



*Khmer Rouge leaders during the struggle in the 1971.  
Nuon Chea is seated on the far left with Pol Pot seated third from the left.  
(Source: Documentation Center of Cambodia)*

**Former Bodyguard and Messenger  
Provides Insight into the Khmer Rouge Leadership**

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The prosecution's examination of witness Rochoem Ton continued Thursday, July 26, 2012, in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Nuon Chea and Khieu Samphan were present in the courtroom. As usual, Ieng Sary participated remotely from his holding cell, as Trial Chamber President Nil Nonn had granted Ieng Sary's request due to his health issues.

***National Deputy Co-Prosecutor Seng Bunkheang Continues His Examination of the Witness***

After President Nonn had called the court to order for the day, National Deputy Co-Prosecutor Seng Bunkheang continued his examination of the witness from yesterday. He returned to the questions by asking whether Pol Pot ever traveled to the front battlefield. Mr. Rochoem confirmed that Pol Pot did, adding that the leader would visit the places of Son Sen, Koy Thuon, and Ta Mok in Anlong Veng.

Co-Lawyer for Nuon Chea Son Arun interjected to request that the witness clarify the term "battlefield." Mr. Bunkheang, after noting that it is "commonly used, a battlefield is a battlefield," asked Mr. Rochoem to clarify. The witness replied that it is the place at which soldiers are trained and fight. He further testified that the battlefield of both Koy Thuon and Son Sen was at Kampong Thom. He said Vorn Vet was at the special zone, and Ta Mok was at the

Southwest. Mr. Bunkheang inquired whether Pol Pot frequently went to meet with these people. The witness responded that Pol Pot did, explaining that Pol Pot's purpose was to "provide encouragement to those people at the battlefields."

Moving on, Mr. Bunkheang asked about Office 871. Regarding who at the time was living at that office, Mr. Rochoem replied that Pol Pot, Nuon Chea, and Khieu Samphan were there "rather permanently."

Mr. Bunkheang inquired who was in charge in Pol Pot's absence when he went on these trips. The witness stated that Nuon Chea and Khieu Samphan would be at the office when Pol Pot was away.

Following up on the witness's previous testimony that he was a messenger at Office 871, Mr. Bunkheang asked if Mr. Rochoem was ever a messenger during this time for other parties, specifically Nuon Chea. The witness testified that he would deliver messages between Nuon Chea and Pol Pot when Nuon Chea was at the office and Pol Pot was at the battlefield.

Mr. Bunkheang asked whether Nuon Chea also made trips during that time as Pol Pot did; the witness indicated that Nuon Chea did, adding that he made "as many as Pol Pot." He further testified that sometimes Nuon Chea would go directly to his destination and sometimes he would stop at other places on the way. He recalled when Nuon Chea left Office 871 to go to Zone 304, and noted that there was a messenger office in between. He appeared to be saying that Nuon Chea stopped at the messenger's office, although it was not clear from the translation.

When asked if Nuon Chea ever went to Samlaut, Mr. Rochoem replied that Nuon Chea traveled there in 1972, and that he accompanied him. Regarding the purpose for Nuon Chea's trip, the witness explained that Nuon Chea went to meet with the Northwest zone leaders, listing Heng Teav, Ros Nhem, Ta Su, Ta Samai, Ta Vat, and Hou Yon. When Mr. Bunkheang pressed him for the purpose in meeting with these leaders, the witness said, "The scenario was the same as I described yesterday."

Mr. Bunkheang then referred to the witness's previous testimony that Mr. Rochoem heard a radio broadcast reporting that Ieng Sary was a special envoy supporting King Sihanouk. After Mr. Bunkheang asked what language the broadcast was in and who was in charge, the witness replied that it was in Khmer and that "currently it is still the same broadcast." Regarding whether he knew the reason why Ieng Sary was with King Sihanouk, the witness said he did not know the specifics but recalled that there were frequent radio broadcasts regarding Ieng Sary's presence there.

The prosecutor asked the witness how many liberated zones belonged to the Communist Party of Kampuchea (CPK) up to 1975. The witness recalled, based on information received from "the presentation" and "the radio broadcast," most of the countryside was liberated. He marked the exception of provincial towns, noting that only some of these were.

Mr. Bunkheang then asked whether money was circulated and whether there was a market in those liberated zones. The witness replied money was circulated from 1967 to 1975, noting that he had received a salary since 1967.

When asked who the party considered to be enemies, Mr. Rochoem replied that, from what they were told, American Imperialists were the “top enemy” that had “invaded many countries and [] engaged in bombardment for 200 days and nights.” Other enemies, he said, were those who opposed or refused to join the Revolution. He described the “covert enemy,” including agents from American and Soviet intelligence agencies.

Mr. Bunkheang inquired whether Mr. Rochoem knew of any measures taken by the party toward those viewed as the enemies. The witness replied:

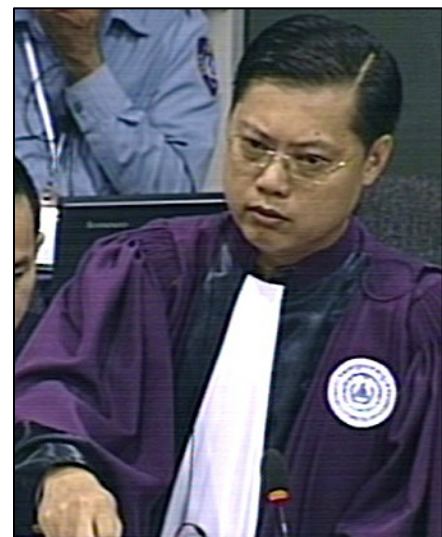
In the wartime, all zones, sectors, and district levels were clearly educated to know about the enemies and in the battlefield of course we fought against those enemies and off the battlefield for those who oppose the revolution, but I myself did not witness any measures taken against those who opposed the Revolution at the time. I only knew that we fought the enemy in the battlefield.

Regarding who it was that educated them about the enemies, the witness replied that the senior leaders in the party, including Pol Pot, Khieu Samphan, Son Sen, “and the rest,” disseminated the information.

Mr. Bunkheang questioned whether the witness had ever observed meetings between the leaders during 1971 to 1975, after the party decided to relocate to Stung Treng to Office 871. The witness replied that he observed meetings between all the members of the center, “from all the zones, for example.” He stated that one of these meetings was held in 1971, noting that this type of “big meeting” did not occur often. According to Mr. Rochoem, a “big meeting” occurred every three or four years. The witness also recalled that there were smaller regular meetings at the zones and the battlefields, irrespective of the season. He noted that they often occurred during rainy seasons.

Mr. Rochoem testified to one specific large meeting that took place in 1971 – a study session in which many important cadres participated. He said two senior leaders chaired the meeting and that it took place in two parts. One part was this study session chaired by the two senior leaders at zone 304, attended by the sector and the district leaders. After this “big meeting” wrapped up, there was another for the center level. He noted that this second one also had “quite a number of participants” but that it only included the zone level.

Mr. Bunkheang asked if Mr. Rochoem recalled the duration of each meeting. The witness said the last meeting spanned over a week. When asked whether Ieng Sary attended meetings at Office 781 from 1971 to 1975, he said Ieng Sary did not attend in 1971 because he had not been in Cambodia. The witness further testified that Ieng Sary attended



meetings in 1974 and in 1973 when he came with Samdech Ov to the liberated zone. He stated that Ieng Sary attended the big meeting in 1974. Regarding the subject matter of the 1974 meeting Ieng Sary attended, Mr. Rochoem indicated that it was the same as other meetings in which the “general situation in and outside of the country, and the situation of the resistance movement and the progress we have made so far concerning the liberated zones, and people from the zones would confirm the updates on this and reviews were also conducted. And these were the routines in the meetings.” He stated that after the meeting, they returned to their zones. When asked how he could know these were the subject matters of all of the meetings, the witness explained that he was tasked with protecting the meeting, as well as with catering food for it. He indicated that he noticed diagrams on the board. He also explained that he observed what the leaders were doing because he would like to “follow their role models and grasp their updates.”

Mr. Bunkheang asked the witness whether he also guarded a meeting in 1975. The witness replied that after the liberation of Phnom Penh on April 17, 1975, he had a heavy workload and was not able to guard meetings. He testified that he was in charge of administration, for receiving guests. When asked if there were any meetings he attended as a guard that took place before April 1975, Mr. Rochoem replied that there was one in 1974.

The witness said that after 1974, he went to the battlefields surrounding Phnom Penh. He stated that he provided security at the B-5 office, describing it as the command center to attack Phnom Penh. Mr. Bunkheang then asked what meetings at B-5 were about. The witness said the regular meetings at B-5 were chaired by Pol Pot, who regularly stayed there. He noted that Nuon Chea and Khieu Samphan were also there at times. He described how the three of them would regularly meet. He added that sometimes they would meet with people from the zones, including Son Sen, Ke Pauk, So Phim, and Ta Puon, who was from the West. The witness noted that Ta Puon came with Tak Tum. He described them as meeting every five days or fortnight. He said there were not any large scale meetings at the B-5 office, describing them as routine, regular, daily meetings.

Mr. Bunkheang inquired whether evacuation was discussed during meetings at B-5. Mr. Rochoem testified that the leadership met as early as April 1975 to discuss the evacuation. He stated that the issue was raised by Pol Pot. According to this witness, attendees at this meeting included Nuon Chea, Khieu Samphan, Ta Mok, Son Sen, Koy Thuon, Vorn Vet, Chang On, and So Phim. Regarding how he knew this matter was discussed, the witness replied that he was guarding the premises at the time. He described the meeting as taking place in the open, in a shed with a roof covered by palm leaves. He described there being a map hanging in the meeting. He further stated that he heard them “talk about the friendly situation where they said Lon Nol could never resist any longer. We could really attack them everywhere, so it was just a matter of time that we would win the victory.”

Regarding his awareness of how people were to be evacuated, the witness described that it was indicated in the meeting that once Phnom Penh was conquered the people would be evacuated from the city for one week. When asked if he knew why they decided to evacuate, Mr. Rochoem explained, “We learned from experience,” describing how people in the battlefields shared their opinions that it would be hard to control the people if they remained there in the cities. He said, “They had to be evacuated so that we could easily conquer the cities. The idea was that if we

would like to live, to survive, ... we had to remove them all.” He concluded, stating that this idea was “plausible.”

The prosecutor queried whether Mr. Rochoem heard about the evacuation of populations from areas besides Phnom Penh during that meeting. The witness replied that he did not, but he referenced the 1974 Oedung liberation and noted that experience was gained from it. He indicated that people in Tram Knar, Neak Loeung, and Skun, who participated in Oedung, shared their experiences.

Mr. Bunkheang referred to the Mr. Rochoem’s interview with the Office of the Co-Investigating Judges (OCIJ), when the witness indicated that members of the meeting shared their opinions regarding the evacuation plan and said that both Khieu Samphan and Nuon Chea provided input and approved the evacuation plan. Mr. Bunkheang enquired what comments were made by Khieu Samphan and Nuon Chea. Mr. Rochoem said that Nuon Chea said it was necessary and needed to be approved. According to the witness, Nuon Chea said he agreed with the plan, as did Khieu Samphan and described how everyone in the meeting applauded and approved the plan.



Mr. Bunkheang concluded his examination of the witness, giving the floor to International Assistant Prosecutor Dale Lysak.

#### ***Prosecution’s Focus Returns to B-5***

Mr. Lysak began his examination of the witness by requesting clarification on whether the meeting at which the Phnom Penh evacuation was discussed occurred at B-5. Not directly answering the question, Mr. Rochoem stated that the B-5 office was located in Taing Poun village, Tralach district, Kampong Chhnang province and stated that it was established in late 1973. When asked when he first went to B-5, he indicated that he passed through the area in 1972, before B-1 was established, when he accompanied Nuon Chea to Samlaut. He first went to Chrok Sdach in 1973, Mr. Rochoem recalled, which was not in a convenient location as it was “deep in the jungle.” He said that was why B-5 was established. The witness stated that he remembers all this because he accompanied the commune chief in his inspection of the location.

Mr. Lysak asked the witness whether other party leaders had offices or bases in Kampong Chhnang and Uodong between early 1973 to early 1975. The witness stated that there was an office of the west zone to the West of which Ta Mok was in charge. When asked if Son Sen also had an office or base near Uodong, the witness said he did, nearby. When asked where, Son Sen’s office was at Ra Smach, he said, which is close to Uodong town; he described the location as being next to rail tracks.

Regarding whether the party had a military hospital in that area, the witness replied that it did and that Chuon Choeun, a doctor, was the top chief. Regarding whether Vorn Vet had an office near Kampong Chhnang, the witness said that it that Vorn Vet’s office was in Kraing Kdoeb

village; he confirmed that this was the office for the special zone. He added that there were three people there together, Vorn Vet, Cheng An, and another who he could not recall who died. Regarding what Cheng An's position was in the party, he said he did not know but then said Cheng An was in charge of the military with Von Vet.

Mr. Lysak asked if there was a particular point at which most of the party leaders relocated to the B-5 area. Mr. Rochoem stated that there was not. He described B-5 as the "command location for the front battlefields." According to the witness, there were other, mobile offices.

When asked how much time Pol Pot spent at B-5 in early 1974 and early 1975, Mr. Rochoem replied that Pol Pot was permanently located in B-5 during the dry season; during the rainy season, he was at Office 871. Regarding how often Nuon Chea was at the B-5 office between 1974 and early 1975, the witness responded that the longest period Nuon Chea stayed at B-5 for was one week and then "he would return to the rear battlefield." Regarding how often Khieu Samphan came to B-5, the witness replied "Not frequently," saying that on a regular basis Khieu Samphan "would remain in the rear battlefield." Regarding what the "rear battlefield" was, Mr. Rochoem replied that he is referring to the mobile offices. Mr. Lysak asked whether these mobile offices had a code number. The witness provided as examples Office S-24, S-22, S-35, S-74, B-17, B-19, and B-20.

***Mr. Lysak Asks the Witness about the April 1975 Meeting***

Returning to topic of the April 1975 meeting in Office B-5, Mr. Lysak inquired as to its duration. Mr. Rochoem replied that it did not last that long, adding that it was "usually for one morning."

Mr. Lysak asked about where Mr. Rochoem was physically located in relation to the shed in which the witness had previously said the meeting took place. The witness responded that they were in the middle of the jungle; he said he was nearby. When Mr. Lysak asked if the meeting took place in a structure, the witness stated that there were not any houses in the surrounding area and described the structure where the meeting took place as having no walls, only a roof. It was surrounded by rice fields, and he said there was a small hill.

Regarding how close the witness was to the meeting when it took place, Mr. Rochoem stated that he was on the other side of the small hill. Regarding whether he was able to hear the discussion from his location, the witness replied that he listened to the battlefield committees give their report. After their report, the witness said, Pol Pot summarized and then proposed measures, including military and evacuation measures. He recalled the decision that all people were to be evacuated.

Mr. Lysak asked the witness whether all the attendees at the meeting were asked if they agreed with plan to evacuate of Phnom Penh. Mr. Rochoem responded everyone agreed to, and applauded, the measures, adding that, typically, applauding indicates agreement.

Referring to the witness's earlier testimony, Mr. Lysak asked if he remembered who it was that shared their experience with the liberation of other cities. Mr. Rochoem indicated that he learned about the experiments in liberation through presentations and confirmed that it was Pol Pot and Nuon Chea who talked about the evacuation of other cities.

Returning to the meeting where the evacuation was discussed, Mr. Lysak asked if zone commanders received instructions during the meetings about what they were to do in their zones. The witness described observing them “drawing sketches on the board,” which he said were the targets everyone was to be in charge of. He said Pol Pot made the first drawing.

Regarding whether he knew if anyone expressed concerns at this meeting about the evacuation of the entire population of Phnom Penh, Mr. Rochoem indicated no one seemed to have done so.

***The Witness Testifies Regarding the Liberation of Uodong***

Moving on, Mr. Lysak focused on the evacuation of Uodong, asking the witness where he was when Uodong was liberated. The witness replied that he was at B-5 and stated that he traveled through Uodong after it was liberated, on his way to Stung Trang. He further testified that Uodong was liberated in April 1974, clarifying that the attack started in January 1974. Mr. Lysak inquired what was done with the residents of Uodong upon liberation. Mr. Rochoem replied that the area was “very quiet” when he went there; he said there was no one. He described how they evacuated from the town center, spreading to nearby villages, mainly to the west of the river, to the way of Amlaing. Regarding how soon after Uodong’s liberation he traveled through it, Mr. Rochoem replied that as he recalls it was about a week after. He noted that while town had been liberated, there were Lon Nol soldiers still present at the Tep Prantum school. According to the witness, it took another week to overcome them at the Wat Tep Prantum, which was near the Tep Prantum school. The witness stated that he travelled to Uodong by himself.



At the time of the liberation of Uodong, Pol Pot was at B-5 on a regular basis. He clarified that at B-5, Pol Pot asked him to monitor the road to Stung Trang and this was why he left to go to Stung Trang. Regarding what specifically he was supposed to monitor, the witness replied that he was assigned to “check on the situation along the road.” He also stated that he was to deliver a letter to Koy Thuon, who was stationed at the Batheay mountain. The witness further testified that after meeting Koy Thuon, he went to Stung Trang. He said he had another letter, for Nuon Chea who was at Office 7, which was located near Stung Chinit River, close to the district town of Stung Trang.

Mr. Lysak inquired whether Mr. Rochoem remembered being interviewed by Phillip Short, a British journalist in the late 1990s or early 2000s. The witness replied that he did, saying that Mr. Short interviewed him and provided documents to him. They returned to this subject after the morning break. Mr. Lysak presented to the witness an excerpt from Mr. Short’s book in which the witness is quoted.

Co-Lawyer for Khieu Samphan Arthur Vercken, objecting that the prosecution was leading the witness, argued that the prosecution was trying to refresh the witness's memory without first having verified the points in the document. Mr. Lysak argued that it was not leading because the witness had already talked about his knowledge of Uodong. Mr. Lysak stated that the quote elaborates on this matter and argued that they are allowed to ask him to confirm the information in the quote and provide additional details. President Nonn did not sustain the objection.

Turning back to the document, Mr. Lysak read:

Finally, in March 1974 came the evacuation of Uodong. It worked well in the sense that there weren't any big problems for us in resettling the evacuees from Uodong in the countryside, and on their side the town dwellers didn't cause any difficulties either. It was a radical solution designed to foil any attempt by the enemy to destabilize our forces, and at the same time it was an internal measure because for our cadres if they were living close together with the urban population, there was a risk that they would be politically and ideologically corrupted. ... If the town dwellers were evacuated, that risk was avoided. You must understand that the final goal was the liberation of Phnom Penh, and to that end we had to sharpen our political and ideological stance.

The witness confirmed that this was an accurate statement of what he had said to Mr. Short. Mr. Lysak asked the witness from whom he learned that the purpose of Uodong was to "foil any attempt by the enemy to destabilize our forces" and to prevent the political and ideological corruption of cadres by the urban population. Mr. Rochoem replied that he learned about it at a study session, adding that either Nuon Chea, Pol Pot, or Khieu Samphan told them about it.

#### ***The Witness Testifies about "Big Meetings" in 1971 and 1974***

Moving to another topic, Mr. Lysak asked the witness whether he was present at the big meeting in 1971 that took place between the center and the zone leaders. Mr. Rochoem stated that the meeting occurred in the jungle, in the office near Tra Paing Prey village. He described seeing members from each zone there and stated that the meeting was not of long duration. He testified that he was there as a guard. Regarding the subject of the meeting, Mr. Rochoem stated that the discussion was similar to the meeting held for the center and the district leaders.

Regarding which leaders from the center were present, the witness stated that Pol Pot and Nuon Chea were, as were Koy Thuon, Ke Pauk, and Doeun from Zone 304; So Phim, Puong, and Ta Tim from the East, from Zone 203; Vorn Vet from the Special Zone; Ta Mok, Ta Choeng, and Ta Sy from the Southwest; Ros Nhem, Ta Keu, and Ta Pol from the Northwest; a leader from Sector 103 in Preah Vihear; Ya and Vorn from the Northeast zone; and, lastly, Lang from Mondul Kiri. When asked whether Khieu Samphan was present at the meeting, the witness replied that he did not recall seeing him, explaining that he thought Khieu Samphan was at Office 871 on the opposite side of the river at the time.

Mr. Lysak presented several photographs to the witness. When asked whether he recognized the location, the witness replied that the photo 136 was of the big meeting that occurred near Tra Paing village, maintaining that he remembered it from the floorboard. Regarding photo 137, he said he was not positive, but after noting the background and the people, he said, "It would point to the same location." With regard to photo 1595, he recalled, from looking at the roof, that it was taken at the same location. Regarding who took the photographs, the witness indicated that it would have been Pang, the sole photographer.



Regarding photograph E3/136, Mr. Rochoem identified Pol Pot, Ya, Nuon Chea, Koy Thuon, Ta Mok, and So Phim. The witness said he was not certain about the rest, commenting that the photograph was blurry. The prosecutor stated that the witness had said number one for Pol Pot, but asked whether he meant number 10. Co-Lawyer for Ieng Sary Michael Karnavas objected that the way in which the prosecutor had framed this question was “utterly inappropriate.” Mr.



Lysak said he was only seeking clarification.

Next, Mr. Lysak turned to photograph E3/1595, asking who has the number 11 above his head. The witness stated that it seems like number 11 is Khieu Samphan, but he is not certain because it is blurry. Mr. Rochoem also testified that he could not see himself in the photo. He added that number 35 was Pol Pot’s wife. Mr. Lysak inquired when the Congress in this photograph took place, to which the witness replied that it took place during the rainy season, which he described as “heavy.” He said took place in July or August.

The prosecutor moved on, turning to the 1974 meeting the witness said took place. He asked whether the 1974 meeting and the 1971 meeting occurred at the same place. Mr. Rochoem replied that the 1971 meeting was held near Stung Chinit river. According to the witness, the 1974 meeting was near the Mekong River bank. He described the distance as “very far.”

Regarding how many of the party leaders were present at the 1974 meeting, the witness indicated that fewer leaders attended that meeting than the one in 1971. He further testified that the meeting took place for over a fortnight, and that it occurred in July, during the rainy season.

Mr. Lysak said that he next wanted to refer to a September 1977 issue of the *Revolutionary Flag*. Mr. Karnavas rose to his feet, arguing that a foundation needed to be laid first. After hearing Mr. Lysak’s response and conferring with the other judges, President Nonn stated that Mr. Karnavas’s objection was not sustained. President Nonn added that the question is only relevant if the witness says he has seen the document. He asked if Mr. Rochoem recalled ever seeing the document; the witness indicated that he had read the document before.

Continuing, Mr. Lysak explained that this issue of the *Revolutionary Flag* referred to a meeting by the Central Committee in June 1974. He asked the witness if this refreshed his recollection that the meeting took place in June 1974, not July 1974 as the witness had indicated in his testimony. Mr. Rochoem agreed it was in June 1974, adding again that it was during the rainy season. Mr. Lysak also asked the witness if he recalled the mounting of offenses to liberated Phnom Penh being discussed at this 1974 meeting, as was indicated in the excerpt of the *Revolutionary Flag* Mr. Lysak had read. The witness indicated that this matter was discussed and noted that the meeting occurred after the liberation of Uodong.

When asked if Ieng Sary was at this meeting, Mr. Rochoem indicated that Ieng Sary had attended it, adding that he was only there briefly. Regarding what other leaders attended this June 1974 meeting, the witness testified that while people from every zone came to the meeting, it was not as fully attended as the 1971 meeting. He indicated that Pol Pot, Nuon Chea and Khieu Samphan all attended the 1974 meeting. He also recalled the following zone leaders as attending: So Phim, Koy Thuon, Ta Mok, Vorn Vet, Ros Nhem, Son Sen, and Ieng Sary.

Mr. Lysak then asked whether the witness knew if, during the 1974 meeting, the situation relating to an individual named Praseth, who had been a leader of the Koh Kong region, was discussed. Mr. Rochoem said he did not know. After Mr. Lysak asked if he remembered what happened to Praseth in 1974, the witness replied that he was known as Ta Choeng in Koh Kong. He described Praseth as representing the province. He insisted that Praseth was not present at the 1974 meeting.

To refresh the witness's memory, Mr. Lysak read an excerpt of Philip Short's book that includes a quote by the witness. The quote is set within a discussion by Mr. Short in which Mr. Rochoem refers to Praseth. Mr. Lysak asked the witness whether he remembered talking to Mr. Short about Praseth. The witness replied that he did not remember doing so. He noted that it was unusual for Praseth not to attend the meeting, since he usually did.

The prosecutor inquired whether Mr. Rochoem knew any party member who was disciplined as a result of disagreement with party policy. The witness indicated that he did not recall. Mr. Lysak asked specifically whether Mr. Rochoem recalled Hou Yun expressing disagreement with party policies in 1974. Mr. Rochoem stated that he had heard that "people who worked together met him [Hou Yun] and 'chit chatted,' and Uncle Yun was heard to have disagreed with the evacuation plan" of Phnom Penh. He described hearing of Yun's disagreement as a guard. Mr. Lysak then asked the witness if he had heard of Yun being subjected to discipline or "tampering" for this disagreement.

Co-Lawyer for Ieng Sary Ang Udom was recognized. He argued that the witness only heard the information from others. Mr. Lysak argued that the objection was not valid as there is no hearsay rule in the ECCC. After the judges discussed the matter among themselves, President Nonn announced that objection was not sustained. The witness replied to Mr. Lysak's question that he did not see Hou Yun being subjected to "tampering."

### ***The Prosecution Focuses on April 17, 1975***

Mr. Lysak asked the witness where he was on the morning of April 17, 1975. Mr. Rochoem replied that he was at the Sdok Taol office with Brother Number One, Pol Pot. The Sdok Taol office, the witness described, was 10 kilometers apart from the B-5 office. The witness described it as being "more adjacent" to the location in the Ra Smach and nearer to the front battlefield. When asked who else, other than Pol Pot, was at the Stuck Tao office on the morning of April 17, 1975, the witness replied that people there included battlefield commanders; he listed out Son Sen, Koy Thuon, Ta Mok, and Vorn Vet as present, though he said Khieu Samphan was not there. Regarding whether he knew where Khieu Samphan was on that day, the witness indicated that he could have been at the rear battlefield. The witness did not see Nuon Chea. Regarding

whether he was asked to go to Phnom Penh on April 17, 1975, the witness indicated that he was not. He explained that he went with Son Sen on April 19.

***Mr. Ianuzzi Expresses Concern Over Nuon Chea’s Ability to Participate in His Own Defense***

Before the chamber adjourned for lunch, Co-Lawyer for Nuon Chea Andrew Ianuzzi put forth Nuon Chea’s request to participate in the afternoon proceedings remotely from his holding cell. He then stated, “I am also informed by our client that these recurring conditions are routinely preventing him from actively participating in the proceedings during the afternoon sessions. I wanted to put that on the record. I understand the court is partially in the business of keeping up appearances here, and I want to make it very clear that he is not always actively following the proceedings from his holding cell.” President Nonn granted Nuon Chea’s request to participate remotely during the afternoon.

After the lunch break, the Chamber addressed Mr. Ianuzzi’s remarks. Mr. Ianuzzi was asked to stand. President Nonn noted that the accused are able adequately to participate in the proceedings through audio-visual means from their holding cell. He stated that no issue with the audio-visual facilities has been raised. He told Mr. Ianuzzi, “Counsel has no grounds to support his request, and as defense counsel the issue between you and your client is your own issue.”



Judge Silvia Cartwright took the floor, summarizing the points made by President Nonn. She said that if the audio-visual facilities “are not serving their purpose, it is the responsibility of counsel for the particular accused to draw it to the Chamber’s attention when it happens, and not make a general comment in court.”

Mr. Ianuzzi responded that his concern was not about the facilities but with his client who, because of his health issues, is “not actually actively participating in the proceedings.”

Judge Cartwright replied, “What was clear to the Chamber was that you put responsibility in some very vague way on the Court or the Chamber itself. The responsibility is yours to raise this issue if your client at any point is unable participate.” With that, Mr. Lysak was directed to proceed with his examination.

***Mr. Lysak Returns to Questions Regarding the Day Phnom Penh Was Liberated***

Mr. Lysak asked the witness how he learned of the liberation of Phnom Penh. Mr. Rochoem replied that he learned of it when Son Sen came to Pol Pot’s location. He also mentioned that they had a radio that allowed them to listen to communications from the battlefields. He indicated that troop movement would be communicated, giving as an example when Ta Mok reached a particular target. He described such communication as “regular.” He said the radio was a C-46 model that they seized from Uodon, and that it was able to “receive or intercept all the radio communications.” He testified that this radio on all the time. He also stated that, prior

to this radio, they had a Chinese device, and that they also possessed a C-25 radio device and another higher capacity radio device as well.

Mr. Lysak asked the witness about assignments he was given after he learned Phnom Penh was captured. Mr. Rochoem recalled that he and Son Sen entered into Phnom Penh on April 19, with everyone, including Pol Pot, following the next day. When asked why he went with Son Sen a day before the others, the witness said he did not know the reason, explaining that he went as directed. Regarding whether others accompanied him and Son Sen, Mr. Rochoem indicated others also went, listing off Ta Mok, Koy Thuon, Vorn Vet, and Pol Pot. As this contradicted his previous answer, it is possible there was a gap in understanding the question due to translation between Khmer and English.

The prosecutor next asked what the witness observed when he went into Phnom Penh on April 19. Mr. Rochoem described entering Phnom Penh through national road number four from the junction of Thnol Tor Toeng. First, he saw Pochentong Airport, where, he noted, he saw a few planes. Then he saw the stadium and after that the Royal Palace. From there, he went to the Monivong bridge and then to the Chrong Changra bridge, which he said was close to the French embassy. He said, "People basically left the city already, but I still saw a handful of people. But many of them were already on the road in route, as I saw on national road number 4. There were many of them. And I also saw dead bodies along the road. There were many, many dead bodies along the road, and some of the corpses were already decomposed." Mr. Rochoem continued, stating that they returned to their location where Son Sen reported that the city was under control and that the leaders could come into the city. He then described how on April 20, 1975, many people left the office and how people gathered at the railway station in Phnom Penh.

Mr. Lysak asked several questions regarding the dead bodies Mr. Rochoem testified to seeing. The witness testified that he saw these bodies along national roads three and four, as well as at the Pochentong Airport and the stadium. He stated that Son Sen, when he asked about the bodies, told him that there was resistance and they had to "put them down." When asked whether the corpses appeared to be civilians, soldiers, or both, the witness said that they were mostly soldiers, noting the presence of helmets.

Mr. Lysak asked the witness who on April 20, 1975, had traveled to Phnom Penh and met with him at the railway station. In response, Mr. Rochoem stated, "Each commander of each battlefield came together, both the heads of divisions, regiments, and battalions." When asked if they came with Pol Pot, he replied that everyone engaged in the battlefield went together.

When Mr. Lysak inquired who based themselves on April 20 at the railway station, the witness stated that Son Sen's people went there. He stated that Koy Thuon received heads of divisions at national road number 5. He also stated that Nuon Chea was not at that location yet, but he saw heads from the battlefields, including So Phim, Koy Thuon, Vorn Vet, and Ta Mok. Regarding when Nuon Chea came, the witness stated that perhaps Nuon Chea came on April 21, 1975. He noted that, on national road number five, "Others kept coming." Regarding when Pol Pot and Khieu Samphan arrived, the witness stated that Nuon Chea and Khieu Samphan, whose trip had been planned by Pong, came at a later date.

Mr. Lysak asked the witness about his responsibilities while the leaders were based at the railway station. Mr. Rochoem explained that his job was to guard, day and night, the surrounding area. He described security as a “primary concern.”

Asked when Ieng Sary arrived in Phnom Penh, the witness testified that Ieng Sary came perhaps one week after Phnom Penh had been liberated, noting that Ieng Sary, who had been abroad, arrived the latest. He confirmed that Ieng Sary arrived after all the other leaders were at the railroad station. When Mr. Lysak asked if Ieng Sary stayed with them at the station, the witness recalled relocating to the Ministry of Commerce. When Mr. Lysak asked whether the leaders were based at the train station or the Ministry of Commerce when Ieng Sary arrived, the witness was not certain. However, he stated that he recalled seeing him at the Ministry of Commerce. Regarding how long they were based at the Ministry of Commerce, the witness said a fortnight.

Mr. Lysak inquired what Pol Pot, Nuon Chea, Khieu Samphan, Ieng Sary, and other leaders were doing while based at the railway station and the Ministry of Commerce. Mr. Rochoem recalled observing the leaders working “days and nights.” He said they met a lot “and they kept meeting people at the battlefields.” Mr. Lysak requested clarification on this last sentence, asking if Mr. Rochoem meant they were meeting military commanders from the battlefields or if they were leaving their base to have meetings. The witness explained that commanders of each battlefield coming and meeting at the base, such as at the Ministry of Commerce.

Mr. Karnavas was recognized. He objected to Mr. Lysak’s phrasing, stating that the manner in which the questions were being framed was not producing clear answers. Mr. Lysak responded that Mr. Karnavas could examine the witness on those points.

Moving on, the prosecutor inquired as to whom from the center leadership the witness saw meeting with military commanders. Before Mr. Rochoem could answer, Mr. Karnavas interrupted, asking, “At what time, when?” President Nonn told Mr. Karnavas that if he feels there is an issue with how the witness is being questioned, he could address it when it is his turn.

Mr. Lysak rephrased the previous question, and the witness replied that military commanders came from the respective battlefields, naming as examples the battlefields of So Phim, Koy Thuon, Vorn Vet, and Ta Mok, to work with the leaders at the train station regularly. He stated that commanders from divisions also came. At the Ministry of Commerce, the witness recalled, cadres from each battle station came to meet them.

Regarding whether Nuon Chea regularly participated in these meetings, the witness replied, “When they met, they came all together to meet.” The witness said Khieu Samphan was a regular participant in these meetings. He added that Pol Pot, Nuon Chea, Ieng Sary, Khieu Samphan, and Son Sen worked there together on a daily basis; after Ieng Sary arrived in Phnom Penh, he also regularly participated in those meetings. Mr. Rochoem added that when he arrived in Phnom Penh, the “most urgent matter was to organize the place adjacent to the rear of the Royal Palace to receive guests.” In connection with this, the witness noted needing to think of things like security and kitchen services.



*Leaders of Democratic Kampuchea gather with other Khmer Rouge cadre. From left to right: Pol Pot, Nuon Chea, Ieng Sary, and Son Sen with others. (Source: Documentation Center of Cambodia)*

Mr. Lysak asked whether the leaders stayed together at the train station or slept in different places. The witness responded that he observed that Pol Pot, Nuon Chea, Khieu Samphan, and Ieng Sary lived near each other. He noted that Ta Mok, Son Sen, Vorn Vet, Koy Thuon, and So Phim lived separately. He added that each have their own “forces and people” to work for them.

After the Ministry of Commerce, Mr. Rochoem stated, the leaders moved to different locations. He named K-3 as one.

When Mr. Lysak asked if they ever were located at the Silver Pagoda, the witness stated that they went there in May. He described how some zone leaders attended study sessions there that lasted approximately ten days. Asked whether he was a guard while the leaders were at the Silver Pagoda, Mr. Rochoem explained that he stayed at an adjacent house where guests were received. During the daytime, he would go to the Silver Pagoda, but he said he was based to the west of it because he was guarding the guesthouse.

Turning to the witness’s earlier statement that zone leaders met for ten days in May, Mr. Lysak asked how many participated in those meetings. The witness replied that he did not take a head count of the participants but that he observed all zones had people at the sessions. Regarding whether he was present while the meetings were taking place, he stated that he was present on some days. Mr. Rochoem stated that, for the meetings he was able to observe, they were lead mainly by Pol Pot and Nuon Chea. The purpose of these meetings, based on his observations, was to “summarize the situation stating Phnom Penh was completely liberated and that we had to plan our targets. ... After the meeting I saw a document which stated that ‘Now we are going to engage in socialism revolution.’ And the subsequent meetings talked about the socialist revolution in order to achieve the communist state.” He said they also usually would discuss the situation in and out of the country, the revolutionary view, and plans to be implemented.

When asked what was discussed on how to achieve socialist revolution, Mr. Rochoem replied that many documents address the “construction of the socialist revolution, building and

defending the country, and building the progressive cooperatives.” The witness testified that Ieng Sary and Khieu Samphan attended these meetings.

Mr. Lysak referred to the witness’s previous testimony regarding the liberation of Phnom Penh, describing that the witness had testified that at a B-5 meeting a decision was made to evacuate Phnom Penh for a temporary basis for a one-week period. Following up, Mr. Lysak asked whether there was discussion in May about the permanency of the evacuation of Phnom Penh. Mr. Rochoem said he did not hear this, nor was he ever told that the evacuation was going to be permanent.

Mr. Lysak asked whether there was any discussion in May 1975 to circulate currency in Cambodia. The witness said he did not hear about this.

When asked if there was discussion on what to do with pagodas and monks, Mr. Rochoem testified that he did not hear about this, adding, “It was silent on that matter.”

He also did not recall a larger meeting at the old sports arena or the Soviet-Khmer Institute taking place after the 10-day meeting.

Regarding how long he continued to work as a guard for the leaders following the meetings at the Silver Pagoda in May 1975, the witness replied that upon Ieng Sary’s return from abroad, guests started coming and his duty was to guard and prepare the guesthouse. He said he mainly worked on the latter. He said he transitioned from his role as a bodyguard for the leaders to preparing for guests starting in May.

Mr. Lysak asked the witness if he remembered when the leaders moved into the K-1 office. Mr. Rochoem replied that, based on his recollection, there were many places He referenced K-3 and said that later they went to K-1, in late 1975.

Co-Lawyer for Khieu Samphan Arthur Vercken noted that his client had been removed during the testimony because he was coughing. He requested that Khieu Samphan be allowed to follow the proceedings from his holding cell for the remainder of the afternoon, which was granted. Of note, the three accused were all participating remotely from their holdings cells for the remainder of the day.

***Mr. Lysak Questions the Witness on His Work with the Ministry of Foreign Affairs***

The prosecutor focused his next set of questions on the Ministry of Foreign Affairs and the witness’s work therein. The witness stated that the Ministry of Foreign Affairs opened in May 1975, after Ieng Sary returned from abroad. The witness described how the Ministry was receiving guests from May on a weekly basis. The witness explained that he was in charge of arranging the place where guests were received and maintained that he was already “deeply engaged” in his tasks in May. He stated that the Ministry, or B-1, was established by late 1975 or early 1976. The witness confirmed that B-1 was the Ministry of Foreign Affairs’ code name.

Mr. Lysak requested Mr. Rochoem describe his position at the Ministry. The witness replied that he was the head of the administration section of B-1. Regarding his responsibilities in this role,

the witness stated that he was “in charge of psychologically and politically controlling, administering the people there. And also this section supervised other parts of the country. ... There were branches where guests houses were established to receive guests.”

Asked who his superior was when he was head of administration, the witness stated that Ieng Sary was in charge overall and confirmed that Ieng Sary was the highest ranking official at the Ministry of Foreign Affairs. When asked to identify others who had managerial responsibilities and reported to Ieng Sary, Mr. Rochoem described different people being in charge in different sections. He stated that Mr. Thuon was in charge of the diplomatic section; Shin was in charge of the kitchen; and So Hong was in charge of political affairs. Regarding how many people worked at the Ministry of Foreign Affairs, the witness replied that more than one thousand people were working there by late 1978.



*Ieng Sary (right), joined by Thiounn Prasith (center), guides a Western delegation during their visit to Democratic Kampuchea. (Source: Documentation Center of Cambodia)*

Returning to when the Ministry was established, Mr. Lysak asked questions about the selection of people to work at the Ministry. When asked how they were selected, Mr. Rochoem stated that Office 870 had the responsibility of choosing people to work at B-1 at the cadre level. He stated that Ieng Sary “advised and recruited” people, while he instructed people to work in the kitchen and elsewhere in administration.

Mr. Lysak provided the witness with a copy of Mr. Rochoem’s first OCIJ and read a selection from it. Mr. Lysak then summarized that Mr. Rochoem stated that Office 870 selected people from the zones and took them to Borei Keila, at which point the ministries selected people from this group. Mr. Lysak asked the witness what he was referring to when he referenced Office 870. Rochoem explained that Pong was in charge of Office 870 and that Pong was instructed by Pol Pot. He stated that Pong was the one who helped to select the people. When asked whether he participated in selecting the people from Borei Keila to work at the Ministry of Foreign Affairs, the witness replied that he was “personally engaged in the process.” Regarding when he went to Borei Keila to select people to work at the Ministry, he stated that he went starting with the 1977. He stated that before 1977, Office 870 selected the people and sent them to his section to “further arrange.”



Mr. Lysak then asked the witness about his reference in his OCIJ interview to Ieng Sary providing criteria for selecting personnel. Mr. Lysak asked the witness how Ieng Sary transmitted the criteria to him. The witness replied that Ieng Sary referred to documents and orally instructed him to follow the instructions in the documents regarding recruitment and explained that the documents came from Office 870.

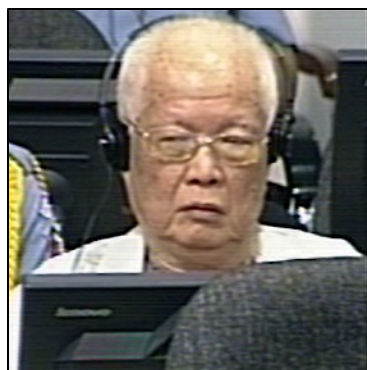
Referring again to the witness's OCIJ interview, Mr. Lysak described how Mr. Rochoem had indicated that class background was the first criteria for selecting personnel. Mr. Lysak asked the witness what he was told the required class background was for people to work at the Ministry of Foreign Affairs. Mr. Rochoem responded, "When it comes to class pedigree, it refers to people from the poor peasant class, people who have never been affiliated with any groups. They had been doing farming." Regarding whether he was told it was important that people come from a poor peasant class, the witness indicated that he got this via study sessions. He described how peasant and worker classes were considered to be the "core forces of the revolution." Mr. Lysak inquired how Mr. Rochoem knew the backgrounds of the people that were selected, asking whether they had been required to prepare biographies or whether he had to question them. Mr. Karnavas objected that the question was leading. President Nonn did not sustain the objection. Mr. Rochoem stated that there were summaries of biographies at Borei Keila. He described how they would contact the people who maintained the documents and then contact the people whose names appeared in the biographies and "have [them] checked against the guideline, as instructed in the documents." He explained, "If the person's biography matched the description, then they would be selected to work for B-1." The witness then explained that people selected for B-1 would also be "poised to work abroad. We needed to look at people who had proper physical appearance, like well built, tall, for that purpose."

Turning to a different subject, Mr. Lysak inquired whether one of Mr. Rochoem's jobs at the Ministry of Foreign Affairs was to deliver documents for Ieng Sary. Mr. Rochoem said that he would deliver any document Ieng Sary asked him to deliver to Office 870 to Pong, who headed that office. He then said, besides Pol Pot, he did not often deliver documents to others, explaining how, documents or letters to be sent to the bases had to go to Office 870, which would then deliver them.

Asked if he ever delivered documents from Ieng Sary to Pol Pot, the witness replied that he would do so, if he was assigned. He added, "Basically they would contact each other personally because usually in the evening they would gather all together."

The prosecutor quoted from another section of Mr. Rochoem's interview with the OCIJ: "The courier work in the Foreign Ministry, whatever needed to be delivered to Pol Pot and the other Ministries, I was the person in charge of taking it to senior ministry leaders, including Pol Pot and Son Sen. Sometimes I waited for written or oral replies to take back." Mr. Lysak asked the witness where, when he was given a letter from Ieng Sary to go to Pol Pot, he would bring Pol Pot's letter. Mr. Rochoem did not appear to understand the question but replied that if Ieng Sary assigned him to deliver a document he would just do so, mentioning that this "procedure" was the same for if he was asked to deliver a document to Pol Pot, Son Sen, Vorn Vet, or Khieu Samphan.

When asked whether he delivered the letters to Pol Pot and Son Sen or their assistant, Mr. Rochoem responded that it was based on what Ieng Sary instructed him to do. Regarding where he would go if he was asked to deliver a letter to Son Sen, Mr. Rochoem said Son Sen would regularly stay at the Ministry of Defense, which was next to the Ministry of Foreign Affairs. Mr. Lysak asked the witness where he would go when Ieng Sary asked him to deliver a letter to Pol Pot. The witness indicated that this was determined by Ieng Sary's instruction.



Mr. Lysak asked the witness about his delivery of letters from Ieng Sary to Khieu Samphan. The witness said that he did deliver letters to Khieu Samphan. He said that Khieu Samphan's office was at K-3. When asked whether he also delivered documents to Khieu Samphan at Office 870, the witness explained that "Office K-3 or K-1" was still part of Office 870. He stated that he delivered letters to both Office K-3 and Office K-2.

Referring again to the OCIJ testimony, Mr. Lysak summarized that the witness had said that one of the instances when Khieu Samphan and Ieng Sary would exchange letters was when getting ready for visitors or before travelling to zones. He asked whether they ever traveled to the zones together. Mr. Rochoem described how messages would be exchanged between Khieu Samphan and Ieng Sary when a delegation was visiting, giving as an example a delegation that visited Kampong Cham and Prey Veng. The witness stated that Ieng Sary communicated with Khieu Samphan to tell the zones to receive the delegation. For the delegation of Sin Youngkoy, only Ieng Sary went, not Khieu Samphan.

Mr. Rochoem recalled that he would accompany Ieng Sary when he went to the zones. He explained how Ieng Sary would travel when there were main delegations but indicated that he did not travel that often. Mr. Rochoem described the people he saw during his travels to the zones, stating, "Their outward appearance was not that pleasant. They looked tired as they had to build dams and dig canals, and in certain places they only had gruel to eat."

Next, Mr. Lysak asked if Mr. Rochoem remembered any times when he delivered documents, waited, and then returned a response in reply, and, if so, who would provide the response. The witness recalled that Pol Pol, Khieu Samphan, Nuon Chea, and Son Sen all annotated letters and sent them back. He said they would do so on a "regular basis."

### ***Mr. Lysak Returns to the Subject of Office 870***

Returning to the subject of Office 870, Mr. Lysak quoted from the witness's earlier OCIJ interview in which Mr. Rochoem stated that Office 870 was near the Russian Embassy. Mr. Lysak asked the witness whether this Office 870 was the same office as K-1. The witness replied, "The Office 870 where Khieu Samphan stayed would be both K-3 and K-1. These were the two locations where I had contact with him." Further describing this contact, Mr. Rochoem stated that he would telephone Khieu Samphan in advance before going to see him and that in the case of Khieu Samphan's absence, he would put the letter on his desk.

When asked where the K-1 and K-3 offices were located, Mr. Rochoem replied that currently he could not recall K-3 location, remarking that the landscape was completely different. However, he stated that it was near the Laos, Cuban, and Yugoslavia embassies. He said that Office K-1 was near the Basac River.

Regarding who the chairman of Office 870 was, the witness testified that it was Pong, who was then replaced by Doeun, when Pong disappeared. After Doeun disappeared, Khieu Samphan became the chairman.

Mr. Lysak asked the witness whether there was a separation of responsibilities at 870 between administration and policy matters, reading from his OCIJ interview, "Pong was in charge of 870 administration, and Doeun was in charge of policy like at B-1 where Hong had the policy and I had the administration." Mr. Rochoem clarified, "In terms of the policy, it means that as he was a member of the office of 870 he would be in charge of chairing the study sessions for the cadres." The administration, he said, would address day-to-day tasks, including travel to zones. When Mr. Lysak asked how Mr. Rochoem knew about Pong's and Doeun's different responsibilities at Office 870, the witness did not seem to understand the question. He explained how Doeun handled policy, describing how he would lead study sessions. He also described how at B-1 Hong was responsible for policy while he handled the administration, including the housing, kitchen, the reception of guests, and guards.

The prosecutor inquired when it was that Doeun disappeared and Khieu Samphan took for him. Mr. Rochoem recalled it occurring around mid-1978. He described how Ieng Sary told him that Pong had been transferred and replaced by Doeun and that when Doeun disappeared, Ieng Sary told him Doeun would be replaced by Khieu Samphan and that he was to communicate with Khieu Samphan. He further described talking to Khieu Samphan about his responsibility at Office 870. He said Khieu Samphan would send letters to the zones and tell him to proceed with the arrangements for the guests.

After this question was concluded, President Nonn adjourned the Court for the week, noting that the witness will continue to be questioned by the Prosecution on Monday, July 30, at 9 a.m.