



*Judge Jean-Marc Lavergne questions witness  
Rochoem Ton at the ECCC on Tuesday.*

### **Witness Rochoem Ton Faces Questions from the Bench and Defense Teams on Third Day of Testimony**

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Trial Chamber Judge Jean-Marc Lavergne and the defense teams for Nuon Chea and Ieng Sary took their turn examining witness Rochoem Ton on Tuesday, July 31, 2012, in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

The morning proceedings were attended by 220 villagers from Kampot who left their village at 5 a.m. this morning in order to attend the proceedings. One hundred villagers from Kampong Som observed the afternoon proceedings. All parties were present in the courtroom, except Ieng Sary who continued to observe the proceedings via audio-visual equipment in his holding cell due to his health issues.

Prior to giving the floor to the defense team for Nuon Chea, Trial Chamber President Nil Nonn asked the members of the bench if anyone had questions to put to Rochoem Ton. Judge Lavergne indicated he wished to examine the witness and took the floor with several questions.

#### ***Judge Lavergne Questions the Witness on Khieu Samphan***

Judge Lavergne first asked the witness about when he first met Khieu Samphan. The witness confirmed that he met Khieu Samphan in 1971, explaining that they met when Khieu Samphan went into the military kitchen hall, and they exchanged greetings.

Judge Lavergne inquired whether the witness knew about or had discussions with any of the leadership about Khieu Samphan's role, specifically his involvement in the Royal Government

of the National Union of Kampuchea (GRUNK). Mr. Rochoem replied that he was not aware of the details and that he was informed about Khieu Samphan's role via radio broadcasts.

The judge asked if the witness was aware of Khieu Samphan's role in the armed forces for the liberation of the people of Kampuchea. The witness replied that he learned of Khieu Samphan's role after he meeting him. He noted that at times he observed Khieu Samphan sitting in his residence, writing documents. He reiterated that he was not aware of the details of Khieu Samphan's role and that he only learned of it through radio broadcasts. He added that at that time, they were located in the jungle.

Regarding who was in charge overall of the Revolutionary Army of Kampuchea, the witness explained that Ieng Sary had gone to work at that time in Office K-7, which Mr. Rochoem described as "mainly the farming part." He noted that Ieng Sary did not talk of soldiers then, but of the mobile forces. He said that Kham was then responsible for the mobile unit and concluded that this was how he became aware of the mobile units, adding that it was in Ratanakiri in late 1968.

After indicating that he was more concerned with what happened after King Norodom Sihanouk fell from power, Judge Lavergne inquired whether the armed forces were being lead by one person in charge or by individual zone leaders. Mr. Rochoem explained that after the coup d'état he was located at Office 1 and was a rice farmer. He clarified that during that time, they referred to mobile forces, not military or soldiers. He described how mobile forces were sent twice in groups of 150 people to "rest and assist in rice farming." He also testified that the mobile forces were responsible for securing two roads, one from Borkeo to Andong Meas and the other from Borkeo to Oyadao, or Road 19, which he described as being "interrupted" by the enemy. He concluded that he was not aware of who commanded the mobile forces.

When asked about changes in the zone leaders's roles after 1973 when certain Vietnamese troops departed, the witness stated that he did not notice changes in the roles of the leadership in 1973, when Office 871 was the main office. He indicated he did not know about the zone level.

Moving on, Judge Lavergne asked the witness whether he witnessed firsthand the meetings to which he had testified occurring between Pol Pot, Khieu Samphan, Nuon Chea, Ieng Sary, and others. The witness replied, "In 1973, in some areas I was the firsthand witness, ... and I was not told about other meetings where I was not present." Judge Lavergne inquired whether Mr. Rochoem ever noticed any matters discussed resulting in disagreements between Pol Pot, Khieu Samphan, Nuon Chea, and Ieng Sary during the meetings he witnessed, or whether there was always "perfect, harmonious consensus." The witness testified that he did not notice any disagreements, adding that they were in "harmonious agreement. It was peaceful amongst them." He continued explaining the meetings about which he previously testified, specifically about his awareness of them. He emphasized that he only talked about meetings that he "personally participated in," adding that he "had no knowledge of other meetings."

Next, Judge Lavergne asked how forces within Cambodia and figureheads abroad communicated, such as when Ieng Sary was in China. Mr. Rochoem confirmed that communication occurred, explaining that it was mainly through telegram. He stated that telegram

exchange continued after 1973 “between themselves and between the zone level. Of course, through such communication, it facilitated the journey from one place to another.”

Regarding whether he was involved in the preparation of Prince Norodom Sihanouk’s trip in 1973, the witness stated that when the prince visited the liberated zone in 1973, he greeted him. He added that many came throughout Ratanakiri province to do so and that many went with the prince throughout his trip, including to Siem Reap and on through to his departure. The witness testified that he was supplied protection to Prince Sihanouk.

Switching to another topic, Judge Lavergne inquired whether the witness heard about a national congress occurring on February 24 and 25, 1975, which was lead by Khieu Samphan as Vice Prime Minister of GRUNK. The witness replied that he learned of it through radio broadcasts but added that he was not aware of the location of the meeting. Regarding whether he also heard about a list of “seven super traitors” when he heard of the meeting, Mr. Rochoem replied that he did not, adding, “I did not pay much attention to the so-called seven traitors.”

Regarding whether any leaders made proclamations via radio broadcast after Phnom Penh fell, the witness explained that there was a radio broadcast that “all the spearheads at 9:30 am on that day had liberated the city and that they would meet in the center of the city.”

When asked who the intended recipients for these messages were, the witness testified, “The announcement was made to the entire nation and probably also listened to by the international side.” He added that he personally possessed a radio then. Regarding who authored them, the witness stated that the announcement was made by Khieu Samphan, the commander of the military troops of the GRUNK.



Judge Lavergne moved on, asking the witness next whether he was aware of a special national congress purported to have been lead by Khieu Samphan that occurred on April 24, 25, and 27 in 1975 and that summoned “representatives of the people of Kampuchea and the three categories of the people’s armies, as well as the monks and the FUNK [National United Front of Kampuchea].” The witness responded, “I heard of that announcement on the radio.” He further testified that he could not recall the substance of the broadcast.

### ***Judge Lavergne Focuses on Evacuations***

Judge Lavergne then asked questions relating to evacuations. Turning first to the major meeting the witness previously testified had occurred in June 1974, Judge Lavergne asked the witness to confirm whether the evacuation of cities, including of Udong, Stung Treng, Skun, and Kratie, as well as liberated zones was discussed there. The witness succinctly stated that he had nothing additional to say on this matter.

The judge asked about potential positive effects of the evacuation. Mr. Rochoem replied, "I only understand the term evacuation. I learned about this only on one occasion at B-5, and I have no idea of other detailed aspects concerning this." Judge Lavergne quoted from the witness's Thursday testimony, "I learned this during his presentation. Pol Pot, Nuon Chea and Khieu Samphan presented this idea to us. It was the experience that they had learned, and we had to learn from these positive experiences in order to liberate Phnom Penh in the end." Judge Lavergne asked whether the three figures mentioned in this quote, either alone or together, presented to him the "positive experience" of evacuation. After stating that the Pol Pot, Nuon Chea, and Khieu Samphan remained "together permanently before and after the liberation" of Phnom Penh, the witness said that he did not have anything else to say, adding, "I'm afraid my statement will be repetitive."

Judge Lavergne attempted to obtain clarification on when the training and study sessions he spoke about took place, before or after the liberation of Phnom Penh, or both. The witness replied that there was a meeting in early April and after the liberation, there was another meeting. He repeated that he already testified about this and had nothing additional to add.

Indicating that the witness previously testified about an important B-5 meeting in early April 1975, Judge Lavergne asked whether the training sessions the witness had mentioned were different from the April 1975 meeting and whether they occurred before or after April 1975. In response, the witness indicated that there was a meeting that was convened "for the nation and for the country." He added, "I don't know what else I haven't made clear to the Chamber because I have already told the truth." President Nonn told the witness to compose himself. He also stated that the witness "appeared to be behaving improperly in making the statement" and that if he does not know something, he should say he does not know.

Moving on, Judge Lavergne inquired whether, prior to the fall of Phnom Penh, the witness observed meetings during which Pol Pot or Nuon Chea or Khieu Samphan discussed the experience of the evacuation. Mr. Rochoem replied, "I may not wish to respond to this question because I do not want to contradict myself in this." Judge Lavergne explained that he was seeking clarification on the meetings the witness testified about. The witness responded, "I already stated that the meeting was held in B-5 in early April concerning the evacuation of the population." He indicated that that was the extent of his knowledge on this point. He added that he feels the question was repetitive and his answer would be as well.

Questioned again about the large meeting at the beginning of April 1975, the witness confirmed that the meeting involved the main leaders, as well as zone and division leaders, adding that "he does not wish to repeat" this answer as he had already confirmed it. Judge Lavergne answered that sometimes clarification is necessary in order to clarify differences in transcripts that are transcribed into the three languages of the court.

Mr. Rochoem confirmed that this April 1975 meeting began with a discussion of the evacuation of cities and that during this meeting at least one map was shown and that there was a blackboard on which drawings and notes were made. However, when asked if the map was of Cambodia or Phnom Penh, the witness clarified that there was not a map. He said a blackboard was used as a visual aid, showing, "for example, a drawing showing the particular spearheads."

Regarding whether strategic objectives were assigned to the different military forces, the witness replied, “In principle, that was the case.” He explained that targets for each zone and division were identified, with their main target being the complete liberation of Phnom Penh. The witness could not recall the details of where certain divisions and zones were assigned. He stated that forces from every zones engaged in the attack if Phnom Penh.

Judge Lavergne asked whether, at this April 1975 meeting or others, the risk that Phnom Penh would be bombed was discussed. The witness mentioned that there were discussions of planes being used in Siem Reap and Sihanoukville but could not recall if the risks of bombing in Phnom Penh was discussed.

Regarding whether any “practical details,” such as disseminating messages to the people via loudspeakers, were discussed at meetings, the witness said he did know of this. Regarding whether he ever heard any instructions about explanations to give to the evacuees, the witness replied he “did not know the details.” Additionally, the witness indicated he did not hear about people giving instructions regarding how much time the people would have to leave their homes and the city.

Judge Lavergne sought clarification about the witness’s previous testimony relating to a one-week delay in the evacuation. Specifically, Judge Lavergne asked whether the delay pertained to the time reserved for the evacuation or the time after which the population could return to Phnom Penh. The witness clarified that the plan was that everyone had to be evacuated within one week. He added that he did not know if there was a plan for people to return to Phnom Penh.

Judge Lavergne asked about the witness’s arrival in Phnom Penh with Son Sen and his arrival at Pochentong. Mr. Rochoem testified that Son Sen and Ta Mok were responsible for that target area. Regarding whether other division heads were present, he replied that there were but he could not remember their names.

Referring again to the witness’s arrival in Phnom Penh, Judge Lavergne inquired whether there was a particular reason Mr. Rochoem went to the Stadium. The witness described going there through national road number 4. He indicated that it was a strategic location of interest in “both the national and international setting.” According to the witness, he went to the area in front of the Royal Palace, the area in front of the Monivong bridge, to the Independence Monument, to Wat Phnom, to a hotel known as House Number 2, and then to Chroy Changva, which was destroyed. He stated that reports would be made when they reached these strategic locations and that when they went to these locations, revolutionary troops were present.

Judge Lavergne inquired whether any forces were based in Phnom Penh before the city fell, adding that he believed they were given the label “city agents.” The witness replied that he said he “did not meet with those kinds of people,” claiming that he met with people he knew. From the East, he met with So Phim, Ta Tum, Ta Phuon, and Ta Ren. From Mok Kampoul to national road number five, he met with Koy Thuon, Ke Pauk, and Doeun. He indicated that he did not meet the “infiltrated force” in Phnom Penh, explaining that they were already in their assigned strategic location.

The judge turned to questions relating to the witness's encounter with the French embassy. Mr. Rochoem testified that Son Sen "introduced" him to the French Embassy. He described how that embassy's gate was closed. He further described seeing that the Chroy Chanva bridge was destroyed. Regarding whether Son Sen told him anything about what was to be done or what occurred at the French Embassy, the witness stated that Son Sen did not say anything about this matter. He expanded on his previous statement, explaining that the road from the main street to the gate was "fully closed." Regarding which division leaders were in charge of the area within which the French Embassy was located, the witness replied that Koy Thuon and Ke Pauk were in charge. He added that the military commanders in charge were Oeun, Seng, and Peng. The witness further testified that he was not aware of subsequent developments at the French Embassy.



*Koy Thuon (back row center) appears posing among other cadres at the Northern Zone during the Democratic Kampuchea period. (Source: Documentation Center of Cambodia)*

***Judge Lavergne Delves into the Witness's "Psychological Management" of B-1 Personnel***

Moving on, the witness confirmed for Judge Lavergne that one of his initial tasks after Phnom Penh fell was to oversee visitor accommodations. He testified that the first foreign delegation to come to Democratic Kampuchea (DK) was from Sin Chea in China. He testified that there were less than 10 people in this first delegation.

On a different topic, Judge Lavergne asked whether Mr. Rochoem heard "the uncle" discussing Prince Sihanouk's return. Mr. Rochoem said he did not know of the plan when it was conceived, adding that he saw Prince Sihanouk once he was back in the country.

When asked if he was responsible for Chrang Chamres, the witness explained that initially it was part of Koy Thuon's office and then Muon took over. Later on, Chrang Chamres became a part of B-1. Regarding what individual from B-1 was responsible for Chrang Chamres, the witness replied that he was but that Sim stayed there permanently. Regarding Chrang Chamres' role within B-1, specifically whether it was for farming or for reeducation, Mr. Rochoem stated that there were sections for fishery, poultry, and rice farming. He added that there were also about 30 palm trees there. He further testified that Chrang Chamres was not a place for reeducation and

described how Ministry Staff would go there on the weekend to cultivate the crop, poultry, or fish or to obtain palm tree juice. He indicated that it was not a “major location.” The witness testified that Ieng Sary and So Hong also traveled to Chrang Chamres.

Turning to another topic, Judge Lavergne referred to the witness’s previous testimony regarding his duties at B-2 that he had the responsibility for “general oversight of the administrative and moral management and psychological management of personnel.” Judge Lavergne inquired what the witness meant by “psychological” control of staff. The witness replied, “It’s important to control the staff psychologically because I was overall in charge in that office, and I needed to grasp their status and position and their psychology and their stance of living, their view, whether they had a clear view, and also regarding the organizational matter, whether they were satisfied with where they were living, for instance.” Asked for clarification on what precisely he meant by psychological control, Mr. Rochoem explained that the term encompassed “whether they [the staff] had good stands, a clear revolutionary view, and fulfilled their task to their best level.” Judge Lavergne followed up, asking what would occur if a staff member did not display the required level of “enthusiasm or good will.” The witness replied, “If they were not satisfied then we would convene a meeting, then the group would report about the matter because they themselves would give opinions to assist one another when one was not satisfied within the group or did not have a clear view or was not happy, so the meeting was to improve and try to avoid such situation in the future, that is, to better the situation.”

As Judge Lavergne had completed his questions for the witness, the court broke for the morning recess.

***Nuon Chea’s Team Begins Its Examination with a Review of Revolutionary Flag Magazine***

Returning from the morning break, President Nonn noted that the court had been informed by the audio-visual officers that there was a technical issue and that documents could not be displayed on the screen. He advised counsel to prepare accordingly. He then ceded the floor to National Co-Lawyer for Nuon Chea Son Arun to examine witness Rochoem Ton.

Mr. Arun commenced his examination by asking the witness first about his July 25 testimony that he saw *Revolutionary Flag* and *Revolutionary Youth* magazines. Regarding whether he read them, the witness said he did, adding that when these magazines were distributed to them, they were supposed to read them in their entirety.

Mr. Arun then asked about the form of the *Revolutionary Flag*, specifically inquiring whether it was a magazine or journal and whether it was typed or handwritten. Mr. Rochoem testified that the magazines were in book form. With regard to the color, he could not recall in detail, but stated that he believed the flag was red. Mr. Arun reiterated his question whether the text was written or typed. Mr. Rochoem referred first to the cover page and said he it seemed like the picture on the cover page was done by hand, not printing. The witness further testified that the text in the magazine itself was printed.

Continuing on this topic, Mr. Rochoem testified that he read these magazines starting from 1977. He added that copies were sent to every ministry and that he remembered reading about comments by visiting delegates and “the actual movement within the country,” among other

things. He maintained, however, that he was not aware of who authored the *Revolutionary Flag* and the *Revolutionary Youth* magazines.

### ***Mr. Arun Focuses on the American Bombardment***

Moving on, Mr. Arun asked the witness about his previous testimony to the prosecution regarding March 17, 1970, during which he referenced a “spacious area in the Northeast.” It is not precisely clear from the translation to what Mr. Arun was referring. Regardless, when Mr. Arun asked the witness to clarify, the witness said that his statement referred to the “widely liberated” zones. He explained, “During these sessions we were told that in Ratanakiri and Mondul Kiri the areas were completely liberated. ... The area of Preah Vihear was also completely liberated, so we were told that the liberated zone had expanded widely and that ... there was no area left to be under control of the enemy because we controlled the whole area already.”



Mr. Arun proceeded to ask the witness several questions related to the American bombardment. He inquired whether Mr. Rochoem was aware of the reason for American bombardments. In response, the witness provided a lengthy description of the bombardment. He testified that the bombing started in 1962, and he described bombs being dropped on residential villages, specifically Nhang Village, adding that this village might now belong to Vietnam. He testified that the bombardment continued in 1964 through 1969, with it increasing in intensity in 1969. He listed five villages that were destroyed, at least in part, in the Kampuchea territory that is part of the Ratanakiri province: Loh village, Nhang village, Tranga village, Kong village, and Muoy village. He further described how the rice fields were also heavily bombed during 1968 and 1969. He added, “We did not know why they were angry and dropped those bombs.” He testified that one day, more than one thousand cattle were hit in the rice fields and died. He noted that starting in 1964 villagers would not remain in the village, explaining that they went to the jungle out of fear of the bombardment.

Mr. Arun asked whether later on Mr. Rochoem became aware of why Cambodia was bombarded. The witness indicated he did, providing the following reasons: “For them to track down the Viet Cong troops and because they noticed the Vietnamese people residing along the Vietnam-Kampuchean territory took refuge in Kampuchea territory.”

Regarding whether he witnessed American infantry or Vietnamese troops entering Kampuchean territory, the witness indicated that Viet Cong troops were not within the village. He clarified his previous testimony that North Vietnamese troops were there in 1963 or 1964; he said they only “transited” through the jungle to create a path through the jungle. He noted they used this trail to provide rice to their soldiers.

Regarding how far the American bombardment reached in the Ratanakiri province, Mr. Rochoem replied, “Where I lived, initially first they bombarded to the south of the Sesan river, it was rather deep inside the country. ... It could be 10 to 15 kilometers further into the



Kampuchean territory or up to 30 kilometers. Also the bombardments were in Borkeo and Banlong, which was deep into the territory.”

When asked whether he and others were armed when he joined the Revolution in 1973, Mr. Rochoem named different types of guns he had. He stated that he did not carry a weapon when he joined, and that it was only later, in 1967 or 1968, that he was armed “because at that time the mobile unit was also armed.” The witness also testified about his office’s exchange with the Vietnamese troops of weapons for food, specifically meat. The witness further testified that in Ratanakiri province, starting in 1968, they had “manually loaded guns” that they made themselves.

Mr. Arun referred to the witness’s July 26 testimony that Son Sen was the chief of the special zone. Mr. Arun sought confirmation that Son Sen was in charge of this zone. The witness corrected that it was Vorn Vet, not Son Sen. He added that Son Sen was in charge of the military since he was in the Ratanakiri province, first in the mobile unit and then at Kampong Thom battlefield.

Mr. Arun asked the witness about his testimony that he went with Nuon Chea in 1972 to Samlot. Regarding why he accompanied Nuon Chea, Mr. Rochoem explained that sometimes in 1972 he accompanied Pol Pot and at other times, he went with Nuon Chea. Regarding what the purpose of Nuon Chea’s purpose to Samlot was, the witness indicated that Nuon Chea was carrying out his tasks in the West, Southwest, and Northwest zones.

Mr. Arun returned to the subject of American bombardments, asking whether people were injured and died in Ratanakiri as a result of it. The witness described how in 1962, when the villagers did not know of the bombardment, some got injured and died. By 1969, the witness indicated that they became accustomed to the bombardments, such that they could escape to the jungle and avoid injury. He did note that cattle died, however. The witness described this as the “second phase of the bombardment.” The third phase, he said, was in 1973 in Kranga village, where 31 of his own relatives died.

When asked if he ever noticed American or Vietnamese soldiers make their base in Ratanakiri, Mr. Rochoem testified, “After bombardments they would go back.” He stated hearing that they returned to their base in Prey Nokor or at Ta Pao, in Thailand. He further stated that the American infantry made their base in two locations in 1966, in Nhang Village and in Kranga village. He noted that they did not stand for a long period.

Turning to a different subject, Mr. Arun asked about the witness’s testimony wherein he referred to Pol Pot as Brother Number One and Nuon Chea as Brother Number Two. Regarding whether these terms were well known, the witness stated that while he was in the jungle he referred to them as “Bong.” However, from 1974 on, after the liberation of Udong, Pong told him that Pol Pot was now known as Brother Number One and Nuon Chea as Brother Number Two. He further testified that he was not aware whether Pong came up with these titles.

### ***The Witness Testifies about Kampong Cham***

Moving on, Mr. Arun asked the witness if he knew that Khmer Rouge troops reached Kampong Cham provincial town. Mr. Rochoem confirmed that he knew about it. He explained that he traveled through the area at the time and there was fighting in Kampong Cham. He said that the troops from Ratanakiri were largely ethnic minorities and that 60 of them died. He explained that these individuals were buried at Stung Treng district and that a memorial was built for them.

Mr. Arun represented that the people of Kampong Cham had been “gathered out and removed” and asked the witness where they were taken. The witness contradicted this assertion, however, stating, “It seemed that there had been no evacuation, as we did not control the town for long. Because we withdrew and the people came back into town.”

When asked about the location of senior leaders, such as Nuon Chea, Pol Pot, and Son Sen, when Kampong Cham was being attacked, the witness stated that Pol Pot and Nuon Chea were near Office 871 and Son Sen was at his headquarters in Bos Knar.

### ***The Witness Gives His Impression of Nuon Chea***

Moving on, Mr. Arun asked the witness whether he knew Nuon Chea well. The witness replied that he considered him to be one of the leaders whom “I loved and respect and that I would serve him from the bottom of my heart.” Regarding the accused’s personality, he described Nuon Chea as educated, humble, and gentle and noted that Nuon Chea was well educated in Buddhism.

Mr. Arun brought up others’ allegations that Nuon Chea was cruel and barbaric and he ordered some people to be arrested and executed. When he asked the witness whether Nuon Chea was this person, President Nonn instructed the witness not to respond because it was not within his capacity to do so, as he is not an expert.

Moving on, Mr. Arun referenced the witness’s previous testimony about attending meetings and study sessions with senior leaders. Mr. Arun inquired whether the witness heard senior leaders in these study sessions talk about smashing people or arrests. Mr. Rochoem testified that he did not recall receiving documents related to smashing people in the study sessions.

Regarding where Nuon Chea was at the time Phnom Penh was attacked, the witness indicated that he did not know where Nuon Chea was located but recalled that everyone met up immediately after the attack.

Mr. Arun represented that Son Sen was the Minister of National Defense and National Security and asked who was Son Sen’s second in command. The witness replied that there were many people in the military under Son Sen’s supervision, including Mad, Teanh, Nart, Peng, Saroeun, and San.

Regarding whether he was aware of a trip Son Sen made to the East, the witness said he was, adding that Son Sen stayed at Suong and was later relocated to Kampong Cham. The witness did not know if anyone was appointed to assume Son Sen’s responsibilities in his absence.

The counsel switched to another topic, asking about Mr. Rochoem’s previous testimony that he went to China with Pol Pot. When asked in what capacity he went to China, the witness said Ieng

Sary told him “to keep my eyes open on how people managed tourists and visitors. He would like me to have some knowledge of things managed in a foreign country.” Regarding whether he attended meetings between Pol Pot and Chinese leaders during this trip, the witness said he did not. He added he only attended sessions that showed movies.

Moving on, Mr. Arun referenced Mr. Rochoem’s testimony about a meeting prior to April 1975 wherein the evacuation of the Phnom Penh population was discussed and that the attendees applauded the evacuation plan. When asked whether there was a follow-up meeting to discuss the evacuation, the witness replied that there was not, adding, “In another meeting, evacuation was no longer the subject matter of the meeting.”

The witness further testified that he did not hear of discussions by Pol Pot, Nuon Chea, or Khieu Samphan regarding the division or classification of people.

On a different topic, Mr. Arun traced the structure of the Ministry of Foreign Affairs, describing Ieng Sary as the Secretary and So Hong as the Deputy Secretary. Regarding whether the same structure was followed by other ministries, the witness indicated that the structure appeared identical, based on his observations and what he heard from friends.

Mr. Rochoem confirmed that the senior people were educated individuals who came from the GRUNK. Mr. Arun then asked about how well senior officers from GRUNK and senior officers assigned by the Khmer Rouge side worked together at the Ministry. The witness responded, “The work went smoothly. People were friendly, they were cooperative; there was no problem.”

Referring to his July 30 testimony that at different locations people were treated differently, he asked whether this resulted from a direct order of a superior or whether it was the decision of the leader of the cooperative. The witness indicated that superiors did not provide an instruction on this issue. He added that people were supposed to have a sufficient amount of food and indicated that the poor treatment he observed was not in line with the party’s principles. He contended, “It was not really the intention of the party to mistreat people. ... I believe that these people were not those who were the honest followers of the party’s policy; they could have been people just a few people who would like to ruin the party. That’s why they did so to the people.”

Mr. Arun moved on, asking the witness whether, from 1975 to early 1979, any Vietnamese troops attacked Cambodia or vice versa. The witness first explained that Ratanakiri province is next to the Cambodian-Vietnam borders. He explained that while he did not go to Ratanakiri between 1970 and 1978, he talked to his in-law who held a senior position there about the situation. He recalled that his brother told him that before the conflict with Vietnam, Vietnam had requested refuge in the Dragon Tail area and that, after the liberation, Vietnam never gave up its use of the land. He also described that there was fighting at Ogaldao along the Sesan river, on Cambodia soil. He added, “The Vietnamese said any land on the other side of the Sesan river belonged to them,” explaining that they never made this claim prior to the liberation. He added that he had family who lived in those areas and that when he went to Prey Kou and Talai in 2010, he asked about this. According to the witness, he was told, “Khmer land now is Vietnamese land because after the liberation of 1979 they could take any land they would prefer, because they could bring their whole troops to grab the land.”



*Chroy Changva Bridge, which was destroyed by Vietcong soldiers in early 1970s.  
(Source: Documentation Center of Cambodia)*

***Mr. Ianuzzi Again Raises a Concern about Nuon Chea’s Participation in the Proceedings***

Before the court took the lunch recess, International Co-Lawyer for Nuon Chea Andrew Ianuzzi requested that his client be allowed to follow the proceedings—or attempt to—from his holding cell for the rest of the day. He referred to Judge Silvia Cartwright’s response from last week that “the responsibility is yours to raise this issue if your client at any point is unable to participate,” the issue being Nuon Chea’s ability to actively participate in the proceedings. He noted for the record that he was informed that for a period of time on Thursday afternoon and yesterday Nuon Chea was not actively participating in the proceedings.

After conferring with the judges, President Nonn asked him to clarify what his request was. Mr. Ianuzzi described that they are requesting Nuon Chea be allowed to follow the proceedings from his holding cell due to his health issues. The second point, Mr. Ianuzzi said, was to put on the record instances when his client was not able to follow the proceedings, adding that he was flagging the issue possibly for an application at a later date. Mr. Ianuzzi noted that Judge Cartwright was shaking her head, and asked if he could provide her with more information. President Nonn granted Nuon Chea’s request to follow the proceedings from his holding cell.

***Mr. Ianuzzi Examines the Witness on Ministry Personnel***

Returning from the lunch break, President Nonn reminded the witness to listen carefully to the questions posed to him and to avoid any irrelevant comments. He then gave the floor to Mr. Ianuzzi to examine the witness.

First, Mr. Ianuzzi asked questions relating to B-1, the Ministry of Foreign Affairs, and the witness’s position there. The witness confirmed that he was in charge of B-1’s administration section and that he was in charge overall of psychologically and politically “controlling or administering the people” there. Further, he confirmed that he was personally involved with selecting people to work at B-1.

For his next set of questions, Mr. Ianuzzi focused on specific individuals at the Ministry, first asking whether someone by the alias Mut worked at the Ministry while the witness was in

charge. Mr. Rochoem confirmed that Mut worked in the Ministry and further testified that the individual, known as Mut in the Ministry, was named Keat Chhun. Regarding this man's position and responsibilities at B-1, Mr. Rochoem testified that Keat Chhun was responsible for writing speeches and "when there was a delegation he had the duty to engage in the negotiation and keeping the records." Mr. Ianuzzi asked for an example regarding such negotiations, such as whether he participated in border talks with Vietnam. The witness replied that border negotiations were not occurring then. He indicated that Keat Chhun dealt with Chinese delegations, and had diplomatic calls. When asked whether he knew of Keat Chhun's involvement in formulating any policies, Mr. Rochoem reiterated that Keat Chhun handled diplomatic calls. He also stated that Keat Chhun handled speeches to be given at the United Nations and the Non-Aligned Countries. When asked whether Mr. Rochoem went with King Sihanouk on a trip to New York to meet with the Secretary-General of the United Nations, the witness replied that he "did not know who he went to see."

Mr. Ianuzzi referred to testimony given to the Chamber by another witness, describing that the witness stated, "If Keat Chhun had to be removed from the Ministry, it would grind to a halt." Mr. Ianuzzi asked the witness whether he agreed with this assessment. After Assistant Prosecutor Dale Lysak objected that this mischaracterized the prior witness's testimony, Mr. Ianuzzi rephrased, asking if there would have been notable repercussions if Keat Chhun was taken from the Ministry. National Civil Party Lead Co-Lawyer Pich Ang objected that the question was hypothetical. President Nonn instructed the witness that he did not have to answer. Mr. Ianuzzi tried to respond to the objection, but President Nonn said that the court had already ruled on the matter.

After Mr. Ianuzzi commented on his prior question's relevancy, President Nonn instructed Mr. Ianuzzi to stick to facts alleged within the Closing Order. In response to this instruction, Mr. Ianuzzi referred to the section of the Closing Order that said Keat Chhun was a "senior B-1 cadre" and inquired whether Mr. Rochoem would agree with this assessment. The witness confirmed that Keat Chhun was a senior cadre at the B-1, particularly, according to the witness, "in dealing with the outside politics as he had a lot of knowledge in this area." Mr. Ianuzzi then questioned whether Mr. Rochoem was aware of the reason Keat Chhun would not provide testimony to the OCIJ, also asking whether the government was concerned about him giving testimony. Before the witness responded, Mr. Ianuzzi noted that there were two objections being made. President Nonn instructed the witness that he did not need to reply the question.

In response to the ruling, Mr. Ianuzzi attempted to quote from two individuals, reading, "We are of the view that no reasonable trier of fact could have failed to consider that one or more members of the RGC – that's the Royal Government of Cambodia – may have knowingly or will... ." Before the counsel could complete his statement, President Nonn cut off Mr. Ianuzzi's microphone, ruling that the question was irrelevant to the facts contained in the Closing Order. President Nonn further noted, "The procedure of summoning this individual or that individual is beyond your capacity." He instructed counsel to follow Internal Rule 92 regarding written submissions relating to the Chamber's procedure. Mr. Ianuzzi indicated that his team would make "voluminous closing submissions." Mr. Ianuzzi asked the bench if their position was that he cannot respond on the record to objections. President Nonn explained that the Chamber "exercised its discretion to avoid any unnecessary questions or comments which are not trying to

ascertain the truth.” He reminded counsel that he was given the floor to question the witness, not to assert “political statements or comments.”

Mr. Ianuzzi returned to questioning the witness by referring to the witness’s prior testimony wherein Mr. Rochoem referred to an individual named Hor Namhong in connection to Boeng Trabek and indicated that this individual fled to France and returned to Cambodia to take up a “very senior position here.” The witness confirmed that this was correct. Regarding whether Hor Namhong held a position in the Ministry of Foreign Affairs, the witness stated that Hor Namhong was at the Ministry for a short time and that he thought it was in 1978. He added that Hor Namhong was also a part of Thiounn Prasith’s group and Keat Chhun’s group.

Regarding what B-32 is, the witness replied that it is a “mobile office for the leadership.” Referring to the same witness he brought up earlier, Mr. Ianuzzi said that that witness had testified, “So far as I recollect ... he [Hor Namhong] spent a longer time at Boeng Trabek.” The witness confirmed that this assertion was correct and described Hor Namhong as being “within



the circle of the leadership” before he came to the Ministry. Regarding whether Hor Namhong was ever the Chairman or Vice Chairman of Boeng Trabek, Mr. Rochoem stated that he was in charge of Boeng Trabek “when the Ministry representative went to receive him.”

Mr. Ianuzzi asked the witness whether he was aware of the reason why Hor Namhong refused to appear before the tribunal, again adding the question of whether the government was concerned about him giving testimony. President Nonn directed the witness not to respond. Mr. Ianuzzi pressed on, however, reading the following: “Further investigations are warranted for two reasons. First, the Chamber is under an obligation to ensure the integrity of the proceedings is preserved. Two, preventing testimony from witnesses that have been deemed conducive to ascertaining the truth may infringe

upon....” His microphone was again cut off, and President Nonn recognized Mr. Lysak. Mr. Lysak first identified that Mr. Ianuzzi was reading from a Pre-Trial Chamber decision and then argued that it was inappropriate to ask the witness to speculate. He added, “When counsel asks questions that are annoyingly improper, I think it is entirely appropriate for the Court to rule on objections without hearing sustained argument.” Mr. Ianuzzi said he disagreed and argued that he has a right to make a record. He also noted that he had been reading from the dissenting opinion of two Pre-Trial Chamber judges, adding that his team adopted these judges’ position. President sustained the prosecution’s objection.

***Mr. Ianuzzi Asks the Witness About Statements Made in a Previous Interview***

Moving on, Mr. Ianuzzi asked if the witness remembered giving an interview to the Documentation Center of Cambodia (DC-Cam).<sup>1</sup> The witness replied, “I never gave interview to

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<sup>1</sup> **Disclosure:** DC-Cam is a sponsor of the Cambodia Tribunal Monitor, and its director, Youk Chhang, serves as co-managing editor.

people from DC-Cam.” In response to several identifying questions by Mr. Ianuzzi, the witness confirmed that he goes by Rochoem Ton, Phy Phuon, and Chiem. Mr. Ianuzzi then put a document before the witness. When President Nonn inquired whether the document was in the case file, Mr. Lysak stated that it was an interview completed after the OCIJ one and confirmed that was in the case file.

Mr. Ianuzzi read information from the cover page that indicated Mr. Rochoem gave an interview to Long Dany of DC-Cam at Doung Village, Malai commune, Malai district, Banteay Meanchey province on December 19, 2010. The witness asserted, “The Documentation Center of Cambodia did not meet me regarding this document.”

Nevertheless, Mr. Ianuzzi read from a section of the interview regarding reassignments. When asked in the interview if he knew of the reasons for the reassignments, Mr. Rochoem had allegedly responded:

Yes, I do. The assignment of new cadres to oversee the southwest region caused mass killings. Many of them were proud and rigid. Ta Mok is a bad person; I hate him. In 1979, there seemed to be a heated argument over the management in southwest region, where Ta Mok built up cruel cadres to commit execution.

The counsel questioned whether Mr. Rochoem recalled making this statement. The witness replied, “I think the document has taken me by surprise because I have never known the person by the name Dany.” Mr. Ianuzzi asked if he ever made these, or similar, comments. The witness replied that he thinks he said something about this during Ta Mok’s funeral, adding that in 1977 and 1978 cadres from the Southwest, Ta Mok’s Zone, executed people from every zone, including the Northeast, North, Northwest, 304, and the West.

Regarding whether he stood by his statement that Ta Mok was a bad person whom he hated, the witness responded, “Ta Mok looked down on me as an ethnic minority group, and I also had an argument with him.” He also testified:

I really respected the party’s line, but ... individually, people could fail to respect individuals rather than political line. And I met a lot of people, people from my district, that said that cadres from the Southwest zone were very heinous, very cruel. They killed a lot of people. So I said that people who were the most- the worst human being during the Democratic Kampuchea was no one other than Ta Mok, and it’s the truth. From 1979 onwards when I left Phnom Penh I went to Trapaing Chor, Oral, Leach, I observed that people along the areas I passed were living in very difficult conditions and people from the East were all smashed. And I saw this. And we from Phnom Penh were about to be killed by Ta Mok forces but we came with forces, that’s why they couldn’t do us...

Before the witness could finish, President Nonn interrupted and told the witness to regain his composure.

Moving on, Mr. Ianuzzi asked the witness whether he understood Ta Mok to be a warlord in his management of the Southwest Zone. Objecting, Mr. Lysak argued that “warlord” is vague and asked for clarification. Mr. Ianuzzi referred to another document, one of the witness’s previous statements to the OCIJ. He quoted: “Each zone had a leader like a warlord.” He asked the

witness to explain what the word meant to him. Mr. Rochoem replied that he was referring to Ta Mok, because “he brought cadres from the Southwest to kill others in other zones.”

Returning to the witness’s alleged DC-Cam interview, Mr. Ianuzzi noted that the witness referred therein to a “win-win” policy of the Prime Minister that was “very effective.” Mr. Ianuzzi asked what the “win-win” policy was. Mr. Lysak objected to the relevancy of the question, arguing that the question pertains to events after 1979 and falls outside the Closing Order. Mr. Ianuzzi continued, however, asking the witness whether, from his knowledge, the “win-win” policy includes “a firm commitment” of the Royal Government of Cambodia to “bury the pasts of former Khmer Rouge members other than Duch and the three men on trial here today.” The witness replied, “When policy was meant to serve the interest of both sides, everyone won. For that reason we have peace.” Mr. Ianuzzi followed up with the witness’s response, asking whether this means he agrees that this was a policy. Mr. Lysak objected that whether the witness personally agrees with the policy is not relevant. Mr. Ianuzzi stated for the record, “We take the position that the government’s motives for blocking testimony and limiting the scope of trials is quite relevant.” President Nonn sustained the objection. Mr. Ianuzzi replied that he had assumed the court would sustain the objection and that he was moving on.



Mr. Ianuzzi returned to the document from DC-Cam, inquiring about a reference therein to a K-5 mobilization along the Thai-Cambodian border, which was described as being “filled with mines and spikes.” After asking what this K-5 mobilization was, Mr. Ianuzzi noted there were objections. President Nonn instructed the witness not to respond. Mr. Ianuzzi then read from a document from Nuon Chea’s defense team, regarding their “objections, observations and notifications regarding various documents to be put before the Trial Chamber,” dated November 14, 2011. He quoted, “Although rarely discussed openly in this country, it has been publicly reported that upwards of 50,000 individuals may have died in the implementation of the so-called K-5 plan that took place shortly after the DK period, but well before any assessment of the regime’s alleged death toll were undertaken.” President Nonn said that the matter was outside the scope of the facts and that he is not allowed to make these comments.

Referring again to the DC-Cam interview, Mr. Ianuzzi quoted from a section wherein the witness allegedly indicated that he still worked for the Cambodia People’s Party and stated that he was a “permanent member” of it. Mr. Rochoem confirmed that he was a permanent member of the Cambodia People’s Party. Mr. Ianuzzi stated that there was an exclamation point in the transcript of the interview, asking if they can infer from this that he is an enthusiastic member of the party. President Nonn directed Mr. Rochoem not to respond as the question was not relevant.

***The Witness’s Relationship with Pol Pot and His Superiors at the Ministry of Foreign Affairs Examined***



As the Nuon Chea team had completed its examination of the witness, International Co-Lawyer for Ieng Sary Michael Karnavas took the floor to question the witness. In response to Mr. Karnavas's first question, Mr. Rochoem confirmed that he had two interviews with the OCIJ, one on December 5, 2007, and another on September 21, 2008. He confirmed that he was read a summary and provided his thumbprint at the conclusion of the interview. He also confirmed that he took an oath before answering questions.

Mr. Karnavas then referred to the witness's December 19, 2010, interview with DC-Cam. Asked again whether he recalled that interview, the witness replied, "I do not seem to recall that or the statement itself. ... I do not know how they came up with this interview." Regarding whether he was indicating that the interview with Long Dany never occurred, the witness replied affirmatively. He stated he did not remember it.

Mr. Karnavas turned to the interview, quoting the question by Dany as, "Did Ieng Sary ask you to go with him or did you make a request yourself?" and the response provided as, "No, we had no authority to make any requests. I was simply assigned by Pol Pot to go with Ieng Sary." When asked if he located the passage, the witness asserted again that he was not aware of who Dany is. Mr. Karnavas asked the witness whether he was saying he never told his interviewer that he was assigned by Pol Pot to the Ministry. The witness replied that he still unclear about how the interviewer came to him. After Mr. Karnavas questioned how the witness could recall for the Prosecution details of events occurring 37 years ago but could not remember something that happened a couple years ago, the witness reiterated that he did not remember this interview with Dany. He added, "I feel that I never met people from the *Search for the Truth* magazine, and I do not know how this document could be made."

Moving on, Mr. Karnavas asked whether Pol Pot assigned Mr. Rochoem to the Ministry of Foreign Affairs. The witness replied, "Since it is the court document ... I will stand by the statement." President Nonn clarified that the document was transcribed from an oral interview, different from when he was interviewed by the OCIJ. Mr. Lysak also provided clarification, noting that there was a discrepancy in the Khmer and English translation of the document. The Khmer version is dated October 19, 2010, while the English version is dated December. Regarding whether this clarification helped to refresh his memory about this interview, the witness replied that it did. Mr. Karnavas asked a few questions to verify they have the right Chiem. The witness confirmed his familiarity with Doung Village Malai commune, Malai district, Banteay Meanchey province and that he was the deputy provincial governor from 1997 to 2005.

Turning back to Mr. Karnavas's earlier question, the witness agreed that Pol Pot assigned him to the Ministry of Foreign Affairs.

Regarding whether he knew of someone named So Hong, he indicated that he did. Mr. Karnavas inquired whether the witness had been following the trial proceedings. When the witness replied that he had not been, Mr. Karnavas specifically asked whether he was in the gallery during the prosecution's opening statement. Mr. Rochoem said he was, for one day. Regarding whether he observed or spoke with So Hong about his public testimony, the witness replied that he had.

When Mr. Karnavas asked again whether he had specifically talked with So Hong regarding his testimony here, the witness said he had not.

Mr. Karnavas referred to a statement made by So Hong during his testimony that the witness was under Pong's supervision for security matters. Mr. Rochoem indicated that at the Ministry to Foreign Affairs he was under Ieng Sary and So Hong's supervision, not Pong's supervision. After Mr. Karnavas quoted the specific part of So Hong's testimony on April 30, 2012, for the witness, the witness indicated that So Hong might have been mistaken, He reiterated that Pong was not his supervisor and reiterated that his immediate superior was So Hong.

Mr. Karnavas asked the witness whether it was correct that Mr. Rochoem had made no indication in his testimony that he worked in security within the Ministry. The witness replied that he did not work in the security section. Mr. Karnavas followed up, "If So Hong were to say that in fact you did and if others were to say from the Ministry of Foreign Affairs that you did, would they be mistaken, or is it perhaps you are providing us with false testimony – which of the two?" Mr. Lysak objected that the question asked the witness to speculate on whether others

were telling the truth. President Nonn sustained the objection and instructed the witness not to respond. He also directed Mr. Karnavas not to use language that "belittles the dignity of the witness" such as suggesting he is giving false testimony.



When asked if his testimony was that he never worked under the security section of the Ministry, Mr. Rochoem replied that he did not "engage in security matters; I was in administration." Regarding who headed the security section of the Ministry, the witness stated that Ieng Sary was "overly in charge." Regarding whether So Hong ever gave him tasks or supervised him on security matters, the witness said he did not. Mr. Karnavas followed up, asking again whether So Hong "never, ever" gave him security tasks. The witness confirmed, "Never."

Moving on, Mr. Karnavas asked the witness questions pertaining to his relationship with Pol Pot. Regarding whether he had a special relationship with Pol Pot in connection to the Ministry of Foreign Affairs, the witness replied that he only met with Pol Pot when summoned to do so, adding that he regularly met with Ieng Sary and So Hong. Mr. Karnavas referred to Mr. Rochoem's OCIJ interview, quoting, "When Pol Pot wanted to know the situation at B-1, he called me and asked me. He trusted me. Whatever he instructed, I could do, especially work related to the reception or visitors." The counsel then queried how Pol Pot called Mr. Rochoem, and the witness testified that Pol Pot would not use phone or letters. He indicated that Pol Pot would have others tell him to come. Mr. Karnavas repeated his question and, after an objection by Mr. Lysak, President Nonn told the witness not to respond, as he had already answered it. President Nonn noted, "There is no need to answer a repetitive question or we might have too many responses which might lead to contradictions and

a waste of time.” In response, Mr. Karnavas noted, “Contradictions demonstrate the weight to be given to a witness’s testimony.”

Regarding the amount of time his meetings with Pol Pot lasted for, the witness testified perhaps they lasted 15 to 20 minutes. Regarding where he would meet with Pol Pot, Mr. Rochoem described how he would usually meet with Pol Pot at the common dining hall after dinner. He further testified that this dining hall was located at K-1, under the long house. Regarding how often he met with Pol Pot, the witness replied he did so occasionally.

***Mr. Karnavas’s Use of a S-21 Confession Comes Under Fire***

Moving on, Mr. Karnavas turned to the topic of S-21 and Duch’s previous testimony relating to the witness. Mr. Rochoem asserted that he did not know where S-21 was located. When Mr. Karnavas asked if he “never, ever” met with Duch, the witness indicated that this was right, adding, “I did not meet him at all at the time.” Mr. Karnavas then asked whether the witness was claiming that Duch was not being accurate or truthful when he testified that he saw the witness. Mr. Lysak objected that the question misstates Duch’s testimony. Mr. Karnavas read out Duch’s testimony, wherein he said that Chiem was a Ministry messenger who brought prisoners to S-21. Mr. Karnavas asked again whether it was Mr. Rochoem’s position that Duch provided false testimony or was mistaken. The witness reiterated that he never met Duch. He explained that he took people to Office 870 and was not aware of where they would go from there. Mr. Karnavas asked then whether Duch was lying in his testimony. Mr. Lysak said it was inappropriate for the witness to comment on whether Duch was lying. President Nonn sustained the objection and informed the witness that he did not need to respond to it.

Mr. Karnavas then referred to a S-21 confession. Mr. Lysak objected that it seemed as if Mr. Karnavas was going to introduce the content of a confession. Mr. Karnavas responded that the portion to which he wished to refer concerns the person’s statement about the witness bringing him to S-21, which contradicts the witness’s testimony. He continued, “May I remind the Trial Chamber, that even Judge Lavergne corrected us and showed us as the date when Pong ended up at S-21, so confessions have been used. So either we don’t use them at all, and that goes to all parties and the bench, or we have some sort of a rule that makes sense and is fair to both sides.” After more back and forth by the counsel pertaining the proper use of confessions in the courtroom, the judges conferred, and President Nonn gave the floor to Judge Lavergne.

Judge Lavergne asked Mr. Karnavas to clarify his implication that the judge had used the contents of a confession relating to Pong. Mr. Karnavas explained that Judge Lavergne had referred to S-21 records in providing a witness with the date Pong entered S-21. Mr. Lavergne inquired whether Mr. Karnavas was referring to the S-21 prisoner lists or the contents of confessions, explaining that lists can be used. Mr. Karnavas argued, “Where the person giving the confession is merely indicating how they arrived there, it should be admitted, at least in this very narrow instance, where it contradicts the witness’ testimony under oath.” He asked for clarification on what can be used, expressing frustration that it seems to him as if the prosecution is being afforded more leeway on use of documents than the defense.

Having located specifically the part of the record to which he was referring earlier relating to Judge Lavergne, Mr. Karnavas read the relevant part of the record from April 30, 2012. Judge

Lavergne expressed that there is a difference between an annotation marking the date the prisoner was questioned under torture and the confession's content. The judges conferred. President Nonn, noting that the Chamber follows the International Convention against the use of confessions extracted by means of torture, clarified that parties may not refer to the content of confessions resulting from torture but that they may refer to dates on the confessions or annotations.

After Mr. Karnavas brought it the Chamber's attention that it was past 4:00 p.m., President Nonn adjourned the proceedings and instructed that the next session will resume Wednesday, August 1, at 9:00 a.m. with questions by Ieng Sary's counsel.