



**Witness Grilled on His Involvement with
Security at S-71 and the Ministry of Foreign Affairs**

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Witness Rochoem Ton faced examination by the defense teams for Ieng Sary and Khieu Samphan on Wednesday, August 1, 2012, in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

Three hundred villagers from Takeo province observed the morning proceedings, and one hundred villagers came from Kandar province to see the afternoon proceedings.

All parties were present, except Ieng Sary, who was in his holding cell. As usual, after noting Ieng Sary's health issues, the Trial Chamber President Nil Nonn granted Ieng Sary's request to follow the day's proceedings from his holding cell.

Before giving the floor to Ieng Sary's defense team to continue its questioning of the witness, President Nonn informed the witness that the Chamber had observed that "lately there has been some issues with regard to your testimony." He told the witness to listen to the questions posed to him and limit his response to answering the question. President Nonn also indicated that the witness should "compose and control" his emotions.

Witness's Second Interview with OCIJ in the Spotlight

Mr. Karnavas began his examination by asking the witness about the procedure followed during his second interview with the Office of the Co-Investigating Judges (OCIJ) on September 21, 2008. Mr. Karnavas stated that it seemed from the document that the interview began at 9 a.m.

and concluded at 11 p.m. that day, indicating a duration of 14 hours. Noting that the tape of the interview lasts for only 14 minutes, Mr. Karnavas asked the witness if he recalled the duration of the interview. The witness replied that the interview took place in the morning and “continued in the afternoon.” Mr. Karnavas inquired if the witness knew why only a 14-minute recording existed when, as the witness indicated, it lasted “an entire day.” Assistant Prosecutor Dale Lysak objected that the question called for speculation, as the witness would not know about what was placed in the case file.

Mr. Karnavas represented that one of the investigators who conducted the interview, Mike Dixon, indicated that the full interview was recorded. Mr. Karnavas asked what was done with the investigators during the time that was not recorded. The witness replied, “They posed questions to me and I responded, and probably they also had the audio recording at the time.” Mr. Karnavas clarified his question, asking what precisely was done during the day the investigators came, noting again that approximately 13 hours and 46 minutes were unaccounted for. Mr. Lysak objected that Mr. Karnavas misstated the witness’s earlier response, clarifying that the witness testified the interview continued in the afternoon, not that it lasted the whole day. He noted that the Khmer version of the interview transcript does not indicate that the interview continued until 11 p.m. and contended that this notation on the English version is probably a mistake or typographical error. Mr. Karnavas responded that he was referring to a summary prepared by the OCIJ and that he “cannot assume Mike Dixon would have lied in his record of the interview.” Mr. Karnavas pressed the witness again for a response as to what occurred outside of the 14-minute tape-recording. Mr. Rochoem stated that he “could not recall all the details.”

Referencing the witness’s ability to recall details of events occurring 37 years ago and commenting, seemingly sarcastically, that the witness clearly has a “vivid long-term memory,” Mr. Karnavas inquired again whether Mr. Rochoem could recall some details. The witness, in response, explained that yesterday he did not feel good and did not sleep well and his mind was “not 100 percent good.” The witness went on to state that, prior to the commencement of the audio recording, he was asked some questions by the investigators; however, he could not recall what he was asked. When asked how long this questioning occurred before the recording began, Mr. Rochoem again could not remember the details. He explained that there is a “gap that I cannot recall.”

Regarding whether he was shown documents during the interview to refresh his recollection, the witness stated, “It may be that is the way.” Mr. Karnavas contended that it appeared to his Cambodian colleagues through their listening to the tape that Mr. Rochoem had been reading out his answers. He inquired whether Mr. Rochoem recalled if a statement was written for him to read during the tape recording. In response, the witness requested that the tape be played for him, as suggested by Mr. Karnavas.

President Nonn inquired about the parts the counsel wanted to play and what the discrepancies were alleged between the tape and the written summary. Mr. Karnavas clarified that he wanted the full interview to be played in order to assist the witness and indicated that he believed the Cambodian judges would be able to judge whether the witness was reading a written statement.



He noted that the summary and the transcribed interview were almost identical but reminded the court that he had raised the irregularity regarding the timing prior to the witness testifying.

Mr. Lysak supported listening to the tape considering Mr. Karnavas's allegations. He also asserted, however, that Mr. Karnavas continued to misrepresent the witness's testimony by his stating that the interview lasted the whole day.

After discussion amongst the judges, Judge Silvia Cartwright took the floor. She noted that the Trial Chamber had a "practical problem" with Mr. Karnavas's request. She explained that Mr. Karnavas had indicated that the matter was brought to his attention by his Cambodian colleagues. She suggested there must have been something in the "tone or manner" of the witness's responses in the interview that raised this issue. After indicating that two members of the bench would not be able to judge this issue from the Khmer recording, Judge Cartwright asked Mr. Karnavas how he expected the judges to address his assertion.

In response, Mr. Karnavas said he was making an "offer of proof, as opposed to an assertion." He explained that he had requested that the tape be played because the witness indicated that listening to the tape might assist his recollection. Judge Cartwright stated that the bench was aware that the witness made the request but added:

We are still left with the same end result. Some of the Judges are unable to evaluate the suggestions that you have made and will not be able to do that independently of our colleagues. If there were discrepancies between the tape, the audio record, and the statement, that would be a different matter, but it's a waste of time, really, to listen to it in French and English because we cannot evaluate the suggestions you are making. Insofar as the witness thinks it might be useful to refresh his memory, so be it, but I don't think we can take it any further than that. But I think we'll need a little more time to discuss this matter before we finally decide.

Turning back to the examination, Mr. Karnavas asked the witness whether he remembered if answers were written for him to read during the tape recording. Mr. Rochoem responded, "The questions in 2008 session started 9 a.m. to 11 a.m. So, it was two hours. ... At that time, questions were posed to me and read out and the recording was kept."

President Nonn asked the counsel to be clear as to which document he was referring to avoid misleading the witness. Mr. Karnavas took exception to the suggestion that he was attempting to mislead the witness, explaining that the translated document from the OCIJ said 11 p.m. He argued that the witness testified it took "the better part of the day" and that now the witness was altering his story. President Nonn said that the Khmer document provides that the interview concluded at 11 a.m. President Nonn asked for the English version of the document for verification. National Co-Lawyer for Khieu Samphan Kong Sam Onn interjected to state that the witness did not clarify whether it ended 11 a.m. or 11 p.m.

Mr. Karnavas Examines the Witness about His Education

Moving on, Mr. Karnavas focused on the witness's education, recalling first that the witness had previously testified that he speaks, but is not fluent in, Khmer. Regarding his education, the

witness said he did not attend school, adding that he only learned after joining the revolution. He confirmed that when he joined the revolution in 1963, he was 16 or 17 years old and was living with his parents. He added that there were meetings in the jungle, and he began to take letters from place to place. Regarding what language the meetings were in, the witness said they were in Charay.

Mr. Rochoem confirmed that he started to learn Khmer in 1963, explaining that he did not attend a “proper school.” He explained that at night, his “in-law” would write down something for the witness to read. Referring to the period between 1961 to 1963, he described first learning Charay letters and then Leav letters. The witness testified that his in-law also did not go to school but learned “on the job” in the movement; he added that his in-law was taught some Khmer which he then taught to the witness. The witness said it was not a “systematic, formal education.”

Mr. Karnavas inquired how proficient the witness’s Khmer was by 1967 or 1968. In response, Mr. Rochoem testified that in 1967 he was staying in a different village and was taught terms relating to topics such as eating, traveling, and directions, which he memorized. He further explained that he was able to listen to some words in Khmer spoken by Lin. He described his Khmer as “30 percent at that time,” adding that it was good enough that he was able to carry out his work and deliver communications. When asked whether he could read or write Khmer by 1967 or 1968, the witness stated that he could not “write properly.” He added that, during that time, “they taught based on the documents that were teaching about the people’s war, the guerilla’s war. I had to memorize the documents.” He added that the terms “American imperialists,” “struggle movement,” and “resistance movements” were “well-picked” by him. When the witness stated that he recalled “very clearly” when Ieng Sary came to instruct them, Mr. Karnavas interrupted, asserting that his question was only “could you read Khmer at that time.” Mr. Lysak objected that the witness answered Mr. Karnavas’s question and that Mr. Karnavas was being argumentative. Mr. Rochoem responded to Mr. Karnavas’s question that he was able to read some things and take notes, since he knew his letters. He explained that his knowledge of Leav language, in which he reached Grade 7, helped him to learn Khmer.

Mr. Karnavas quoted So Hong as having stated, “Comrade Chiem . . . could not speak Khmer very well.” The witness confirmed that this was an accurate portrayal of his speaking ability. Regarding time devoted to improving his Khmer reading and writing skills from 1967 to 1975, the witness stated, “I really have high devotion.” He said that there were 80 ethnic minority people, many of whom were Charay, and that they were “very committed” to speaking Khmer with each other, explaining that they would communicate amongst themselves in Khmer, not Charay.

Mr. Rochoem’s Security Duties Before the Liberation of Phnom Penh Examined

Mr. Karnavas switched topics, asking the witness who his superior was while he was a guard or tasked with security in Ratanakiri. The witness noted that some of the people who gave him orders included Pong, Yun, Seun, and Yan. Pong, the witness said, was his immediate superior. Regarding whether So Hong was working with him doing similar tasks, the witness replied that So Hong was not working with him, explaining that he did not meet So Hong until September 1970. Mr. Karnavas asked whether when So Hong came in 1970 he ever worked with the witness in a similar capacity under Pong. Ultimately, the witness clarified, “From the time we met in the

jungle between Mondul Kiri and Kratie, until S-71 we had remained together, working together. We were under Pong's supervision, working together until the date Phnom Penh was liberated." Mr. Karnavas referred to So Hong's testimony at the ECCC wherein So Hong had indicated that he met the witness in the jungle in 1967, 1968, or 1969 and that they both were under Pong's supervision. Mr. Karnavas asked the witness whether it was possible that he worked with So Hong under Pong as earlier as 1967, 1968, and 1969. The witness replied that he did know Pong between 1967 and 1969.

Returning to an earlier point, Mr. Karnavas asked whether So Hong was doing the same security work as the witness while they worked under Pong. In response, Mr. Rochoem stated that they engaged in different duties when they were both at S-71. He explained that So Hong, who knew how to ride a motobike before the witness learned, was Pol Pot's secretary and wrote things for him; So Hong would also take Pol Pot when the leader needed to go somewhere.

After indicating that he was focusing on 1969, Mr. Karnavas asked the witness whether So Hong could have been providing security back then of which Mr. Rochoem was not aware. The witness replied that he and So Hong had not yet met. When the witness was asked whether So Hong was working in security with the witness under Pong's supervision, the witness appeared to misunderstand, stating that he did not receive instructions relating to So Hong on security. Mr. Karnavas asked again whether So Hong was doing the same or similar work as the witness under Pong's supervision, as in providing security and guarding. The witness replied he did not know. Mr. Karnavas sought clarity, asking if the witness was indicating that it was possible that So Hong was providing security while the witness was on guard duty and the witness did not know So Hong was there. Mr. Lysak objected that the question called for speculation and was argumentative. Mr. Karnavas argued that it went to the witness's credibility, noting that there appeared to be a possible contradiction with So Hong's testimony. President Nonn sustained the prosecution's objection and directed the witness that he did not need to respond.

The witness testified that So Hong and he did not stay in the same hut at S-71. Mr. Rochoem then added—in what seemed to be an answer to Mr. Karnavas's previous round of questions, "When it came to guard duty, So Hong was also on guard duty, but it was part of the internal guard duty while I was engaged in the external guard duty." Mr. Karnavas inquired whether this meant that So Hong would have been inside where the meetings were occurring while the witness was further away. The witness replied, "I was guarding outside so I was at a distance. But it varied. And while I was on guard I was also mobile." When asked about the how far away external guards were supposed to be, the witness responded that he would follow the orders received, whether they told him to guard closely or to do so at a distance.

Mr. Karnavas pressed the issue, asking the witness how far he would be from the internal guards if there were a meeting occurring. Mr. Lysak asked Mr. Karnavas to clarify what meetings he was discussing. Mr. Karnavas argued that he was allowed to obtain general information from the witness. After the judges conferred, President Nonn directed the witness that he did not need to respond, explaining that it is "it is unlikely to contribute to ascertaining the truth."

Mr. Karnavas next inquired whether Mr. Rochoem was managing any people while he was on guard duty. The witness responded that the 80 of the guards were mobile. Commenting that this

answer did not respond to his question, Mr. Karnavas asked again whether Mr. Rochoem supervised other guards when on guard duty. The witness responded that he would follow the instructions given to him by Pong and Ken. He stated further that if Ken instructed him to guard he would, and if he instructed him to direct others to do so, he would take those actions.

Mr. Karnavas inquired as to the level of experience the witness had from that time to April 1975 in managing or directing other guards or soldiers. Mr. Rochoem referred to having experience in the areas of politics and the military, as well as in patrolling, guard duty, and management. He added that he had a “great deal of experience.” He explained that they would have meetings at night for criticism and self-criticism to improve themselves. Mr. Karnavas asked the witness to tell him one time in which he managed someone else, “so we have an indicator of the real level of your experience in managing people.” The witness’s response to this question was not clear, so the defense counsel asked for clarification. The witness replied, “I myself, I was responsible for whatever was assigned, and everyone else did the same, that is, with regard to the guard duty.”

Examination Returns to the Liberation of Phnom Penh

Returning from the morning break, Mr. Karnavas explained that his co-counsel, Ang Udom, was with his client, Ieng Sary, and therefore absent from court.

Returning to his examination, Mr. Karnavas asked the witness where he was in the weeks leading up to the liberation of Phnom Penh. Mr. Rochoem testified that he was at B-5 office first and then at the Sdok Taol office and that he was with Pol Pot in both places. Mr. Karnavas again referred to So Hong’s testimony before the Tribunal, wherein So Hong had said that prior to the liberation of Phnom Penh he was in the West Zone, Kampong Speu province, with Pol Pot, guarding an ammunition dump and that Pong was to the East of the Tonle Sap. According to the defense counsel, So Hong further testified that Mr. Rochoem, or Chiem, was East of the Tonle Sap with Pong. Mr. Karnavas inquired whether So Hong’s statement was correct that the witness was with Pong at the time and not with Pol Pot right before Phnom Penh was liberated. Mr. Rochoem reiterated that he was at B-5 and Sdok Taol. Mr. Karnavas then questioned whether Mr. Rochoem was saying So Hung’s statement was not accurate. President Nonn informed Mr. Rochoem that he did not need to respond to the question as “it is not within your capacity to assess the statement made by another witness.” Mr. Karnavas responded to the ruling, “I thought that was the whole purpose of this exercise” and was providing an additional response when he was interrupted by President Nonn who instructed the witness again that he did not need to respond.

Moving on, Mr. Karnavas asked if there was an office in Kampong Speu that was on one side of the Tonle Sap while Pol Pot was on the other side. Before the witness could answer, President Nonn told counsel to rephrase his question. After the counsel did so, Mr. Rochoem indicated that he was only aware that Pol Pot was at B-5. Mr. Karnavas asked the witness where he physically was right



before Phnom Penh was liberated. The witness replied that he was at the Sdok Tao office, as was So Hong. Regarding whether Son Sen was also there, the witness replied that Son Sen was “a little bit further,” at the Batkon pagoda.

Mr. Karnavas inquired who ordered the witness to go with Son Sen on April 19, 1975, to Phnom Penh. The witness replied that it was Pol Pot. He further testified that Pong at that time was at the rear at Thnal Bek, at Batheay, and other places, noting that Pong had been various places during 1974. Regarding who was giving him “day-to-day orders” when Pong was not there, the witness confirmed that when Pong was not there, So Hong or Pol Pot was giving instructions.

Moving on, Mr. Karnavas inquired if, at the time the witness accompanied Son Sen into Phnom Pen on April 19, 1975, Son Sen was his direct superior. After Mr. Rochoem gave an answer relating to his role as a messenger at B-5 and Skduk Tao, Mr. Karnavas noted, “Something is getting lost in translation.” After Mr. Karnavas repeated his question, the witness replied that Son Sen was also his superior, adding because “I delivered letters between him and Pol Pot. So let’s say all those leaders were my superiors.”

When asked how long he was with Son Sen when he accompanied him into Phnom Penh, the witness described how he returned in the evening to where Pol Pot was while Son Sen went to the Batkon pagoda. He confirmed that everyone, including Pol Pot, went into the city the next day, April 20, 1975. When asked if he accompanied Pol Pot into the city on April 20, Mr. Rochoem testified that everyone left together and gathered at the railway station. He described how he was driving a Jeep and Pol Pot and Son Sen, who were traveling together, were in a Range Rover. As they neared the city, Pol Pot moved from the Range Rover to a tank, he recalled. Mr. Rochoem explained that So Hong ordered him to go to Phnom Penh and meet at the railway station and that So Hong continued to give him instructions on the days following his arrival in Phnom Penh. At this point, Mr. Karnavas pressed, “So if So Hong had testified that he had remained behind to guard the ammunition depo, that would be inconsistent with your memory of him being along with you in Phnom Penh on the 20th of April, 1975?” The witness replied that, from his recollection, So Hong was not responsible for guarding ammunition, as both he and So Hong were “close to Pol Pot,” noting again that at that time So Hong was driving with Pol Pot, while he himself was driving a Jeep.

Mr. Karnavas moved on, requesting the witness explain his activities after the liberation of Phnom Penh. Mr. Rochoem testified that he met with others at the railway station, where, he said, they only met at for a short period; he then traveled to the former Commerce Ministry along with Pong’s group. He explained that Pong and So Hong, with whom the witness worked, were two of the leaders when everyone met up. When Mr. Karnavas asked the witness whether Pong was giving him instructions related to security and guard duty at that time, the witness replied, “When we all met up, the same thing as when we were in the jungle, he managed all the tasks.” Mr. Karnavas again inquired as to what Mr. Rochoem was before he went to the Ministry and who was supervising him. The witness replied, “The duty of receiving the guests and preparing the guesthouse ... started at that time. My task was to manage the force to prepare the guesthouses, the kitchen hall, and the receptionist. So I was actually acting on behalf of Pong or So Hong at the time.”

The Witness's Qualifications for His Appointment to the Ministry Questioned

Next, Mr. Karnavas inquired about the witness's qualifications to work in his position at the Ministry of Foreign Affairs. In response, Mr. Rochoem referenced how he would manage and prepare the guesthouses, the kitchen hall, and guest reception and how he would ensure that the houses, the rooms, and bathrooms were clean and that the kitchen hall had cutlery. He also testified that he took guests to visit locations as assigned by the leadership. Regarding whether these were the whole of this duties, the witness countered that, as he had been the head of the office for four years, he could not describe all of the details of what he did.

Mr. Karnavas recalled the witness's previous testimony, indicating that Mr. Rochoem had explained that he was managing up to 1,000 people at one point in time and that one of his responsibilities was "psychological and political control." Mr. Karnavas questioned what specific qualifications Mr. Rochoem had that would have lead Pol Pot to assign him to take on these duties. The witness replied, "First, there is be loyal to the party, to the revolution, and to the people, and to have a clear view on that. And number two, ... it would be responsibility that we would have to undertake so that the result would be effective and satisfactory." (The English translation of part of the second point was not clear.) The witness indicated in his testimony that, from his observation, his holding of the position was based on these points.

Mr. Karnavas referred to the witness's previous testimony regarding his trip to China. Mr. Karnavas requested that Mr. Rochoem explain what he meant by his testimony that he was told to "observe and learn from the Chinese, their experience on tourism." The witness described his duty as observing how China dealt with its tourism and guest reception, explaining that he was to take note of the type of cutlery used with guests, the furniture in the guestrooms, and the kinds of clothe and carpet they used. He explained that he also went to tourist locations, including Mao Zedong's hometown and the city of Guilin. The witness clarified that he was there making observations and was not being instructed by the Chinese.

Witness Examined on His Role in Security at the Ministry of Foreign Affairs

Moving on, Mr. Karnavas asked the witness whether he was involved at all with security while at the Ministry of Foreign Affairs. Mr. Lysak objected that the question was asked yesterday. Mr. Karnavas indicated that he was giving the witness an opportunity to answer again, explaining that the witness had mentioned he was tired yesterday and perhaps had misspoken when he said he was not involved with the security apparatus within the Ministry. President Nonn sustained the objection and instructed the witness not to respond.

Mr. Karnavas quoted testimony from So Hong made on April 26, 2012, asking the witness at the conclusion whether So Hong's answer was accurate. Mr. Lysak asked that Mr. Karnavas clarify which facts he is asking the witness to confirm. Mr. Karnavas then broke it down, first inquiring to the witness whether Pong's people would come to the Ministry and tell Mr. Rochoem to remove people from there, as So Hong's testimony had indicated. The witness confirmed that people were removed from B-1 but added that he was not aware where they were taken. Mr. Karnavas then referred to when So Hong said, "I knew that Chiem took people out of the Ministry, rather the office S-21, but I did not know where those people were taken to"; he then queried whether Mr. Rochoem removed people from the Ministry and whether he was acting under Pong in doing so. In response, the witness stated that Ieng Sary was his "main superior"

and then So Hong. Mr. Rochoem said that Office 870 was in charge of the transportation of people. He repeated that he was not aware of where people would be taken and that he was not aware of S-21, which So Hong mentioned in his statement. Regarding whether he ever turned away any requests from Office 870 for people to be removed from the Ministry of Foreign Affairs, the witness stated, "I had no authority to contest such orders. I had to follow the orders, as a subordinate." When Mr. Karnavas asked if he meant Pong's orders, the witness replied succinctly, "Yes," and when Mr. Karnavas followed up with whether this was because he was Pong's subordinate, the witness again simply replied, "Yes."

Continuing, Mr. Karnavas quoted testimony from So Hong's April 23, 2012, testimony when So Hong was asked what Chiem (the witness's alias) was responsible for; So Hong had responded, "The main responsibilities of Chiem included the security ... and cleaning houses for the guests." Mr. Karnavas asked the witness whether, faced with the statement from his superior indicating that he was responsible for security, it was still his position that he was not involved with security while at the Ministry of Foreign Affairs. In response, Mr. Rochoem reiterated that the "first person" in the ministry was Ieng Sary, then So Hong, and then he himself was third. He continued, "With regard to security, the three of us would be in charge. He [Ieng Sary] was at the top level, would have overall order, and Hong would be in charge of Political Affairs, and I was in charge of administration, [which] at the same time dealt with security matters. And this was a



kind of systematic task and interrelated because security was always involved. However, there [were] politics, the economy, the military, [and] then security was part and parcel with this."

Mr. Karnavas noted that yesterday the witness emphatically denied being involved in security at the Ministry and that now he seemed to be "singing a different song." Mr. Karnavas asked again whether the witness was involved with security matters. President Nonn told the witness he did not have to respond to the question. He instructed Mr. Karnavas to "try to refrain from putting questions that are trying to intimidate or make witness lose

confidence in his testimony." He indicated that the probative value of the witness's statement is something to be addressed in the counsel's closing argument. Mr. Karnavas responded:

I think my job as an advocate here is not to provide some veneer ... but to actually ask probing questions, and in this instance I'm confronting the man. Yesterday he said he was not part of security and today he is slightly changing his story because now he is being confronted with evidence. That's what lawyers do, that's what I think is done at all international tribunals.

Mr. Karnavas then asked the witness whether he was giving a different answer today than from yesterday. Mr. Rochoem indicated that yesterday he was having problems with his memory because he was "bombarded with questions" and "could not have a clear mind when addressing some of the questions." He stated that he was better today.

After reading again from So Hong's testimony, Mr. Karnavas asked the witness if he recalled when So Hong asked him if he would be next to be taken away. The witness did not recall this exchange.

Mr. Karnavas read several more excerpts from So Hong's testimony, part of which indicated that So Hong had questioned why people needed to be taken away. Mr. Karnavas then asked the witness if he recalled ever asking the same question or whether he took it "at face value" that he had to hand over people when Pong's people from 870 came to the Ministry. Mr. Lysak objected that the question was not clear. The objection was sustained, and the witness was instructed not to respond.

Prior to breaking for lunch, Co-Lawyer for Nuon Chea Andrew Ianuzzi presented his client's request to follow the proceedings in the afternoon from his holding cell as he was experiencing health issues. President Nonn granted the request.

President's Instructions Clarified

Returning from lunch, Judge Cartwright was given the floor. She stated that there may have been a misunderstanding relating to the President's earlier comments regarding how Mr. Karnavas was examining the witness. She clarified that Mr. Karnavas is allowed to ask "probing and challenging questions," noting that it is actually his duty to do so. She stated that what the Chamber was concerned about was that "as a group of professional judges, there is no need to use the sort of emotion that sometimes we see on American television dramas. There is no need for that in the courtroom, and we would appreciate it if you would bear that in mind."

After commenting that he did not believe he was being "melodramatic," Mr. Karnavas continued on with his examination. He read a lengthy excerpt from So Hong's testimony from April 30, 2012, after which he asked the witness whether So Hong was right when he testified that Pong was still the witness's superior for matters related to security while the witness was working at the Ministry of Foreign Affairs. Mr. Rochoem replied that the statement that he was under Pong's supervision was incorrect. He stated that since the start of his time at the Ministry of Foreign Affairs, Ieng Sary was his "first superior" and So Hong was his second one, adding that they would provide him with instructions and that "we had to communicate through this line of hierarchy and that's how the daily chores were done."

Mr. Karnavas moved on, turning to a statement by Witness TCW 694 made on December 17, 2007, in which the witness stated that Phy Phuon was the chairman of the security section. Although Mr. Karnavas was allowed to refer to the statement, President Nonn instructed the witness not to reveal TCW 694's name. The witness confirmed that the person worked at the Ministry of Foreign Affairs. Mr. Karnavas read from TCW 694's statement an excerpt that listed out sections of the Ministry of the Foreign Affairs and their chairpersons, reading in part, "The office was divided into a security section with Phy Phuon, alias Chiem, as Chairman." Mr. Karnavas asked the witness whether he agreed that he was the chairman of the security section. In response, Mr. Rochoem stated that he was only responsible for the security of staff members that were under his supervision. When asked whether he was the chairman of security, the witness replied, "To be a chairperson in a place or an office, that would be a chairperson for everything, including the security; ... that was the arrangement at the time." It was not, he said,

“possible” that someone would be the chairperson of an office, with the security for that office assigned to someone else.

The witness was presented with a statement from another individual whom Mr. Karnavas believed was not on the witness list. Asked whether he recognized the name of the individual, the witness replied he did not.

Moving on, Mr. Karnavas turned to an excerpt from Philip Short’s book *Pol Pot: The History of a Nightmare*. The witness did not recall being questioned by the prosecution on excerpts from this book. When asked if he remembered being interviewed by Mr. Short, the witness indicated that he did not recall the name but did remember being interviewed by a foreigner. Mr. Karnavas quoted from the book: “Phy Phuon, the chief of security at the Khmer Rouge Foreign Ministry.” Mr. Karnavas inquired whether Mr. Short had asked questions pertaining to Mr. Rochoem’s position as “the chief of security at the Khmer Rouge Foreign Ministry.” The witness responded, “I was tasked with the role as the head of the office and also at the same time was in charge of security, so I was in charge as the head of the office and security matters. However, under my supervision, I was the one who was overly in charge of my section, including security.”

The Witness Testifies about a 1978 Murder of an American Professor

Moving on, Mr. Karnavas turned to a topic discussed in Mr. Short’s book regarding the witness’s involvement in the 1978 shooting of an American professor. The witness “partially” recalled this incident and stated that it might have occurred in early or mid-December 1978. He further testified that the incident happened “late at night.” He added that he remembers this incident because he took the American professor to Bati Temple. Mr. Karnavas quoted the following passage from Mr. Short’s book regarding the event: “Pol’s former aid, Phy Phuon, now head of security at the Foreign Ministry, arrived with a group of guards and broke down the door.”

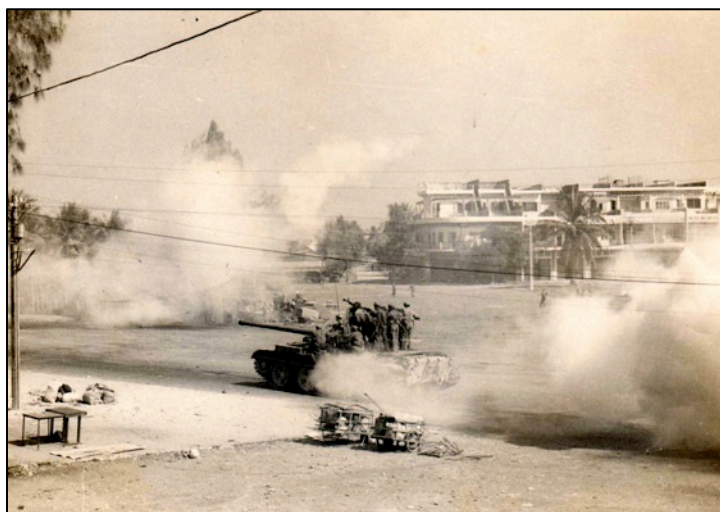
The witness indicated that he recalled describing this incident to Philip Short and proceeded to give a lengthy explanation of what had occurred. In summation, he testified that house where the professor was staying was about one kilometer from the Ministry and was guarded by Y-10 soldiers. He said that So Hong’s wife informed So Hong and him that there had been a shooting. He stated that he, So Hong, and Thiounn Prasith were the “main people” who “went there when the doors were locked.” He explained that he was the one who broke down the door. He described finding the professor dead next to the bed and a Y-10 guard near the door, also dead, with a pistol under his chin. He stated that he then informed So Hong and Thiounn Prasith that their guest was dead. Despite being investigated “time and again,” the witness said no “proper finding” was made of the event.

Mr. Karnavas inquired whether Mr. Rochoem was put in charge of the investigation, or assumed responsibility on his own, when he arrived at the scene. The witness, seeming to not understand the question, explained that he was informed about it by So Hong’s wife, and described how So Hong’s wife brought home a servant who had been shot in the leg during the incident. Mr. Karnavas again asked the witness whether he was involved with the investigation after the professor had been killed. Mr. Rochoem stated that an investigation was ordered by the upper echelon, and he indicated that this investigation was broken up into four parts: First, they

investigated soldiers from Y-10 who had been guarding the premises; second, they investigated municipal soldiers; third, they investigated male and female servants, who the witness called “my people,” that were tasked with serving guests at that location; and fourth, they investigated “among the intellectuals.” Mr. Rochoem further noted that Thouinn Prasith had worked with the professor since he arrived in the country, and he described how, at the Ministry, Ieng Sary met with him and So Hong to instruct them to find out the “black and white side of the story.” He indicated that Ieng Sary told them, “We the ministry were fully accountable for all this” before the Party.

Mr. Karnavas Examines the Fall of Phnom Penh in 1979

Mr. Karnavas moved on, referring again to Mr. Short’s book, in which it was indicated that the witness had been called by Pol Pot and given the assignment to escort King Sihanouk and his family out of Phnom Penh in 1979, as the Vietnamese were closing in on Phnom Penh. Mr. Rochoem confirmed that this is what occurred.



Vietnamese soldiers in Phnom Penh in 1979. (Source: Documentation Center of Cambodia)

When asked whether he personally had a conversation with Pol Pot wherein he was given this assignment or whether it was given to him on Pol Pot’s behalf, the witness replied, “In fact, Ieng Sary was the one who managed things.” He explained, however, that Ta had informed him that Samdech Ov needed to be evacuated to the West; Mr. Rochoem had told Ta that it would not be a problem as he had “his people” in Kampong Chhnang, in Pursat, in Battambang, and all the way to Sisophon.

When Mr. Karnavas sought clarification, the witness confirmed that Pol Pot personally gave the witness these instructions. He added that Ieng Sary also told him to evacuate Samdech Ov. He said his nephew helped him, since both Samdech Ov and Samdech Pen Nut were being evacuated. He also recalled that Ieng Sary ordered them to travel by vehicle and that they left in two black vehicles at 9 p.m. and reached Battambang by 5 a.m.

Turning to a different topic, Mr. Karnavas asked the witness for confirmation that he was made a commander subsequent to the fall of Phnom Penh. Mr. Lysak was recognized and stated that he was not sure if this was relevant, as it was after 1979. Mr. Karnavas argued that it showed the

importance of this individual. President Nonn sustained the objection stating that the question was not relevant to the facts in the Closing Order.

Moving on, Mr. Karnavas asked, “When you were heading towards the border in 1979 in January, were you not involved in the killing of large numbers of Cambodians for which you were severely criticized by Mr. Ieng Sary and for which now you’re using this as an opportunity to testify the way you are?” President Nonn told the witness he did not have to respond to the question as it was outside the scope of the facts.

Although Mr. Karnavas stated that he had concluded his examination of the witness, he returned to the earlier discussion of the witness’s second interview with the OCIJ before ceding the floor. He indicated that one of the court’s interpreters, Seng Phally, was also the interpreter during the interview. He requested that the interpreter be called before the Court to testify about what had occurred during the second interview, arguing that the matter goes to the witness’s credibility. He concluded, “We don’t make this request lightly.”

For the prosecution, Mr. Lysak responded that he did not think it was appropriate for Mr. Karnavas to identify staff as potential witnesses publicly and that he did not believe it was necessary for staff to appear before the Court. International Civil Party Lead Co-Lawyer Elisabeth Simonneau Fort contended, “He could have contested this during the judicial investigation.” Mr. Karnavas argued that this was a “unique circumstance” and emphasized again that it goes to the credibility of the witness. After the judges conferred, President Nonn acknowledged that the issue raised was “critical.” He stated, however, that the Chamber considered Mr. Karnavas’s in-court request to be insufficient and indicated that the counsel needed to submit in writing a document outlining the relevant issues as well as the legal grounds for his request. He reminded Mr. Karnavas that the Court follows the ECCC internal rules and pertinent Cambodian laws.

Co-Lawyer for Khieu Samphan Kong Sam Onn Questions the Witness about Policy

Returning from the afternoon break, Co-Lawyer for Khieu Samphan Kong Sam Onn took the floor to question the witness. Mr. Onn asked the witness to clarify his previous reference to “front forces,” which Mr. Rochoem had said Khieu Samphan mentioned to him. The witness responded that he heard of the front, which was known as the National United Front of Kampuchea (FUNK), via radio broadcasts and the documents *Revolutionary Flag*, *Revolutionary Youth*, and *Front Flag*.

Mr. Onn directed the witness’s attention to his OCIJ statement and read an excerpt that indicated “no class distinction” was made in the forces. He inquired what Mr. Rochoem had meant by the phrase “no class distinction.” The witness replied, “This means that all walks of life had been gathered to join the force.” He further explained, “There is no discrimination against any class because we needed to gather all people to form the National United Front of Kampuchea.” Mr. Onn then asked whether the “gathering of forces” was a FUNK policy or a policy of the Communist Party of Kampuchea (CPK). The witness replied that from his understanding, it was a party one.

Mr. Onn requested the witness clarify the policy in “assessing the classes.” Mr. Rochoem described that the peasant and worker classes were referred to as “the core forces for the gathering of the forces.” The witness explained this statement, stating, “In the resistance movement, we needed peasant and worker classes because they were treated as the owners in the authority. We had to rely heavily on these forces.” When asked about whether there were other classes, the witness named the “petty bourgeoisie,” which he said included students and also an intellectuals class. These groups, he said, were “better educated and had better knowledge of the social issues” than the peasants and workers. When asked if he heard of a “feudalist class” or “imperialist class,” Mr. Rochoem said he read about these classes, adding that there were also capitalist and feudalist classes and a group referred to by a document as “reactionary.”

Asked about the policy of the classification of the classes in Cambodia prior to 1975, the witness stated that he understood it better after the coup d’état and after FUNK was established. In response to whether he knew of the CPK’s treatment of the capitalist and feudalist classes, the witness noted that there was a “consistent effort to gather forces during those years.” He stated, “People from the feudalist class were also gathered to join the forces, and there was no intention to do any harm to this class.” Regarding how the people in the feudalist class were gathered, the witness replied that people who were capable and “flexible enough with the Resistance” could assist in rural areas or work in ministries or offices.

Mr. Onn moved on, comparing testimony the witness gave on July 30, 2012, with a statement Mr. Rochoem had made during his OCIJ interview. The counsel noted that there was a discrepancy between the word “arrest” and “disappeared” when Mr. Rochoem was describing what happened to Koy Thuon. When asked what term he would use, the witness said he preferred “arrest.” He confirmed that he was correcting his July 30 testimony and was standing by his statement from his interview with the OCIJ.

The Witness Testifies about his Study Session at the Soviet Technical School

Mr. Onn moved on to ask the witness questions pertaining to the study session he attended at the Soviet Technical School about which he previously testified. The witness testified that the Soviet Technical School was located on the street to Pochentong Airport. Regarding what this school was used for, the witness replied that he did not remember and that he only heard about it from others. Mr. Onn referred to the July 25, 2012, transcript wherein the witness indicated that he had studied there. The witness confirmed that this was the case and that he studied there during the Democratic Kampuchea regime. The witness clarified his previous statement that he did not know what the place was used for. He explained that he only studied there once and that he was not aware of what it was used for before and after he was there. He said that he was there for only a “short study session” that lasted a few days. Regarding what he studied while there, the witness stated that at that time Khieu Samphan was the presenter and that he presented on several topics including “the situation inside and outside the country, and the situation after the liberation, and ... the socialist revolution.” When asked who else attended this



study session, the witness could not remember but stated that there were approximately 40 participants, all of whom had been designated to work at Office 870 and the Ministry of Foreign Affairs. Both cadres and combatants attended, he recalled. When asked why he could not recall the names of any of the attendees, the witness replied, "I could not recall their names because after that we all spread out different ways and I do not know how many died and how many survived."

Mr. Onn Asks the Witness about Khieu Samphan before 1975

Moving on, Mr. Onn referred to the witness's previous testimony relating to Khieu Samphan prior to 1975, referencing that the witness had indicated that he observed Khieu Samphan writing in his residence, the contents of which the witness indicated he was not aware. After the witness confirmed the accuracy of this, Mr. Onn inquired whether Mr. Rochoem noticed other communication between Khieu Samphan and Pol Pot's group. Mr. Rochoem replied, "As I mentioned continuously, for example at Office S-71 sometimes they may gather – Pol Pot, Nuon Chea, and him." Other times, the witness said, Khieu Samphan was writing in his hut, describing him as "writing in Khmer in large volume" and doing translations from Khmer to French. When asked whether Khieu Samphan ever ordered him to do something, Mr. Rochoem indicated that Khieu Samphan did not give him orders while they were in the jungle.

Next, Mr. Onn asked whether Mr. Rochoem was aware of Khieu Samphan's role before 1975. The witness explained that he knew Khieu Samphan was the military's commander in chief after the coup d'état and after the FUNK was organized. He also knew Khieu Samphan "controlled the work of the Front." He added that he respected and adored Khieu Samphan because "it was great to have an intellectual living and working with us in the jungle." Mr. Onn asked the witness about the difference is between the FUNK and the GRUNK, but the witness was unable to say as he could not remember about the GRUNK. Mr. Onn concluded his examination of the witness and turned it over to his colleague, International Co-Lawyer for Khieu Samphan Arthur Vercken.

The Defense Nearly Concludes Its Examination of the Witness

Mr. Vercken began his examination by asking the witness a series of questions relating to his role in security at S-71. Mr. Rochoem testified that he was not the only one at S-71 tasked with providing security for Pol Pot. He testified that a group of 80 people from Ratanakiri province were also tasked with doing so. Mr. Vercken asked the witness a question regarding whether he was assigned any "extraordinary assignment" compared to the other 80 bodyguards. The witness first stated that Pong was generally in charge, So Hong was there, and Ken was his direct superior. He then described how he also escorted Nuon Chea as well from 1972, and how, since he knew how to ride a motobike, he was tasked with occasionally taking letters between offices.

Mr. Vercken then inquired whether it was accurate to say that Mr. Rochoem was not assigned to only one leader at S-71. He queried, "You could have also been in charge of providing security for groups, you could have undertaken patrol for meetings, but you weren't given a special assignment to act as a bodyguard for any particular person?" The witness confirmed that this was right. When asked whether he was tasked with providing security at S-71 only when the leaders were traveling, or also when the leaders were present in S-71, Mr. Rochoem replied that his tasks at S-71 varied "depending on the period and the month." He indicated that he, and the other 80 bodyguards, had other duties than providing protection or guarding, such as building houses.



The witness explained that while he was on guard duty, he was providing the camp with security. Regarding the risks against which they were protecting the camp, the witness explained that there was concern over outside enemies but what was of most concern was “infiltrating agents or spies.” Asked to explain who these “infiltrating agents” were, the witness indicated, “That was the way we conducted our business and provided protection” in Ratanakiri. He described that the 80 guards were to be vigilant regarding people who came to communicate with the leaders. He explained he referred to Ratanakiri as an example, noting that S-71 was in Stung Trong district in Kampong Cham province.

The witness confirmed that he, and the 80 guards from Ratanakiri, worked as bodyguards upon their arrival at S-71. Mr. Vercken inquired how many other people were also providing security when he arrived at S-71. The witness described that during the day the force was split, such that some had to do guard duty and others were to do labor. During the night, they divided up their group of 80 into eight groups of ten people who would guard different targets within the parameter for the duration of the night. Mr. Vercken returned to the infiltrating agents, asking who they were and if there were guidelines in dealing with them. In response, Mr. Rochoem stated that there was “no worry concerning security” at S-71 and indicated that they were using preventive measures.

Following this question, the president adjourned the proceedings for the day, informing the witness that his testimony had not yet concluded and would resume Thursday, August 2, at 9:00 a.m. for the next session. President Nonn indicated that the testimony of Rochoem Ton will conclude tomorrow and testimony from a new witness will be heard during the rest of the session.