



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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7 May 2013
Trial Day 177

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Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. KONG SAM ONN	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SHORT (TCE-65)	English
MR. VENG HUOT	Khmer

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Ms. Se Kolvuthy, could you report the attendance of the parties
6 and individuals to today's proceedings?

7 [09.03.12]

8 THE GREFFIER:

9 Mr. President, all parties to today's proceedings are present.
10 As for Nuon Chea, he is present in the holding cell downstairs.
11 That is based on the decision of the Trial Chamber due to his
12 health.

13 The expert who is going to continue to testify - that is, Mr.
14 Short - he is present in the courtroom. Thank you.

15 MR. PRESIDENT:

16 Thank you.

17 The floor is now given to the Prosecution to commence putting
18 questions to this witness - this expert. You may proceed.

19 QUESTIONING BY MR. VENG HUOT:

20 Thank you, Mr. President. Good morning everyone in and around the
21 courtroom.

22 Good morning, Mr. Short. My name is Veng Huot. I'm representing
23 the Office of the Co-Prosecutors. I have some questions for you.

24 [09.04.25]

25 Q. My questions are related to the policies of the Communist

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1 Party of Kampuchea, as well as its ideology. After I conclude my
2 portion, my colleague, Mr. Tarik Abdulhak, will focus on the
3 historical development and evolution of these policies. My
4 questions are mainly based on portions of your book which is
5 entitled: "Pol Pot: The Anatomy of a Nightmare." The document has
6 a code name, E3/9 as indicated by Judge Cartwright yesterday. As
7 your book has not been translated into the Khmer language, I
8 would use the English and the French reference of your book.
9 You described in your book the significance of the decisions
10 which, according to your book, were made in May 1975 at the
11 Silver Pagoda - that is pages 8 and 9 of your book with the ERN
12 in English, 00396200 to 01. The French ERN is 00639460.
13 [09.06.55]

14 For that portion, you wrote:

15 "In this surreal setting, the arbiters of the world's most
16 radical revolution took the fateful decision, after 10 days of
17 discussion, to disband the so-called United Front with Sihanouk's
18 supporters and other non-communist groups who had helped them to
19 win power; to jettison the relatively moderate policies that such
20 an alliance implied; and instead to make the leap - the
21 'extremely marvellous, extremely wonderful, prodigious leap', as
22 the Khmer expression has it - to install, in one fell swoop, full
23 communism, without compromise or concessions. The die had been
24 cast."

25 And on page 12 - that is, English ERN 00396204; and ERN in French

3

1 is 00639465, you wrote - quote:

2 "In any violent upheaval, whether war or revolution, innocent
3 people suffered. US officials speak of 'collateral damage';
4 Maoist talk of breaking eggs in order to make an omelette. In
5 Democratic Kampuchea, 'collateral damage' knew no bounds.
6 Everything outside the 'revolution' became a legitimate and
7 necessary target.

8 "It was not simply that life had no value; that killing became an
9 act of no consequence. An entire country was put in thrall to a
10 dystopian ideal that negated anything and everything that was
11 human." End of quote.

12 [09.10.11]

13 I have a number of questions here for you, Mr. Short.

14 First, can I ask you to expand on your use of the term - quote -
15 "the world's most radical revolution" - end of quote?

16 MR. SHORT:

17 A. No other Communist party anywhere, neither in North Korea, nor
18 in China, nor in any of the Soviet Bloc states has attempted to
19 go so quickly and so completely towards a Communist state as
20 defined by Marx, True Communism, a state of complete equality,
21 and indeed, a state where the apparatus of the state withers
22 away. One of the characteristics of Democratic Kampuchea was that
23 the government apparatus and indeed the apparatus of the Party
24 were reduced to a minimum where there was no compromise with
25 realities in terms of creating this equal property -

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1 property-less - in the sense of private property - polity.

2 [09.11.45]

3 In that sense, Pol Pot and the Kampuchean Communist Party pushed
4 the logic of communism to its extreme and the result, as you
5 know, was a terrible catastrophe.

6 Q. In your opinion, based on your research into the history of
7 the Movement, did the decisions made in May 1975 represent a
8 significant departure from past practices or was there any
9 relationship between the May 1975 decisions and CPK policies and
10 practices that had been in existence in the liberated areas in
11 the early 1970s?

12 A. If you look at the development of China after 1949, the first
13 stage was what Mao called "New Democracy" where the Communist
14 Party cooperated with non-communist elements, with private
15 business; and for five or six years, there was what one might
16 term, "a very moderate form of communism". It then became more
17 radical and more extreme.

18 [09.14.05]

19 In Cambodia, the decision taken in May was not to do that. Was it
20 ever a serious option that the Cambodian Communist Party could
21 have practised the equivalent of New Democracy? That is, was it
22 ever a serious option that the DK regime could have cooperated
23 with non-communist elements? I think not because precisely of the
24 development before.

25 Already in the provinces, there were examples of a transition to

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1 an essentially property-less society. Money had been done away
2 with, that is the currency of the Lon Nol government was not
3 used. There was a degree of collectivisation. There were steps in
4 that direction. What the May meeting decided, was that the leap
5 into what one might call "pure communism", "utopian communism",
6 should be direct and immediate. And I think that was not
7 necessarily, that need not have been the case. There could have
8 been a more gradual transition even if the goal would always have
9 been the same.

10 [09.15.48]

11 Q. Based on your response, I take it that the May 1975 decisions
12 meant there was still a relationship and practices since the
13 early 1970s; am I correct on this point?

14 Allow me to repeat my question based on your response. I take it
15 that based on your response, the decisions made in May 1975
16 followed the practices since early 1970s. Am I correct on this
17 point?

18 A. Yes, I was waiting to answer, but I could not answer until the
19 microphone switches on.

20 Yes, you are correct. There is definitely a relationship between
21 what happened after April 1975, including the decisions at the
22 Silver Pagoda and what had happened before. But it was not a
23 fatal connection. It didn't have to happen in quite the way it
24 did. Certainly, it would have happened eventually because that
25 was the direction in which the Khmer Rouge policy was pointing,

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1 but it didn't have to happen so fast. That was a decision that
2 they took.

3 [09.18.08]

4 Q. Thank you, Mr. Short.

5 In the book you wrote – quote: "Everything outside the revolution
6 became a legitimate and necessary target." End of quote.

7 Allow me to ask you first, what if any indications did this
8 direction have on the relationship between the CPK and its former
9 front allies?

10 A. The decisions taken in May meant that the Front was
11 essentially no longer useful. So the question then became how
12 does the CPK govern or manage its relations with the Front? How
13 does it bring that stage of the revolution to an end and start as
14 it did in 1976, the pure DK system; because Sihanouk represented
15 those who were outside the revolution, Prince Sihanouk, the
16 members of the Front, those who were not from the CPK core. So
17 the decision to leap towards a radical Communist state meant that
18 that would all have to come to an end.

19 Q. Also regarding that decision – that is the decision to smash –
20 so the question that I really would like the response from you is
21 whether that relation – that decision had any relationship
22 between its former allies?

23 [09.20.41]

24 A. Yes, indeed, the former allies being those who were
25 non-communist elements in the Front, the decisions in May – the

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1 consequence of the decisions in May was that that relationship
2 was - should not continue as it had. It had to be changed because
3 all power would be in the hands of the CPK corps and it no longer
4 needed to be dressed up as a Front with non-communist elements.
5 So the destitution of the decision to promulgate a new
6 constitution, which was taken at the end of 1975 and the
7 consequences of that constitution which were, Sihanouk resigned,
8 the Front ended. That all followed from the decisions in May.

9 Q. Thank you, Mr. Short.

10 Now I will move to another question. I'd like to understand more
11 about the policy - that is, this policy to smash. Did this policy
12 affect ordinary people outside the party ranks? This is the first
13 point.

14 And secondly, did this policy in any way affect those within the
15 ranks?

16 [09.22.30]

17 A. The policy to smash was to smash those who were not
18 whole-heartedly with the revolution was, if you like, a
19 corollary, a parallel facet to what we have just been discussing
20 the fact that people outside the revolution, people in the Front
21 were no longer necessary for the next stage. Now why were people
22 smashed? Why were people suspected? I think you touched there on
23 one of the very fundamental aspects of Khmer Rouge ideology.
24 Individualism, asking questions about the regime was a form of
25 mental private property because it meant you had your own

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1 personal ideas which were different from those of the
2 organization, different from those of Angkar.

3 [09.23.34]

4 And private property, whether mental or material, was a sign of
5 potential opposition, of being outside the revolution, of being
6 part of them, those outside rather than us within. So any kind of
7 questioning of showing of private views, of personal views was
8 taken to be in opposition to the revolution. Whether at the
9 highest levels or lower down or among ordinary people and because
10 this was a revolution which refused to admit doubt or
11 uncertainty, those who showed different views, private views as
12 against the collective view were liable in the end to be smashed.

13 Q. Thank you, Mr. Short.

14 Now, coming back to your book and it is in the same section we
15 looked at earlier, you deal with the abolition of individual
16 rights under the regime. That is on page 11 of your book; English
17 ERN 00396203; French ERN is 00639462. You wrote:

18 "Money, law courts, newspapers, the postal system and foreign
19 telecommunications - even the concept of the city - were all
20 simply abolished. Individual rights were not curtailed in favour
21 of the collective, but extinguished altogether. Individual
22 creativity, initiative, originality were condemned per se.
23 Individual consciousness was systematically demolished." End of
24 quote.

25 My question is the following: In your expert opinion, what was

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1 the policy reason for the abolition of extinguishing individual
2 rights?

3 [09.27.20]

4 A. Because if you have individual rights, like individual
5 opinions, like individual property, people are not equal. And I
6 didn't have this from Mr. Khieu Samphan himself, but I was - I
7 talked to an official - an official of - actually in the present
8 government who attended a seminar given by Mr. Khieu Samphan at
9 which he said that if one person had a little more and another
10 person a little less, that was not communism. The only way to
11 ensure communism, the implication at least, was that everyone
12 must have the same and that meant everyone having nothing in
13 terms of private property; now that was applied mentally, as well
14 as in terms of material possession.

15 [09.28.36]

16 Q. Thank you, Mr. Short.

17 What was the approach of the Khmer Rouge to family life and in
18 particular, the right for families to stay together and for
19 children to be with their parents?

20 A. The fundamental position was that the true family was the
21 organization and not the nuclear family of parents, grandparents
22 and children. Therefore, family relations within the family - I
23 don't want to be too dogmatic about this because there were great
24 differences depending on where you lived in Cambodia, and what
25 policies were followed by the local officials. But insofar as

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1 there was a central line, it was that family ties must not be
2 allowed to interfere with the greater loyalty of each individual,
3 each person to the Communist course; to the organization, Angkar.
4 The result was that very little weight was placed on family
5 relations to the extent that marriages which took place under the
6 Khmer Rouge period, were often between soldiers, let us say, and
7 young women, essentially for the practical purpose of creating
8 children which would form part of the population.
9 The romantic attachment between a couple was something that the
10 Khmer Rouge had very little time for.

11 [09.31.12]

12 Q. Continuing on this theme, I would like to explore the
13 abolition in relation to what you have written in your book of
14 courts, or legal system under the 1975 to 1979 regime.
15 Yesterday Judge Cartwright asked you the question and you said
16 that the court of law was completely abolished at 1.45 second
17 yesterday. So now I would like to ask you to expand on this. Have
18 you ever been able to form a view as to why CPK policy warranted
19 the abolition of law courts?

20 A. Yes, I have and I would like to say that it seems to me that
21 the abolition of law courts was completely logical in terms of
22 CPK policy because the only purpose of a law court is to judge
23 independently. The idea of anything being independent of the
24 Party was abhorrent to the CPK, therefore, why have law courts.
25 The Party itself would decide and anything else would be

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1 hypocritical. Law courts only make sense in a totally different
2 kind of a democratic system, so no courts.

3 [09.33.10]

4 Q. Thank you, Mr. Short. I have an additional question on this
5 particular theme. In the absence of the law courts, did any
6 system of justice replace the law courts and what were the
7 hallmarks of that system?

8 A. I think it's - in the terms which we would normally use, it
9 would be difficult to apply the word "justice". There was a
10 system whereby those who were suspected of disloyalty would be
11 denounced to the village or to the collective leaders and would
12 often be taken to the district prison. In some cases, they might
13 be released if it were felt by those running the prison that
14 there were no - that they were not irredeemably guilty, that they
15 need not be killed.

16 In many, many cases, they would simply be killed. In some cases
17 the decision would be taken at the collective level and they
18 would be killed without being taken to the district prison. In
19 yet other cases, they might be sent to S-21, to Phnom Penh to the
20 centre of the Santebal and there they would be interrogated and
21 then killed. I'm not sure that you can really call this a system
22 of justice; it was a system of elimination of those on whom
23 suspicion had fallen, but no more than that.

24 [09.35.33]

25 Q. Thank you, Mr. Short. Now I would like to turn to a concept. I

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1 think you're an expert you will be able to explain this based on
2 your extensive research.

3 Can you explain some of the various reasons below - as below? If
4 the entire country - the leadership fail to uphold the system of
5 justice or they allowed the abolition of the law courts, what
6 would be the consequences of the abolition as such, justice
7 system?

8 A. The consequences are what we saw, but again, I would say in -
9 given the ideology of the Cambodian Communist Party, it was both
10 to be expected and flowed naturally from the guiding ideology.
11 That is, you had a system where there was considerable
12 arbitrariness at the lower levels in the provinces, but where all
13 decision making regarding the country as a whole, was taken by a
14 very small group of people in the Standing Committee and
15 essentially by Pol Pot himself, Nuon Chea and one or two others
16 depending on the subject.

17 [09.37.18]

18 Q. Thank you, Mr. Short.

19 Now I would like to turn to the issue concerning the abolition of
20 money.

21 Yesterday Judge Cartwright asked you this question, and you
22 responded: concerning the abolition of money, the policy - the
23 people, in general, could not do anything. That's what you told
24 the Court. So what I would like to - expand on this particular
25 issue which I am not sure, and I need your enlightenment. I would

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1 like to know what policy or ideological considerations underpin
2 the decision by the Khmer Rouge leadership to abolish money after
3 victory and to establish a system of cooperatives and enforced
4 collectivisation?

5 [09.38.31]

6 A. I think the two issues are different. Collectivisation
7 happened in all Communist countries to a greater or lesser
8 degree. It did not outside Democratic Kampuchea; it did not mean
9 that money would be abolished. There was in China some very brief
10 discussion of abolishing money during the great leap forward, at
11 the end of the 1950s. They decided not to do it. Throughout the
12 Chinese Communist regime and every other Communist regime, money
13 has been used. So why in Cambodia, in Democratic Kampuchea did
14 they decide to abolish money? Because, as I said earlier, private
15 property of any kind is a source of inequality and if, as one of
16 your guiding principles you are committed to absolute equality,
17 it follows that money should not be used internally because then
18 one person has a little more, another has a little less. They can
19 buy different amounts of different products and inequality
20 follows. So if you're being completely single minded in a kind of
21 tunnel vision way, you say no money, no private property;
22 complete equality. They were logical with themselves; that's what
23 they did, but at the cost of enormous suffering because people
24 could not live anything remotely like normal lives.

25 [09.40.24]

14

1 Q. I have another question concerning the decision relating to
2 the establishment of a system of cooperatives and enforced
3 collectivisation. Judge Lavergne yesterday put this question to
4 you and yesterday you also explained in relation to this aspect
5 that the establishment of this system was to ensure equality;
6 now, for example, if you wanted to be ironed out in the same
7 level to ensure social equality. I would like to ask you to
8 explain following the establishment of a system of cooperatives;
9 what are the rationale behind the establishment of the system of
10 cooperatives and collectivisation?

11 A. Initially, there were a whole series of reasons. In Communist
12 systems, collectively owned property is held to be more just,
13 better for everybody concerned than private ownership and the
14 exploitation of man by man, as in a Cambodian Communist
15 capitalist system.

16 [09.42.10]

17 There was also the practical rationale which we discussed
18 yesterday of controlling the rice supply, preventing it being
19 available to the Vietnamese allies, allies with problems. And
20 then there is also the ideological element which we've just been
21 discussing; the desire to produce a system in which everybody was
22 equal, which was not, I mean they were good reasons or at least
23 worthy motives for it. It would raise up the poorest peasantry
24 which again, as we heard yesterday, Pol Pot wished to make were
25 the majority of Cambodians. That was not true, but it was a

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1 justification advanced, and in the Communist system as they
2 conceived it, agricultural production was going to be the way in
3 which Democratic Kampuchea developed, became prosperous and
4 strong and therefore, the more people who could be put into
5 collectives and made to work on the farms, the more agricultural
6 production there would be; the stronger, the more quickly a
7 strong Cambodia would develop.

8 Again, if I might just add one word, there was - this was not
9 illogical. There was a great deal that made sense in this. The
10 problem, the greatest problem was in the way it was carried out.
11 I mean it is possible to imagine that a system of this kind could
12 have been just and fair and equitable and would have achieved
13 many of its goals without the suffering that resulted from the
14 way it was carried out.

15 [09.44.23]

16 Q. I have one last question for you. Just now we were discussing
17 on the establishment of the policy of money abolition and the
18 draft policy to establish a system of cooperatives and enforced
19 collectivisation. So how soon after the 17 of April 1975 was this
20 new policy implemented?

21 A. It's not in terms of the abolition of money, but in terms of
22 collectivisation and that the mass population movements into
23 collectives; that happened immediately. As soon as the Khmer
24 Rouge had attained victory, all the cities were evacuated; people
25 were put to work in collectives. The abolition of money, that

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1 decision was much slower. It's very difficult to pinpoint quite
2 how it went. The fundamental decision was taken in May at the
3 Silver Pagoda, but there was already at that time, there were
4 already moves, to put in to place, a banking system which would
5 have allowed money to be used.

6 [09.46.17]

7 And as - I think, we said yesterday, specimen notes were taken to
8 at least some collectives to be shown to people, this is the
9 money that we're going to use. Now was it in June that the word
10 finally got around that no money was going to be used? I don't
11 know. It's hard to pinpoint that to a very precise date. The
12 decision was taken in May. So, after that, it was finished, but
13 it probably took some weeks before the effects of that decision
14 were made completely known everywhere.

15 MR. VENG HUOT:

16 Mr. Short, thank you very much. I would like to conclude my line
17 of questioning now, but I hand over the floor to my esteemed
18 colleague, Mr. Tarik Abdulhak, to pursue the question.

19 Thank you, Mr. President. I have no further question for now.

20 QUESTIONING BY MR. ABDULHAK:

21 Good morning, Mr. President and Your Honours. Good morning,
22 Counsel, and very good morning to you, Mr. Short. Let me express,
23 on behalf of the Prosecution team, our gratitude for you coming
24 to Cambodia to testify. We appreciate this is your second trip.
25 On the first occasion we weren't very lucky.

1 [09.48.07]

2 Q. I'm going to be ambitious and cover a rather wide range of
3 topics with you today and tomorrow morning, and we'll be going as
4 far as one can, chronologically, through development of some of
5 the policies that you've been describing.

6 But I thought I'd start first just by picking up on one or two
7 points that you – that you have just been explaining, while these
8 matters are still fresh in our mind.

9 You talked about the concept of the destruction of – I think you
10 called it "mental private property". And in that context or in a
11 different question, you discussed an education session that Khieu
12 Samphan gave that was described to you by individual you
13 interviewed.

14 And I want to read to you a quote from the book and see if this
15 relevant and if this is indeed the passage you had in mind.

16 [09.49.11]

17 So this is at pages – at page 316 of the book, the lower half of
18 page 316. The English ERN is 00396524; French ERN 0063870. And
19 this is the quote: "Exactly what was involved in 'changing your
20 mentality' was made clear to the new arrivals at a month-long
21 seminar conducted by Khieu Samphan."

22 And then you quote the words attributed to him:

23 "How do we make a communist revolution? [he asked us]. The first
24 thing you have to do is to destroy private property. But private
25 property exists on both the material and the mental plain... To

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1 destroy material private property, the appropriate method was the
2 evacuation of the towns... But spiritual private property is more
3 dangerous, it comprises everything that you think is 'yours'."
4 And then, a little bit further down, the next subparagraph: "The
5 knowledge you have in your head, your ideas, are mental private
6 property, too. To become a true revolutionary, you must ... wash
7 your mind clean. That knowledge comes from the teaching of the
8 colonialists and imperialists... and it has to be destroyed."
9 Is that the passage you had in mind, before we move on to other
10 questions?

11 [09.51.11]

12 MR. SHORT:

13 A. It is indeed, yes.

14 Q. And if I can just read another passage that follows on after
15 this quote, you state: "Samphan cautioned them that they should
16 keep these ideas to themselves, because 'if the masses knew what
17 we had been discussing, they might become discouraged'."

18 The - I should say, for the context, I think you placed this
19 event in late 1975; it was an educational session given to
20 returning intellectuals - and perhaps you can correct me if I've
21 got the date wrong.

22 Can I ask you this - and perhaps you have already touched on
23 this, but while we're dealing with the specific quote - why was
24 it so important to keep these ideas to themselves? Why couldn't
25 these ideas be communicated to the masses?

1 [09.52.21]

2 A. This is part of the – I was going to say the "general thing"
3 of secrecy. Secrecy was one of the key principles of the
4 Communist Party of Kampuchea. Knowledge was only for those who
5 needed to have it. And right the way through and right up until
6 the end, the Vietnamese invasion and the flight of the Khmer
7 Rouge from Phnom Penh, everything they did was marked by
8 extraordinary secrecy. So, the fact that Khieu Samphan said, "No,
9 keep this to yourselves, don't tell the masses", whether it was
10 because the masses would be discouraged, that, I think, is less
11 important. The point is, "keep it to yourselves, do not let it
12 out". That's absolutely fundamental to everything they did.

13 Q. So, if I understand you correctly, the instruction or the
14 request is in furtherance of a policy or a – or a line of the
15 Party? And correct me if I've got that wrong.

16 A. I suppose you could say a "policy". A "line", a "guiding
17 principle" would be the best, I think.

18 Q. Thank you. I'm grateful for that.

19 Now, as I said, we are going to try and deal with things
20 chronologically in trying to understand in a bit more detail the
21 development of policies and structures of the CPK. So I'm going
22 to take us right back to 1960, and your book is extremely
23 detailed in this – in this period. There are a lot of very
24 interesting developments that you describe.

25 [09.54.20]

20

1 But just by way of a very, very brief overview - and you will
2 correct me if I've got this wrong, but from approximately 1950
3 onwards, a Communist - you describe the development of a - of a
4 Communist Movement within Cambodia, under the general sponsorship
5 of the Vietnamese, and you describe the various committees, the
6 city committees that existed throughout the 1950s - the Urban
7 Committee and the Phnom Penh Committee. And, in fact, you
8 describe Pol Pot and Nuon Chea both joining, I believe, the Urban
9 Committee in 1955. You then describe the Congress, the 1960 -
10 September 1960 Congress. And the reason I start here is because I
11 think you describe it as a significant event, as an event that
12 presents a number of important decisions.

13 And if I can quote here from the book, this passage starts from
14 page 137, and then it follows on the next two pages of your book.
15 The ERNs: in English, 00396337; in French, 00639617. And you
16 described a gathering of 21 delegates at the home of an
17 individual called Ok Sakun, and you state that "they met for
18 three days" and that during that time they remained all in the
19 one place.

20 [09.56.14]

21 And I'll quote you here as to the importance of this meeting -
22 quote:

23 "But the program approved by the meeting marked a crucial first
24 step towards an independent political line.

25 "The 'feudal ruling class led by [Sihanouk]', they declared - far

21

1 from playing a positive role, as the Vietnamese argued - was 'the
2 most important enemy of the Kampuchean Revolution' and 'a tool of
3 the American imperialists'. The plight of the Cambodian people
4 was 'two or three times worse' than before 1955 (when Hanoi had
5 imposed the policy of cooperating with Sihanouk). Cambodians
6 would therefore have to struggle to 'annihilate the feudal
7 regime' - peacefully or otherwise."

8 Can I ask you to expand on the significance of this decision, and
9 in particular in light of the point you made that Hanoi had in
10 fact imposed a different policy, a policy of cooperating with
11 Sihanouk?

12 A. This whole period - and I don't want to get ahead of your
13 questioning, but right from the start, with the Issarak rebellion
14 against the French in the late forties, right the way through to
15 the late sixties is a period of a very gradual, step-by step
16 disengagement by the Cambodian Communists from the Vietnamese.
17 And the reason - two main reasons.

18 [09.57.55]

19 First of all, the Vietnamese wished to be seen and regarded
20 themselves as elder brothers, bringing on the younger Cambodian
21 brothers and controlling what they did. And right up to 1960,
22 that essentially remained the case. It began to change in 1960,
23 when the Cambodians held their own congress without inviting
24 Vietnamese delegates, without telling the Vietnamese Party what
25 they were doing. That was a crucial first step towards the

1 independence of the Cambodian Communist Party.

2 The second element was that the Vietnamese and the Cambodians had
3 very different interests. For the Vietnamese, Sihanouk, who was
4 neutralist, who was sympathetic, and indeed, at many times, many
5 points in that period, fundamentally believed that whatever the
6 Americans might do, the Vietnamese Communists were going to win,
7 and he had to make policy accordingly. So, for the Vietnamese,
8 Sihanouk was, objectively, an ally, a very useful person to have.
9 For the Cambodian Communists, Prince Sihanouk and his government,
10 which increasingly restricted any possibility of opposition – of
11 legitimate, legal opposition – that regime was the enemy. So you
12 had two different approaches, two different sets of interests.

13 [09.59.30]

14 Q. Thank you. And I think we will return to that theme, this
15 divergence that you're describing.

16 Another quote from that same section – and if you're looking at
17 the hard copy, this will be at page 138. You describe the
18 election of a new leadership and you say the following:

19 "The Congress elected a new leadership. Tou Samouth became
20 Secretary with Nuon Chea as his deputy and Saloth Sar in the
21 third-ranking position. All three were full members of the
22 Standing Committee. Ieng Sary, whose only real qualification was
23 to have headed the Cercle Marxiste in Paris, was promoted over
24 the heads of the former resistance leaders to become fourth in
25 the hierarchy – a striking demonstration of the growing power of

1 the returned students."

2 And that's - that last part is what I'm particularly interested
3 in, because you discussed yesterday the importance of
4 intellectuals within the leadership of the Party.

5 [10.00.40]

6 Does this rise - or growing influence that you describe, a
7 growing power of the returned students, does that - is this is a
8 significant point in time where that begins to be seen, or does
9 that happen at some other point in time?

10 A. I think it's fair to say this was one of the marking, one of
11 the significant periods or occasions where one saw the returned
12 students become more important, because in the 1950s the Party
13 was still essentially former Issaraks: Tou Samouth; in the
14 countryside, people like Ke Pauk, So Phim. Now we get to 1960; in
15 the Standing Committee, three - the three full members, there is
16 no Issarak leader; well, Tou Samouth, yes; but then Nuon Chea was
17 from the very small group of Thai-trained Cambodian Communists;
18 Pol Pot, a returned student; Ieng Sary, a returned student; and
19 really only one rural warlord, So Phim. So the balance is already
20 changing, and it would change further, though there would always
21 be these - you can say "three groups" - essentially, two groups;
22 later they were called the "Brick Houses" and the "Thatched
23 Houses" - in other words, the urban returned students and the
24 Issarak from the countryside, plus Nuon Chea and one or two
25 others who didn't have very much significance, who were the Thai

1 group. It was very tiny.

2 [10.02.35]

3 Q. Thank you. And while we're dealing with this period - you
4 don't date this particular event, but I gather from the context
5 that it would be late fifties and early sixties. We're looking
6 here at page 132 of the book, and the ERNs are: in English,
7 00396332; French, 00639611. You're dealing here with the
8 activities of Khieu Samphan in the period, and what is of some
9 relevance to the present discussion is that you say the following
10 - quote:

11 "With Sary's encouragement, he had followed Hou Youn's example
12 and joined the Sangkum. But then, to the dismay of his elderly
13 mother, who expected him to begin a lucrative career as a high
14 official, he invested his savings in a stock of lead type and
15 began producing a twice-weekly broadsheet."

16 [10.03.45]

17 And then this: "His assignment from the underground Phnom Penh
18 City Committee was to rally intellectual support and reach out to
19 potential Communist sympathisers in mainstream political life. It
20 was a role to which Samphan was well-suited."

21 Do I understand correctly from that passage, then, that - and you
22 will correct me on the timing of things, if I've got this wrong -
23 the late fifties, perhaps following Khieu Samphan's return or
24 early sixties, based on your research, facts you've gathered,
25 there was already contact between Khieu Samphan and the

1 underground Phnom Penh City Committee?

2 A. Yes, we're talking early sixties, right at the beginning of
3 the 1960s. And, yes, there was contact, direct contact. With
4 whom, how, that's a very different question, because there are -
5 in the Sihanoukist weekly, "Réalités cambodgiennes", there is an
6 extraordinary description of how, during that sort of time, the
7 Communist City Committee, Vorn Vet in particular, disguised his
8 contacts through very large numbers of intermediaries. So direct
9 contact, one can't say, but certainly indirect contact.

10 [10.05.25]

11 And if I might just add, there's a little bit you didn't read
12 that followed. It said Khieu Samphan "was well-suited" for this
13 role. "He was an idealist, in whom personal morality and social
14 conscience were indissolubly linked."

15 And I think that is - I'm going slightly outside your question,
16 but it seems to be important. Khieu Samphan was - still is -
17 rigid, doctrinaire, but very consistent. He was, at that time, an
18 upright man, and he continued to hold, without asking himself too
19 many questions, to what he believed in. Now, without asking
20 himself very many questions, of course, is the downside of those
21 characteristics I have described.

22 Q. Thank you. But to confirm, we sort of focused on the mode of
23 contact, but I did understand correctly, then, from that passage
24 that there was assignment given to him from this underground City
25 Committee.

1 A. Yes, you did; and apologies for my digression.

2 [10.07.00]

3 Q. Not at all.

4 Your book is full of extremely interesting detail, and I regret
5 to have to skip some of it, but we're trying to be as economical
6 as we can with the time and just hit on the main events, to the
7 extent that we can.

8 I'm going to fast forward, then, to 1964. And you're looking at
9 the hard copy, so you're - at this point we're at page 146.

10 You had already testified yesterday about the initial change of
11 name, so that has already happened at this point in time. The
12 reason I pause at this point and I want to ask you a couple of
13 questions is because you're describing a - perhaps a shift or a
14 further movement in this move towards a freedom from Vietnamese
15 control. And you will correct me if I'm summarizing these things
16 wrong. At this point, of course, 1964, the - some of the leaders
17 have already fled Phnom Penh and they're in Vietnam.

18 [10.08.14]

19 So, looking at page 146 - the ERNs being 00396346 in English and
20 00639630 in French - it's essentially the first Central Committee
21 meeting since 1963, and you say the following:

22 "The first concrete sign of that" - "that" being an independent
23 stance - "came in the autumn, when an enlarged plenum of the
24 Central Committee - the first such meeting the Cambodians had
25 ever held - took place in a forest on the Cambodian side of the

1 border. It lasted several weeks and ended by producing a draft
2 resolution which endorsed 'all forms of struggle', including
3 'armed violence', against Sihanouk's government, and emphasized
4 'self-reliance', the Khmers' code word for freedom from
5 Vietnamese control."

6 And just to be complete, I will read from the next page, where
7 that draft resolution was put in its final form. You say the
8 following:

9 "In January 1965, the Central Committee met again to put the
10 resolution into its final form. The version approved by this
11 Second Plenum attacked 'modern revisionism' - meaning
12 Khrushchev's ideas about the 'peaceful transition' to socialism -
13 and affirmed the role of 'revolutionary violence' in the struggle
14 against 'imperialism and its lackeys'. To the Khmers, Sihanouk
15 was just such a 'lackey' - a chieftain of the feudalists and
16 imperialists [wreaking] terror on the Cambodian people."

17 [10.10.05]

18 Does this represent a significant development? Is it a shift or a
19 further movement towards a policy of independence? I'll start
20 with that first.

21 A. It's a further step in this incremental series of movements
22 towards independence, yes.

23 Q. The endorsement of violence in the struggle against
24 imperialism and its lackeys, including Sihanouk, does that have
25 any significance from the perspective of evolution of policy or

1 principles by the Party?

2 A. It's more explicit than what they had said before, but they
3 had talked about all forms of struggle earlier on. So, now you're
4 saying armed violence, revolutionary violence, modern
5 revisionism, Khrushchev's ideas about the parliamentary road to
6 power. Well, Sihanouk had closed that off because he was not
7 willing to allow a space for the opposition. So, in a way, to
8 some extent, they were forced into using violence because that
9 was the only option available. But, yes, and - we will come to it
10 in a minute, I'm sure - it would then lead to revolutionary
11 violence.

12 [10.11.35]

13 Q. Thank you.

14 Another development that seems to be occurring at this point in
15 time is a view of countryside vis à vis the city and some of the
16 difficulties that the Party was experiencing, in your
17 description, in recruiting cadres in the cities. This is at page
18 149, and the ERNs are: 00639632; French, 00639649.

19 And the quote is as follows:

20 "The Cambodian Party's inability to penetrate the country's
21 nascent proletariat was to have far-reaching consequences. Sar
22 and his colleagues did not ask themselves what they were doing
23 wrong. Instead, in a pattern of behaviour that would be repeated
24 whenever they were faced with failure, by 1965 they decided that
25 the factories had been 'infiltrated' and 'the workers transformed

1 into enemy agents'. From then on, factory workers were
2 systematically refused admission to the Party."
3 Can I ask you to expand on that phenomenon of inability to
4 infiltrate factories and what you describe as an evolving view
5 vis à vis cities and workers?

6 [10.13.18]

7 A. I think at this stage it was particularly a view of the
8 working class, the proletariat. If you look at other Communist
9 parties, without exception, they have recruited among the
10 proletariat. The whole raison d'être of communism, of a Marxist
11 approach to policy, as Marx proclaimed it, was based on industry,
12 on the industrial revolution. And the Cambodian Communists took
13 the view that the workers had basically been bought off by the
14 bosses, that they were not reliable, and instead of asking
15 themselves why, they - as you've read, they took the view that
16 they had been infiltrated.

17 And this was a systematic pattern, because we see later, instead
18 of asking themselves after 1975 what was going wrong in the
19 Cambodian countryside, why they were not getting the yields that
20 they expected, why they were - agricultural production was not
21 developing as expected, they put it all down to sabotage by
22 Vietnamese agents. So this mindset - the principles must be
23 right; therefore, if they're not working, they're being sabotaged
24 by outside - that was already present in the 1960s.

25 Q. Thank you.

1 We then move forward to the 1966 period, and elections took place
2 in 1966, following which Lon Nol formed a government that's been
3 described as a right wing government. And here the Central
4 Committee makes certain decisions or resolutions with respect to
5 that government.

6 [10.15.21]

7 And I'm only quoting here, again, because I wish to ask you as to
8 whether or not this is a further development of relevance.

9 This starts at page - it's at page 164. The English ERN is
10 00396364; and French, 00639669. The background to this passage is
11 developments in Indonesia and the fate of the Indonesian
12 Communist Party, but we're going to look at what the policy or
13 the principles were - or implications were for the CPK - quote:
14 "The lesson for Sar was that the bourgeoisie could not be relied
15 on. The Vietnamese strategy was wrong. It was not possible for
16 the Communists 'to live together with Sihanouk' because the
17 contradictions between them were too deep. Policy towards non
18 Party sympathizers was therefore modified. In theory, the
19 guideline remained 'to unite with all those who can be united
20 with', but in practice the Movement behaved more and more as
21 though 'all those who were not with us are against us'.
22 "Khieu Samphan, Hou Youn, and Hu Nim, who had kept their seats in
23 the September elections, began to distance themselves from the
24 Prince. It marked the start of the politics of exclusion that
25 would become one of the hallmarks of the Cambodian Party's style.

1 From now on, the CPK required its supporters 'to draw a clear
2 line of demarcation between the enemy and ourselves'."

3 [10.17.13]

4 So, we heard in your previous response a description of this
5 refusal to look to one's own actions for - with a critical eye,
6 perhaps. And now we look at - we have this further development,
7 it appears, of a principle with respect to those outside being
8 viewed as enemies. Do I take it correctly, then, that this is
9 another development and that there is a thread which then follows
10 in the years after?

11 A. It's another increment. And, yes, I think one of the most
12 striking things is, when you look back at the way the Party
13 developed, there is a very clear thread, with this event
14 happening and then another event, and it all moves it on, but
15 always in the same sense.

16 Q. And I think your books paints that picture in a very nice and
17 detailed manner.

18 Just returning to this passage, you state that "Khieu Samphan and
19 Hou Youn and Hu Nim began to distance themselves from the
20 Prince". Mindful of the fact this is late 1966, presumably, and
21 that Pol Pot - part of the leadership had already left Phnom
22 Penh, do I infer correctly from that passage that there is still
23 some degree of communication, cooperation? I'll let you use the
24 words that you think appropriate, but you seem to describe an
25 action on the part of Khieu Samphan that is consistent with this

1 evolution.

2 [10.19.04]

3 A. "Consistent with" is a good way of putting it. One of the
4 difficulties is to know exactly how the interface between Khieu
5 Samphan, Hou Nim, and Hou Youn, and the CPK core, the City
6 Committee, how that operated, how the links worked. But that
7 there was a linkage in the way they operated is certain.

8 Q. Thank you. And just to follow up on this – and, please, if you
9 think I'm taking you into the realm of speculation, then simply
10 don't answer – do I take it from your previous response that
11 there is a connection between the action of these men in Phnom
12 Penh and what is being decided in the countryside, there is – in
13 other words, these were not sporadic events that occurred,
14 divorced from one another, and happened to just be happening at
15 the same time?

16 A. No, they were certainly not sporadic and divorced from each
17 other. But to go from there to saying there was a direct linkage,
18 I think it's probably not correct, but it's certainly a step one
19 can take.

20 [10.20.38]

21 Q. Thank you.

22 Now, I am going to disappoint you a little bit and skip the
23 uprising, simply because it has been covered to a degree and
24 perhaps we might – we might deal with it as part of other topics.
25 But I will fast forward a little bit and deal with events in

1 1970. And here we've already heard some evidence from you as to -
2 as to the creation of the United Front coalition with Sihanouk,
3 so I will not rehash that, but I wish to focus on another aspect
4 of this period, or another series of events.

5 And if you're looking at the book, the relevant passages are at
6 page 202, and then it actually continues all the way to 205. What
7 you're describing there is, I think, a challenge - and, again,
8 you will correct me if I've got this wrong - arising from
9 military victories that at this point in time are being attained
10 by the Vietnamese forces, and a challenge that, in your view, if
11 I've got this right - that this poses for the Communist
12 leadership in Cambodia. And you describe that the Vietnamese, by
13 this stage, already occupied several provinces - the Vietnamese
14 forces, that is.

15 [10.22.40]

16 At page - I think this is at 204. English ERN 00396404; and
17 French, 00639719. You say the following:

18 "For Sar and his colleagues, this posed a real dilemma. On the
19 one hand, the more territory the Vietnamese seized, the more
20 recruits there would be for the resistance army and the bigger
21 the 'liberated zones' for the Khmers Rouges to administer. On the
22 other hand, the CPK leaders were acutely aware of the danger of
23 going too fast. 'They told us, in effect', a Vietnamese historian
24 wrote later: 'If you, our brothers, help us to do everything too
25 quickly, we won't be able to keep up with you, and then, the

1 moment you leave, we will have nothing'."

2 On page 205 - I'll just read a very brief passage from this, it's
3 the next page - you say the following: "The ancestral dread of
4 Vietnamese domination, shared by Sihanouk and Lon Nol, emerged in
5 1970 as one of the driving forces of CPK policy."

6 [10.24.08]

7 Would you care to expand on this? And have I got the first quote
8 right? Is it a relevance, in the sense that the victories in the
9 battlefield by the Vietnamese posed a challenge for the Khmer
10 Rouge leadership, but if I understand your description of this
11 correctly, that that was driven again by a fear of Vietnamese
12 domination?

13 A. There was - yes, there was a fear of Vietnamese domination,
14 and that was very important, but I think one has to remember that
15 in - at the time of the coup, there were only about 2,000 - and
16 even that may be, you know, an optimistic estimate - 2,000
17 Cambodian guerrillas fighting against Lon Nol's forces; it's a
18 very small number. If - the imbalance between those 2,000, even
19 if new recruits were flocking in - they weren't trained, they
20 weren't integrated - the imbalance between the Khmer forces and
21 the very well-trained, battle-hardened Vietnamese detachments,
22 who had moved into Cambodia and were occupying larger areas of
23 Cambodian territory, was enormous. So, even without the ancestral
24 - what I call the "ancestral fear" of Vietnamese domination, Pol
25 Pot had a real problem. You know, "How do we keep our end up? How

1 do we hold up our flag if we are so few and they are so many and
2 there's such a huge area?"

3 [10.25.57]

4 But added to that, the Vietnamese did many things which
5 reawakened old fears of domination. I mean, most obviously, the
6 suggestion that they should have mixed commands, and the
7 Vietnamese officers with Khmer officers supporting them, all
8 these things were red flags to Pol Pot and the Cambodians. So the
9 two things came together: the practical aspect and the fear of
10 Vietnamese domination, which - you know, you look back to 1954,
11 when the Cambodians had been doing very - really not badly, the
12 Geneva Conference came, the Vietnamese did a very nice deal for
13 themselves, and the poor Cambodian, Issarak, kind of left high
14 and dry. This had happened before.

15 Q. Thank you. And we probably will be returning to this issue of
16 relationship with Vietnam as we go forward.

17 But, I think, going chronologically, you describe another
18 phenomenon or development. This is at page 210. And at this
19 point, of course, we're in 1970, so the civil war is underway.
20 The English ERN here is 00396410; and French, 00639726 to 7. You
21 say the following:

22 "The slide over the edge of reason, into the abyss, was not
23 confined to the regime in Phnom Penh. If, to Lon Nol's
24 government, all Vietnamese were Communists, to the Khmers Rouges
25 all foreigners were enemies. By the end of April, twenty-six

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1 Western journalists had 'gone missing' in Cambodia. Those
2 fortunate enough to end up in the hands of the Viet Cong were
3 usually freed, as was the practice in Vietnam, at a moment of
4 maximum political advantage to their captors. With three
5 exceptions, all those captured during the war by the Khmers
6 Rouges - priests and aid personnel, as well as journalists - were
7 killed. Once again it was a matter of 'drawing a clear line of
8 demarcation between the enemy and ourselves'."

9 [10.28.23]

10 Is that a further incremental development in the view we were
11 discussing earlier as to "enemies and ourselves" and the
12 treatment of that enemy?

13 A. Whether it's a development or whether it's simply the
14 continuation of the same thing - because we talked earlier about
15 after 1966, after the Lon Nol government came to power, the Khmer
16 Rouge or the CPK increasingly took the view, "All who are not
17 with are against us". Well, "all who are not with are against us"
18 means "clear line between the enemy and ourselves". It's all of a
19 package, I think.

20 Q. Were those-

21 MR. PRESIDENT:

22 Thank you, the Prosecutor, and thank you, Mr. Expert.

23 The time is appropriate for a short break. We will take a

24 20-minute break and return at 10 to 11.00.

25 Court Officer, could you assist the expert during the break and

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1 have him returned to the courtroom at 10 to 11.00?

2 The Court is now adjourned.

3 (Court recesses from 1029H to 1051H)

4 MR. PRESIDENT:

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

6 Once again, the floor is given to the Prosecution to continue
7 putting questions to the expert. You may proceed.

8 BY MR. ABDULHAK:

9 Thank you, Mr. President

10 Q. Mr. Short, we - I just want to follow up with a couple of
11 questions on that last passage we looked at, relating to the
12 killings of foreigners captured by the Khmer Rouge from 1970
13 onward.

14 If I can ask you first, were these - as far as your research
15 takes you - were these the first examples or manifestations - or
16 perhaps events or incidents - where we have information of the
17 Khmer Rouge executing people?

18 [10.52.33]

19 MR. SHORT:

20 A. No, they are not the first instances. The beginning, I think,
21 was in Ratanakiri when, after the Samlaut uprising, fighting
22 started in other parts of the country. And during that period,
23 when prisoners were captured - the description I was given was
24 that if they were local people - in other words, government
25 forces fighting against the Khmer Rouge - if the soldier captured

1 was a local person and was known, then he might be released
2 unharmed; if he was not known, he would be killed. So a prisoner
3 - there was a "take no prisoners" policy from the beginning, and
4 that's really where it started.

5 Q. Thank you. And just one more question on this - on these
6 events. As far as your research takes you, this policy of "if
7 they're not with us, they're against us or aligned", was it, in
8 that period, promulgated within the Party? Was it a line, a
9 principle, an instruction - I'll let you use the right word -
10 that was being promulgated within the Party, to cadres, to
11 combatants, etc.?

12 [10.54.03]

13 A. It was a question I asked those whom I interviewed, and the
14 answer was no. There was no written instruction. It was just what
15 you did, what you knew you had to do, what you knew the Party
16 would want you to do. Now, how they knew, no instruction, but it
17 was clearly understood to be the case.

18 Q. And if I can ask that question differently, in your research -
19 has your research yielded any evidence of instances where the
20 leadership curtailed those practices or sought to punish or
21 prevent such practices?

22 A. No, no evidence, generally. There is the very specific case of
23 François Bizot, who was released, allegedly, on Duch's
24 recommendation, on - by a decision of Pol Pot, but that's a very
25 special case. But generally, no.

1 [10.55.19]

2 Q. Now, of course, we are still in the early 1970s, and your book
3 describes the functioning of the leadership and its offices in
4 the Kampong Thom areas, and I'll ask you a number of questions
5 about the events there and some of the significant meetings.

6 At page 223 of the book, you deal with the issue of admissions to
7 the Party. And, of course, at this point the FUNK is already in
8 existence, the FUNK. The relevant ERNs are: in English, 00396423;
9 and in French, 00639744. And this is what you had to say:

10 "From December 1970 onwards, recruits for the army and for FUNK
11 were accepted regardless of their background with no questions
12 asked; but entry qualifications to the Party were made even
13 stricter. Students and 'middle peasants', defined as those with
14 enough to eat all year round, who in the 1960s had been readily
15 admitted as candidates for Party membership, were now turned down
16 flat or, at best, allowed to join the Youth League. Only 'poor
17 peasants' were deemed to have the right class origin for
18 admission to the Party ranks."

19 Does this bear any significance as a development, what you seem
20 to describe as an apparent narrowing of those - of classes that
21 would be considered appropriate for Party membership?

22 [10.57.24]

23 A. I think there were two factors at work.

24 One was, as the Party joins or becomes part of a broader
25 organization, the FUNK, so it is necessary to tighten the links

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1 within the Party itself to make sure that it's not corrupted by
2 becoming part of this larger organization. So, in terms of
3 ensuring that the Party is a strong elite, not liable to be
4 corrupted by being part of a larger organization, you tighten the
5 entry qualifications, you ensure that only those people who have
6 class origins, which are supposed to guarantee their outlook,
7 will be members.

8 The other element was - 1970 the Vietnamese - the Viet Cong were
9 in Cambodia in force. Again, that is a reason for making sure
10 that the Khmers remained absolutely loyal to the Cambodian
11 Communist Party, not looking at the Vietnamese as an alternative.

12 [10.58.47]

13 Q. In this part of the book, you describe the establishment of
14 offices, including an office with the code name 71, which you
15 describe as - or, rather, an area which you say was the whole
16 Central Committee area known as S 71, and you describe the
17 establishment of an information section under an office known as
18 S 31. And in that context I believe you describe the presence of
19 a number of intellectuals at that - at this point in time.

20 You then - or, rather, before I ask you this question, let me ask
21 this: How does one explain the continuing presence, admission or,
22 otherwise, contribution of intellectuals with what we just heard
23 about peasants, lower-class peasants being viewed as a primary
24 pool from which the Party would attract membership?

25 A. Intellectuals were necessary for - to run the propaganda

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1 apparatus and for the interface with the – with the Front. The
2 two were not mutually exclusive, but the intellectuals were kept
3 apart – they were people like Hu Nim, Hou Youn, who had been in
4 liaison with the Party for many years – were nonetheless kept in
5 a separate area.

6 [11.00.35]

7 And just to give you an example of the compartmentalization, you
8 couldn't – within S 71, you could not go from area to another
9 without having a Jarai or other bodyguard to accompany you. It
10 was very carefully separated.

11 Q. And in that context, on the page that follow immediately, this
12 last quote, you – and in dealing with Office S 31, which housed,
13 as you said in the book, "progressive figures", you then say the
14 following: "Khieu Samphan also spent time at S 31, but because of
15 his role in liaising with Sihanouk was soon moved to a compound
16 nearer Pol's headquarters."

17 And on pages 226 to 227, in a different context, you make the
18 point that he was the most trusted of the three – Khieu Samphan,
19 Hou Youn, and Hu Nim.

20 Can I ask you first, what was the source for that – for your
21 description of these – of these movements of Khieu Samphan closer
22 to Pol Pot? I should say, there's no footnote itself on this
23 particular passage, and I'll – perhaps we can both–

24 [11.02.20]

25 A. I can tell you, those I spoke to – one of those I spoke to

42

1 about this and who was a very good informant was Ping Say, who
2 worked - who worked there. But let me just see.

3 Q. There are a number of references in relation to these pages,
4 224 to 225. If you're unable to locate it quickly, we can - we
5 can move on and return to it if need be.

6 A. Well, just looking, the "Information" section, I've given the
7 sources: the confessions of Tiv Ol and Hu Nim, which are held by
8 DC Cam; Ping Say has an interview about S 31; again, other
9 confessions held by DC Cam. Yes, Ping Say - the main source I
10 remember is the interview with Ping Say, but it's - that is
11 expanded by material from the confessions.

12 Q. Can you tell us how you were able to conclude at this point in
13 time that Khieu Samphan was the most trusted of the three - in
14 brief terms, if you could?

15 A. The fact that he was moved to be close to Pol Pot and that
16 from that time on he remained close to Pol Pot, whereas the
17 others were not. They had all come up together from Mount Aoral,
18 when the Kampong Thom base was established; Khieu Samphan was
19 singled out. And during that period, Pol Pot felt that Khieu
20 Samphan should get married, and a marriage was - happened; it was
21 arranged. So, again, this is - this is an unusual level of
22 interest from a leader of Pol Pot's standing in Khieu Samphan's
23 well-being as it were.

24 [11.04.51]

25 Q. Thank you.

1 On a slightly different topic - and if we can deal with these in
2 brief terms, just in the interest of time, because we're covering
3 a large number of areas - you discuss some of the decisions made
4 in this early period in Kampong Thom. In fact, this is in the
5 context of a Central Committee meeting.

6 And this particular passage that I wish to take you to is at page
7 227, and the ERNs are 00396427 in English and 00639748 in French.

8 You say the following:

9 "Much of the meeting was taken up with 'housekeeping'. New
10 boundaries were agreed for the Zones, together with a new set of
11 code numbers..."

12 And then you describe - you give the code numbers, and then you
13 say:

14 "Subsequently a new zone was created around Phnom Penh,
15 designated, as in Issarak times, the 'Special Zone', under the
16 control of Vorn Vet. The Zones were in turn divided into regions,
17 each also with its code number."

18 [11.06.13]

19 Skipping one paragraph, the next one down: "The meeting also
20 approved the setting-up of three distinct sets of military forces
21 on the Viet Minh model. The 'chlop', or village patrols, which
22 combined security and militia functions; regional troops,
23 operating at district level as a territorial defence; and
24 main-force units, organized in the zones..."

25 Is that an important development in terms of dealing with issues

1 of administrative structure and setting up zones and military
2 forces, as well as sectors below the zones?

3 A. Yes, it was, because - again, one needs to go back and look
4 before at the very kind of skeletal structure that existed. With
5 a very small number of guerrillas with few Party branches, the
6 Party was not strong in the countryside or, indeed, in the
7 cities; it was a very small organization.

8 Now the Vietnamese have come in, large areas of the country are
9 under Communist control; the Cambodians have to build up quickly
10 a structure which is capable of taking its place once the
11 Vietnamese go.

12 [11.07.40]

13 Q. Now, moving on to 227 - sorry, we're still on 227, same page
14 that we were looking at. And this is a discussion of a congress
15 which took place, I believe, in August or September 1971, if I'm
16 reading your book correctly. ERNs are: in English, 00396427; and
17 in French, 00639748 to 9. And this is the passage I'm interested
18 in:

19 "Some 60 delegates attended the Congress, including all the
20 Regional and Zone Secretaries, military commanders such as Ke
21 Pauk and Kong Sophal, representatives of the 'intellectuals' like
22 Hou Youn, Hu Nim, and Khieu Samphan, and a token group of Hanoi
23 returnees. By the time it ended in mid September, they had
24 approved new Party statutes, ratifying the name, 'Communist Party
25 of Kampuchea', adopted five years earlier; confirmed Pol Pot as

45

1 Secretary of the Central Committee and Chairman of its Military
2 Commission."

3 And then, of course, you described a new Central Committee of 13
4 members was appointed - elected, rather, including Chou Chet, Koy
5 Thuon, Vy, and Khieu Samphan, and Khieu Ponnary. And you conclude
6 with: "Hou Youn and Hu Nim were not included. Neither was Non
7 Suon or any of the Hanoi group."

8 [11.09.30]

9 Just an initial clarification; I think yesterday we were having
10 some difficulty with the date of Khieu Samphan's election to the
11 Central Committee as an alternate member. And do I have it right
12 now that this is actually in 1971, not later in time?

13 A. You have it right. I misspoke yesterday. It is 1971.

14 Q. I'm not surprised at all, given all of the dates that we're
15 dealing with.

16 You say that Hu Nim, Hou Youn were not elected; neither was Non
17 Suon, whom I think, earlier in the book, you describe as a member
18 of the Pracheachon group, nor any of the Hanoi group. Is that of
19 any significance, the selection of people at that point in time
20 to the Central Committee?

21 A. Yes, it is. It reflects a view that those who came to the
22 Communist Party from different routes were not trustworthy.

23 [11.10.40]

24 The Hanoi returnees, who were those Khmers who had been part of
25 the Communist Movement, the Vietnamese - dominated

1 Vietnamese-affiliated Communist Movement in the early fifties,
2 and had gone to Vietnam after the end of the war, then had to
3 come back, they were not trusted; they were regarded as too
4 contaminated by the Vietnamese.

5 The Pracheachon were the group who had tried to have a normal
6 legal existence as an opposition in Cambodia under Sihanouk, and
7 they were not trusted because they, again, had taken a different
8 route from the CPK core led by Pol Pot.

9 Q. Thank you. Just looking at the list of people that you have
10 included here, it appears that most of them come from regions,
11 from various zones and sectors, except for Khieu Samphan and
12 Khieu Ponnary, who were elected as alternates. Does that bear any
13 significance, or am I – am I perhaps overemphasizing this?

14 A. The Central Committee of a party running a guerrilla struggle
15 is almost bound to be from the different regions because that's
16 where the struggle is taking place. So you have the
17 representative people from the different regions. And in the case
18 of the Cambodian Communist Party, the kind of central element of
19 the leadership has always been very, very small. So it's normal.

20 [11.12.34]

21 Q. Thank you.

22 The next meeting which is of interest is dealt with at page 228.
23 And according to the book, it was a Central Committee meeting in
24 1972. And the reason I am going to turn to this now is because
25 you describe it as a turning point. And I'll just read the

1 relevant passage: English ERN 00396428; French, 00639749, I
2 believe. If I've got that wrong, I'll correct it. And you say the
3 following:

4 "At his urging," that is, Pol Pot's urging, "the Committee issued
5 an 'urgent directive' calling on the Party to strengthen its
6 'proletarian stance' and to intensify the struggle against 'the
7 various oppressive classes... [who] want to conserve their rights
8 under our new regime'. The participants also approved plans for
9 the collectivization of agriculture and the suppression of
10 private trade as soon as the situation permitted. It was a
11 turning point."

12 Can I ask you first, on that last point, the last sentence, why
13 do you consider this to have been a turning point?

14 [11.14.15]

15 A. Because Pol Pot had just been on a three-month long trip
16 through the provinces and he came back with his impressions:
17 things were going too slowly; not just that things were going too
18 slowly, but that the stage had been reached where it was possible
19 to go further - the Cambodian forces had been built up to a level
20 where they were maybe not completely able to hold their own vis à
21 vis the Vietnamese, but they were able to take over a growing
22 part of the struggle - and that in the countryside the time had
23 come to start collectivizing, to start applying the CPK's
24 policies.

25 Q. Now, I'm going to read another passage and then perhaps spend

1 a little bit of time on a couple of concepts here.

2 Just two pages down, at 230, you say the following, still dealing
3 with the period following the Central Committee meeting – quote:

4 "Opposing the revolution, whether in word or deed, usually meant

5 death. In most cases, the offender was summoned to the district

6 headquarters and never returned. Less commonly, exemplary

7 punishment was meted out. In the autumn of 1970, a village whose

8 inhabitants had rebelled and killed three district cadres was

9 encircled by Viet Cong and Khmer Rouge soldiers, and the families

10 of the three alleged ringleaders, 24 people in all, including

11 children and infants, were publicly beaten to death."

12 And you do make the point that this was an exception.

13 [11.16.15]

14 A little bit further down, you say: "After the Central Committee
15 meeting in May 1972, all that began to change."

16 Do I understand correctly from these passages that there is an

17 intensification, a further increment here, in the – I want to be

18 careful with my words – in the extent to which these policies are

19 being implemented in the extremism? You will correct me if I – if

20 I've got it wrong.

21 A. Yes is the brief answer to your question. There was an

22 intensification. It was part of what we've been discussing. The

23 fundamental reason was that the growth in Khmer forces had

24 reached a point where it was no longer quite so necessary to win

25 over the peasantry, to win over support by gentle means. It – the

1 Khmer Rouge were better able to force people into the mould which
2 they wished them to have, and one sees that right through the
3 period up to 1975, and of course even more so after.

4 [11.17.47]

5 Q. Thank you. In the preceding passage I read, in relation to a
6 directive adopted at the meeting, you quote the words "to
7 intensify the struggle against the various oppressive classes".
8 Is that of any significance in terms of a struggle against other
9 classes? What is the meaning of that particular phrase?

10 A. It's a little difficult to judge because you're talking about
11 the oppressive classes in the areas where the Khmer Rouge have
12 forces which can operate, so in the - what they call the
13 liberated areas. And I would interpret it as meaning merchants,
14 wealthier families, people in authority, which could be village
15 chiefs, others like that who are - who had been associated with
16 the Lon Nol system - with the government.

17 [11.19.00]

18 Q. Thank you.

19 Now, another phenomenon you deal with in this - in this period is
20 the issue of criticism and self-criticism and the way in which
21 that was implemented. This begins at page 233 of your book, the
22 lower part, and the ERNs are: in English, 00396433; in French,
23 00639756 and the following pages.

24 And here you've already referred to François Bizot, and here you
25 use an example of a criticism, self-criticism session he

1 witnessed during his captivity.

2 But I will start with this quote from 233:

3 "If, among the population at large, levelling was imposed from
4 above, among the Khmers Rouges themselves the methods of choice
5 were 'criticism and self-criticism', manual labour and a study -
6 'riensouth', 'learning by heart and reciting' - of Communist
7 Party texts.

8 "Criticism and self-criticism took place at so called 'lifestyle
9 meetings', held in small groups, usually twice a week..."

10 [11.20.35]

11 And a little bit further down you quote Khieu Samphan as saying:

12 "He called them 'a daily accounting of revolutionary
13 activities'."

14 Can I ask you first, was this something that was implemented at
15 all the various levels of the Movement in this point in time?

16 A. Yes, right up to the Central Committee.

17 Q. And to the extent that you were quoting Mr. Khieu Samphan as
18 to some of the criticism, self-criticism sessions he attended,
19 did he inform you as to which group he participated with in
20 criticism, self-criticism?

21 A. No, he didn't. And I would - I would have to look at my notes,
22 but I think Mr. Khieu Samphan described - and if it was not him,
23 it was somebody else - described the study - study meetings that
24 took place before Central Committee meetings. This was absolutely
25 a ritual that criticism and self-criticism preceded the actual

1 work session.

2 [11.22.02]

3 Q. To the extent that they included reciting texts and study, as
4 far as your research takes you, again, did they incorporate also
5 discussion of some of the principles that we've been looking at
6 -class struggle, collectivization, etc. etc.? I know a part of it
7 was criticizing oneself, but I'm interested also in whether or
8 not there was discussion of broader principles.

9 A. My understanding of these lifestyle meetings and of the study
10 sessions was that, essentially, it's a looking into yourself and
11 criticizing yourself. Discussion of broader principles, insofar
12 as it existed, would have been at the Central Committee or the
13 Party branch meeting; that was a separate thing.

14 Q. Moving on to yet another development in this period, now we
15 are at 1972 - or, rather, still in 1972, and here, at pages 236
16 to 237, you are describing the gradual withdrawal of Vietnamese
17 forces. And what I find - what is of interest here to me is the -
18 what you describe as opposition on the part of the CPK to that
19 move, if I have it right.

20 [11.23.45]

21 You say the following at 236 - ERN 00396436 in English, and
22 00639761 in French:

23 "By the beginning of 1972, relations with the Vietnamese were
24 going downhill again. Hou Youn dated the change to the end of the
25 previous year. The key factor was the increase in the military

1 strength of the Khmers Rouges. With 35,000 men under arms,
2 clashes with Vietnamese units were inevitably more frequent than
3 when there were only a tenth of that number. As the CPK forces
4 grew more confident of their ability to handle the war on their
5 own, pressure increased for the disbandment of the remaining
6 Khmer-Vietnamese mixed units, and for the Khmer Rumdos [Liberated
7 Khmers] - the 'Sihanoukist' troops trained by the Vietnamese in
8 the early months of the war - to be brought under Khmer Rouge
9 command."

10 [11.24.50]

11 On the next page - I'll just read this so that we have both
12 relevant passages in context - you say the following:

13 "By the beginning of 1972, Vietnamese main-force divisions had
14 started pulling out of Cambodia. It was later claimed that they
15 had been forced to withdraw and that their expulsion had been
16 decided by the CPK at the highest level. This was untrue. They
17 left of their own accord - indeed, according to Vietnamese
18 documents, over the Cambodian leadership's objections - because
19 they were needed for the offensive against Saigon and because, in
20 Hanoi's judgement, the Khmers Rouges could now cope on their
21 own."

22 So, does that summarize accurately what was happening? On the one
23 hand, you appear to be describing an increase in the confidence
24 of the Khmer Rouge troops and clashes with the Vietnamese, and
25 then a decision by the Vietnamese to withdraw, as opposed to them

1 being forced by the CPK.

2 [11.26.00]

3 A. Yes. There were two distinct aspects to this relationship: on
4 the one hand, the Cambodians, Cambodian Communists, were very
5 happy to have the Vietnamese there, struggling to - helping them
6 in their struggle to liberate Cambodia; on the other hand - and
7 this was crucial - they, the Cambodians, wanted to be in charge
8 of that struggle. So whatever the Vietnamese did which gave the
9 impression - made them think the Vietnamese still wanted to be
10 the boss, that was totally unacceptable; be there, help us, but
11 under our control.

12 MR. ABDULHAK:

13 Now, in that passage, you referred to the Sihanoukist troops,
14 known as the Khmer Rumdos. Khieu Samphan touches on the
15 relationship between the Vietnamese and the CPK and the role of
16 this Khmer Rumdos army. This is not in your book; it's in a book
17 that was published, I think, after the publication of your book.
18 So I will pass you an extract, with the President's permission.
19 Mr. President, this is the book that Judge Cartwright referred to
20 yesterday, from - I believe, it's from 2007. We actually - and
21 it's - we only have Chapter 5 in English and in French, as well
22 as in Khmer. It was one of the documents that we actually sent
23 Mr. Short, so he may have had a chance to look at it. But with
24 your permission, I can pass him an excerpt. Then we can go
25 through it.

1 [11.27.54]

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 Court Officer, could you deliver the document from the prosecutor
5 for the expert's examination?

6 BY MR. ABDULHAK:

7 Q. Can I ask you first, do you recall receiving that document?

8 Have you had an opportunity to look at it?

9 MR. SHORT:

10 A. I have the document in my hand.

11 Q. Thank you.

12 I'll read this brief passage. In - I only have English and
13 French. Khmer ERN - so I must apologize; I will provide the Khmer
14 ERN shortly. English ERN 00498275 - it should be page 56 in the
15 copy that you're looking at - and French, 00643880.

16 I think we may have an objection.

17 [11.29.37]

18 MR. PRESIDENT:

19 Mr. Philip Short, please hold on.

20 And the National Counsel for Mr. Khieu Samphan, you may proceed.

21 MR. KONG SAM ONN:

22 Thank you Mr. President.

23 Just now, I listened to the testimony by Mr. Philip Short, the
24 question put by the prosecutor, and I am of the opinion that the
25 answer did not respond to the question. He asked whether or not

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1 the expert has known this document before, and now he – and he
2 responded that now he is having this document at hand. So I don't
3 think that this answer actually responded to the question put by
4 the prosecutor.

5 I would like to ask the prosecutor to clarify this.

6 [11.30.15]

7 MR. ABDULHAK:

8 I'm not sure I understand the intervention. The document was sent
9 to Mr. Philip Short, with the Trial Chamber's permission. All
10 parties were informed of this list. We sent it to everybody some
11 months ago. So I'm not sure I understand where my friend is
12 coming from.

13 But the document, if you look on the case file, E127/24/7 is the
14 Trial Chamber's directive permitting us to send these documents
15 to Mr. Philip Short. That was done in September 2012. So,
16 clearly, he has had these documents, and I see no purpose in this
17 intervention. We should be able to simply proceed.

18 MR. PRESIDENT:

19 You may proceed, Mr. Prosecutor.

20 [11.31.10]

21 BY MR. ABDULHAK:

22 Thank you.

23 Q. The particular passage that I wish to read is as follows:

24 "As for Philip Short, he provided clear evidence that in truth,
25 it was the Vietnamese that created the Khmer Rumdos Army [Khmer

1 Liberation Army]. He wrote as follows:

2 "'In theory, he (Sihanouk) led the Khmer Rumdos that were
3 different from the Khmer Rouge in that they wore Sihanouk badges
4 on their uniforms. But in fact, the Vietnamese had created them,
5 as Sihanouk bitterly noted that he had never seen a chain of
6 command from the bottom up to the FUNK in Beijing. The
7 Sihanoukist army received its orders from Hanoi instead'. So
8 then, Philip Short provided clear evidence that the Vietnamese
9 had stuck their hands deeply into internal CPK affairs since
10 1973..."

11 [11.32.10]

12 And I'll stop there. To the extent that it's a characterization
13 of your - of your work, do you agree with that statement, that
14 your - that you've provided clear evidence that the Vietnamese
15 had stuck their hands deep into internal CPK affairs?

16 MR. SHORT:

17 A. I would beg to differ from that characterization, to the
18 extent that it seems to me to be putting things rather more
19 strongly than I did.

20 That the Vietnamese had an interest in CPK affairs is undeniable.

21 That the Vietnamese were largely responsible - principally
22 responsible for arming and training the Khmer Rumdos is
23 undeniable. But I'm not sure that one - the one is evidence of
24 the other. In other words, the fact that they armed the Khmer
25 Rumdos and trained them is not, in my sense, evidence that they

1 were sticking their hands into the CPK's affairs.

2 [11.33.32]

3 Q. Thank you.

4 Now, again, following the structure of your book, moving on to
5 page 240, you're dealing now with the relationship with Prince
6 Sihanouk, who at this point is, of course, in Beijing, as you
7 described yesterday. The ERNs: in English, 00396440; and in
8 French, 003964 - I'll read that again: in French, 00639765. And
9 as I said, it's page 240 of the book.

10 I'm going to be - I'm going to read only brief passages because
11 we have limited time:

12 "The rare messages from 'the interior faction', as the CPK was
13 euphemistically called, were sent in the name of Khieu Samphan,
14 now officially presented as Commander-in Chief of the People's
15 Armed Forces for the National Liberation of Kampuchea, and
16 transmitted via the Chinese Foreign Ministry."

17 A little bit further down: "Sihanouk was no dupe either: he said
18 privately from the outset that the FUNK would exist only for as
19 long as the Khmers Rouges needed him, and later told the New York
20 Times: 'They will spit me out like a cherry pit the moment they
21 have won'."

22 [11.35.05]

23 Do I take it from that passage that there was, according to your
24 description of the events, little pretence, even on the part of
25 Prince Sihanouk, that this was a true coalition?

1 A. He was very lucid; he knew what the score was. The operation
2 in Beijing was the public face, it was the façade. It had
3 absolutely no control over what was going on inside. They were
4 two pretty separate things.

5 Q. And then, at page 242, you expand on this, to the extent that
6 there was, according to you, wariness about the Prince's
7 popularity on the part of the CPK. The ERNs are: in English,
8 00396442; in French, 00639768. You say the following:

9 "Khmer Rouge wariness over the Prince's popularity meant that
10 their troops wore no Sihanouk badges; the CPK did not display his
11 portrait; and he was rarely mentioned at meetings. Within the
12 Party, behind closed doors, he was condemned as a feudalism, but
13 a Central Committee directive laid down that such views 'must
14 absolutely not be made known to the masses... [and] can be
15 disseminated only within our own ranks."

16 Can I ask you to expand on that phenomenon?

17 [11.37.04]

18 A. Well, once again, the Khmer Rouge, Pol Pot, and the leadership
19 were trying to balance two things.

20 On the one hand, they wanted to keep Sihanouk happy enough that
21 he would remain with them - in other words, to make Sihanouk feel
22 that his future, however difficult it might be and however
23 unsatisfactory the relationship between him and the Khmer Rouge -
24 that his future led through them. So he - they wanted him with
25 him.

1 On the other hand, Sihanouk was immensely popular among the
2 Cambodian peasantry. There was a - I mean, one of the reasons
3 that the Khmer Rouge obtained recruits so easily after 1970-'71
4 was because Sihanouk was seen as being with the Khmer Rouge and
5 they went for Sihanouk. If he came back and if they made too big
6 a - too big a publicity for him, the risk was that he would
7 monopolize, if you like, the support of the people in Cambodia,
8 and that would take support away from the CPK. So they had to
9 balance.

10 [11.38.30]

11 Q. Thank you.

12 Moving on, again, following the general structure of the book,
13 you deal with what you describe as "a further mutation of the
14 policy". And this is at - starts of page 245 and the pages
15 following, up to about 248, 249.

16 You were already asked questions about some of this yesterday, I
17 believe, by Judge Cartwright, in relation to rationale given for
18 some of the radicalization.

19 And I want to read a passage that we didn't look at yesterday and
20 see if that assists us in understanding this development. This is
21 at 245, so 00396446 to 7 in English; in French, it's at 00639772
22 to 3. You're describing the American bombardment at this stage,
23 and you say this:

24 "More importantly, it provided the conditions for a mutation of
25 Khmer Rouge policy, which would have come about anyway over time,

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1 but now occurred much more quickly. The outcome was a harsher,
2 more repressive regime under which the suffering of individuals
3 became unimportant because there was so much of it."

4 [11.40.05]

5 And then you describe the uprooting of villagers and the burning
6 of homes, which I think was covered yesterday.

7 Can I ask you, in relation to this comment, that this further
8 mutation was inevitable - it may have been accelerated by the
9 events of the American bombardment, but that otherwise you
10 consider it to have been inevitable?

11 A. I think it's clear enough, the direction had been set. The
12 effect of the bombardments has been controversial. Some of the
13 earlier accounts - I'm thinking of William Shawcross - speak of
14 bombing the villages back into the Stone Age, and that explained
15 the radicalism of the Khmer Rouge. I don't think that's true. It
16 speeded it up, just as the Korean War speeded up the
17 radicalization of policy in China, but it didn't change what
18 would have happened anyway.

19 [11.41.10]

20 Q. And - I will just first provide the ENRs - Khmer ERNs for the
21 passage we looked at earlier, from Khieu Samphan's book. That
22 passage was at 00380449 in Khmer.

23 Moving on to 248 - so the next page from the one we were looking
24 at - in the second half of the page, you say the following -
25 quote:

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1 "In Pol's mind, bloodshed was cause for exultation. Humane
2 feelings were a sign of weakness and should be ruthlessly
3 suppressed. Nor was this one man's aberration: the other Khmer
4 Rouge leaders felt the same. CPK directives ritually enjoined
5 Party members to embrace 'suffering and hardship' in exactly the
6 same way as the early Christians were urged to embrace
7 martyrdom."

8 Can I ask you to comment on this description of a - of a broader
9 acceptance of that policy, that this was not an aberration of one
10 man, but rather, if I understand the section correctly, a view
11 accepted by a broader group of leaders?

12 A. Not only by a broader group of leaders, but going down into
13 the Party ranks. And it's a comparison that's been made before,
14 and we've - we've touched on it without making it explicit.

15 [11.42.52]

16 But the CPK was, in many ways, like a monastic sect, with the
17 same rituals, with the same abnegation of material things, the
18 same embrace of hardship and suffering, the same self-sacrifice,
19 the idea that you should sacrifice everything for the revolution.

20 I think that that's one of the keys to Mr. Khieu Samphan's
21 behaviour, but it also applied to many others.

22 Q. Thank you.

23 You then describe what I understand to be a further step in the -
24 in the continuum that we've been looking at, of treatment of
25 enemies and those outside the ranks. This is at 249 - page 249,

1 and the English ERN is 00396449; French, 00639776 to 777. You
2 describe the atrocities being committed in the war by the forces
3 of the Lon Nol regime and you then say – quote:

4 "That is not to say that the CPK forces were any better. They,
5 too, killed and disembowelled prisoners and executed suspected
6 collaborators. On the Communist side, however, it was only after
7 1973 that such executions became systematic.

8 "The Khmer Rouge soldiers in the field felt the change too. No
9 longer were deserters treated with indulgence. Now they were
10 killed."

11 Can I ask you to expand on this idea of the executions becoming
12 more systematic from 1973?

13 [11.45.05]

14 A. Well, it's not so much an idea as what I was told by
15 rank-and-file soldiers who'd been in the army at that time. There
16 were, earlier on, people who fled and went back to their villages
17 and didn't get into trouble. After 1973, the same behaviour was
18 treated differently. So it's a statement of fact, but it ties in
19 with this tightening of discipline within the Party, within the
20 armed forces throughout the Khmer Rouge system, which came when
21 they felt they were ready to move on to the next stage, when
22 victory was approaching, the Vietnamese were playing a smaller
23 role. All these things tied in together.

24 Q. Thank you.

25 Then, further down on that page and the page following, you

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1 describe a summer offensive by the Khmer Rouge troops - that's by
2 way of context - and you - this is the particular passage I'm
3 interested in, dealing with Hanoi, people returning from Hanoi -
4 quote:

5 "Pol gave orders that the Hanoi returnees, apart from a small
6 minority who had proved their loyalty, should be rounded up and
7 taken to a detention centre in Chhloung district, on the west
8 bank of the Mekong, as suspected Vietnamese agents. At political
9 training seminars, cadres began for the first time to speak of
10 'those with Khmer bodies and Vietnamese minds'. Most of the
11 returnees would eventually be executed."

12 [11.46.58]

13 Can I ask you to describe in the briefest of terms who the Hanoi
14 returnees were and why - what fuelled this decision, in your
15 view, if you've been able to come to a conclusion?

16 A. The Hanoi returnees were those who had been in the Khmer Viet
17 Minh in the war against the French in the very early 1950s and
18 then, in 1954, were - instead of remaining in Cambodia, were sent
19 by boat to North Vietnam, where they were put in camps by the
20 Vietnamese - and there were a couple of thousands of them, it was
21 a significant number - and they remained in Vietnam until the
22 early 1970s, when they came back. Many had married Vietnamese
23 women, they had - they were suspected of having a lot of sympathy
24 for the Vietnamese.

25 So, 1973, relations between the CPK and the Vietnamese became

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1 more tense. The CPK needed the Vietnamese less because it was
2 becoming stronger - its forces were becoming stronger; the
3 suspicion of the returnees increased, and they were - they were
4 parked in a camp, and many killed.

5 [11.48.27]

6 Q. Am I correct in understanding that that is a manifestation of
7 that policy that we were discussing earlier, in terms of "within
8 the ranks and outside the ranks", "with us or against us"? Or if
9 I've that wrong, please correct me.

10 A. Yes, you're absolutely right. It was - it was part of the
11 overall tightening of control as they were getting closer to
12 victory.

13 Q. You then discuss a period starting in late 1973, where there
14 was an establishment of a forward base, a place called Chrok
15 Sdech - if I'm pronouncing that correctly; probably not - and an
16 establishment of a headquarters for Son Sen at Ra Smach, in this
17 particular place I believe you discussed yesterday. You describe
18 the establishment of security centres in this period, in - within
19 the Special Zone. And, of course, yesterday you described your
20 interview with an individual who was arrested by the Khmer Rouge
21 in this period, and he's died - murdered.

22 Is the establishment of prisons, security centres - or however
23 one might call them - does it reflect the establishment of this
24 more systematic enforcement of policy at this point in time at
25 all?

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1 [11.50.15]

2 A. It's one of the very early signs of an administration,
3 together with the hospital, you know, the military - fixed
4 military hospital which Thiounn Thioeunn established nearby.
5 These are the beginnings of, yes, an administration.

6 Q. At this point, I'd like to show you a document which is -
7 dates back to July 1973. It was a "Revolutionary Flag" issue of
8 July 1973, but actually republished in the East Zone in June
9 1974. I don't think you have a copy of this as yet.

10 With the President's-

11 Well, I can ask you first whether you looked at these
12 "Revolutionary Flags", and if you have, we could perhaps proceed.

13 A. I have been through all the documents you sent me, including
14 the "Revolutionary Flags".

15 [11.51.17]

16 MR. ABDULHAK:

17 Mr. President, with your permission, I can give the expert an
18 extract of this particular one and see whether he's familiar with
19 it.

20 I want to be clear for the record: it's not one of the documents
21 we sent him. My understanding is simply that, based on his
22 research and all of the other issues he has looked at, there's a
23 basis for him to review this anyway. But if you wish me to ask
24 him whether he's seen this particular one, I will follow that
25 procedure.

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1 MR. PRESIDENT:

2 You may proceed.

3 Court officer is now instructed to obtain the document from the
4 prosecutor and hand it over to the expert for his examination.

5 [11.52.03]

6 BY MR. ABDULHAK:

7 Q. This is a Court translation, so it might look somewhat
8 different from documents you may have looked at in terms of its
9 layout. But it is a "Revolutionary Flag" from July '73,
10 apparently republished in the East Zone in June 1974. Are you
11 familiar with this particular document?

12 MR. SHORT:

13 A. I think I must have seen it because I believe I have read all
14 the existing - the extant issues of "Revolutionary Flag". I'm
15 afraid that 10 years, 12 years after the event, I can't say for
16 certain that I've seen this particular document, but I believe,
17 in all probability, I have.

18 MR. ABDULHAK:

19 Mr. President, with your permission, I'll read a brief extract to
20 the expert and see if he can assist us with it.

21 [11.53.23]

22 MR. PRESIDENT:

23 You may proceed.

24 BY MR. ABDULHAK:

25 Q. I just realized I may not have given the document number. This

1 is E3/785 - E3/785. It is entitled "Strengthening and Improving
2 the Party's Leadership Stance and Leadership Attitude".
3 I believe we may be able to display it on the screen, as well,
4 for the benefit of the public and those who can read the Khmer.
5 There is a particular passage here that I'm interested in against
6 the background of the discussions we've been having about arrests
7 and executions. At the bottom of the second page that you have,
8 Mr. Short - the Khmer - the ERNs are: Khmer, 00442047 to 8;
9 French, 00741968; and English, 00713998 to 9. It's an interesting
10 passage, and I'll read it - quote: "At the same time, there is
11 still authoritarianism in the bases. Thus, we must jointly
12 improve the leading works attitudes to be more appropriate in
13 order to make people love and satisfy us more."
14 [11.54.56]
15 A little bit further down: "Moreover-" I apologize.
16 "Sometimes it is a proper stance, but due to the lack of caution
17 of action line, it results in political disadvantage."
18 Over the page: "For example: If the spies are arrested to be
19 executed in the meeting before the people, some people may be
20 frightened of us. They think that we are extremely cruel. The
21 stance to smash the spies is correct, but it is inappropriately
22 carried out."
23 This appears to be a sort of instruction as to how executions
24 should be carried out. Is that consistent with your findings as
25 to the systemization or development of these - of these attitudes

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1 towards enemies and arrests and executions?

2 [11.56.01]

3 MR. SHORT:

4 A. They dealt at - I am answering your question, but they dealt
5 at various times with the question of how executions should be
6 carried out and who had the authority to authorize executions.
7 These instructions were often honoured in the breach. But the
8 guiding principle behind all of them was: Executing people is
9 right when they are counter-revolutionary, when they're against
10 the Revolution, but it must be done in a way which does not harm
11 the Revolution's goals. This is an example: You don't execute
12 people in front of others. And that, through the Khmer Rouge
13 period, was pretty general. People disappeared; they were taken
14 away and didn't come back. It wasn't that they were killed in
15 front of the others.

16 Q. Thank you.

17 We're going to move towards the events in 1975 shortly, but just
18 as we - I wish to exhaust a little bit more this period just
19 immediately preceding.

20 [11.57.10]

21 At page 254, you are now dealing with a view of those who are in
22 the cities, and here I wish to build on the evidence you gave
23 yesterday - English ERN 00396454; French, 00639783 to 4 - quote:
24 "This idea that all who diverged from the revolution were human
25 vermin and should be treated accordingly, analogous to the

1 medieval Christian notion that sinners merit the torments of
2 Hell, also coloured the Party's attitude to the inhabitants of
3 Phnom Penh, including the peasant refugees who had streamed into
4 the city. They had chosen their side, sitting out the U.S.
5 bombing in safety while the revolutionaries were blown to
6 smithereens. They therefore merited whatever punishment rained
7 down on them.

8 "From late 1973, Chinese-made 107- and 122-mm rockets were fired
9 into the city, often falling on the poorest quarters and causing
10 hundreds of casualties. The following spring, these were
11 supplemented by captured 105-mm artillery, firing at maximum
12 range from positions south of the capital."

13 [11.58.36]

14 Am I correct in understanding that you are making a connection,
15 perhaps, between this view of city inhabitants as vermin, as
16 those who have chosen a different side, and the shelling attacks
17 on Phnom Penh as part of the attacks?

18 A. The shelling attacks were basically psychological warfare;
19 they were to show that the Lon Nol regime was incapable of
20 defending anybody. But the fact that the shelling was
21 indiscriminate and therefore, given the range of the artillery,
22 was going to fall very often on the poorer suburbs, that was
23 acceptable because those people had chosen to be with Lon Nol
24 rather than staying with the revolutionaries. So, the two went
25 together.

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1 Q. And do I then surmise correctly from what you just said that
2 they were no attempts made to avoid casualties in the city as
3 part of this shelling?

4 A. No, there were none – no attempts made. But it was a war, and
5 in war people get killed. I'm not saying that cynically. The
6 civilian population should be spared, but the reality of warfare
7 is that there are very few limits on the means used to win.

8 [12.00.24]

9 MR. PRESIDENT:

10 Thank you, Mr. Prosecutor, and thank you Mr. Witness – Mr.
11 Expert, rather.

12 The Chamber will adjourn now and resume at 1.30 this afternoon.

13 Court officer is now instructed to assist the expert during the
14 break and have him back in this courtroom by 1.30 this afternoon.

15 Security guards are instructed to bring Mr. Khieu Samphan down to
16 the holding cell downstairs and have him back in this courtroom
17 before 1.30 this afternoon.

18 The Court is now adjourned.

19 (Court recesses at 1201H to 1333H)

20 MR. PRESIDENT:

21 Please be seated. The Court is back in session.

22 The floor is once again given to the Prosecution to continue
23 putting questions to the expert. You may proceed.

24 BY MR. ABDULHAK:

25 Thank you, Mr. President. Good afternoon, Your Honours, Counsel,

1 and good afternoon, Mr. Short.

2 I hope your energy levels are high; we're going to go through
3 quite a few more areas this afternoon. And, again, I'm going to
4 continue following the general structure and chronology of your
5 book.

6 We looked at the issue of a view of the city people as vermin and
7 we discussed the shelling of Phnom Penh.

8 [13.34.38]

9 I want to turn to the next area that is in your book - and this
10 was touched upon yesterday, so I'm going to try and be selective
11 here - at page 255, where you describe the evacuation - the fall
12 of Udong and its evacuation. Again, the event was discussed in
13 some detail, so I'll ask you about one particular aspect which
14 I'm - I don't think you've commented on. This is at ERN English,
15 00396455; and French, 00639784 to 5. And the quote is as follows:
16 "The population of the town, some 20,000 people, was rounded up
17 and marched to the forest of Palhel, an uninhabited area to the
18 east of Chrok Sdech, where Mok had a military base, before being
19 resettled in cooperatives in the Special Zone and the Southwest.
20 Officials and uniformed soldiers were separated from the rest,
21 led away and killed."

22 [13.35.59]

23 I looked at the more detailed notes that you've - that you've
24 provided to us for this page 255, and they indicate that your
25 sources include: an interview with Phy Phuon; a book, I believe,

1 authored by Deac; and conversations with villagers in the area in
2 2001; as well as a document that you abbreviated "RC", May 11,
3 1974.

4 So my question there, first, is: Have I got that right that these
5 are the primary sources – or the sources that you rely upon in
6 describing the events – the interviews and these additional
7 documents I've looked at?

8 MR. SHORT:

9 A. Yes, that is correct. The interviews with Phy Phuon, the
10 conversations with villagers, they were two major sources. The
11 written sources are – "RC" is "Réalités cambodgiennes", the
12 weekly newspaper – weekly journal, and Deac is a book by an
13 American military historian, Wilfred Deac.

14 Q. Thank you. When you spoke to these villagers, were they people
15 that had seen these events or experienced them and were
16 describing them for you?

17 [13.37.35]

18 A. Yes.

19 Q. Can I also ask, if you recall, how many people you spoke to
20 about this particular event? I'm talking about the local –
21 locally-based people, if you recall.

22 A. I would find it difficult to answer that because I talked to a
23 number of villagers about different topics. Some of them referred
24 to this, some of them didn't. I – certainly one or two spoke
25 specifically about Udong; whether there were more, I can't

1 remember.

2 Q. Thank you. In that passage, you indicate that officials and
3 uniformed soldiers were separated from the rest, led away, and
4 killed. Is that something that you see as consistent with
5 policies and lines that we've discussed before? Is it - is it an
6 unusual event?

7 A. That is consistent with what had been happening before - what
8 had started happening, at least - and with, of course, what
9 happened afterwards.

10 [13.38.54]

11 Q. Thank you.

12 I'd like to now - we might come back to Udong, but just for the
13 moment I might turn to the meeting you discussed with the Judges
14 yesterday, the 1974 Central Committee meeting, which I think you
15 place at Meak. And, of course, there you describe three key
16 decisions that - decisions you characterize as key decisions that
17 were made.

18 Can I ask you first - it appears from your notes that Phy Phun
19 was a source for this - for this meeting. Do you recall whether
20 you also relied on other sources for its description? And let me
21 say, before you answer, apart from confessions; I think you - I
22 think there were confessions also referred to. Are there any
23 other sources that you recall looking at?

24 A. My recollection is that that meeting was only described by Phy
25 Phun. Whether the notes which you have gave other sources - I

1 could look, you could look. But Phy Phuon I remember as being the
2 principal source.

3 [13.40.54]

4 MR. ABDULHAK:

5 Thank you.

6 I'd like to now show you a - one of the documents that we've
7 actually sent you a copy of, and this is E3/11. It's the
8 "Revolutionary Flag" magazine from September 1977.

9 Mr. President, with your permission, I have a copy with the
10 relevant extract for the expert. It's one of the documents that
11 we sent him with the Chamber's permission.

12 MR. PRESIDENT:

13 Yes, you may proceed.

14 Court Officer, could you deliver the document to the expert?

15 [13.41.48]

16 BY MR. ABDULHAK:

17 Q. And just before I read that passage, as you may or may not -
18 you probably are aware because we sent you a copy of a part of
19 the transcript of Phy Phuon's testimony before this Court. He
20 described a meeting for the Court of the Central Committee in
21 Meak, which he - I believe he dates in June or July. I think in
22 the end he was of the view that it was June. And the reason I'm
23 showing you this document is because it deals with meetings in
24 that period and I want to see whether that assists with
25 understanding as - whether we're dealing with the same events.

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1 So, we're looking at: Khmer ERN 00063162; English, 00486247 – so
2 that should be page 36 in your copy, Mr. Short; and French,
3 00492836. And it says the following about in the middle of the
4 page – quote:

5 "It was during this situation, when our Party's Central
6 Committee, in the course of its June 1974 conference, resolved to
7 mount the decisive offensive to liberate Phnom Penh and the
8 entire country."

9 If you're not quite sure on this, I'd rather you not speculate.
10 Is it possible – is it the same event, based on your research, or
11 are they two different Central Committee meetings?

12 [13.43.37]

13 MR. SHORT:

14 A. This is certainly the same event.

15 One of the difficulties with oral sourcing is that people may
16 remember an event very clearly but get the dating wrong. They can
17 also conflate different events, but that didn't happen here.

18 No, I missed this reference in "Revolutionary Flag" when I – when
19 I wrote the book. Certainly it's June 1974. Contemporary
20 documents always are more reliable over chronology than people's
21 memories.

22 Q. Thank you.

23 Now, of course, one of the decisions – one of the three important
24 decisions that you described was – what you say was "a unanimous
25 decision" that Phnom Penh and all of the other Cambodian towns

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1 should be evacuated as soon as they are liberated.

2 [13.44.41]

3 And you've dealt with that, so I'm going to – I won't ask you
4 questions on that unless you wish to expand.

5 I wanted to deal with the decision to execute, I believe, a
6 Central Committee member whose name was Prasith. Now, you make
7 the point that he's not the first CPK cadre to be liquidated,
8 that Ta Mok had already eliminated a number of lower-rank
9 officials. But then you make the following point at page 260. And
10 I will give the ERNs for that page in a moment: this is 00396468
11 in English and 00639791 in French. You say:

12 "This was the first time, however, that intra-Party conflict had
13 reached into the ranks of the Central Committee. It was the first
14 time, too, that the Party leadership had authorized the execution
15 of one of its own member. Prasith's case was discussed at length
16 during the plenum at Meak."

17 Can I ask you to elaborate on the significance, as you describe
18 it, of – if it is significant, of this being a decision in
19 relation to a member or reaching the ranks of the Central
20 Committee and being a decision about a senior member?

21 [13.46.22]

22 A. I think, in fact, we touched on this yesterday. I think it was
23 extremely important.

24 It – in any Communist system, Communist party, the decision to
25 start purging within the leadership is a kind of tipping point –

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1 it happened in the Soviet Union, it happened in China very early
2 on, and Prasith's case was the first in Cambodia - because once
3 you have accepted that "counter-revolutionaries can worm their
4 way into the leadership", as the consecrated phraseology has it,
5 then you're opening the door to endless purges. So that was the
6 first step and it was very important.

7 Q. And for the avoidance of any - of any doubts, do I understand
8 correctly that it was a decision - a collective decision, a
9 decision accepted by people at that level, at least people that
10 participated?

11 A. That is my understanding, and it is certainly the inference.
12 It was discussed; and after the discussion, it happened. One may
13 infer that there was agreement that it should happen.

14 [13.47.54]

15 MR. ABDULHAK:

16 Thank you.

17 Now, I said we were going to return to Udong very briefly, and
18 now I have another exhibit that I wish to show you. This is one
19 of the "Revolutionary Flags", again, that we sent you. This one
20 is from December 1976 to January 1977.

21 And, Mr. President, this is document E3/25, and as I said, it's a
22 document that we sent a copy of to Mr. Short. And with your
23 permission, I'll give him a copy with the specific extract.

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 Court Officer, could you assist by delivering the document for
2 the expert's examination?

3 [13.48.45]

4 BY MR. ABDULHAK:

5 Thank you, Mr. President.

6 Q. Now, looking at this document, Mr. Short, the English
7 translation has the passage I'm interested in at page 31, and
8 we've just given you that page. The ERNs are: in Khmer, 00063039
9 to 40; French, 00504049 to 50; and English, 00491424. And what
10 this passage deals with, essentially, is - it appears a number of
11 movements of people that took place before 1975. And I'll read a
12 couple of the extracts from this. And it starts with - quote:

13 "Attacking the enemy politically: Taking just one example,
14 fighting to seize the people. Throughout the world, they never
15 fought to seize the people. Our line was to fight to seize the
16 people: one, we took him; two, we took them; 100, we took them;
17 1,000, we took them, and so on until we fought for and seized the
18 people from Phnom Penh too."

19 [13.50.07]

20 This then goes on to describe a number of examples, the first
21 being Banam in 1973 - Banam town - where it says that they
22 expelled the ethnic Vietnamese, the ethnic Chinese, the military
23 police, and everyone else. Then there's another example in
24 relation to the Chenla II battle. And then, after that, we have
25 also the example of Udong, where people were pulled out.

1 Are you familiar with this phrase that this "Revolutionary Flag"
2 is referring to of "seizing the people"?

3 MR. SHORT:

4 A. Yes, I am, and it really means, simply, controlling the
5 population. You don't have to control territory; you have to
6 control people. And they say - you've just read - "throughout the
7 world, they never fought to seize the people". Well, that is
8 exactly what the Chinese Communist tactics were all through the
9 Chinese Revolution, so it was hardly something that the Khmer
10 Rouge discovered.

11 Q. When I was - in that first passage that I read, they seem to
12 describe a series of these events of seizing the people
13 culminating in Phnom Penh and seizing the people from Phnom Penh.
14 Is there any relationship? Is there a continuum between these
15 events as far as Party practice, or policy, or line that was
16 being implemented?

17 [13.52.04]

18 A. I would hesitate to read too much into that. I think it's -
19 you often find in documents of this kind that to explain what
20 they are trying to do, they depict a succession of events: first,
21 one; then, two; then, four; then - and so on.

22 Q. You said yesterday that - and I think this is in your book, as
23 well - that Udong was considered as a - as a good example of
24 seizing the people or evacuating the people. Am I reading too
25 much into that as a sort of a precursor, a test-run? Is there a

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1 connection between that and what happened in April '75?

2 A. Phy Phuon, who, as I said, was my principal source for that,
3 was very - very adamant, very convinced that it was the success,
4 in his terms, what happened at Udong, which convinced the
5 leadership that this was the way they should go with Phnom Penh.
6 And the time sequence - you know, early '74, Udong, and then the
7 meeting at Meak, where the final decision is taken - at least is
8 consonant with that interpretation.

9 [13.53.32]

10 Q. Thank you.

11 Now, we're going to move through the rest of pre-evacuation -
12 rapidly, I hope.

13 There is one event from 1974 which follows the evacuation of
14 Udong that I wish to take you to, at page 261 of your book -
15 English ERN 00396469; and French, 00639792. You're describing a
16 trip to China by Khieu Sampan and you say the following:

17 "Khieu Samphan went to China to meet Mao, the first Cambodian
18 Communist to do so since Keo Meas in 1952, and then set out with
19 Sihanouk on a two-month long tour of GRUNK allies in Africa,
20 Asia, and Eastern Europe. The aim was not merely to build support
21 for the future Khmer Rouge regime, but, more importantly, to
22 ensure that the Prince's commitment did not waver."

23 Can I ask you to expand on how you reached that particular
24 conclusion that the aim of this trip, in part, was to ensure that
25 the Prince didn't waver?

1 A. I think it's a continuation of what we were talking about
2 earlier, this balance which they - it was clearly in all their
3 minds when they brought Sihanouk back in 1973 to visit the
4 liberated areas: on the one hand, keep his support; on the other
5 hand, don't let him acquire too much popularity.

6 [13.55.15]

7 And 1974, yes, they still very much needed Sihanouk as an
8 international image for their movement, and the trip to Africa -
9 through Africa and Asia was, yes, partly to win more support, to
10 convey their message to other countries, but more than anything
11 else to keep Sihanouk tied to the Movement.

12 Now, if you're going to say, where do I draw that conclusion
13 from? I basically have to tell you, that's my interpretation of
14 what it was about. It's consistent with what went before and what
15 went after; and to me, that is the explanation.

16 Q. That's helpful, thank you.

17 During that trip - you know, we have documents that report part
18 of that trip on - on the case file. I'm not going to be giving
19 you this exhibit, in the interests of time, and it's - again, I
20 wish to move to other topics, but a document that is on the case
21 file, number 12.7. This is a "Nouvelles du Cambodge" Kampuchea
22 Information Agency broadcast from the 11th of April 1974 -
23 reports a speech by Khieu Samphan that he gave during his stay in
24 North Korea, on the 10th of April '74, in which he essentially
25 said that the forces - Khmer Rouge forces were making significant

1 advancement - or forces of the Front, I should say - and that
2 they had liberated Udong.

3 [13.57.05]

4 I just want to ask you whether you're aware of that - of that
5 particular speech in the context of these - of his trip.

6 A. I don't think so. No, that didn't cross my screen.

7 Q. That's fair, thank you.

8 As we move forward into early 1975 and the actual preparations
9 for and the evacuation itself-

10 I want to ask you a few questions, actually, about the events of
11 the 17th of April and following. I'll skip some of the
12 preparation questions, simply because we haven't got a lot of
13 time.

14 Looking at your - at your book now, at pages 269 to 270, you're
15 describing the entry into Phnom Penh by Khmer Rouge forces. And
16 this is at Khmer ERN - I apologize; we don't have Khmer ERNs for
17 this. So, it's English, 00396477 to 78; and French, 00639802 to
18 3. There are a couple of points that are - that are of interest
19 here, at the bottom of 269 and top of 270.

20 [13.58.56]

21 We've already discussed the attitude towards those who had, as
22 you - as you said yesterday, "voted with their feet". You say
23 here that "now they were 'prisoners of war' and everything they
24 possessed was legitimate war booty. Shortly before the final
25 assault, division commanders from the Southwest, the East, the

1 Special Zone, and the North had ordered their troops not to loot
2 or to kill unless they met with resistance."

3 Can I ask you there, if you have been able to research this
4 aspect of the attack, the degree to which these orders were
5 coordinated, that they were issued, you seem to be suggesting, to
6 different zones by various commanders? Are you able to enlighten
7 us on that further?

8 A. All the descriptions of the evacuation of Phnom Penh and,
9 indeed, other sources seem to agree that the individual zones had
10 quite a lot of latitude in how they carried out the evacuation -
11 that soldiers from the Eastern Zone, for example, tended to be
12 more lenient than those from the Southwest - from the South, from
13 Ta Mok's region. And certainly that was the pattern right the way
14 through: different zones, different policies, different
15 individual lieutenants, sergeants, whatever. Low-level military
16 cadres behaved in really significantly different ways, just as
17 village chiefs and cooperative chiefs would also later be very
18 different in their policies.

19 [14.00.48]

20 Q. Thank you. And just picking up that point, at page 275, the
21 upper half of that page - English ERN 00396483; and French,
22 00639810; and this is after a discussion of the actions of the
23 different zone forces - you say the following - quote:

24 "But it was a difference of style, not of policy. Once the
25 evacuation order had been passed down, Eastern Zone units, like

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1 everyone else, ensured that the areas under their control were
2 emptied of inhabitants."

3 Is that right that despite the variations, everybody implemented
4 the order?

5 A. The policy was the same, the implementation was different. So,
6 yes, it happened everywhere, but with very significant
7 differences in how it was carried out.

8 [14.01.56]

9 Q. Another aspect of the evacuation that you describe in your
10 book is the killings of Lon Nol regime officials. And you
11 describe this in relation to a number of areas, so I'm going to
12 start with Phnom Penh.

13 At page 271 - and I'll give the ERNs: English, 00396479; French,
14 00639804 to 5 - you say the following - quote:

15 "At the Hotel Monorom, a few blocks south of the railway station,
16 where the deputy front commander, Koy Thuon, established his
17 headquarters, a 'Committee for Wiping Out Enemies' was set up.

18 Its first action was to approve the execution of Prime Minister
19 Long Boret, Lon Non, and other senior republicans, who were taken
20 out and killed in the grounds of the Cercle Sportif, not far from
21 the Information Ministry where they had been detained."

22 Can I ask you first whether you've been able to ascertain, in
23 your research, who established this committee?

24 A. I'm afraid not.

25 [14.03.28]

1 Q. Do you have information as to who was in that committee? You
2 describe it as being based near Koy Thuon's headquarters. Do you
3 have any further information as to who was in it, or is this as
4 far as we go on that particular fact?

5 A. No, there are - I mean, there are areas which there is no
6 documentation about and nobody who was privy has spoken, at least
7 not to me.

8 Q. Can I read another passage to you which relates to people -
9 evacuees from Phnom Penh and the treatment of Lon Nol officials?
10 This is at page 273. The relevant Khmer - relevant ERNs here are
11 00396481 in English, and 00639807 in French. And this is the
12 particular passage that is of interest; this is evacuees from
13 Phnom Penh - quote:

14 "When the column reached the Northern Zone checkpoint at the
15 village of Preaek Phnov, army and police officers from second
16 lieutenant up and government functionaries were asked to come
17 forward and identify themselves. They were informed that they
18 would be taken back to Phnom Penh to help Angkar reorganize the
19 city. That was indeed the destination of the most senior among
20 them, including the former Premier, Hang Thun Hak, and another
21 ex-minister, Pan Sothi. Both men were taken to Koy Thuon's
22 headquarters at the Hotel Monorom and then killed. The rest were
23 simply led across the rice-paddies into nearby scrubland and
24 bludgeoned to death."

25 [14.05.21]

1 It's a rather gruesome account, but my question is: Do I
2 understand correctly that-

3 We discussed the committee at Koy Thuon's headquarters, and now
4 this second group being sent. Are the two related in any way, as
5 far as you've been able to ascertain?

6 A. The decision to send back Hang Thun Hak and Pan Sothi was
7 certainly laid down from the highest level, no question. The
8 decision, likewise, to kill officers and officials above a
9 certain level, I think, one may assume, had - was on the basis of
10 a central instruction but would be implemented -the exact level
11 and who was killed would be decided by the zones.

12 However - I mean, I think it's worth adding that, you know, there
13 was an awful lot of latitude for the people who were actually
14 doing this.

15 [14.06.27]

16 And I don't want to go in - get in advance of myself, but I'm
17 struck by the interview I did with a perfectly ordinary soldier
18 who was one of a group who were searching houses in Phnom Penh
19 afterwards, and they'd been told to go around and make sure that
20 there was no one hiding, and they found various old people who
21 had been left behind by their families and were still in flats:

22 "What did you do with them?"

23 "We killed them."

24 "Did you have instructions?"

25 "No. What else were we to do?"

1 You know, the climate, the mindset, was that such people, you
2 kill.

3 [14.07.10]

4 Q. You do describe a degree of variation on the – on the page
5 that precedes the one we just looked at–

6 I may need to correct myself. Rather, this is at page 277, and
7 the ERNs, they are: in English, 00396485; and French, 00639812 to
8 3. That's just for the record.

9 You do describe there the killings in, I believe, Battambang and
10 Pailin and you describe a degree of the variation.

11 Based on your research, nevertheless, in the areas at least that
12 you've considered, was there killings of people from the former
13 regime from a certain level up? Was there – was there a
14 particular consistency that you've been able to infer based on
15 what you said was a – must have been a central –
16 centrally-devised decision?

17 [14.08.23]

18 A. There was a pattern all over the country of killing former Lon
19 Nol officers whatever their level and of killing officials –
20 former Lon Nol government officials above a certain level. I
21 think in the – in the case of the officers, the military men, it
22 was much more systematic. For the civil servants, there are very
23 large numbers of cases where individuals either escaped the net
24 or escaped the net for a period of time or for one reason or
25 another were able to get through the whole Khmer Rouge period,

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1 having been quite highly placed. So it was not - if it was
2 systematic, there were gaps in the system.

3 Q. And just on that, at page 275, you deal with the issue of the
4 death toll and you look at other - events in other countries
5 where there was large death toll as part of revolutions, etc.

6 This is English ERN 00396483; and French, 00639810 to 811. Just a
7 brief passage there - quote-

8 [14.09.48]

9 You've - you had described the example of France in the months
10 following German retreat, and then you say - quote:

11 "But in France, the killings, the forced suicides, the shaming
12 of women who had shared their beds with the enemy, were the work
13 of individuals, acting alone or in mobs. In Cambodia it was the
14 result of a deliberate policy decision taken by the country's
15 highest authorities: Pol and the CPK Standing Committee."

16 Do you still stand by that conclusion?

17 A. Yes, I do. And I'm glad you raised this because yesterday
18 Judge Lavergne asked me whether there was anything that I wished
19 I had not written as I wrote, and, indeed, the estimate I gave
20 for the number of dead in the killings after the Second World War
21 in France was inflated. It is in some French sources, but I said
22 a hundred thousand. I think it was nearer 10,000 - minimal
23 relevance to the Court, but that is the belated answer to Judge
24 Lavergne's question.

25 [14.11.00]

1 Q. Another aspect of similarities and this issue of variation
2 that you deal with in the book deals with actual forced movement
3 of people. This is at 276 to 277; English ERN 00396484 to 5; and
4 French, 00639811 to 2. Here you're describing the events in the
5 following days, April 18 and following, with Son Sen being in the
6 city, and you describe how he - "one of his first acts was to
7 summon the division commanders from all the four zones to
8 delineate clear limits for each sector".

9 And then, a little bit further down the page, you say the
10 following - quote:

11 "New guidelines were also issued to harmonize the evacuation
12 procedures in different parts of the city. No longer could people
13 choose for themselves which road to take. Those in the north went
14 north, up Highway 5, even if their home villages lay in a quite
15 different direction; those in the west were marched along
16 Highways 3 or 4, towards Kampot or Kampong Speu; those in the
17 south towards Takeo or Svay Rieng. The entreaties of husbands and
18 wives or parents and children who happened to find themselves in
19 different parts of the city were ignored: they went the same way
20 as everyone else in their sector. Searches were stepped up for
21 those trying to stay behind. The old and bedridden were simply
22 killed.

23 "Similar scenes, with local variations, occurred all over
24 Cambodia."

25 [14.12.56]

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1 There's quite a few important facts there. But if I can start
2 with what you seem to be describing as a harmonization attempt to
3 have a more systematic procedure, have I got that right that from
4 this point onwards the – a decision was made centrally and then
5 implemented to move people in different directions depending on
6 where they were, if that is research that you've been able to
7 ascertain?

8 A. Yes. One of the problems was that the different zone
9 commanders had never actually worked together before because
10 their zones had been separate, they had been a law unto
11 themselves, and when they all came together in Phnom Penh, they
12 butted up against each other – their troops. So rules had to be
13 laid down pretty quickly, how they should cooperate, and it was
14 the first time they'd had to do that.

15 You can see that it's certainly the beginning of a harmonization
16 and the – yes, the beginning of a unification of the policy
17 towards those being evacuated.

18 [14.14.27]

19 Q. Now, one fact you discussed yesterday – and you discussed the
20 reasons for the evacuation, so I will not go there, but you
21 discussed the issue, I believe, of people being told not to take
22 a lot of possessions with them, and I want to just touch on that
23 briefly.

24 At the bottom of page 287, in your copy, Mr. Short – and it's
25 English ERN 00396495; and French, 00639825 to 6 – you describe

1 the condition of the deportees and you say the following:

2 "Most of the deportees had reached the countryside empty-handed,
3 Khieu Samphan explained, adding with evident satisfaction, 'The
4 few belongings [they] were able to carry with them will be worn
5 out within two or three years'."

6 I'm - my copy is not clear on this. Perhaps you will correct me.
7 I'll just finish reading the rest and then you can correct that
8 passage.

9 [14.15.43]

10 "Indeed, it had been to limit the amount they could carry with
11 them that people had been ordered to leave at such short notice
12 in the first place. But in all public pronouncements, these
13 strategic aims were passed over in silence."

14 So, my question is, first, if you can perhaps read for us that
15 passage - in my copy, the words are completely unclear - and then
16 if you can tell us whether that statement that is attributed to
17 Khieu Samphan reflects the policy or the line that was - that you
18 discussed yesterday, about telling people not to take a lot of
19 possessions with them.

20 A. Yes. The relevant portion reads:

21 "Most of the deportees had reached the countryside empty-handed,
22 Khieu Samphan explained, adding with evident satisfaction, 'The
23 few belongings [they] were able to carry with them will be worn
24 out or used up within two or three years'."

25 [14.16.43]

1 Yes, that was the logic of it, that if you took very little with
2 you, it would be worn out, and then you would have the same as
3 everybody else. This was part of the program to separate people
4 from their belongings so that everybody became equal, because if
5 everybody has nothing of their own possession, then they are all
6 the same. And, indeed, very short notice to leave; they couldn't
7 take that much with them anyway. So it's all completely
8 consistent.

9 Q. You then continue on in the next passage - quote:

10 "Thus the new regime began with a lie, and lying would remain one
11 of its defining characteristics. After April 1975, nothing the
12 Cambodian leaders said could ever be taken at face value. They
13 lied to hide unpleasant truths; they lied because they could not
14 be bothered to remember what had really happened; they lied by
15 mistake, by accident, out of laziness, or for no discernible
16 reason at all. The lie became an instrument of rule, enveloping
17 policy in a miasma of uncertainty, secrecy and dissimulation."

18 Can I ask you to expand on that conclusion as to the regime's
19 lies?

20 [14.18.20]

21 A. It's a very harsh judgement, but I stand by it. It was a
22 deliberate decision, quite consciously, to portray the world of
23 Democratic Kampuchea other than as it really was, and there are
24 innumerable examples. I mean, when Pol Pot went to Beijing - went
25 to China for his first official visit and he gave a long speech

1 about Democratic Kampuchea, he said - I remember, I was there
2 when he gave it, when it was broadcast - "everyone in Kampuchea
3 has 312 kilograms of rice per person per year", and so on and so
4 forth.

5 Lies - as I said, you know, sometimes there was a reason,
6 sometimes the reason was simply not comprehensible, but lies were
7 in the very fabric of everything the regime did.

8 Q. Thank you.

9 I'm now going to actually move on to the policies as they existed
10 post the immediate event of the evacuation.

11 [14.19.46]

12 And as an entry point to this, I look at page 280 here - and the
13 relevant ERNs are: in English, 00396488; in French, 00639817 -
14 and you say the following:

15 "The evacuation of Cambodia's towns and its immediate
16 consequences - the relocation of the entire population to the
17 countryside; the killing of former opponents; the reform or
18 elimination of all regarded as potentially hostile - were an
19 almost perfect paradigm for the three years, eight months and
20 twenty days of Khmer Rouge rule that followed.

21 "That most city-dwellers were taken completely by surprise merely
22 showed how little attention they, and the outside world, had paid
23 to the Khmer Rouge and their methods during their long years in
24 the wilderness. What happened in mid-April 1975 was the fruit of
25 policies that had been in gestation since the 1960s and had their

1 origins in a still earlier time."

2 So, there are two slightly distinct points being made there. But
3 can I ask you, first, to elaborate for us, if you could, on this
4 - on this idea of the evacuation itself and its immediate
5 consequences being "an almost perfect paradigm" for the rest of
6 what followed?

7 [14.21.34]

8 A. Well, I think - I think the basis of that thought is that - is
9 the ruthlessness, and single-mindedness, and the lack of concern
10 for human values, for human suffering, for individual values that
11 were shown during the evacuation.

12 Later on, in the collectives, exactly the same attitude
13 prevailed. What - what the Khmer Rouge wished to do was to
14 achieve a given goal, whether it's the removal of millions of
15 city-dwellers to the countryside, the creation of agricultural
16 cooperatives, collectives which are capable of producing a
17 particular level of rice yield, the building of irrigation works;
18 in everything the same approach, and in many cases the same
19 finalities - that is, large numbers of dead along the way - were
20 how those programs were characterized. And you find all that in
21 the very first step, which was the evacuation of the cities.

22 [14.22.49]

23 Q. And if I can bookend this concept with another quote and see
24 whether this is also relevant - this is now at page 399, which is
25 at the very end of your description of the toppling - the fall of

1 the regime and the escape from Phnom Penh of leadership,
2 including Pol Pot, Nuon Chea, Khieu Samphan, etc. And this is the
3 part I was interested in: English ERN 00396607; and French,
4 00639976. And it's the following passage that I'm interested in -
5 quote:

6 "Khmer Rouge policy, right up to the last hours, remained wholly
7 consistent with everything that had gone before. The priority
8 accorded to getting Sihanouk to safety, to protecting Pol and the
9 other leaders, was merely the practical application of the
10 principle expounded by Nuon Chea months before: 'If we lose
11 members but retain the leadership, we can continue to win.' The
12 corollary - that ordinary people were expendable - had been Khmer
13 Rouge practice ever since the evacuation of Phnom Penh in April
14 1975."

15 Am I correct in reading those two passages together and
16 understanding them to be describing the same conclusion?

17 [14.24.27]

18 A. Yes. The key line is "ordinary people are expendable".

19 But I would point out, following from what we discussed earlier,
20 where we talked about the need to seize the people, to remove the
21 people from the control of the enemy and have the control
22 themselves, for the Khmer Rouge, those are in total
23 contradiction. There were times, most notably when they were
24 struggling for power in '73-'74, when they understood that they
25 needed the people with them. For reasons which are very difficult

1 to understand, the moment they were in the position to actually
2 gain power and they had power, they lost interest in retaining
3 the people; the people became expendable. They got what they
4 wanted and people were no longer the concern in the same way as
5 they had been earlier.

6 Q. And if I can pick up the other part of the first quote that we
7 read, in relation to events of mid-April '75 being "the fruit of
8 policies that had been in gestation since the 1960s", can I ask
9 you to expand on that? Is that similar to what we were discussing
10 this morning - the gradual, incremental development of policy,
11 etc.?

12 [14.25.53]

13 A. Yes. I - there are the two strands. We talked earlier about
14 the Issarak strand and the return-student strand. When I said
15 that the origins were even earlier, I was thinking of the
16 Issarak. There are distinct similarities in the way the Issarak
17 operated and the way the Khmer Rouge operated, and, indeed, they
18 had many of the same leaders. And then, from the 1960s, the
19 return students who had taken power in the Party brought their
20 ideas, and this incremental process which we've discussed
21 continued.

22 Q. Thank you.

23 You've discussed already, I believe, this concept of a first
24 modern slave state, and that appears in a number of places in the
25 book. And I just wish to read one part because I'm interested in

1 the concept of a slave state - a single entity, if you like. This
2 is at page 291, and the relevant ERNS are: in English, 00396499;
3 French, 00639831. And in elaborating this concept of a slave
4 state, you say the following - second half of the page: "Like
5 true slaves, the inhabitants of Pol's Cambodia were deprived of
6 all control over their own destinies - unable to decide what to
7 eat, when to sleep, where to live or even whom to marry."

8 [14.27.37]

9 And that part you've already explained for us.

10 A little bit further down, though, you say also this:

11 "It is also true that the way the new system was interpreted
12 varied hugely from zone to zone, region to region and even
13 village to village. In some areas, cadres were lenient; in
14 others, harsh. But in both cases, the people - the slaves - had
15 no say in the matter. They merely endured whatever degree of
16 leniency or harshness the 'upper levels' decided to mete out."

17 So, can I ask you to expand on that? Because you are using the
18 term "slave state" as a - as a single entity, and then, of
19 course, with variations within it, but you do seem to be
20 describing, if I have you correctly, a system that, in a way,
21 emanates from the top. And if I have that wrong, I'll ask you to
22 correct me.

23 A. It did emanate from the top. It could only have emanated from
24 the top because the underlying principles were the same
25 everywhere. Everyone - well, the overwhelming majority, because

1 there was always a tiny group who were exceptions for one reason
2 or another; the leaders, those high up in the Party, certain very
3 privileged workers had a greater degree of freedom, and so on.
4 But the - really, 99 per cent of the population, the overwhelming
5 mass, were all slaves, in the sense that they had no choice over
6 any aspect of their - of their lives.

7 [14.29.17]

8 Now, if everyone is a slave - yes, some may have good masters who
9 are a little bit more kind, some may have particularly harsh
10 masters, and that corresponded to the leaderships in the
11 different collectives. It wasn't zone by zone or even region by
12 region. You could have villages, collectives, 5 kilometres apart
13 in the same zone, the same region, where conditions were very,
14 very different. It really did stem from individual leaders. But
15 whether the leaders were lenient or harsh, the fundamentals - the
16 existence of slaves - were the same.

17 Q. Thank you.

18 Now, looking into what you describe as the approach to the
19 economy, which of course is a part of these policies that we're
20 discussing - and this is at - the passages start at page 293, and
21 then they continue on page 294; the relevant ERNs: English,
22 00396501 to 2; and French, 00639833 to 835 - you say the
23 following - quote:

24 "The first step, the destruction of the feudal elite which for
25 centuries, in the revolutionaries' view, had exploited the

1 country for its own ends, had been accomplished by the Communist
2 victory and the evacuation of the towns.

3 [14.31.14]

4 "The second and third step - 'to build and defend', in Pol's
5 phrase - meant mobilizing the entire nation to develop at
6 breakneck speed, in order to prevent Cambodia's sempiternal
7 enemies, Thailand and Vietnam, from taking advantage of its
8 enfeebled state. This last consideration was crucial."

9 And then, just over the page, there is a quote that begins with
10 the following - first your introduction, and then the quote,
11 which I think is attributed to Pol Pot:

12 "The economy was just another battlefield to be conquered by
13 brute force..."

14 And then the quote: "How must we organize [our] action? It is the
15 same as in war. There we raised the principle of attacking...
16 wherever the enemy was weak. The same goes for the economy. We
17 attack wherever the opportunities are greatest... We must prepare
18 offensives for the whole country... We learned from the war. If the
19 command was strong, we would win. If the command was not strong,
20 we would not win. The same goes for building up the economy."

21 Can I ask you to expand on that, what appears to be, in your
22 description, a rather militant approach - or if I'm using the
23 wrong word, you'll certainly correct me; you're the expert - but
24 the use of "brute force", to use your words, in relation to the
25 economy, if I can call it that?

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1 [14.32.49]

2 A. I'm not sure how much I can elaborate.

3 The - in the early stages of the Soviet Union, with war
4 communism, there was a similar approach, but they were trying to
5 go extremely fast. Stalin's industrialization programme was much
6 the same. There are precedents for this.

7 And above all, when a country, a Communist regime feels itself
8 under intense external pressure - and there's no doubt that
9 Democratic Kampuchea did find itself under very strong pressure
10 or did feel itself; particularly from Vietnam, much less from
11 Thailand - and that leads to a kind of paranoia where the ends
12 justify the means, any means are legitimate which will allow you
13 to achieve rapidly the end you want.

14 That said, yes, external pressure, but after the victory, the -
15 with the arrogance and the hubris which the victory had brought,
16 Cambodia - I think it's - Ieng Sary said, "We are going down
17 paths that no country has been before". So there was that belief
18 that they could do impossible things, and therefore it meant they
19 could push the population to do impossible things, with the
20 results that we have discovered.

21 [14.34.31]

22 Q. Can I ask you to opine on whether or not this fear, if I'm
23 describing it correctly, of Vietnam in particular - whether that
24 was a dominant consideration in the decisions to implement these
25 policies, apart from the hubris, etc.?

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1 A. I think it was crucial. It certainly was the justification for
2 running as fast as they can - as they could while the Vietnamese
3 - in order that the Vietnamese couldn't catch up. Yes, I think it
4 was extremely important. It provided the context in which no one
5 was going to quarrel even if they had dared to quarrel, but no
6 one - no one was even going to think, "Well, maybe there was
7 another solution". Everyone was agreed they had to go extremely
8 rapidly.

9 [14.35.32]

10 Q. I want to read to you a passage from Khieu Samphan's book that
11 you looked at earlier, the Chapter 5 that's translated into
12 French and Khmer. E3/16 is the number. This is at English ERN
13 00498302; Khmer, 00380497 to 500; and French, 00643909.

14 I will say first, this does cover the issue of what you - I think
15 you describe in your book as a sort of a undeclared race in April
16 '75, in relation to the attempts to liberate Saigon on the one
17 part and Phnom Penh on the other.

18 So, with that background, this is what - this is what Khieu
19 Samphan says - quote:

20 "If the Vietnamese had liberated the South before Phnom Penh had
21 been liberated, there may have been major danger. Having outrun
22 them once, after liberation it was imperative to run again. There
23 could be no hesitation. This is why Pol Pot saw the expansion of
24 high-level cooperatives throughout the country had made 'the
25 revolution in Kampuchea 30 years faster than the cooperatives in

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1 China, (North) Korea, and Vietnam."

2 [14.37.11]

3 And then, on the next page, a brief quote: "Were it not for the
4 organization of the cooperatives, Kampuchea would have had to
5 suffer all the consequences of the situation in Vietnam,
6 including respecting the 1973 Paris Agreement between Vietnam and
7 America."

8 Is that reflective at all of this concern that we've been
9 discussing about Vietnam?

10 A. I think the first part certainly is reflective - reflects the
11 concern about Vietnam. The fact that they conquered Phnom Penh
12 before the Vietnamese got Saigon put them, in a sense, ahead.
13 And, yes, as you said, they had to keep running. That reflects
14 the paranoia about Vietnam.

15 The second bit about the 1973 Accords, the Americans - Kissinger
16 and others - tried to push the Vietnamese very hard to get the
17 Cambodians to sign off on those Accords. They refused to do so. I
18 don't think it was because of the cooperatives; it was because
19 they had enough military strength to carry on without - well,
20 carry on by themselves, to carry on the war against Lon Nol
21 regardless of what happened in Vietnam.

22 [14.38.48]

23 MR. PRESIDENT:

24 Thank you, the Prosecutor and the Expert.

25 The time is now appropriate for a short break. We will take a

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1 20-minute break and return at 3 p.m.

2 Court Officer, could you assist the expert during the break and
3 have him returned to the courtroom at 3 p.m.?

4 The Court is now adjourned.

5 (Court recesses from 1439H to 1500H)

6 MR. PRESIDENT:

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

8 Again, the floor is given to the Prosecution to continue putting
9 questions to the expert. You may proceed.

10 MR. ABDULHAK:

11 Thank you, Mr. President.

12 Mr. Short, before we proceed to look at some aspect of the
13 treatment of urban classes, I want to take you just a brief step
14 back and look at one decision made, it appears, in early '75, and
15 then this decision appears to have had some implications for what
16 happened in April '75.

17 [15.01.21]

18 You discussed earlier, when we looked at how some senior
19 officials of the Khmer Republic regime had been turned back to
20 Phnom Penh - and I think you said you drew an inference that that
21 was a centrally made decision or decisions from up high.

22 I want to look at a document that is - dates back to February
23 1975. This is one of the documents that we sent you. It's an
24 extract from a Foreign Broadcast Information Service transcript,
25 4 February 1975. The document number here is E3/117. If you don't

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1 have a copy handy, I'll pass one to you.

2 Mr. President, with your permission, I'll pass the expert a copy
3 from our bench.

4 MR. PRESIDENT:

5 Yes, you may do so.

6 Court Officer, could you deliver the document for the expert's
7 examination?

8 [15.02.38]

9 BY MR. ABDULHAK:

10 Thank you, President.

11 Q. This particular extract - and I acknowledge the writing is not
12 very clear, it's a very small font, but I'll do my best to read
13 the passages that I'm interested in for you.

14 The relevant ERNs are: Khmer, 00242308 to 9; French, 00281432;
15 and English, 00166773. The - this particular document is entitled
16 - or this part of the transcript is entitled "Khieu Samphan
17 Chairs NUFC Congress Session - Communiqué Issued", and it was
18 broadcast by Voice of NUFC in Cambodian to Cambodia on the 26th
19 of February 1975.

20 This is an extract from that communiqué; and I'm looking at
21 paragraph 1 - quote:

22 "Concerning the seven traitors in Phnom Penh, the National
23 Congress has decided as follows: traitors Lon Nol, Sirik Matak,
24 Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and Sosthene
25 Fernandez are the chieftains of the traitors and ringleaders of

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1 the treacherous anti-national coup d'état which overthrew the
2 independence, peace, and neutrality of Cambodia."

3 [15.04.22]

4 And then, skipping one sentence: "On behalf of the NUFC, RGNUC,
5 and CPNLAF, the National Congress declares it absolutely
6 necessary to kill these seven traitors for their treason against
7 the nation and their fascist, corrupt, criminal acts
8 unprecedented in Cambodian history."

9 And just before I ask you some questions, I'll indicate for the
10 record that the communiqué is also contained in document E3/189,
11 which is a letter that was submitted to the United Nations
12 General Assembly. It's another document that we sent you, but we
13 don't particularly need to look at it. It reproduces, in essence,
14 this communiqué.

15 I do note that elsewhere in your book you commented that you
16 didn't think that this particular congress actually took place.
17 So my question is: Which body, if any, within the CPK structure
18 or within the broader structure of the Front, may have been
19 responsible for the decision, if you've been able to come to a
20 conclusion on that?

21 [15.05.53]

22 MR. SHORT:

23 A. There is no evidence, apart from this broadcast, of any such
24 congress taking place. This is like - seems to me to be like the
25 appeal which was - or the message of support from Hu Nim, Hou

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1 Youn, and Khieu Samphan, which was sent to Beijing at the time of
2 Sihanouk's destitution. It was a document written by the
3 Cambodian Communist Party leadership. What, who exactly in that
4 leadership, whether it was a document drawn up by Mr. Khieu
5 Samphan - but certainly it reflected a decision by the CPK
6 Standing Committee or by Pol Pot himself to reassure others that
7 only those seven named leaders - and I think other names were
8 added to the list later on, but basically, a very restricted
9 number of people would risk the death sentence, would risk being
10 killed when the Khmer Rouge took over. That was the object of it.

11 Q. We saw earlier, from a passage of your book that we looked at,
12 that you made specific reference to the execution of Long Boret.
13 Now, the document is - this particular communiqué is signed by
14 Khieu Samphan, according to this document. Are you aware of
15 whether this decision, in any form or fashion, was communicated
16 within the CPK structures, within the hierarchies, or is that -
17 is that not something you are able to ascertain through your
18 research?

19 [15.07.49]

20 A. The fact that it was broadcast by the radio station, I mean,
21 obviously amounts to dissemination; so it would have been made
22 known. But who took - what we really don't know is who was the
23 decision maker who approved this document. We don't even know
24 whether Mr. Khieu Samphan - whether it was simply a matter of
25 using his name, whether he was privy to it before it was put out.

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1 All we can say with certainty is that this nebulous body, or
2 group who were at the head of CPC certainly approved it and were
3 responsible for issuing it.

4 Q. And just one more question on Khieu Samphan in particular. In
5 your research, have you come across any evidence of him
6 distancing himself from this decision or disagreeing with it in
7 that particular period when it was made?

8 A. Absolutely not, and I'm sure he did not distance himself; I'm
9 sure he was in agreement with it and with the policies which were
10 connected with it.

11 [15.09.17]

12 Q. Thank you.

13 The communiqué also mentions that others - lower ranking
14 officials, as you've already intimated - were effectively welcome
15 to - that they have a "full right", in the words of the
16 communiqué, to join the Front, the Cambodian nation and people if
17 they cease cooperating with the seven traitors. Are you aware of
18 the resistance within the country implementing such a policy or
19 approach of welcoming those who were on the Khmer Republic side
20 if they - if they came across?

21 A. To my knowledge, there is no evidence of that having happened
22 in any case.

23 MR. ABDULHAK:

24 Thank you.

25 I wish to look at or build on one of the passages that we looked

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1 at, which was the breaking up of feudal classes, etc., and I want
2 to see if we can elaborate on that by looking at a few documents.
3 The first document is a "Revolutionary Flag" from August 1975.
4 Now, you won't have a copy of this, but it's cited in your book.
5 I had a look to make sure this is one of the documents you relied
6 upon, and it's cited in relation to page 341 in English, just for
7 the record. I have a copy of it here for you.

8 And Mr. President, with your permission, this is document E3/5.
9 It's "Revolutionary Flag" from August 1975. If I can pass a copy
10 to the expert?

11 [15.11.30]

12 MR. PRESIDENT:

13 Yes, you can proceed.

14 Court Officer, could you assist the Prosecution to deliver the
15 document for the expert's examination?

16 BY MR. ABDULHAK:

17 Thank you, Mr. President.

18 Q. So, looking at the view that the "Revolutionary Flag" adopts
19 in relation to what it describes as private persons, bourgeoisie,
20 feudalist classes, etc. - the relevant ERNs are: in Khmer,
21 00063321; French, 00538961; and English, 00401486. So that should
22 be page 11 in the English translation that you have, Mr. Short.
23 It's a rather long passage, but I'll try and read just a couple
24 of excerpts.

25 Under number 3, we see "Types of private ownership", and the

1 publication goes on to say:

2 "They have been subjugated to state ownership and collective
3 cooperative ownership. And they are not concentrated: they are
4 scattered. They have no forces. Therefore, they have no power to
5 oppose. Since we do not allow them the opportunity to strengthen
6 and expand, they will dissolve without fail. If we had left them
7 in Phnom Penh, they would have had strong power."

8 [15.13.25]

9 Then, below - under point 4, it's a discussion of the class
10 composition in the Kampuchean society.

11 Point number 1, "the feudalist class has been attacked and
12 overthrown", which is consistent with what you've been telling
13 us.

14 A little bit below that: "Now the colonialists and imperialists
15 have been overthrown, the landowners and feudalists have been
16 overthrown, the capitalist have been overthrown, and the petty
17 bourgeoisie has no one to rely upon. Therefore, they are
18 subjugated to the state power of worker-peasant."

19 Two sentences down: "All of these persons are the new peasants
20 who came from the petty bourgeoisie, the feudalists, and the
21 capitalists. Their class has been overthrown. Their economic
22 foundations have been overthrown, but their outlook and their
23 desires remain the same. Therefore, they continue to be in
24 conflict with the revolution."

25 I am particularly interested in that last part where, despite

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1 having been" overthrown", these classes, apparently, "continue to
2 be in conflict with the revolution". Are you able to opine on
3 that at all?

4 [15.14.41]

5 MR. SHORT:

6 A. This is why they had to be sent down to the countryside to
7 reform themselves, to reform their mentality, to be educated by
8 the peasants.

9 This was not a wholly new idea; the Chinese also sent people to
10 the countryside to be re-forged through agricultural labour,
11 through working with the peasants.

12 But the first section you read out, I mean, clearly that is
13 breaking up the network among city-dwellers so that they were no
14 longer in a position to resist the regime. And the second extract
15 is about demolishing individuality, demolishing private mental
16 ownership so you become at one with the masses.

17 Might I just say, à propos what we were discussing in answer to
18 your previous question, there is one more point to be made.

19 Although the decision - the announcement that "only the seven
20 traitors would be killed, and others not" would be read as a
21 reassurance, the last line does have a condition; it does say
22 that others will be welcomed, provided they immediately cease
23 their cooperation with the old regime. Now, in February, if they
24 didn't immediately cease, that guarantee is no longer good.

25 [15.16.09]

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1 MR. ABDULHAK:

2 Thank you; I'm grateful for that further clarification.

3 Just one or two more brief passages on this issue of class.

4 Now we are looking at "Revolutionary Flag" July 1976, E3/4. This
5 is one of the documents we sent you.

6 And with your permission, Mr. President, I'll give Mr. Short a
7 copy of the particular extract.

8 MR. PRESIDENT:

9 Yes, you may proceed.

10 Court Officer, could you deliver the document for the expert's
11 examination.

12 [15.17.04]

13 BY MR. ABDULHAK:

14 Thank you, Mr. President.

15 Q. The relevant ERNs are: in Khmer, 00062911 to 2; French,
16 00349973; and English 00268918 - quote:

17 "Becoming socialist requires class struggle between the worker
18 class and the other classes, the dictatorship of the worker class
19 over the other classes. If there is no worker class dictatorship
20 over the other classes, socialism cannot be built. If there is no
21 class dictatorship, the enemy will attack us."

22 A little bit further below: "Example: We are building socialism
23 in the cooperatives. If at any time we are careless, if at any
24 time we get loose and relaxed about socialist revolution, if at
25 any time we get relaxed and loose about the proletarian class

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1 dictatorship, they will certainly attack us. If we give them
2 freedom to do so, they will attack us."

3 And then it continues on with that general theme, so I'll stop
4 there, in the interest of time.

5 [15.18.32]

6 If you have been able to come to a conclusion on this, I'd be
7 interested in your view as to why the policy seems to be still
8 focusing of an enemy that will attack us if we do not carry out
9 class struggle between the worker classes and other classes. What
10 does that relate to, if you could explain for us?

11 MR. SHORT:

12 A. This is not unique to Democratic Kampuchea. In Maoist China,
13 throughout - throughout that period, 1949 - especially from the
14 fifties onward, up to Mao's death, the idea that class struggle
15 was permanent, that bourgeois elements would continue to emerge
16 and would have to be fought down, that bourgeois tendencies would
17 continue to emerge, that was absolutely basic in China.

18 A similar idea with which Pol Pot became acquainted when he was a
19 student in Paris was set out by Stalin: that a fortress is most
20 easily taken from within, meaning that the greatest danger to a
21 Communist party came from elements burrowing into its leadership
22 and corrupting the leadership of the party.

23 [15.19.58]

24 So, it really isn't unique. What is unique here is that they talk
25 about the worker, the proletarian class exercising its hegemony

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1 over other classes. And I remember having long discussions with
2 Mr. Khieu Samphan, which probably will not interest the Court,
3 about how you could have proletarian class stance when everybody
4 was a peasant. He didn't convince me, and I didn't convince him.
5 But this was something that was very different about the
6 Cambodian party, that it was essentially an alliance of
7 intellectuals and peasants which - who thought, who claimed that
8 they had forged intellectually this worker-class consciousness
9 which would allow them to exercise hegemony over - over others,
10 and thereby repress all those bourgeois tendencies that would
11 emerge spontaneously unless they were clamped down.

12 [15.21.04]

13 Q. Thank you.

14 Now, looking at your - at your book, at pages 321 to 322, you
15 deal with a number of areas here, obviously, among them the
16 hierarchy that cadres were expected to maintain between Base
17 People and New People. The relevant ERNs are: English, 00396529
18 to 30; and French, 00639877 and following. So, as I said, you
19 first describe this hierarchy, and then you talk about the use of
20 hunger as a - as a punitive weapon.

21 And then, over the page, you say the following:

22 "The indiscriminate killing of former republican army officers
23 and senior civil servants which had marked the first months of
24 the regime had stopped during the summer. But in the
25 cooperatives, executions of supposed 'bad elements' and others

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1 who allegedly violated collective discipline continued."

2 Is there any relationship at all between this view of class enemy
3 or class tendencies that are to be stamped out and the killing of
4 supposed bad elements or those who violated discipline?

5 [15.22.48]

6 A. The one was the justification for the other. If somebody
7 behaved badly in a cooperative - behaved badly: picking up
8 mangos, taking food; even if it had fallen on the ground and was
9 not being used by anybody - that was regarded as a manifestation
10 of individualism rather than thinking of the collective; that was
11 seen as bourgeois tendencies emerging in that person, who then
12 risked the appropriate retribution. And where this system was
13 different from almost every other Communist system is that the
14 appropriate retribution here was death, whereas in China and
15 elsewhere it would have been re-education through labour, it
16 would have been something to enable you to redeem yourself by
17 work and then re-join the community.

18 Q. Thank you. Are you able at all to identify a point in time,
19 looking at April '75 onwards, where this began? Was it - was it
20 continuous? Was it something that developed? Was it routed in
21 prior policies, if you can give us your view on that?

22 [15.24.15]

23 A. It's very difficult to be precise. It was certainly rooted in
24 prior policies, and we saw it happening in the liberated areas
25 before 1975.

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1 It then, I think, went, if you like, in waves. There were areas
2 where the pressure became more intense on the cadres, and the
3 cadres adopted a fiercer policy towards those beneath them, the
4 ordinary peasants. There were times when things were easier. It
5 depended on a variety of factors and it was different in
6 different locations.

7 Q. Thank you.

8 Now, continuing on from that, another aspect of the regime that
9 you discuss in the book is what I'll describe for shorthand as a
10 double standard - and I'll ask you to use your words and correct
11 me if I've gone too far. This is at page 346.

12 [15.25.16]

13 And then there is another relevant passage at 348. The ERNs are:
14 in French, 00639909 and following; and in English, 00396554 and
15 following.

16 At the first page, at 346, you say: "All the leaders grew fat.
17 Contemporary photographs show Pol and Nuon Chea looking bloated.
18 Khieu Samphan put on weight and acquired an unhealthy, reddish
19 complexion."

20 You then describe the ban on foraging which, in your view, I
21 think, made matters worse for those in the countryside, including
22 the prohibition on picking up fruit off the ground which you just
23 touched on, and then just one more passage at 348 - quote:

24 "But in Democratic Kampuchea the contrast was so flagrant that it
25 became a caricature. Not only did a tiny, cosseted elite preside

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1 over the destinies of a nation of slaves. But the regime which
2 that elite imposed made ideological purity, abstinence and
3 renunciation, material detachment and the repression of the ego,
4 the foundations of national policy, outweighing all other
5 considerations.

6 "The ban on foraging was not an oversimplification by uneducated
7 local officials. It was approved by the national leadership in
8 Phnom Penh."

9 Can I ask you to expand on that? And did I go too far on using
10 the words "double standard"? I'll let you give us your
11 elaboration on this - on this contrast.

12 [15.27.15]

13 A. I don't think you went far enough in using the word "double
14 standard". It was particularly shocking because, at both
15 extremes, the people of Democratic Kampuchea had nothing, or so
16 little, whereas in other Communist countries where this kind of
17 system, a nomenclature system - the elite having access to
18 services which are not available to others - the people had
19 access to at least some things. If you think of China or if you
20 think of Russia, the gap between the two was less. It wasn't
21 because the DK leadership had absolute luxury; no, they had more
22 or less what other nomenclatures in other Communist countries
23 had. But in other Communist countries, the ordinary people had
24 more. Here, they had so so little the gap was enormous.
25 And it's made more flagrant by this preaching of abstinence. One

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1 can find examples in history - I mean, the princes of the
2 Catholic Church in medieval times compared with the poorest
3 peasantry - but still these are not supposed to be medieval
4 times; this was the 20th century.

5 [15.28.40]

6 Q. Thank you. And just while we are on that page, there is
7 another passage of interest further down where you looked at
8 concerns which you attribute to Pol Pot with respect to people
9 being malnourished or otherwise, and you say:

10 "Revealingly, however, his concern was not that, if collectivism
11 failed, people will be discontented, but that individualism would
12 re-emerge. He certainly knew that, in some areas, there was acute
13 privation - detailed reports from the zone leaders arrived on his
14 desk each week - but either he did not wish to think about it or
15 he regarded it as unimportant.

16 "This was not an exception: it was the rule. Whenever ideological
17 principle and practical benefit came into conflict, principle won
18 out, regardless of the material cost."

19 Can I first ask you to elaborate, if you could, on your findings
20 in relation to this reporting mechanism and the degree to which
21 information was reaching those at the top, or in the Centre?

22 [15.30.02]

23 A. There are copies of telegrams sent from the zones to the
24 Centre which, although they don't - they don't speak of
25 difficulties as being caused by the policy - of course, they

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1 wouldn't; they would speak of sabotage, they might speak of
2 natural difficulties, natural conditions – but which make very
3 clear that things were not going well in particular areas.
4 Ieng Thirith, Ieng Sary's wife, made a study tour of the North,
5 the Northwest, and came back saying what she had seen was
6 appalling and, of course, it was all due to Vietnamese saboteurs.
7 So, the knowledge that things were bad – they knew about that.
8 Q. And can you then expand on this idea that once in possession
9 of that knowledge – you seem to conclude that the leaders took
10 the view that the principle won out regardless of the material
11 costs, that ideological principle and practical benefits – where
12 the ideological principle and practical benefits came into
13 conflict, that the former prevailed?

14 [15.31.18]

15 A. Well, foraging is a very good example. It would have been –
16 had people been allowed to forage, had they been allowed even
17 very small vegetable plots outside their houses, then health and
18 the – would have been much better, the mortality rate much lower,
19 people would have been able to work more. It's pretty obvious,
20 and the examples of countries like China was there to show. Even
21 it is most extreme, the Chinese never went to that extent. It was
22 not permitted in Democratic Kampuchea because of ideological
23 principle.
24 And there are many other examples of a similar kind where the
25 regime did itself immense, unnecessary damage – and the people

1 unnecessary damage – because they were wedded to iron principles.

2 MR. ABDULHAK:

3 Thank you.

4 Can I move on to another event which you describe? This is now at
5 pages 308 and 309 of the book. The ERNs are: French, 00639853 to
6 854; and English, 00396516 to 7. You describe a visit to the
7 Southwest in August, and – that resulting in an understanding on
8 the part of Pol Pot that – things that rural cadres had known for
9 months – in other words, that shortages of food and medicine were
10 affecting the labour force.

11 [15.33.23]

12 You then say the following:

13 "It was not the suffering that bothered Pol; it was the fact that
14 lack of food might reduce their ability to work. Rather than
15 bringing in rice from other areas, the best solution, he decided,
16 was 'to redistribute the labour force in a balanced manner in
17 according with the production needs of the different regions'.
18 That became the signal for another wholesale movement of the
19 population."

20 A little bit further down, over the page, you say:

21 "Now, just as the crops were ripening and they were looking
22 forward to the fruits of their labour, they were uprooted to go
23 to other areas where their muscle-power was needed more.

24 "As always, the regime cloaked its intentions in a lie."

25 You state then that it was more than 1 million people that were

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1 moved.

2 Can I start first with dealing with the actual document that you
3 - that you cite for this? And the document - we have it on the
4 case file; it's E3/216. It was one of the documents that we -
5 that we sent you, E3/216. It is entitled "Tour of the Northwest
6 Zone by the Standing Committee" - or, rather, "Record of the
7 Standing [Committee's] Visit to the Northwest Zone".

8 [15.34.55]

9 I'd like to give you a copy of this and see if we can resolve one
10 issue in relation to where the - where the visit was.

11 Mr. President, with your permission, if I can give the expert a
12 copy of this - of this minute?

13 MR. PRESIDENT:

14 You may proceed.

15 Court officer is instructed to hand over the document from the
16 prosecutor to the expert.

17 BY MR. ABDULHAK:

18 Thank you, Mr. President.

19 Q. Now, I wish to clarify first this one thing about the location
20 of the visit. If I'm correct - and please do correct me wrong -
21 you may have been looking at an English translation at DC-Cam,
22 which does say that the trip was to the Southwest Zone. We've
23 since retranslated that document, and it actually indicates that
24 it was to the Northwest Zone, which would appear to be consistent
25 with the rest of the decisions that have been made.

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1 But can I just first clarify that? Is it possible that we're
2 looking at the same document in relation to this tour?

3 [15.36.13]

4 MR. SHORT:

5 A. I think we must be because the dates are the 20th to the 24th
6 of August 1975 for both. It's a little puzzling in that the
7 English translation I saw speaks of Kampong Som, which could
8 correspond to the Southwest, whereas we're talking here about -
9 about towns in the North and the Northwest. I can only assume -
10 yes, you must be right - that this was a very inaccurate
11 translation.

12 Q. If we look at the page beginning in your version, in English -
13 I'll just see if I can - so this should be page 6 in English,
14 just to make things easier for you, Mr. Short. The Khmer ERN is
15 00008492; French, 00343379; and English is 00850978. So, under
16 that point number 2 - quote:

17 "Not yet in mastery of water problem.

18 "Its human being strength is insufficient. The labour force must
19 be increased. Three or four hundred thousand more would not be
20 enough. The current strength of one million persons can only work
21 50 per cent. It's imperative to add four or five hundred thousand
22 more."

23 [15.37.55]

24 Now, does this decision relate - and if you're not able to answer
25 the question, please let me know -based on information you've

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1 gathered and the search you've conducted, does it relate to the
2 movement which you then describe as taking place, with people
3 being moved to the Northwest?

4 A. Yes, it clearly does.

5 With the permission of the Court, I would like, when I - later
6 today, after this session, to check, insofar as I can, with the
7 documents that I may be able to have access to, to establish
8 this, because I am, quite honestly, puzzled by this difference of
9 location.

10 Q. That would be very helpful. With the President's permission, I
11 think that would be appropriate. Thank you.

12 Now, just looking at the movement, you said in the passage we
13 looked at earlier: "As always, the regime cloaked its intentions
14 in a lie."

15 Can I ask you to expand on that? How did you come to that
16 conclusion that this, again, was a lie?

17 [15.39.20]

18 A. The lie this time was that people would be allowed to go to
19 their homes, those who had - were from home villages elsewhere
20 would now be allowed to go to them. And, in fact, they weren't
21 going to their homes; they were going to new collectives in the
22 Northwest, where labour was needed.

23 Q. Thank you.

24 Now, moving on to another passage of this page, you say the
25 following:

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1 "...it was not an illogical policy. But the timing was terrible.
2 There was no way the Northwest could cope with hundreds of
3 thousands of extra mouths which arrived too late for their owners
4 to grow new crops but in time to require feeding from the wholly
5 inadequate harvest planted for a much smaller population several
6 months before. Moreover, it underlined the principal [reason] of
7 the April evacuation. To Pol and his colleagues, the Cambodian
8 people were no longer individual human beings, each with hopes
9 and fears, desires and aspirations. They had become soulless
10 instruments in the working out of a grand national design."

11 Can I ask you to expand on that conclusion?

12 [15.40.53]

13 A. Unless I misheard you, I think the phrase says "it underlined
14 the principle lesson of the April evacuation", not "principal
15 reason".

16 Yes, it's once again the idea that people are expendable, that
17 the ends justify the means, that the goal of making Kampuchea
18 strong and prosperous outweighs any considerations of the
19 wellbeing of the population in the short or medium term.

20 Q. Have you been able to consider in any detail the effects that
21 the decision and the movement had on those that it affected?

22 A. I hesitate. I think there are - well, not "statistics", but
23 there are indications that those who were sent to the Northwest
24 had a singularly difficult time.

25 I talked to a Chinese interpreter in Beijing who had been in

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1 Cambodia, in Democratic Kampuchea, that autumn and who described
2 seeing these endless trails of people marching on the roads,
3 going from the south to the north. So, the reality of the - of
4 the mass movement of population, there are eyewitnesses who can
5 testify to that.

6 [15.42.21]

7 Q. Thank you.

8 I'm now going to turn to a whole new topic; and I do realize it's
9 late in the day, and you must be getting tired. The next topic
10 I'm going to deal with has to do with the events which I believe
11 you described mostly in a chapter called "Stalin's Microbes" -
12 essentially, the enforcement of the - of the security apparatus,
13 the purges within Party ranks, and also the way that it might
14 have affected those outside the ranks.

15 I want to start first with what you seem to be describing as a
16 view that the leadership took with respect to those that were
17 being evacuated, and I want to see if that informs this
18 discussion, at least insofar as those outside the ranks is
19 concerned. This is at page 283 now. The French ERN is 00639820;
20 English is 00396491. And in fact, if you turn over the page, just
21 in the interest of time I'm going to read a shorter part of this
22 - quote:

23 "Soldiers everywhere are trained to secure their objectives
24 without paying too much attention to the damage they cause along
25 the way. In the case of the Khmer Rouge, this was compounded by

1 ignorance and extreme youth. Nonetheless, the political context
2 which allowed them to act as they did had been defined over the
3 previous decade by Pol and the CPK Standing Committee."

4 [15.44.14]

5 A little bit further down: "Different leaders, with a different
6 ideology, might have chosen a policy of national reconciliation.
7 Pol decided otherwise. To him, the city-dwellers and the peasants
8 who had fled to join them in the dying months of the war were
9 ipso facto collaborators and had to be dealt with as such."

10 In the next paragraph, a brief sentence: "Soldiers were urged to
11 'cut off their hearts' towards potential enemies, a category
12 which included all urban deportees."

13 Can I start with that last part, the view of "all urban
14 deportees" as enemies and the instruction given to the soldiers?

15 A. I would simply say it's consistent with everything we've -
16 we've been describing about the ends justifying the means, about
17 making a clear line of demarcation between the enemy and
18 ourselves, about the - those who chose to "vote with their feet"
19 and stay in the cities rather than joining the Revolution being
20 untrustworthy.

21 [15.45.35]

22 I would say one more thing. I wrote "those with a different
23 ideology, a different approach, might have chosen national
24 reconciliation", but that implies trust. If you reconcile with a
25 different group, you are giving them your confidence, you are

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1 showing that you trust them to work with you. And one of the
2 characteristics of the – of the Cambodian Communist Party was
3 there was a complete, a total lack of trust in all those who were
4 outside the Party and, indeed, suspicion of those who were
5 within, which is what led to the purges. Lack of trust was
6 fundamental to this regime.

7 MR. ABDULHAK:

8 I want to turn to a concept which I don't think we've touched
9 upon just yet, and this is from a "Revolutionary Flag" magazine,
10 again, this time the October to November 1975 edition. We've sent
11 you a copy of this particular document as well.

12 Mr. President, this is E3/748. With your permission, I'll give
13 the expert the pages that we'd like to cite from.

14 [15.46.57]

15 MR. PRESIDENT:

16 You may proceed.

17 Court Officer, please get the document from the prosecutor and
18 hand it over to the witness for his examination.

19 BY MR. ABDULHAK:

20 Q. So, in your – in the copy we just handed you, Mr. Short, it's
21 on – it should be on the second page, the passage where I wish to
22 start. The relevant ERNs here are: Khmer, 0063238 and following;
23 French, 00499685; and English, 00495802. Again, it's a long
24 document, so I'm going to try and be selective – quote:
25 "The robust organizational stance under the party class

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1 organizational line means we shall never condone any carelessness
2 that allows the enemy to infiltrate and burrow from within the
3 Party, the Revolutionary rank in the present and in the future."

4 [15.48.26]

5 And in the next paragraph, the second sentence: "When the party
6 has taken full power and control across the country, the
7 Revolutionary vigilant stance became even more important since it
8 is an essentially basic factor conducive to the rapid victory in
9 the national defence and reconstruction. In the absence of
10 Revolutionary vigilant stance, the Revolutionary enemy can regain
11 their powers. Thus, the Revolutionary at any time has to
12 strengthen his or her Revolution vigilant stance in order to
13 eliminate any secret and overt tricks of any kind of
14 imperialists, in particular, the American imperialists and its
15 lackeys, then and only then, we can successfully defend and
16 rebuild our nation."

17 Just looking at the time of this document being from
18 October–November 1975 – and I know you – we will get to the
19 events of 1976 that you describe in the book – could you opine as
20 to the introduction or the use of this concept of the enemy
21 burrowing from within and the need to maintain "Revolutionary
22 vigilance" at this stage of the regime?

23 [15.49.50]

24 MR. SHORT:

25 A. Again, it shows consistency. It is – you're quite right, it's

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1 early on, October–November, because it was probably written in
2 October–November '75. At a time when it – even from the
3 standpoint of the regime, the burrowing in of enemies of the
4 Revolution was not a very obvious problem, but I think one can
5 find precursors of this kind of document going back before 1975.
6 That has been their consistent standpoint. And when the
7 relationship with Vietnam became more difficult, 1976 and so on,
8 then, what had been partly theoretical up until then became much
9 more a matter of practice.

10 Q. Now, moving on to the events of early 1976 – and this starts
11 from page 354 of your book, which I believe is an entire new
12 chapter. I won't be reading immediately from that page, but I'll
13 go to the page following, again, in the interests of time. The
14 ERNs are: French, 00639921; and English, 00396563. You're
15 describing here an explosion that had taken place in Siem Reap.
16 And then, on the following page – or, rather, at the bottom of
17 that page and then the page that follows, you say the following:
18 "At the end of March, Hu Nim informed Pol of a scandal involving
19 Koy Thuon, the former Northern Zone Secretary who was now a
20 Minister of Commerce."

21 [15.52.00]

22 And you describe the specific information that was provided to
23 him in relation to Koy Thuon.

24 Then you say: "To Pol, this raised serious questions. Thuon's
25 behaviour went against everything the revolution stood for. Siem

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1 Reap was in the Zone he used to head and Sot was a long-time
2 associate. Could Thuon have been implicated in the Siem Reap
3 event? On April the 8th, the Minister was placed under house
4 arrest at K-1, the former Bank Buildings where Pol had made his
5 headquarters. Another Northern Zone veteran, Doeun, the Director
6 of Central Committee's General Office, was appointed to act in
7 his place. Soon evidence emerged that Doeun had been privy to
8 Thuon's activities and might have covered up for him. In the
9 hothouse world of Democratic Kampuchea, it began to look as if
10 there was a Northern Zone conspiracy to overthrow the regime."
11 Can I ask you - I'm dealing with a number of events, again, in
12 the interest of time, but can I ask you to opine as to the
13 significance, if any, of these developments for what was to
14 follow?

15 [15.53.17]

16 A. It's not clear whether the Centre - that is, Pol Pot and Nuon
17 Chea - ever really got to the bottom of what had happened in Siem
18 Reap. Certainly, something happened. There were reports to the
19 Standing Committee which we have minutes of. Ieng Sary said to me
20 it was an uprising. Something serious happened which bothered
21 them. And then these other kind of lateral factors became
22 involved.
23 For a regime which was very prone to paranoia, it was easily
24 depicted as a conspiracy. And if there's a conspiracy, how far do
25 its ramifications reach?

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1 This was the first incident of its kind. So it was, if you like,
2 the trigger for the theoretical vigilance, which we look at in
3 November '75 and went back earlier, to start to become a
4 necessary attitude – necessary because there was apparent
5 evidence of attacks, conspiracies against the regime; therefore
6 you start looking at that; therefore you start looking at other
7 possible conspiracies. So it was important.

8 [15.54.34]

9 MR. ABDULHAK:

10 In this – in this part of the book and, indeed, in the passage I
11 just read, you referred to an individual called Sot, but
12 elsewhere in this – in this part you describe how he reported to
13 the Standing Committee on the investigations of the – of the Siem
14 Reap event.

15 I'd like to show you a document now which is another document
16 that we've sent you. This is a minute of meeting on base work.
17 It's dated the 8th of March 1976, and the document number is
18 E3/232.

19 Mr. President, with your permission, I'll give the expert a copy.

20 MR.PRESIDENT:

21 You may proceed.

22 Court Officer, please bring the document from the prosecutor and
23 hand it over to the expert.

24 [15.55.31]

25 MR. ABDULHAK:

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1 Mr. President, with your permission, we can also display it on
2 the screen if that's of any assistance, at least for those who
3 can read Khmer. We have a Khmer version that can be displayed.

4 MR. PRESIDENT:

5 You may proceed.

6 AV assistants are instructed to put the document up on screen as
7 per the request by the prosecutor.

8 BY MR. ABDULHAK:

9 Thank you, Mr. President.

10 Q. If we look at the first page of the document, Mr. Short - what
11 will appear on the screen will be the Khmer version, the original
12 - the composition of the meeting, we see: "Comrade Secretary",
13 "Comrade Deputy Secretary", and "Comrade Hem", as well as
14 "Comrade Doeun".

15 Just for the record, can I ask you to identify for us who you
16 understand those individuals to be?

17 [15.56.36]

18 MR. SHORT:

19 A. Comrade Secretary is Pol Pot, Comrade Deputy Secretary is Nuon
20 Chea, Comrade Hem is Khieu Samphan. Enough?

21 Q. And Comrade Doeun?

22 A. Comrade Doeun, I - in my head, I simply knew him as Comrade
23 Doeun, and that is how he's referred to in the book. It is
24 obviously a revolutionary name; we need go no further, perhaps.

25 Q. Indeed, but to confirm, then, it's the same Doeun that-

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1 A. I believe so. It is indeed the same Doeun we've been referring
2 to. He was the head of the Central Committee General Office,
3 which was an absolutely key position.

4 Q. What is interesting about this document is that it appears to
5 contain records - reports by three individuals, Sreng, Sot, and
6 Hang, from three different sectors: 303, 106, and 103. 106 is
7 Comrade Sot - individual, I think, we referred to - and his
8 report indicates that "no clear roots of the events in Siem Reap
9 on 24 February have been discovered".

10 Is that the information that you were looking at when you wrote
11 that passage in the book we looked at?

12 [15.58.10]

13 A. It is indeed. This document is the source for that.

14 Q. Now, taking a step back and looking at Sreng's report in
15 relation to Sector 303, he says - or, rather, the report says the
16 following:

17 "Comrade Sreng reported to Angkar on the activities of:

18 "A Loeun's group and their associates, 34 persons, whom the zone
19 military had all already arrested.

20 "The group of A Uk Moeun alias Uk Hong, which attempted to flee
21 to southern Vietnam, and four or five of their associates, and
22 asked for instructions from Angkar."

23 And just in the interest of time, I'll read one more passage and
24 then I'll ask you some questions. Hang's report in relation to
25 Sector 103 includes the following information: "As for the entire

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1 sector, there is no enemy activity, just groups fleeing in from
2 different locations, like fleeing from 303, or from Kampong
3 Chhnang. Since January, almost 100 have been arrested."

4 As far as your research takes you, does this reflect a general
5 practice of reporting to leadership and - because it does seem to
6 be fairly specific; there are names given and numbers of people
7 arrested.

8 [15.59.55]

9 A. It's very typical, in my judgement, of the documents of that
10 time, either telegrams or minutes of Standing Committee meetings,
11 yes. Details of conditions in the base areas, of disruption,
12 people fleeing, this is absolutely standard material.

13 MR. ABDULHAK:

14 Mr. President, I'm mindful of the time. Would you like me to stop
15 at this stage?

16 MR.PRESIDENT:

17 Thank you. Thank you, Mr. Prosecutor, and thank you, Witness -
18 the Expert.

19 The time is now appropriate for the day adjournment. The Chamber
20 will adjourn now and resume tomorrow, on Wednesday the 8th of May
21 2013, from 9 o'clock in the morning.

22 [16.00.55]

23 We will resume the hearing of the testimony by the expert Philip
24 Short, and the questions will be put by the prosecutor in the
25 morning, and followed by the Lead Co-Lawyer for the civil

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1 parties. And then, in the afternoon, the floor will be given to
2 the defence teams, beginning with the defence team for Mr. Nuon
3 Chea.

4 Mr. Philip Short, your testimony has not yet been concluded, so
5 the Chamber would like to once again invite you to come to
6 provide your testimony again tomorrow morning.

7 And court officer is instructed to coordinate with the WESU unit
8 in order to assist him in his transport and arrangement for him
9 for the day and have him back in this courtroom before 9.00
10 tomorrow morning.

11 And security guards are instructed to bring the co-accused back
12 to the detention facility and have them returned to this
13 courtroom before 9 o'clock in the morning. Mr. Nuon Chea is to be
14 brought to a holding cell downstairs so that he can follow the
15 proceedings by remote means.

16 The Court is now adjourned.

17 (Court adjourned at 1602H)

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