of audio recordings
8 of some interviews and in reference D21R on the record,
9 interviews with titles such as Ieng Sary, Phnom Penh, 1978; Ieng
10 Thirith, Pol Pot Dinner, and Pol Pot Interview.

11 [09.07.25]

12 You also received mail sent to you by the Co-Investigating Judges
13 in August 2009, regarding specifically those interviews, and you
14 replied to the letter from the Co-Investigating Judges. Both that
15 letter and your response is on record -- D28/1 and D28/2. You
16 provided some information in that letter, however, if it is
17 possible, I think we will give you during the coffee break this
18 morning and the lunch break this afternoon, copies of those audio
19 recordings so that you may tell the Chamber whether or not they
20 reflect what you said in that letter. And we will ask certain
21 additional questions regarding the exact circumstances and the
22 dates on which those interviews were conducted. So for the time
23 being, this is the information I wanted to provide to you, so
24 either this morning during the coffee break or this afternoon
25 during the lunch break, you will have an opportunity to listen to

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1 those recordings. In those recordings we hear the voices of Pol
2 Pot, Ieng Sary and Ieng Thirith. That may be very interesting for
3 the Chamber. Let me point out that for the time being, we do not
4 have any transcripts of those interviews.

5 [09.09.05]

6 MR. PRESIDENT:

7 Thank you, Judge Lavergne.

8 And before I hand the floor to the defence teams, the Chamber
9 would like to remind the defence teams that during your
10 questioning session, please leave sufficient pause between the
11 question and answer session, as it has been requested by the
12 interpreters. And just leave enough pause and probably you can
13 also observe the time that the microphone for the expert is
14 triggered. And I'd like now to hand the floor to the defence
15 team.

16 MR. KOPPE:

17 Thank you, Mr. President. Good morning, Your Honours. Good
18 morning, counsel. Mr. President, before I continue my questioning
19 to the expert, my client has informed us that he has two
20 follow-up questions relating to answers provided by the expert
21 yesterday, so before I continue I would like to ask your
22 permission that Nuon Chea asks the questions that he has -- the
23 two questions that he has to the expert. Would that be possible?

24 MR. PRESIDENT:

25 Yes, the Chamber allows him to do so.

4

1 And Mr. Nuon Chea, you have the floor.

2 [09.10.56]

3 QUESTIONING BY THE ACCUSED MR. NUON CHEA:

4 Good morning, my compatriots. Good morning, Mr. President; and
5 good morning, Your Honours; and good morning, Madam Expert. I
6 would like to put two questions to you.

7 One: The United States government engaged in the interference and
8 came to invade Cambodia, in particular for the period from 1970
9 to 1973. It engaged in bombardment for 200 days and nights,
10 totalling about three tons of bombs and as a result, many
11 innocent Cambodian people died and the destruction of the houses,
12 rice fields and pagodas. And I'd like you, the expert, to give us
13 the reason for that bombardment. And that is my first question
14 and I'd like you to respond before I proceed with my second
15 question.

16 MR. PRESIDENT:

17 And Madam Expert, please respond to the question put to you by
18 Mr. Nuon Chea.

19 [09.12.50]

20 MS. BECKER:

21 A. Thank you.

22 The reason the United States government gave for the bombing in
23 general was supporting the Khmer Republic. As you know, after the
24 coup d'état in 1970, the United States took over full support of
25 the Khmer Republic's military campaigns and supporting their

5

1 government. I'm going to, I believe, interpret your bombardment
2 to mean aerial bombardment and specifically, when you talk about
3 the days, I believe you're mostly talking about the very intense
4 campaign in 1973. And that was the result of the fear, at that
5 stage, of 1) that the Khmer Republic would lose and 2) the
6 belief, by then the administration of Richard Nixon, that by
7 bombing, the Khmer Rouge would come to the negotiation table. At
8 that point, the Paris Accords had been signed with Vietnam --
9 with the North Vietnamese and Laos had also made an agreement and
10 the whole force of the American policy was to end the American
11 involvement and make it so that US troops can withdraw. So the
12 belief -- and I'm only telling you what the United States
13 government believed and why they said they were doing this -- was
14 to entice the Khmer Rouge to the negotiation table. That failed
15 and the United States Congress -- because they did not want any
16 more reports of innocent Cambodian people being killed, the rice
17 fields being bombed -- the United States Congress passed a law to
18 end the bombing. It was upheld by the Supreme Court and on August
19 15th, 1973, the bombing ended and there was no more US aerial
20 bombing of Cambodia in the war.

21 [09.15.10]

22 Q. And this is my second question. Is it your opinion that the
23 United States government shall be responsible for the tragedy
24 that it inflicted upon Cambodian people? Or is it because it is a
25 powerful country, it can go and invade any smaller countries at

6

1 its own discretion? And that's all. Thank you.

2 MR. PRESIDENT:

3 And Madam Expert, please respond to the question by the Accused.

4 Thank you.

5 [09.16.12]

6 MS. BECKER:

7 A. Is the United States responsible for the tragedy involved in
8 the destruction -- material and human beings were killed during
9 the bombing? Of course. And that continues to be a debate and in
10 fact, just a couple of weeks ago, when Mr. Henry Kissinger was
11 testifying before a committee in Congress, some American citizens
12 tried to do a citizen arrest of him. It's an ongoing question and
13 it's a very live question. Can the United States invade any small
14 country at once? No, the International Law says no.

15 QUESTIONING BY MR. KOPPE:

16 Thank you, Mr. President, for allowing Nuon Chea to ask these two
17 questions.

18 Good morning Ms. Becker. I will follow up with some questions
19 relating to your answers yesterday. I would like to revisit one
20 topic and then -- special part of one topic -- and that's the
21 answer that you gave to me regarding Thet Sambath. You remember
22 that I read to you two quotes from Northwest Zone cadres from his
23 book and at one point in time in answering your questions -- my
24 questions, you said, "Well, we should take Thet Sambath with a
25 bit salt" - "with a grain of salt" -- sorry that was the

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1 expression. To be honest, that answer surprised me a bit and I
2 did some thinking about it last night and I also looked on the
3 internet in relation to your answer, that you actually had
4 nominated him for his documentary "Enemies of the People" and I
5 believe -- if I'm mistaken please tell me -- it is -- was the
6 Knight International Journalism Award that he won and in relation
7 to that award, you are quoted as follows -- and please tell me if
8 that is correct: "Sambath has accomplished the equivalent of a
9 miracle. Nothing else like 'Enemies of the People' exists in
10 broadcast journalism." End of quote.

11 Q. Did you in fact say that to the world?

12 [09.19.12]

13 MS. BECKER:

14 A. Oh, absolutely, that's why I mentioned it yesterday. And I
15 didn't say Thet Sambath per se should be taken with a grain of
16 salt, I said the testimony of two cadres should be taken with a
17 grain of salt. In fact I was -- on Thet Sambath, particularly
18 what was unusual was that he filmed former cadre demonstrating
19 how they killed during the purges in Democratic Kampuchea and
20 I've never seen that before or since.

21 Q. But then I'm still not sure if I understand why these two
22 particular cadres that I quoted -- why their statements should be
23 taken with some grain of salt. What is your reason to say that?

24 A. I'll repeat again. All the researchers have looked through the
25 files. We've combed them. There's not been any other testimony

8

1 like that except the officials who are rationalising what they
2 did with that kind of -- with that line, so two people out of all
3 those years of researchers -- it's -- the evidence is
4 overwhelming the other way.

5 [09.20.41]

6 MR. KOPPE:

7 Mr. President, with your permission I would like to cite one or
8 two paragraphs from a very recent filing that we made -- that we
9 did. It's not on the interface but I will be slow in identifying
10 it. It's a filing of our team on 26th January 2015. It has E
11 number E335/1. The particular English quote -- the ERN number is
12 01057505 and the Khmer version is -- sorry -- 01057510511. What
13 I'm -- what I intend to put before you is excerpts from an
14 interview that Thet Sambath gave in the week after the judgement
15 of August 2014. There was an interview he gave to VOI -- VOA
16 Khmer. The interview was on Cambodian radio on 13th and 14th
17 August, and he said -- and I quote the following: "Those who
18 initiated and caused starvation, arrest and execution in the Mr.
19 Nuon Chea or Mr. Pol Pot's regime are still living and are in the
20 government. Lower ranked leaders acted excessively and most
21 low-ranked people secretly betrayed and opposed Pol Pot and Nuon
22 Chea. And those who can testify about this" -- to whom Mr. Thet
23 Sambath has spoken, and I quote again - "really want to speak but
24 have security concerns and need security assurances if they are
25 to testify." And then the third quote, his second documentary

9

1 film -- which he says -- and I quote: "illustrates a conflict
2 called the secret civil war in the Khmer Rouge regime and what
3 was behind those killings". End of quote.

4 [09.23.25]

5 So, hopefully Mr. Thet Sambath will be testifying before this
6 Court soon. He has indicated his willingness and what he seems to
7 be suggesting, based on his 10-year research, is more or less
8 what I put to you yesterday, that there was in fact a civil war
9 almost immediately after '75 between two opposing factions. And I
10 would like to have your reaction to these quotes.

11 MR. PRESIDENT:

12 Madam Expert, please wait. And the International Co-Prosecutor,
13 you have the floor.

14 MR. KOUMJIAN:

15 Your Honour, what defence counsel has done is read very small
16 portions of a large book by Thet Sambath and then given his view,
17 which is not supported in my opinion by the book, about the
18 crimes of Democratic Kampuchea and who's responsible. Reading the
19 book of Thet Sambath, what he makes it clear is that Nuon Chea is
20 responsible and has acknowledged responsibility for the purges
21 and the killings in -- people in Democratic Kampuchea. So putting
22 a small portion of a book and not the entirety to the witness, I
23 think is unfair and not helpful to the truth-finding process.

24 [09.24.57]

25 MR. KOPPE:

10

1 Mr. President, I'd be very happy to read the complete interview.
2 I'd be very happy to read other passages from the book but I
3 don't think, in relation -- in respect of time that would be
4 helpful. I think Thet Sambath, and also Rob Lemkin by the way,
5 are very clear in their views based on their research that there
6 was in fact a civil war between two, possible equally strong,
7 factions. I think the expert is perfectly capable of answering,
8 or again reacting, to that proposition.

9 MR. KOUMJIAN:

10 I would kindly ask, Your Honour, the counsel to find one passage
11 in the book where Thet Sambath says that during the DK regime
12 there was a civil war on-going.

13 [09.26.00]

14 MR. KOPPE:

15 The book is -- as we all know, the book is based on the
16 documentary "Enemies of the People". We also know that Thet
17 Sambath, together with Lemkin, was very busy with making a second
18 documentary film. And the question -- the central question in
19 that second film, which is still to be released, is exactly this
20 proposition. So -- but I'm not quoting from the book, I'm quoting
21 from what he said very recently in an interview to VOA Khmer
22 radio so I think I'm entitled to ask that question.

23 (Judges deliberate)

24 [09.28.10]

25 MR. PRESIDENT:

11

1 The Chamber would like to hand the floor to Judge Fenz to clarify
2 this issue -- that is, the objection by the Prosecution to the
3 question by Nuon Chea's defence and Judge Fenz, you have the
4 floor.

5 JUDGE FENZ:

6 The Chamber shares the Prosecution's concern about what appears
7 to be a pattern of, let's say, selectively representing or
8 misrepresenting documents and asking witnesses, experts, et
9 cetera, to comment on it. For this reason, we allow the question
10 which was "Do you think there was a civil war pretty soon after
11 '75 in the country?", but you're not required to comment on other
12 arguably selective excerpts put to you by counsel. Please answer
13 the question.

14 [09.29.26]

15 MS. BECKER:

16 A. The answer is no. It's the same answer as yesterday.

17 BY MR. KOPPE:

18 Very well. I would like then to take you to another document
19 which we discussed briefly yesterday and that is the report made
20 by Geng Biao.

21 Mr. President, that is, as said yesterday, document E307/521. As
22 a matter of fact, yesterday I saw that there is a full Khmer
23 translation of this document for the benefit of the interpreters.
24 There was some discussion yesterday about the relevance of this
25 report and I think I'll briefly guide you through what I -- what

12

1 we believe is highly relevant -- the high relevance of this
2 document. It says on the first page -- that is, ERN 01001620; and
3 Khmer, 01063793 - it's an editor's note:

4 "On January 16, 1979, Geng Biao, a member of the Chinese
5 Communist Party Politburo and Secretary General of the CCCP
6 Military Commission, and currently elevated to the position of
7 Vice-Premier Minister of Defence, delivered a report exclusively
8 for internal use analysing the situation in Indochina after the
9 fall of the Pol Pot regime."

10 [09.31.20]

11 Geng Biao himself, when addressing his comrades -- he is quoted
12 as follows -- that's the same page, the first page:

13 "Since the situation has changed very rapidly, to enable all
14 leading cadres of various Ministries and Departments of the
15 Party's Central Committee, the Standing Committee of the National
16 People's Congress, the State Council and the Party Central
17 Committee's Military Commission to have a clear understanding of
18 the situation, Chairman Hua -- Hua Guofeng -- has especially
19 appointed me to make a simple report on the situation of
20 Indochina to you, on behalf of the Party Central Committee, and
21 to give a preliminary explanation of the Party Central
22 Committee's assessment of the situation, as well as principles
23 and policies to cope with as to avoid unconcerted action and
24 possible difficulties in the future."

25 So it's not somebody's opinion but it seems to be --- there seems

13

1 to be strong proof of -- that this document is a reflection of
2 actual -- the actual Chinese perspective.

3 [09.32.48]

4 Now yesterday, I gave you a quote already from this document. I
5 would like to take you now to two or three more quotes from this
6 document. Mr. President, that is English, ERN 01001622; Khmer,
7 01063796 and 79697. It's in the middle of the page, page 381 it
8 says on top.

9 "In 1973, in order to remind the Cambodian leaders to maintain
10 constant vigilance, Chairman Mao also told Sihanouk that Ho Chi
11 Minh had talked with Chairman Mao about the establishment of an
12 Indochina Federation. After 1974, Vietnamese troops coordinated
13 with the revolutionary forces of Cambodia in various battles in
14 Cambodia.

15 "Vietnam seized the opportunity to cultivate a group of
16 pro-Vietnam Cambodian leaders. The seat of disaster was thus
17 sown."

18 [09.34.04]

19 He then moves on to say -- and I quote again:

20 "On the other hand, there were too many factions among the
21 Cambodian forces. Three main factions were formed at that time.
22 The first faction, composed of Cambodian workers and peasants and
23 under the direct control of Pol Pot and Khieu Samphan, was the
24 majority and the main force of the liberation army. The second
25 faction consisted of the royal forces faithful to Sihanouk and

14

1 old patriotic officers and men from Lon Nol's troops who turned
2 against Lon Nol and joined the liberation war. Members of this
3 faction were not many but all of them were well-trained allies of
4 the Communist Party and sympathisers of the revolutionary cause."

5 And then importantly, of course, and I quote again:

6 "The third faction was the well-equipped pro-Vietnam group
7 consisting of quite a few members, and any" -- I move on to the
8 next page, Mr. President, 01001623 ERN, English; Khmer, 01063798.

9 [09.35.38]

10 MR. KOUMJIAN:

11 Excuse me.

12 MR. KOPPE:

13 Can I please finish my question at least?

14 MR. PRESIDENT:

15 The International Co-Prosecutor, you have the floor.

16 MR KOUMJIAN:

17 I apologise to counsel if I interrupted his question. I was just
18 going to request that he read the last sentence of 381 that goes
19 over to 382 in order to put this into context.

20 MR. KOPPE:

21 Mr. President, did I interrupt the Prosecution when he was
22 selectively quoting Ieng Thirith in her interview? No. I can read
23 the whole thing but I have limited time and I'd like to go
24 directly to the point. We all can read but --

25 (Judges deliberate)

15

1 [09.36.36]

2 MR. PRESIDENT:

3 Counsel Koppe, could you hand a set of documents to the expert so
4 that she can follow your questions and respond to your questions
5 appropriately. If you read probably only part of the question it
6 will be difficult for the expert to respond. And I think in the
7 past, this kind of practice has been objected by the Defence.

8 MR. KOPPE:

9 I'm very happy to give my copy of this document to the expert.
10 It's a little coloured. But I think also we put this document, we
11 referenced it in our email, and I think it was sent to you. I'll
12 be happy to give you my copy.

13 MR. PRESIDENT:

14 And Ms. Becker, can you actually view the documents that the
15 defence has?

16 If that is the case, then please deliver your own copy for her so
17 she can also notice the highlighted portions of your questions.

18 (Short pause)

19 [09.39.35]

20 BY MR. KOPPE:

21 Q. Did you also read the next page where it says 4000?

22 MS. BECKER:

23 A. Yes.

24 Q. The report is no doubt critical of the way certain things were
25 handled in DK. But nevertheless, notwithstanding that criticism,

16

1 the Chinese authorities, the Chinese Communist Party clearly
2 distinguishes three factions and, indicating that the Vietnamese
3 backed faction consisted of 4000 cadres. In the light of the
4 civil war as cited by Thet Sambath, does that change your
5 position? Or would you be able to react on this document when it
6 comes to the distinguishing of those three factions within the
7 Khmer Rouge?

8 [09.40.47]

9 A. I'm going to put aside Thet Sambath because I've already told
10 you I admired his movie. The movie does -- in no way has this
11 civil war. So that's the -- I think I've answered that question.
12 Now this document, yes, I did read. But I should let you know
13 that I can't bring my computer in and read it on the screen, so
14 that's why I've asked you for the document. And thank you for
15 giving it to me, I appreciate it.

16 This very much reflects the -- this reflects what DK has told
17 China, there's no question about that. And I find -- when reading
18 it before and I read it now, the first time, if you remember
19 correctly, the first time that DK did have a purge of Cambodians
20 who were in Vietnam were the ones who came who had settled in
21 North Vietnam after the Paris Peace Accords of 1954/55. And so
22 that was the first real purge. Now here, this supposedly -- there
23 was no actual physical evidence of Khmer Rouge DK troops with Lon
24 Nol remnants forced in the West. In fact the people who
25 eventually fled DK and became the front for the Vietnamese

17

1 invasion and occupation were at the other side of the country in
2 the East. So there's a lot of internal contradictions in this. So
3 does this accurately reflect what DK said to China and China's
4 reactions to what DK had done? I think it does, it does
5 accurately reflect. But that's one, that's not of course what
6 research says.

7 [09.42.47]

8 Q. Thank you for your answer. What makes you say that this is --
9 that the source of this information is only DK and not China's
10 own intelligence? As you know, we discussed that briefly. China
11 had many people within DK and had most likely very good
12 intelligence position within DK. Why, what makes you say it was
13 only DK feeding the Chinese and not China having its own
14 intelligence position and reaching that conclusion?

15 A. Because as I wrote in my book, the Chinese told me they were
16 hamstrung, they did not have freedom of movement; that they, in
17 fact -- I quote one of the top Chinese diplomats as saying they
18 were hamstrung. They did not have good intelligence. And as I
19 pointed out, there's been a recently new book by Andrew Mertha
20 going into at length the fact that the Chinese did not have the
21 kind of movement or intelligence they wanted. So that's why I
22 said that.

23 [09.43.37]

24 Q. There's no need to go into discussion about that book. I read
25 that book, of course, as well and he just spoke to some lower

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1 ranking Chinese cadres. So I'm not quite sure if I agree with
2 that. However setting aside the Geng Biao report, you, and I
3 think especially Ben Kiernan, is writing extensively about
4 attempts to bomb the country, Siem Reap, sabotage attempts, coup
5 d'états, attempts to coup d'états, possibly poison attempts,
6 attempts to poison Pol Pot and Nuon Chea. Would it not seem that
7 in connection with that evidence, there was indeed an opposing
8 faction from the very beginning trying to sabotage the Pol Pot
9 faction?

10 A. Could you please read where I said that?

11 Q. I'm not saying that you said that. I'm saying that you also,
12 especially Ben Kiernan is writing about the bomb attack: 30
13 people got killed in Siem Reap in 1976. In confessions, there are
14 stories about attempts to poison Pol Pot and Nuon Chea, and there
15 are all kinds of other secondary evidence indicating that there
16 were plots to overthrow Pol Pot and Nuon Chea.

17 [09.45.20]

18 MR. PRESIDENT:

19 And the International Lead Co-Lawyer for civil parties, you have
20 the floor.

21 MS. GUIRARD:

22 Thank you, Mr. President. As I said yesterday, so that the
23 Parties may follow properly, counsel has to allow us understand
24 what happens. He is referring to Ben Kiernan, without telling us
25 which work in particular. He is speaking about confessions

19

1 without saying which confessions. So unless the contrary is
2 proven, Mr. Koppe is a lawyer and so we would like our colleague
3 to stop testifying, and that he puts questions that allow the
4 parties to follow the proceedings. Thank you.

5 [09.46.07]

6 MR. KOPPE:

7 Mr. President, it would be really helpful if the civil party
8 lawyer knows a little bit about this case. She objected yesterday
9 about me quoting Ponchaud and Vickery. And now she's again
10 contesting very basic information that everyone can read in
11 Kiernan, Heder, anywhere. So it's not that I'm asking something
12 very peculiar. I'm asking something about what is widely
13 described.

14 MS. GUIRAUD:

15 Mr. President, I am simply going to ask, I simply would like my
16 colleague to be courteous. This is something normal in a trial.
17 The point is not reading and doing the work instead of us. We are
18 in a courtroom; there are certain rules that have to be followed.
19 Our colleague has systematically, since the beginning,
20 misrepresented the evidence that he is quoting. We simply want to
21 follow the proceedings in a loyal way. When he quotes Kiernan, I
22 would like the President to ask him to refer to the text that he
23 is speaking about. When he speaks about confessions, I am asking
24 you, Mr. President, to tell our colleague to indicate to us which
25 confession he is speaking about. That is all I am asking for.

20

1 [09.47.33]

2 MR. PRESIDENT:

3 The observation by the International Lead Co-Lawyer for civil
4 parties is appropriate and Counsel Koppe, please clearly refer to
5 the documents that you used as a reference in your questioning to
6 this expert.

7 BY MR. KOPPE:

8 For the record Mr. President, I am interviewing, I am
9 cross-examining an expert and I can trust hopefully that she has
10 basic knowledge of events between '75 and '79. But I move on.

11 Q. Ms. Becker, I would actually like to take you to an interview
12 that you took with Ieng Thirith, an interview that was discussed
13 in relation to questions by the Prosecution. That is E3/659;
14 English, ERN 00182322; Khmer, 00741117; and French, 0074304748.
15 It is page 25 of your verbatim interview. When the Prosecution
16 was reading this part of the interview to you, I think he was
17 omitting an important piece of this interview, so I would like to
18 revisit you this passage again.

19 [09.49.12]

20 At one point Ieng Thirith, and that's on the top of the page,
21 answers your questions as follows: "Yes, I was travelling in
22 order to see the conditions of the people and at the time when I
23 came back in Phnom Penh, I reported to our leaders that there was
24 something queer in some provinces. For example, in Battambang, I
25 saw something very clear, that they make people, all people go

21

1 into the rice fields, very far from the village and they have no
2 home. And I saw they have no home and they are all ill. I
3 reported to my leaders that" -- You interrupt her and then you
4 ask Ieng Thirith: "Who were your leaders, who did you report to?"
5 And then she answers to your question: "to the Prime Minister.
6 That's quite queer. It's not normal. There is something wrong in
7 this. In fact when they made inquiry they saw that So Phim was an
8 agent of the Vietnamese, because he was an ancient member of
9 Indochina Communist Party, you see, and at the time they joined
10 in a new party. But when the Vietnamese - Ros Nhim in Battambang;
11 So Phim was in the East, he was in the North-western region."
12 It's a little incoherent, but that's what she says.

13 [09.50.41]

14 You go back to her and you ask her: "So this is 1976. There was a
15 purge in 1977" And then she answers: "At the time I told my
16 leader there is something wrong in that province, because I know
17 the directives of the Prime Minister, not young, not old people,
18 not pregnant women, not women feeding babies, and not small
19 children. But I saw everybody there in the rice fields, in open
20 air, nothing and with the sun, very hot sun. I saw many people
21 ill of diarrhoea and malaria. So I reported it to him." And then
22 you ask: "And what happened?" And Ieng Thirith answers: "They
23 made an inquiry, and in the end in 1978 we" -- And you say:
24 "Executed?" And then she answers, and that is the quote: "No, we
25 arrest him. We know that Ros Nhim was in big collusion with So

22

1 Phim in order to carry out the orders of Yun (phonetic), in order
2 to sabotage our policy and to massacre our people. So in this way
3 they can make people rise against us because they don't know.
4 People know only Pol Pot and they don't know this. They don't
5 know. They know that this is an order of Pol Pot. They don't know
6 that Pol Pot don't order all of them to go to the rice fields.
7 It's to cause dissatisfaction among people." And then you say:
8 "Essentially you are saying that you were not in control."

9 [09.52.14]

10 Now it would seem to me that, and correct me please Ms. Becker if
11 I am wrong, that Ieng Thirith is trying to say she saw things in
12 the Northwest Zone which were not in accordance with Party
13 guidelines. That she saw all kinds of things happening that
14 shouldn't be happening. That it was reported and that it was
15 apparently considered by Pol Pot and possibly others as
16 sabotaging the Revolution and that they took the appropriate
17 measures by finally arresting him and of course, as you know,
18 executing him. The question to you is what Ieng Thirith says
19 here, isn't that in essence what Thet Sambath is saying as well?
20 That there was a civil war going on and the other side was
21 sabotaging the policy of Pol Pot?

22 MS. BECKER:

23 A. Again, if you please, I don't know what -- this Thet Sambath,
24 can we just forget this?

25 [09.53.25]

1 Q. Yes, forget Thet Sambath.

2 A. This is the rationalisation and I will step back a minute and
3 explain how this looked. This was after they had been overthrown.
4 This is later she's talking to me. What hasn't come out I think
5 in the questioning is the sheer incompetence of Democratic
6 Kampuchea. You can have all kinds of directives, but you see in
7 all kinds of reports materials weren't sent. People didn't
8 understand directives. You have illiterate cadre who are supposed
9 to read reports. The incompetence cannot be stressed too much. So
10 this is an example, I think, one of the incompetence, and two of
11 - with the incompetence the attempt to have -- When you have a
12 country turned into an entire police state with open-air labour
13 camps you're going to have problems of control. So this wasn't
14 surprising to me. You know, now in the 21st century, you
15 immediately think of North Korea or something like that, where
16 similar kind of attempts and you have these huge problems. And I
17 thought it was something of her to admit to this, so one of the
18 reasons I used the interview.

19 [09.54.44]

20 Q. Thank you for your answer, Ms. Becker. I have some smaller
21 follow up questions.

22 What can you tell us about a phenomenon in DK called The Workers'
23 Party?

24 A. Can you be more specific, please?

25 Q. Does the name, the Etiquette Workers' Party mean something to

24

1 you in the context of DK?

2 A. There are many different contexts. I'm still not sure. It
3 could mean many things. It's like asking me about, you know,
4 Vietnam after 1975.

5 Q. Do you know if in confessions and in other Black Paper and in
6 other DK documents the suggestion was put forward that the other
7 faction in fact had its own party called The Workers' Party.

8 A. Yes, that's true.

9 [09.55.57]

10 Q. Is there anything else that you can tell us about this?

11 A. It's the theme that you see, particularly after 1977 in
12 particular, and the rationale for large scale purges of cadre and
13 their family.

14 Q. Is it your opinion that there was no such thing as a party
15 next to the CPK called The Workers' Party?

16 A. You mean a secret party operating during DK? No, I did not see
17 proof of that, no.

18 Q. Thank you.

19 Another question: does the name Hen Sao (phonetic) mean something
20 to you?

21 A. Just like that, I can't think, no. Can you remind me?

22 Q. Yes, it seems he was a high ranking Vietnamese communist
23 operating in DK supposedly having contact on behalf of Vietnam
24 with So Phim and Ros Nhim. Does that ring a bell?

25 A. No.

25

1 [09.57.37]

2 MR. KOPPE:

3 I'm looking at the clock. My national colleague has some more
4 questions, so I would like to give the floor to him.

5 Thank you Ms. Becker.

6 MR. PRESIDENT:

7 Thank you.

8 And Counsel Mr. Suon Visal, you have the floor.

9 QUESTIONING BY MR. SUON VISAL:

10 Thank you, Mr. President. And good morning, Ms. Elizabeth Becker.

11 I only have some questions to put to you and it will take only
12 about 20 minutes.

13 Q. When you came to Cambodia in 1978, how long did you stay in
14 Cambodia?

15 MS. BECKER:

16 A. Two weeks.

17 [09.58.44]

18 Q. During the two-week period, can you tell the Court the
19 important places that you visited?

20 A. We went East, to Kampong Cham, to the border, we went to the
21 Northwest, Siem Reap, Battambang, we went through Kandal, down to
22 Sihanoukville, back, and then of course many places in Phnom
23 Penh.

24 Q. For each place that you visited, can you tell us, if you
25 recall, whom did you interview?

1 A. I'm afraid my memory is not that good. It's all in my book,
2 and I would have -- I don't -- I'm not going to bore you with
3 reading it, but the major people I did include in the book. Did
4 you want me to read it to you?

5 [10.00.10]

6 Q. Thank you. In fact, I have read your book. My point is during
7 this short stay visit, you would have recalled the most important
8 interviews that you engaged in. For example, whether your trip's
9 purpose was to concentrate on the conditions in the cooperatives
10 or something like that?

11 A. Yes, that was one of the themes. The condition of the --
12 living conditions, the military situation, up North, in the
13 Northwest it was rice experimentations, some of the fishing
14 issues around the great lake, Tonle Sap, down South in the port
15 in Sihanoukville it was exporting to Singapore and I believe Hong
16 Kong some rice. As I said on the border with Commander Pin, the
17 possibility of Cambodia holding back Vietnam on the border. So
18 those were the major -- and then in Phnom Penh, of course, were
19 more policy and again the major interviews were with Foreign
20 Minister Ieng Sary and Prime Minister Pol Pot.

21 Q. At that time, did you yourself go alone on your own or were
22 you always escorted with the delegates?

23 A. I -- three times I went on my own, three times I believe,
24 three or four times I went on my own in Phnom Penh. When it was
25 discovered that I was going on my own, the guesthouse was locked.

1 Otherwise -- and on one of those trips the two other, Richard
2 Dudman and Malcolm Caldwell were with me, but this was walking
3 around Phnom Penh. Otherwise, in everything else, we were with
4 generally Thiounn Prasith and several armed guards.

5 [10.02.47]

6 Q. When you were alone or amongst your team without the armed
7 guards, what kind of information did you consider important from
8 the encountering with other people during such time?

9 A. It was very short because one of the guards would come and
10 find me, so I was never able to go and come back. And what was
11 important was in fact that I didn't find many people. The city
12 was very empty. The important information was what I saw. I saw
13 -- for instance I walked past the central market. It was empty,
14 the life that I knew there, of people meeting there, having
15 coffee, exchanging gossip, buying things -- empty, nothing.
16 The parks, there were no children playing, nothing. Schools were
17 empty, no students. There was no life and in some of the side
18 streets, in fact, I saw buildings that were falling apart and
19 used as warehouses. So it was there was -- behind the façade of
20 the beautiful Monivong or Norodom, I saw a decrepitness.

21 [10.04.25]

22 Q. Thank you. I'd like to ask you another question in relation to
23 the killing of one of your team members. Can you provide a little
24 bit further details regarding that incident?

25 A. If you wish -- you want me to pick up from what I was saying

28

1 the last two days? I gave my personal account. It is -- I can't
2 say that without a little bit of difficulty, so I would like you
3 to tell me what details you would like.

4 Q. I'd like you to tell the Court regarding the incidents that
5 happened on that date. For example, what happened during the
6 daytime --

7 MR. PRESIDENT:

8 In fact, counsel, the expert already responded to such a question
9 so your question is considered repetitive and if you would like a
10 certain specific timeline point to be clarified by the expert,
11 please do so because your question is repetitive and you are not
12 allowed to do that.

13 [10.06.05]

14 BY MR. SUON VISAL:

15 Thank you, Mr. President.

16 Q. When you saw the guard before he fired - or, he shot your team
17 member, can you recall the specific physical appearance of that
18 individual when the person came to knock on your door?

19 MS. BECKER:

20 A. This is after Malcolm has been killed right? You're talking
21 about the guard who came to rescue me?

22 Q. No, I meant before he had been killed.

23 A. So at the very beginning -- I will begin at the beginning, I'm
24 presuming that's what you want. He did not knock on my door. What
25 happened was it was late, we were all asleep and you know in

1 Democratic Kampuchea there are no phones, you are completely
2 isolated, dark. And I was woken up by strange noises, and in my
3 dreams, as I was waking up, I thought I heard garbage cans or
4 some sort of loud noise and that I was back in Washington DC in
5 my apartment. And then I woke up and I thought of course not, I'm
6 in Phnom Penh, in Democratic Kampuchea, I had never seen a
7 garbage can, and then I pulled on my jeans and then I left the
8 bedroom. I was on the ground floor, I was the only woman, I was
9 on the ground floor. I walked from my bedroom into the foyer and
10 as I was arriving right in the centre of the room, from the door,
11 the outside door coming in, after hearing gunshots and smelling
12 the cordite, in comes a fellow with ammunition across his chest.
13 He's wearing dark clothes, but he has a different kind of
14 baseball cappy kind of thing on, very Khmer, and I said no, in
15 English and in Khmer. He had the pistol pointing at me and I ran
16 back into my room and he did not follow me, he went up to the
17 second floor. And as I said, I hid in the bathtub on my stomach,
18 which is what you learn as a war correspondent. It's the only
19 natural fortress. I heard him run up the stairs because the
20 bathtub was under the stairs. Then I heard many gunshots and
21 after that I did not see him until much later, hours later, when
22 we were -- and I went through that before. And I didn't see him
23 again until we were taken up to Malcolm's bedroom and Malcolm's
24 body was there and his body was there as well. He was dead.
25 [10.09.43]

1 Q. After that incident -- and you stated earlier Ieng Sary said
2 that the one who committed the killing was Vietnamese and some
3 guards were arrested as a result. Did you see the guards who were
4 arrested in order to compare their physical appearance to those
5 people who involved in the gunshots?

6 A. What I know about the people arrested were contained in
7 documents from Tuol Sleng, and the names of those guards were
8 stewards, they were identified as stewards who were in charge of
9 helping us. The people who helped take care of our daily needs.

10 Q. Based on your personal conclusion, was the killing arranged or
11 organised by Pol Pot or was it organised by somebody else?

12 [10.11.16]

13 A. I have, as you can imagine I have looked into this quite a bit
14 and I do not pretend to know who did this. Internal documents and
15 my own personal eyewitness, having gone through it, is that it
16 was within the Democratic Kampuchea and I do not see, but beyond
17 that I can't say. When your fellow defence lawyer asked me, I
18 said if you force me to give an answer, I would say it would be
19 someone within Democratic Kampuchea who was unhappy with Ieng
20 Sary opening up the country to us non-friendly delegation -
21 foreigners, which was all part of, as I said earlier, the
22 invitation to Secretary General Kurt Waldheim and then to foreign
23 journalists, like Mr. Dudman and myself.

24 Q. Thank you. I'd like now to move on to another topic -- that
25 is, on the administrative structure of the leadership of

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1 Democratic Kampuchea at that time. Who were the senior leaders or
2 officials of DK at the time of your visit?

3 A. You mean Pol Pot, Nuon Chea, Son Sen, Vorn Vet, Khieu Samphan?
4 [10.13.01]

5 Q. Could you provide a little bit further details as upon your
6 arrival in Cambodia, who were the people, or members of the
7 cabinet or ministers of DK?

8 A. The entire leadership? Sure, just a second please.

9 As I said, Pol Pot was number one, number two was Nuon Chea, Vorn
10 Vet, Khieu Samphan -- if you don't mind, my memory is not
11 brilliant; okay? Who did you want me to specifically talk about?

12 Q. I'd like you to give us some names as to who were in charge.
13 For example, what were the roles and functions of Pol Pot, Ieng
14 Sary or Nuon Chea at the time of your visit, so that I can put
15 follow up questions to your response.

16 A. Pol Pot was the General Secretary. He was the Prime Minister
17 and he was in charge of the country. Nuon Chea was his number
18 two. Ieng Sary was the Foreign Minister. I would have a hard time
19 going through the whole thing of the United States. Do you want
20 to ask me the question please? I'm sorry but -

21 [10.14.58]

22 Q. In 1978, what was Nuon Chea's function within the government
23 besides the Party's structure?

24 A. Economic, in charge of the economy.

25 MR. PRESIDENT:

32

1 The time is appropriate for a short break. And counsel, please
2 try to make your questions as brief and concise as possible and
3 try to avoid repetitive questions. We will take a break now and
4 return at 10.30.

5 And Court officer, please assist the expert during the break, and
6 have her returned to the courtroom at 10.30.

7 The Court is now in recess.

8 (Court recesses from 1016H to 1036H)

9 MR. PRESIDENT:

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

11 The Chamber has just received a waiver from the Accused, Nuon
12 Chea, dated 11 February 2015, that due to his health, he waives
13 his direct presence in the courtroom, and that also is for the
14 effective future participation in the trials, and that he
15 requests to be present in the holding cell downstairs, starting
16 from this session until the end of today. Based on this reason,
17 and pursuant to Rule 81.3 of the Internal Rules, the Chamber
18 grants Nuon Chea's request, so that he can follow the proceedings
19 from the holding cell downstairs via an audio-visual means. And
20 as he waives his direct presence in the courtroom, the AV Unit,
21 you are instructed to link the proceedings to the holding cell
22 downstairs, so that the Accused can follow it, and that applies
23 for the remainder of today's proceedings.

24 The International Lead Co-Lawyer for civil parties, you have the
25 floor.

1 [10.39.17]

2 MS. GUIRAUD:

3 Thank you, Mr. President. A very short comment, and we would like
4 this comment to be on the record. The civil parties have reminded
5 how often that Nuon Chea appears physically, even if it's brief,
6 in this courtroom, and we note today, and we would like this to
7 be recorded on the record, that whilst Nuon Chea has chosen to be
8 absent from the courtroom since the beginning of the trial, when
9 witnesses and civil parties came to talk about the crimes they
10 witnessed during Democratic Kampuchea, Nuon Chea chose to be
11 present today in the courtroom, in order to be with you, Ms.
12 Becker. And we noted that he sat during an entire session, and it
13 seems important to us that this comment be in the record.
14 And we are also surprised with the right to silence, the à la
15 carte right to silence, whereas he had promised us at the
16 beginning of the trial that he would participate in the hearings,
17 and he systematically refused to answer the questions that were
18 put to him by the civil parties. We note today that he chose to
19 break his right to remain silent to put questions to Ms. Becker,
20 who is a kind of "VIP". Here again, we would like this to be on
21 the record of the proceedings.

22 Thank you, Mr. President.

23 [10.41.00]

24 MR. PRESIDENT:

25 Thank you. I think it is not appropriate for you to be on the

1 record. As you are aware of, everything is on the record, on the
2 transcripts, and there is no need to put -- to emphasize that.
3 The Chamber would like now to give the floor to the defence team
4 for Nuon Chea. And Counsel Visal, do you have any further
5 questions? If so, please try to avoid any repetitious questions.

6 BY MR. SUON VISAL:

7 Thank you, Mr. President. I will rephrase my questions
8 accordingly. In fact, I only have two more questions for the
9 expert.

10 Q. Madam Expert, during your visit, what were the roles of Vorn
11 Vet and Son Sen?

12 MS. BECKER:

13 A. Son Sen -- excuse me. Son Sen was military and Vorn Vet was
14 industry, I believe. Correct me if I'm wrong, please.

15 [10.42.27]

16 Q. Thank you. And my last question to you relates to Vietnam.
17 Yesterday, you stated that Vietnam was present in Cambodia, not
18 for the humanitarian purpose. So, in your view, what was the
19 intention of Vietnam being in Cambodia, or being present in
20 Cambodia at the time?

21 A. Thank you. The answer was regarding your Co-Defence Lawyer's
22 question about the invasion. He asked if it was a humanitarian
23 invasion, and I said no, it was an invasion as a result of the
24 border war. That there were humanitarian consequences, but the
25 invasion itself was not humanitarian.

35

1 MR. SUON VISAL:

2 Thank you, Madam Expert; and Mr. President, I don't have any
3 further questions.

4 MR. PRESIDENT:

5 Thank you. The Chamber would like now to give the floor to the
6 Accused, Khieu Samphan's defence, to put questions to this
7 expert. Thank you.

8 [10.43.55]

9 QUESTIONING BY MS. GUISSÉ:

10 Thank you, Mr. President. Good morning, Ms. Becker. My name is
11 Anta Guissé, and I am the Co-International Counsel of Mr. Khieu
12 Samphan. I know that you speak French perfectly well, so I am
13 going to ask you to pay attention, as you did with Counsel Koppe,
14 to mark -- to stop a bit so there's room for the translation. I
15 have a few follow up questions, and a few clarification questions
16 in relation to your testimony.

17 Q. You indicated, Ms. Becker, that you were in Cambodia before 17
18 April 1975, and that you had stayed there for about two years.
19 Did I understand well that it is in Cambodia that you started
20 your career as a journalist?

21 MS. BECKER:

22 A. Yes.

23 [10.45.00]

24 Q. I also understood that you first worked for a magazine, a
25 review, called "The Far Eastern Economic Review". And as its name

1 states, was this a review essentially focused on economic issues?

2 A. No, it was -- it's a -- it was a Hong Kong-based news
3 magazine. The focus was closer to what we know as "The
4 Economist", where it has a strong economic component, but it has
5 a -- also it's political as well. So, you had -- the front part
6 was largely the political issues, and then the back of the book,
7 the back part, was more economic business.

8 Q. And if I understood well, you covered the war because you
9 arrived in 1972, so this was really in the midst of the war, and
10 you left in 1974. Is that the case? This was the first time that
11 you came to Cambodia, between '72 and '74.

12 A. Yes.

13 Q. So, you always experienced Cambodia in times of war. You never
14 were in Cambodia in times of peace. Is that so?

15 A. Yes, the war was going on when I came.

16 [10.46.56]

17 Q. I would like to know if, during that period, you stayed in
18 Phnom Penh or if you had the opportunity to visit the provinces?

19 A. Yes, I travelled throughout Cambodia. The provinces, yes.

20 Q. And when you say that you travelled throughout Cambodia, you
21 also travelled to the combat areas?

22 A. Yes.

23 [10.47.37]

24 Q. Now, I would like to get back to your book, "Les Larmes du
25 Cambodge" in French, in particular the excerpt - this is document

1 E3/20. The French ERN is 00638304. It's on page 17 in your
2 English copy normally. The French ERN is 00638304; in English,
3 00237722; and in Khmer, the ERN 00232020 to 22. And you -- In
4 this passage that I would like to focus on, you speak about the
5 consequences of the American bombings that we spoke about
6 earlier, or that you spoke about earlier. You say that the area
7 of the rice fields flow from three million hectares to a bit more
8 than 500,000 at the end of the bombing campaign [Free
9 translation].

10 The first question with regard to this excerpt: where did you get
11 these -- what was the source of these figures? Because I don't
12 see any footnote.

13 A. The bombs -- or the explosives of the bombs, are through
14 Freedom of Information Act, and it's now public record. And I
15 believe the hectares is from the World Bank, but this is my
16 memory only. And I think that it may not be a footnote, but it's
17 in the bibliography.

18 [10.49.39]

19 Q. Thank you for this clarification. And now, getting back to
20 what you might -- to what you noticed when you travelled to the
21 provinces, because you saw on first sight the destruction of
22 these rice paddies, and of these harvested areas. What did you
23 see?

24 A. Are you talking about 1978 or during the war?

25 Q. I'm still talking about the period prior to 1975, about your

1 first stay in Cambodia.

2 A. Well, during the war, at the beginning, in the -- the
3 bombardment was the very first half of 1973. So, what you saw was
4 clusters of destruction. We would go and measure the bomb
5 craters, to verify that in fact these were B-52 bombings, because
6 that was a critical question. We would interview refugees. We'd
7 look at the destruction. We had -- I remember going to one area,
8 I think it was Kandal province, where I tried to figure out
9 exactly how much acreage was destroyed, and the -- sort of the
10 local leader and I walked through which families were gone, where
11 they had fled, so on and so forth. It was simply going from one
12 area to the other, trying to do it, because it was a huge -- as
13 Mr. Nuon Chea was talking about. It was a huge issue in the
14 United States, and the reporting was very important in terms of
15 the attention of the US public and the US government on what was
16 going on in Cambodia. So, it was very much -- those first six
17 months was how much was destroyed through the bombing.

18 [10.51.48]

19 Q. Now I'm going to move on to another topic, which relates of
20 course to your work. You were questioned during -- by Judge
21 Lavergne, the first day here, with regard to an article called,
22 "Wait until the Movie". This is document E3/651; French, ERN
23 S00632848; English, S00007037; Khmer, S00649994. There is a term
24 -- a word -- that catches my interest in particular. It's when
25 you speak about Pol Pot, and you use this wording: "the leader of

1 the nation" - "Pol Pot: the leader of the nation." And this is an
2 article dated 22 October 1977. My question is connected to what
3 you said about the Democratic Kampuchea regime: the fact that it
4 was closed, that it did not communicate with the outside world.
5 And we saw during the first trial, that there were many façade
6 positions, and that Pol Pot's figure or position was not known to
7 the world immediately. So, you who experienced Cambodia from '72
8 to 1974, and then who followed the events afterwards, I would
9 like to know if you remember when you knew that Pol Pot was
10 indeed the leader of the nation?

11 [10.53.40]

12 A. 1977. Just to go backwards, in 1974 I did a long piece for the
13 Washington Post, called "Who are the Khmer Rouge?" In that piece,
14 I identified a man named Saloth Sar, as the head of the Party and
15 the leader of the Khmer Rouge rebellion. So, since '74, I had
16 printed that it's Saloth Sar, but learning that his name was Pol
17 Pot was 1977.

18 Q. When you say that you learnt that his real name -- you learnt
19 that his nickname was Pol Pot? Is that what you meant?

20 A. His nom de guerre, yes. 1974, he was still Saloth Sar, and if
21 you remember, there was a publication issued in China, 1972-73,
22 describing GRUNK, and with -- It was on the occasion of Prince
23 Sihanouk's visit to the liberated zones of Cambodia and Mr. Khieu
24 Samphan was his host, the leader of the Front, and if you keep
25 going through the pages, there is Saloth Sar and Mr. Nuon Chea

40

1 there. So, you know, people are watching how things go. That was
2 sort of the beginning of "Oh, yes, these are the two who are
3 really in charge." That was the beginning of tracing who would
4 become the real rulers, and in fact Pol Pot and Nuon Chea became
5 number one and number two.

6 [10.55.48]

7 Q. So, getting back to your article from 1977, you said that the
8 moment when the world discovered Pol Pot was not before 1977. So,
9 do you remember when in 1977 Pol Pot was known?

10 A. The exact date, no.

11 Q. We will get back to Pol Pot and to your interview with him in
12 1978 later, but now I would like to speak about another topic,
13 and of course we covered at length the relations between Cambodia
14 and Vietnam already, but do we agree, or can we agree, that the
15 problems between Vietnam and Cambodia did not start with
16 Democratic Kampuchea, but that existed for a long time before?

17 [10.57.08]

18 A. Oh, yes. Historically, yes. And they continue today.

19 Q. I'd like to go over again an excerpt from your book, E3/20;
20 ERN in French, 00638397; English -- or for you, it's on page
21 124-125. The English ERN is 00237829 over to 30; and in Khmer,
22 two pages as well, 00232165 to 166. You speak about the Lon Nol
23 regime, and this is what you say.

24 [Free translation] "At the beginning of April 1970, Lon Nol had
25 ordered his men to set up detention camps for all Vietnamese

41

1 citizens. The troops stopped the Vietnamese and put them in big
2 abandoned buildings. A Cambodian woman remembers one of these
3 horrible camps that was located close to where she was living.
4 The soldiers took over an empty house by the temple, and locked
5 up the Vietnamese. They had nothing. They would sleep in
6 hammocks. They would sit all day without doing anything, within
7 the camp. Lon Nol hated them." End of quote.

8 Can you tell the Chamber the reason, if you remember, for these
9 arrests in April 1970, the arrests of these Vietnamese by Lon
10 Nol?

11 [10.59.13]

12 A. Well, the official was that they're worried that it's the
13 traditional enemy. When Lon Nol was the military head under
14 Prince Sihanouk, he implemented an agreement between Prince
15 Sihanouk's government and Hanoi, to allow North Vietnamese to
16 transport a lot of material from Sihanoukville over to the
17 eastern sanctuaries, the eastern Cambodia sanctuaries.
18 And when he was part of the coup, the coup d'état against
19 Sihanouk, he knew exactly where all those sanctuaries were, and
20 within a few days, he asked for the Vietnamese to leave -- didn't
21 happen. And that's sort of the official, traditional enemy.
22 Underneath it, there's a racial component, that is just simply
23 racism, where he took these Vietnamese who had nothing to do with
24 North Vietnam or Hanoi, or the South Vietnamese communists, and
25 used them as scapegoats, and eventually, as you know in this

1 chapter, turned them into -- put them into camps, enemy of war
2 camps, even though they had nothing to do with the war, and
3 murdered them. It was a pogrom.

4 [11.00.34]

5 Q. Furthermore, and I continue quoting from the same page, this
6 is what you wrote:

7 "The campaign grew into a pogrom. The government admitted to
8 arresting some 30,000 Vietnamese and jailing 7,000 of them under
9 suspicion of treason. They did not acknowledge the stories of
10 racial murders that were reaching Phnom Penh." End of quote.

11 Does that -- it does reflect what you said. My follow up question
12 regarding that question, and the fact that the Lon Nol regime was
13 against the Vietnamese, it doesn't tally with the fact that Lon
14 Nol was supported by the Americans, who also needed to hide the
15 Vietnamese resistance positions on Cambodian territory.

16 A. On the contrary, it really infuriated the Americans because it
17 upset the relationship with South Vietnam. If you remember, the
18 United States -- the goal of the United States was to have an
19 alliance between Phnom Penh and Saigon. And after the pogroms,
20 there was a big uproar. And it took a while -- I think, if I
21 remember correctly, I'd have to read it, I believe in fact Saigon
22 blocked the Mekong after this because they were so furious.

23 [11.02.17]

24 Q. This brings me precisely to a remark you made on the 9th of
25 February, Monday, at 10.56. We're talking of the later period.

1 I'm talking of 1978, when you visited Cambodia.

2 Regarding Vietnam, you explained, and I'll quote your exact words
3 to simplify matters. I hope I'll find the transcript. You said at
4 10.56, after referring to the Black Paper and how you prepared
5 for your trip in 1978, you said the following:

6 "What was quite remarkable during that period was to see at what
7 speed the former allies had become the enemy, and the language
8 used was very strong." End of quote.

9 My question regarding the context at the time, reports that the
10 Cold War period was not congenial to the change of alliances. You
11 talked of a split between the Chinese and the Soviets. Did the
12 situation not change on a daily basis, depending on the tensions
13 and the power balance during that period?

14 [11.04.10]

15 A. Well, that's -- I was not alone in -- yes, it was very quick,
16 and that's why I said it was remarkable. I think Malcolm
17 Caldwell's comments throughout our trip reflected that. He was so
18 taken aback by this. There was a -- it was clearly part of the
19 Sino-Soviet split, yes, no question. You're right.

20 Q. And when you place this political problem and problem of
21 alliances, in line with what you have just described, the
22 historic tensions between the two countries, is it as surprising
23 as that, or it is something that you had not imagined would crop
24 up during that period? That is, in the sense that the problems,
25 the historical problems, were recurrent, and so it shouldn't have

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1 been as surprising as one would have expected?

2 [11.05.17]

3 A. I wish I'd been that brilliant but I wasn't. When I wrote that
4 first article I was talking about 1974. I did write that, despite
5 what the United States' policy was, there was clear evidence that
6 there was tension between the Vietnamese communists and the
7 Cambodian communists. But based on the fact that the Vietnamese
8 communist army, in the first two to three years of the war, had
9 taken the bulk of the fighting to defeat the Khmer Republic's
10 army, so that the Khmer Rouge forces could build up, arm, and so
11 on and so forth, it was -- the equilibrium was very much in
12 doubt. And the -- as I -- and I'll refer to my colleague Nayan
13 Chanda, as he wrote in his book, "Brother Enemy", it still caught
14 most of us by surprise.

15 [11.06.23]

16 Q. I would like us to revisit a passage from your book, document
17 E3/20. The ERN in French is 00638548. The ERN in English is page
18 291, 00237996, I believe; and in Khmer, it is 00232385.

19 This is what you wrote:

20 "The Vietnamese threat was a creation of the Khmer Rouge.
21 Disagreements and potentials conflicts abounded between Phnom
22 Penh and Hanoi. The two countries had yet to settle their 1975
23 border dispute that had led to the Mayaguez fiasco. Cambodia
24 refused to entertain discussions or negotiations with the
25 Vietnamese on their proposal to establish special relations

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1 between the two countries. But those problems might have simmered
2 for years without bursting into a confrontation." End of quote.
3 My first question to you will be asked after I will have shown
4 you a document which was shown to you on the list we had planned
5 to show, with the authorization of the President and the Court
6 Greffier. It is a summary of a meeting of the Standing Committee.
7 It is titled in French "Study of the reaction of the Vietnamese
8 during the fifth meeting of the morning of the 25th of May 1976."
9 In French, the ERN is 00386175; in English, 00182693. I do not
10 have the Khmer ERN, but it is E3221. I will give you the ERN in
11 the two languages -- in the three languages.
12 With your leave, Mr. President, I would like to show the document
13 to the expert.
14 [11.08.55]
15 MR. PRESIDENT:
16 Yes, you can do so.
17 BY MS. GUISSÉ:
18 For your information, Ms. Becker, the part I want you to look at
19 is the part that is highlighted. For the parties, the part I will
20 comment on is in English and the ERN is 00182704 and it continues
21 to 05. In Khmer, it is 00000 --that's five zeroes -- 825 to 826;
22 and in French, it is 00386190. So, it is a meeting of the
23 Standing Committee and the part I would like you to comment on
24 and to read before you do so is the end of the statement by
25 Comrade Secretary Pol Pot. In that passage, he refers to the

1 border disputes with Vietnam and the discussions during
2 negotiations that were underway at the time.

3 [11.10.10]

4 This is what is written therein or this is what he says:

5 "Even though our positions may be different, in our opinion, if
6 our Party could study the subject, it would enlighten us further.
7 According to our experience, time has taught us to know ourselves
8 and to be united. We will reach a solution. At this point in
9 time, it appears impossible for us to find a solution. In
10 reality, both of our parties, both our peoples are still united
11 and agree with one another. The comrades have also said that
12 Kampuchea considers the issue of solidarity as a trick by
13 Vietnam, whereas we consider Vietnam and the fruits of solidarity
14 that bind us together as sacred. If we rely on this position, we
15 are convinced we will reach a solution. The obstacles that exist
16 at this point in time are purely technical. If we were to base
17 ourselves on politics and the spirit of solidarity and friendship
18 and on mutual understanding, which have always existed between
19 our two parties, we will certainly reach a solution to this
20 conflict. We, for our part, we will reinforce and broaden our
21 efforts further.

22 [11.11.41]

23 "A few concrete problems: We have considered all the problems
24 raised. We will stop the conflicts 500 metres from the border. We
25 will try to do our best to avoid the conflict. We have refused,

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1 at all costs, apart from that, to rely on the liaison committee;
2 to say that the enemy has engaged in actions, sometimes, enemies
3 create problems to destroy our negotiations."

4 That was Pol Pot speaking, and now Comrade Nuon speaks and says
5 the following:

6 "The possibility is we will not yet go (inaudible) in June. They
7 will want the month of June. Therefore, until there is some
8 concession, only when they first accept our conditions will there
9 be negotiations."

10 And then Comrade Van makes a statement:

11 "They use absolute words saying they won't accept the Brevie
12 Line, but after a long while, they may perhaps accept this Brevie
13 Line." End of quote. The first part was a free translation.

14 [11.12.30]

15 Q. So, according to the negotiations with the Vietnamese, they
16 made reference to the Brevie Line. Can you briefly explain what
17 was the problem between the two countries with regard to the
18 Brevie Line?

19 A. The Brevie Line is the maritime line, and the Vietnamese
20 objected that it was a French colonial division and did not
21 represent what they considered their territory.

22 Q. Are we agreed that on the border, the main bone of contention
23 was the Brevie Line?

24 A. Yes, in these discussions. But eventually, the conflict is
25 much more on land.

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1 Q. This document and the discussions date back to May 1976. I
2 will now look at the last paragraph of the document, and this is
3 Comrade Secretary speaking:
4 "So, we act gentle. We go watch their movie. They are going to
5 watch it with the Vietnamese comrades. They do not yet have any
6 reason to break off from us, because we will keep smiling freshly
7 and have never cursed them. If they break it off, they gain
8 nothing, they only lose." End of quote.

9 [11.15.00]

10 In May 1976 apparently, and this transpires from the
11 negotiations, it would appear that this was also a position of
12 Democratic Kampuchea. They wanted to pursue dialogue and to avoid
13 deterioration in the situation that would culminate in conflict.
14 So, we see here a trend, an evolution in the situation. Do you
15 know why that was the case?

16 A. That they went from trying to find a resolution, a non-violent
17 resolution, Brevie, to a land conflict? Using the documents, it's
18 because they started to see Vietnamese, very separate from this
19 border issue, as interfering in their internal life and accusing
20 many, many members of Democratic Kampuchea of being agents for
21 Vietnam.

22 [11.16.13]

23 Q. We will revisit this issue somewhat later in my questioning
24 and in line with the discussions you had with Pol Pot and Ieng
25 Sary. But before we get there, I would like us to look at the way

1 you prepared for your trip in 1978 and what you referred to as
2 interviews you had with American officials.
3 During the hearing, you talked of American officials generally.
4 At least, that is what we gathered from the French. I would like
5 to read out to you an extract of your book to place things in
6 context. The document is -- the ERN 00638654; the ERN in English
7 is -- and for you, I'm sorry I do not have the exact page in your
8 book. It's perhaps -- in English, 00238115; and the ERN in Khmer
9 is 00232533 and it continues to 534. The English page for your
10 book is 402. This is the extract from your book regarding
11 interviews you had before your trip and this is what you said:
12 "Dudman and I had been briefed on the tenuous situation
13 confronting Cambodia before we arrived. I had talked to experts
14 at the American government's State Department, Defense Department
15 and the Central Intelligence Agency in Washington.
16 In Bangkok and in Beijing, I had met with political and military
17 experts of the United States, France, Canada, Australia, Sweden
18 and China. Not one had predicted a full-scale war between Vietnam
19 and Cambodia. At most, these experts said the Vietnamese would
20 push to the Mekong River and stop there, satisfied to control the
21 east bank before pressing on to the capital in a later offensive.
22 One of America's leading Cambodian experts, an old friend, told
23 me in Bangkok that fears I expressed about the rumours of war and
24 my own safety were unwarranted. 'It will be a piece of cake', he
25 said." End of quote.

1 [11.19.01]

2 First of all, first question: As part of your trips abroad, was
3 it frequent for you as a journalist to have talks with officials
4 from the State Department, Defense Department and the CIA?

5 A. It's not always, no. But in this situation, because, first of
6 all, my newspaper was worried about my safety and we were going
7 someplace strange, I did go the extra mile and talk to them. And,
8 of course, what's not in here is too, I obviously had to go to
9 see the Chinese in order to get my visa. But, they did not give
10 me any briefing whatsoever. It was just a visit.

11 Q. And when you say you were briefed by them, was that in
12 response to your request for an interview or your newspaper
13 arranged all these interviews with the various officials?

14 A. Oh no, the newspaper -- you know, as a journalist, you call
15 the press spokesman and say "I need a background briefing on
16 safety and security in Cambodia", and that's what I did.

17 [11.20.30]

18 Q. Well, the question that arises is that the State Department,
19 the Defense Department, the CIA, the Chinese, no one predicted
20 the way things were going to turn out. When you arrived in
21 Cambodia, you must have asked yourself, why didn't they predict
22 all this? Why didn't you have information? Did you have question
23 marks as to why this attack occurred, why it had not been
24 predicted by anyone? Why did they not give you information on
25 such an eventuality?

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1 A. No one had a presence in the country. This is all very -- this
2 is one of the reasons why I was trying to find out what I could.
3 But I knew no one had a presence in the country. France didn't
4 have a presence in the country, Australia -- this was -- it was
5 largely, you know, FBIS reports and so on and so forth. The
6 United States didn't have a presence in Vietnam either. So, it
7 was a shot in the dark. And was I -- of course, I was upset that
8 what happened, happened. But no, I mean, I knew that there was
9 very -- as I said many, many times, this was self-isolated
10 country.

11 [11.22.07]

12 Q. I understood from what you said that there was no presence in
13 Vietnam, no French presence in Vietnam. Do you mean that there
14 was absolutely no means of obtaining information regarding
15 Vietnam?

16 A. There was no American presence in Vietnam.

17 Q. Under those circumstances, without any American presence in
18 Vietnam, on what basis were the CIA, the Defense Department and
19 the State Department so sure that they could tell you that you
20 shouldn't fear for your safety? There were no sources of
21 information to rely on. There was no basis. Why then did they say
22 that you didn't have to fear anything? They must have received
23 information from somewhere. Where were they getting this
24 information from?

25 A. That was exactly my question. So, how can you reassure me? And

1 they said because they have looked at all of the friendly
2 delegation visits and they were treated extremely well and that I
3 would be treated just as well as the friendly delegations.

4 [11.23.34]

5 Q. Very well. So, if I understand you correctly, the reassurances
6 were based on the treatment you would receive in Cambodia, but
7 regarding conflicts with Vietnam, you did not receive any
8 information from them.

9 A. I'll say it again. These were their estimates and, as you
10 know, the United States shares military intelligence with many
11 countries, and they said based on the best information, this
12 would not happen. That's their best -- they didn't assure me that
13 it wouldn't happen, but they said based on the best information,
14 it would not happen. That's it.

15 [11.24.25]

16 Q. Very well. We will revisit this issue somewhat later regarding
17 the information you received from Pol Pot and Ieng Sary on the
18 situation with Vietnam during that stay in Cambodia. But before
19 we take the lunch break, I would like to elicit your comments on
20 the notes you wrote, document E3/1171 and it has to do with your
21 meeting at the end of your trip to Kampong Cham and your meeting
22 with Pin. In French the ERN is as follows: 00764039; and the
23 first passage in English is 00087878; and in Khmer, it 00726606.
24 The passage or the notes that you took during that trip have the
25 following exhibit numbers: in English, 00087858 is written at the

1 top of the page to the left. Let me repeat it again, 0087858. And
2 this is what you wrote in those notes:

3 "Mit Pin offers us a 'warm welcome'. He is a member of the
4 command of National Road 7 at Suong." And this is what is said
5 and I believe this is why you're quoting them. Please specify
6 whether when you place remarks in quotes you mean that these are
7 your remarks as opposed to those of others.

8 A. No, it's those of others. It's not me. It's those of others.

9 [11.27.15]

10 Q. In quotes I read the following: "They came within two
11 kilometres of here (Viets). They came to Memot."

12 So when you write Viets in parentheses, you mean that someone
13 else said that or you meant to say that they spoke Vietnamese?

14 A. The quotation is from Mit Pin. And it's they -- it's me
15 telling myself that the "they" refers to Viets.

16 Q. Very well. I take it, therefore, that what is in parentheses
17 is your own remarks. Let me continue the quotation:

18 "They launched an attack. We concentrated on them. They went
19 back, then two or three days later, they came back. We carried
20 out guerilla war, the Vietnamese regular war (obviously,
21 political, ideological purity in guerilla.) The Vietnamese relied
22 on planes, tanks. They used heavy artillery and infantry (this is
23 what happened within that week)." End of quote.

24 My first question is as follows: When you say that is what
25 happened that week, is that something you witnessed or it was Pin

1 who related to you what had happened that week? Did you
2 personally witness the use of heavy artillery and infantry on the
3 part of the Vietnamese?

4 [11.29.30]

5 A. This is what Peng told me.

6 Q. Second excerpt on the following page: in English, ERN
7 reference 00072600; in Khmer -- sorry. You refer again to Pin and
8 Pin explains or he speaks to you about the offensive and this is
9 what he tells you:

10 [Free translation] "The offensive started in July and August and
11 has continued practically since, but at much lower intensity than
12 in 1977. In September, they penetrated the Memot area, constant
13 attacks and increased attacks in July, August, September, and
14 November; the most intensive bombardments in July/August; the
15 usage of planes shows the weakness of the Vietnamese. The
16 250-litre bombs (sic) use a blue-coloured gas. No victims due to
17 the gas, but people have headaches and they vomit and they suffer
18 from dizziness." End of quote.

19 [11.30.45]

20 Here again, I understand that it is he who is speaking to you
21 about these attacks. So, you, in what you witnessed during your
22 visit to the border, did you see remnants of such attacks, heavy
23 artillery attacks in this area? And when he told you that people
24 were suffering from headaches and dizziness and were vomiting,
25 did you connect this with a kind of gas that you might have seen,

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1 since you were a war correspondent and you had followed the
2 fighting previously? So, these are two questions in one, in fact.
3 A. The only thing I witnessed was, in the far distance, a clear
4 exchange of artillery fire and that was simply because of the
5 sound and the smoke. I witnessed nothing else. And during the
6 war, I did not witness any gas, but I certainly heard of it.
7 There was definitely, and I took photographs of this, signs of
8 destruction of buildings. Not a lot. I think the Court has some
9 of these photographs. I gave them to the Court.

10 [11.32.30]

11 MS. GUISSÉ:

12 Mr. President, I have finished with this line of questioning and
13 I see that it is time for the adjournment, so --

14 MR. PRESIDENT:

15 Thank you, defence counsel. The time is now appropriate for our
16 lunch break. We'll take a break now for lunch and return at 1.30
17 this afternoon.

18 Court officer, please assist the expert during the lunch break
19 and have her returned to the courtroom at 1.30 this afternoon.

20 Security guards, you are instructed to take Khieu Samphan to the
21 waiting room downstairs and have him returned to the courtroom
22 this afternoon before 1.30.

23 The Court is now in recess.

24 (Court recesses from 1133H to 1334H)

25 MR. PRESIDENT:

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

2 And once again the floor is given to Khieu Samphan's defence to
3 continue putting further questions to the expert. And the defence
4 counsel for Khieu Samphan please wait, and Counsel Koppe, you
5 have the floor.

6 [13.34.57]

7 MR. KOPPE:

8 Thank you, Mr. President. Very quick question just for you to
9 confirm the next witness is TCCP 303. Is that correct because
10 there is some confusion on this side of the room?

11 MR. PRESIDENT:

12 The civil party 2-TCCP-303 will appear next.

13 And defence counsel Anta Guissé, you have the floor.

14 BY MS. GUISSÉ:

15 Thank you, Mr. President. Good afternoon, Ms. Becker.

16 Before I continue on your interview with Pol Pot specifically, I
17 would like to read an excerpt from a document that was placed on
18 the interface by the Co-Prosecutors, which is a report in a FBIS
19 report which you already spoke about, which was relating news in
20 Cambodia, and this is document E3/295. And unfortunately, I think
21 there is only an English version so I'm going to have to -- you
22 are going to have to suffer my accent, but the ERN number is
23 00169145. So it's the first paragraph, and I'm going to read it
24 out in English.

25 [13.36.49]

1 "20 December, the British professor and US journalists visited
2 the refugee camp of our fraternal Kampuchea Krom Khmers at
3 Kampeng. They listened with interest to the accounts of savage
4 treatment, persecution, massacres, and extermination raids
5 committed by the Vietnamese enemy against our Kampuchea Krom
6 brothers taking refuge in Kampuchea." End of quote.

7 Q. So my question is the following: Did you indeed visit a camp
8 in Kampeng on 20 December, do you remember this visit?

9 MS. BECKER:

10 A. Yes.

11 Q. And did you speak with the refugees in this camp?

12 A. Yes, with a few.

13 [13.38.05]

14 Q. And do you remember what they told you with regard to the
15 treatment that these refugees might have endured on the part of
16 the Vietnamese?

17 A. Largely there -- if I remember correctly, there are couple of
18 things. One, they said they had come to Cambodia for food; and
19 two, to earn a living and make money, in particular. We did not
20 have a lot of time there. It was rushed, but that's -- yes, that
21 -- those are the two things I remember: the food and then making
22 a living.

23 [13.38.53]

24 Q. You don't remember if they were treated in any special way,
25 any details or you did not have the time to ask for the detail

1 about the treatment they were subjected to or maybe you don't
2 remember?

3 A. On the ride over, we were told things by, I think, it was
4 Prasith, but when we actually got there, we did not have a lot of
5 time so we -- when we talked to them, this is what they mostly
6 talked about that I remember. And I remember that the conditions
7 of the camp were different from the conditions of the co-op. I
8 wish I could remember in better detail, but it's been decades.

9 Q. No problem if you don't remember.

10 Another point of clarification, which I forgot to ask you about
11 this morning with regard to your book again -- E3/24 therefore --
12 and for you it's page 170; French, ERN 00638439; English, ERN
13 00237875; and Khmer -- the two pages - 00232227, and it goes to
14 228. And here you mentioned figures and you speak about the war
15 between the Lon Nol side and the Khmer Rouge. And you say -- and
16 I quote officially, "The war caused one and a half million dead
17 in the Lon Nol side as well as hundreds of thousands of wounded."
18 End of quote [Free translation]. My question also -- as with my
19 question with regard to the number of actors that were destroyed,
20 where do you draw these figures from? Where did you get these
21 figures if you can remember?

22 A. (Recording malfunction)

23 [13.41.48]

24 Q. Thank you for this clarification. Now I would like to turn to
25 your interview with Pol Pot in 1978, and I understood from your

1 testimony over the past two days that up and -- that into the
2 very last moment you were not sure that you were going to meet
3 him, but I didn't understand very well if he was among -- if it
4 was the same situation with him as with the others that you would
5 only going to be told at the last moment or that you had been
6 told that you were going to meet him but that you didn't exactly
7 know when, so the meeting with Pol Pot was just a surprise or was
8 there something that had been announced to you before and that
9 actually happened despite your fears that you might not be able
10 to conduct his interview?

11 A. No, this was different from all the others. The others we were
12 told in advance and we were prepared, but with Pol Pot they said
13 they could not promise us at all. And every day we do wake up and
14 ask. So this was -- there is no question this was different.

15 [13.42.56]

16 Q. And in the article, which he spoke about earlier, your article
17 of September 1977 in which you spoke about the quest for
18 respectability. In any case I think that's the meaning that you
19 tried to convey; in any case, a desire to open up a little bit.
20 So, did you analyse Pol Pot's desire to meet with you as an
21 aspect of his desire to open up the country a little bit?

22 A. I took him, sort of, at his word that he met with us in order
23 to talk about the coming war and -- with Vietnam very much, so it
24 was from Mr. Ieng Sary that we were told about the opening up,
25 but Mr. Pol Pot did not mention that with us.

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1 Q. Well, it's sure that when you are speaking with him and of
2 course you only have the information that was given to you by the
3 State Department, so you do not imagine of course that the attack
4 was imminent, but when you look in retrospect, when you left and
5 when you learnt that Vietnam had attacked Cambodia two days after
6 your departure, aside from the ideas with the issues of the
7 Warsaw Pact et cetera, but with regard to the imminence of the
8 war with Vietnam, did this -- wasn't this -- wasn't Pol Pot a bit
9 more informed than the other people you had spoken to before with
10 regard to the upcoming Vietnamese attack?

11 [13.44.52]

12 A. I have to say you just misrepresented what I said. I have a
13 lot of information. You asked me why I went to the State
14 Department for a briefing and it's a normal thing an American
15 citizen would do and more American journalists would do before
16 she leaves. I had a lot of information and I had read all the
17 information, so we knew it's imminent. And simply the fact, as I
18 said earlier, that Ieng Sary had asked the UN Secretary-General
19 to come to Cambodia, and when he said "No, he invited us", it was
20 quite clear that they knew that a war was happening. As I said
21 repeatedly, it's a question of how severe and that's where I went
22 and talked to everybody -- y compri -- the State -- excuse me --
23 including the State Department and others you mentioned, but that
24 was not all I knew.

25 [13.45.48]

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1 Q. So when you had this interview with Pol Pot, you were not
2 surprised that Vietnam became the central point of the discussion
3 or in any case of his presentation?

4 A. It had been the central point through most of the trip,
5 including that trip to the crocodile tanks.

6 Q. I'm going to now specifically -- I haven't -- I don't think I
7 have given the ERNs yet, but let me -- it's again your document
8 E320 and it's on page 455, in English, it's 00238138; in French,
9 it is 00638674; and in Khmer, 00232560 and it continues on to the
10 following page. And you are -- on this page you mentioned the fact
11 that he is referring to the -- his fear of the Vietnamese attack
12 and he repeated himself regularly, "Vietnam wanted to swallow up
13 Kampuchea and make it a satellite in Vietnamese control in the
14 China Federation. To that end, Pol Pot said, Vietnam had become a
15 satellite of the Soviet Union. Vietnam went and kissed the feet
16 of the Soviet Union and made a military alliance with the Soviet
17 Union. So this was proof for Pol Pot that Vietnam wanted to
18 internationalize the dispute between the two countries." End of
19 quote.

20 [13.47.49]

21 So here I'm not going to be talking about the problems with the
22 Warsaw Pact, but once again within the context of the Cold War
23 and the alliances we spoke about this morning, does this part of
24 his statement seemed to you completely bizarre or did it make
25 sense given the alliance between Vietnam and the Soviet Union and

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1 which maybe allowed Vietnam to feel freer to do certain things in
2 particular, attacking Cambodia, for example?

3 A. I repeat the Sino-Soviet split was critical to this war, so
4 obviously, I don't think this is bizarre.

5 Q. I will revisit the discussions that you might have had later
6 on with Ieng Sary. But I would like to revisit briefly the death
7 of Professor Caldwell. I won't go into certain details. I simply
8 want to revisit the relation -- or the report that Dudman wrote
9 and submit to you certain excerpts of this report for you to
10 comment on them. So this is document E3/3290. I believe that you
11 do not have it with you right now, but I'm going to ask the
12 President's leave for the Court officer to give you a copy of
13 this document, and what I really want to focus on is on the last
14 page.

15 [13.49.53]

16 MR. PRESIDENT:

17 Yes, you can do so.

18 BY MS. GUISSÉ:

19 So the English ERN, it's the last page. Maybe not the last page
20 because it is 00419212 and a priori there is only an English
21 version. So, once again, I'm going to quote in English. First of
22 all, before I quote from this document, I am going to remind you
23 of when -- of the context, this is, therefore, after Caldwell's
24 death. Thiounn Prasith therefore goes to find Dudman in his room.
25 So I will start quoting.

1 "At 3.45 a.m., one of the government's Mercedes-Benz limousines
2 pulled in front of the house. Refugee got out and walked quickly
3 into the house and up the stairs. There was another rep at my
4 door. It was Thiounn Prasith, the senior Foreign Ministry
5 official, who was in charge of our visit. The usually dapper man
6 look, stricken and bone-tired. He took me by the hand and led me
7 to a couple of chairs. 'Ms. Becker is all right, but Mr. Caldwell
8 is dead' he said. I think you must come and see." End of quote.

9 [13.52.03]

10 Q. My first question is: Do you remember the reaction after you
11 saw Thiounn Prasith? Is Dudman's description in the report
12 correspond -- does it correspond to what you noticed with Thiounn
13 Prasith, that he was more troubled than normally, that he really
14 seemed to be disturbed?

15 A. We were all very disturbed.

16 Q. A bit further down in this report, Dudman explains Prasith's
17 explanations on that day and I am going to quote again in
18 English.

19 "Prasith described the shooting as a political act to discredit
20 us in the world and, and to show that we cannot protect our
21 friends. He said the tourists knew that the visit of the first
22 three Westerners to Cambodia was a significant one, and that
23 Cambodia's reputation in the world would be greatly damaged if
24 they were assassinated. Only days later that Cambodia regime
25 would be driven into hiding by Vietnamese assault." End of quote.

1 [13.53.49]

2 I will continue with the two last paragraphs in the report, and
3 then I will ask my question after. So, again, I will quote in
4 English, the two last paragraphs therefore of that page:

5 Were there any possibility that the government could arrange the
6 attack? A dispatch from Hanoi later reported that Caldwell
7 addressing few times against Cambodia and conjectured that the
8 government may have wanted to prevent what they feared would be
9 an adverse report. This seems out of the question. The Cambodian
10 government had everything to lose from the incident. If for some
11 uncomfortable reason the authorities had wanted us killed they
12 could have concrete an accident or ambush to kill us all. And
13 from lengthy conversation with Caldwell up to a few hours of his
14 death, I knew that he remained fully sympathetic to the Cambodian
15 revolution." End of quote.

16 [13.55.34]

17 Q. So what I understand from this report is what you said during
18 the past two days, that is to say that Caldwell was always
19 sympathetic and enthusiastic about the Cambodian revolution, and
20 you said -- and let me get back to your terms in your book. I
21 think you say, [free translation] that he was delighted by his
22 interview with the Pol Pot during which he was able to speak
23 about economic issues which were his specialty. Now, with regard
24 to what Dudman says does - with -- regarding Caldwell, does that
25 correspond to the discussions that you might have had with him

1 after?

2 A. Yes. And as I wrote in the book, I was the last one to speak
3 with him and he said that Cambodia reminded him of Scotland and
4 Vietnam would be England, so he -- that's the way he put it. And
5 he remained sympathetic to Democratic Kampuchea, no question.

6 [13.56.58]

7 Q. You already said that if you were obliged to provide an
8 answer, one of the possibilities would be that it was someone
9 within Democratic Kampuchea who did not favour this desire to
10 open up from Ieng Sary that might have been behind this
11 assassination, so I don't know if you have read the book by
12 Philip Short, "Pol Pot: The History of a Nightmare." In -- with
13 regard to this incident, he speaks about the different ideas that
14 were given concerning this incident and this is what he says.
15 This is document E3/9, the French ERN is 00639970 and in English,
16 it is 00396602; and unfortunately there is no Khmer translation.
17 I don't think there was -- there is one. In this excerpt that he
18 brings different propositions and he says -- this is what Philip
19 Short says. He says that, "The most believable version which the
20 regime refused to give credit to was that Vietnamese commando was
21 behind the attack. No one had a stronger interest than the
22 Vietnamese to demonstrate the incompetence of the Vietnamese.
23 Nobody was in better place than Vietnamese to do so. In any case,
24 the main lesson we can draw from Malcolm Caldwell's death was
25 that in December 1978, there was no longer any guaranteed

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1 security in Phnom Penh." End of quote [Free translation].

2 [13.59.17]

3 Maybe I should repeat the last sentence because, apparently, I
4 went too fast. "Regardless the main lesson we can draw from
5 Malcolm Caldwell's death was that in December 1978, security was
6 no longer guaranteed in Phnom Penh."

7 And my question is: Have you ever heard this possibility of an
8 assassination that had been ordered by Vietnamese? Is this among
9 the ideas that you might have heard later on?

10 A. As I said, Ieng Sary said that at the secular ceremony for
11 Malcolm's death. He blamed the Vietnamese.

12 Q. Precisely, regarding Ieng Sary, together with the
13 International Co-Prosecutor, you referred to his interview in
14 1980 after your meeting in 1978 and he revisited the issue of
15 that visit and since what I had been said was not quoted in its
16 entirety, I will ask you to clarify what exactly was said. The
17 ERN for the document I would like you to look at is 00602000.

18 I am sorry, I forgot to note the ERNs in the other languages, so
19 I will read it out very slowly pending whenever it will be found
20 or whenever those ERNs can be ascertained.

21 [14.01.39]

22 MR. KOUMJIAN:

23 I could assist if defence counsel would like, I believe the ERNs
24 for the French you said it was 00602000. Then the equivalent in
25 English -- in Khmer is 00578895; and in English, 00342501 to 502.

1 BY MS. GUISSÉ:

2 Thank you, Co-Prosecutor, for your assistance.

3 May I request that this speech in English be printed out so that
4 we may use it subsequently?

5 Q. Before we dwell on the circumstances of that interview, can
6 you please tell us how you met with Mr. Ieng Sary that day and
7 how that interview was arranged? Was it a face-to-face interview?
8 Were you alone or you were with other journalists?

9 MS. BECKER:

10 A. This is 1980 or 1981?

11 [14.03.21]

12 Q. That's the 22nd of July 1980. I am sorry about this mix up.

13 A. I believe it was face-to-face, yes. Yes. And it was -- this
14 would have had to be in New York.

15 Q. Thank you for this clarification. The passage that I find
16 relevant particularly is the one about the vote in 1977 regarding
17 Malaysia. Have you found it? So he's talking about that period,
18 and this is what he says.

19 "At the time, people in Kampuchea were saying that we could win
20 because Pol Pot believed that we could win. (I think this is your
21 remark, he mentions my trip with Malcolm Caldwell and Richard
22 Dudman) Yes, I was worried then, I was very worried. The internal
23 problem was very complicated. When I came back from a trip abroad
24 in the fall of 1978, the problem was very important. The fear for
25 me was a coup d'état inside, not the threat of an invasion from

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1 the outside. I don't know who would make the coup." End of quote.

2 [14.05.38]

3 Q. My first question is as follows: Can you follow me? No
4 problem? My first question on the passage I've just read out to
5 you is as follows: Again, after the fact, when you reveal that
6 visit after the fact in 1978, did you feel that Ieng Sary was
7 worried at that time, in light of the exchanges or interviews you
8 had with him and even before?

9 A. He said that he was worried about Vietnam. He did not say
10 anything about internal security.

11 Q. When you met with him in 1980 and you discussed internal
12 problems as part of the research you carried out or research you
13 carried out on Democratic Kampuchea, did you come across any
14 documents or testimonies that referred to attempts to assassinate
15 Pol Pot and other leaders or any attempted coup d'état before
16 1978? Was that something you came across or read in the course of
17 your research?

18 MR. PRESIDENT:

19 Expert, please hold on. International Co-Prosecutor, you may
20 proceed.

21 [14.07.31]

22 MR. KOUMJIAN:

23 Just a very small clarification of the record. I hear counsel in
24 this question and previously reading the document as being dated
25 1980. Well, in the English version that I have, the document is

1 dated on each page and at the front 22 July 1981 and the
2 interviewer discussing as 1981, according to the English version.

3 BY MS. GUISSÉ:

4 Q. It may well be a translation problem because I indeed said
5 1981, and that was confirmed by the expert. Now to return to my
6 question -- would you like me to repeat the question - my
7 question --

8 MS. BECKER:

9 A. Yes. The -- very often in Tuol Sleng confessions, but the
10 problem here is that -- and people were killed because they were
11 accused of attempted plots so on and so forth, but the problem
12 here is that that's the only place. There was no legal system in
13 Cambodia so that you -- where there is a jurisprudence where
14 someone would be tried either in a military court or a criminal
15 court and said this is our evidence, here is the judge or jury,
16 you are convicted, here is the death penalty, none of that
17 existed. So - so, it's impossible to measure the accuracy of
18 these accusations because people were brought in, their friends,
19 their families and killed because of accusations without any body
20 of evidence. So that's what you come across when you do the
21 research.

22 [14.09.17]

23 MS. GUISSÉ:

24 Q. So, you never had any interviews with anyone during which you
25 may have obtained confirmation of attempted coup d'états or

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1 attempts to overthrow the government or any attempts on the life
2 of Pol Pot and other persons? I am talking of testimonies outside
3 of any documentary research you may have carried out.

4 A. I believe -- off the top of my head -- certainly, I remember
5 it may have been the Ieng Thirith interview, certainly there is
6 mention of that, but there's no documentation, there's nothing
7 serious other than someone saying this or that or the other, but
8 nothing that would, in any way, match the seriousness of saying
9 there was an attempted coup d'état.

10 Q. And as regards the issue of (inaudible), did you have the
11 impression in the course of your research and interviews, any
12 information referring to internal struggles in Democratic
13 Kampuchea, where we are talking of the standing committee or any
14 other organs of the Democratic Kampuchea regime?

15 A. Yes, I'm sorry. Yes. That's part of the tension between the
16 Centre and the regions and it's a drama that's played out all
17 through those records.

18 [14.11.34]

19 Q. And were there tensions between the regions, outside of the
20 central region?

21 A. At times, yes.

22 Q. On this point, I would like to refer you to your book, E3/20,
23 in French the ERN is 00638523; in English, 00237968; and in
24 Khmer, 00232348. I am sorry, I don't have the page number, I only
25 have the ERN numbers. 263, I am told, by a member of my team.

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1 This is the passage I will refer to -- let me quote it:

2 "There were power problems, however. There was a little fight in
3 the streets of Phnom Penh opposing soldiers from the East and
4 soldiers from the North." End of quote.

5 First question: What are the sources of this incident? And if you
6 have such sources, what was the cause of this clash between the
7 North Zone and the East Zone?

8 A. Excuse me, I didn't find it on that page. Could you repeat --
9 what year are we talking?

10 [14.13.42]

11 Q. It is on page 263. It may be a problem with the edition
12 because I know that sometimes there are differences. If you may
13 ask the Court officer, perhaps you can give the expert my edition
14 of the book.

15 MR. PRESIDENT:

16 Court officer, please take the document from the defence counsel
17 and hand it over to the expert. Expert now has the documents.

18 BY MS. GUISSÉ:

19 Q. Very well, then. So, you have found the passage? It may have
20 been a problem with the translation in French. If you have found
21 the passage, please tell us of that incident. What were the
22 sources and what was the cause of that incident?

23 [14.14.49]

24 MS. BECKER:

25 A. I was confused because you said North and East, and I didn't

1 say the Zones in this sentence. I'm afraid my memory is not that
2 good, and I could guess, but I'm not so sure it would be great.
3 In the beginning -- the only thing that I can reference is that
4 when you -- in the evacuation, in the different zones, there were
5 already some differences of how you evacuate and there were some
6 -- who controls what -- and I don't remember if that was an
7 extension of this, because it's only one year later or what. I
8 can't remember. But this is not having to do with later incidents
9 with factory workers, and I don't think this is it.

10 Q. I will move to another passage, therefore. It's on page 204 in
11 the English. The ERN -- I believe we face a problem here
12 regarding the edition. In English the ERN is 00237909; in Khmer,
13 00232-270; and in French, it's 204. I can't find the ERN, but it
14 is on page 204. In this passage, you are referring to Zone
15 secretaries, and this is what you say:

16 "Strong Zone secretaries, like So Phim and Ta Mok, interpreted
17 policies as they saw fit and soon there was less uniformity in
18 post-war rural Cambodia than in the days of fighting." End of
19 quote.

20 I will ask the questions I asked a while ago, what are your
21 sources? Can you tell us something of the Zone secretaries, So
22 Phim and Ta Mok? Can you tell us how they operated?

23 [14.17.30]

24 A. Well, Ta Mok is the stronger character. What in particular are
25 you looking for in terms of how they operated?

1 Q. In fact, this has to do with my previous question. Do you
2 remember your sources for your claim that there were internal
3 struggles? It would be good to know how the Zone secretaries
4 functioned or operated, because mention is made of warlords as
5 regards to certain Zone secretaries. I would like to know
6 whether, as part of your research, what you said regarding strong
7 Zone secretaries like So Phim and Ta Mok is in line with what you
8 observed as an expert.

9 A. Yes, they were strong and that meant that they exerted certain
10 strong controls, like a strong governor, a strong leader. I don't
11 know what else to say.

12 [14.19.06]

13 Q. Here, again, Ms. Becker, the entire discussion has to do with
14 the internal functioning of Democratic Kampuchea and the Zones,
15 and you pointed out that even at the time of the evacuation there
16 were major disparities, and this is, again, linked to what Philip
17 Short said before this Chamber. Specifically that because of the
18 power struggle, there were clashes between Zone secretaries. Does
19 it have a bearing on the policies of Democratic Kampuchea? That
20 is why I am asking you whether there was a link between these
21 issues and whether you made certain observations, or whether you
22 studied the subject of these internal struggle in light of what
23 Ieng Sary said and the fears he expressed, do you find a link
24 between all this and the internal struggle? The main thrust of my
25 questions, and this discussion, is to understand the dynamic

1 within Democratic Kampuchea in relation to the Zones and
2 relations between the various zones.

3 [14.20.28]

4 A. And I definitely studied it. Before and after the interview
5 with Ieng Sary because the greater the tension -- the greater the
6 Centre tried to impose the power over the zones. In fact, I
7 remember, somewhere in the book I talk about Noun Chea coming to
8 talk about -- was it the Northern Zone? Yes, the Northern Zone to
9 say they are missing some tape recording tape. Now, this put the
10 fear of being arrested because the North Zone was under suspicion
11 by the Centre. And these tensions were prelude to, generally, a
12 purge. So, the fellow who -- this would've been comrade Pot --
13 and, so, he remembers going to this lecture where Noun Chea talks
14 about the missing tape, which he considered an accident, but was
15 characterized as a mistake, which could've -- could lead to being
16 purged and killed. This is one of those themes throughout, that a
17 mistake is made, an error is made, an accident -- whatever -- and
18 then the fear that the Centre will then start an investigation
19 and there'll be a purge in the Zone. So, you're absolutely right,
20 this is a big tension.

21 [14.21.55]

22 Q. Here, again, we are referring to tensions between the Centre
23 and the Zones. How about the Zones themselves? I do not have the
24 exact reference of the part of the book in which you refer to
25 that, but between the Zones themselves there was an internal

1 struggle.

2 A. Yes, and that -- I think -- and again -- you'll have to excuse
3 me -- I think in some ways the Eastern Zone is one of the better
4 examples of that, of -- where you have the evidence that the
5 tension was not simply over power and resources, which was
6 common, resources were hard to get, and -- you know -- you wanted
7 enough resources for the people you were taking care of. And in
8 the Eastern Zone, it was also -- I believe -- a policy issue. So,
9 that's -- in fact that -- how you treat people, and whether or
10 not another Zone is going to be used. If there's going to be a
11 tension over those policy issues of how you treat. I remember we
12 were talking about people going from co-op to co-op and the
13 explosion in the Eastern Zone was what preceded the flight of the
14 cadre, to Vietnam, in advance of the Vietnamese invasion.

15 [14.23.25]

16 Q. Now, precisely, regarding what you said about Vietnam and what
17 had happened before, I would like to refer you to a passage in
18 your book, E3/20. The ERN in French is 00638682; and the ERN in
19 English, 00238147. And for you, Ms. Becker, it's on page 434 of
20 your book, and the ERN in Khmer is 00232571. And you're making a
21 comment on the Vietnamese invasion:

22 "Finally, all the pieces had fallen into place, at least for some
23 years to come. Vietnam, the country made famous for its saying,
24 'Nothing is more precious than freedom and independence', was now
25 the military lord over Cambodia. With the signing of the 25-Year

1 Peace and Friendship Treaty between Vietnam and the government it
2 installed in Cambodia, the rulers in Hanoi were dominant over all
3 of Indochina." End of quote.

4 I want to link this with what you say in the book and what
5 prompted you to say a posteriori at the time of Pol Pot, what was
6 said regarding certain leaders of Democratic Kampuchea, the fear
7 of annexation, the fear of occupation of Cambodia by Vietnam.
8 Finally, what you say here tallies with what you told Counsel
9 Koppe yesterday regarding what the Chinese said, what Sihanouk
10 said; notably that there was that fear for decades. And, finally,
11 those observations don't seem to tie in.

12 [14.26.06]

13 A. That's the absolute tragedy of the situation. As I said,
14 beginning of the war in 1970, the Vietnamese took the side and
15 fought for the Khmer Rouge while they were getting their forces
16 together. And then, once they signed the Peace Accord with
17 Washington, they gradually got out and the Khmer Rouge took over.
18 It's an instance where the Khmer Rouge, out of their fears in
19 finding the Vietnamese behind every bush, eventually prompted
20 this border war with the Vietnamese and sort of opened the door.
21 It's like -- push-pull, push-pull, push-pull. Was it -- I'm not
22 of the school that this was obvious and evident and was going to
23 happen. I think the Khmer Rouge -- the DK leadership -- sort of
24 almost walked into this. So, yes, the fear -- you walk down the
25 street today and there's fears of the Vietnamese -- this is part

1 of the -- that doesn't mean Vietnam is going to invade tomorrow,
2 but this was an instance where they -- as I say in the book --
3 they walked into this. Particularly, when internal problems that
4 we've just discussed got worse and worse and worse, they blamed
5 their own problems on Vietnam, and that's why I said what's
6 really hard in sorting this out, is we don't have -- there's no
7 jurisprudence system there. If we'd had a military court where we
8 could see what the evidence was, that this was a Vietnamese plot,
9 or whatever, we could have a much better conversation, but this
10 was all "We think this guy is Vietnamese, We think this guy is
11 Vietnamese, We think this guy is Vietnamese" -- we can't sort it
12 out. There is no evidence, there is no trial record, like we have
13 here. So, it's a total tragedy.

14 [14.28.06]

15 Q. I take it that this is your opinion on the border dispute, and
16 that it is Cambodia that asked for it. In light of the
17 discussions we've had, the record of the Standing Committee, the
18 situation was not static and there was no desire for war,
19 initially.

20 A. Yes. I mean - the Brévié Line, the Cambodian said, "No, we're
21 not going to negotiate that." But the war was not eventually over
22 the Brévié Line, it was on the land route.

23 Q. I'd like us to discuss another passage from your book. And for
24 you it would be page 436. And it is a part in which you are
25 talking shortly after the invasion. In French, the ERN is

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1 00638684; in English, the ERN is 00238148; and in Khmer,
2 00232573. I'm sorry; I didn't give you the right ERN in English.
3 It is page 436, and in English it is 00238149; and in Khmer, it
4 is 00232575. And this is what you state -- you are talking of the
5 period immediately after the Vietnamese invasion:

6 [14.30.40]

7 "The Vietnamese economy collapsed and late 1979, the regime
8 instituted liberal reforms that cancelled the march towards
9 socialism imposed in 1978 to prepare the war. Vietnamese children
10 also joined the ranks of the world's most vulnerable victims with
11 alarming rates of malnutrition and disease. But the more Vietnam
12 suffered, the more the leaders were convinced that Cambodia
13 should be under their thumb and at all costs. The stakes were too
14 high for them to envisage withdrawing." End of quote. The last
15 part was a free translation by the interpreter.

16 I will ask the question based on this. So, I see that you have a
17 comment to make regarding what I just read out to you, yes?

18 A. You've had an extra sentence, about "under the thumb".

19 [14.31.54]

20 Q. Well, I didn't add a sentence. That is the French version that
21 corresponds to the editions, of the second edition, that were
22 added. Personally, I didn't add anything. I can confirm that. I
23 am speaking under, of course, Judge Lavergne and Marie Guiraud's
24 control, they have the French copy. These are nuances that exist
25 between the different editions, so, here I must say, I can only

1 tell you that this is the translation of the second edition of
2 your book.

3 Doesn't this ring a bell to you?

4 A. Yes, there's no question that everything I wrote is true --
5 and I don't -- yes, that's what I wrote.

6 Q. I wanted to read out another excerpt to you and then ask you a
7 question about the totality of this. Well, let me first start
8 maybe with my first question. So, in the conclusions of your work
9 you speak about the issue of the current regime that is supported
10 by Vietnam - the current regime in Cambodia. Well, let me read to
11 you the second excerpt, that will make things easier. So, again
12 it's document -- it's your book -- so, document E3/20; ERN,
13 French, 00638687; Khmer, 00232653, and we're going to have the
14 same problem as previously, that is to say that the version that
15 you have -- the English version that you have -- and our
16 translation did not include the amendments in the second edition
17 that are in the French copy.

18 [14.34.11]

19 So, let me read out to you, in French, this passage so that it
20 can be properly interpreted. I'll read it out slowly:

21 "In this scenario" -- let me start from the beginning, maybe. "A
22 group of Cambodian communists led by a former cadre of the East
23 Zone -- by members of an ethnic minority reconstituted the Party
24 under the name of the People's Revolutionary Party, and claimed
25 that this was a true party -- that was the true party that had

1 been founded in 1951.

2 "Pol Pot is described as an aberration, whose crimes go back to
3 1975. In this scenario, the greatest crime of the government of
4 Democratic Kampuchea was to attack the members of the Party, as
5 Hun Sen, the Minister of Foreign Affairs, and he is now the Prime
6 Minister. This is why there wasn't any destabilization or any
7 kind of denazification in Cambodia since the invasion.

8 "The People's Republic of Cambodia believes that two criminals
9 are essentially behind, or responsible for the Holocaust" --
10 that's the word you used - "Pol Pot and Ieng Sary. The communist
11 party that they led is presented as a victim, not as the
12 executioner, and the Cambodian communists continue to govern the
13 country but under the tutorship of Vietnam." End of quote. [Free
14 translation]

15 [14.36.09]

16 And in relation to these observations, or to what I read out to
17 you, I would like to refer you to what you said yesterday, I
18 think it was when you answered a question from my colleague,
19 Victor Koppe. We were speaking about Heng Samrin and Hun Sen, and
20 you said: These are not former Khmer Rouge because they escaped
21 the purges. That's what I remember, in any case. Of course, you
22 can correct me if I didn't understand properly. So, my first
23 question is, in so far that these people, of course, are in power
24 today, in the context of the new regime. And between '75 and '77,
25 they were -- they had positions within the Khmer Rouge

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1 government, before they escaped to Vietnam, so my question is: Do
2 you consider that these are former Khmer Rouge who are -- that
3 they are former Khmer Rouge who are in power today or do you make
4 any kind of distinction with regard to their position?

5 [14.37.15]

6 A. Of course I believe that. They are former Khmer Rouge, and
7 what you misremember is that your colleague said that DK wasn't
8 overthrown because Hun Sen and Heng Samrin were DK, and I said
9 that's a false analogy. They're former Khmer Rouge who were the
10 veil -- the front -- for the Vietnamese invasion and occupation,
11 and then I made a reference to Vichy, that to say that Vichy was
12 just a different version of France, in fact Vichy was the French
13 face for the German occupation. So, that's what I said. There's
14 never any doubt that they're former Khmer Rouge. In fact, Keat
15 Chhon, who was my interpreter, is part of the government. That's
16 not at issue.

17 Q. Thank you, maybe I didn't understand properly. Thank you for
18 this clarification. I'm going to finish with this question. So,
19 you are speaking before the Chamber as an expert and as a witness
20 as well, and in your research you spoke about the conversations
21 you had with people such as Heder, Kiernan, Chandler, et cetera,
22 and do you draw distinction between the work of those who have a
23 rather academic background, that is to say, who spent a great
24 part of their lives studying documents from Democratic Kampuchea,
25 who speak Khmer, et cetera, and with your research work, but not

1 necessarily academic, what you did as a journalist? Can you draw
2 this distinction between both or do you see no distinction
3 between -- let's say -- academic work and your journalistic work?

4 A. I'm a journalist, I'm not an academic.

5 [14.39.15]

6 Q. So, when -- while you're certainly aware of Chandler's
7 criticism of your work, of course. He acknowledges the
8 journalistic merits of this -- of your work, but he criticises
9 your method with regard to the historical part. Do you agree that
10 you consider that you did -- that your work was the work of a
11 journalist and not the work of a researcher for your book, "When
12 the War Was Over"?

13 A. I saw that in the documents that you gave me, but there is no
14 citation and no date. Could you please tell me where it's from?

15 Q. Well, this is an article, "Requiem for the 1970s: Elizabeth
16 Becker's When the War Was Over," written by David Chandler, this
17 is document E3/232/1.1.5. I cannot tell you where it came out,
18 but you have never been informed of this article? You are not
19 aware of it?

20 A. I'm not sure about that. I was surprised to read it. I don't
21 know when it was written or where it was published. Now, I know
22 that David Chandler wrote to different academics asking them not
23 to use my book, because it has been used quite a bit in
24 universities. But that one in particular, I'm not sure, and I was
25 puzzled why there was -- is it a typescript or was it actually

1 published? Did David Chandler give it to you?

2 [14.41.16]

3 Q. He didn't give anything to me, but he probably gave it to the
4 Tribunal, because these are documents that are on the case file.
5 In any case, do we agree or -- I'm sorry -- did you ever speak to
6 David Chandler about your book, rather? After the book was
7 published, did you have any face-to-face discussion with David
8 Chandler?

9 A. He was very positive. So, that's why I'm wondering is that an
10 authentic article? I mean, it could be. I just -- I would like to
11 know where it was published -- the date.

12 Q. My team, always so efficient, they tell me it was in the China
13 issues -- the Indochina issues, I'm sorry -- in 1986. It was
14 published in this review. While there is some criticism in regard
15 to your methodology, of course, but -- that's why I'm asking the
16 question. So, your background as a journalist and how it differs
17 from academics who have different precise methods in terms of
18 quotations and all that, because that is at the heart of the
19 criticism presented in David Chandler's article. I can read out
20 the specific excerpt in which your work -- he criticizes your
21 work -- this is ERN French, 00852986; English, 00850336; and in
22 Khmer, 00852452. And this is what he says - [free translation] --
23 and with regard to the methodology used:

24 [14.43.30]

25 "Here, or elsewhere, I found that the book was not thorough

1 enough. During the book, and particularly in the sections that
2 are supposedly historical, her ignorance of Khmer leads her to
3 make mistakes. And although she drew very much from works of
4 other experts to support her arguments, the names of these people
5 sometimes disappear from her notes. Thus, Michael Vickery should
6 have been quoted several times in reference to pages 109, 250,
7 254, when Elizabeth Becker seems to paraphrase his work." So --
8 I'm finishing the quote here. This is why I'm asking you if you
9 draw a distinction between journalistic work and your -- and
10 academic work. You said to me that you're a journalist,
11 essentially, and not an academic. So, do you have anything to add
12 to this? Otherwise, I have finished with my examination and I
13 will give the floor to my colleague Kong Sam Onn, who has a few
14 questions to put to you as well. Thank you for having taken the
15 time to answer me.

16 [14.44.42]

17 A. Yes, I do have something to say. It's an unusual position to
18 say, "This is a good book, but she isn't an academic." It's a
19 very -- it's a very old fashioned view -- and if you look at his
20 praise of journalists since then, he doesn't use any of those
21 problems. Most recently, Joel Brinkley, who doesn't have any word
22 near my primary resources is very -- didn't bring any of this up
23 -- so, I think he's changed his standards since then. And, of all
24 the things you picked, you picked the one -- do you want me to
25 read what others have said about my book? I'd be happy to, for

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1 the record: "The definitive book on the Cambodian Revolution,
2 Becker writes History as History should be written; a work of the
3 first importance." I'd be happy to read more, but I am very proud
4 of the way this is used. It's still used in universities in
5 academics to this day and I would ask you if you believe that
6 David Chandler would continue to -- because -- I will tell you --
7 every single journalist that has a book -- you'll find a nice
8 David Chandler blurb saying, "This is really great." So, he used
9 it on one journalist -- that I could see -- and that's me, and I
10 will note that I'm the only woman journalist who wrote such a
11 book. And that's what I would like to say.

12 [14.46.03]

13 MS. GUISSÉ:

14 Thank you for this clarification, but I am done with my
15 examination. Thank you.

16 MR. PRESIDENT:

17 Thank you. The time is now good for a short break. We will take a
18 break now and return at 3 o'clock this afternoon.

19 Court officer, please assist the expert during the break and have
20 her returned to the courtroom at 3 o'clock.

21 The Court is now in recess.

22 (Court recess from 1446H to 1503H)

23 MR. PRESIDENT:

24 Please be seated.

25 The Court is now back in session and the Chamber would like now

1 to cede the floor to counsel Kong Sam Onn to put questions to the
2 expert. You have the floor.

3 QUESTIONING BY MR. KONG SAM ONN:

4 Thank you, Mr. President. Good afternoon, Your Honours. Good
5 afternoon, Ms. Elizabeth Becker.

6 I have some questions for you. The first is in relation to your
7 book -- that is, document E3/20. My question to you is the
8 following:

9 Q. What is your knowledge about the Khmer culture -- that is,
10 the general behaviour of Cambodian people, can you describe it to
11 the Court?

12 MS. BECKER:

13 A. Could you be a slightly more specific? The behaviour of
14 Cambodian people, culture, what do you mean? The living culture,
15 the arts, do you mean the religious traditions? Do you mean
16 family traditions? There are many aspects of this.

17 [15.05.49]

18 Q. When I refer to culture -- that is, the way people behaved in
19 a society. What is your general understanding of Cambodian
20 culture? I don't refer to any specific aspect of the culture.

21 A. My understanding, initially, was based on my studies at the
22 University of Washington, where I received a degree in South
23 Asian studies and that included, of course, your basic intense
24 study of Indian society, Sanskritized and the Indianized
25 (phonetic) states -- what's called the Indianized (phonetic)

1 states of South East Asia, that would include, of course,
2 Cambodia. Then after language studies in India, I returned to the
3 University of Washington and did more graduate studies and
4 including more on the Indianized states of South East Asia, the
5 history, the culture and then I came here as a reporter.
6 Obviously my reporting work enriched my understanding and I took
7 Khmer lessons as well.

8 [15.07.14]

9 Q. Thank you. Did you ever engage in any specific study of
10 Cambodian culture?

11 A. Yes, at the University of Washington, as I said. It was
12 required for my major. The South Asian studies and Sanskritized
13 (phonetic) countries that would be - essentially, the line
14 between the (inaudible) and Sanskritized (phonetic) cultures is
15 in fact the Cambodian-Vietnam border. So, as I learned the basic
16 history of these --

17 Q. Thank you for your response. What I wanted to hear from you is
18 your specific study on the topic of Cambodian culture; can you
19 give us some concrete examples on that?

20 A. I don't remember the names of the courses I took. I'm sorry;
21 it's been way -- I got my BA in 1969 and I did my graduate
22 studies in 1970-71. I can't remember all the courses I did.

23 [15.08.40]

24 Q. Thank you. I would you like you to refer to the third chapter
25 of your book which you talked about the line to traitorous

1 activity [Free translation]. In that section, you described a
2 folk tale and that you claimed it was a Cambodian folk tale that
3 a woman betrayed her husband and wanted to kill husband in order
4 to have an affair with another man and she cheated her husband,
5 so on and so forth. And in your conclusion on that storytelling
6 -- and allow me to quote -- on page 67 to 68 of your book, ERN
7 English, 00237672 to 73; in French, 00638344 to 45.

8 "And it is true that a culture with such a folk tale is not a
9 folk tale that is most liked than the name of the country. The
10 lives reflect the cruel acts that were unexplainable and that it
11 spread over Cambodia during the war time and during its
12 revolution and that the path leading to traitorous activity."

13 [Free quote]

14 [15.10.57]

15 I would like to ask you the following question: When you made
16 such a conclusion, what were the factors or facts concerning
17 Khmer culture that led you to conclude that such a folk tale
18 could be used as an example of a path the country is led into?

19 A. Thank you. I used to say this that Cambodia was not an
20 entirely passive gentle nation. Either you're too young but
21 particularly during the French period, the Khmer were considered
22 gentle, fun-loving, nice people and the Vietnamese were the tough
23 guys, the ones that you can really count on and the Lao were
24 lazy. There were all kinds of prejudices. When the war started
25 here in 1970, they said, how can this happen? There were all

1 kinds of atrocities committed, so on and so forth. This was a
2 gentle land, they never do this and so this was a way - as you
3 notice, this is Khmer folk tales by Im and Sivone Proum
4 Cambodians. This is a way to say it is not single-mindedly gentle
5 as its reputation and that's what I was saying. There were also
6 these other paths in it. It's not a single path, it's a very
7 complicated culture, it's a very rich complicated culture and
8 there is this streak in it so it is not single-mindedly gentle.

9 [15.12.40]

10 Q. Thank you. Can you also tell the Court, were there other folk
11 tales that you think are good examples to support your conclusion
12 other than the one folk tales that you mentioned in your book.

13 A. The names of other reporters. Is that what you asked? I'm
14 sorry.

15 Q. I refer to other folk tales because in your book you use folk
16 tales as an example as a path leading to traitorous activities
17 and that you referred to that folk tale as an example of
18 Cambodian culture. Can you think of other folk tales that you can
19 use as an example in place of the folk tale that you used in your
20 book?

21 A. Well, in fact, the collection, Khmer folk tales has many, many
22 other folk tales.

23 Q. My question is rather simple. Of course there could be other
24 folk tales, Cambodian folk tales but as an author of the book,
25 did you compare the folk tale that you selected to other folk

1 tales from the collection before you decided to include that in
2 your book?

3 A. Yes. Yes, I did

4 [15.14.52]

5 Q. Thank you. Do you have anything else to add rather than what
6 you said about the Cambodian land is a non-gentle one?

7 A. I did not say it was a non-gentle one. I said it was more than
8 -- there was more size to it. Let me repeat. The reason I used
9 that folk tale was people were shocked that the gentle land of
10 Cambodia could have people who would commit such atrocities and
11 so I was trying to say this is a very sophisticated culture with
12 many parts of the culture and this is not, just like, we, if you
13 know our European history of folk tales. We also have folk tales
14 that can make your hair stand on end. This is showing that as in
15 many cultures, you have a broad span of streams of scary things
16 like this. This was putting Cambodia right where all other
17 cultures are. It's not simply gentle; it's a much more
18 complicated story.

19 [15.16.18]

20 Q. I think your response and the previous response doesn't seem
21 to go together. Can you tell us clearly whether the land of
22 Cambodia was full of violence or cruel acts or whether you think
23 the land of Cambodia is a gentle one? Please tell us one which is
24 of your opinion.

25 A. I did not say it was either or. Cambodia, like all cultures,

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1 has a gentle streak and it also has a violent streak. All cultures
2 are that way. This was establishing that Cambodia was more than a
3 passive gentle, there are other things, this is not an either,
4 or. And as I just said, we have in our European tradition things
5 like the grim fairy tales that have similar kind of scary things
6 and you have fairy tales, you have grim stories. It's not either,
7 or. I was establishing that Cambodia was more than a single
8 dimension gentle land that had a rich cultural heritage that
9 included violence.

10 [15.18.02]

11 Q. Thank you. Allow me to read the next part of the ERN that I
12 just gave to you.

13 "The presence of the Angkor era lived under the gentle and kind
14 King and they required to pay a tax through the hardship in order
15 to get the money to build a temple to pray to the God." End of
16 quote.

17 I read parts of your articles of interest from the book and that
18 you use excerpts from Chou Ta-Kuan, who was a Chinese and who
19 discovered Angkor at the time. My question to you is the
20 following: Did you compare that report to other reports done by
21 other researchers on Cambodia -- that is, on the sovereignty and
22 management of the land by other Kings before you included that
23 portion into your book or whether you consulted other documents
24 produced by various other experts?

25 MR. PRESIDENT:

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1 Counsel, could you tell the Chamber the relevancy of your
2 questions to the facts being tried before this Court as part of
3 Case 002/02, because to my understanding, your question is rather
4 far from the facts before us. Could you tell us the reasons
5 behind your lines of your questioning?

6 [15.20.24]

7 MR. KONG SAM ONN:

8 Yes, I'll deliberate further on that, Mr. President. I would like
9 to question the conclusion of this expert on the political path
10 or line of Democratic Kampuchea; and she compared it to a folk
11 tale on -- about the path to traitorous activity and that it was
12 linked to Cambodian culture and what I am trying to do is to put
13 the question to the expert that what she raised was not part of
14 the main Cambodian culture.

15 MR. PRESIDENT:

16 Madam Expert, you do not need to respond to the last question put
17 to you as it falls far out of the facts being tried before this
18 Court.

19 [15.21.34]

20 BY MR. KONG SAM ONN:

21 Allow me to move on with my line of questioning.

22 Q. Also in your book, ERN in English, 00237775; and in French,
23 00638347; and in Khmer, 00232092. I would like to quote a passage
24 from your book:

25 "To enhance nationalist credentials, the Vietnamese decided that

1 each of the three Indo-Chinese countries should have its own
2 party and not be grouped together in one regional body. The Lao
3 and Khmer communist would have their own organisations if not
4 full-fledged parties and thereby broadened their appeal within
5 their countries." End of quote.

6 Madam Expert, the passage that I just read out, can you tell us
7 which source did you rely upon to produce this particular
8 passage?

9 MS. BECKER

10 A. Could you please give me the page and I can look up the
11 footnote.

12 [15.23.40]

13 Q. It's in your book and it's page 70 in English.

14 A. Thank you.

15 Excuse me. I believe it's from - the next - the closest was on
16 Ben Kiernan's - but I believe -- if I'm not mistaken, this is one
17 of the standard history from particularly the period when the
18 French Communist Party was powerful on them but I'm not sure.

19 Q. Thank you. What is your knowledge and understanding of a joint
20 communist country for all the three countries within Indochina?

21 This is related to the passage that I read out from your book.

22 A. My understanding is that, originally, the Vietnamese Communist
23 Party under Ho Chi Minh was instructed to, at some stage,
24 Indochina wide. This passage that you read was the decision that
25 there would be enough Cambodians and enough Lao if they could

1 have their separate parties.

2 [15.26.56]

3 Q. Can you tell us who made that decision?

4 A. If I'm not mistaken, it was a Comintern.

5 Q. I heard through the translation as it was a Comintern. Who is
6 that gentleman, Comintern?

7 A. Comintern is the old Soviet Comintern -- that would be body
8 that has a say over -- this is a long time ago that this
9 happened, and if you remember correctly from the Soviet documents
10 that other defence lawyer mentioned, the archive works that show
11 that Comintern had a very strong interest in how these parties
12 were organised.

13 [15.27.09]

14 Q. Thank you. In relation to the Democratic Kampuchea regime, you
15 were a reporter from 1972 to 1974 and you returned again in 1978.
16 My question to you is the following: Did you produce report for
17 your period between 1972 to 1978 in relation to border clashes
18 between Vietnam and Cambodia?

19 A. I wrote many articles as a correspondent here - '72 to '74 --
20 and in that period, there were no border clashes that I covered.
21 No, '72 to '74.

22 Q. So you didn't write articles or reports about border clashes
23 or were there no border clashes between Vietnamese and Kampuchean
24 troops -- that is, between 1972 to 1974?

25 A. At that stage in this war, in Cambodia, as I said, the

1 Vietnamese communist troops in nineteen-seventy -- after the
2 United States invaded Cambodia and attacked the Vietnamese
3 communist sanctuaries, then the Vietnamese communist army spread
4 across Cambodia. They were engaged in all of the major battles:
5 '70, '71, '72, and were instrumental in winning channel one
6 campaign, channel two campaign that pretty much brought the Lon
7 Nol army to their knees. So, the interest in the Vietnamese
8 communist army was as allies of the Khmer Rouge and of course the
9 Vietnamese communist army was fighting the Khmer Republic army.
10 So that was the Khmer-Vietnam fight. That was the battle here in
11 Cambodia.

12 [15.29.56]

13 Q. I would like to ask you further questions regarding the Khmer
14 Rouge army and the Vietnamese army. Did the incursions of
15 Vietnamese troops into Kampuchean territory in particular during
16 the -- in particular in the liberated zones, were those
17 Vietnamese troops invited by the Democratic Kampuchea armies or
18 were there any other reasons behind their entry into Cambodia?

19 A. As far as I know, and as far as it was made public, they were
20 allies.

21 Q. You talked about allies. Were they always allies and there
22 were no conflicts between the two forces? Can you elaborate a
23 little bit further?

24 A. As I said, in 1974, I wrote a lengthy piece called "Who are
25 the Khmer Rouge?" In that piece, I identified Saloth Sar as the

1 head of the Khmer Rouge and I pointed out that, according to the
2 information that I had gathered, there is tension between the
3 Vietnamese communist and the Cambodian communist. That was an
4 unusual piece of information and many people doubted it. But was
5 that a border clash, a big border clash? No. I just knew that,
6 and particularly again, I relied quite heavily on the work
7 "Regrets for the Khmer Soul" by Ith Sarin to describe these
8 tensions between the Vietnamese communist and the Cambodian
9 communist.

10 [15.32.23]

11 Q. Thank you. On the border issues -- and you have stated at some
12 length about that, at least on three different occasions that the
13 invasion by Vietnamese troops into Kampuchea was not of a
14 humanitarian nature but it was due to border conflict. Do you
15 still stand by your conclusion on this particular issue?

16 A. Yes.

17 Q. Thank you. Do you report on -- or do you know about the
18 reporting information on the agreement to recognise the border
19 between the resistant movement, including the United Fronts of
20 Cambodia and the Vietnamese army?

21 A. No.

22 [15.33.58]

23 Q. Thank you. During 1976 through to 1978 or early 1979, did you
24 receive any information on the attack -- on the fighting at the
25 border between the DK army and the Vietnamese army?

1 A. Yes, there was a lot of reporting on that.

2 Q. Are you yourself cover and reported about this attack or war?

3 A. I was not in Vietnam then and I did not get a visa to
4 Democratic Kampuchea until 1978, so my -- and I was correspondent
5 for the Washington Post in Washington, so my information was what
6 I read from other reporters and from different information
7 services.

8 [15.35.33]

9 Q. Thank you. Now come back to my question on the purpose of
10 coalition of Indochina party for the three countries in
11 Indochina, can you elaborate for the Court on this matter?

12 A. The original Indochina party? This was when -- the original,
13 as I remember, Ho Chi Minh wanted the Vietnam Communist Party and
14 he was talked into an Indochina Communist Party and then it later
15 divided into Cambodia, Laos and Vietnam.

16 Q. Thank you. I would like to ask further that what was the view
17 or the idea of creation of the Indochina party, was later giving
18 up or it was also furtherance to move on into the future?

19 A. The original view was that there was French Indochina and so
20 the view was the strongest movement was in Vietnam but it might
21 as well be Indochinese because the French governed largely
22 Indochina.

23 Q. You did not respond to my question saying what was the policy
24 or the initiative to establish the Indochina party. Was postponed
25 or was there any effort to continue to form and operate later in

1 the next decade or so?

2 A. I'm sorry I misunderstood your question. I thought you were
3 talking about the original view. So you have the Indochinese
4 Communist Party and it continues, you have the separate parties.
5 I'm not sure where you want me to add.

6 [15.38.17]

7 Q. I would like you to indicate the idea of forming Indochina
8 party was abandoned or the idea within the three countries was
9 still there that they wish to form the Indochina party. In case
10 of abandon, when was it happened?

11 A. Okay. I believe you -- are you referring to the -- during the
12 war, the American War? After the American -- '65 to '75, there
13 was very much a united front kind of Indochina. So you'd see
14 posters with Vietnamese communist, Cambodian communist, Laos
15 communist. And so there was -- I wouldn't call it a party, but
16 there was definitely a -- the message getting across was that
17 these three communist parties were fighting the Americans
18 together, and they were united against American imperialism. And
19 I believe there was at least one, if not two conferences on this,
20 and there was an Indochinese united front.

21 [15.40.01]

22 Q. I did not receive the response but I would like to move on.
23 Talking about the fighting between DK army and Vietnamese army
24 during 1976 until 1929, you told earlier to the Court about the
25 border conflicts. Why the two countries who were the allies, why

1 they did not proceed with the negotiation to solve the problem?

2 Why did they take the war as a solution at the time?

3 A. Because they could not agree on the border apparently. Because
4 Democratic Kampuchea believed that the Vietnamese were trying to
5 undermine them. I would gladly refer to Nayan Chanda's very good
6 dissection of this in his book 'Brother Enemy'. He was a witness
7 here.

8 Q. Madam Expert, you gave the argument that the DK regime was
9 fearful of become weaker. Can you explain the use of the army
10 force to fight against the Vietnamese army along the border? So
11 why was it weak in terms of the peaceful negotiation? So could
12 you elaborate a bit further for the Court?

13 A. One of the reasons that DK's army was weak was in fact they'd
14 had several purges that did weaken the army.

15 [15.42.25]

16 Q. I don't understand your answer. I'm talking about the
17 negotiation to finish the conflict on the border. And you said
18 that it's weakened the situation. And you said that the weakness
19 was because of the purge within DK. I don't understand the
20 relationship in your response. Could you tell me? Explain me
21 further.

22 A. I'm sorry I didn't understand your question.

23 MR. PRESIDENT:

24 Counsel, could you please make your question clearer and be more
25 specific, so that it is well understood by the expert.

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1 BY MR. KONG SAM ONN:

2 Yes. Thank you, Mr. President. It might be because of language
3 issues.

4 Q. My question is as follow: Why DK regime did not solve the
5 problem with Vietnam during the 1970s but they used the arm or
6 the weapon to solve the problem? And then the expert responded to
7 me that because DK was weak, DK was fearful that it would be
8 weak. And I think why it was a kind of fearful because there was
9 an opportunity to have a peaceful negotiation. So Madam Expert,
10 can you respond and tell the Court about this?

11 [15.44.38]

12 MS. BECKER:

13 A. If I understand your question and I'm going to repeat it to
14 make sure I do understand please. You're asking me why did
15 Democratic Kampuchea not solve the problem with Vietnam in the
16 1970s peacefully. Why did Democratic Kampuchea turn to a military
17 solution? Is that correct?

18 MR. PRESIDENT:

19 Please hold on.

20 MS. BECKER:

21 A. That is the big question, isn't it? That is the major
22 question: why did the Khmer Rouge, Democratic Kampuchea seek
23 military solution? And as I said earlier, I think they confused
24 the basic state-to-state border issues, power issues with the
25 purges within the country that weakened the country, weakened the

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1 military and backed themselves into a corner.

2 [15.46.07]

3 BY MR. KONG SAM ONN:

4 Q. I don't understand this point. Could you elaborate further? In
5 a case where DK army was weak, you said that it related to the
6 internal purge. Is this the reason why the DK not to continue a
7 war with Vietnam? Unless DK had a powerful army, and then it can
8 start a war with the military measure? So can you explain these
9 points?

10 MS. BECKER:

11 A. That is a very good question and I think it's a conundrum. I
12 don't know if it's easily explained.

13 MR. PRESIDENT:

14 Counsel, could you please move on?

15 BY MR. KONG SAM ONN:

16 Thank you, Mr. President.

17 Q. I would like to ask you further on the negotiations between
18 Democratic Kampuchea and Vietnam during DK era. My question is
19 that, did you receive or did you cover and report any political
20 negotiation on the two issues happened between the two countries?

21 [15.48.11]

22 MS. BECKER:

23 A. On the border question? You're referring to the border
24 question, yes.

25 Q. Other issues other than the border.

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1 A. As I said, in that period, I lived in Washington, DC. I was
2 not in Vietnam or Cambodia. And any meetings between Vietnam and
3 Cambodia did not take place in the United States, so no.

4 Q. My question is not for the period -- or the time when you were
5 there. And later on, did you conduct any research on those kinds
6 of negotiation?

7 A. Yes.

8 [15.49.27]

9 Q. Did you find any problem in the diplomatic or other problem
10 that were major for the two countries to be solved?

11 A. There were many problems between Cambodia and Vietnam. And
12 there was a -- the one primary -- the times when I could talk to
13 them was when both the Vietnamese and the Cambodians were at the
14 United Nations. And at those points, you could talk to them and
15 you would certainly get some hand-outs. But often, the problems
16 were disguised in rather terse, difficult to understand
17 hand-outs. But by -- as I said earlier, by 1977, they were making
18 it clear that they were having serious issues. And I was just --
19 you just reminded me of something. The first time during this
20 (inaudible) American War period, that border issues came up --
21 actually came up between Vietnam and China. When -- I believe
22 it's '74 -- when China, during one of Vietnam's big offensives
23 towards the south, the Vietnamese communist, the Chinese took the
24 (unintelligible) islands. And that was the signal to a lot of
25 people who know Vietnam better than I do, that border issues and

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1 maritime issues were going to come back to life at the end of the
2 American War and it's still the case today.

3 [15.51.24]

4 Q. Thank you. And I would like to consult your documents, page
5 202, ERN in English, 00237907; and French, 00638468. I would like
6 to quote by reading.

7 "Those who were" - "among the famous of the three ghosts who can
8 -- only Khieu Samphan, the most famous of the three ghosts
9 continue to rise. He behaved for the Khmer Rouge as he had for
10 Prince Sihanouk. Whatever job he was given him, he accepted and
11 performed to the best of his ability, apparently, accepting the
12 strategy and the consequence. He had been an effective cabinet
13 minister for Prince Norodom Sihanouk. He was just so as the
14 nominal Head of State for Pol Pot." End of quote.

15 I would like to ask you that, did you know any other information
16 about Mr. Khieu Samphan and your note saying that he was the
17 nominal Head of State in my quote?

18 [15.53.46]

19 A. Khieu Samphan -- of course, as you read in my material on
20 Khieu Samphan you read in the previous ones that, when he was in
21 the cabinet for then Prince Sihanouk, he did so well that people
22 were actually wondering why he was doing so well and then, of
23 course he fled. And then, when he was the head of GRUNK, he was
24 the liaison between Sihanouk and what became the DK leadership.
25 And then, under DK, he was the face of the regime. So that's what

1 I'm talking about.

2 Q. Could you explain clearer when you say he was the face of DK,
3 so what do you mean by that?

4 A. During the war and the resistance, two people were known as
5 the leader of the Khmer Rouge: Prince Sihanouk in Beijing and
6 Khieu Samphan. He -- you look at the GRUNK material, Khieu
7 Samphan is the face, and then, you have the other two ghosts, but
8 it's Khieu Samphan, Prince Sihanouk. Then under DK, no longer
9 Prince Sihanouk as you know and he resigns. And Khieu Samphan is
10 the Head of State and he would take -- he takes foreign trips as
11 Head of State. He meets delegations as Head of State.

12 [15.55.29]

13 MR. PRESIDENT:

14 The microphone of the counsel was not activated.

15 BY MR. KONG SAM ONN:

16 Q. You say that the foreign trip by Mr. Khieu Samphan as the Head
17 of State and he met with other heads of state; is this your
18 testimony a while ago?

19 MS. BECKER:

20 A. No. He met with delegations in Cambodia but he did travel. And
21 he's one of the few DK leaders who were allowed to travel outside
22 of the country.

23 Q. Expert, could you be more specific? But I would like you to
24 confirm your terms as "the three ghosts". Could you explain the
25 meaning of "the three ghosts"? Can you explain the meaning of

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1 these words?

2 [15.56.35]

3 A. In the 1960s, Khieu Samphan had a very high reputation as an
4 intellectual, as a liberal politician, not corrupt, good writer,
5 starting the newspaper 'L'Observateur'. And two other leftists in
6 Phnom Penh with good reputations were Hou Yuon and Hu Nim. When
7 the war began in 1970 and these first years, there was a strong
8 desire on some parts to start negotiations for peace. Son Sann,
9 who was mentioned earlier, came to Cambodia to try to make some
10 deal between Lon Nol and Prince Sihanouk. The Americans blocked
11 that. Later, there was an attempt -- a more significant attempt
12 -- because the Lon Nol army was losing. At that stage, it was
13 said that the three ghosts were dead; that Khieu Samphan, Hou
14 Yuon and Hu Nim were ghosts, they weren't alive. And that's where
15 the name came from; that they were ghosts, that they were dead.
16 And therefore, it was impossible to reach a peace accord.

17 [15.58.16]

18 Q. Thank you. In response to my earlier question, you said that
19 Khieu Samphan made a foreign trip. Did you know -- do you know
20 when he made that visit during DK? Or you don't have this kind of
21 date for his travel?

22 A. If I remember correctly, he went to Spain during DK. Yes, it
23 was Spain, wasn't it? Spain during Democratic Kampuchea, I
24 believe. I could be wrong but that's what sticks in my mind.

25 Q. Was there any other country that he visited or just Spain?

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1 A. I can't remember. I'm sorry.

2 Q. Expert, could you please indicate clearly, when during DK era?

3 But I would like to know when specifically.

4 A. I'm afraid I can't remember exact year. Sorry.

5 Q. So who gave you this information? Can you tell the Court based
6 on your testimony that Khieu Samphan went to Spain during the DK
7 regime?

8 A. If I remember correctly, I think it's from FBIS, Foreign
9 Broadcast Information. I could be wrong.

10 [16.00.37]

11 Q. Do you have any further information regarding his visit? For
12 instance, whom he -- what was the purpose of his trip?

13 A. I'm afraid it's too long ago. I don't remember.

14 Q. Thank you. Also in your book, I'd like to discuss with you a
15 word that you used and that you actually use it frequently; that
16 is the word "Mocchim" in Khmer, or the word "entre". Because you
17 use very frequently the word "Mocchim" in Khmer or the word
18 "centre". What do you mean when you refer to the word "centre"?

19 A. The top national leadership.

20 Q. Can you explain to the Court the administrative structure of
21 the Communist Party of Kampuchea?

22 A. I'm sorry; but in a few minutes -- no, I can't.

23 [16.02.28]

24 MR. KONG SAM ONN:

25 Thank you. And Mr. President, I do not have any further question.

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1 MR. PRESIDENT:

2 Thank you, Counsel.

3 Today's proceedings come to an end and we will adjourn today's
4 proceedings now and resume tomorrow -- that is, Thursday, the
5 12th of February 2015, commencing from 9 o'clock in the morning.

6 And tomorrow, we will hear a testimony of a civil party by
7 pseudonym 2-TCCP-303.

8 And the Chamber is grateful to Ms. Elizabeth Becker for your
9 valuable time and for a very long overseas trip to provide
10 testimony before this Court as an expert in the last few days.

11 And your testimony can contribute to ascertaining the truth in
12 the Case of 00/02. And now your testimony has come to an end and
13 you may be excused from the Court. And the Chamber wishes you a
14 great and safe journey back home.

15 And Court officer, in collaboration with WESU, please assist the
16 arrangement of the transportation of the expert.

17 And security guard, you're instructed to take the two Accused,
18 Nuon Chea and Khieu Samphan back to the detention facility and
19 have them returned to participate in the proceedings tomorrow
20 morning before 9 o'clock.

21 The Court is now adjourned.

22 (Court adjourns at 1604H)

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