



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

28 January 2013
Trial Day 152

Before the Judges: NIL Nonn, Presiding
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I N D E X

MR. AL ROCKOFF (TCW-565)

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Questioning by Judge Lavergne page 92

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. GUISSÉ	French
MR. KARNAVAS	English
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. ROCKOFF (TCW-565)	English
MS. SIMONNEAU-FORT	French

1

1 P R O C E E D I N G S

2 (Court opens at 0918H)

3 MR. PRESIDENT:

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

5 During today's sessions, and as already -- as the Chamber has
6 already informed the parties to the proceedings - we did that on
7 the 24th and 25th of January that the Chamber would be hearing
8 the testimonies of Mr. Al Rockoff. We have been informed
9 appropriately that today we can conduct the proceedings as
10 scheduled.

11 [09.20.10]

12 Ms. Se Kolvuthy, you are now instructed to report on the status
13 of the parties to the proceedings.

14 THE GREFFIER:

15 Mr. President, all the parties to the proceedings are present,
16 except Mr. Pich Ang, National Lead Co-Lawyer for the civil
17 parties, who is absent due to his personal commitment.

18 Mr. Ieng Sary is present in his holding cell due to his health
19 concerns, and Mr. Nuon Chea is also absent due to his health
20 concerns. He is still admitted to the Khmer Soviet Friendship
21 Hospital. He has submitted his waiver. He has waived his right to
22 be present during the testimonies of TCW 565.

23 TCW 565 is now available. The witness has already mentioned that
24 - or, the witness has or is not in any relationship with an
25 Accused or a civil party admitted before this Chamber.

2

1 The witness will take an oath before the Chamber in a moment.

2 Thank you, Mr. President.

3 [09.21.48]

4 MR. PRESIDENT:

5 Thank you, Ms. Se Kolvuthy.

6 Before we call the witness, the Chamber wishes to rule on the
7 request by Mr. Nuon Chea submitted to the Chamber on the 25th of
8 January 2005. The Chamber is seized of this waiver. Mr. Nuon has
9 waived his right to the testimony -- to be present in the
10 testimony of this witness, TCW 565. The waiver was submitted in
11 the hospital through his counsel.

12 And according to the medical report, we have learned that Mr.
13 Nuon Chea's health is improving significantly and he could be
14 released or discharged from the hospital shortly. The Chamber
15 notes that Mr. Nuon Chea is still being admitted to the hospital.
16 However, he is mentally fit and he has waived his right to be
17 present in the proceedings during the testimonies of TCW 565. The
18 Chamber, therefore, now conducts the hearing of the testimonies
19 of TCW 565 without the presence of Mr. Nuon Chea.

20 [09.23.27]

21 Court officer is now instructed to bring in the witness.

22 Court officer is now instructed to hold on.

23 Counsel Karnavas, you are on your feet. You may now proceed.

24 Could you please hold him back there for a while?

25 MR. KARNAVAS:

3

1 Good morning, Mr. President. Good morning, Your Honours, and good
2 morning to everyone in and around the courtroom.

3 The reason why I'm standing on my feet is in regards to the
4 Prosecution request on Friday for additional time. We received an
5 email at approximately 3.06 Friday concerning this particular
6 witness, and it -- in paragraph 3, the Prosecution, apparently
7 while preparing for the testimony of Mr. Rockoff, suddenly
8 realized that the gentleman may have more information to reveal
9 here in Court and therefore sought additional time.

10 [09.24.40]

11 Normally, we don't take a harsh position when additional time is
12 requested. However, I do take this opportunity to point out, one,
13 we received it on Friday at 3 o'clock in the afternoon wherein it
14 was well-known well in advance that the gentleman was going to
15 come and give evidence.

16 Two, we heard a presentation from another prosecutor last week,
17 which made reference to the gentleman and indicated that he would
18 have testimony to give, so obviously it was well-known of who
19 this person is and what he may have to contribute.

20 Three, Mr. Rockoff is rather an institution in this -- in Phnom
21 Penh. Everyone more or less knows him. We know him from the movie
22 "The Killing Fields", played by John Malkovich, so it seems
23 rather shocking that the Prosecution at 3 o'clock in the
24 afternoon on Friday all of a sudden came to this revelation that,
25 gee, Mr. Rockoff may have some additional information and

4

1 therefore we may need additional time.

2 [09.25.49]

3 As a matter of principle, we think that the Trial Chamber should
4 stick to its current schedule. In the future, if the Prosecution
5 wishes to ask for additional time they should do so in a timely
6 fashion, not wait until a Friday afternoon at 3 o'clock to make
7 such submissions, particularly when this is not a surprise
8 witness and he is not an inconsequential witness. He is
9 well-known, it was well-known in advance that he would come and
10 give evidence, and it was well-known the topics to which he could
11 contribute for 002/01 or in fact, 002 entirely. Thank you.

12 MR. PRESIDENT:

13 Thank you, Counsel.

14 International Co Prosecutor, you may now proceed.

15 MR. LYSAK:

16 Thank you, Mr. President, and good morning to you and Members of
17 the Bench, and Counsel.

18 I'm rather surprised by this objection. I believe Mr. Karnavas'
19 description of the precedent in this Court is rather off. It has
20 been frequent, in fact, that people have made requests for more
21 time on the day the witness testifies, depending on how things
22 proceed, and we made an effort to notify the parties ahead of
23 time of this.

24 [09.27.23]

25 Furthermore, I would note that it was only at 1 p.m., I believe,

5

1 Friday afternoon where the Nuon Chea team indicated that they
2 were prepared to provide a waiver so that we could go forward
3 with this witness. Indeed, the night before in the papers that
4 reported that morning, Mr. Nuon Chea's international counsel was
5 quoted as saying he would not provide a waiver.
6 So the - there was a degree of uncertainty last week as to
7 whether or not we would be proceeding with this witness. We have
8 been proceeding diligently with him. We will proceed diligently
9 with our questioning, of course, and may be able to finish within
10 the time. However, I would note another reason for our request is
11 that, we find ourselves in the circumstance where court time
12 tomorrow may end up not being used if we finish the witness
13 today.
14 [09.28.27]
15 Under these circumstances, it seems to us it is reasonable if the
16 parties need an - some additional time with this witness, who we
17 believe can provide detailed testimony about events leading up to
18 the day of 17 April and the events immediately after that, if the
19 parties require additional time it seems to us that the court
20 proceedings tomorrow may be available.
21 Now, I'm prepared to proceed to advise the Court after the
22 morning session how much additional time we believe, based on
23 that, but we did want to notify the Court ahead of time of the
24 possibility that we would request some additional time to
25 complete our examination of this witness.

6

1 (Judges deliberate)

2 [09.30.05]

3 MR. PRESIDENT:

4 On this particular issue, following hearing the observation by
5 parties, the Chamber will assess this situation as the situation
6 unfolds.

7 Court officer is now instructed to usher in the witness.

8 (Mr. Rockoff enters courtroom)

9 QUESTIONING BY MR. PRESIDENT:

10 Q. Good morning, Mr. Witness. What is your name? Can you tell the
11 Chamber your full name?

12 MR. ROCKOFF:

13 A. Yes, my name is Alan Thomas Rockoff.

14 Q. Thank you, Mr. Rockoff. How old are you now?

15 A. Sixty-four.

16 Q. Thank you. Where are you currently residing?

17 A. I live in Fort Lauderdale, Florida, U.S.A.

18 Q. Thank you. What is your occupation?

19 A. I'm a photographer.

20 [09.32.55]

21 Q. Thank you. I would like to remind you, Mr. Rockoff, that you
22 pause until you see the red light on your mic before use that,
23 because it is important that your microphone is activated before
24 you speak; otherwise, your testimony will not get through the
25 sound system and the interpreter would not be able to interpret

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1 your testimony. So please be advised accordingly.

2 Can you tell the Court the names of your father and mother?

3 A. My father's name is Louis Rockoff; my mother's name is Marie
4 Rockoff.

5 Q. Are you married? If so, what is your wife's name and how many
6 children have you got?

7 A. My wife's name is Victoria Bornas, and I have no children.

8 Q. Thank you. What is your nationality?

9 A. American.

10 [09.34.44]

11 Q. Mr. Rockoff, in your capacity as the witness before the
12 Extraordinary -- before the Trial Chamber, the Chamber requires
13 you to take an oath in accordance with your belief and religion.
14 Do you agree with this?

15 A. Yes, I do.

16 MR. PRESIDENT:

17 Ms. Faiza, please conduct the oath for Mr. Rockoff in accordance
18 with his belief and religion.

19 THE GREFFIER:

20 Good morning, Mr. Rockoff. Please place your left hand on the
21 bible, raise your right hand, and repeat the following oath after
22 me:

23 I solemnly declare that I will speak the truth, the whole truth,
24 and nothing but the truth.

25 MR. ROCKOFF:

8

1 I solemnly declare that I will speak the truth, the whole truth,
2 and nothing but the truth.

3 BY MR. PRESIDENT:

4 Thank you, Mr. Rockoff.

5 [09.35.57]

6 Q. According to the report by the greffier, to your knowledge,
7 you are not related, by blood or by marriage, to any civil
8 parties to Case 002, and you are not related, by blood or by
9 marriage, to any of the co accused, either Mr. Nuon Chea, Khieu
10 Samphan, or Ieng Sary; is that correct?

11 MR. ROCKOFF:

12 A. That is correct.

13 Q. Thank you.

14 The Chamber wishes to advise you on your rights and obligation.

15 In your capacity as the witness before the Trial Chamber, you may
16 refuse to respond to any question or any request for your
17 comments which may incriminate yourself. In other words, you may
18 enjoy the right against self-incrimination. So in your capacity
19 as the witness, you -- throughout the proceeding of this
20 testimony you shall, however, respond to all the questions posed
21 by parties or the Chamber.

22 [09.37.12]

23 And as a witness, you have to tell the truth, nothing but the
24 truth, based on what you have seen, what you have recollected, or
25 you have experienced yourself through your observation concerning

9

1 the events that you have come across, and you respond to
2 questions concerning those events posed by parties or Judges of
3 the Bench.

4 [09.37.37]

5 Mr. Rockoff, have you ever provided any interview to the
6 investigators of the OCIJ of the Extraordinary Chambers in the
7 Courts of Cambodia before?

8 A. As of now, I have not.

9 MR. PRESIDENT:

10 Thank you.

11 The Chamber wishes to advise the Prosecutor that in conducting
12 the testimony of this particular witness, the Chamber will hand
13 over the floor to the Prosecution to put the questions to the
14 witness first. And as for the time allocation, the Chamber has
15 already advised the prosecutor and other parties.

16 The Prosecutor, you may proceed now.

17 [09.38.40]

18 QUESTIONING BY MR. LYSAK:

19 Thank you, Mr. President.

20 Good morning, Mr. Rockoff, my name is Dale Lysak. I'm one of the
21 International Prosecutors at the Court and I'll be asking you
22 some questions this morning. Let me remind you, we'll be -- we
23 will both be speaking in English. There will be translators who
24 will wait -- will be at the same time translating my questions
25 and your answers, so if you could pause briefly after my

10

1 questions so that the interpreters can keep up, and if you can
2 wait for the red light before speaking that will allow the
3 interpreters to accurately interpret today.

4 Q. I wanted to start – you indicated that your occupation was a
5 photographer. Could you give us a brief overview of your career
6 as a photographer, when you began and the various places you've
7 worked during your career?

8 [09.39.45]

9 MR. ROCKOFF:

10 A. I started my photography while I was serving on active duty in
11 the United States Army. I first started while I was stationed in
12 Germany. I was sent to Vietnam. During my service in the army in
13 Vietnam, I transferred into photography and I worked that job for
14 half of the time I was in Vietnam.

15 When I was discharged from the military in 1973, February '73, I
16 came back to Indochina and I lived in Cambodia '73, April '73,
17 until May '75. I worked as a freelance photographer.

18 Q. Thank you for that overview. Turning now to the period when
19 you arrived in Cambodia and began working as a freelance
20 photographer in April 1973, can you tell us when you arrived in
21 this country at that time, was the U.S. Air Force bombing
22 missions of Cambodia still ongoing at that time?

23 A. Yes, the American bombing campaign did not stop until August
24 15th, '73.

25 Q. Thank you. That was going to be my next question, which is

11

1 when did it end. You've indicated the 15th of August 1973. How do
2 you recall that date?

3 [09.41.42]

4 A. Well, I remember that date very well. I was out on Highway 3
5 most of that morning. I remember right around 12 noon, which was
6 supposed to be the end of the American bombing campaign, there
7 were a few bombing missions in the vicinity and then it stopped.
8 So I have a very clear recollection of 15 August.

9 Q. Thank you, Mr. Rockoff. I want now to ask you some questions
10 of areas that you visited during the war in Cambodia from 1973 up
11 to April 1975. Can you -- again, why don't we start, if you could
12 give us an overview of where the locations that you visited and
13 covered as a photographer during that time period?

14 A. During the time I worked out of Phnom Penh, I -- actually,
15 there were very few places you could go to in Cambodia beyond a
16 20 or 30 kilometre distance from Phnom Penh. A few provincial
17 capitals you could fly to. The highways were almost always
18 closed. The two years I was here, Highway 4 to Kampong Som was
19 only open two times for a few days each. If you wanted to go out
20 to the deep countryside you would have to hitch a ride with the
21 military or sometimes with their helicopters. So I did go to a
22 few places, but usually it was going out on the roads, such as
23 Highway 4, Highway 5, and Highway 1 where the -- three highways
24 where the most of the battles took place.

25 [09.43.53]

12

1 Q. Was there a period during this, the period of the war in --
2 between 1973 and 1975 that you were able to go to Udong?

3 A. I had been to Udong in 1970 when I was in the U.S. Army and
4 the U.S. incursion into Cambodia for two months. The incident at
5 Udong during the two years I was here, the B 52 mistaken strike
6 on the town, I did not have a chance to go down there for that.

7 Q. And do you recall a period where Udong -- the town of Udong
8 had originally been captured by the Khmer Rouge but was then
9 retaken by the Lon Nol Government forces, do you recall that
10 event?

11 [09.45.10]

12 A. I recall, I was not there but I recall the event, and I'm
13 sorry, I cannot recollect the approximate date or dates.

14 Q. After the Lon Nol Government forces had recaptured the town of
15 Udong, were you able to make a trip there to see the city or
16 town?

17 A. No.

18 Q. Were you present during a battle that took place in -- later
19 in 1974 near Kampong Chhnang?

20 A. Kampong Chhnang, I was in Kampong Chhnang beginning of October
21 1974. There was a significant battle going on between the Cham
22 Brigade and the Khmer Rouge. I had also gone to Kampong Chhnang
23 to help recover the body of an Associated Press photographer,
24 Cambodian photographer, named Lim Sovath (phonetic). He had been
25 killed five days earlier, and I was with a group of Khmer Rouge

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1 soldiers that helped recover his body and it was sent to Phnom
2 Penh for his family to cremate.

3 I stayed up there and the day after helping to recover Lim
4 Sovath's (phonetic) body, I was seriously wounded. I was
5 medevacked out of there and that pretty much is what happened
6 during my three days up in Kampong Chhnang.

7 [09.47.21]

8 Q. How were you injured while you were in Kampong Chhnang?

9 A. Shrapnel from a burst in a tree, maybe 20 metres from me,
10 maybe a mortar or a recoilless rifle, I am not certain which. I
11 was wounded very seriously. Shrapnel in my wrist, a few other
12 parts of the body, and I had a piece that went through the right
13 atrium of the heart. The Korean photographer, Joseph Lee, who I
14 was with, was wounded also.

15 We were taken back to a field hospital where I had surgery,
16 emergency surgery, maybe 45 minutes to an hour after the initial
17 wounding. I was operated on by a Red Cross surgical team headed
18 by a Dr. Eric Arenander (phonetic). They stabilized my condition.
19 I had a two minute cardiac arrest. About 1 a.m., 2 a.m., I was
20 flown out by a twin engine aircraft that landed on a highway. I
21 was flown to Saigon to a military hospital there where they
22 stabilized my condition and I was flown to the Philippines.

23 [09.48.55]

24 Q. How long did it take you to recuperate from this injury and
25 how long was it before you were back in Cambodia resuming your

14

1 activities as a photographer?

2 A. It took a couple of months to recuperate, but I was back in
3 country about five weeks later.

4 Q. I want to now ask you a few questions regarding the period,
5 the months leading up to April 1975, and the first thing I wanted
6 to ask you is whether in that time period, the period of
7 February, March, and early April 1975, whether you heard radio
8 broadcasts or statements by the Khmer Rouge that referred to
9 seven super traitors?

10 A. I heard of reports on the radio. I'm getting this second or
11 third hand, some journalists wrote this stuff. Seven, I'm not
12 sure of the total number, but the clique of traitors, the group
13 that overthrew Sihanouk. The reports coming across then were more
14 than just the group of traitors, it also touched on when the war
15 was over, everybody would go back to where they came from before
16 the war. That was a message that was going around, and it was
17 easy for many people to believe that because the majority of the
18 population of Phnom Penh were refugees, more than two million.

19 [09.51.05]

20 Q. I'd like to read to you a 26 February 1975 press communiqué
21 from the FUNK that was issued or signed by Khieu Samphan and
22 broadcast on the Voice of FUNK radio, and the document reference
23 is E3/117 -- that's E3/117 -- and the reference is at English
24 page 00166772; French, 00281432; Khmer, 00242309.

25 And paragraph 1 of this communiqué contains the following

15

1 statement -- quote:

2 "Concerning the seven traitors in Phnom Penh, the National
3 Congress has decided as follows: Traitors Lon Nol, Sirik Matak,
4 Son Ngoc Thanh, Chen Heng, In Tam, Long Boret, and Sosthene
5 Fernandez, are the chieftains of the traitors and ringleaders of
6 the treacherous anti-national coup d'état. On behalf of the
7 FUNK/GRUNK and CPNLAF, the National Congress declares it
8 absolutely necessary to kill these seven traitors." End of quote.

9 [09.53.02]

10 And my question is: Do you recall hearing or reading of this
11 communiqué from the FUNK that called for the execution of the Lon
12 Nol traitors?

13 A. I did not read this document or any articles that may have
14 been written about it by journalists, but I did hear about the
15 fact that these people were to be put to death.

16 Q. Can you tell us, was it widely known that the -- at the time
17 that the Khmer Rouge were calling for the execution of these
18 traitors?

19 A. I can't say how widely known that was. I'm aware of it through
20 my association as a freelance photographer and reading things
21 that were put out by, say, Associated Press or New York Times.

22 Q. During the period prior to April 1975, did you, yourself, ever
23 hear any radio broadcasts by the Khmer Rouge?

24 A. No.

25 [09.54.41]

16

1 Q. I'd like to turn, now, to the days immediately leading up to
2 the 17th of April 1975, and can you tell us where you were
3 residing in the immediate period before the 17th of April?

4 A. Yes, I had a very inexpensive room in what is now today known
5 as the Hotel Asie on Monivong Boulevard.

6 Q. And did you spend any time, during that period at was -- at
7 what was then called the Hotel Phnom, Hotel le Phnom?

8 A. Yes, I would go by there frequently. There were a number of
9 reasons, one being some of the journalists that worked for
10 organizations and could afford to stay there, stayed there; they
11 had a swimming pool, a good restaurant. It was one block away
12 from where the Ministry of Information would do a daily briefing
13 for the press, and so I tended to go there frequently. I'd come
14 back from the field, maybe the end of the day, I'd come back to
15 town from being out of town and I can connect with Associated
16 Press who had a room, had a bureau there at the hotel.

17 [09.56.22]

18 So, yes, I would go by there frequently, and on occasion I stayed
19 there. I used to stay in a room that was rented on an annual
20 basis by the Los Angeles Times and I had a way to pick the lock
21 on the door and I stayed there and the room clerk would -- desk
22 clerk would let me know if they were coming into town, which was
23 only two or three times a year.

24 Q. And can you tell us the location of the Hotel Phnom? Was it
25 the same place at which the Raffles Hotel is now located?

17

1 A. Yes, it is the same hotel.

2 Q. Do you recall whether there was a period where the Red Cross
3 moved into the Hotel le Phnom and set up operations there?

4 [09.57.47]

5 A. Yes, there were some Red Cross personnel that lived at the
6 hotel. There were bungalows out back some agencies rented on a
7 regular basis. About a week before the end of the war, about the
8 time of the American evacuation on 12 April, the International
9 Red Cross declared that a safe zone. There was a large banner
10 hung in front of the hotel with the Red Cross. They were
11 admitting people that needed immediate medical attention. There
12 were thousands of people milling around, trying to gain access to
13 the hotel. The Red Cross had set up a surgical theatre in the
14 back of the hotel. But on 17 April, regardless, they were kicked
15 out of the hotel with everybody else.

16 Q. Thank you. We'll get to those events later today. I'd like to
17 show you a photograph that is from -- not from yourself, but from
18 Roland Neveu's book, The Fall of Phnom Penh.

19 Mr. President, this is case file document, D313/1.2.11. It's D --
20 to repeat, D313/1.2.11, and the photograph I would like to show
21 the witness is -- appears at page 00432437, and if we may put
22 that on screen and perhaps present a copy to the witness.

23 [09.59.55]

24 MR. PRESIDENT:

25 You may proceed.

18

1 Court officer is now instructed to take the document from the
2 Prosecution for the witness.

3 BY MR. LYSAK:

4 Q. I'd like you to look at the photograph, Mr. Rockoff, and tell
5 me if you can identify the building that's shown in this
6 photograph?

7 MR. ROCKOFF:

8 A. Yes, that is the Hotel Royal, the building as it looked back
9 then, the banner with the Red Cross. I just find it very strange
10 looking at this photograph and not seeing any people, because I
11 had always seen hundreds, and then towards the very end,
12 thousands of people milling around. But that is the Royal.

13 Q. And when you refer to a banner with the Red Cross being hung,
14 is that the banner that's shown in this photograph?

15 A. Yes.

16 [10.01.38]

17 Q. I'd like to turn now to the events of 17 April 1975, and can
18 you tell us, on that day, how and when you first became aware
19 that Khmer Rouge troops were -- had entered the city of Phnom
20 Penh?

21 A. The night of the 16th, I was down at the post -- telegraph
22 office, along with a few other journalists, to include Sydney
23 Schanberg, New York Times; Jon Swain. They were still able to get
24 copy out at the very end; the teletype was still working. There
25 was a huge fire on the other side of the Monivong Bridge; the

1 shelling was intense on the Chrouy Changva peninsula.
2 And first indication I had of Khmer Rouge entering the city was
3 around maybe 8 o'clock in the morning, going back towards the
4 Hotel Royal, and the armoured personnel carriers that were lined
5 up in front of the Royal for the previous couple of days, a few
6 of them headed north, past the French Embassy, and brought --
7 shortly afterwards, brought some of the political cadre back and
8 stopped in front of the cathedral, the Catholic cathedral that
9 used to stand off the Monivong near the Royal.

10 [10.03.23]

11 Huge crowds of people started gathering. A cadre with a bullhorn
12 was saying -- "The war is over; the war is over." Everything was
13 okay at that point. People were not panicking, they were happy;
14 the soldiers, the civilians. About an hour later, the mood
15 changed.

16 But I would say my first indication of the Khmer Rouge coming in,
17 plus truckloads coming from the north by the French Embassy, 8
18 o'clock, around that.

19 Q. And where and when was it that you, yourself first saw any
20 Khmer Rouge soldiers in the city?

21 A. Around 8 a.m. by the Hotel Royal, the Khmer Rouge that I had
22 just mentioned coming south from by the French Embassy. There
23 were other groups coming from other directions. A group met up
24 with the group that came from by the French Embassy, a group from
25 south on Monivong met -- they met up. A few of them broke off,

20

1 went east, I think, Street 108 area, there was the former
2 location of the Ministry of Information. A few ran into that to
3 secure that.

4 [10.04.58]

5 I spent the next two hours, three hours going through parts of
6 the city, hitching rides with Khmer Rouge. It was easy to travel
7 around the first hour. I got as far as Independence Monument then
8 I went back up to the intersection of Monivong and Sihanouk
9 Boulevard, where I spent maybe an hour. And I photographed the
10 collection of weapons, disarming of soldiers; a large group of
11 soldiers travelling under guard, being sent towards the Olympic
12 Stadium.

13 I was standing next to Roland Neveu and one of the cadre came up
14 to him and asked in French, "Where are the Americans?" Roland
15 Neveu said, "They departed." I am very glad he did not ask me
16 because I do not speak French. A few minutes later, some more
17 Khmer Rouge came by and they saw me walking in the midst of a
18 bunch of government prisoners, and I was just trying to get to
19 the next block, and then a jeep with some Khmer Rouge, guy puts
20 his hand up. They stop. I was very concerned so I went about 20
21 metres ahead with -- and then I went off to the right and I hid
22 behind a truck for about two minutes, three minutes and then I
23 came out. There was no problem. I just did not want someone
24 talking to me, asking me in French, who are you.

25 [10.06.43]

21

1 I started to head back north on Monivong Boulevard and a white
2 Peugeot, driven by a Cambodian in hospital scrubs, the hospital
3 uniform they wear at work, was driving. He stopped the vehicle. I
4 was trying to get a ride. He -- I got in and he started talking
5 French and I said I do not understand, and he says, "Where are
6 you from?" I said, "America", and he got very nervous, and then
7 he said he just came from the Preah Ket Mealea Hospital and he
8 said people were being put out of the hospital.

9 I was dropped off by the Hotel Royal -- excuse me one minute -- I
10 walked in to the hotel, I saw right off Dith Pran, Cambodian
11 assistant to Sydney Schanberg. I mentioned where I'd just come
12 from. Sydney came up. We went in his vehicle, Sydney's vehicle,
13 down to the Preah Ket Mealea Hospital.

14 Q. If I can stop you there. I will come back to the period that
15 you went to the hospital later. I want to go back now and ask you
16 some more questions about the events that you observed during the
17 morning that you -- some of which you referred to just now.

18 [10.08.21]

19 You described to us the areas of the city that you covered during
20 the morning, and I want to ask you now a few questions about your
21 observations of the Khmer Rouge troops who had entered the city.
22 First, what did you -- what can you recall or what did you
23 observe in regards to the age of the Khmer Rouge soldiers? Were
24 there many of them who were young or children?

25 A. There were quite a few young teenage soldiers. To give an

22

1 approximate age, I can't say, maybe 16, give or take a year. And
2 that's also what I would see out in the battlefield after --
3 casualties, you would see very young soldiers, Khmer Rouge and
4 Lon Nol soldiers, very young.

5 Q. I want to show you a photograph that is in the case file, now.
6 And Mr. President, this is document D366/7.1.416 -- that is --
7 D366/7.1.416. If we may show that on the screen and present a
8 copy to the witness?

9 [10.10.08]

10 MR. PRESIDENT:

11 You may proceed.

12 BY MR. LYSAK:

13 Q. If you could look at this photograph, Mr. Rockoff, and my
14 first question is whether you recognize the photograph?

15 MR. ROCKOFF:

16 A. Yes, I recognize it, it is my photograph. I took that on the
17 morning of 17 April.

18 Q. And are you able to tell us the approximate location where you
19 took this photograph?

20 A. The intersection of Monivong and Sihanouk Boulevard.

21 Q. And who is the person that is shown in this photograph, the
22 person in the very front?

23 [10.11.16]

24 A. Khmer Rouge.

25 Q. And do you recall or are you able to give us an estimate of

23

1 approximately how old this Khmer Rouge soldier was?

2 MR. PRESIDENT:

3 Mr. Witness, could you please hold on.

4 Counsel for Mr. Nuon Chea, you may now proceed.

5 MR. KOPPE:

6 Thank you, Mr. President, Your Honours. I would like to object to
7 this question.

8 I don't think the witness has any expertise in estimating the age
9 of young Khmer soldiers or Khmer soldiers in general.

10 MR. LYSAK:

11 Mr. President, this is a matter on which people can provide
12 opinions based on their experience in life as to the approximate
13 age of people they observe. We all understand it's an estimate,
14 not a science but this is testimony that is certainly
15 permissible.

16 [10.12.31]

17 MR. PRESIDENT:

18 The objection is not sustained.

19 Mr. Witness, you are now instructed to respond to the question by
20 the Co-Prosecutor.

21 MR. ROCKOFF:

22 A. The question was how old do I believe this Khmer Rouge is? I
23 am guessing 16, 17.

24 BY MR. LYSAK:

25 Q. And can you describe for us what the soldier was carrying

24

1 around his waist on what appears to be a belt of some sort?

2 MR. ROCKOFF:

3 A. Yes, he is carrying two bayonets, a grenade, and I assume
4 ammunition in some of the pouches. This is same equipment that is
5 also used by the Lon Nol regime; American bayonets and grenades
6 and M16; it was used by both sides.

7 [10.13.50]

8 Q. And my next question was going to be whether you recognize the
9 gun or weapon that the soldier is holding in his right arm.

10 A. Yes, it is an American M16.

11 Q. And in addition to this soldier, can you tell us what other
12 types of weapons you saw being carried by the Khmer Rouge forces
13 who entered Phnom Penh on the 17th of April?

14 A. The majority of the Khmer Rouge had AK47s, some M16s, but not
15 anywhere near as many as the AKs. Some B40s, also known as RPGs;
16 and it was mostly light weapons. Any armour, armour personnel
17 carriers that the Khmer Rouge were driving around in, any
18 vehicles; these are what they obtained the morning of the 17th.

19 [10.15.24]

20 Q. I would like to show you now a couple more photographs from
21 Roland Neveu's book, *Fall of Phnom Penh*. And I apologize that I'm
22 going to be showing you some of his photographs. I understand
23 that from the Court Clerks this morning that your photographs
24 here in town were damaged by some water and that your negatives
25 are back in America. We do have a few photographs that may be

25

1 yours but I'll also be showing you some photographs from Mr.
2 Neveu. But I understand that why I'm doing that is, we don't
3 necessary have all your photographs at this time.

4 MR. LYSAK:

5 And, Mr. President, the photograph I would like to present to the
6 witness now is from D313/1.2.11. This is Roland Neveu's book and
7 the two photographs I'd like to present, the first one is at page
8 00432444, and the second from page 00432458. If I may present
9 those to the witness and then we'd like to start with the first
10 one on the screen.

11 MR. PRESIDENT:

12 You may proceed.

13 [10.17.20]

14 BY MR. LYSAK:

15 Q. Mr. Rockoff, I'd like to start with the first of the
16 photographs that was handed to you. And this is the one if you
17 look at the numbers in the left hand corner it has the number
18 00432444. And my question for you is whether you are able to
19 identify for us the weapon that is being carried by the
20 individuals in this photo?

21 MR. ROCKOFF:

22 A. Yes. This photograph taken by Roland Neveu is by the
23 intersection of Sihanouk Boulevard, Monivong. The Khmer Rouge in
24 the front is carrying an RPG; the second one in line is carrying
25 an American made grenade launcher called the M79. It shoots a 40

1 millimetre grenade, but in addition that Khmer Rouge has half a
2 dozen regular grenades you throw on his belt. There were many
3 many RPGs evident that day.

4 Q. And one question I wanted to ask you, for those of us who are
5 looking at photographs from that day: How are you able to
6 identify Khmer Rouge soldiers and distinguish them from Lon Nol
7 government soldiers? Is there a way when we look at these photos
8 for us to make the distinction between the two?

9 [10.19.21]

10 A. It is not always easy to differentiate based on the uniform.
11 There is such a mix of uniforms. But when the Khmer Rouge entered
12 the city after 8 a.m. on 17 April, the government soldiers were
13 not armed. That's the big difference.

14 Q. Can I ask you whether there was any difference in the footwear
15 of the Khmer Rouge soldiers and the Lon Nol soldiers?

16 A. Many Khmer Rouge had flip-flops, many did not have shoes. Some
17 had so called Jungle boots manufactured by the Americans.
18 Sometimes they were acquired on the battlefield, sometimes -
19 there are ways of getting boots. I mean it happens I know because
20 I had been wounded one time and my boots were stolen from me.

21 [10.20.38]

22 Q. And in regards to the Lon Nol government soldiers, did any of
23 them walk around barefoot or in sandals?

24 A. I have been in the field with the government troops and even
25 though they are well-equipped and had shoes, often they would

27

1 just wear flip-flops, sandals. I did not see the so-called
2 misnamed sandal made out of tires like you would see in Vietnam a
3 lot, the so called Ho Chi Minh sandals. There were a few on Khmer
4 Rouge when, after the battle, you would find bodies, and you
5 would see sometimes the flip-flops or the Ho Chi Minh sandals.
6 But the government troops had - if you were in a good unit and
7 your colonel took care of you he would provide you with boots,
8 the uniforms.

9 Q. On the 17th of April, did you see any Khmer Rouge soldiers who
10 were communicating by radio?

11 A. Yes, there evidently was very good radio network going. Some
12 Khmer Rouge had U.S. military radios called the PRC-25. There was
13 a Chinese radio that looked rather similar to it in size. In
14 those days you did not have cell phones, of course. There were
15 Motorola radios which you had -- were rather bulky. And did not
16 see that many radios; but usually with somebody who obviously was
17 in charge, you would have a radio operator close by.

18 [10.22.42]

19 Q. I'd like to, while we're on the subject, show you another
20 photograph from Roland Neveu's book.

21 MR. LYSAK:

22 This one, Mr. President, it's the same document D313/1.2.11; this
23 photograph appears at page 00432453. If I may show it on the
24 screen and present it to the witness.

25 MR. PRESIDENT:

1 You may proceed.

2 BY MR. LYSAK:

3 Q. In this photograph, Mr. Rockoff, I want to direct you
4 attention to the soldier in the very middle, and ask you if
5 you're able to recognize the equipment or device that is being
6 used by the soldier that appears in the middle of this photograph
7 who appears to be holding something to his head.

8 [10.23.03]

9 MR. ROCKOFF:

10 A. It's not a real clear photograph but I do believe that's the
11 headset for a radio. But I can't say for certain.

12 Q. Are you able to recognize the location of this photo or can
13 you tell us whether these are Khmer Rouge forces or soldiers who
14 appear?

15 A. The guy in the centre that is apparently holding the radio
16 headset to his ear, I can't say about him. The ones to the right
17 on the photo really look like Khmer Krom. But the guy on the
18 radio, I can't say, because he still has a weapon on him; I would
19 have to assume he is Khmer Rouge.

20 Q. Thank you. You mentioned, in your description of your journey
21 around the city that day, you made reference to some troops who
22 came from the south or southern part of the city. During your
23 travels around the city in the morning, were you able to observe
24 any of the Khmer Rouge troops who had come from and were
25 occupying the southern sector of the city?

1 [10.25.46]

2 A. I saw a good number of Khmer Rouge headed northern direction
3 coming towards the Independence Monument. These guys looked very
4 dirty, tired, not in a good mood, and obviously were coming into
5 the city from an area where there was considerable amount of
6 fighting on the other side of the so-called Monivong Bridge.
7 I decided to not go further south, I headed back north from the
8 Independence Monument a little ways and then over to Monivong.
9 Then back to the intersection of Sihanouk and Monivong, I stayed
10 there for maybe an hour. And a very very small pile of weapons in
11 the middle of the intersection then grew to several hundred;
12 there were many Khmer Rouge just hanging around there, not doing
13 anything. There were Khmer Rouge coming by in a truck giving out
14 sodas, Pepsis and ice. Everybody was in an okay mood, there was
15 no tension -- tenseness and the civilian population was looking
16 on but kept back on the sidewalk. The photograph of mine showing
17 the Khmer Rouge soldier in the foreground with the M16, that
18 building in the background is -- used to be a movie theatre. Now
19 it's the site of a gas station but that intersection became the
20 collection point for many many truckloads of weapons. Young
21 students and some boys, probably too young to be students, were
22 charged with collecting weapons, unloading them from the trucks.

23 [10.27.47]

24 MR. LYSAK:

25 At this time, Mr. President I'd like to show the witness a - two

1 more photographs from the same book and these appear at pages
2 00432481, and 00432482. If we can show those on the screen, and
3 if I may present copies to the witness, with your leave?

4 MR. PRESIDENT:

5 You may proceed.

6 BY MR. LYSAK:

7 Q. And, Mr. Rockoff, if you could look at these two photographs
8 that I've identified and tell me if you recognize what is
9 depicted in these photos.

10 MR. ROCKOFF:

11 A. It looks like a collection point for weapons confiscated from
12 the Lon Nol forces. I believe the photograph on page 92 and 91 in
13 Roland's book were taken - I believe they were taken at the
14 intersection of Monivong and Sihanouk.

15 [10.29.31]

16 Q. Thank you. Now, when you saw the troops who were coming from
17 the south coming north towards Independent Monument, during that
18 time period, did you observe any people at that time who were
19 being taken out of the city by the Khmer Rouge soldiers?

20 A. No I did not see anyone being taken away from the city by the
21 Khmer Rouge. In fact, there was no mass movement out of the city
22 for the first few hours.

23 Q. I want to read to you an excerpt from Jon Swain's book where
24 he makes reference to something that you told him. First, you
25 referred to Jon Swain once this morning; can you tell the Court

1 who Jon Swain was?

2 [10.30.48]

3 A. A British journalist, writer.

4 Q. And were you with him at times on the 17th of April and the
5 ensuing days?

6 A. Yes, the afternoon of the 17th and also for the next three
7 weeks.

8 Q. During that time period, did you see Mr. Swain keeping a
9 journal or diary?

10 A. Yes.

11 MR. LYSAK:

12 Mr. President, I would like to now read to the witness an excerpt
13 from Jon Swain's book, "The Fall of Phnom Penh". And the document
14 number is D313/1.2.6 and I correct myself the name of the book is
15 "River of Time". The chapter that I'm reading from is the chapter
16 titled "The Fall of Phnom Penh". And, again, it's D313/1.2.6; the
17 Khmer reference 00738393 through 738394; English, 00431267
18 through 68; and French, 00763811.

19 [10.33.03]

20 And in this part of Mr. Swain's book, the following quote appears
21 -- quote:

22 "Rockoff, the photographer, came back from the southern sector,
23 saying the Khmer Rouge there were grim-faced and seasoned
24 soldiers. Their mud-stained feet and uniforms showed they had not
25 been pussyfooting around. They were disarming government

1 soldiers, stacking all weapons into huge piles, throwing away the
2 boots, and marching the men out of the city to unknown
3 destinations." End of quote.

4 BY MR. LYSAK:

5 Q. My question is: Do you recall at some point telling Mr. Swain
6 that you had seen soldiers marching men out of the city, and if
7 so, can you tell us when it was that you observed that event?

8 MR. ROCKOFF:

9 A. I did not tell Jon Swain I saw people being led out of the
10 city or soldiers being led out of the city. What he might be
11 referring to is what I reported about soldiers that had been
12 disarmed, hundreds of them being marched westerly past the
13 intersection I was at, at Monivong and Sihanouk Boulevard. And I
14 have to assume they were being taken to the Olympic Stadium; a
15 Cambodian said that later on and that is not the same as taking
16 them out of the city.

17 [10.34.50]

18 Q. So as you described when you first gave your account of the
19 morning, what you recall seeing were Lon Nol government soldiers
20 being marched westward from the intersection of Monivong and
21 Sihanouk; is that correct?

22 A. Yes. And about one third of them had their hands up, and not
23 many Khmer Rouge travelling with them, because the majority of
24 the Khmer Rouge at that intersection stayed in place.

25 Q. Do you recall approximately how many Lon Nol government

33

1 soldiers you witnessed being marched west from that location?

2 A. It's not easy to give a good estimate. I – as I was walking in
3 the midst of them to get a block or two away from that
4 intersection, and as I related earlier in my testimony, I veered
5 off to the right and hid behind a truck for a couple of minutes.
6 And then I really distanced myself from that line of people. I
7 did not want to join them permanently.

8 [10.36.15]

9 MR. LYSAK:

10 Mr. President, I'd like to show the witness now two more
11 photographs from Mr. Neveu's book, this is – again, the document
12 is D313/1.2.11 and these photographs appear at 00432469 and
13 00432470. If we may show them on the screen and present them to
14 the witness, with your leave.

15 [10.36.55]

16 MR. PRESIDENT:

17 You may proceed.

18 BY MR. LYSAK:

19 Q. If you could look at these two photos, Mr. Rockoff, and my
20 first question is whether you recognize the events or location
21 that is shown in these two photographs?

22 MR. ROCKOFF:

23 A. Yes, I'm pretty sure this is the same group of soldiers I
24 commented on earlier. They weren't smiling at least when I looked
25 at the group and walked with them and then hid. But I'm sure

1 that's that intersection. Yes.

2 Q. And you indicated that there was a part of the day where you
3 were at the same location as Roland, as Mr. Neveu. Can you
4 clarify for us exactly when it was that you and he were at the
5 same location?

6 [10.38.15]

7 A. It - I did not have a watch; I'm bad on approximate times. But
8 it would be late morning of the 17th at the intersection of
9 Monivong and Sihanouk. We were in that location, I was there at
10 least an hour. I don't know where Roland went to later that day
11 although we did all connect later that evening at the French
12 Embassy.

13 Q. And if you could look at the second photo and if we could put
14 that on the screen which is the one on page 80 of the book and
15 ERN page 00432470, do you recognize that location?

16 A. I am now pretty sure that is the intersection of Monivong and
17 Sihanouk.

18 Q. And to the best of your recollection, is this an accurate
19 depiction of what you observed at that location in terms of Lon
20 Nol government soldiers being marched away by the Khmer Rouge?

21 [10.39.47]

22 A. This is an accurate portrayal of what I saw that day. It's
23 also in photographs that I took. But, yes, Roland has captured
24 that movement of prisoners.

25 MR. LYSAK:

1 Thank you, Mr. Witness.

2 Mr. President, I was about to move to a different topic at this
3 point, if you wish to take the morning break?

4 MR. PRESIDENT:

5 Thank you.

6 It is now appropriate moment for the adjournment. The Chamber
7 will adjourn for 20 minutes. The next session will be resumed by
8 11 o'clock.

9 Court officer is now instructed to assist Mr. Rockoff during the
10 adjournment and have him returned to the courtroom by 11.00.

11 The Court is adjourned.

12 (Court recesses from 1040H to 1103H)

13 MR. PRESIDENT:

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

15 We would like to now hand over to the Prosecution to continue
16 putting questions to the witness.

17 MR. LYSAK:

18 Thank you, Mr. President.

19 Just before I resume my questions, before we started this
20 morning, one of the Chamber's greffier or clerk, asked --
21 informed me that Mr. Rockoff's photographs here in town had been
22 damaged and asked our office to contact DC-Cam to see if they had
23 any copies of Mr. Rockoff's photographs. We've done that and I
24 understand an electronic file has been sent to us. I have not
25 looked at it to see whether they are in fact photograph --

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1 different photographs than what already exist on the case file.

2 But as we were asked to do this, we will circulate to the Chamber
3 and to all the parties this electronic file.

4 [11.04.42]

5 At lunch time I will look through it and see if there are any
6 different or new photos of Mr. Rockoff's and if so we'll advise
7 the Court after lunch. But I wanted to immediately inform the
8 parties and Chamber of this.

9 BY MR. LYSAK:

10 Q. Mr. Rockoff, resuming our questioning, you indicated earlier
11 that initially there was a positive mood in the city, but that at
12 some point the mood changed. Can you tell us when it was that the
13 mood in the city changed and what you meant by that, how the mood
14 changed?

15 MR. ROCKOFF:

16 A. Around midday people started leaving the city, going out
17 towards the edge. The word going around was -- and also being put
18 out by cadre with loudspeakers -- is, "you have to leave the
19 city. The Americans are going to bomb".

20 [11.06.02]

21 Also the mood changed considerably for me that day after the
22 incident at the Preah Ket Mealea Hospital where Jon Swain, Sydney
23 Schanberg, Dith Pran and myself were taken by Khmer Rouge down to
24 the river.

25 Q. I will get to that just shortly. Did there come a point in the

1 day where you observed whether there was any looting going on by
2 Khmer Rouge forces in the city?

3 A. If there was, I did not witness it, personally.

4 Q. Based on what you observed, did you see whether Khmer Rouge
5 forces were attempting to protect and preserve the homes,
6 businesses, and property of the residents of Phnom Penh?

7 A. I cannot say that I saw that myself. An incident was related
8 to me during my time in the French Embassy by an Austrian
9 cinematographer, Christoph Maria Fröhder and he took 16
10 millimetre movie film, and one of the frames of his movie film --
11 the rights was purchased by Associated Press -- and it is a
12 photograph showing a Khmer Rouge cadre with a 45-calibre pistol
13 in his hand. He had just fired it and Christoph said it was -- he
14 was trying to get the people to move on, the Khmer Rouge to --
15 not getting into a store. Whether that was looting or not, I
16 can't say. But he did not fire at anybody and Christoph's film,
17 that one frame, became one of the most published photographs of
18 the fall of Phnom Penh. But no, I did not see any looting myself.

19 [11.08.16]

20 Q. I want to turn now to your trip to the Preah Ket Mealea
21 Hospital that you mentioned. Can you tell us first, approximately
22 what time it was that you went there, and why it was that you
23 decided to go to the hospital?

24 A. I am not sure what time. I did not have a watch. I'm also very
25 bad at keeping notes or captions for photos. But the reason I

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1 went to the hospital is, as I related earlier, I was leaving the
2 intersection of Monivong and Sihanouk and a Peugeot -- white
3 Peugeot stopped and I got a ride with the person who worked at
4 the Preah Ket Mealea Hospital. He was still in his hospital
5 uniform and he seemed extremely nervous and even more so when he
6 realized I was an American. And he told me the Khmer Rouge were
7 emptying the hospital, everybody had to leave work.
8 So I got off by the Royal, so Dith Pran, Sydney, Jon Swain, we
9 went down to the hospital, went into one of the buildings, there
10 were bodies on the floor, blood everywhere. Easy to slip on the
11 blood, it was wet. There were many wounded. There was a Khmer
12 Rouge cadre in a truck outside who had just lost an eye to
13 shrapnel. I photographed him outside then went inside and one of
14 the French doctors was working on him, and then I went out of the
15 building and the Khmer Rouge came in to the front of the
16 hospital.
17 [11.10.11]
18 The next five minutes were very intense. They were asking Dith
19 Pran questions. I cannot speak Khmer so I don't know what was
20 transpiring. They tried to get him to go away. He refused. He
21 stuck with us. A Khmer Rouge with a pistol put it to my head. The
22 two behind me moved aside, I guess so that they would not get
23 splattered. And, next thing, we were told to get into this
24 armoured personnel carrier, which formerly was a Lon Nol force
25 armoured personnel carrier. A government driver was in it. They

1 put us in the APC. We drove maybe -- it's hard to say how far,
2 because it was -- the hatches were shut. It was dark -- could
3 have gone maybe a kilometre -- stopped, and they threw a naval
4 officer in, who was very nervous. He threw his wallet under the
5 bench, behind some ammunition cans. He was very, very nervous. We
6 rode around for a few minutes, and eventually the APC stopped.

7 [11.11.34]

8 It seems to have turned maybe 90 degrees, or whatever, on its
9 tracks, and backed up. The rear hatch opened, and the bright
10 light comes shining in, and we see the river. We are told to go
11 stand under the remains of the Japanese Bridge, and the Cambodian
12 naval officer was led away. Whatever happened to him did not
13 occur in my presence. We were detained there for maybe an hour --
14 I'm sorry, I can't tell you approximately, because it's hard to
15 get a handle on the flow of time in a situation like that. We
16 were detained for a while. You could see many, many people
17 streaming past. It was picking up, the pace of people leaving was
18 picking up. About an hour after being detained, we were told to
19 go to the Ministry of Information. There was a truck. We were
20 taken there.

21 Q. If I can stop you there--

22 A. Yes.

23 [11.12.45]

24 Q. We'll get to the Ministry of Information.

25 I'd like to go back now and ask you a few more questions about

1 this incident, in which you were taken away from the hospital.
2 First of all, can you describe for us the people that took you
3 into custody and put you into the armed carrier? Who were those
4 people?

5 A. Khmer Rouge.

6 Q. How many Khmer Rouge were there?

7 A. In the immediate vicinity of us few journalists, I would say a
8 good half dozen. When we were taken out the front gate to the
9 APC, there were a number of Khmer Rouge on the streets. I could
10 not really give you an estimate. But, there were about half a
11 dozen with the group that took us and put us in the APC.

12 [11.13.58]

13 Q. And who -- at the hospital, who was in your group that was
14 taken into custody by the Khmer Rouge, along with yourself?

15 A. Myself; Sydney Schanberg; Dith Pran, who worked for Sydney
16 Schanberg; and Jon Swain.

17 The driver, also, Sydney's driver; I believe his name was Sarun.

18 Q. And when you were first detained, did the Khmer Rouge want to
19 take all four of you? Or were they interested more in only some
20 of your group?

21 A. Probably Dith Pran repeatedly telling them we were French
22 journalists there to cover the victory may have helped in them
23 not separating us. It wasn't until a week later that the Khmer
24 Rouge wanted the Americans separated from the rest of the people
25 in the French Embassy. But that day in the hospital, and also the

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1 Japanese Bridge, we were not separated. They were trying to get
2 Dith Pran to leave, and he would not leave.

3 Q. I want to make a reference -- read to you an excerpt from Jon
4 Swain's journal of this event, which is document E3/51 - E3/51.
5 [11.15.58]

6 The page references are English, S00003278; Khmer, S00644706
7 through 644707; and French, 00597834. And in his journal,
8 describing the events that occurred there, he makes the following
9 statement. Mr. Swain - quote: "Mr. Pran explained that the Khmer
10 Rouge had told him he was free to go. That they were only after
11 the rich and the bourgeoisie." End of quote.

12 Does this refresh your recollection? Do you recall Mr. Pran --
13 Dith Pran explaining, at some point, why the Khmer Rouge were
14 taking you into custody?

15 A. It was never explained to me why we were being taken into
16 custody. I thought it was pretty obvious to myself, though.
17 [11.17.22]

18 Q. And you indicated that one of the Khmer Rouge soldiers pointed
19 a gun at you. What type of gun?

20 A. Well, it was very small calibre, because I could look at the
21 bore -- the barrel. And it was a revolver. But I could not
22 identify the type. It was not a military handgun that I
23 recognized. It was a revolver, and small calibre.

24 Q. How close was he when he pointed the gun at you?

25 A. Well, he was maybe three feet away, and then when his arm

1 reached out, the gun was very close.

2 Q. Did the Khmer Rouge soldiers who took you into custody -- did
3 they have a commander?

4 A. I could not ascertain who was in charge, but somebody made the
5 decisions and -- the decision to put us into the vehicle, and
6 then later, at the bridge, when we were released and told to go
7 to the Ministry of Information -- somebody must have been in
8 communication with higher up. That was my assumption.

9 Q. And while you were in custody, were any questions asked of
10 yourself or Mr. Swain or Mr. Schanberg by the Khmer Rouge
11 soldiers?

12 [11.19.25]

13 A. There was no intense questioning going on. The conversation
14 was between Dith Pran and the Khmer Rouge. I am not in a position
15 to understand what was being discussed. Sydney stated that "he's
16 telling them we're French journalists to cover the victory". He
17 told me that rather quietly, just so I would catch on. Just like
18 Sydney got very upset and nervous when we were in the APC and I
19 started talking in English, and he says "don't speak English.
20 You're French". So -- the hour under the bridge; no
21 interrogation, no nothing. They were satisfied we were
22 journalists and I guess waited for word on what to do. In the
23 meantime they took an interest in what was in our bags, or what
24 was in Sydney's bag. They rummaged through his bag. One Khmer
25 Rouge held up a big wad of hundred dollar bills in one hand, and

1 Sydney's underwear in the other. He put the money back in the
2 blue handbag, and kept the underwear. I guess the money had no
3 value at that time to him. And I was worried they would be going
4 through my camera bag next, and then we were told to get on the
5 truck. I had my camera equipment and film I had shot with me.

6 [11.20.49]

7 I was very fortunate, because if it was not returned to me, it
8 would have been all for nothing.

9 Q. Do you recall whether the Khmer Rouge who took you into
10 custody -- whether they attempted to learn whether any of you
11 were Americans?

12 A. If they asked Dith Pran these questions, I'm not aware. And I
13 did not speak English in front of them. It's that simple.

14 Q. You mentioned that, after you were put into the armed carrier
15 and transported, that there was another prisoner. Someone who you
16 indicated was from the navy. When was it that he joined -- or was
17 put in custody -- with you?

18 A. Upon leaving the Preah Ket Mealea hospital in the armoured
19 personnel carrier, we drove -- and I couldn't tell you exactly
20 where to, because the hatches were closed.

21 [11.22.17]

22 We could not see out in any way. And maybe 5 minutes after
23 leaving the hospital, this Khmer naval officer was thrown in. He
24 was physically shoved into the APC. And, as I said, he
25 immediately took his wallet and -- maybe his I.D. was in it --

1 and he threw it under the seat. He got rid of it.

2 Q. How did you know that he was a naval officer?

3 A. Because he failed to take his uniform off that morning.

4 Q. And you've described how you were taken to the riverfront.

5 Were there more Khmer Rouge soldiers who met you when you arrived
6 at the location -- at the riverfront, near the Japanese Bridge?

7 A. Yes. I could not give you an approximate number, but there
8 were a number of Khmer Rouge there, just as all along the river,
9 at regular intervals, were Khmer Rouge - I would say in excess of
10 two dozen Khmer Rouge in the immediate vicinity.

11 Q. Mr. Rockoff, as it has been a long time since these events, I
12 want to read an excerpt -- another excerpt from Jon Swain's
13 journal to have you -- give you a chance to respond to this.

14 MR. LYSAK:

15 Mr. President, this is document E3/51, and the page references
16 are English, S00003278; Khmer, S00644707; and French, 00597834.

17 [11.24.49]

18 And this is regarding the time that the naval prisoner that you
19 mentioned was added to your carrier - quote:

20 "We rode through the streets, then stopped and picked up two more
21 prisoners, Cambodians in civilian clothes. The big one with the
22 moustache and crew cut wore a white T-shirt and jeans. The
23 smaller man was clad in a sports shirt and slacks. Both were
24 officers and quite as frightened as we were. The big man we
25 recognized as the second in command of the navy." End of quote.

1 BY MR. LYSAK:

2 Q. And I read this to you refresh your recollection -- what we
3 want to hear from you today is your best recollection of events.
4 Having heard this, does that refresh your recollection as to the
5 number of Lon Nol officers who were picked up on your trip, and
6 as to how they appeared when they were taken into the carrier?

7 [11.26.10]

8 MR. ROCKOFF:

9 A. I remember the one officer who put his wallet under the seat.
10 The second -- I'm not. I'm hazy on that point. I was focused on
11 the one guy sitting directly across from me and what he was
12 doing. And he had, like -- I was sure he was military. But
13 regarding having the full uniform shirt on, no -- pants and shoes
14 and T-shirt, but I did not know how high ranking he was. I don't
15 know if Dith Pran was able to identify him. You say third or
16 fourth-ranking person, but I'm bad on names.

17 [11.27.05]

18 Q. Thank you for that clarification, Mr. Rockoff.

19 And you indicated that, while you were being detained by the
20 Japanese Bridge, that you started to see more people leaving the
21 city. Were you able to observe, at any time during the day,
22 whether or not the Khmer Rouge were using force or using threats
23 in order to ensure -- enforce people to leave the city?

24 A. I did not see force used regarding these people who were
25 leaving the city.

1 Q. Did you hear from any people as to whether or not the Khmer
2 Rouge were using force to evacuate the city?

3 A. I heard a number of accounts of that happening, that evening,
4 as we connect with other foreigners who sought refuge in the
5 French Embassy on the 17th.

6 [11.28.27]

7 Not the ones who were in the French Embassy to include some
8 journalists who were there before the 17th. They would not have
9 witnessed that. There were some people who came in, most notably
10 some of the ethnic Pakistanis who lived here, many who went out
11 on the highways -- Highway 5, headed north. And then two or three
12 days later would be sent back to Phnom Penh to go to the French
13 Embassy. And they were giving some of the first reports of
14 killings out on the road -- being forced out, the separation of
15 families, segregation into male, female. These were the first
16 eyewitness accounts that some of us journalists had heard of
17 this.

18 But on the day of the 17th, none of this was apparent to me in
19 Phnom Penh.

20 [11.29.20]

21 Q. Thank you. Now, you indicated that, at some point, you were
22 released from - by the Khmer Rouge from the riverfront and that
23 you then went to the Ministry of Information. And I'd like now to
24 turn to the events that you witnessed at the Ministry of
25 Information at that time.

1 First, do you recall, during that day, whether there were radio
2 broadcasts that called for Lon Nol government officials to
3 assemble at the Ministry of Information?

4 A. I was told, later that evening, about the broadcasts. I was
5 not aware of it earlier. I'm going by what we were told at the
6 Japanese Bridge. We were told to report to the ministry. But upon
7 getting off of the truck -- the ride that was provided to take us
8 to the ministry -- I could see to the right of the building maybe
9 two dozen former government officials on the left, and to the
10 right were some Khmer Rouge. One of the Lon Nol regime officers
11 was discussing, trying to make a point or two to the Khmer Rouge
12 -- Khmer Rouge were watching. One Khmer Rouge was taking a photo
13 of the journalists getting off the truck. I had a camera hanging
14 around my neck. I didn't raise it to my eye -- I had a wide angle
15 lens.

16 [11.31.14]

17 I took a photo just as a person was coming over to grab my camera
18 equipment from me. Took the cameras -- two cameras, camera bag.
19 But I had just taken the photograph that shows the Ministry of
20 Information, Lon Nol regime -- what's left of it -- and the Khmer
21 Rouge. The guy took my camera equipment, and after we were told
22 to go to the French Embassy, my camera bag was returned, with the
23 -- of all things, my film intact, the two cameras. I am sure if
24 they saw me raise the camera to my face and take the photo, I
25 probably would have lost the film. We were there about 5 minutes,

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1 10 minutes maybe at the most. Sydney Schanberg, through Dith
2 Pran, was talking to some people. I'm not sure who they were. And
3 then a car came driving up, and out of the car came the last
4 prime minister, Long Boret, and his wife.

5 [11.32.20]

6 They came over -- there were a couple of Khmer Rouge with them.
7 Guns were not pointed at them. It was pretty obvious they were
8 prisoners. Sydney Schanberg had a moment to talk with him. I
9 wanted to get a photograph, but not to lose my camera. They
10 turned away, and unfortunately all I have was a photo of them
11 being walked to the car. A minute after -- a few minutes after
12 Long Boret and his wife were driven away, we were told to go to
13 the French Embassy. We had to report to the French Embassy. So on
14 the way to the French Embassy was the Hotel Royale, where we
15 stopped in the -- I stopped in the hotel to get a few things. I
16 had, like, an emergency survival kit of sorts ---

17 Q. If I can stop you there--

18 A. Yes.

19 Q. I'd like to go back now and ask a few more questions about the
20 time that you were at the Ministry of Information, that you've
21 just described, and then we'll go to the -- what happened at the
22 Hotel Phnom after that. And, what I'd like to--
23 Mr. President, at this point, we'd like to play a video clip that
24 has been provided to the AV Unit.

25 [11.33.41]

1 This is a short clip from the film "Pol Pot: The Killing
2 Embrace", which is D108/32.2R, item 988 in the list of
3 audio-visual records on ZyLab, which has been assigned an E3
4 number the Chamber which is E3/2355R. The film also is identified
5 by an ERN V00172454. And the clip that we have is from the
6 original, runs from 25 minutes and 22 second through to 26
7 minutes and 5 seconds of the original video. This is -- the video
8 -- if we could have the video booth play the entire clip first,
9 without sound, and then I will endeavour to have them replay and
10 pause at a certain point. But at this point, if we could play
11 that video clip for the witness to see.

12 MR. PRESIDENT:

13 You may proceed.

14 AV booth unit is now advised to ensure that the video clip is now
15 played back as requested.

16 (Presentation of video document)

17 [11.36.20]

18 BY MR. LYSAK:

19 Q. In a moment I'm going to ask the video booth to replay and
20 pause at a certain point. One of the photographs here, today,
21 you've already identified as one of yours.

22 Did you recognize any of the other photographs that were shown in
23 this video clip?

24 MR. ROCKOFF:

25 A. Yes. Many of them are my photographs.

1 Q. And, in particular, did you recognize the last photo that was
2 shown for a period of time, where there was a group of people and
3 the camera panned from the right to the left on the photo? Did
4 you recognize that photo?

5 A. Yes, that is at the location of the Ministry of Information.
6 The camera started panning from the right of my photograph,
7 showing the Khmer Rouge.

8 [11.37.29]

9 You saw one Khmer Krom with the camera taking our photographs,
10 and then as it panned further to the left you saw Lon Nol regime
11 officials and you saw one person making points, trying to
12 bargain, whatever. And that's part of the photography. The
13 overall photo shows much more of an area. But that is my
14 photograph of the -- I consider that a very important historical
15 photograph. A transition. Set the calendar back.

16 Q. And just so we're clear, is this the photograph that you
17 described taking when you were at the Ministry of Information a
18 few minutes ago -- the photograph that you took without raising
19 your camera, so you wouldn't be noticed?

20 A. Yes.

21 [11.38.40]

22 Q. Did you -- you've told us about Long Boret's arrival at that
23 location.

24 Did you recognize any of the other Lon Nol officials who had been
25 gathered at the Ministry of Information?

1 A. No. Many looked familiar, but as I'm a photographer and I'm
2 not writing and interviewing people, I had no person-to-person
3 contact with many of these people. Or the ones I used to come in
4 contact with had already fled.

5 Q. To -- see if I can refresh your recollection, I'd like to read
6 a couple of excerpts from some documents. First, before I do
7 that, let me ask you; you've already indicated that Sydney
8 Schanberg was there during this event. Was Mr. Swain also
9 present, at this time?

10 A. Yes. Regarding going to the Ministry of Information, it was
11 the group of us that were abducted at the Preah Ket Mealea
12 Hospital, brought to the Japanese Bridge, and then told to report
13 to the ministry.

14 [11.40.12]

15 Q. Let me read to you excerpts both from -- first from Jon
16 Swain's journal, his journal for the 17th of April. And this is
17 document E3/51 at English, page S000032178; Khmer, S00644709; and
18 French, 00597835.

19 And in his journal, Mr. Swain has the following entry for 4 p.m.
20 on 17 of April - quote:

21 "There were 50 prisoners lined up in front of the building. They
22 included Lon Non, Marshall Lon Nol's younger brother and one of
23 the most corrupt, hated members of the old regime. There were
24 several general and Hou Hang Sin, director of the cabinet of Long
25 Boret." End of quote.

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1 And I would also like to read to you an excerpt from an article
2 that was written in May 1975, by Sydney Schanberg, titled "The
3 City is Falling". This is document D365/1.1.22, D365/1.1.22, at
4 English, 00444900; Khmer, 00656314; and French, 00664021.

5 [11.42.18]

6 And the quote from Mr. Schanberg's article reads as follows -
7 quote:

8 "When we arrived, about 50 prisoners were standing outside the
9 building, among them Lon Non, the younger brother of president
10 Lon Nol, who had gone into exile, and Brigadier General Chim
11 Chhun, who was close to the former president. Other generals and
12 cabinet ministers were also there, very nervous but trying to
13 appear untroubled." End of quote.

14 Do you -- Mr. Rockoff, do either of these excerpts refresh your
15 recollection as to Lon Nol officials who were present at the
16 Ministry of Information when you were there?

17 A. Yes, it refreshes my memory. And, regarding Lon Nol's brother,
18 Lon Non, I was informed of his presence there much later. At the
19 time, I did not realize the significance of him being there.

20 [11.43.33]

21 Q. And I'd like to ask you just a few questions about the Khmer
22 Rouge soldiers who were present at the Ministry of Information.
23 Do you recall approximately how many Khmer Rouge soldiers were
24 there?

25 A. A couple dozen outside the building. I could not tell you how

1 many inside or behind.

2 Q. Were they armed?

3 A. Yes, but many of the Khmer Rouge there had pistols; not
4 everybody had AKs.

5 Q. And did you observe whether -- was there a commander or leader
6 who was speaking on behalf of the Khmer Rouge forces at the
7 Ministry of Information?

8 [11.44.34]

9 A. At the time I took the photograph, the Lon Nol regime official
10 was discussing -- making his points, emphasizing some points. Any
11 discussion between the two elements stopped as soon as the
12 foreign journalists were taken off the truck and we walked over
13 there. And Sydney Schanberg started talking to a Khmer who came
14 up to him and started talking. I don't know the nature of their
15 conversation.

16 MR. LYSAK:

17 Mr. President, if we could at this point, I would like to replay
18 the same video that we played a few moments ago, and this time
19 pause -- if the video booth is able to do this -- pause at the 32
20 second point in the video.

21 So we would request that the same video be replayed, and this
22 time paused at 32 seconds.

23 [11.46.05]

24 MR. PRESIDENT:

25 You may proceed.

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1 And AV booth officers are now instructed to make sure the video
2 clip is now put up on the screen at this time.

3 (Presentation of video document)

4 [11.46.48]

5 BY MR. LYSAK:

6 Thank you.

7 Q. The individual who's shown in the middle -- close to the
8 middle of this photograph, in front of the photographer -- is
9 that the person who you were just referring to, who was speaking
10 on behalf of the Khmer Rouge at this gathering?

11 MR. ROCKOFF:

12 A. When I got off the truck and started walking towards the
13 building and I saw those people there, the only one conversing
14 was the Lon Nol official on the left. The guy holding the papers
15 in his left hand -- I did not notice him conversing with the
16 other group.

17 [11.47.39]

18 As soon as the journalists arrived, whatever was going on between
19 those two groups stopped. And the guy with the paper is not the
20 one who was later talking to Sydney Schanberg. It was someone
21 else.

22 MR. LYSAK:

23 Thank you for clarifying that.

24 If it's possible to resume the video, and this time pause --
25 resume it from the 32 second mark, and this time pause at the 41

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1 second mark, Mr. President. If we could do that.

2 MR. PRESIDENT:

3 You may proceed.

4 AV booth official is now instructed to ensure that the portion
5 suggested is put up on the screen -- displayed.

6 (Presentation of video document)

7 [11.48.45]

8 BY MR. LYSAK:

9 Thank you.

10 Q. Now, a few minutes ago, you indicated that there was a
11 representative from the Lon Nol officials who was speaking. Can
12 you identify him at this part of the video clip?

13 MR. ROCKOFF:

14 A. I do not know who that individual is, but he was the one that
15 was conversing with the Khmer Rouge. He was making some point,
16 emphasizing points like his right hand -- the finger hitting the
17 palm of the left hand. He was trying to make a point, and then it
18 all stopped once they saw us coming towards them.

19 [11.49.36]

20 Q. I'd like now to read another excerpt from Jon Swain's journal,
21 regarding this event. This is document E3/51 at English, page
22 S00003278; Khmer, S00644710; and French, 00597835, which reads as
23 follows -- quote:

24 "At the information ministry, a man in black about 35 and clearly
25 a leader, bawled through a bullhorn at the prisoners, dividing

1 them into three groups: military, political and ordinary
2 civilians. The Khmer Rouge training their guns on them were
3 tough, strong-looking, in jungle-green Mao hats and the
4 inevitable Ho-Chi Minh sandals. Each one was a walking arsenal."
5 End of quote.

6 Were you able to observe, at the Ministry of Information, whether
7 the Lon Nol -- or whether the people there had been divided into
8 groups?

9 A. I could not see where they were divided into groups. I did not
10 see that going on during the brief period we were at the
11 ministry.

12 Q. Now, you indicated that, while you were present, Prime
13 Minister Long Boret arrived at the Ministry of Information. Can
14 you describe his appearance and demeanour when he arrived and
15 surrendered to the Khmer Rouge?

16 [11.51.51]

17 A. He did not surrender to the Khmer Rouge there. He was brought
18 there by the Khmer Rouge. They took him at a prior location. I
19 mean, I had heard, over the next few days, stories about it and
20 where he was taken. But, anyways, when he was brought to the
21 ministry he was under their control. I could not see who was
22 driving the car. But, anyways, he got out of the car, and then
23 they took him away in the same car maybe 20 minutes later. I'm
24 not sure of the timeframe.

25 Q. Did you receive any information, later, as to what happened to

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1 Long Boret or the other officials who had been gathered at the
2 Ministry of Information?

3 A. I don't think any of us realized, immediately after that, what
4 happened to them. We were told to leave for the French Embassy,
5 and those people from the Lon Nol regime were at the ministry.
6 They were taken, maybe, away north of us, but what happened after
7 that we did not see. I've heard stories about that, but that's
8 another matter. We did not see it ourselves.

9 [11.53.27]

10 Q. What did you heard as to what happened with them?

11 A. That they were all marched to the Circle Sportif, which is the
12 site of the current American Embassy, where they were bludgeoned
13 to death. That is what we heard.

14 Q. Do you recall who you heard that from?

15 A. No, I can't say we heard it while still in Cambodia. It was
16 much later. And from other sources I'm not aware of.

17 MR. LYSAK:

18 And, Mr. President, I'd like now to read -- present and read from
19 a document, E3/604. This is a 2nd of November 1975 "Bangkok Post"
20 article titled "Executions Admitted".

21 And, if I may, I'd like to put that on the screen and present a
22 copy to the witness.

23 [11.55.00]

24 MR. PRESIDENT:

25 You may proceed.

1 BY MR. LYSAK:

2 Q. Mr. Rockoff, the document I'm handing you is an article that
3 appeared at the "Bangkok Post" on the 2nd of November 1975. There
4 is an article titled "Executions Admitted", which includes the
5 following statement – quote:

6 "Deputy Cambodian Prime Minister Ieng Sary confirmed yesterday
7 that two top leaders of the former Phnom Penh regime had been
8 executed by the People's Council after the Khmer Rouge victory.
9 The confirmation by Ieng Sary that both former premier Long Boret
10 and Lon Non, younger brother of former president Lon Nol, had
11 been executed came after several unconfirmed reports earlier
12 filtering out of that country." End of quote.

13 [11.56.12]

14 Do you recall -- do you recall being aware of a statement being
15 issued by the Ieng Sary later, in 1975, confirming the executions
16 of Long Boret and Lon Non?

17 MR. ROCKOFF:

18 A. This is the first I saw of this article. Unfortunately, in
19 those days, it was difficult to read newspapers from overseas.
20 But I heard of this sometime later. I'm sorry; I can't give you a
21 better answer.

22 Q. And after you left the Ministry of Information that day, did
23 you ever see Long Boret or Lon Non again?

24 A. No.

25 Q. I want to turn now to what took place after you left the

1 Ministry of Information, on the 17th of April 1975.

2 [11.57.19]

3 And you were starting to tell us how you went to the Hotel Phnom.

4 Could you tell us, now, what happened when you returned to the

5 Hotel Phnom from the Ministry of Information on the 17th of

6 April?

7 A. Yes. I picked up, sort of, an emergency survival kit. It had

8 some vitamins, some food -- cans of food -- a number of things in

9 it, and just going to take that with me to the French Embassy.

10 And Sydney Schanberg went to his room to get a few things. I had

11 a lot of junk food and canned food in my bag, and a couple of

12 bottles of soda. And Sydney went to his room to get notes, a few

13 other things. Then we walked north towards the French Embassy. It

14 was dark. It had just gotten dark. We were told to get to the

15 French Embassy by 5 o'clock. We were late, but regardless. And,

16 as we're marching toward -- walking towards the French Embassy,

17 many, many hundreds of Khmer Rouge soldiers were marching

18 single-file southward on Monivong, so we were passing them. I had

19 taken photos of Khmer Rouge lined on the left and the civilians

20 on the right headed north; a few journalists in the group: Dith

21 Pran, Sydney.

22 [11.59.05]

23 We get to the French Embassy and climb over the wall. The wall

24 was not very high. It was considerably less than the height of

25 the wall now. Many people going over the walls.

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1 Q. Who was it that told you to go to the French Embassy?

2 A. Dith Pran relayed the order to Sydney and the rest of us -- we
3 had to go to the French Embassy. There was a -- well, that was
4 the word given to us at the Ministry of Information. At the
5 Japanese Bridge, we had no idea what would happen next. We were
6 told to go to the Ministry of Information, and there we were told
7 to go to the French Embassy.

8 MR. LYSAK:

9 Mr. President, I see it's almost noon. To give you -- I estimate
10 I have another half hour -- possibly 45 minutes of questions.

11 [12.00.10]

12 And, as I've said, we will look over the photographs that were
13 sent by DC-Cam to see if there's any additional photographs that
14 may be used with the witness.

15 MR. PRESIDENT:

16 Thank you.

17 We would like to also be advised as to how much time the Lead
18 Co-Lawyers would need to put questions to the witness, please.

19 MS. SIMONNEAU-FORT:

20 Thank you very much, Mr. President. I believe that I will not
21 need any longer than 45 minutes, at the maximum. Thank you.

22 MR. PRESIDENT:

23 Thank you, Counsel.

24 Counsel for Mr. Khieu Samphan, you may now proceed.

25 MS. GUISSÉ:

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1 Thank you very much, Mr. President. Good morning to you. Good
2 morning to all distinguished members of the Bench and to all
3 parties. I have a request to put forward, on behalf of my client
4 Mr. Khieu Samphan.

5 [12.01.25]

6 As you understand and are well aware, he has just departed from
7 the hospital and he has deployed significant effort to
8 participate in this morning's proceedings, because it is very
9 important for him to be here and to listen to the witness
10 testimony. However, he has just conveyed to me some of his
11 difficulties in remaining seated, and some of the adverse effects
12 of his bronchitis. Therefore, he would wish to follow the
13 remainder of today's proceedings in the holding cell. Once again,
14 I would emphasize that Mr. Khieu Samphan is particularly
15 interested in attending these proceedings and participating
16 actively in his defence. However, today it is particularly
17 difficult, and he would therefore respectfully request that he
18 follow the proceedings from the temporary -- from the holding
19 cell, and that he be monitored by his treating doctors.
20 If this is possible, we shall be submitting the necessary
21 documentation in accordance.

22 [12.02.40]

23 MR. PRESIDENT:

24 Thank you.

25 Co-Prosecutor, you may now proceed.

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1 MR. LYSAK:

2 Yes, Mr. President, of course, we have no objection to that
3 request. I'm rising just to clarify a matter. My colleague tells
4 me that the amount of time -- I indicated in English that I
5 needed 30 to 45 minutes. He informed me that, in Khmer, it was
6 only translated to 30 minutes, so I wanted to make sure that the
7 Court understood that we are seeking probably 30 to 45 minutes to
8 finish.

9 (Judges deliberate)

10 [12.04.20]

11 MR. PRESIDENT:

12 The Chamber has noted the request by the Co-Prosecutor for
13 additional time granted to put questions to the witness, and the
14 Chamber has also noted also that the questions has been put and
15 responses have been made which are relevant to the events that
16 happened that the witness bore witness to and the facts that are
17 relevant to the first segment of the trial.

18 And, due to this need, the Chamber therefore grants such
19 additional time to both the Co-Prosecutors and the Lead
20 Co-Lawyers for the civil parties to put questions to the witness
21 until the first section -- or session of the afternoon, before
22 the first adjournment.

23 [12.05.34]

24 And the Chamber, at the same time, also notes the request made by
25 counsel for Mr. Khieu Samphan requesting that Mr. Khieu Samphan

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1 be excused and that he be allowed to observe the proceedings from
2 his holding cell due to his health concerns, as he has just been
3 recently discharged from the hospital.

4 The Chamber therefore grants such request, and that Mr. Khieu
5 Samphan is now permitted to observe the proceedings from his
6 holding cell through -- for the entire remainder of the day. And
7 Mr. Khieu Samphan is now instructed to submit his waiver, given
8 thumbprint or signed by Mr. Khieu Samphan.

9 [12.06.25]

10 The AV booth officers are now instructed to ensure that the
11 holding cell where Mr. Khieu Samphan will retire to momentarily
12 will be well-connected so that Mr -- connected to the AV --
13 audio-visual equipment so that he can observe the proceedings
14 from there.

15 Security personnel are now instructed to bring Mr. Khieu Samphan
16 to his cell.

17 The Court is adjourned.

18 (Court recesses from 1206H to 1331H)

19 MR. PRESIDENT:

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

21 We would like to now hand over to the Co-Prosecutor to continue
22 putting questions to the witness.

23 BY MR. LYSAK:

24 Thank you, Mr. President. Good afternoon.

25 Q. Good afternoon, Mr. Rockoff. When we broke for lunch you were

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1 describing the moment that you moved to the French Embassy, and
2 during which time you saw many Khmer Rouge troops marching into
3 the city on one side of the road and residents of Phnom Penh
4 walking out of the city on the other side. Did -- did the people
5 who were being forced to leave Phnom Penh include the elderly and
6 sick?

7 [13.33.37]

8 MR. ROCKOFF:

9 A. Yes. As for the 17th of April, early evening, the lines of
10 civilians headed north, it was families to include elderly. And
11 as for the sick or infirm being kicked out of hospitals, such as
12 Calmette, I did not see that until the second day. Looking out
13 from the French Embassy, you would see, in one case, a patient
14 being pushed on a gurney, people on crutches, but the Calmette
15 Hospital was being emptied.

16 [13.34.25]

17 Q. And you were able to observe the emptying of the Calmette
18 Hospital from the premises of the French Embassy?

19 A. Only to where we could see people headed north past the French
20 Embassy. We could not see the Calmette, itself, from our -- where
21 we were at the embassy.

22 Q. Mr. Rockoff, the Defence in this case has claimed that the
23 evacuation of Phnom Penh was, in part, a humanitarian mission
24 necessary because of food shortages in Phnom Penh. My question
25 for you is: Did you see Khmer Rouge forces making any effort to

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1 provide food, water, medicine, or other humanitarian assistance
2 to evacuees who were leaving the city?

3 [13.35.32]

4 A. I did not see any assistance provided by the Khmer Rouge. As
5 for assisting people with food, there was some provided to people
6 in the French Embassy, vegetables; we were given one pig a day
7 which was butchered and had to feed quite a few people, but that
8 was just what the Khmer Rouge allowed us to have. I have no idea
9 what was going on regarding provisioning of food.

10 Q. I want to return now to something you mentioned this morning.
11 We had talked about the Red Cross having medical operations at
12 the Hotel Phnom. Did the Khmer Rouge allow the Red Cross to
13 continue its activities including its medical operating room at
14 the Hotel Phnom?

15 A. No. The Red Cross had to evacuate along with everybody else;
16 and the group of people I was with, to include Sydney Schanberg,
17 Jon Swain, Dith Pran; we were following some Red Cross people.
18 There was a small vehicle that they were pushing. A lot of people
19 pushed instead of driving because Khmer -- Khmer Rouge would stop
20 you from driving, but pushing a vehicle was okay as crazy as it
21 may sound. So there -- there was a small vehicle with Red Cross
22 and a lot of their provisions that arrived at the embassy the
23 same time I did.

24 [13.37.20]

25 Q. Were you present at the hotel when the Red Cross was ordered

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1 to leave or did you simply witness them moving out of the hotel
2 ahead of you?

3 A. I did not witness the Red Cross being ordered out. The time
4 interval of the -- after leaving the Ministry of Information,
5 stopping at the hotel to pick up a few things, we were there only
6 15 minutes maybe. The evacuation was in full force from the
7 hotel at that point, so I did not see the Red Cross being ordered
8 out, but they were leaving the same time we were.

9 Q. I want to turn now to a few questions from the period that you
10 were at the French Embassy, and can you start by telling us the
11 time period. After you arrived at the French Embassy on the 17th
12 -- evening of the 17th of April, how long did you remain at the
13 embassy?

14 A. I crossed into Thailand -- Thai border, I believe, the 9th;
15 two days -- two and a half days to get there from the French
16 Embassy. So it was from the 17th until -- I'm not certain which
17 date the convoy left, maybe the 6th; I'm hazy on that.

18 Q. When you say the 6th, you're talking about May? You were -- it
19 was sometime in early May that you left the embassy?

20 [13.39.20]

21 A. Yes, 6th May, so that would be from 17 April to the day we
22 crossed into Thailand; I believe, 9 May.

23 Q. And during the time period that you stayed at the French
24 Embassy, were you aware of whether Khmer Rouge military forces
25 were stationed outside the embassy?

1 A. Yes, we could see them walking by. They were always in twos or
2 threes. On occasion, the Khmer Rouge cadre would come into the
3 embassy and the French consular officials insisted on
4 accompanying any Khmer Rouge that came in. On one occasion, they
5 came in searching for film. Also, many, many Khmer were forced
6 out of the embassy after the first or second day.

7 One time -- one time two very young Khmer Rouge came into the
8 embassy. They got into a little trouble with their cadre because
9 they came up and they were asking for cigarettes - in sign
10 language, not asking verbally - and were just curious about us.
11 And then a French consular official came by, saw them, and kicked
12 them out.

13 [13.40.43]

14 One time I went outside the embassy through a hole in the back
15 wall, went out with a Japanese photographer, Naoki Mabuchi. There
16 was a small hole in the wall that was covered by straw matting;
17 some of the servants would come and go from the embassy without
18 having to go through the front gate. So I went through the hole
19 in the wall to the lake, Boeung Kak -- the lake that used to be
20 there -- and I was washing up; there was a rain barrel. I was
21 with Naoki Mabuchi, who spoke very, very good Khmer. He was
22 translating. I saw that there were armed Khmer Rouge ringing the
23 side of the lake I was at; about every 50 metres to 100 metres
24 were a couple of armed Khmer Rouge. The Khmer Rouge that we were
25 talking to at the -- had the rain barrel. They -- they wanted

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1 cigarettes and they were just smiling. They weren't aggressive
2 and I went back to the embassy to get my camera and go back out
3 and I got into a little trouble because they found out I left the
4 embassy.

5 Q. And I take it from your comment that that was the last time
6 that you left the embassy compound through that hole?

7 A. Yes.

8 [13.42.20]

9 MR. LYSAK:

10 Mr. President, I'd like to play now a -- a second video clip for
11 the witness. This is a clip from the film titled "Khmer Rouge
12 History of Genocide". It is document D108/32.2R, item 994, in the
13 list of audio-visual materials in ZyLab. It has been given E3
14 number E3/23489 and is also identified as V00172506.

15 The clip I'd like to play runs from -- your -- clip is from 27
16 minutes and 10 seconds through 27 minutes and 59 seconds from the
17 original film. Its number -- the second clip that was provided to
18 the audio-video booth and we request -- request that the
19 audio-video booth play that clip right at this moment.

20 Thank you, Mr. President.

21 MR. PRESIDENT:

22 You may proceed. AV booth unit is now instructed to put up the
23 video on the screen.

24 (Presentation of video document)

25 [13.44.49]

1 BY MR. LYSAK:

2 Q. My first question, Mr. Rockoff: Do you recognize the location
3 and -- and events that were depicted in that video?

4 MR. ROCKOFF:

5 A. Yes, those scenes are inside the French Embassy.

6 Q. And was this film taken during the period after 17 April when
7 you were taking refuge at the embassy?

8 A. I can't say if it was after the 17th or the 16th or 17th; I'm
9 sorry, but almost everybody in that video, I had -- I had seen at
10 the embassy. But it -- I'm sorry; I can't tell you exactly what
11 day.

12 [13.45.47]

13 Q. Do you -- do you -- did you recognize any of the people who
14 were in the video? Can you tell us which people you recognized?

15 A. I can't remember names, but I do recall some of the people
16 visually; some of the press and there were a few of the local
17 foreign community.

18 Q. While you were at the embassy, did you see someone who had a
19 video -- had a camera who was taking video footage?

20 A. Well, a number of people were taking still photos or film, no
21 video back then. And a lot of the footage shot inside the
22 embassy, which may or may not include some of this, was probably
23 shot by Christoph Maria Fröhder, Austrian cameraman, who I
24 touched on earlier, having shot the scene near Phsar Thmei on 17
25 April; the Khmer Rouge soldier with the 45 pistol.

1 I'd have to assume he shot a lot of footage. He was very busy in
2 the embassy.

3 [13.47.02]

4 Q. Thank you.

5 The next area I'd like to ask you about is -- and you touched
6 upon this a little bit -- while you were present at the embassy,
7 were you aware of discussions or negotiations that were taking
8 place between representatives of the Khmer Rouge and
9 representatives from the embassy?

10 A. It was relayed to us by certain journalists that there were
11 talks going on and that the Khmer Rouge had permitted the French
12 Embassy to have radio contact with the outside regarding this
13 issue, but beyond that, I knew nothing else.

14 Q. I'd like to read to you now another excerpt from Jon Swain's
15 journal; this is his entry for 6 p.m. on the 18th of April 1975.
16 And it is document E3/51 at English, S00003280; Khmer, S00644717;
17 and French, 00597840. And the excerpt in Mr. Swain's journal
18 describes a meeting that had been called by Paul Ignatieff, the
19 head of UNICEF in Phnom Penh, for all the internationals - quote:
20 "including the 22 journalists in the compound, 15 members of the
21 Red Cross including the Scottish medical team, six United Nations
22 officials, and a handful of other nationalities including
23 Americans."

24 During which this meeting, it was reported on progress that had
25 been made - quote: "during two meetings with the Khmer Rouge

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1 authorities who called themselves the 'Comité de la ville' or the
2 'City Committee'."

3 [13.49.26]

4 My first question to you is: Do you remember being informed of a
5 City Committee or a Committee de la Ville that was the authority
6 who spoke on behalf of the Khmer Rouge at meetings with embassy
7 representatives?

8 A. No, I was not aware of that term, and the meetings were not
9 done in the area that most of the foreigners and the press
10 stayed. It was in another area. I mean I was kept in the dark
11 about a lot of this.

12 Q. Were you aware that there were a number of Lon Nol officials
13 who had sought asylum and were located in the embassy?

14 A. Yes, such as Sisowath Sirik Matak. Yes, I was not there when
15 he had to leave the embassy; I was in another area. But we were
16 aware there were a number of Lon Nol people in there, but
17 majority of those were just ordinary soldiers such as the scene
18 you showed on the video -- of the video a short while ago; the
19 soldier that was being operated on by the International Committee
20 of the Red Cross and he died. He was shot in the neck, but they
21 tried to save him and he passed away.

22 [13.51.02]

23 But there were a few other soldiers there. There was a group of
24 minorities that came over from the other side of the Mekong, the
25 -- there were about 300 at least in their group. They were forced

1 out of the embassy at gunpoint. I was there for that. They were
2 military, those 300.

3 Q. Let me -- I'll return to that group of people in a -- in a few
4 minutes. I'd like to read to you now a telegram that was sent by
5 the French Consul, Jean Dyrac, on the 18th of April in 1975 whose
6 subject was "Political Asylum". This is document D199/26.2.199;
7 to repeat, D199/26.2.199. And in this telegram, sent to his
8 superiors in Paris, Mr. Dyrac reported -- quote:

9 "The following ultimatum from City Committee, I am compelled, in
10 order to ensure the security of our compatriots, to include in
11 the list of persons present at the embassy:

12 "1. Prince Sirik Matak and two of his officers.

13 "2. Princess Mam Manivong of Lao origin, (3rd wife of Prince
14 Sihanouk), her daughter, her son-in-law and her grandchildren.

15 "3. Mr. Ung Bun Huor, President of the National Assembly.

16 "4. Mr. Loeung Nal, Minister of Health.

17 "Barring express and immediate order from the department
18 requesting me to grant political asylum, I will be compelled to
19 turn these names in within 24 hours." End of quote.

20 You made mention of Sirik Matak being at the embassy. Does this
21 refresh your recollection of other significant persons associated
22 with the Lon Nol regime who were also seeking asylum at the
23 embassy?

24 A. I had no knowledge of these other officials at the embassy. I
25 heard about Sisowath Sirik Matak maybe two days later as to the

1 significance of what had happened.

2 [13.53.59]

3 There was a lot of confusion the first two or three days, not --
4 not certain who was in there, how many. It was a few days before
5 the majority of the Khmer who did not have documentation were
6 forced out.

7 I'm sorry I couldn't give you an estimate, but there was a large
8 group of military also that had nothing to do with the ordinary
9 civilians who fled there.

10 Q. Are you able to tell us, before people were required to leave
11 the embassy after a few days, before that time, as of the 18th of
12 April, approximately how many people were taking refuge or
13 shelter at the French Embassy?

14 A. I'm sorry; I could not hazard a guess. I'm sorry.

15 [13.55.01]

16 Q. I want to turn now to the events that took place on Sunday the
17 20th of April 1975. You've already made mention of this, but I'd
18 like you to recount for us, as best you can, the day on which
19 Cambodian nationals who were at the embassy were required to
20 leave. Can you tell us, in your words, what you remember from
21 that day?

22 A. It was kind of dark. It was cloudy. And there were a lot of
23 cheerful goodbyes between the Khmer who were leaving and those
24 who were not. I'm sorry; I'm trying to recollect. It's very
25 difficult.

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1 There were a few friends of mine in that group that went too. And
2 it wasn't until years later, I've heard reports about what
3 happened to some of these people.

4 Of the Cambodians who left the embassy and survived, there's only
5 one I know of personally; that would have been Dith Pran.

6 Q. And were you able to observe when these people left the
7 embassy, were they required to evacuate from the city as other
8 people had been required in the previous days?

9 A. Everyone headed north. The group of military and their
10 families, I wasn't sure for a long time, for years, what happened
11 to them. I know that after they left and most of the people had
12 passed out of sight that there was a fair amount of gunfire from
13 the sports complex just north of the French Embassy.

14 [13.57.19]

15 Some people thought oh, they're just shooting at the clouds to
16 drive the rain away because it was raining. It was very gloomy
17 weather. But I'm told a few years later, there were reports that
18 people were shot in the sports complex; who exactly, I don't
19 know. But that was told to me that that's the origin of the
20 gunfire we heard.

21 Q. And when -- when was it that Prince Sirik Matak left the
22 French Embassy and what did you hear of the circumstances of his
23 departure?

24 A. At the time, I heard nothing immediately; it was discussed a
25 few days later. And I'll tell you some of the print journalists

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1 don't share their observations or information with certain other
2 people to include photographers, so I hate to say it; I was in
3 the dark about a lot of things until I left Cambodia.

4 [13.58.25]

5 Q. Fair enough. You mentioned a group of -- another group of
6 soldiers, a large group, and I want to ask you, the group that
7 you were talking about; were they a group referred to as FULRO,
8 people who were Montagnard ethnic minorities?

9 A. Yes, some of them were and some had fought in Vietnam and were
10 in a lot of trouble in Vietnam such as when Major -- Major Ke
11 Pado (phonetic), who was with Vietnamese elements in Vietnam when
12 the Montagnard revolt occurred and because he had, along with a
13 few of his comrades, shoved a bunch of Vietnamese special forces
14 into a -- a bathroom, a latrine, and then chucked grenades in on
15 them. He was under death sentence in absentia in Vietnam from the
16 Saigon regime, so he fled to Cambodia and fit in perfectly with
17 the other minorities living on the east side of the Mekong.

18 [13.59.39]

19 And because his unit's outpost was besieged by the Khmer Rouge
20 for some weeks and then he, Major Pado - Ke Pado (phonetic), came
21 to Phnom Penh. He saw me because I'd been out with his unit
22 before; he recognized me. He told me about his compound which was
23 maybe 20 miles roughly from Phnom Penh, how the Khmer Rouge had
24 encircled it so they couldn't go out anywhere, but there were
25 hundreds and hundreds of Khmer Rouge just passing by, just moving

1 on towards Phnom Penh.

2 So he managed to get his wife and a couple of other people out.

3 They escaped. He was covered with thousands of scratches and bug

4 bites, you know, from the escape. Made it to the Hotel Royale

5 where he saw me. He was shocked that the Americans had evacuated

6 on 12 April. He took his people to the French Embassy.

7 [14.00.44]

8 Q. And these Montagnard ethnic minority soldiers, whose side had

9 they fought on in the -- either the Vietnam or the civil war in

10 Cambodia?

11 A. They fought on the American side. They fought with the

12 Vietnamese, but there were problems between the Vietnamese and

13 the Montagnards which culminated in the so-called Montagnard

14 Revolt. But they were fighting in their own district and worked

15 very close with the Americans, not the Vietnamese, the Americans.

16 And -- and also, the group in the French Embassy was not that

17 heavily FULRO. There were quite a few in the group, but I would

18 say they're a minority in that group; the rest were pure Khmer.

19 And through marriage, because Ke Pado (phonetic) had a Rodè wife

20 and there were other relatives here in Cambodia, he -- he was

21 Khmer Krom -- even though he was considered Montagnard by the

22 Vietnamese, he had a strong affinity with the Khmer Kampuchea

23 Krom.

24 Q. Could you -- could you explain to the Court what -- what FULRO

25 was?

1 A. Well, I won't use my poor French which is non-existent. It's
2 Federation for the Liberation of Oppressed Minorities. I believe
3 that's what the French acronym translates to.

4 [14.02.29]

5 Q. And you mentioned a few minutes ago that you witnessed the
6 time when the -- this group of ethnic minority were required to
7 leave the embassy. Can you tell us what you saw, what your
8 observations were on that day?

9 A. Well, Pado (phonetic) and his wife, other people, were getting
10 all their gold and their jewelry together; took it off, put it in
11 a bag. The Cambodian soldier that was being operated on by the
12 Red Cross had died; they were going to bury him. They took easily
13 a kilo to two kilos of gold and some gems all in a bag. They put
14 it under his body. Before they -- before they did that, they --
15 between the gold and the body, they put a grenade. They wrapped
16 tape around it, pulled the pin, and just left it like a booby
17 trap, and then buried him. And then later on, the -- these people
18 had to leave, but the idea was hide the gold; don't let the Khmer
19 Rouge get it.

20 [14.03.38]

21 And, well, they were very calm despite the fact they were
22 probably sure they were going through their doom. There was no --
23 well, they were very calm, very quiet. I couldn't believe --
24 couldn't believe it.

25 Q. The last subject that I would like to ask you a few questions

1 about is your trip out of Phnom Penh and out of the country.

2 Can you tell us how it was that you left the French Embassy and
3 travelled out of Cambodia?

4 A. Well, the foreigners were split into two groups. There was the
5 first convoy that left and the trucks came back a few days later
6 to pick up the rest of us. Chinese trucks, there were 24 people
7 per truck, two bench seats, six people sitting on each seat, and
8 the other 12 standing up in the centre. What bags -- whatever you
9 had in the centre, you could sit on.

10 [14.05.02]

11 The driver and a Khmer Rouge and there was a French consular
12 official watching us just as intently as the Khmer Rouge were.

13 And the convoy of trucks left, headed south on Monivong, turned
14 right to the airport. At the airport, the -- there was a huge red
15 banner flying. The truck went past the airport some kilometres
16 and then made a right turn and headed north. We went off paved
17 roads on to trails, pretty well-travelled trails. The convoy
18 paralleled -- the road paralleled government roads fairly well,
19 but off the -- off the main roads; such as, going up Highway 5,
20 normally you would go with Udong on the left. Well, this time we
21 were travelling with Udong on the right in the middle of nowhere
22 and -- but making fairly decent time.

23 What slowed us down was each time we got to the edge of a
24 district, the convoy would stop, Khmer Rouge in a Jeep would go
25 up ahead, get clearance for us to go through the next sector, so

1 we spent a lot of time waiting, just sitting in place. It was
2 two-and-a-half-day trip to the border.

3 [14.06.30]

4 Q. And when you drove through Phnom Penh on your way out of town,
5 could you describe your observations of the city as you -- as you
6 made your way out of town?

7 A. The most striking changes, absence of people; very few people,
8 and when you saw people, they were Khmer Rouge. And you did not
9 see families. You didn't see civilians.

10 The only group of people I saw were some Khmer Rouge soldiers;
11 looked like they were exercising. It was out by the train
12 station. Like calisthenics.

13 On the road to the airport, nothing except occasional armed Khmer
14 Rouge soldiers in twos or threes along the way or at
15 intersections.

16 Q. And when you travelled through the -- through Cambodia, did
17 you go through other cities or towns on your trip and what did
18 you see when you went through -- if you did, what did you see
19 when you went through the other cities and towns of Cambodia?

20 A. We overnighted at a wat in Battambang. We arrived at night and
21 left before daybreak, so I had no visual impression of Battambang
22 whatsoever.

23 [14.08.25]

24 MR. LYSAK:

25 And, Mr. Rockoff, I have no further questions for you. I

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1 understand my colleague does not have any questions.

2 Mr. President, we did -- we were able to obtain some photographs
3 from DC-Cam which we distributed to people. I did not -- there
4 wasn't any new photographs there that I would use today. I would,
5 as the witness has negatives back in America, and we can make a
6 request to the Court after, but we would certainly be interested,
7 at the least, if it was possible, to get a hard copy of your
8 photo at the Ministry of Information that you identified in the
9 video, but that's -- that's something that we can request later.
10 We have no questions at this time and I appreciate very much you
11 coming here today and answering -- answering our questions.

12 [14.09.23]

13 MR. PRESIDENT:

14 Thank you.

15 Next, we would like to hand over to the Lead Co-Lawyers for the
16 civil parties.

17 QUESTIONING BY MS. SIMONNEAU-FORT:

18 Q. Good afternoon, again, Mr. President, Your Honours, and all
19 present.

20 And good afternoon to you, too, sir. I am International Lead
21 Co-Lawyer for the civil parties and I have a few questions for
22 you. Regarding the civil parties, my questions are follow-up
23 questions and I would seek your clarifications on some details,
24 if it's possible, in the aftermath of the questions put to you by
25 the Co-Prosecutor.

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1 You are a photographer. Allow me to put some questions to you
2 that are not only related to your profession, but that are
3 important because you spent two years in Cambodia and you
4 certainly saw and heard a number of things from a personal
5 standpoint and you would be in a position to enlighten the
6 Chamber on that.

7 My first question has to do with the period prior to the 17th of
8 April 1975 since you had been there for two years.

9 [14.10.55]

10 This morning you told the Co-Prosecutor that it was difficult to
11 get out of Phnom Penh. During the period from 1973 to 1974 and
12 early 1975, apart from Kampong Cham, where you went in 1974,
13 where else did you go during that period, sir?

14 MR. ROCKOFF:

15 A. Well, when I say it was difficult to get out of Phnom Penh,
16 you have to realize the major highways were all cut by the Khmer
17 Rouge. The army was always trying to open the highways;
18 especially Highway 4, to get to Kampong Speu. On occasion I could
19 go there.

20 I'd been to Siem Reap when the government retook a temple
21 complex, not at Angkor, but Roluos Group, and the Ministry of
22 Information flew some of us up on a Khmer air force plane and the
23 plane had to land on the road because the Khmer Rouge always had
24 the airport.

25 [14.12.02]

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1 Kampong Chhnang, where I was wounded one time, and of course I've
2 been wounded a couple of times on Highway 4; twice near Angk
3 Snuol, which now is a part of Phnom Penh, but before the Khmer
4 Rouge took Angk Snuol, held it; the government would take it
5 back, Khmer Rouge would take it. Khmer Rouge, on occasion, would
6 get as far as the railroad tracks that you cross to come here
7 every day. So the situation was very fluid. Some days you could
8 go only a little ways.

9 Then if you wanted to go to provincial capital, usually you had
10 to get a ride with the Cambodian air force.

11 Many of the places I had been to aren't cities; they're just on
12 the road or in the field. I'm sorry that doesn't give you a more
13 comprehensive list of where I went.

14 [14.13.08]

15 Q. Do I understand correctly that you only went to zones that
16 were not occupied by the Khmer Rouge, but by the Lon Nol army?

17 A. I don't think the Khmer Rouge would let me go with them in
18 their liberated areas.

19 Q. I would like to hear this from you. While you were travelling
20 to those places, did you see any refugees fleeing from the zones
21 occupied by the Khmer Rouge?

22 A. Yes, many times.

23 Q. Can you tell us something about what those people were saying,
24 what they described, when, if at all, you spoke to them during
25 that period? What exactly did they say?

1 A. I can't say I had the chance to speak to them to question them
2 about the situation. A lot of the interviews were done by refugee
3 agencies once the people were directed to a camp. I would hear
4 stories; second-third-hand accounts later on, but I had no direct
5 contact talking to these refugees.

6 The -- Phnom Penh was like a huge refugee camp. In fact, the
7 Hotel Cambodiana had 23,000 refugees living in it.

8 Q. For the time being, I am talking about the places you went to.
9 We'll talk about refugees subsequently.

10 [14.15.19]

11 I have another type of questions. During the period from 1973 to
12 1975, you were in Phnom Penh with journalists, educated and
13 informed persons. What would one hear or what was said regarding
14 Khmer Rouge policies during that period preceding the fall of
15 Phnom Penh; that is, among you, whether we are talking of people
16 who are politicians or not?

17 A. Two things that I heard repeatedly in the last month or so of
18 the war was when the war is over, everybody will go back to where
19 they came from before the war and since there were 2 million or
20 more refugees here in Phnom Penh who were not from Phnom Penh,
21 that was probably good news to them.

22 [14.16.24]

23 And the other thing we heard a lot was those Khmer who put a
24 million dollars or more into the fund for the final offensive
25 would have a place in the new Cambodia. That was something that I

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1 was told was on their radio broadcast; it was part of the
2 information being sent around. I don't know if anyone was naive
3 enough to believe that, but that's what was going around.
4 But the one thing that a lot of people have no problem with is
5 going back home after the war.

6 Q. Did they say anything about the lifestyle of the Khmer Rouge
7 and the people living with the Khmer Rouge regarding policies and
8 implementation of such policies as well?

9 A. No, I can't answer that. I'm sorry.

10 [14.17.45]

11 Q. Thank you.

12 You have spoken somewhat about refugees who arrived in Phnom Penh
13 and who came from the occupied zones. You also said that they
14 were in large numbers.

15 Can you tell us something about what those people described, what
16 they said regarding the situation in occupied zones; what was
17 happening in those occupied zones? Can you tell us something on
18 that subject?

19 A. I wish I could. I'm not the one who interviewed these
20 refugees. I'm -- as I said, I'm sorry I can't answer that.

21 Q. Let me point out that it may not have been said to you. Can
22 you tell us whether your friends and journalists heard things and
23 related them to you? What did they tell you?

24 A. Nothing. They would not tell me anything, usually trying to
25 find out from me. They're not going to tell me. They're going to

1 ask me.

2 Q. Thank you. You have spoken about the army and the troops. When
3 they arrived in Phnom Penh, you took photographs of those
4 soldiers and you said a while ago that there were many
5 adolescents who were young and even very young.

6 [14.19.34]

7 Before the 17th of April 1975, had you heard anyone talk about
8 the Khmer Rouge army? Had you heard any comments on how the army
9 was built up and how people were enlisted into that army? Did you
10 hear anything said by your friends or anyone in your entourage?

11 A. No.

12 Q. Prior to the 17th of April in Phnom Penh, did you hear names
13 of persons who may have been senior Khmer Rouge leaders at the
14 time? Did you hear any names mentioned before the 17th of April?

15 A. Well, not exactly, though there was one Cambodian who worked
16 in the Ministry of Information and he kept saying his brother
17 will be here soon; his brother will be in Phnom Penh soon. And
18 this guy's name was -- was Saloth Chhay; his brother was Saloth
19 Sar, also known as Pot Pot.

20 He had no idea the importance of his brother. It's my
21 understanding, he is missing himself; out on the highways, just
22 like so many others.

23 [14.21.27]

24 Q. And as of the 17th of April, did you hear anyone give the
25 names of any Khmer Rouge leaders or people who were supposedly

1 going to be Khmer Rouge leaders? Did you hear any such names?

2 A. I heard no names mentioned. I had no knowledge of any
3 individuals or personalities.

4 Q. On the 17th of April, you met some staff members from the
5 Preah Hospital and they tell you -- something you said this
6 morning unless I'm mistaken, they said that the Khmer Rouge were
7 evacuating the hospital. You went there. Had you already taken
8 note of that evacuation? When you - when you went there, were the
9 rooms vacant? Were the beds not occupied or were they occupied?

10 A. Some beds were occupied by the dead bodies on the floor. You
11 saw a photo earlier of a husband and wife lying dead on the floor
12 and other Khmers sitting on the stairs looking at the body. I
13 have many shots from -- in that hospital that day prior to
14 walking out and being taken away by the Khmer Rouge.

15 [14.23.08]

16 The Preah Ket Mealea Hospital, I knew that hospital from having
17 gone by there before.

18 Also, there was a children's hospital across the street; I'd been
19 kicked out of there before taking pictures by Dr. Pete Ratner
20 (phonetic).

21 But the Preah Ket Mealea Hospital, as I said in my testimony
22 earlier, when I was leaving -- Sihanouk Boulevard, Monivong
23 Boulevard -- I got a ride with somebody who had worked at the
24 hospital and he told me it was being evacuated; that is why I
25 went there.

1 Q. Regarding the evacuation of Phnom Penh, you told the
2 prosecutor that, families had to leave Phnom Penh and that those
3 families included elderly persons and children. You also stated
4 that you saw the sick who had to leave Calmette Hospital and pass
5 in front of the embassy.

6 [14.24.26]

7 Can you give us a few more details and give us a more precise
8 picture of what you saw regarding that evacuation? What I mean
9 is: Did you see many people? Did people leave with personal
10 effects? Were they transported by the Khmer Rouge? Were they on
11 foot or they were on bicycle? Can you give us a few more details
12 and depict exactly what you saw in the days following the 17th of
13 April in Phnom Penh?

14 A. Well, the evacuation was not accomplished in one day; it took
15 a couple of days, but the people -- the elder, the sick and the
16 infirm, the amputees, patient on the gurney being wheeled down
17 the road; that -- that was the second day, the 18th, I saw that.
18 I had no idea what was going on in the hospital on the 17th. I
19 was on my way past the Calmette to the French Embassy. I did not
20 go in there to see what was happening.

21 Q. How about families you were able to see; can you tell us a bit
22 more about them?

23 A. Yes, I guess they're families. If you see elderly person and a
24 male and a female and a couple of children with them, I have to
25 assume that is the family.

1 Q. Did people carry any property and what kind of property? How
2 were they travelling? Were they travelling on foot; i.e., were
3 they trekking or not?

4 [14.26.41]

5 A. Most were on foot. There were a few vehicles being pushed. The
6 Khmer Rouge would let you pile things into a car and a lot of
7 people would push the car. Even if it had gas, if you started to
8 drive it, they would stop you. They didn't care about pushing the
9 vehicle. But once you got north of Phnom Penh, you would lose the
10 vehicle and all of the possessions anyways.

11 There -- there were very few bicycles in Phnom Penh among the
12 2,000,000 -- 2,400,000 that were here. There were not many
13 bicycles. It was mostly what you could carry.

14 [14.27.24]

15 Q. Once you got into the embassy with a number of persons, can
16 you tell us what was being said on the radio -- what the Khmer
17 Rouge were saying on the radio? Were they providing information
18 on the evacuation, the new regime, their policies and their
19 practices?

20 A. Well, I have no idea what was on the radio. I did have a -- I
21 did have a radio. I could listen to BBC and a few other things,
22 but regarding the Khmer Rouge or other broadcasts, no.

23 And the French Embassy, I'm sure, was monitoring it because some
24 journalists that were in close contact with the French diplomatic
25 staff, they -- they were given updates on things. It was up to

1 them to pass on the word to the rest of us journalists. There was
2 a core of about five or six journalists that the French
3 coordinated through: Patrice de Beers was one, Sydney Schanberg,
4 Jon Swain; the A-list of journalists. And so if they had a
5 meeting in another part of the embassy, the rest of us were not
6 part of it.

7 Also, the Khmer Rouge came through the embassy one time because
8 they stated there were illegal radio broadcasts coming out of the
9 embassy. They went through searching for radios -- radio
10 transmitters. They let us keep the regular radios that would only
11 receive. And so it's very limited as to what we were able to find
12 out by radio.

13 [14.29.30]

14 Q. Thank you. Were any specific reasons given to you as to why it
15 was necessary for all foreigners to be forced to leave Democratic
16 Kampuchea during that period? Was any specific reason given to
17 that effect?

18 A. No specific reason was given, although a very strange comment
19 was made by one Khmer Rouge.

20 After a few -- after a few days, we saw an airplane circling
21 Phnom Penh, four-engine commercial jet. It turns out that a third
22 country had sold China two aircraft violating what President
23 Nixon wanted to do regarding no sales to China. So it had a big,
24 red tail on it and, at the time, Western Airline -- Northwest
25 Orient Airlines had a red tail.

1 [14.30.38]

2 So some of us saw this plane circling overhead with a big, red
3 tail and we thought, "Ah, they're -- they're going to fly us
4 out." Then we looked at it a little closer, the stars on the red,
5 and it must have landed at Pochentong.

6 And then another flight came in, and one of the Khmer Rouge reps
7 -- representatives, along with a French consular official, came
8 to talk to us briefly, discuss food needs, things like that, and
9 one of the journalists asked him, "Are these planes coming to
10 take us out?" and the guy tried to reassure us by saying,
11 "They're not for you, but you will be leaving; you'll be leaving
12 by road." And one of the journalists asked, "Why, why can't we
13 fly?" and he said, "Because we want you to see what we have
14 done."

15 Of course, the reality is they did not show us what they did, but
16 that's what they said as to why we're not being flown out.

17 [14.31.53]

18 The purpose of the two flights, I, at the time, had no idea. They
19 were probably bringing in the first of the new government I'm
20 assuming. It just looked so strange; two -- well, two flights of
21 an American aircraft -- American-made Chinese aircraft.

22 Q. Thank you. And this brings me to my final questions.

23 Mr. Rockoff, you talked about when you left the embassy and were
24 -- was heading towards the Thai Embassy and that the streets were
25 empty and that you had arrived in Battambang during the night and

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1 you had seen nothing during the journey through Cambodia and the
2 countryside of Cambodia. What did you see and what struck you?
3 This was just a few days following the fall of Phnom Penh and the
4 rise to power of the Khmer Rouge.

5 A. It was weeks after the rise to power of the Khmer Rouge, three
6 weeks later. And on the convoy out, we were not driven past any
7 of the sites of killings, but if the wind is blowing right, you
8 could smell it way off in the distance. You could smell the
9 bodies, but they're not going to show us what they did.

10 [14.33.23]

11 And we didn't go on the main highway; such as, Highway 5, where a
12 lot of the atrocities occurred; we went on a road that paralleled
13 some of the roads. But the Khmer Rouge had very -- really tight
14 control over what we would see.

15 And when we were in the wat in Battambang, you couldn't see
16 anything. You couldn't see out. By the time it got daylight, we
17 were outside the city, so I had no idea what was in Battambang.

18 MS. SIMONNEAU-FORT:

19 Thank you. Obviously, I would only want you to share with us what
20 you saw with your own eyes and on that note, I wish to thank you.

21 Sir, I have no further questions.

22 Thank you, Mr. President.

23 MR. PRESIDENT:

24 Thank you, Counsel.

25 It is now appropriate time for the adjournment. The Chamber will

1 adjourn for 20 minutes. The next session will be resumed by 3
2 o'clock.

3 The Court is adjourned.

4 (Court recesses from 1434H to 1503H)

5 MR. PRESIDENT:

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

7 Before we proceed to counsels for the Accused, we would like to
8 ask whether fellow Judges of the Bench wish to have some
9 questions to the witness, if so you may proceed.

10 Judge Lavergne, you may proceed.

11 QUESTIONING BY JUDGE LAVERGNE:

12 Thank you very much, Mr. President.

13 Good afternoon, Mr. Rockoff. My name is Judge Jean-Marc Lavergne.

14 I have a few complementary questions to put to you in follow up
15 to those which have already been asked.

16 Q. I wish to return to an episode that has been discussed
17 extensively; it occurred at the Ministry of Information.

18 [15.04.44]

19 Now, in order to make sure that we are all on the same page, can
20 you please tell us exactly where the Ministry of Information was
21 located and can you please tell the Court if the building is
22 still standing to this day?

23 MR. ROCKOFF:

24 A. Yes, the building is still there. It was used as the Ministry
25 of Information up till April '75. It's on the boulevard that goes

1 from the train station to the river, the street that's just north
2 is street 108. I'm sorry; I'm not sure how many hundreds of
3 metres from the train station it is.

4 Q. All of the events that we have recalled this morning can be
5 found within a rather restricted parameter of the French Embassy;
6 the hotel that you resided at as well as some of the other
7 hotels, the Phnom Penh Hotel. Can you please tell us if you
8 travelled to the south of the city, if the scenario was the same
9 in the south as it was in the north? What was the situation
10 prevailing in the areas beyond the perimeter that we have talked
11 about this morning?

12 [15.06.22]

13 A. The area around the Independence Monument and a couple hundred
14 metres south. That's as far as I got on 17 April. I had been much
15 further south going towards Takhmau in the days prior to that
16 where there was massive evacuation of hundreds of thousands of
17 people moving towards the centre of Phnom Penh. Because of the
18 shelling from the other side of the river and the Khmer Rouge
19 were approaching the other side of the bridge. On the 17th, as I
20 said in my earlier testimony when I got a little ways south of
21 Independence Monument, the troops, Khmer Rouge soldiers headed
22 north were really dirty, bad mood, and seemed I did not feel safe
23 going any further south than where I was. So I turned around and
24 went north.

25 [15.07.23]

1 Q. Today you told -- you described before the Court a change in
2 atmosphere. In the morning there was a sort of joy and euphoria
3 over the end of the war and then the mood quickly changed. To
4 your mind, did the shift in atmosphere happen abruptly?

5 A. I cannot answer if it was abrupt but it was about mid-day, as
6 more and more people were headed out of the city. It was
7 especially noticeable to me while detained by the Japanese Bridge
8 the large number of people headed north along the highway. Nobody
9 smiling, very sombre mood, it was not like in the first hour or
10 two of liberation when there were many smiles, people were glad
11 the war was over. The mood did change but I would not say it was
12 all of a sudden everywhere; it was over a few hours.

13 Q. Mr. Rockoff, did you ever hear about a person called Hem Keth
14 Dara and the Nationalist Movement? Did you hear anything about
15 such matters?

16 [15.09.10]

17 A. This movement I heard about afterwards, sometime after leaving
18 Cambodia, just through the writing of other journalists. And they
19 were considered phoney Khmer Rouge, not genuine. I believe there
20 were some at the ministry early morning, but they did not seem to
21 be in charge. At any rate, they were easy to identify, they had
22 good shoes on, clothes were well fitting. They were too clean,
23 too healthy to have been out in the field. None of these people
24 were around that afternoon, or late afternoon when Sydney
25 Schanberg, Jon Swain, and myself went to the Ministry of

1 Information; none of these people were still there.

2 Q. Mr. Witness, did you go to the Ministry of Information once or
3 did you go twice on April 17th, 1975? Did you go to the ministry
4 in the morning or in the afternoon?

5 A. Both, I went in the morning as the first group of Khmer Rouge
6 were rushing up the steps into the entrance with their weapons,
7 and you can tell that was in the morning by the direction of the
8 shadows in my photograph and the shadow goes from east to west.
9 And then the afternoon -- late afternoon, after 4 o'clock, maybe
10 around five, the shadow goes from the west to east. So, yes, I
11 made two separate trips, two completely different reasons. The
12 second trip to the ministry was because I was told to go there.

13 [15.11.00]

14 Q. Were you told exactly why you had to travel to the Ministry of
15 Information?

16 A. That we were to go to the ministry was probably told to Dith
17 Pran who told Sydney Schanberg that we would be going to the
18 ministry. At first, I was thinking we would have to walk but a
19 truck pulled up outside and we were told to get in. So I assume
20 it was an arranged ride.

21 Q. Just now you told the Court that you had the impression that,
22 of the Khmer Rouge who detained you, some were in contact with
23 their superiors and that was why you were eventually released. In
24 your opinion, was it the superior Khmer Rouge who had ordered
25 your authorization to go to the Ministry of Information or was it

1 the immediate guard who had initially arrested you?

2 [15.12.26]

3 A. Well, I don't believe it would be the Khmer Rouge who
4 initially arrested us at the Preah Ket Mealea Hospital because
5 there were obviously higher ranking Khmer Rouge that they brought
6 us to. And who had control of us under the Japanese Bridge.

7 Q. Very well, I'm wondering if the Audio-Visual Unit could
8 display an image that we were shown this morning by the
9 Co-Prosecutors. It is the clip entitled "Pol Pot: The Killing
10 Embrace", D138R. This is an image that appears at minute 25,
11 second 41. I would hereby request that the Audio-Visual Unit
12 display the image on the screen.

13 MR. PRESIDENT:

14 You may proceed. AV booth unit is now instructed to put up the
15 requested document on the screen.

16 BY JUDGE LAVERGNE:

17 Q. Mr. Witness, do you recognize this image? Are you the person
18 who took this photo?

19 MR. ROCKOFF:

20 A. Yes, I am, that is a photograph I took in the morning; the
21 front entrance to the Ministry of Information.

22 Q. And you told us that this photograph was taken in the morning
23 and not the afternoon; is this correct?

24 A. Correct.

25 [15.14.47]

1 Q. And can you please describe to the Chamber exactly what is
2 happening? We see images of armed soldiers but we also see
3 civilians on this particular photograph.

4 A. The person in the white shirt standing in the doorway may
5 possibly have been an employee of that ministry. He was in there
6 when they came in. Another thing I would like to point out, one
7 of the people running up the steps, one of the Khmer Rouge is
8 barefoot. The so-called phoney Khmer Rouge, that group that you
9 mentioned, I said earlier that they all had good shoes on. This
10 was not one of them. The others -- the phoney KR were very well
11 dressed, very healthy, good shoes.

12 JUDGE LAVERGNE:

13 I would point out that the parties have been informed of a
14 certain number of photographs that belong to the public domain.
15 They can be retrieved through search engines that I will not
16 identify. And I would hereby request that this photograph, number
17 4, be given to the witness and also projected on the screens.

18 [15.16.31]

19 MR. PRESIDENT:

20 Indeed, you may proceed.

21 BY JUDGE LAVERGNE:

22 Would it be possible to have this image displayed on the screen,
23 please? Would it be possible to display the entirety of the
24 image? Unfortunately, the photograph is of poor quality. There
25 appears to be a few technical difficulties, nevertheless I

1 believe all parties have access to this particular document, I
2 believe that this is not in breach of any principle. I would just
3 indicate that the photo actually does depict a sign identifying
4 the Ministry of Information.

5 Q. Do you recognize this photograph, Mr. Rockoff?

6 [15.18.13]

7 MR. ROCKOFF:

8 A. I recognize it as a photograph I took, although it is not the
9 complete photo. It's been cropped considerably, edited down, and
10 reproduction is not good. But yes, it is from my original
11 photograph.

12 Q. Earlier on you stated that you had the opportunity to meet
13 somebody called Saloth Chhay at the Ministry of Information. This
14 person talked to you about his brother called Saloth Sar. Did you
15 know Mr. Saloth Sar very well?

16 A. Fortunately, we never met; his brother, I never talked to.
17 This was common knowledge at the Ministry of Information that as
18 -- just as the American Civil War many families were split up,
19 brother against brother. And Saloth Chhay commented on his
20 brother would be coming to town soon. It was something that was
21 repeated by some of the Cambodian assistants and photographers.
22 And I believe at the time he had no idea of the importance of his
23 brother. I mention that because, in the exodus out of Phnom Penh,
24 he was one of the many people lost. To him his brother was only a
25 commander; he did not realize the importance.

1 [15.19.51]

2 Q. Did Saloth Chhay carry out any official functions within the
3 Ministry of Information? Did he hold any specific portfolio? What
4 were his exact duties?

5 A. I am unable to answer that, I don't know what his specific job
6 was. Also I never interacted with him, it was just -- he was
7 pointed out and mentioned his brother was with the other side.

8 Q. I'd like to turn to some of the events that unfolded at the
9 Embassy of France. You've spoken at length about what happened
10 there and I'd like to go over some of the details surrounding the
11 separation between Cambodians and other people seeking asylum at
12 the Embassy of France.

13 How did this happen, were there any special instructions that
14 were issued? I'm referring specifically to families who were
15 mixed families -- that is to say families who were composed of
16 one Cambodian parent and another parent of a different
17 nationality. Do you know what happened to them? What is your
18 recollection?

19 [15.21.47]

20 A. I have no knowledge of what happened after some of these
21 people left the embassy or were forced out. But I recall things
22 that happened within the embassy prior to their being put out.
23 One tragic case was a French woman with a Cambodian husband and
24 the Khmer Rouge originally said he could not go even though he
25 had papers and they were married. They said he had to leave;

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1 could not go out with his wife. About 10, 15 minutes after, he
2 physically walked out of the embassy with other people then the
3 Khmer Rouge changed their mind and said he could stay, and it was
4 too late for the woman and her children because the husband was
5 gone. I believe that particular case has been written up in
6 accounts by some of the journalists there.

7 [15.22.50]

8 There were people who had to leave just because they did not have
9 any kind of proper documentation. There were some people that
10 were able to leave, were able to survive because of false
11 documents -- some provided by the French -- they saved some
12 lives. But the tragedy of the woman who told her husband could
13 stay 10 or 15 minutes after he walked out the gate, that was
14 horrible.

15 Q. In spite of these orders, was anybody able to escape the watch
16 of the Khmer Rouge and travel on the same convoy heading towards
17 the Thai border? Was anybody able to flee the surveillance of the
18 Khmer Rouge?

19 A. I'm sure there were more than the one case I observed. I
20 personally observed on the truck I was to go on young Khmer Rouge
21 was supposed to count the number of people on the truck -- 24
22 people per truck and the Khmer Rouge was counting, counting and
23 he counted 25. And this Frenchman with his wife, girlfriend, I'm
24 not sure, but anyways she was travelling with him. He understood
25 what was about to happen, he jumped off the truck, walked to the

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1 other side, the young Khmer Rouge did the count again, he counted
2 24, he walked to the second truck started counting and that was
3 the last we saw of him. And the Frenchman got back on the truck,
4 so we had 25 people, nobody ever counted again. That's one life
5 that was saved by a trick.

6 [15.25.05]

7 Q. To your knowledge, were any foreigners spared from the
8 evacuation plan or did the evacuation plan apply to everyone? Did
9 you see any diplomats from the Communist Block, for example?

10 A. Yes, the East Germans were forced out of their embassy at
11 gunpoint by the Khmer Rouge, sent to the French Embassy and they
12 were very upset at the conditions. Also they had to give up their
13 cases of gourmet food and pâté and sausage and all, and put it
14 into the common food stock. They were very, very bitter and a lot
15 of us were laughing at them about their attitude. But they had to
16 leave most of their food in the common food store for all of us;
17 we had a very socialized kitchen arrangement for three weeks. If
18 there are any other diplomats that came in, they did not end up
19 in the Chancellery building with the rest of us journalists and
20 others that were staying there, they might have gone directly to
21 the other part of the embassy. But I remember how angry the East
22 Germans were because they flew in specifically for the victory,
23 they were not invited.

24 [15.26.43]

25 Q. When the Cambodian who had sought asylum within the French

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1 Embassy compound had to leave, were there any personnel from the
2 embassy or French authorities who took concrete action to leave
3 the embassy? Or did they leave mainly through persuasion or under
4 coercion -- that is under the threat of armed Khmer Rouge
5 soldiers?

6 A. Unauthorized people were ordered out by the Khmer Rouge and
7 they threatened to come through and search for people. And that
8 comes after the French officials and Dyrac had worked out an
9 arrangement where the Khmer Rouge if they came into the Embassy
10 compound would have to be accompanied by an official. Up to that
11 point, the Khmer Rouge and the French were always together coming
12 through the compound. But the threat of moving through the
13 embassy compound searching for illegal scared people and so, many
14 of them may have left thinking their safety, in numbers and not
15 wanting to be caught there alone. I cannot answer what motivated
16 them, but there were threats, there was fear.

17 [15.28.18]

18 Q. And among the Lon Nol figures who sought refuge at the French
19 Embassy, were some driven forcibly beyond the embassy?

20 A. I was not present when Sisowath Sirik Matak was forced out so
21 I cannot answer what the scene was like; I'm sorry.

22 Q. Earlier on you stated that you heard gunshots during the
23 departure. And you also stated that there were some refugees who
24 headed towards the sports complex; can you please tell the Court
25 which sports complex you are referring to?

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1 A. The one that is directly north of the French Embassy; its
2 right by it. I don't know the name of it; I'm sorry.

3 [15.29.52]

4 Q. Unless I am wrong I believe today it is referred to as the Old
5 Stadium. Formerly, it was referred to as the Stade Lambert.

6 When you state that you heard gunshots, was that long after the
7 departure of those Cambodian refugees? And were there many gun
8 shots? What do you recall about such incidents?

9 A. Not an excessive amount of gunfire, a few shots burst two or
10 three -- a few individual shots, maybe a burst, few seconds
11 later, a bunch. But it was not unusual in bad weather, black
12 clouds, dark storm clouds and it was starting to drizzle rain.
13 It's not unusual to fire up into the sky -- chases away the bad
14 weather -- that happens often. And I thought it was not -- they
15 weren't shooting up into the sky, I couldn't figure out what they
16 were shooting at, except for the ominous thought that hundreds of
17 Khmer had just left the embassy within the past hour and now this
18 shooting. I mean, you could hear shooting in other parts of the
19 edge of Phnom Penh going up to a week after the fall of Phnom
20 Penh. But this, at the sports complex, was very unusual.

21 [15.31.31]

22 Q. Mr. Witness, it appears that there's been some
23 misunderstanding because you could have been requested to come
24 with some photographs you took of those events well in advance.
25 Unfortunately, that was not done at the right time. However,

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1 there are certain photographs of yours that are well known and
2 that are found on the internet, and that is why I have requested
3 that you be given some of these photographs and that those
4 photographs be placed on the screen, so that you can tell us
5 whether you are the author of those photographs or not and in
6 order that you may also make your comments on those photographs,
7 if need be. I believe there may be four photographs, including
8 one which was already shown to you this morning -- that is the
9 photograph taken in front of the Ministry of Information.

10 [15.32.40]

11 JUDGE LAVERGNE:

12 So, with your leave, Mr. President, may I request that the
13 witness be shown these photographs?

14 Very well; would it be possible to have the first photograph
15 placed on the screen?

16 MR. PRESIDENT:

17 Is there any identification number on the document?

18 BY JUDGE LAVERGNE:

19 This is a new document; since these documents are not on record,
20 the only document on record was shown to the witness this morning
21 and that document was given to the Court officer so that he could
22 have it presented this afternoon at this hearing. So there is a
23 first photograph showing a young soldier shouldering a gun.

24 That's it.

25 Q. Can you tell us whether this is one of your photographs and

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1 can you also tell us what this photograph represents?

2 [15.34.28]

3 MR. ROCKOFF:

4 A. I took that photograph, I believe, in '74, possibly late '73.

5 It's on the road between Highway 5 and Phnom Basedth. It's a
6 young soldier, he's carrying an M16 American rifle, that's an
7 artificial flower, it's a wire stem that he stuck in the front of
8 his weapon. It's not on his head; you can see it's attached to
9 his weapon.

10 Q. Very well, let us now look at the next photograph which also
11 features a young soldier carrying a weapon. Please place that
12 image on the screen. I'm going to ask the same questions.

13 Do you remember when this photograph was taken and who is on this
14 photograph? What does this photograph represent?

15 [15.35.50]

16 A. It's a Lon Nol government soldier and I forgot exactly where I
17 took it, but I took it I believe '74.

18 Q. This morning you told us that you observed that, among the
19 victims of that war were soldiers who were sometimes extremely
20 young. Do you have a rough idea as to the age of this soldier on
21 the photograph?

22 A. Maybe 16, 17. I doubt if he is older than 18.

23 Q. Thank you. Let us now look at the third photograph. On it, we
24 find a road scene. Perhaps that photograph could also be placed
25 on the screen, I think it is necessary.

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1 Very well; are you the author of this photograph and can you tell
2 us what it represents? Particularly tell us who is this person
3 standing on the pavement to the left of the photograph?

4 A. I took this photograph on 17 April late morning. I do not know
5 who the person with his hands up on the sidewalk in the white
6 shirt is. Anyway, this is on Monivong, it's headed south. We're
7 only two blocks or so from the intersection of Sihanouk and
8 Monivong. The large building ahead of the Khmer Rouge, that's the
9 movie theatre that you see in the background of another
10 photograph of a Khmer Rouge soldier standing up. I can only
11 assume the Lon Nol soldier on the Vespa scooter was just very
12 shocked at the appearance of the KR. He was surprised; in fact,
13 he should not have been out there on the street like that, but we
14 walked past and I stayed at the intersection for the next maybe
15 45 minutes. That's where the huge pile of weapons that were
16 confiscated were at; that's where I saw the soldiers being
17 marched by towards the direction of Olympic Stadium. And this
18 Khmer Rouge soldier is barefoot.

19 [15.39.05]

20 I was walking with a group of about a dozen and I managed to walk
21 a little to the left and get behind this guy in the midst of him
22 and that's how I was able to take this photo.

23 I'm sorry these are not good prints; I really regret not having
24 my own, like some of the prints like the Ministry of Information
25 photo was very bad reproduction. The original prints are much

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1 better but my problem is I don't have an extra set with me; that
2 is my fault.

3 Q. When you look at this photograph, you have the impression that
4 the soldier we see to the right is alone. Was he alone or he was
5 part of a group of soldiers?

6 [15.40.13]

7 A. He was part of a group; there were at least a dozen in this
8 group I was walking with. You can't see them. If you saw the
9 contact sheet of all the frames on the role of film you would see
10 how the event proceeded, you would see the earlier shots. You
11 would see where I moved into position to get this. Most of my
12 photographs I pre-visualize and put myself into the position then
13 I wait till the time. So I was very lucky that they had no
14 problem with me walking in their midst.

15 Another thing, I would not want to be standing around on a street
16 corner by myself and have people bother me. If you're walking
17 with some soldiers -- the other soldiers -- the other Khmer Rouge
18 think you're with them. If I'm riding on a vehicle because I
19 hitched a ride, nobody's going to bother me because they think
20 I'm with the people on the vehicle, which is true. I was very
21 lucky getting around for the first few hours that way.

22 And then things changed completely when I was taken from the
23 Calmette Hospital -- sorry, the Preah Ket Mealea Hospital. The
24 movement was coming to a halt. People were being told to leave
25 the city. There was no more movement around Phnom Penh on the

1 part of journalists.

2 [15.41.35]

3 Q. I would like us to now look at the last photograph in this
4 series. May I request the audio-visual technicians to show that
5 photography, if they have it? This is a telegraph photograph that
6 was given to the prosecutors by DC-Cam.

7 Don't look at the comments on the photograph, concentrate only on
8 the photograph and tell us whether this series of photographs
9 were taken by you.

10 Can we give the witness these photographs and have them placed on
11 the screen as well? Let us bear in mind that only the photographs
12 that are attributed to Mr. Rockoff in the document in question.

13 [15.43.15]

14 So we have the first photograph. Can you tell us what it is all
15 about? Are you, indeed, the author of that photograph?

16 A. That is my photograph. I took that on 12 April 1975. This is
17 the site of the U.S. Embassy evacuation, and that is not the
18 embassy in the background, this is just the open field used for
19 it.

20 These are marines that are part of the perimeter security, set-up
21 security around the edge of the area, and they would have
22 helicopters come in, pick up people, and then the very last lift
23 of helicopters these marines got into and left.

24 I have many other photos of the American evacuation. This is, of
25 course, one of my favourite but I have others showing the

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1 helicopters, the people getting on, other things that went on.

2 Q. Regarding that evacuation in general terms, do you recall
3 whether instructions were given to all foreigners and American
4 nationals to leave the country? Do you remember whether
5 instructions were given only by Americans or instructions given
6 by the so-called FUNK or GRUNK as they were known then -- that is
7 the Khmer Rouge authority?

8 [15.45.04]

9 A. I don't know. I can't answer that. I mean, we heard the
10 American evacuation was imminent, would happen soon. There were
11 -- I would say most Americans were aware of what was about to
12 happen, but on the Cambodian side there were many Khmer that
13 should have evacuated and maybe some who did not evacuate did not
14 get the message in time because the last lift of helicopters, the
15 last four or five helicopters that lifted off from the field were
16 -- very few people on it -- the marines and very few other
17 people.

18 [15.45.46]

19 Many Khmer showed up at the embassy -- French Embassy -- days
20 later or maybe came to the Hotel Royal in the next five days, and
21 they would have evacuated but did not, no.

22 Q. Let us move on, and I think we can now look at the next
23 photograph attributed to you. That is perhaps the fifth
24 photograph in this document unless I'm mistaken. Perhaps that
25 photograph could also be placed on the screen? No, it must be the

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1 next photograph. There we are.

2 Are you the author of this photograph, Mr. Rockoff, and can you
3 tell us what it represents?

4 A. Yes, that is my photograph. I took that at the intersection of
5 Monivong and Sihanouk Boulevard. The pile of weapons got very big
6 over the next half-hour or so.

7 These are young kids. They were pressed into service by the Khmer
8 Rouge to help collect the weapons.

9 [15.47.56]

10 Q. And who are those kids? Were they kids from the Khmer Rouge
11 streets or they were young Khmer Rouge? Who exactly were they?

12 A. I feel they were just ordinary kids on the streets. There were
13 many, many, many kids, homeless kids in Phnom Penh. I -- these
14 are too young to even be government soldiers. They're not --
15 they're just pressed into service, and I hesitate to use the
16 words "schoolchildren" because the majority of children had no
17 school to go to. No, they were put into service by the Khmer
18 Rouge to collect the weapons from the soldiers.

19 [15.48.50]

20 Q. We shall now look at the last but one photograph in the
21 series. May I also request that it be placed on the screen?

22 Very well, Mr. Rockoff, are you also the author of this
23 photograph and can you describe the scene to us?

24 A. That is my photograph. That is in front of the French Embassy.
25 That is the gate that used to be at the French Embassy -- people

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1 climbing over. The Red Cross vehicle which was pushed -- they had
2 gas but the point is, if you -- the Khmers don't want you
3 driving, they let you push it. And you see all of the stuff in
4 the vehicle, that vehicle was pushed from the Hotel Royal up to
5 the French Embassy; the Red Cross vehicle.

6 And that is very late. It's quite dark. I mean, it's dimmer than
7 it appears in the photograph.

8 The smoke in the background is from an oil storage depot north of
9 Phnom Penh that the Khmer Rouge set on fire the day before.

10 [15.50.35]

11 Q. We can see the height of the walls and the gate of the French
12 Embassy. It is a lot higher today.

13 Was it easy to scale that wall? Was there an agreement between
14 the embassy authorities and the people so that they could get in?

15 A. I do not know about any agreement, but the French Embassy was
16 not pushing people out or stopping them from coming over. I think
17 later on maybe they went through and tried to sort out who was
18 who.

19 The gate, which was easy to climb over, that -- half of the gate
20 is still at the French Embassy, it's in the back. That is the
21 namesake of Mr. Bizot's book "The Gate" and, as you know, the
22 wall is maybe three times higher now.

23 You see the French tricolour in background. This photograph is in
24 colour originally. It was reproduced as black and white.

25 Q. We shall now look at the last photograph in this series, and

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1 may I also request that it be placed on the screen?

2 [15.52.29]

3 Are you also the author of this photograph? Is this the
4 photograph you referred to a while ago and what is the scene
5 depicted on the photograph?

6 A. This is not at the French Embassy; this was some time before
7 the fall of Phnom Penh. This is a Lon Nol soldier who was shot in
8 the head. He was brought to the Olympic Stadium where an
9 emergency hospital had been set up. They were treating many, many
10 hundreds of people on the basketball courts and so forth.

11 I photographed this person being worked on. The wounded person
12 was shot in the forehead and the doctors were working on him. I
13 have a picture when they pulled the plug on the suction device to
14 drain his breathing tube, and he died. And this is his widow.
15 This is about 20 minutes after he died. So I took a series of
16 shots leading up to this.

17 [15.53.35]

18 Q. So what you are telling us is that that photograph was not
19 taken on the 17 of April but shortly before then, or did I not
20 understand your testimony correctly?

21 A. Maybe a month or two before April. This was not at the fall,
22 this was sometime before. The final offensive by the Khmer Rouge
23 started January. There were temporary facilities set-up in many
24 parts of the city to include expanding the facilities at Olympic
25 Stadium. They took many wounded there.

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1 And this is not to be confused with the wounded government
2 soldier that was in the French Embassy after the 17th. These are
3 other photos of another soldier that I took.

4 Q. Generally speaking, were the refugees who were coming into
5 Phnom Penh treated properly by the government authorities -- that
6 is, the authorities of the Republic -- that is, Lon Nol's
7 government? Were they housed? Were they fed? How was their
8 integration in Phnom Penh organized, if you know?

9 [15.55.17]

10 A. There were many, many thousands of homeless refugees living on
11 the streets and parks. These are refugees that did not go to the
12 established refugee camp set up by, say, Catholic Relief Service,
13 CARE or World Vision.

14 Most of the camps were outside of the city. A very unusual
15 refugee camp was on the site of the Cambodiana Hotel. The
16 framework of the hotel was complete, but the rooms weren't set
17 up. There were 23,000 -- 21,000 to 23,000 refugees living in the
18 Cambodiana.

19 The swimming pool that you people use nowadays was a huge septic
20 tank. I remember the photo; I mean, it was nasty.

21 [15.56.03]

22 There was corn being grown; they were trying to grow vegetables
23 nearby. The World Vision would bring food in, try to feed them,
24 but this was a miserable, urban refugee camp of 20-some thousand
25 people; at the Cambodiana. Most other camps were outside of town

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1 where you really couldn't see what was going on; very
2 overcrowded.

3 Many refugees chose not to go to the camps, the ones who thought
4 they could get by in Phnom Penh. Sometimes they thought the camps
5 were not safe because they were in contested areas, and often the
6 Khmer Rouge and the government shells would land in the camps
7 when they were fighting. But the Cambodiana was the safest camp;
8 it was in town.

9 Q. You have stated that when you left, you left in a convoy of
10 trucks and you passed first in front of Pochentong Airport and
11 then you took secondary roads. According to you, was that
12 itinerary chosen deliberately and were any particular reasons
13 given for the use of such secondary roads?

14 A. At the time I did not think about that very much, why, but I'm
15 thinking because the mass of humanity that was thrown out of
16 Phnom Penh went down the main roads, like Highway 5. Highway 5
17 was north of here and it was very crowded, and yet the road we
18 went on went west of Phnom Basedth whereas Highway 5 is east of
19 Phnom Basedth. That was the visual reference I had on the truck
20 as to where we were.

21 [15.58.04]

22 Obviously, the Khmer Rouge would not let us look at maps. They're
23 not going to tell us where we're at. There were very few
24 reference points such as the hills of Udong and the Phnom Basedth
25 hill.

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1 The Khmer Rouge had used these roads for quite a while because
2 there was hard packed trail, double trail, the width of the
3 Chinese trucks or a Cambodian oxcart.

4 Evidently, the Khmer Rouge would send young boys to climb in the
5 trees to pull the branches over the road, tie them together,
6 provide overhead cover -- green cover -- over the road from
7 aerial surveillance.

8 [15.58.46]

9 We crossed the stream. The stream probably would have been very
10 deep in the rainy season, but there was like a rock roadbed under
11 the stream. So the trucks didn't sink in the mud, we just crossed
12 the stream. The tires were only a few inches into the water. I
13 assume in the rainy season when the water would be a few feet
14 deep, you could still cross it because of the stone bed under the
15 stream. It was very well done. You could see they had been using
16 this route for quite a while.

17 I did not see people in masses along that route. I said earlier
18 that I did not see people executed or the signs of their being
19 executed, but you can smell the death from a distance. If the
20 wind blew the right way, I could get whiffs of it, a scent of it.
21 Also, some of the Khmer Rouge didn't seem so angry or hostile;
22 they were curious. Always people trying to get cigarettes off us,
23 always.

24 And there was one Khmer -- yeah, there were a few Khmer Rouge
25 that wanted to interact with the foreigners and were, I guess,

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1 pushed back or told to go back by their superiors.

2 [16.00.15]

3 There was one Khmer Rouge I saw that really freaked me out; I was
4 on the truck. We stopped, waiting for permission to go through
5 the next sector, and I'm just standing there, looking out with
6 the other 23 people in the back of the truck, and this guy starts
7 yelling, "Rokoss" (phonetic), "Rokoss" (phonetic). I mean, he's
8 calling my name but I thought he's saying "truck, truck, truck".
9 I looked and here's this guy in black and I had never, ever seen
10 this guy in black. I recognized him. He was a desk clerk at the
11 Hotel Royal and I had always seen him in white, and for the first
12 I saw him black. And then when I looked at him and he -- you
13 know, we sort of recognized each other and then he wouldn't come
14 near me. He looked nervous about coming over to me. He just stood
15 there looking; he wouldn't come over to talk to me. I think maybe
16 he was a little -- trying to be careful not to let his cadre know
17 that he knew me. But it was a very, very unnerving experience,
18 running into this guy. I never saw him again. That was only a
19 20-minute stop, waiting for the permission to go to the next
20 sector.

21 Q. In which convoy were you, the first or the second - that is,
22 the convoy of vehicles that left the French Embassy?

23 A. I did not hear that.

24 [16.01.58]

25 Q. In which of the convoys were you?

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1 MR. PRESIDENT:

2 Perhaps the battery on your headset is running out. Court officer
3 is now assisting you.

4 JUDGE LAVERGNE:

5 Q. Can you hear me now? My question was whether you were in the
6 first or the second convoy that left the French Embassy and
7 headed for Thailand?

8 [16.02.49]

9 MR. ROCKOFF:

10 A. I was in the first truck of the second convoy.

11 Q. Were journalists issued any specific instructions to not talk
12 about what was happening in Phnom Penh in order to avert possible
13 difficulties during the journey?

14 MR. PRESIDENT:

15 The witness still cannot hear or he can still not hear us.
16 Perhaps Court officer can replace the battery again?

17 JUDGE LAVERGNE:

18 Q. Sir, are you able to hear me? My question was if you were
19 aware of any special instructions or orders given to journalists
20 to not write any media articles about what was happening in Phnom
21 Penh in order to avert and avoid any future difficulties?

22 MR. ROCKOFF:

23 A. It's my understanding that there was a self-imposed embargo on
24 stories about this situation and the foreigners. That was imposed
25 -- self-imposed by the journalists on the first convoy. They

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1 would hold back on the stories about the French Embassy and the
2 foreigners here until the second convoy got out.

3 [16.04.37]

4 I don't know the politics of who violated it first, but there
5 were some journalists that jumped the gun and did stories before
6 the second convoy got out. When the second convoy got to the Thai
7 border, I think most of the stories had already been written and
8 already out there by the first batch of journalists that got out.
9 But the only word we had about the journalists getting out was
10 brief mention on BBC and we thought, "Good, if they got out,
11 chances are we're going to get out also." So it was just a matter
12 of waiting a few days till the trucks got back. But that was good
13 news hearing on the BBC that the first group got out but there
14 was mention of an embargo until the second -- the last of the
15 foreigners got out.

16 [16.05.41]

17 JUDGE LAVERGNE:

18 Thank you very much, Mr. Witness, for all of the clarifications
19 and details that you've brought before us this afternoon. On
20 that, I have no further questions for you.

21 Thank you very much, Mr. President.

22 MR. PRESIDENT:

23 Thank you, Judge Lavergne, and thank you, Mr. Witness.

24 (Judges deliberate)

25 [16.07.29]

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1 MR. PRESIDENT:

2 Before we adjourn, we would like to ask counsels for the Accused
3 as they will have the floor tomorrow to put questions to the
4 witness. Can you please advise the Chamber as to how much time
5 would you need to put questions to the witness, starting from
6 counsels for Mr. Nuon Chea first?

7 MR. KOPPE:

8 Mr. President, I anticipate questioning for about half an hour.

9 MR. PRESIDENT:

10 Thank you.

11 Counsels for Mr. Ieng Sary, please?

12 [16.08.15]

13 MR. KARNAVAS:

14 Good afternoon, Your Honours. Depending on what questions are
15 asked, I may or may not have any questions for Mr. Rockoff. We do
16 appreciate his testimony thus far. And if it were up to me at
17 this point I would probably not ask any more questions, but then
18 something that might be raised by one of the teams might require
19 us to ask a question or two. Thank you.

20 MS. GUISSÉ:

21 Mr. President, I believe that I would require anywhere between 20
22 to 30 minutes, and of course that is contingent on the questions
23 that will have been asked previously.

24 [16.09.01]

25 MR. PRESIDENT:

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1 Thank you, Counsels, for the indication of time needed.

2 Mr. Witness, since it is now the time for today's adjournment,
3 the Chamber will adjourn, and we thank you very much indeed for
4 your time. We do need you to come back tomorrow as well.

5 Tomorrow's session will commence from 9 a.m., and the Chamber
6 continues hearing your testimony. Hopefully, your testimony will
7 be concluded by the morning session.

8 Mr. Rockoff, as I already mentioned that your testimonies have
9 not yet come to an end, we would like to hear you for tomorrow's
10 session, so please come back to the courtroom at 9 a.m.

11 Court officer is now instructed to assist with the WESU unit to
12 ensure that Mr. Rockoff is well assisted during the adjournment
13 and to make sure that he is returned to the courtroom by that
14 time.

15 And the security personnel are now instructed to bring Mr. Khieu
16 Samphan and Ieng Sary to the detention facility and have them
17 returned to the courtroom by 9 a.m., except Mr. Ieng Sary, who is
18 instructed to return to his holding cell only where he can
19 observe the proceedings from there.

20 The Court is adjourned.

21 (Court adjourns at 1610H)

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