



Witness for Khieu Samphan Speaks, after Schanberg Testimony Ends

By Mary Kozlovski¹

On Friday, June 7, 2013, Pulitzer Prize-winning American journalist and author Sydney Schanberg concluded his testimony in Case 002 at the Extraordinary Chambers in the Courts of Cambodia (ECCC), after being cross-examined by lawyers for co-defendants Nuon Chea and Khieu Samphan.

The 79-year-old former *New York Times* (NYT) correspondent has spoken at length via video link from New York about his reporting in Cambodia during the 1970s and his experiences during and immediately after Phnom Penh fell to the Khmer Rouge on April 17, 1975. Mr. Schanberg was played by American actor Sam Waterston in the 1984 film *The Killing Fields*. In the afternoon Sok Roeur, a former bodyguard to Khieu Samphan in the late 1980s and 1990s, testified as a character witness for the defendant.

During the day, 607 students and teachers from Kampong Cham province's Sreysanthor district attended the hearing. Khieu Samphan sat in court for the entire day, while Nuon Chea observed proceedings remotely from a holding cell.

Nuon Chea Defense Continues Questioning Sydney Schanberg

Picking up from the previous day's hearing, International Co-Lawyer for Nuon Chea Victor Koppe read the first of a series of excerpts from Mr. Schanberg's diary, in which the witness had quoted Norodom Sihanouk as saying in a news report that the leaders of the Lon Nol government "deserve nothing but the gallows" and should surrender. Mr. Schanberg recalled that he heard the news with other reporters over battery-powered radios and it did not surprise him because Sihanouk had reasons to support the Khmer Rouge. The witness said other people who had

¹ Cambodia Tribunal Monitor's daily blog posts on the ECCC are written according to the personal observations of the writer and do not constitute a transcript of the proceedings. Official court transcripts for the ECCC's hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

spoken to Sihanouk knew that he did not want to lose his family members, some of whom had already perished in the war.

The defense lawyer requested that Mr. Schanberg elaborate on comments in his diary that no reports of executions at the time of the evacuation were “eyewitness accounts.” The witness replied that when they left the city in trucks via an unfamiliar road, there were a dozen or so scattered dead bodies that were difficult to identify as either soldiers or civilians; they were only able to speak to people about what they witnessed after arriving in Thailand, and he did not witness such things himself.

After Mr. Koppe read another journal excerpt and pressed Mr. Schanberg on whether he had received “credible reports from eyewitnesses” about alleged executions of former Lon Nol officials and soldiers and the “seven super traitors,”² the witness responded:

In the years that followed, I saw statements by Khmer Rouge leaders acknowledging that they had killed Long Boret and others, and Sirik Matak, and so. ... I accepted that as a fact since it was spoken by the Khmer Rouge politburo itself. ... When I returned to Cambodia some years later, I met the families of people that I had known, who had worked with me – a driver named Sarun³, and his wife told me how he was taken away and killed one night, in the place where they were working, and she never was told nor did she ask why they did it. She was too afraid. And so stories like that, firsthand – yes, people told me.

In response to a follow-up question from Mr. Koppe, Mr. Schanberg stated that he did not remember people telling him stories about alleged executions of Lon Nol soldiers or officials when he was at the French embassy in Phnom Penh but some people⁴ related being forced from their houses and told to join the population in the countryside.

Mr. Koppe requested the source of statistics in a January 7, 1975, entry in Mr. Schanberg’s journal, which stated that an embassy official estimated 40,000 to 50,000 new refugees had been generated by “this offensive”⁵ and that it was “generally agreed” that half Cambodia’s population of seven million had been uprooted by the war, nearly one million killed or wounded, and tens of thousands of widows and orphans created, with many suffering from malnutrition. Mr. Schanberg answered that the first figures came from embassy officials from several countries, and he witnessed the other details, such as infants who died from malnutrition. He added that informed people – often from embassies or NGOs – told reporters what they knew from word of mouth. Describing the city’s swelling population, Mr. Schanberg testified:

No one who was living there at the time would need a document to tell him or her that there were new people in Phnom Penh and that the population had doubled, and maybe more. The population before the war was about one million, and now it was two million or more. ... Maybe 20 or 30 people were living in apartments or houses that used to hold maybe the eight people in one family.

² The so-called “seven super traitors” are Lon Nol, Sirik Matak, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and Sosthene Fernandez.

³ The precise spelling of this name is unclear.

⁴ Based on Mr. Koppe’s question, these appear to have been people who sought refuge at the French embassy in Phnom Penh after April 17, 1975, where Mr. Schanberg was situated.

⁵ “This offensive” may be a reference to the period generally between 1970 and 1975.

Moving on, Mr. Koppe cited an extract from Mr. Schanberg's diary in which he related a discussion at the French embassy about the potential reasons for the evacuation, including that it could be a way to clear possible armed resistance and find government officials in hiding, or to avoid having to feed a "refugee-swollen city" at a time of "extreme rice shortage." After a muddled exchange in which Mr. Koppe tried to ascertain if any of above reasons corresponded with what the witness observed, Mr. Schanberg somewhat tersely responded that if the Khmer Rouge wanted to feed Phnom Penh's population, they could have opened up the Mekong River through which the capital was usually supplied with food and medicine from Saigon. He recollected that such arguments came from the Khmer Rouge or their supporters.

Criticism of Sydney Schanberg Raised by Defense

Under questioning from Mr. Koppe, Mr. Schanberg described two people⁶ – a woman of Chinese descent and an Australian man – who said they had tried to go into the interior to begin the so-called "food growing campaign" but Khmer Rouge officials said they could not protect them and told them to seek refuge in the French embassy. The witness testified that the two people only made it 10 or 15 miles into the interior and told those at the embassy they supported the evacuation and people who saw the Khmer Rouge as destructive were wrong. Mr. Koppe noted Noam Chomsky's criticism of Mr. Schanberg's reporting⁷ – based partly on a report from the aforementioned individuals – and inquired if those two people ever spoke about looting in Phnom Penh. Mr. Schanberg answered that they had not and said he had only a couple of conversations with them, during which they stated that everything those in the embassy had seen was untrue. He recounted that the man and his girlfriend threatened to report them to the Khmer Rouge leadership if they continued to disagree and refused to chip in with chores at the embassy despite being fed. Responding to a query about negative comments the couple made about people in the embassy, Mr. Schanberg told the court:

Obviously they were supporting an event that was full of bloodshed, and ... we witnessed lots of lives being lost. The night before they entered the city, I spent several hours at a hospital where victims were being brought in, people who [were] amputees, children, I spoke to them. I asked them what happened. They told us that they were victims of the Khmer Rouge, the fighting. Bodies were piled up; the floors were slick with blood. The doctors at that point didn't have any more gloves to do surgery and cleaned their hands in alcohol in a bowl after every surgery, and outside the surgery rooms, you would see cardboard boxes with limbs thrown in them because the limbs had to be cut off. And it was a hellish scene. And it was real.

After Mr. Koppe posed another question, International Senior Assistant Co-Prosecutor Tarik Abdulhak sought the identity of the document that the defense lawyer was referencing. When Mr. Koppe handed over questioning to the Khieu Samphan defense, Trial Chamber Judge Silvia Cartwright repeated the request. As she spoke, Mr. Schanberg could be heard interjecting and asking, "Is that Cartwright?" "Yes, Mr. Schanberg," Judge Cartwright replied.

Khieu Samphan Defense Begins Cross-Examination

After the Nuon Chea defense ended their questioning, National Co-Lawyer for Khieu Samphan Kong Sam Onn sought information about Mr. Schanberg's trips to Cambodia between 1970 and

⁶ The precise spelling of these names was unclear.

⁷ International Senior Assistant Co-Prosecutor Tarik Abdulhak later referred to this document as a 'note on Chomsky'. The precise nature of this document was not entirely clear. It was identified as a document coming from the Documentation Center of Cambodia (DC-Cam).

1975, before the Democratic Kampuchea (DK) era. The witness detailed a number of visits – never less than two months in duration – in an estimated two-and-a-quarter years spent in Cambodia during that period. When asked about his reporting on battles in Cambodia at that time, Mr. Schanberg replied that there were several stories he wrote about battles he witnessed but noted that the whole country was not available as certain areas were under Khmer Rouge control; he could not offer precise dates but stated that they would be in his NYT stories. He related that he never went to battles with government soldiers or officials, but when reports came in of battles taking place – from refugees, for instance – he would follow the information to those locations.

Mr. Schanberg confirmed to Mr. Sam Onn that he reported on the U.S. bombardment of Cambodia and that figures of about one million wounded or killed in his diary came from his reporting, talking to embassy soldiers who had gone on air patrols, and witnessing such things. “I never used anything told to me by anyone who had given me exaggerated or wrong information before,” the witness said, “so I believe my estimates are very close to the actual numbers.” He affirmed that he wrote many reports about the U.S. embassy, its role in Cambodia, and the U.S. bombing. “There were times when the bombing took place not very far from Phnom Penh, and we watched the bombing from rooftops in Phnom Penh,” he recollected, adding that supplies, arms and other things were brought in by the U.S. government.



Then Mr. Sam Onn read a journal extract in which Mr. Schanberg recorded comments Prince Sisowath Sirik Matak made in a telegram to then U.S. President Gerald Ford, accusing him of “betrayal” in abandoning Cambodia, and asked the witness to elaborate on its contents. Mr. Schanberg answered that he respected Sirik Matak, who was no longer a major force in the Lon Nol government at the time, and found much of what he said “appropriate.” Under questioning about his diary, Mr. Schanberg reiterated that his editors requested that he keep a journal, which he wrote in Bangkok after leaving Cambodia in 1975 from the notes he took during his trip. He told the court it was not published because he wrote long pieces on the fall of Phnom Penh.

At this juncture, International Co-Lawyer for Khieu Samphan Anta Guissé inquired about Mr. Schanberg’s conflict reporting experience. The witness described covering the 1971 conflict between India and Pakistan over Bangladesh, along with reporting on the Vietnam War and Cambodia. On his sources in Cambodia, Mr. Schanberg recollected that he spoke to officials from the U.S., British, Australian, and Japanese embassies and decided whether he believed the information was accurate; he also spoke to Lon Nol army officers at battles or in Phnom Penh. He told Ms. Guissé he did not have direct contact with the Khmer Rouge or sympathizers of the National United Front of Kampuchea (FUNK) but used whatever he found useful or believable from those who did; he never went to China during that period.

Relationship between Cambodia and the Vietnam War

When asked if he had established a link between the Vietnam War and the conflict in Cambodia and if his U.S. sources had explained the reason for bombing Cambodia, Mr. Schanberg replied

at length that there were links and the U.S. had bombed the Ho Chi Minh Trail, which was channeling troops and supplies from North Vietnam into South Vietnam. The Vietnamese had also set up sanctuaries just inside the border in the south next to the border with Cambodia, Mr. Schanberg stated, noting that the U.S. was getting desperate to end the protracted war with Vietnam. He testified that the “American secret bombings” started about nine months prior to 1970, when a group led by General Lon Nol deposed Sihanouk. Mr. Schanberg said the Americans agreed to help the Lon Nol government but did not tell them all of the details, and several thousand American soldiers then entered Cambodia to destroy the sanctuaries and part of the Ho Chi Minh Trail.⁸ He testified that thereafter war – until then concentrated along the eastern border of Cambodia and Vietnam – broke out all over the country and the Khmer Rouge started to enlarge. “What also happened was that the Americans, having been bombing in secret for nine months, now got permission from the Cambodians to bomb anywhere in the country,” Mr. Schanberg added. “No one knows what would have happened if the Americans hadn’t come in and bombed. The war may still have happened and taken a long time, but, in any case, at that point Cambodia was in the Vietnam War.”

When Ms. Guissé queried whether a comparison could be made between Khmer Rouge attempts to cut off supplies and weapons to the Lon Nol Army and the U.S. bombing of the Ho Chi Minh Trail, Mr. Schanberg replied that they were not equivalent.⁹

Queries about François Ponchaud’s Testimony Annoy Witness

In response to questions from Ms. Guissé about François Ponchaud¹⁰, Mr. Schanberg said he never had conversations with Mr. Ponchaud but knew some of his friends and knew Mr. Ponchaud was at the French embassy at the same time he was there. He emphasized to Ms. Guissé that he had spoken to “ordinary people” who were going to be thrown out of the embassy, whereas Mr. Ponchaud had a French passport. The defense lawyer remarked that there appeared to be a misunderstanding and she was referring to refugees Mr. Schanberg spoke to between 1970 and 1975, whom he described earlier as telling him that they had fled from Khmer Rouge liberated zones. “You did not talk to refugees who were fleeing bombings by the U.S.,” she asserted.

In a curt response, Mr. Schanberg stated that refugees never told him they fled the bombing. “They talked about fleeing the Khmer Rouge,” he said, adding:

Your colleague [Mr. Koppe] suggested that that wasn’t true. I don’t know how he would know, because he didn’t interview them, and maybe they were there, but I didn’t find them and I met people who were afraid of the Khmer Rouge.

Responding, Ms. Guissé asserted that she referred to Mr. Ponchaud because he testified on April 10, 2013, that refugees fled both from general fighting and the U.S. bombing from 1973 onwards. She asked if it was fair to say that this account did not match the information Mr. Schanberg gathered in Phnom Penh. The witness disagreed, stating that Mr. Ponchaud had

⁸ The exact dates and duration of this incursion were unclear from Mr. Schanberg’s testimony.

⁹ Ms. Guissé’s question was slightly unclear in the English translation. Mr. Schanberg’s response was also unclear.

¹⁰ François Ponchaud, a French priest and author of *Cambodia: Year Zero* (1977) who was present in Phnom Penh during its evacuation, testified as a witness in Case 002 in April 2013. Cambodia Tribunal Monitor’s detailed accounts of his testimony can be accessed at: <http://www.cambodiatribunal.org/blog/archive/201304>.

spoken to other people and he had no reason to question his testimony. Elaborating, Mr. Schanberg testified:

I'm not saying that none of them ever fled from the bombing, and I certainly didn't say that bombing doesn't kill people. And I think that it would be a good idea if you stopped trying to get me to say something and tell you something – and it would be to tell you a lie because I didn't meet and talk to those people. ... I just walked up to people, so it was happenstance and maybe the groups that I talked to were not more afraid of the bombing than they were of the Khmer Rouge. But whatever it is, it has nothing to do with me disagreeing with the pastor. And I resent that you tried to do that.

The defense lawyer responded to this comment by clarifying her role and her right to raise elements of the case file during cross-examination. “I am certainly not trying to make you say things that you do not wish to say,” she told the witness. At this point, Trial Chamber President Nil Nonn intervened. He reminded Mr. Schanberg that if he did not know something, he should simply say so, and to pause in between responses to ease the translation of his testimony.

The Volume of Bombs Dropped on Cambodia

Switching topics, Ms. Guissé inquired if the witness could remember figures for the tonnage of bombs dropped during the war. Mr. Schanberg said he recalled people saying that figures exceeded the number of bombs dropped on Germany during World War II; he did not object to such figures and thought they were probably correct. Ms. Guissé quoted Philip Short's work¹¹ as saying that during the Vietnam War, the U.S. dropped on Indochina three times more bombs than the amount used by all participants during the entire Second World War, three times higher than that which was dropped on Japan, including the atomic bomb. When asked if this tally coincided with Mr. Schanberg's information from his military sources at the time, the witness replied that he had no expertise on the matter, but no reason to challenge those figures.

Ms. Guissé pressed the witness on Mr. Short's discussion of the consequences of the bombing in his book, namely his statement that Phnom Penh's population – 600,000 at the time of the 1970 *coup d'état* – reached one million by the end of 1970 and two and a half million by 1975. She asked if these figures accorded with figures available to Mr. Schanberg at the time. After a hitch with the internet connection delayed proceedings for several minutes, Mr. Schanberg reiterated that the population was one million at the start¹² and over two million at the time of the evacuation.

Contact with Khmer Rouge Soldiers before and after Liberation

When asked about “intermediaries” between himself and the Khmer Rouge, Mr. Schanberg clarified that he never spoke to Khmer Rouge leaders and did not send anyone else to talk to them because they would have been killed. “Intermediaries are not necessarily all reliable, and you don't know their political beliefs or anything else like that,” Mr. Schanberg asserted. “Unless they came back with some surprising, or new or fresh news, I wouldn't have written any stories about it.”

¹¹ This may be a reference from Mr. Short's book *Pol Pot: Anatomy of a Nightmare* (2004). Mr. Short testified as an expert witness in Case 002 in May 2013. Cambodia Tribunal Monitor's detailed accounts of his testimony can be accessed at: <http://www.cambodiatribunal.org/blog/archive/201305>.

¹² The exact period Mr. Schanberg was referring to in this answer was not clear.

Under questioning about his movements in Phnom Penh after the city fell, Mr. Schanberg testified that he ventured once outside the embassy to bathe with some others at a pond about a hundred yards behind the compound. He recalled that some soldiers questioned them and were “not hostile or threatening” – one of whom told Mr. Schanberg he should get a haircut – but made them extremely nervous as they carried heavy weapons.

Lawyer for Khieu Samphan Scrutinizes Diary Excerpts

At this point, Ms. Guissé cited a passage from Mr. Schanberg’s diary dated January 6, 1975, about a trip with a US attaché and a Lon Nol soldier describing people preparing to eat the livers of their enemies.¹³ Ms. Guissé inquired if this was the “bestial” nature of war to which Mr. Schanberg referred in his earlier testimony. The witness disagreed, stating that it was something very primitive that he had a negative reaction to; by the comment that war is bestial, he meant one side trains their people to kill the other and men return from war with terrible physical and mental disabilities. Mr. Schanberg added that his experience taught him that few wars solve anything:

You get a winner and that’s it, and then the governments proceed to behave the way governments behave. ... I write about war because I would like to explain to people who’ve never been in one, and who’ve never lived through it, and didn’t have enemy soldiers pouring through their backyards. ... I would hope that if they knew more about it, they wouldn’t be so eager to have so many wars. But it’s really nothing to do with eating livers.

Under questioning about an article describing corruption in Lon Nol’s government, the witness testified that he wrote many articles on the corruption, the poor training of combatants, and the use of child soldiers, and did not have any new answers. Ms. Guissé requested Mr. Schanberg’s sources for figures in one of his articles that Washington announced \$3 billion in military assistance to Cambodia during the civil war but little humanitarian assistance for refugees. He replied that he believed the figures came from the government, either out of Washington or from the U.S. embassy. Then Ms. Guissé quoted a passage from Mr. Schanberg’s diary detailing a delegation of U.S. congressmen to Phnom Penh¹⁴ and a conversation between two women on an airplane during which a newsman described fires created by government planes, as the other side did not have any. The witness confirmed he was present for the conversation and that the Khmer Rouge did not have any airplanes.



Next, the defense lawyer inquired about the arrival at the French embassy of a “French expert at the information ministry” – as written in Mr. Schanberg’s diary in an entry dated April 21, 1975 – named Henri Becker. Examining his diary with a magnifying glass, Mr. Schanberg recalled that he met Henri Becker at the embassy. Ms. Guissé inquired about a diary passage stating that Henri Becker said Khieu Samphan – “the top Khmer Rouge leader” – had not yet arrived in Phnom Penh. Mr. Schanberg testified that he believed there was a group asking Henri Becker questions because he was a new face and had been outside the embassy. Quoting a final diary

¹³ The context of this extract was unclear.

¹⁴ Ms. Guissé read the entry as dated March 1, which is presumed to be from 1975.

extract, the defense lawyer queried whether Mr. Schanberg had contact with other people besides Henri Becker who suggested there might have been disputes between different Khmer Rouge factions in the city. The witness answered that he did not remember which groups were fighting, but for part of the day¹⁵ a group of young men dressed in black came forward and said they were supporters of the Khmer Rouge and wanted to join in the victory. Mr. Schanberg recollected, “We talked to their leader, and . . . he had never met the Khmer Rouge generals or leaders, and he was all excited about trying to be part of the victory. Later in the day, he and his followers disappeared. I have no idea what happened to them.”

With this remark, Ms. Guissé concluded her cross-examination, and Mr. Schanberg’s testimony at the ECCC concluded.

Character Witness for Khieu Samphan Called to the Stand

After the customary lunch break, 52-year-old Sok Roeur entered the court. Mr. Roeur stated that he lived in Oddar Meanchey province’s Trapaing Prasat district, where he worked as a rice farmer; he has a wife and two children. Mr. Roeur said investigators from the court’s Office of the Co-Investigating Judges (OCIJ) had not interviewed him and only counsel for Khieu Samphan came to speak with him, a year or two ago.

Khieu Samphan Defense Lead Questioning of Character Witness

As Mr. Sam Onn posed several questions about Mr. Roeur’s background, the witness testified that he was of the Tampuan ethnic minority from Ratanakkiri province, where he lived before leaving for Phnom Penh in 1976. He described leaving his district to stay with a unit along the Sesan River, before staying with a military unit for about two months, and then going to Stung Treng.¹⁶ Between 1975 and 1979, Mr. Roeur told the court, he learned the Khmer alphabet and spoken Khmer¹⁷, though not through formal schooling. In response to a question about whether he participated in the resistance movement prior to 1975, the witness responded that in 1972 or 1973, children were mobilized and he was sometimes called to work at the commune office and in the rice fields; by 1973 or 1974 he was in a “half children, half mobile” unit working mainly in rice fields near banks of the Sesan River, and he rarely went home.

Pressed for details about his move to Phnom Penh, Mr. Roeur related that *Angkar* chose to send him to the city, as they reviewed peoples’ backgrounds and work activities and selected them accordingly. “I never refused any task that I was given – I did not complain,” he recalled. “I was a son of the peasant class so there was no difficulty in dealing with my social class.” After leaving Stung Treng, the witness recollected that he was taken to K-8 – headed by “Han” and adjacent to K-1 – a vegetable plantation along the riverbank in Phnom Penh, where he stayed for about four months. Mr. Roeur testified that he was then transferred to K-1 to clear grass, where he stayed for about six months. “I asked elder people who were there before me, and I was told it was the place for the leaders,” Mr. Roeur said, adding that he did not know which leaders were at K-1 or the office’s functions.

¹⁵ This is likely a reference to April 17, 1975.

¹⁶ Stung Treng is a province in northeastern Cambodia.

¹⁷ The English translation was unclear, but it seemed that Mr. Roeur also studied Khmer before 1975.

After his time at K-1 Mr. Roeur told the court, he went to K-3 in October 1978 and was there for only about three months because they left Phnom Penh by January 3, 1979. The witness recalled that at K-3 he cleaned the house and sometimes guarded the entrance when the regular guards went out to lunch – rarely for the whole day – and most of the people he knew from K-3 had died since the fall of the Khmer Rouge in 1979. Mr. Roeur testified that he did not meet or speak with Khieu Samphan in person at the time but heard his name from colleagues and knew he worked in a different section of K-3.

Witness' Ties to Khieu Samphan Emerge

Under questioning from Mr. Sam Onn about his connection with the defendant, Mr. Roeur recounted that he worked as Khieu Samphan's bodyguard between 1989 and 1995 and observed that he worked very hard and diligently; they moved from place to place, including Pailin¹⁸, Anlong Veng¹⁹, and Thailand.

I spent a lot of time with him. Actually, we were working in the jungle and he was actually, at that time, in charge of foreign affairs. He traveled back and forth to overseas. And then whenever he came back to his home, I would go to my house, and he stayed at his home, but normally whenever he went, he would ask me to escort him.

The witness confirmed that he knew Khieu Samphan's wife and family and only learned about his personal background and education when he worked with him. When asked to describe Khieu Samphan's personality and temperament, Mr. Roeur responded:

He was a very firm person. He is not a short-tempered person, and he is very meticulous. He is very thorough, and he is a reasonable person. He generally advised his subordinates – people like me – he guided me on my work. For me, I am from ethnic minority; he advised me how to make a living, how to get involved in the society. ... As far as I can recall from my interaction with him, he never looked down on poor people or peasants.

Additionally Mr. Roeur told the court he had never resented Khieu Samphan because he never blamed his subordinates, and he never saw anyone else upset with him. Khieu Samphan talked to him about the free market economy, the use of banknotes, generation of family income, and how to be a decent citizen, the witness recollected, but never gave him political advice.

Judge Quizzes Witness' Observations of Khieu Samphan

Beginning his examination, Trial Chamber Judge Jean-Marc Lavergne inquired if the witness perceived Khieu Samphan as someone with conviction or someone with self-doubt. Mr. Roeur answered that Khieu Samphan had firm convictions in everything he did and never cast blame on his subordinates. He stated that he did not know if Khieu Samphan had expressed regret over past events and they never discussed the period between 1975 and 1979. He told Judge Lavergne that he did not see anyone disappear from Khieu Samphan's entourage in Phnom Penh, among which they had criticism



¹⁸ Pailin is a province in western Cambodia. It is a former Khmer Rouge stronghold.

¹⁹ Anlong Veng is a district in Oddar Meanchey province. It is a former Khmer Rouge stronghold.

and self-criticism sessions. Mr. Roeur said the accused never told him anything about criticism sessions and used “ordinary language” during their interactions. He added:

When I was working with him, he actually did not issue the command; it was not an authoritative command. He only advised us, and his advice was for only three or four of us who were around him. And in my capacity as bodyguard at that time, he talked to me and advised me in relation to my work, things to do with my security protection things, and as for his work, he did it by himself. I did not know about that. He only advised us concerning the security affairs. ... When I was working with him from 1989 he, of course, was my superior, so if he said I had to go with him, then I had to go.

When questioned about the lawyer from Khieu Samphan’s team who visited him, Mr. Roeur said he could not recall their name but they asked him about his background.

Prosecution Examines Khieu Samphan Character Witness

Rising to question Mr. Roeur, International Senior Assistant Co-Prosecutor Keith Raynor began by referencing a witness statement taken by the OCIJ dated February 14, 2009; Mr. Roeur said he did not recognize the name of the witness who gave the aforementioned statement. Mr. Raynor quoted the witness as saying in the statement that he worked at K-18 until 1993 or 1994 as a telegram translator and at that time, “Pol Pot and Khieu Samphan were also staying at K-18.”²⁰ When asked if this excerpt corresponded with his knowledge of K-18²¹, Mr. Roeur replied that he did not know because he was only a grass clearer.²²

Under questioning from the prosecutor, Mr. Roeur confirmed that he was with Khieu Samphan from 1989 to around 1996²³ and that he saw Pol Pot when he was Khieu Samphan’s bodyguard but was not close to him. Khieu Samphan and Pol Pot were “within the leadership circle” at the time he worked for Khieu Samphan, the witness testified, and they frequently met at their office – such as Office 89 in Koh Kong²⁴ and Pailin. Mr. Roeur said Pol Pot had bodyguards, whom he met with and who went elsewhere after the reintegration²⁵; the majority he knew had died.

Describing his contact with Khieu Samphan as his bodyguard, Mr. Roeur told the court that if they were at his place, they performed their own tasks, but if Khieu Samphan needed to work outside, he would call Mr. Roeur to escort him. He recalled that Khieu Samphan’s meetings sometimes occurred in Koh Kong in the forest along the Kravanh mountain range²⁶, in Pailin and Samlaut²⁷, but he did not know what they were about. Khieu Samphan did not deal with the military at K-18, Mr. Roeur stated.

²⁰ K-18 appears to refer to the area or office in which Khieu Samphan was located during the period when Mr. Roeur worked for him. However, it was not precisely identified in court.

²¹ Mr. Raynor referred to the place that Mr. Roeur described as K-18 – where he was in the 1990s; however, in the English translation, Mr. Roeur’s mention of K-18 was corrected to K-8, an office located in Phnom Penh during the DK period. It is unclear where Mr. Raynor’s reference is from.

²² It appeared that Mr. Roeur was referring here to his role at K-8; however the English translation was unclear on this point.

²³ Earlier in his testimony, Mr. Roeur said he worked for Khieu Samphan between 1989 and 1995.

²⁴ Koh Kong is a province in southwestern Cambodia.

²⁵ This is likely a reference to the reintegration of former Khmer Rouge into the country, after the remnants of the movement crumbled in the late 1990s.

²⁶ The Kravanh mountain range is actually located in Pursat province, in the country’s west.

²⁷ Samlaut is a district in Battambang province, in the northwest.

Citing the witness statement he mentioned earlier, Mr. Raynor inquired if Mr. Roeur agreed with that witness' comment that Pol Pot and Khieu Samphan gave "direct orders at K-18."

Interrupting before the witness could respond, Mr. Sam Onn argued that the question was outside the scope of Case 002/01 and the temporal jurisdiction of the court. "This is a character witness," he said, asserting that the witness was not present to highlight Khmer Rouge affairs after 1979.

"Whether the defense has scored on its own goal, I'll leave for others to judge," Mr. Raynor



remarked. He emphasized that the defense had requested Mr. Roeur as a witness and that a person's character did not only relate to a specific period. Mr. Raynor commented that his questioning followed the same lines as Judge Lavergne's examination and should be permitted to continue, however "uncomfortable" it may be for the defense. Mr. Sam Onn's objection was overruled.

After Mr. Raynor repeated his question, Mr. Roeur said he spoke about K-3, not K-18. When the prosecutor requested that the witness not avoid the question, Ms. Guissé objected to the manner in which Mr. Roeur's comments were being characterized. She noted that Mr. Sam Onn had earlier referred to K-8 and Mr. Raynor was now speaking of K-18, and Mr. Roeur's response demonstrated that something was unclear. "Instead of staying that he is avoiding the question, the prosecution should clarify the question," Ms. Guissé emphasized. President Nonn requested that Mr. Raynor specify the office he was asking the witness about – K-3, K-8, or K-18.²⁸ The witness said he did not know anything about "orders."

When Mr. Raynor asked whether the witness believed that loyalty was a sign of "good character," Mr. Sam Onn objected that the witness was present to testify on the character of Khieu Samphan and general queries about character were not useful. The prosecutor contended that loyalty was a simply an element of someone's character, but the objection was sustained. Reorienting his inquiry, Mr. Raynor asked how loyal Khieu Samphan was to Pol Pot, to which the witness replied that he did not know.

Testimony Returns to Periods before and during DK

In response to a string of questions from Mr. Raynor prodding his knowledge about various events, Mr. Roeur replied consecutively that Khieu Samphan had not spoken to him about giving orders to a group of people, including Duch²⁹, on January 5, 1979, or about a 10-day period prior to the evacuation of Phnom Penh when he was with Pol Pot. He told the prosecutor he did not hear Khieu Samphan give speeches on the radio or in person between the early 1970s and 1979, nor had he spoken with Khieu Samphan about, or heard him, reading confessions at public gatherings. He told the court he last saw Khieu Samphan's wife So Socheat in 1989.

²⁸ When asked if the office he worked in from 1989 to 1996 was K-18, Mr. Roeur's response was unclear in the English translation.

²⁹ Kaing Guek Eav, *alias* Duch, was the defendant in Case 001 at the ECCC. More information about Case 001 can be accessed at: <http://www.eccc.gov.kh/en/case/topic/1>. Mr. Raynor mentioned another name, but the spelling was not clear.

Citing Mr. Roeur's earlier comment that as the "son of the peasant class" he had no difficulty while being selected by Angkar to go to Phnom Penh, Mr. Raynor inquired if others experienced problems during this process. The witness answered that the decision was up to Angkar; they reviewed his biography and he did not know how he came to be selected. He told the court:

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

Mr. Roeur told the prosecutor he was not in fear during the period between 1976 and 1979. He confirmed that he saw Khieu Samphan's wife So Socheat at a distance at K-3 but did not talk to her.

At this point National Senior Assistant Co-Prosecutor Song Chorvoin pressed Mr. Roeur with a couple of questions about So Socheat. The witness responded that his friends at the time told him about So Socheat's identity. He testified that during the time he worked for Khieu Samphan, he never heard him express regret about events that occurred under the Khmer Rouge regime.

Civil party Lawyers Briefly Examine Character Witness

After the prosecution finished their questioning, National Civil Party Lead Co-Lawyer Pich Ang posed several questions about So Socheat. Mr. Roeur testified that he did not see So Socheat frequently at K-3 – sometimes once a month, but sometimes not for over a month. The witness described how he first saw So Socheat when he was clearing grass and was told she was Khieu Samphan's wife. Later, when he crossed through the kitchen, he saw her but did not speak to her. He told the court that she was looking after her children and preparing food and he was not aware of Khieu Samphan's role at that time. He said he was about 17 years old in 1978 and used to call Khieu Samphan "Uncle Hem."³⁰

Mr. Ang inquired about Mr. Roeur's "principles" when he was Khieu Samphan's bodyguard, to which the witness responded that he thought then that Khieu Samphan was a leader and he had to protect him from danger. He confirmed that he relayed Khieu Samphan's instructions to a group in his office, but not to others. On Khieu Samphan's personality, Mr. Roeur said when he stayed with Khieu Samphan, he did not know about the nature of his tasks but believed he had worked on the Paris Peace Accords.

As Judge Lavergne had, Mr. Ang probed the identity of Khieu Samphan's lawyer who went to visit Mr. Roeur. The witness described the lawyer as a male about 60 years old, who appeared to be Cambodian because he spoke Khmer naturally and who asked about Mr. Roeur's age, background, and employment. Additionally, there was a 20-something female foreigner who recorded the exchange.

Finally, International Civil Party Lead Co-Lawyer Elisabeth Simmoneau Fort attempted several times to ask Mr. Roeur if he was grateful to Khieu Samphan for his previous assistance, but the

³⁰ "Hem" was Khieu Samphan's alias.

witness appeared not to comprehend the question, and she eventually ended the civil party lawyers' examination. Mr. Roeur's testimony came to a close.

President Nonn adjourned the hearing. Proceedings in Case 002 at the ECCC are set to resume on Monday, June 10, 2013, at 9 a.m., with further witness testimony.