



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
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 16-May-2013, 08:00
Sann Rada
CMS/CFO:

TRANSCRIPT OF TRIAL PROCEEDINGS

CONFIDENTIAL

Case File N° 002/19-09-2007-ECCC/TC

6 May 2013
Trial Day 176

Before the Judges: NIL Nonn, Presiding
Silvia CARTWRIGHT
YA Sokhan
Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)
Claudia FENZ (Reserve)

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Victor KOPPE
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
DAV Ansan
Roger PHILLIPS

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
SAM Sokong
TY Srinna
MOCH Sovannary
Christine MARTINEAU

For the Office of the Co-Prosecutors:

VENG Huot
Tarik ABDULHAK
Keith RAYNOR

For Court Management Section:

UCH Arun
SOUR Sotheavy

INDEX

MR. PHILIP SHORT (TCE-65)

Questioning by the President page 2

Questioning by Judge Cartwright page 7

Questioning by Judge Lavergne page 89

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SHORT (TCE-65)	English

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 As scheduled for this week's proceedings, the Trial Chamber will

6 hear the testimony of the expert-witness – that is, Mr. Philip

7 Short. It's going to be for the four days of these proceedings –

8 that is, from the 6th to the 9th of May 2013.

9 The Trial Chamber will have one day for questioning the witness.

10 The Prosecution and the Lead Co-Lawyers is allocated for one and

11 half days. And for the two defence teams, one and a half day

12 allocated is given.

13 The Trial Chamber would also like to remind all the parties

14 including (sic) the previous memorandum – that is, document

15 E236/4 – regarding the expert witness Philip Short, that he could

16 be questioned on all the areas that is able to be responded by

17 him according to his knowledge.

18 The Trial Chamber in fact encourages all the parties to question

19 the expert based on the severance of Case 002 after the decision

20 by the Supreme Court Chamber – that is, document E284. So the

21 scope for questioning of this witness is rather extensive within

22 Case 002. However all the parties should focus their questioning

23 on the relevant part of the severed cases, in particular 002/01.

24 Greffier Mr. Ansan, could you report the attendance of the

25 parties and individuals to today's proceeding?

2

1 [09.06.02]

2 THE GREFFIER:

3 Mr. President, for today's proceedings all parties are present.

4 As for Nuon Chea he is present in the holding cell downstairs.

5 That is according to the decision by the Trial Chamber due to his
6 health reason.

7 The expert who is going to be testifying today that is TCE-65 Mr.
8 Philip Short. To his best knowledge he has no relationship by
9 blood or by law to any of the two accused - that is, Nuon Chea
10 and Khieu Samphan - or any of the civil parties recognized in
11 this case. The expert witness will be testifying before the Trial
12 Chamber and is ready to be called by the Chamber.

13 Thank you, Mr. President.

14 [09.06.55]

15 MR. PRESIDENT:

16 Thank you, Greffier.

17 Court officer could you invite Mr. Philip Short into the
18 courtroom?

19 (Mr. Short enters the courtroom)

20 QUESTIONING BY THE PRESIDENT:

21 Good morning, Mr. Philip Short.

22 Q. Is your name Philip Short?

23 MR. SHORT:

24 A. My name is Philip Short.

25 Q. Thank you. How old are you Mr. Philip Short?

1 A. You ask my age, I'm 68.

2 Q. Thank you. What is your nationality?

3 A. I am British.

4 Q. Thank you. Where is your current residence?

5 [09.08.51]

6 A. I live in France in a small commune La Garde-Freinet.

7 Q. Thank you. What is your current occupation?

8 A. I am a writer of history and biography.

9 Q. Thank you.

10 According to the report by the greffier, to your best knowledge,
11 you have no relationship by blood or by law to any of the parties
12 in this case. That is the civil parties and the two accused Nuon
13 Chea, and Khieu Samphan. Is this report correct?

14 A. It is indeed correct. I have no blood relationship to Mr.
15 Khieu Samphan or Mr. Nuon Chea, or to any of the civil parties.

16 Q. Thank you. According to Rule 31.2 of the Internal Rules of the
17 ECCC, as an expert to be testified before this Court you are
18 required to make an oath before proceeding with the testimony. Do
19 you consent to that?

20 [09.10.44]

21 A. I do.

22 MR. PRESIDENT:

23 The International Greffier, could you proceed with an oath for
24 this expert, Philip Short?

25 THE GREFFIER:

4

1 Mr. Short, please repeat after me. I solely swear that I will
2 assist the Trial Chamber honestly, confidentially, and to the
3 best of my ability.

4 MR. SHORT:

5 I solemnly swear that I will assist the Trial Chamber honestly,
6 confidentially, and to the best of my ability.

7 BY MR. PRESIDENT:

8 Q. Thank you, Mr. Philip Short. You have already taken an oath
9 before this chamber. The Bench will have some questions for you.
10 Could you, please, briefly tell us about your education?

11 MR. SHORT:

12 A. I was educated at a public school in Britain and then at
13 Cambridge University, where I studied sciences, natural sciences
14 and English literature.

15 [09.12.12]

16 Q. Thank you. We noticed that you also worked as an independent
17 journalist for the BBC and also a correspondent for certain
18 cities including Moscow, Beijing, Paris, Tokyo, and Washington.
19 Is this information accurate?

20 A. That is correct. I worked much of my life for the BBC as a
21 foreign correspondent. At the same time I wrote books about
22 individual leaders, about countries, China, the Soviet Union. And
23 I had been writing biography and history since the late 1960s -
24 in other words for the last 45 years. The two careers, if you
25 like, have gone in parallel. On the one hand a journalistic

1 career, on the other a career as a historian and biographer.

2 [09.13.43]

3 Q. After your retirement you also taught the comparative politics
4 in Iowa. Is that correct?

5 A. That is correct. I spent a year as a visiting professor at the
6 University of Iowa from 1997 to 1998.

7 Q. Thank you. And later on you focused solely on writing books.
8 How long have you been working as a writer?

9 A. I started my first biography in 1968, as I said late sixties,
10 and it was published in 1974. So I have been writing books for 40
11 years, 40 - 45 years.

12 Q. Thank you. You have written and published certain books of
13 important figures, including the former leader of the Democratic
14 Kampuchea. Could you tell us how come you became interested in
15 the biography or the leader of Democratic Kampuchea?

16 [09.15.42]

17 A. I worked as a journalist, as a foreign correspondent, in Beijing
18 in the 1970s. And while I was in Beijing I got to know the
19 Democratic Kampuchea Ambassador, Mr. Pech Chheang. I became
20 interested in what was happening in Democratic Kampuchea, in
21 Cambodia. And in September 1977, Pol Pot and Ieng Sary and Vorn
22 Vet and Thiounn Thioeunn, visited Beijing. It was their first and
23 only official visit abroad, and I followed Pol Pot from the time
24 he arrived until the time he left. And at that moment I became
25 particularly interested in what was happening in Cambodia. But

6

1 all my efforts to obtain a visa from Mr. Pech Chheang were
2 unsuccessful so I could not come.

3 Q. Thank you. Have you studied the history of Cambodia, in
4 particular the history of Democratic Kampuchea?

5 A. I have, but I started studying seriously the history of
6 Democratic Kampuchea when I decided to write a biography of Pol
7 Pot. And that followed a biography I wrote of chairmen Moa,
8 former Chinese leader. After Moa I was faced with a question -
9 "who do I write about next?" - and it seemed to me a good time to
10 write about Pol Pot. I would simply add, when I write a
11 biography, each book takes 5 or 6 years to research and write. So
12 it's a long term project.

13 [09.18.29]

14 Q. Thank you. What books have you been written about the regime
15 of Democratic Kampuchea?

16 A. I wrote - which books have I written? I have written one book,
17 a biography of Pol Pot, called the History of a Nightmare, which
18 was published in 2004 in Britain and the United States and has
19 been published since in other languages.

20 Q. In your study and research about democratic Kampuchea did you
21 have any opportunity to interview in person of - with Pol Pot?

22 A. I did not interview Pol Pot. Because by the time he - by the
23 time I began my book I started working at the end of 1999 - no
24 beginning of 1999, and by then he was no longer of this world.

25 Q. Thank you. Did you ever travel to Cambodia during the regime

1 of Democratic Kampuchea?

2 A. I did not because, as I said, I was not able to obtain a visa
3 to visit while the regime of Democratic Kampuchea was in power.

4 [09.20.30]

5 MR. PRESIDENT:

6 Thank you.

7 I would like to inquire with Judges of the Bench if you have any
8 question to be put to this expert witness.

9 Judge Cartwright, please proceed.

10 QUESTIONING BY JUDGE CARTWRIGHT:

11 Yes, thank you, President.

12 Well, thank you, Mr. Short, for coming to the tribunal to discuss
13 your book, "Pol Pot: The History of a Nightmare", which has been
14 assigned the document number E3/9. For your information, this
15 book is available on the Court's case file in English and French
16 only. Consequently - and there is very little translated into
17 Khmer - so, when I discuss it with you, I will be referring to
18 page numbers from the English version. And occasionally I will
19 have to read out a long string of numbers which are associated
20 with our electronic system here.

21 Q. Now, just returning very briefly to your qualifications and
22 experience, as amply covered by the President, I just want to
23 make sure that during the time that you followed Pol Pot on his
24 diplomatic mission to Beijing in 1977 - can I infer that you
25 never had the opportunity to talk to him or interview him

1 directly? Is that correct?

2 MR. SHORT:

3 A. That is correct.

4 [09.22.34]

5 Q. Thank you. Now, in your book you confirm that you interviewed
6 Khieu Samphan and Ieng Sary. Did you ever interview Nuon Chea?

7 A. I did not interview Nuon Chea.

8 Q. Thank you. Now, the interview with Khieu Samphan, was that one
9 single interview or did it take place over a period of weeks or
10 months as you gathered information? Can you just describe the
11 process to us, please?

12 A. I visited Pailin, I think five or six times, over a period of
13 about 18 months. And each time I went I sent word to Mr. Khieu
14 Samphan that I would like to see him. And I think the sixth time
15 I had a word back to say he would agree. I explained that I
16 wished to interview him for a book about Democratic Kampuchea, a
17 biography, and we spent I suppose - I mean, I can check, it will
18 give the dates in the notes. But roughly I must have seen him
19 five or six times; probably five times on successive days and
20 then once on a subsequent visit to Pailin.

21 [09.24.24]

22 Q. So, you had a very broad opportunity to discuss the
23 preparations for your biography of Pol Pot during that - those
24 interviews? And can I also assume that you learned about Khieu
25 Samphan's role in the Democratic Kampuchean government during

1 those same interviews?

2 A. We talked a lot about the early period – and when I say "the
3 early period", that is his time in Paris as a student – Mr. Khieu
4 Samphan's experiences in the 1960s after he returned to Cambodia,
5 the journal that he put out, the "Observateur" – "L'Observateur".
6 We talked about his school days, when he was at school with Pol
7 Pot in I think Kampong Cham. We talked a certain amount about the
8 period of Democratic Kampuchea. But I think, this is a general
9 remark about the former leaders, Mr. Khieu Samphan, it was also
10 true of Mr. Ieng Sary, they were happy to talk at length about
11 their younger years, but more reticent about the Democratic
12 Kampuchea period. Now, for me, as a historian, the younger – the
13 earlier years were extremely interesting as well. So, I think in
14 that kind of interview where you are trying to learn about why a
15 person develops as he does, you simply try to draw them out, to
16 talk about themselves and you glean what there is to be gleaned.
17 [09.26.54]

18 Q. After your book on Pol Pot was published, Khieu Samphan
19 published what I will call a monograph, "Cambodia's Recent
20 History and the Reasons behind the Decisions I Made" – that is
21 document E3/18 – that appears to have been published in late
22 2003. Have you read that monograph?

23 A. I have, yes.

24 Q. And did you learn in general more as the result of reading
25 that monograph, than you learned in your face to face interviews

10

1 with him?

2 A. I must say we are talking about a book I last read 10 years
3 ago. I think not, I think what I learned from that monograph, and
4 indeed from some of the sections of my interview with Mr. Khieu
5 Samphan, was more the way he wished to treat that period, than
6 necessarily factual information about the period itself. And of
7 course that also is interesting, the way someone wishes to treat
8 a particular period.

9 Q. So would it be fair to summarize that, as the monograph was
10 his way of putting his record, according to his views, out into
11 the public, but did not necessarily touch on a lot of the details
12 that for example an examination in Court might obtain?

13 [09.29.12]

14 A. I think that's absolutely true. He was giving his perspective,
15 the perspective he wished others to retain.

16 Q. Khieu Samphan also wrote a book I'm not clear when it was
17 published but it's called "Considerations on the History of
18 Cambodia from the Early Stage to the Period of Democratic
19 Kampuchea". And we have the fifth chapter, "Democratic
20 Kampuchea", under document E3/16 on the case file. Have you read
21 that chapter in particular or the book generally?

22 A. I am reluctant to answer one way or the other because honestly
23 - it doesn't ring a bell. Maybe if it were published in the early
24 2000s when I was working on my book I no doubt did come across
25 it. But whether under that title, whether in that form, I don't

1 know.

2 [09.30.32]

3 Q. Now, just to be completely clear, you have never had the
4 opportunity of meeting or discussing events around the Democratic
5 Kampuchea Regime with Nuon Chea, is that correct?

6 A. That is correct.

7 Q. Thank you. Now, I'm going to turn to parts of your book. I
8 need to explain to you, Mr. Short, that although your book
9 carries a wealth of material, first we can't cover it all in
10 detail, and secondly we have certain limitations of time and so
11 on, in relation to the period that we are considering in the
12 context of this trial.

13 So, I am going to focus on a particular part and I'm sure the
14 parties, the prosecutors, the lawyers for the civil parties, and
15 the Defence will touch on other parts as well.

16 I want to start first with the impressions or the - what you
17 wrote concerning the last 18 months to two years before the
18 evacuation of Phnom Penh. And I want to start in 1973, when you
19 said, its English page 218, English ERN 00396418, and French,
20 00639736 to 737, and you note at that part of your book, that Pol
21 Pot ordered an all out assault on Phnom Penh. Now, can you tell
22 me a little about that assault, what time of year was it?

23 A. You - forgive me; you said page 218?

24 Q. Yes.

25 A. That is not what I have in my copy at 218.

12

1 Q. Oh, dear. Oh, dear. Well, let me just see if I can find the
2 reference, then.

3 (Short pause)

4 [09.34.24]

5 A. I'm finding something around page 249?

6 Q. So, I do apologize. Very bad to be caught out with a wrong
7 reference first up, isn't it? But, yes, you're right, it's 249,
8 page 249.

9 So, I would like to know when the - what time of year it was that
10 this assault took place?

11 A. It was during the summer, during the rainy season, and that
12 was - I mean made militarily, not a lot of sense. But the
13 rationale for it was that the Khmer Rouge, and Pol Pot in
14 particular, wished to show that they could obtain victory, before
15 the U.S. bombing runs ended. Because if they could take Phnom
16 Penh while the United States was still bombing Cambodia, it would
17 be a way of showing that they could defeat all that the Americans
18 could throw against them.

19 Q. And just to record, when the U.S. bombings stopped, it was
20 during that year, was it not, and can you confirm the month?

21 A. It was in August 1973.

22 Q. Now, from what you've said already about this rainy season
23 attack on Phnom Penh, I infer that it failed, it was not
24 successful?

25 [09.36.24]

1 A. It was not successful.

2 Q. Now in subsequent pages, that is, subsequent to page 249, at
3 page 251 for example, you discussed some of the consequences of
4 that first assault on Phnom Penh.

5 First of all, I'm interested in the supply of arms to the Khmer
6 Rouge forces. Can you discuss that briefly?

7 A. The Cambodians were getting - the "Cambodians" - the Khmer
8 Rouge were getting supplies from the Vietnamese and also from
9 China. But a lot of the arms they procured were bought from the
10 Lon Nol forces or from corrupt officers in the Lon Nol
11 government.

12 Q. In fact, the Vietnamese had, before this time, interrupted
13 their supply of munitions to the Khmer Rouge, and this was in
14 fact a reinstatement of arms supply. Is that correct?

15 A. That is correct. Yes.

16 Q. Why then, did they decide in late 1973, to begin supplying
17 arms again?

18 [09.38.10]

19 A. Because the - I mean they were faced with a "fait accompli".
20 The Vietnamese would have liked the Khmer Rouge to remain a
21 subsidiary ally. And by 1973, late 1972, early 1973, they found -
22 the Vietnamese found that the Khmer Rouge were becoming
23 sufficiently powerful and occupying sufficiently large areas of
24 Cambodian territory, that they had to make a choice. Either, they
25 continue to try to force the Khmer Rouge to heed Hanoi's will, or

14

1 they had to start treating them as allies, who would eventually
2 win victory in Cambodia, more or less, no matter what the
3 Vietnamese did. And in 1973, middle of 1973, they realized that
4 they were going to have to treat them more as allies. The word
5 "equals", I think, is putting it too strongly, but therefore, the
6 arms supplies quietly resumed.

7 [09.39.35]

8 Q. And you mentioned that one of their reasons for the resumption
9 of the supply of arms was that the Khmer Rouge controlled more
10 and more territory.

11 At that same page 251, you say that by late 1973, the Khmer Rouge
12 controlled more than two thirds of Cambodia's territory and
13 almost half its population. Can you tell me, how you would find
14 such information? Was this from your study generally, for the
15 purpose of the book, or was it - did it come from someone like
16 Khieu Samphan or your other interviewees?

17 A. No, this did not come from Khieu Samphan or from interviews,
18 it came from the material - the archival material of the
19 Americans who knew, pretty clearly, what was happening in
20 Cambodia, and it was their estimate that two thirds of the
21 country and a half of the population was in Khmer Rouge hands.

22 [09.40.56]

23 Q. Now, you mention another consequence of this attack, this
24 unsuccessful attack, on Phnom Penh, in late 1973, and that is
25 that Pol Pot, who according to your book, had been moving closer

15

1 and closer and closer to the capital over the years, since 1970,
2 in fact moved very close to Phnom Penh. You say "about 30
3 kilometres northwest of Phnom Penh, on the Udong-Pursat road".

4 Can - sorry - can you give me the source? Is it the same general
5 source from the Americans or was it some other source?

6 A. My recollection is that some of that information came from Ny
7 Kan, who was Son Sen's brother. And a lot of it came from my own
8 travels in that area, talking to villagers, who had been there at
9 that time and remembered where Pol Pot and other leaders were.
10 Who remembered where Thiounn Thioeunn set up a hospital, where
11 the military - forward military command headquarters at Ra Smach
12 was, and so on.

13 [09.42.34]

14 So, yes, initially interviews, but afterwards, going on to the
15 terrain and talking to the villagers about what they remembered.

16 Q. And, during the time that he was stationed in that area, just
17 northwest of Phnom Penh, you mention a number of decisions that
18 Pol Pot made, starting at page - bottom of page 252 and going
19 into page 253, the ERNs for which are English, 00396453; and the
20 French, 00639781 to 782.

21 The first of those decisions you mention, was to effectively
22 impose a siege of Phnom Penh.

23 The second was that security was tightened around Phnom Penh.

24 The third was that more methods of controlling enemies were

25 established, such as the building of prisons and re-education and

1 killings.

2 Now, dealing with those three decisions, can you tell me where
3 you learned that information from?

4 [09.44.26]

5 A. Well, the - to take the middle question first. The tightening
6 of security from Kong Duong, who was a - I tell the story of Kong
7 Duong, he became a Khmer Rouge Cadre, I met him in Pailin. And he
8 described his experiences when he went from Phnom Penh into the
9 Special Zone and was lucky to get away with his life, because
10 somebody recognized him and could vouch for him, and of the
11 guide, who had taken him across from the government controlled
12 area, to the Khmer Rouge area, was not so lucky; he was not
13 recognized and he was killed. Because there was immense suspicion
14 of anybody coming from Phnom Penh.

15 And I mention, it's a curious anecdote, but a French journalist,
16 who was at that time in Phnom Penh, and had had relations with -
17 had known some of the Khmer Rouge when they were students in
18 Paris, a man called Serge Thion, went into that area, and in the
19 - in the DC-Cam files, there is a copy of a police report, a very
20 accurate police report, describing how he reached the area.

21 [09.46.11]

22 Now, Serge Thion's visit was before the strengthening of
23 security, and the significance of it was that if the Lon Nol
24 police had an accurate account of how he went there, what he did,
25 it meant that there were Long Nol's spies operating in the Khmer

17

1 Rouge area, in the Special Zone. So that was the source for that.
2 The other material, some of it, certainly is from confessions,
3 from Tuol Sleng, which if read carefully, can be a very
4 interesting source of information. The decision to tighten the
5 noose around Phnom Penh, gosh, where did that come from? I can't
6 actually - I must be honest - I can't remember the sources for
7 that.

8 But the point of about a book like this is that it is really a
9 mosaic of tiny grains of information that you try to put
10 together. And, if you ask me now, I'm not always able to tell you
11 exactly where it came from.

12 [09.47.43]

13 Q. Another consequence of this attack on Phnom Penh, and the
14 tightening of control around it by the Khmer Rouge, was what you
15 have described as other movements of population. And you speak,
16 for example, of Kratie being evacuated in the second half of
17 1973, and the Khmer Rouge attacking Kampong Cham, driving 15,000
18 town dwellers from their homes and forcing them to accompany them
19 to liberated zones. That's mentioned two pages further on at 257.
20 And, at page 255, you talk about the attack on Udong. The ERNs
21 for that are: 00396455; French, 00639784 to 785. And you speak at
22 that page of 20,000 people from Udong being resettled in
23 cooperatives, and further, that 40,000 from the Northern Zone
24 fled from there to Kampong Thom.
25 Now, these numbers are of course, an estimate, because it would

1 never be precisely 20,000 or 40,000, but I'm interested, also, in
2 your – how you reached these conclusions and included this
3 information in the book, about Kratie, Kampong Cham and Udong?
4 [09.49.52]

5 A. Well, Udong was relatively simple. There is documentary
6 material, but that came from an interview with Phy Phuon in
7 Malai, and he described – I remember him saying, that the
8 evacuation of Udong was particularly important because it was a
9 kind of trial run. It proved that the population of an urban
10 centre could be evacuated and put into cooperatives, without, as
11 he put it, any great problems arising. And, so that was
12 important.

13 Let me just look at the – for the other ones. Give me a second.
14 Kampong Thom, I have a feeling, I'm pretty sure, was an American
15 estimate – was from American intelligence, the 40,000 people who
16 came out of the Northern Zone and went to Kampong Thom. There was
17 quite a lot of American intelligence material. It was not always
18 accurate, but, they did have informants, who told them what was
19 happening in the Khmer Rouge zones, particularly after 1973. They
20 made over-flights of the areas along the border with Vietnam,
21 which enabled them to draw certain conclusions about what was
22 happening in Khmer Rouge areas. And the fact that conditions were
23 difficult and that people tried to flee, in some cases, that is
24 all in American documents. Which, because they were not designed
25 for public consumption, have a certain credibility.

1 [09.52.13]

2 Q. Now, you speak of a meeting of the Central Committee, convened
3 by Pol Pot, in this same period, September 1973. The Trial
4 Chamber has no record of this meeting. Are you – and you note
5 some very important decisions that arose from that meeting of the
6 Central Committee. Can you give us any help on the source or
7 availability of that – (microphone not activated).

8 A. Yes, there are references in confessions, at – which are in
9 the DC Cam archives. I mean they're very scattered, but there
10 are, I think, if my memory serves me, three or four references to
11 the 1973 Central Committee meeting. And, I also again, was given
12 information in interviews, notably by Phy Phuon, who was present
13 at most of these meetings, in the period of 1973, '74, '75.

14 Q. Well, you record that Central Committee meeting as making some
15 decisions: first, that traders were to be sent to work in the
16 fields so that the Communist Party of Kampuchea could control
17 distribution of goods and to prevent capitalism; secondly, that –
18 and this is noted at page 257, the ERNs for which are English,
19 00396457; and French, 00639737, and that was – that there was a
20 unanimous decision to evacuate Phnom Penh and other Cambodian
21 towns, as soon as they were liberated; and the third of those
22 decisions in that Central Committee meeting marked the first time
23 that the Central Committee authorized the killing of one of its
24 own members, Prasith. That's at page 260; English, 00396468; and
25 French, 00639790 to 91.

20

1 Now, those three decisions are of interest, because they lead to
2 other policies that were said to have been developed by the
3 leaders of Democratic Kampuchea, and applied during the regime.
4 Is there any comment you would like to make on any of those three
5 decisions?

6 [09.55.54]

7 A. I think the decision to execute Prasith, the Central Committee
8 member from the southwest, was a kind of tipping point. And if
9 you look back at Chinese communist history, there is an exactly
10 similar tipping point in 1930, when, for the first time, there
11 was a question of four provincial leaders, again, who were
12 following policies different from those which the Chinese Party's
13 leadership, at that time, wished to follow.

14 And, the judgement that the Chinese Party made, was that these
15 four leaders were, by their behaviour, objectively
16 counter-revolutionary and therefore, they should be removed, they
17 should be eliminated.

18 And in China, and there are many similarities between the Chinese
19 Communist Movement in the 1930s, and what happened in Democratic
20 Kampuchea in the 1970s. They are the two closest parallels, far
21 closer than anything to do with the cultural-revolution, which
22 was completely different. But, in both cases, a Communist Party,
23 which was under great pressure, which had very few experienced
24 cadres, reacted by starting to kill its own, when placed in a
25 situation of pressure.

1 [09.57.41]

2 So for me, the killing of Prasith, in '73, was really the
3 beginning of the internal purges, which went on to devour the
4 Kampuchean Communist Party.

5 Q. I want to turn now to a general topic, which are - which is
6 the variety of reasons given for the evacuation of Phnom Penh on
7 the 17th of April 1975.

8 First, arising from those population movements, as various parts
9 of the country were liberated, we have been told repeatedly that
10 the population of Phnom Penh was increased enormously over the
11 year or so before April 1975. Would it be correct to say that a
12 large number of those people would be peasants as well as town
13 dwellers from say, Udong and other towns and cities that had been
14 evacuated?

15 [09.58.57]

16 A. The overwhelming majority of those living in Phnom Penh, in
17 early 1975, were peasants who had fled from the countryside. Had
18 fled first of all, the American bombing, in some cases, had then
19 fled from the war, and had, in a way, voted with their feet, and
20 this led - was one of the factors which influenced what happened
21 to them later. Because to the Khmer Rouge, and indeed, I think it
22 was - who was it? - Hou Youn said in a broadcast, early in 1975,
23 you know, you have to make a choice. If you choose to join Lon
24 Nol's people in Phnom Penh, then we, the Khmer Rouge, will regard
25 you as having made that choice. If you choose to come to the

1 revolution, then you will be welcomed.

2 I mean, it's a very oversimplified distinction, but, it did lead
3 to the categorization of New People who were treated less well,
4 later, because they had taken refuge with Lon Nol, as against the
5 Old People who had stayed with the Khmer Rouge and supported the
6 revolution.

7 [10.00.25]

8 If one estimates roughly, if there were 3 million people in Phnom
9 Penh, in the spring of '75, something like 600,000 were real city
10 dwellers. The remainder had come in from the countryside.

11 And it is true that once peace had been restored, a lot of those
12 people in from the countryside, even if they had discredited
13 themselves with the Khmer Rouge by choosing to be in Phnom Penh,
14 they were not unhappy to go back to their villages.

15 So the evacuation affected the two different groups very
16 differently. For the city people, it was incomprehensible, the
17 beginning of everything in their world crashing down around their
18 feet. For the peasants, the great majority, it was going home.

19 Q. So, it's better to classify the people from Phnom Penh as New
20 People than as city dwellers, given this uneven distribution of
21 the population. And they all shared a similar fate, whether they
22 were true urban - urbanites, or peasants?

23 [10.01.56]

24 A. They initially shared a similar fate, in - to the extent that
25 they were all sent out of the city with very few belongings,

1 which again affected the city dwellers, who had a lot of
2 belongings, much more than the poor, who had none.
3 But, the true city dwellers were more likely to be educated,
4 therefore to be suspect. And, I would like to say that the
5 business of suspecting educated people, in the image of
6 suspecting people who had glasses, was not unique to the Khmer
7 Rouge. It happened in the 1940s with the Issarak, when there are
8 perfectly verifiable accounts of intellectuals, or people with
9 glasses, being taken off buses and killed or beaten up because
10 they were intellectuals.
11 And, I think one has to remember that, to the many poor villagers
12 in Cambodia, there wasn't much difference between the rich and
13 the educated, because both of them looked down on the poor.
14 So, those who were seen as rich and educated always had a much
15 harder time than the New People who were poor. And when I say a
16 harder time, in many cases, they were simply killed.
17 [10.03.32]
18 Q. Now, as I have indicated, there have been quite a number of
19 reasons recorded for the evacuation of Phnom Penh. You mention at
20 page 271 - English ERN, 00396479; and French, 00639804 to 05 -
21 that soldiers went from house to house, telling the inhabitants
22 that they must leave, just for two or three days, on the pretext
23 that the Americans planned to bomb the city.
24 Now, we've heard a great deal of information already from a
25 variety of witnesses, about the evacuation of Phnom Penh. So,

1 what I want to focus on is the credibility of that reason given,
2 that is, that bombing might be about to occur, and you do discuss
3 this to some extent in your book. Could you give us your comments
4 on that?

5 A. The explanation was knowingly false. There was never any
6 possibility of bombing. But not only that, the Khmer Rouge knew
7 there was no possibility of bombing. The reason for telling
8 people, you are just going for two or three days, was to make it
9 easier to persuade them to go. Was also to persuade them not to
10 take lots of belongings with them, because if you're going only
11 for a few days, you don't need to, you think you're going to be
12 coming back.

13 [10.05.30]

14 There is a parallel in Vietnam, where similar reasoning was used
15 earlier on to move people out of - I think it was the old
16 imperial capital, Hué. It's - whether the Cambodians were aware
17 of that, whether the Khmer Rouge were aware of that and used that
18 precedent, I don't know; very probably not. They may well not
19 have known about it. But it did happen elsewhere, on a very small
20 scale before.

21 In Cambodia, in Phnom Penh, they had taken a decision to send all
22 the city dwellers into the countryside, and whatever was going to
23 make it easier to persuade them to go, they would say.

24 Q. Now, I'm not sure - yes, in fact, you are familiar with this
25 document which you refer to in your book. It's a document,

1 E3/196; "Statement of the Communist Party of Kampuchea to the
2 Communist Workers Party of Denmark", delivered in July 1978 by
3 Nuon Chea, described as Deputy Secretary of the Communist Party
4 of Kampuchea. At page 30 of that, I'll quote you something that
5 Nuon Chea says. He said:

6 [10.07.07]

7 "It is more widely known that the USA planned to cease power from
8 us six months after the liberation. The plan involved joint
9 action on the part of the USA, the KGB and Vietnam. There was to
10 be a combined struggle from inside and outside. But we smashed
11 the plan. Immediately after liberation, we evacuated the cities."
12 Now, I don't need your comment on the unusual suggestion that the
13 USA, KGB and Vietnam all cooperated, at that period, but what do
14 you have to say about his comments there?

15 Are they in keeping - his reasons given - are they in keeping
16 with the earlier decision, that we have no formal record of,
17 concerning evacuation of Phnom Penh and other Cambodian towns, or
18 is there some other - something else you would like to comment
19 on?

20 A. Well, the third and fourth sentences in that paragraph, where
21 he says: "There was to be combined struggle from inside and
22 outside, but we smashed the plan. Immediately, after liberation,
23 we evacuated the cities." I think that can be read literally.

24 [10.08.39]

25 One of the effects of the evacuation of Phnom Penh, and other

1 cities, but particularly Phnom Penh, was to destroy completely
2 the networks that were reporting to western intelligence
3 agencies. There was – there are American, there are CIA officials
4 who have gone on the record as saying: "Every bit of information
5 we were getting from Phnom Penh, just ended overnight." So, to
6 that extent, it's true.

7 This idea of a combined struggle, that plays into the
8 explanation, the narrative, that the Khmer Rouge leadership built
9 for itself, to explain or to justify the purges carried on within
10 the Party. But those purges started later. They weren't six
11 months after liberation, they really developed later on.

12 Q. Khieu Samphan himself, in his monograph, "Cambodia's Recent
13 History", gives some explanations about the fall of Phnom Penh
14 and other urban areas. He describes at page 55 of that monograph
15 – ERN English, 00103750; and French, 00595427 to 28 – he says
16 that he was unaware of the decision to evacuate Phnom Penh. Now,
17 during your discussions with him, did you talk about his
18 knowledge in advance of the decision to evacuate Phnom Penh?

19 [10.10.47]

20 A. I think Mr. Khieu Samphan has been very consistent in his –
21 the version of events that he has given, in what he said to me,
22 and in what he's written there, which was that he was not
23 involved in the evacuation of Phnom Penh. He told me that he
24 actually came to Phnom Penh very much later, after the evacuation
25 had taken place, which is broadly consistent with what you just

1 told me.

2 Whether one should take that as the version which Mr. Khieu
3 Samphan wishes to have remembered, or whether one should take it
4 as strict historical fact, is a different issue.

5 Q. In that monograph, he describes - this is at the same page -
6 that "by the end of March 1975, I was invited to the general
7 headquarters of the Communist Party of Kampuchea, to the west of
8 Udong, to follow the last offensive against the capital more
9 closely". And he goes on to say that every day, he followed the
10 battle's progression on the radio - and I quote: "On April 17, at
11 around 9 o'clock, our hearts were filled with joy. We had heard
12 the voices of commanders of various units speak from several
13 points inside the capital."

14 He then describes how, because it was so hot that day, he hid
15 from the sun in his hut, but that he listened to soldiers who
16 returned from Phnom Penh describing huge numbers of people
17 leaving the city, bank notes being thrown out of windows like
18 confetti. And he speaks of his complete astonishment at the
19 reports.

20 Do you have any further comment in addition to what you have just
21 said about his surprise at these reports?

22 [10.13.14]

23 A. I can only confirm that he, Mr. Khieu Samphan, did also tell
24 me that he was at the - Pol Pot's headquarters west of Phnom
25 Penh. That he was with Pol Pot on April the 17th. I think it is -

1 there's no doubt that he did not go into Phnom on the 17th, he
2 went later, the following day, or a day later. As to his
3 surprise, well, I would be surprised that he was surprised.

4 Q. Two pages further on he says: "I was greatly surprised to
5 learn during my talks with CPK executives, after April 1975, that
6 the superior level cooperatives had been used in the liberated
7 regions since 1973."

8 And he comments that it was a necessary policy. Again, are you or
9 are you not surprised at his surprise?

10 A. I have to say I'm surprised at his surprise. Mr. Khieu Samphan
11 was with the upper leadership. He, I think, was - it's very
12 difficult to imagine that he could not have been aware of what
13 was happening in the Khmer Rouge areas. He did travel. He spent a
14 lot of time with the leadership.

15 [10.14.59]

16 I think it's true; he was not a member of the Standing Committee.
17 He was not at that time in the very top level of the leadership.
18 But I think he must have been aware of what was transpiring.
19 Though, I would say, that is - it is supposition. I cannot hold
20 up my hand and say I know that he knew, and I think that's
21 important to say. I'm supposing that that would be logical.
22 That's all I can say.

23 Q. He mentions in the same paragraph that, at page 57, speaking
24 to Pol Pot privately and conveying his misgivings to him about
25 the evacuation of Phnom Penh. And to be fair to Khieu Samphan, he

1 had spoken of his misery at hearing what the vast hordes who were
2 being evacuated from Phnom Penh, on the very hot day, were going
3 through. So this is him speaking to Pol Pot a little later of his
4 regrets and despair. He said that Pol Pot told me the underlying
5 reason for emptying the cities. It was part of a collectivization
6 policy that had already reached a certain level in the
7 countryside before the end of the war. This collectivization
8 policy had enabled the CPK to maintain control over the rice
9 supply and thus, had provided it with an important weapon to
10 confront the Vietnamese military, and to force the Vietnamese to
11 respect Cambodia's sovereignty, while Vietnamese troops operated
12 in our country.

13 [10.16.59]

14 Is that a policy - does that describe the collectivization policy
15 in a way that you are familiar with?

16 A. I think one spinoff from the collectivization policy was
17 indeed that the CPK had control of rice supplies and therefore,
18 the Vietnamese could only get rice for their troops in Cambodia
19 through the CPK. It was a spinoff; it wasn't the fundamental
20 reason for collectivization, which was ideological. It was
21 communal ownership as against individual ownership. It was
22 communism as against capitalism. It was equality for all citizens
23 and one may put that in inverted commerce, but as against
24 differences in living standards, in levels of wealth. That the
25 evacuation of Phnom Penh was part of the - was justified because

1 it was part of the collectivization policy, I think that is
2 stretching it. The reasons for the evacuation of the cities were
3 fundamentally different.

4 [10.18.25]

5 Q. At page 287 of the English copy of your book, you describe two
6 contradictory sets of reasons offered by Pol Pot. He told
7 westerners that the action was not pre-planned. It was the
8 realization that a food shortage was eminent and that there was a
9 plan by U.S. lackeys to attack us that prompted it. You go on to
10 say that none of that was true.

11 But first, the source of those comments by Pol Pot, giving
12 reasons for the evacuation.

13 A. I'm sorry to hesitate. This copy of the book that I'm looking
14 at does not have the absolutely complete notes, which are only
15 available electronically. I'm sure that quote - it is obviously
16 from a document. He was talking to a western delegation. Which
17 western delegation I cannot tell you now. But if the Court is
18 interested I can certainly find the relevant source.

19 Q. Well, first of all, Mr. Short, I recognize that this book was
20 published some time ago and you can't be familiar with every
21 single detail. So I certainly accept that you won't have the
22 source for every detail. But if and when you do, it's very
23 interesting for me to learn that.

24 You go on to talk about the reason given, that the city was
25 evacuated because a food shortage was eminent and you say, none

1 of that was true. Not only were food supplies adequate, but it
2 was far more difficult logistically for the Khmer Rouge to
3 provide grain to moving columns of deportees than it would have
4 been if they had stayed put. Can you just discuss that statement
5 where you quite categorically say, this is completely inaccurate?

6 [10.21.22]

7 A. Food was not available in enormous quantities in Phnom Penh.
8 There was an airlift which had come to an end. Nonetheless, there
9 were sufficient reserves to feed the city population, at least
10 for a matter of days. Leave aside the possibility that they could
11 have asked for food to be sent in, for rice to be sent in from
12 elsewhere. But a static population is, by definition, much easier
13 to feed than some millions of people who are streaming out of the
14 city in all directions; when no medical facilities have been
15 provided for that exodus; when no food reserves along the route
16 have been provided; when there is - they are going to areas where
17 there is no - there are no warehouses with food to feed them. All
18 of that is going to make it much more difficult. Basically, the
19 reason for, I say categorically it was harder, is I think, fairly
20 self-evident.

21 [10.22.54]

22 Q. Khieu Samphan comments on this very issue, namely the reason
23 given for the evacuation of Phnom Penh, being lack of food, in
24 his Chapter 5 of "Considerations on the History of Cambodia",
25 E3/16, at page 64, which is English ERN 00498283, and French,

1 00643890, and he says:

2 "For a long time already, in the countryside a large part of the
3 land had been abandoned and no rice could be grown. Three million
4 people, in general, did not have enough to eat. In the city 3
5 million other people were gradually starving. This is why Pol Pot
6 said," - and he gives this as a quote, "Continuing to stay in the
7 city will lead to danger of famine. So then, evacuating the city
8 is better, in order to avoid the danger of famine and the danger
9 of rebellion."

10 Khieu Samphan goes on to say: "If there was a rebellion, then
11 Vietnam clearly would have come to intervene."

12 So, there's a gloss on that reason. So, is there any further
13 comment you would like to make on that quote?

14 [10.24.35]

15 A. I think the last part is extremely significant. The danger of
16 rebellion is a way of putting it. The fact was that if the city
17 people were scattered in the countryside and the networks among
18 them were all broken, they were very much easier to control and
19 any possibility of resistance to Khmer Rouge policies was greatly
20 diminished. So if you read rebellion in that sense, it's
21 absolutely true. That was a key reason. Perhaps not the
22 absolutely dominant reason, but it was a key reason for the
23 evacuation of the cities. Famine, I find wholly unconvincing.

24 Q. Realistically, how long would it take to move several million
25 people out of the city, settle them, and then produce food

1 sufficient to eat, if indeed there was a huge crisis over food at
2 that point? Are we talking weeks, or months?

3 MR. PRESIDENT:

4 The Expert, please wait.

5 The Defence Lawyer, you may proceed.

6 [10.26.08]

7 MR. KOPPE:

8 Thank you, Mr. President.

9 I know I'm not supposed to object to any questions asked by the
10 Trial Chamber to the expert. However, I would like to make an
11 observation, that I'm not sure if the answer to this question
12 will fall within the realms of the expertise of this particular
13 witness. He's an historian and the way - well, I think you have
14 my point.

15 BY JUDGE CARTWRIGHT:

16 Well, I won't pursue that question. And, Mr. Koppe, I accept that
17 it might not fall within the realms of the expert's expertise,
18 but perhaps within his common sense to be able to ask that and
19 answer that question.

20 Q. Given that many of the reasons presented for the evacuation of
21 Phnom Penh have been around food, was the possibility of foreign
22 aid for food ever considered seriously by the New Democratic
23 Kampuchean regime?

24 Over a history, especially last century, there have been a number
25 of examples of vast quantities of food being moved to a place

1 where there has been conflict and there are hundreds of thousands
2 of people in danger of starving. So was that prospect ever
3 discussed?

4 [10.27.51]

5 MR. SHORT:

6 A. Some rice did arrive from China. It was in limited quantities,
7 nonetheless, some - you could qualify that as food aid. But the
8 CPK leadership, which made a point of honour of self-sufficiency,
9 was absolutely against the idea of, as they would have said,
10 going begging, bowl in hand, to foreign countries, when they had
11 just won, in their terms, a great victory. I think there is an
12 internal logic in their position. You may say it offers very
13 little to the people who were hungry. It was a theoretical
14 position rather than a matter of practical help for a population
15 which was suffering.

16 But that, again, is consistent with the policies of the CPK
17 throughout the period when they were coming to power and
18 throughout the period that they were in power. They wished to
19 make a very different kind of country, a country which, in their
20 view, would be "egalitarian, pure, wonderful" - in inverted
21 commas. The intentions were good, but there was no concern for
22 the suffering along the way.

23 [10.29.44]

24 Q. Other reasons - well, perhaps a further confirmation of a
25 reason given for the evacuation was quoted by you, again at page

1 287, which is English, 00396494, and French, 00639824 to 25,
2 where you quote Pol Pot as telling Chinese journalists the
3 following: "Until we had smashed all kinds of enemy spy
4 organizations, we did not have enough strength to defend the
5 revolutionary regime."

6 In the hierarchy of reasons given, how important do you think
7 this particular reason – that is, disabling spy networks – might
8 be?

9 A. I think it's probably second equal, or second, or third. If
10 you put the first reason as an ideological imperative to equalize
11 the city and the countryside by, essentially, eliminating the
12 city, with all its turpitudes and filth. That was the key.
13 Secondly, to disable spy networks, which as I mentioned, they did
14 very effectively; and at the same time to break up the city
15 population so it could not resist.

16 [10.31.40]

17 Q. Ieng Sary discussed the reasons for the evacuation with you
18 when you interviewed him, and that same page, 287, he said that
19 it was noted that the failure of the proletariat to exercise
20 dictatorship over the bourgeoisie was the reason for the
21 overthrow of the Paris commune. So that's going back a bit in
22 history, and he said that – and you quote this: "Pol Pot would
23 not make the same mistake."

24 So is that a significant reason or a blend of the reasons you've
25 already listed?

1 A. I think it's the - it's putting the third reason I gave, to
2 break up the networks among what I called the city population, in
3 other words the bourgeoisie, so that he could not resist. And
4 yes, the Paris commune in 1870, '71, was something that they had
5 in mind. Mr. Khieu Samphan, Pol Pot, Ieng Sary were all students
6 in Paris at a time when the 80th anniversary of the Paris commune
7 was being celebrated. It was a subject that interested them a lot
8 and they, like communists from other Asian countries, did draw
9 lessons from it.

10 [10.33.27]

11 Q. On the next page, 288, you conclude that the goal of the
12 evacuation was not to destroy, but to transmute. Pol Pot wrote
13 later that the evacuation was - and it's a quote - "an
14 extraordinary measure that one does not find in the revolution of
15 any other country". And you go on to say:

16 "It was the nub of the party's political and economic strategy
17 which was then being elaborated at a series of Standing Committee
18 meetings first held in the railway station and subsequently in
19 other locations."

20 Do you want to comment on Pol Pot's statement?

21 A. When I wrote that in my book I thought at that time, and I
22 still think, it's important to emphasize that the goal of the
23 Khmer Rouge was not to destroy a large part of the Cambodian
24 population. They didn't set out to kill everybody. They set out
25 to change the country, in other words, to transmute. And Pol Pot

1 was very proud of the fact that they had done something by
2 evacuating the cities in particular, which had been done nowhere
3 else, and when Pol Pot – sorry, when Mao, late in 1975, met the
4 Vietnamese leader, Le Duan, Mao said to Le Duan, "Could you have
5 done that?" And Le Duan said, "No." Mao says, "No, we couldn't
6 either."

7 [10.35.32]

8 So for the Khmer Rouge, for the leadership, the fact that they
9 had done something that they had taken a radical step to
10 transform Cambodian society, which no other communist party was
11 capable of taking, or had taken, was important.

12 MR. PRESIDENT:

13 Thank you, Mr. Expert.

14 The time is appropriate for a short break. We shall take a break
15 now and return at 11.00.

16 Court Officer, could you assist the expert during the break and
17 have him return to the courtroom at 11 a.m.?

18 (Court recesses from 1036H to 1101H)

19 MR. PRESIDENT:

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

21 Once again, I give the floor to Judge Cartwright to continue
22 putting questions to the expert. You may proceed.

23 Please wait; I notice the defence lawyer is on his feet. You may
24 proceed.

25 MR. KOPPE:

1 Thank you, Mr. President.

2 Judge Cartwright, could I ask you to ask the expert a little bit
3 further on his notes, which are electronically available? Because
4 the sooner we might have an answer on that, the earlier we can
5 start reviewing those. Thank you.

6 BY JUDGE CARTWRIGHT:

7 Q. Yes. Mr. Short, you're aware that, over the last few weeks,
8 you've been asked about some of the sources, including those
9 Central Committee meetings from 1973, and you've indicated that
10 you didn't have ready access to your stored archives. But,
11 literally I think, yesterday you sent a disc with some material
12 on it which I have not, due to time available, had an opportunity
13 to examine.

14 [11.02.58]

15 So, could you just describe what was on that disc, very briefly,
16 please?

17 MR. SHORT:

18 A. Allow me to apologize to the Court for not having been able to
19 provide this material earlier. You asked for a number of
20 documents. They are all in storage elsewhere, but just before I
21 came to Cambodia I discovered a disc which I thought might have
22 some of the material on it, and indeed it does. So what I have
23 sent you are the documents you asked for from the Vietnamese
24 military archives in Hanoi. The originals were in Vietnamese.
25 They were transcribed and I have given you French translations.

1 [11.03.55]

2 And I've also given you this document, which is the complete
3 electronic notes to the book, which contains much fuller sources
4 than are in the printed version. You asked – and I've just been
5 able now to check – earlier you asked about a quote from Pol Pot
6 saying the evacuation of Phnom Penh was not pre-planned. That was
7 in an interview with Yugoslav journalists, in late 1977 or early
8 1978. I've been trying – I'm a little puzzled about your
9 references to the 1973 Central Committee meeting, because I seem
10 to have the crucial Central Committee meeting at Meak in
11 September 1974.

12 Q. Well, I think we won't go into the minutiae of this at this
13 stage, but this disc can be made available to counsel. But, Mr.
14 Koppe, you will see that it's a little late in the piece for
15 analysis while this expert is with us. So perhaps we'll just move
16 on at this stage, Mr. Short.

17 I want to turn now to the evacuation itself, which you rather
18 trenchantly describe as a "shambles". At page 275 of your book,
19 which is English ERN 00396483, and French, 00639810 to 811, you
20 give an estimate of lives lost at 20,000 – that is, lives lost
21 during the evacuation. Can you give me any information about the
22 source for that estimate, please?

23 [11.06.04]

24 A. There have been various estimates made by different writers.
25 Ben Kiernan gave 10,000, another estimate I've seen was 35,000.

1 Mr. Ieng Sary at one point spoke of two to 3,000. My median
2 figure, if you like, was 20,000. It's unprovable. There was no
3 count. But it was probably of that order. It's as close as we're
4 ever going to get.

5 Q. Thank you. As I've said earlier, we've had a number of
6 witnesses describe what actually occurred during the evacuation,
7 but I want to look at some of the policies around it. For
8 example, were the evacuated city-dwellers allowed to take much
9 with them? And what about money? Could you comment on those two
10 aspects of their possessions, please?

11 [11.07.14]

12 A. I should say, obviously, I was not present. I have no direct
13 information. What I have been able to conclude is based on the
14 testimony of those who were present, or who watched what
15 happened. In terms of property, some of the city-dwellers, the
16 richer ones, started off driving cars. In some cases, they were
17 able to get quite far in their cars. In other cases they had to
18 abandon them very quickly. I think it's worth stressing that
19 there were tremendous differences in the way that the troops from
20 the different zones treated the evacuees. If you were going east,
21 it was one set of rules. If you were going to the south or the
22 southwest or the north, it was another set of rules. But,
23 basically, people were able to carry less and less, so it was
24 abandoned along the way.
25 In the first hours - maybe the first days - Cambodian currency

41

1 was used. But it then was made very clear by the Khmer Rouge
2 escorting the refugees that money would have no value. And
3 store-keepers - there were still stores along the way - those who
4 had a little something to sell - would stop selling it for money.
5 They would then sell it for valuables; for jewels, for gold, or
6 whatever.

7 [11.08.50]

8 Q. You also spoke at page 280 of your book, which has the English
9 ERN 00396488 and the French 00639816 to 817, that those being
10 evacuated were obliged to write personal histories or
11 biographies. Can you tell - can you summarize the reasons for the
12 writing of these biographies? And then we'll turn to the outcome
13 from the collection and examination of those biographies.

14 A. This was a Khmer Rouge technique which they had certainly
15 learned from the Vietnamese communists, who in turn had learned
16 it from the Chinese communists. But the Khmer Rouge took it
17 further. The initial purpose was to establish the background of
18 those who were being evacuated from the cities.

19 [11.10.04]

20 Q. You say that, at the same page, that technicians and skilled
21 workers were identified and taken away, and that many deportees
22 concluded that, as nothing further had been heard from them, they
23 had been killed. You contradict that assumption. Could you please
24 explain that?

25 A. Yes. The supposition that they had been taken away and killed

1 was, I think, a reflection of the views which people developed of
2 the Khmer Rouge regime. If someone disappeared, it meant they had
3 been killed. In fact, no – the skilled workers were taken back to
4 Phnom Penh and put to work in the factories – some of the
5 factories which resumed production. Railway workers were taken to
6 run the railways, shipping workers to run the ports, and so on.

7 Q. A further group, you mention on that same page, were members
8 of the military and civil servants from the Lon Nol regime who
9 you said were taken away for re-education. Can you tell us if
10 your research disclosed what happened to that group? That class
11 of people?

12 A. As a class, on the whole, they were killed. They were
13 executed. Certain among them were not. I mean, again one of the
14 characteristics of the regime was that treatment was not
15 completely uniform. It depended on the zone or, very often, at a
16 much lower level, the officials – the Khmer Rouge cadres –
17 responsible. So there were quite high civil servants – members of
18 the royal family – who survived. In general, however, if your
19 background was judged irredeemably compromising, you were killed.

20 [11.12.27]

21 Q. In the last few days, we've been hearing witness account of
22 events that occurred at Tuol Po Chrey, in Pursat province, in the
23 days immediately following the fall of Phnom Penh to the Khmer
24 Rouge. During your research for this book, did you come across
25 any material that related to those – the allegations concerning

1 Lon Nol military and civil servants at Tuol Po Chrey? It's not in
2 the index to my copy of the book.

3 A. No, it's not a place name which rings an immediate bell with
4 me. But senior military officers were executed in a variety of
5 places, and at different stages in the evacuation. I mean, a
6 large number were evacuated - were executed in Phnom Penh itself.
7 Others were executed at different stages on the route.

8 [11.13.45]

9 Q. Another class of people - of professionals - like architects,
10 doctors, engineers, lawyers, teachers - were also taken for
11 re-education, according to your comments at page 280. Do you know
12 what happened to that group of people?

13 A. Yes. Attempts at re-education were made in the very early
14 stages, and those groups - they were put on an extremely harsh
15 regime. Many of them died. But those who survived were judged to
16 be fit to become, once again, part of the New People, and
17 therefore to live in the countryside and reform themselves
18 through agricultural labour. There was one later attempt. Son
19 Sen, the defence minister - we're now talking about 1976, I think
20 - or '76, early '77 - did attempt to start re-education courses.
21 They were judged unsatisfactory, and so they stopped. And,
22 basically, after that, if you committed what the regime regarded
23 as misdeeds, then you paid with your life.

24 Q. At the same page, you talk about the attitude of the
25 population of Phnom Penh and other city-dwellers as being one of

1 surprise at the evacuation. You said, back at page 267, which is
2 English ERN 00396475, and French 00639799 to 800 - and I quote
3 from your book:

4 [11.15.53]

5 "It is hard to understand why the Cambodian elite refused so
6 stubbornly to see the writing on the wall."

7 And you gave two reasons for this surprise at the fact they were
8 being evacuated. Can you recall what those two reasons were?

9 A. One reason was certainly that the Khmer elite believed that an
10 arrangement would be possible with the new regime. And found it
11 very hard to believe what the reports which did reach Phnom Penh
12 - which were that this was a radical regime with which no
13 compromise was possible. And I think that - I mean, one can say
14 it's blindness, and they certainly were surprised, but if you
15 look back at Cambodian history - certainly under Sihanouk and
16 indeed earlier - whenever there was a traumatic event, there was
17 an arrangement afterwards. In this case, there was no
18 arrangement.

19 [11.17.14]

20 The other reason, I really can't remember. I'm sorry.

21 Q. Well, at page-

22 A. Remind me.

23 Q. At page 267, you specifically refer to Sihanouk's presence at
24 the head of the resistance as being one factor, and also Khieu
25 Samphan, who was widely viewed as a good and honest man - and his

1 prominence was another factor. Would you wish to comment on that?

2 I am going to turn to Khieu Samphan and the reasons why he was
3 respected and influential, so you don't need to expand greatly on
4 that.

5 A. Yes. Forgive me for a mental blank. Those reasons were
6 extremely important. Sihanouk's support of the Khmer Rouge, or
7 his "leadership", in inverted commas, of the movement against Lon
8 Nol reconciled many, many Cambodians to it. Khieu Samphan's
9 reputation is another key element. If you would allow me to add
10 one thing, which comes from our earlier discussion about the
11 evacuation and Mr. Khieu Samphan's role in it, I would like to do
12 so.

13 [11.18.40]

14 You quoted him as saying that he had remonstrated with Pol Pot. I
15 hope he will forgive me if I say that really doesn't add up. I
16 don't think Mr. Khieu Samphan or anyone else was in a position to
17 remonstrate. And one thing which we need to remember about this
18 leadership is that you could not object to the policies the
19 leadership had laid down without exposing yourself to very
20 serious trouble, or in most cases putting your life on the line.
21 One man who did object to the evacuation was Hou Youn, who said
22 "what the Standing Committee has done is wrong". Now, Hou Youn
23 was killed afterwards. He was a senior leader who had been with
24 Pol Pot in Paris, and for whom Pol Pot had considerable sympathy.
25 He wasn't killed - he wasn't executed, but he was killed some

1 months later in rather strange circumstances.

2 [11.19.58]

3 So I think with - when it comes to things like the evacuation,
4 and indeed many Khmer Rouge policies - this is not to justify
5 people's silence - but, with respect, the Court needs to be aware
6 that we are not talking about a democratic state where people
7 could object and say I disagree. We're talking about an extremely
8 rigid regime, where if Mr. Khieu Samphan or anybody else had said
9 "I object", their neck would have been on the line.

10 Q. Well, turning to Khieu Samphan and his influence or otherwise,
11 as you have just described it - in his monograph "Cambodia's
12 Recent History", he describes how he joined the CPK, and that -
13 and he fled to the forest, when then-Prince Sihanouk suspected
14 him, because he was the editor of the French-language newspaper.
15 And he was also suspected as being one of the leaders of the
16 conflict, and so - in Samlaut. So, in 1966, Khieu Samphan said -
17 and I quote from 00103736, English; and French 00 - I'll slow
18 down, sorry. 00595403. Khieu Samphan described it like this, that
19 he accepted the proposal of the CPK - the Communist Party of
20 Kampuchea - "to allow us to take shelter in the countryside".

21 [11.21.57]

22 Now, this implies a certain distance from the CPK on his part,
23 namely that they invited him to join them in the forest. Do you
24 have any comment on that?

25 A. That is consistent with - or, more or less consistent with -

1 what Mr. Khieu Samphan told me. He said that he was not a member
2 of the CPK at that stage. He had been a member of the French
3 communist party when he was a student. But that he was in close
4 touch with the Phnom Penh city organization. And he and Hou Youn,
5 whom I mentioned earlier, both left at the same time, and spent a
6 considerable period in complete isolation in a very remote
7 village. And this plays in to what I was saying about influence -
8 Mr. Khieu Samphan's possible influence. One point he made - and I
9 am inclined to believe it - is that Hou Youn found it very
10 difficult to accept his isolation, and wanted to move about. Mr.
11 Khieu Samphan was very disciplined, did exactly what he was told,
12 and kept - followed the rules.

13 [11.23.34]

14 And I do think that was an honest characterisation of his
15 personality. That is to say, throughout the Khmer Rouge - the
16 evacuation and everything else - he basically did what he was
17 told.

18 Q. In that same monograph, at page 60, English 00103753 and
19 French 00595433, he says that he was loath to go out between 1970
20 and 1975, when he was still in the jungle, because his elevated
21 position meant that security and protocol for him were a problem.
22 Does that fit in with the analysis that you have just given?

23 A. No. Mr. Khieu Samphan was, at that time, not that - he was a
24 figurehead, an extremely useful figurehead for the Kampuchean
25 Communist Party, with the title of Commander-in-Chief of the

1 Khmer Rouge Armies, and so on. But he was at that time - I think
2 in 1973, '74, he became an associate member of the Central
3 Committee. He was nowhere near the Standing Committee, he was
4 nowhere near a key decision-making role. He later - over time, he
5 won Pol Pot's trust, precisely because he could be relied on to
6 do what he was told. But he was not, at that time, at a level
7 where he would have had a lot of security to enable him to travel
8 about.

9 [11.25.30]

10 Q. In his statement to the Co-Investigating Judges, E3/27 - a
11 statement given in 2007 - Khieu Samphan confirmed that he stayed
12 permanently with the Khmer Rouge leaders between 1970 and 1975.
13 He said his roles included liaison with Sihanouk, and he said
14 that - quote:

15 "He was presented officially as the leader of the Resistance
16 Movement. My official title was Deputy Chairman of the National
17 United Front of Kampuchea, and Commander-in-Chief of the people's
18 liberation of Kampuchea. I was considered as the leader of the
19 Khmer Rouge since then, but that was not the real situation of my
20 position. The real leader was Pol Pot - the political and
21 ideological, but not the military leader." Unquote.

22 [11.26.37]

23 Now, it seemed to me, when I read that in the interview, that
24 what he was saying was that, before they became the de jure
25 government of Kampuchea, his position was as the Head of State

1 and the titular head of the armed forces, but not the real
2 leader, like a prime minister would be in the sorts of western
3 democracies that I could compare it with. Would that be a fair
4 assessment to make?

5 A. I think, actually, you are doing him more credit than you
6 should be. His position, even titular Head of State - the titular
7 head of the Khmer Rouge - of the Cambodian Resistance - was, of
8 course, Prince Sihanouk. Yes, Mr. Khieu Samphan had this title -
9 Commander-in-Chief and Deputy Chairman of the FUNK - but he came
10 up from having been a journalist - a committed journalist who
11 believed in the cause of equality and similar ideological goals,
12 to being a kind of an amanuensis for Pol Pot, and gradually
13 rising. But it was not quick. He was, if you like, a protégé of
14 Pol Pot.

15 And, much later in his career, Pol Pot would have liked to see
16 him as a successor. It didn't happen, for all kinds of reasons,
17 partly because he was perhaps a better follower than a leader.
18 But up to 1975, and indeed really up to 1976, when he became Head
19 of State, his role should not be exaggerated.

20 [11.28.45]

21 Q. Khieu Samphan does not make any mention in his monograph of
22 what he actually did in the jungle between 1966 and 1975, when
23 Phnom Penh fell. Have you been able to - are you able to shed any
24 light on this lengthy period of apparent inactivity?

25 A. He spent, I think, at least a year in more-or-less isolation,

1 in a small village. Then, I remember him saying to me that one
2 day there was a lot of activity, and they said to him "look,
3 we're moving". And that was after '67, after the Samlaut
4 uprising. And they went to Mount Aural, where other intellectuals
5 sympathetic to the communist cause gathered over the following
6 years. And then to the northeast, near Kampong Chham, in the
7 jungle where Pol Pot's headquarters was based in the early
8 seventies, after Pol Pot had come down from Ratanakiri.

9 [11.30.13]

10 What exactly he did there - he was living in the same leadership
11 compound as Pol Pot, but the best description I can give is the
12 one I just mentioned. An amanuensis, who was taken gradually into
13 the leader's confidence and certainly stayed very close to Pol
14 Pot throughout that period, right up to the end - the final
15 offensive in Phnom Penh.

16 Q. It does appear, however, from what he has said in his
17 interview with the OCIJ and in his monograph, that during this
18 lengthy period in the jungle, he became more interested and
19 involved - or more interest in the Khmer Rouge Revolution, and he
20 lists three matters in this monograph. He noted that he had a lot
21 of knowledge of the armed struggles of 1968 and 1969. He observed
22 thousands of youngsters joining the Khmer Rouge guerrilla units,
23 during this period in the jungle. And he saw entire villages
24 being liberated one after the other. Do you think that these
25 experiences had an impact on him?

1 A. It's very difficult to get into somebody else's mind. That is
2 the way the Mr. Khieu Samphan has wished to portray his
3 development. I think you have to look back to the economic thesis
4 which Mr. Khieu Samphan wrote as a student – doctoral student in
5 Paris, where – which prefigures much of the – or large parts, at
6 least, of the economic and social policy which the Khmer Rouge
7 eventually introduced – autarky, strict egalitarianism.

8 [11.32.27]

9 I don't, myself – nothing Mr. Khieu Samphan ever said to me
10 really suggested an interest in military matters. He was a
11 figurehead, but that was it. He was much more interested in
12 transforming society. And intellectual – he was an intellectual,
13 and interested in ideology. With a very rigid outlook on making
14 everybody exactly equal. There is a story from later, but I –
15 from a student who attended a lecture that he gave, where he
16 spoke of communism and the origins of the word. Com-un-ism – like
17 one-ism. Everyone has to be the same. And I think that is the
18 basis of his commitment to the revolution.

19 Q. Well, from this discussion – and it's not been very deep – I'm
20 still left wondering why the prominence given to Khieu Samphan
21 pacified or encouraged the city elite when they realized that he
22 was one of the heads of the Movement or that – or certainly
23 influential in the Khmer Rouge Movement in 1975. Because his
24 reputation is not very deep, shall we say?

25 A. The foundations of his reputation are much earlier. They're

1 not from the period he was with the Khmer Rouge. It's just that
2 he had an image. When he came back to Cambodia from Paris, in I
3 think 1960. I'd have to look it up, but it's roughly that time -
4 and in - his family wanted him to become an official, a mandarin.
5 Do very well. And he said no, he wanted to become a journalist.
6 And he started "L'Observateur" which was - if you read it today,
7 the criticisms of the Sihanouk regime are very elliptical and
8 very kind of gently put, but nonetheless they were - they made a
9 serious impression on the intelligentsia of Phnom Penh.
10 Sihanouk's interior minister had his police strip Khieu Samphan
11 naked in the street. He was humiliated. He kept on with the
12 newspaper. So he became - he developed a reputation, almost, you
13 could say, a unique reputation, in Cambodia, as a man of probity,
14 of honour, who was not easily intimidated, and who believed in a
15 better and "juster" system for the country.
16 [11.35.42]
17 Now - whoops, had Prince Sihanouk's regime left a political space
18 for people like Khieu Samphan, much that had happened later might
19 not have happened. But there was no space for them, so he had
20 this reputation of honesty and probity, and he carried that with
21 him right up until the - to 1975. So that's what reassured the
22 elite.
23 Q. One comment he made in his monograph was that he learned only
24 after the coup in 1970 that Saloth Sar, and not Ieng Sary, was
25 the Secretary of the Communist Party of Kampuchea. Do you wish to

1 comment on that?

2 A. I can only say I think it's extremely likely that that is
3 true. There were many people in - not as high up in the Communist
4 Party as Mr. Khieu Samphan - but at quite senior intermediate
5 levels, who didn't know until 1975 or the beginning of 1976 that
6 Pol Pot was the leader of the Movement.

7 [11.37.10]

8 Q. In his statement to the Co-Investigating Judges, he said that
9 he came to Phnom Penh a few days after its evacuation on the 17th
10 of April, and moreover that he came with Nuon Chea and Pol Pot,
11 who took him to the railway station. They stayed there for about
12 a month, and then went to the Silver Pagoda. So, by this time he
13 was very much a member of the inner circle. Would that be a fair
14 comment to make?

15 A. Partly fair. What I would dispute or worry about is the word
16 "member". He was associated with the inner circle, and he moved
17 about with them, but I don't think he was a member of the inner
18 circle. Again, amanuensis - you know, an inner circle has people
19 - trusted people who are with them, but who are not of them, and
20 I would say Mr. Khieu Samphan was that.

21 Q. In your book, at page 286, and I've given the ERN numbers
22 earlier; you said that Nuon Chea and Khieu Samphan were sent to
23 inspect the Northern Zone checkpoint on Highway 5. Now, did you -
24 presumably they had some observations made of the evacuation -
25 did you discuss that particular matter with Khieu Samphan?

1 [11.39.15]

2 A. No. I have to say, at the time Mr. Khieu Samphan and I
3 discussed that period, I think he had a memory lapse and
4 remembered having been in Phnom Penh only a month after the
5 evacuation.

6 Q. Now, you've already touched briefly on Khieu Samphan's
7 influence on economic policies, discussing his earlier work – his
8 earlier academic work as presaging the economic and social
9 policies adopted by the Khmer Rouge. What about the policy
10 concerning private property and material goods? Was this part of
11 Khieu Samphan's economic theory?

12 A. To the best of my recollection, it was not in his thesis as a
13 doctoral student in Paris. That dealt much more with autarky,
14 with self-sufficiency. The ideas about private property came
15 later, or if they – at least were not expressed in that thesis.

16 Q. In a copy of the "Revolutionary Flag" magazine of December
17 1976 to January 1977, document number E3/25, at the very
18 beginning of a speech entitled "The Shining Victories of 1976 and
19 the Clear, Bright Future of 1977", this comment is made:

20 [11.41.26]

21 "As for the various exploiting classes that were attacked and
22 overthrown, we struck them again during 1976 and further
23 annihilated them. They cannot raise their heads, whether in the
24 countryside, in the cities, in the ministries, or in the offices
25 or in the revolutionary ranks inside the Party. This attack and

55

1 annihilation was not an easy thing just done in one or two
2 fields; it was systematic, an attack on every field to dig them
3 out by the large roots and the small roots."

4 I'm not quite sure whether that reference, which is followed by
5 the comment about the private ownership regime of the feudalist
6 landowners and capitalists, is a description of the way in which
7 they would treat their enemies, or a more symbolic language used
8 for an attack on the "exploiting classes" and their economic
9 theories. Are you able to assist me with that?

10 [11.42.35]

11 A. I think the two were linked, but essentially what I would see
12 that - as the starting point at least - is that every human being
13 has within him desires for private property, desires to be
14 different from others, and that this constitutes his
15 individualism. And the Khmer Rouge wished to demolish the
16 individual, so that everybody was no longer individual but part
17 of a mass. Now, if the roots of individualism, of private
18 property, of desire for goods, starts to grow in a person, then
19 he is liable to become an enemy of the regime. So, the two go
20 together, they're different sides of the same coin. And I think
21 what "Revolutionary Flag" is talking about is precisely that.

22 Q. (Microphone not activated)

23 A. Sorry, I'm not hearing.

24 [11.44.04]

25 Q. Sorry. Sorry, President. I'm sorry, Mr. Short. The page

1 immediately after 289, you said that the case for autarky had
2 been made by Khieu Samphan in his doctoral thesis presented in
3 1959. And he defined autarky as self-conscious, autonomous
4 development. And I apologize to the interpreters, because it's
5 not going to be easy to capture these concerns. It was therefore
6 in his view an objective necessity, and to bring that about it
7 was necessary to restrict free trade and redefine the
8 relationship between the individual and the State. Again, this
9 seems to me to be a merging of theories. The way you control
10 people and the way you control economic policy. Do you agree with
11 that, or is that overstating the situation?

12 A. I think one can read that - when you talk about a change in
13 the relationship between individual and the State - or when Mr.
14 Khieu Samphan talks about that - that could simply cover
15 collectivization. It doesn't necessarily - I think one has to be
16 a little bit careful of reading into the earlier document - what
17 became a highly elaborated theory 20 years later, or 15 years
18 later. I think the thing evolved.

19 Q. Well, there were other policies as well. For example, the
20 rooting out of enemies and symbolic language was often used there
21 as well. "Digging up by the roots" and so on, and you refer to
22 that in your book.

23 [11.46.20]

24 You have studied the Chinese Communist Party, and you've already
25 touched to some degree on the CPK policies and their connections

1 or dissimilarity to the Chinese Communist Party's approach. But
2 were these economic policies and the policies towards enemies'
3 orthodox communist parties at the time?

4 A. No. And just to pick up what you said about digging out roots,
5 that was from the material from the 1970s. I was merely trying to
6 say one shouldn't read into the thesis of 1959 to exact a
7 template for what happened later.

8 [11.47.27]

9 No. On the international - different communist parties - what
10 happened, what the Khmer Rouge did, there's a lot of resemblance
11 to what other Asian communist parties, particularly the
12 Vietnamese and the Chinese, did when they were under very intense
13 pressure early on in their development. And as I said, the
14 closest resemblance was with the Chinese Communist Party when it
15 was very small, was under terrible pressure, existed in only one
16 very small part of China, in the very early thirties. And there
17 was a movement called the Sufan, which was the
18 anti-counter-revolutionary movement, when exactly the same sorts
19 of things happened as in Khmer Rouge Cambodia - Kampuchea. Where
20 the watchword was, "better to kill ten innocent than leave one
21 guilty person alive". The Vietnamese then refined it and made it
22 better to kill 100 innocent people than leave one. But, it was a
23 particular period in the development of those two parties. With
24 the Khmer Rouge, they never went beyond - I think Lenin would
25 have said it was an infantile stage of communism. It was totally

1 extreme, and whereas in China it stopped. They introduced the
2 idea of thought reform, and Mao said "heads are not like chives.
3 They don't grow again if you cut them off". Well, in Cambodia
4 they cut them off, and also starved people to death, and they
5 didn't grow again. So there's a huge difference.

6 [11.49.25]

7 Q. At page 291 of your book, ERN in English 00396498 (sic) and
8 French 00639830, you summarize, in effect – at least, I believe
9 you summarize, in effect, what you have just said.

10 "The strategy mapped out by the CPK Standing Committee in May
11 1975, however, posed an insuperable problem for even the most
12 sympathetic foreign observer. It was not so much a matter of its
13 content, even though this was far more extreme and unrelenting
14 than anything Khieu Samphan and Hou Youn had envisaged. The
15 problem lay in the way it was to be implemented – 'not irrational
16 or utopian', as a French specialist put it, just 'cruel and
17 inhuman'."

18 And you go on to say: "What Pol and his colleagues approved that
19 spring was a slave state, the first in modern times."

20 Now, do you want to reflect on that statement? Was it a flourish,
21 or is there any other comment you wish to make?

22 [11.51.00]

23 A. No, it was absolutely not a flourish. It is the essence of
24 what I believe the Khmer Rouge polity was. It was a slave state
25 in which people had no money, had no choice over their personal

1 lives, over anything they did. Over where they lived, how long
2 they worked, who they lived with, in many cases. All the tiny
3 choices which make up our everyday lives were removed, were
4 forbidden. And this is the tragedy of the Khmer Rouge regime.
5 They did it for the most excellent of motives, which was to raise
6 living standards in the countryside, to eliminate the poor so
7 that everybody had a reasonable standard of living. But the
8 methods they employed, for policies - you know, of autarky, of
9 relying on agriculture, which were not in themselves stupid.
10 These policies could be justified. But the way they did it made
11 it hell on earth, and very literally a slave state. I object very
12 strongly to the use of the term genocide, because for me it's a
13 complete misuse of words, but a slave state - yes-

14 [11.52.32]

15 Q. Well, perhaps I'll just interrupt you, because genocide is a
16 legal label, though it is used very broadly in the community. But
17 it's not something in this particular part of the Trial that we
18 are considering, so you don't need to comment on that. That is
19 really for the Judges.

20 I want to start now, in the few minutes we have left before the
21 lunch break, to look at the roles of Khieu Samphan and Nuon Chea
22 in the CPK from 1975 until the fall of Phnom Penh in 1979. And I
23 just want to put a context around this from the statute.

24 Are you familiar with the statute of the Communist Party of
25 Kampuchea - the one adopted in 1975 with the document number

1 E3/130?

2 A. I can't see it on my screen, but I imagine I surely am, yes.

3 Q. Let me just run through the structure as set out in that
4 statute. The general conference was to be – which was an
5 organization of the Party – was to have the highest power-rights
6 throughout the country and was to represent the entire country.

7 [11.54.06]

8 The Standing Committee of the Party was to call a general
9 conference every four years, although it could meet more
10 frequently. Are you aware if the general conference met more
11 often than the one time when it met in the first year of its
12 operations?

13 A. Yes. You are using the term general conference. I would have
14 said party congress. I think they are identical. And there were,
15 I think three congresses – if I might just consult. Yes, the
16 Third Congress in '71, Fourth Congress in '76, and Fifth Congress
17 in '78 – so two congresses after '75.

18 Q. Now, between meetings of the party congress or the general
19 conference, the Central Committee was said to be the highest
20 operational unit throughout the country, and it had ideological
21 and organizational functions, including "implement the Party
22 political line and the statute throughout the country". It was
23 obliged to instruct all zones, sector, and city and Party
24 organizations in political and organizational principles and
25 stances concerning the tasks of national defence and building of

61

1 Democratic Kampuchea. It was also to govern and organize cadre
2 and Party members through the whole Party. And under Article 8 -
3 I quote:

4 [11.56.02]

5 "Any sector or unit which has special characteristics, be they
6 political, military, economic, or cultural/social affairs
7 related, may be organized separately with the Central Committee
8 being responsible directly or indirectly along a specific
9 organizational line."

10 Now, bearing in mind that separate approach that the Central
11 Committee has established - how familiar are you with the lines
12 of communication and the structures around the Central Committee
13 and Office S-21?

14 A. What you have just read out - from the statutes, is a very
15 fine theoretical construct which had no reality. It didn't exist.
16 And that was also true of the parliament - the National Assembly.
17 The only unit which mattered on a day-to-day basis was the
18 Standing Committee and - you mentioned S-21 - the Security
19 Committee, which was a much smaller group.

20 [11.57.24]

21 Both of these had very few members. Increasingly, as time went
22 on, decisions were made by Pol Pot and Nuon Chea, rather than
23 even the full Standing Committee. But the Central Committee would
24 meet - I think it met three times between 1975 and 1979. They
25 were partly work conferences, partly conferences to absorb the

1 decisions which the Standing Committee had already reached. And
2 S-21 was not under the Standing Committee, and certainly not
3 under the Central Committee. It was under the Security Committee
4 composed on Son Sen, Pol Pot, and Nuon Chea.

5 Q. And Khieu Samphan had been member of the Standing Committee of
6 the Communist Party of Kampuchea for some years prior to the fall
7 of 1975. What about Khieu Samphan?

8 A. Nuon Chea had been a member of the Standing Committee since
9 the 1960s.

10 Q. I'm talking about the Central Committee. Sorry, did I confuse
11 the two? The Central Committee.

12 A. Khieu Samphan had become an associate or an alternate - in
13 other words, a non-voting member of the Central Committee - in
14 1973, if my memory serves. He became a full member after 1975,
15 which meant he had a vote in the Central Committee. But, as I
16 say, the Central Committee was an echo chamber. It was a body
17 which would give formal shape to what had already been decided by
18 the Standing Committee?

19 MR. PRESIDENT:

20 Thank you, Judge, and thank you, Expert.

21 The time is now appropriate for lunch adjournment. The Chamber
22 will adjourn for lunch and resume at 1.30 this afternoon.

23 [11.59.51]

24 Court officer is now instructed to arrange the place and lunch
25 for the expert during the break, and invite him back to this

1 courtroom before 1.30 this afternoon.

2 Security guards are instructed to bring Mr. Khieu Samphan down to
3 the holding cell downstairs, and have him back in this courtroom
4 this afternoon before 1.30.

5 The Court is now adjourned.

6 (Court recesses from 1200H to 1330H)

7 MR. PRESIDENT:

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

9 Once again, the floor is given to Judge Cartwright to continue
10 putting questions to this expert. You may proceed.

11 BY JUDGE CARTWRIGHT:

12 Thank you, President.

13 Q. While the Central Committee was established by statute, the
14 Standing Committee was, in fact, not. Is that your understanding
15 of the situation?

16 MR. SHORT:

17 A. The Standing Committee, I'm sure, had a statute-free
18 existence; whether it is referred to in the statutes you just
19 quoted, the 1975 statutes, I'm not sure, but the Standing
20 Committee certainly existed from a very early stage of the CPK.

21 [13.31.43]

22 After the 1963 Congress, after the 1960 Congress, since that time
23 there has always been a central body, a very small central body,
24 which determined policy.

25 Q. And after April 1975 and the establishment of the - the new

1 version of the Standing Committee, who was the chair or president
2 of it?

3 A. The Secretary of the Standing Committee has - had been Pol
4 Pot, Saloth Sar, since 1963. He later became Secretary of the
5 Party. There is a distinction between being head of the Standing
6 Committee and head of the whole Party.

7 Nuon Chea was, again from 1963, the number two, the deputy
8 secretary.

9 Q. And both were members of the Standing Committee; I'm talking
10 post-1975.

11 A. Both before and after 1975, they held the same positions. They
12 were members of the Standing Committee.

13 [13.33.10]

14 Q. In a paper that has been put before the Chamber by Craig
15 Etcheson titled "Overview of Hierarchy of Democratic Kampuchea",
16 E3/494, the author states that the Standing Committee was known
17 also as the Centre or the Organization and that it operated from
18 an office called Office 870. Do you agree with that?

19 A. I agree with it partly. The Organization, literally Angkar,
20 was the term used for the Khmer Communist Party, as a whole, by
21 its members; especially in the early period when it was in
22 clandestinity and it then became the name by which the population
23 knew the Cambodian Communist Party. 870, yes, was the code name
24 for the Standing Committee.

25 Q. In his statement to the Co-Investigating Judges, Khieu Samphan

1 says:

2 [13.34.30]

3 "In principle the Central Committee was the most important body,
4 but in practice it was the Standing Committee. We can compare
5 this to the parliament and the government in a parliamentary
6 regime. It is the government that conducts the day-to-day
7 business of the State; therefore, the Central Committee did not
8 have effective power as opposed to the Standing Committee."

9 Do you agree with that statement of Khieu Samphan?

10 A. Yes, with the one proviso that in a parliamentary system of
11 parliament controls, exercises control over government. In the
12 Khmer Rouge regime the Central Committee did not exercise control
13 over the Standing Committee.

14 Q. Are you familiar with the role and functions of the Standing
15 Committee? And I'll just ask you some questions and you can agree
16 or not.

17 First, did the Standing Committee have the power to appoint
18 senior officials to the Party, the government, and the military?
19 And did it have the power of monitoring and implementation of CPK
20 policies?

21 [13.36.03]

22 A. It had those powers, certainly; whether it exercised them in a
23 systematic way - and I'm thinking of monitoring and verifying -
24 that is a different matter.

25 Q. In the minutes of 9 October - the Standing Committee minutes

66

1 of 9 October 1975, E3/182, a meeting that both Khieu Samphan and
2 Nuon Chea are recorded as attending – it was resolved that in
3 bringing up projects, we must ask the Standing Committee's
4 opinion so it may decide and approve them. The minutes also
5 record that while all the work should not be concentrated at the
6 Standing Committee, it will monitor each section's implementation
7 of the line and receive reports from all those responsible for
8 the various aspects of government and the military.

9 Does that reflect reasonably well, subject to the caveat you just
10 gave, the functions of the Standing Committee and its particular
11 role in relation to those bodies and parts of the country such as
12 the zones and the districts under it?

13 A. Yes.

14 [13.37.45]

15 Q. The Standing Committee also required in these minutes that
16 each person who'd been given responsibility for an area of work
17 and operations – for example, Nuon Chea, Party affairs and State,
18 and Khieu Samphan, the Front, the Royal Government, and Commerce
19 – must report to the Standing Committee. Does that reflect your
20 knowledge of the relationship between the members of the Standing
21 Committee with each other?

22 A. That is quite a difficult question. I'm not trying to avoid a
23 clear answer.

24 I don't think anyone except those who were actually members of
25 the Standing Committee is in a position to say quite how they

67

1 interacted. I can't see Nuon Chea reporting to his colleagues on
2 his own work. He was at a - if you like, a higher level as deputy
3 secretary. Basically, he and Pol Pot divided responsibility for
4 all aspects of work between the two of them.

5 [13.39.07]

6 That other members would report, essentially when there was a
7 Standing Committee meeting - Khieu Samphan or the other members
8 would report at the Standing Committee, but to Pol Pot and, to
9 some extent, Nuon Chea. So it wasn't among equals; there was a
10 definite hierarchical structure.

11 Q. Returning briefly to the statute, the revolutionary army was
12 specifically referred to in the statute and was stated to be
13 under the absolute leadership monopoly of the CPK. Did it also
14 report to the Standing Committee?

15 A. Yes, commanders and the zone leaders and zone military
16 commanders would send telegrams to 870; that would be the
17 destination.

18 Q. The other branch of government, as the western democratic
19 understands it to be, is the judiciary. There was no mention of a
20 judiciary in this statute that we've been discussing, but in a
21 press release issued by the People's Representative Assembly on
22 the 14th of April 1975 - E3/262 on the final page - this was the
23 complete mention of the judiciary.

24 [13.41.00]

25 "After in-depth discussion, the Assembly appointed a Judiciary

1 Committee whose president is Kang Chap."

2 And that's the end of the statement. Did you ever discuss the
3 establishment of this committee, or indeed an independent
4 judicial system or a judicial system of any description, with any
5 of your interviewees?

6 A. To the best of my recollection, no, for one reason; there was
7 no judiciary or judicial system in Cambodia, in Khmer Rouge
8 Cambodia; therefore, there seemed no point in raising it. It
9 never existed.

10 Q. Now, the various organs that I have mentioned very briefly,
11 the General Conference or People's Congress, the Central
12 Committee, the army, the judiciary, where was the real
13 organization of the work of the Democratic Kampuchean regime
14 conducted; within any of those organs, excepting the judiciary
15 which you've already mentioned?

16 [13.42.27]

17 A. The army was controlled by the defence ministry; that is, by
18 the defence minister, Son Sen, who was, in fact, not a full
19 member, but an - an alternate member of the Standing Committee.
20 There is a real problem as to whether there was any independent,
21 decision-making power within government, within what we would
22 describe as a council of ministers. A council of ministers was
23 said to have existed. People were designated as this minister or
24 that minister, but my understanding - and it can only be an
25 understanding - is that all the decision-making power resided in

69

1 the Party structure; in other words, the Standing Committee. And
2 the government - although ministries existed, some more than
3 others - basically was a transmission belt with no authority.

4 Q. Now, I want to return to Khieu Samphan and then Nuon Chea and
5 look at their roles in relation to these bodies and structures.

6 [13.43.43]

7 In - by 1975 or rather 1976, he had already been appointed to
8 some roles, formal roles, in the Democratic Kampuchean regime.
9 For example, in the minutes of the 30th of March 1976; that is,
10 of the Standing Committee, E3/12, which is titled "Decision of
11 the Central Committee Regarding a Number of Matters", he was
12 noted as appointed - as being President of the State Presidium of
13 Democratic Kampuchea. In effect, was that now the formal
14 acknowledgement of his title as Head of State?

15 A. Yes, it was.

16 Q. He was a candidate member of the Central Committee, as you
17 have indicated, but became a full member of the Central Committee
18 from 1976. Does that - is that a fair summary of your knowledge
19 of his role in the Central Committee?

20 A. Yes, his - as I understood it, his promotion to full
21 membership was in parallel to the decision to appoint him Head of
22 State.

23 [13.45.28]

24 Q. Now, he has said consistently that he was not appointed to the
25 Standing Committee, but none of the minutes of the Standing

70

1 Committee that recorded his attendance make any distinction in
2 this regard. Are you able to shed any light on his formal
3 position within the Standing Committee?

4 A. I'm not; except to say that I have never seen any document,
5 nor have I interviewed anyone who affirmed or which stated that
6 Khieu Samphan was a member of the Standing Committee. His
7 presence is absolutely certain. And in a way, it follows
8 naturally enough from the role he had earlier which was to
9 accompany the top leadership to become - to be a sort of
10 amanuenses and therefore to attend Standing Committee meetings
11 after 1975. But I could not say that he had the decision-making
12 role that a full member of the Standing Committee would have.
13 I don't think he was a full member. And the reason, he was after
14 all, an intellectual. He - his path into the Party was not the
15 path taken by the former Issarak war lords, who became the zone
16 commanders, and it was not the path taken by Pol Pot and Ieng
17 Sary and Nuon Chea, the - the guiding core of the Standing
18 Committee. So that he had this, I won't say peripheral role, but
19 a different kind of role is understandable.

20 [13.47.30]

21 Q. I want to look at what he says of his roles during the period
22 we're concerned with and going back to his monograph, E318 -
23 E3/18, he says - English; 00103749, Khmer; 00103837, and French;
24 00595426 - that neither he, Hu Nim, or Hou Youn led any forces.
25 He says - and I quote: "We were only the figureheads of the Khmer

1 Rouge movement and had no role in the movement's leadership or in
2 key decisions."

3 When you discussed – when you interviewed him, did you – did you
4 talk to him about what he perceived his role as and what the
5 membership or at least the attendants at the Standing Committee
6 and membership of the Central Committee might indicate to the
7 contrary?

8 A. I have no recollection of – of having discussed with him
9 specifically the question of attending – attendance at Standing
10 Committee meetings.

11 [13.49.07]

12 I mean, certainly he said he was not a member. He used, to me,
13 terms very similar to those you have just mentioned; that they
14 were, indeed, the three of them, Hu Nim, Hou Youn, and Khieu
15 Samphan, figureheads. I think it's absolutely true that none of
16 them had any military command responsibilities; their role in
17 decision-making, likewise.

18 There is a question a little bit later on, which perhaps you will
19 come to, as to what his role in – in the general office of the
20 Standing Committee was, but again, we're not talking about a
21 decision-making role. We would be talking about an executive
22 role.

23 Q. Well, I presume you're referring to his position within the
24 Organization Office 870 and – and he says in that same monograph:
25 "I was responsible for relations with the Prince and his wife and

1 for establishing a price scale for products from the cooperatives
2 and other economic units."

3 [13.50.26]

4 He was also responsible for implementing the Permanent
5 Committee's decisions, and from that time for Standing Committee,
6 regarding the distribution of products collected in Phnom Penh to
7 different zones and regions and working with the department of
8 foreign trade to ensure the importation of specific goods. This
9 tends to suggest that he had a very narrow area of responsibility
10 and that membership of the Central Committee and at least
11 attendance at many of the Standing Committee meetings was of no
12 significance in regard to his particular role. Do you agree or
13 not?

14 A. I don't agree with the words "of no significance". The very
15 fact of attending Standing Committee meetings is itself
16 significant. Because there's a very small group of people and if
17 you were there during their discussions that gave you a certain
18 power, not necessarily the power to influence those decisions,
19 but at least you were among a very, very small group which knew
20 what was going on.

21 And I didn't - when I referred to the general office, I did not
22 mean 870, which is the same as the Standing Committee.

23 [13.51.57]

24 There was a general office headed initially by Doeun, and in
25 which Khieu Samphan later played a role, which was, if you like,

1 the executive arm of 870 and there I think he - well, as I say,
2 he had an executive role, but to what extent it may or may not
3 have been decision-making is very, very difficult to say.

4 Q. I want to take you to a selection of the surviving minutes of
5 the Standing Committee and just very briefly summarize the topics
6 that were discussed at each of these meetings and each record
7 that both Khieu Samphan and Nuon Chea attended.

8 I'm going to deal first with the minutes of the 8th of March
9 1976, E3/231, concerning propaganda, so that was the topic
10 discussed at that meeting, a further meeting on the same day,
11 E3/232, on base work. And during that meeting, Khieu Samphan
12 reported on issues around the election and methods of propaganda
13 and education.

14 [13.53.30]

15 Eleventh of March 1976, E3/197, again, attended by both Nuon Chea
16 and Khieu Samphan, when Prince Sihanouk's resignation was
17 discussed and Khieu Samphan reported on the Prince's views. At
18 that time, there was a direction by the comrade secretary or Pol
19 Pot that Prince Sihanouk was not to leave the country. He was to
20 be kept as a dignitary, but that he should not be killed.

21 A further meeting on the same day, 11th of March, E3/217, where
22 there was a discussion of the resolution of border conflicts and
23 of the approach if Vietnam committed aggression against
24 Democratic Kampuchea on the eastern border. Discussing both
25 defence and attack on Vietnam as political measures and also

1 discussing on-going negotiations over the border.

2 Thirteenth of March, 3/234, again, both were present, and that
3 was a discussion of commerce and contacts with China and the
4 forming of a delegation seeking to make purchases from China.

5 [13.55.00]

6 Now, all of those meetings indicate that a very wide range of
7 military, economic, diplomatic, political matters were discussed
8 and that both - as both Nuon Chea and Khieu Samphan were present,
9 do you have anything to say about the level of knowledge and
10 engagement that both might have had, or particularly knowledge,
11 that both might have had about the on-going conduct of the
12 affairs of Democratic Kampuchea?

13 A. I would repeat what I said a little earlier; that is, that the
14 very fact of being at the Standing Committee gave knowledge which
15 was extraordinary because so few people had it. What we don't
16 know is what input Khieu Samphan had at those meetings on these
17 individual issues. The minutes of the meeting on base work on the
18 8th of March 1976, it says that Comrade Hem, Khieu Samphan,
19 reported on, as you said, education and propaganda and indeed
20 methods of election. I think that was certainly one of his
21 fields; education and propaganda generally, not just in relation
22 to the elections. And there are quite well-attested evidence or
23 witnesses who have described being at seminars, long seminars, at
24 the Olympic Stadium and elsewhere in which Khieu Samphan gave
25 them ideological training guidance, so that, I think, was one of

1 his fields.

2 [13.56.56]

3 The military questions, the whole problem of border incursions
4 with Vietnam, I – again, I have absolutely no evidence that he
5 had an important role in that. He was there. He listened. He had
6 knowledge, but I doubt very much that he had a great deal to say.
7 It might just be worth mentioning that, insofar as I've had any
8 evidence of how the Standing Committee worked, Pol Pot would
9 chair the meetings. He would ask people's opinions on key issues
10 and then, at the end, he would set out the policy, which he had
11 from the start wanted to follow, incorporating some of the
12 remarks that had been made around the table. That was his *modus*
13 *operandi*. And I think the key thing is that he would incorporate
14 others' remarks, but the policy that emerged was that which he
15 had essentially decided himself before the meeting even began.

16 Q. There was another meeting, but this time of the Central
17 Committee on the 30th of March 1976. No record – we have no
18 record of who attended that meeting. It has the document number
19 E3/12.

20 [13.58.26]

21 At that time, however, Khieu Samphan was either a candidate
22 member of the Central Committee or a full-rights member,
23 according to your testimony, and of course Nuon Chea was a full
24 member of the Central Committee.

25 Now, this was the occasion when the now familiar right to smash

1 inside and outside the ranks was formulated. Among the bodies
2 entitled to smash were the Zone Standing Committees and the
3 Central Office Committee of which both he and – both Khieu
4 Samphan and Nuon Chea were members, the Standing Committee and
5 general staff. Now, do you think it's possible that either man
6 was unfamiliar with those decisions made – recorded at that
7 meeting on that occasion?

8 A. I'm sure they were both familiar with that – that decision. I
9 – I'm not at all sure, in fact I doubt that although it says
10 "decision of the Central Committee" , I don't think there was a
11 Central Committee meeting which took that decision. That
12 terminology could equally apply to a decision issued by the
13 Standing Committee. But I'm quite sure that both Mr. Khieu
14 Samphan and certainly Mr. Nuon Chea were very well aware of what
15 was in this document.

16 [14.00.09]

17 Q. Khieu Samphan and Nuon Chea's relationship outside of these
18 meetings, are you able to comment at all on that? Did they – are
19 you – are you aware of whether they respected each other, worked
20 together; do you have any comments?

21 A. I think all I can say is there is evidence that Pol Pot
22 thought highly of Khieu Samphan and I can't remember the exact
23 document of speech, but he was one of those – I think perhaps
24 Nuon Chea was the other – who – whom he singled out and it was
25 something he very rarely did.

1 The relationship between Khieu Samphan and Nuon Chea, I have no
2 privileged information on at all.

3 Q. According to Etcheson, there were offices that operated under
4 Office 870 or with the – the prefix K and Pol Pot was said to
5 live and work at K-1 and Nuon Chea and Khieu Samphan both lived
6 at K-3. Does that accord with your knowledge?

7 [14.01.34]

8 A. Not entirely, no. Pol Pot had three main residences, at least
9 that I know of, in Phnom Penh. And the one in which they lived –
10 and Khieu Samphan was there; Vorn Vet was there; Nuon Chea was
11 there – was in the so-called bank buildings at the four arms of
12 the river. That became the main, permanent headquarters. There
13 was another one which is that whole block where Lucky Supermarket
14 now is. That was another – another residence and there was a
15 third residence further out.

16 Q. But are you saying that all these – all these well-known names
17 from Pol Pot through Vorn Vet, Khieu Samphan, and Nuon Chea all
18 operated working and living together very much in company with
19 each other?

20 A. Yes.

21 [14.02.47]

22 Q. Now, I want to turn to Nuon Chea, who has, himself, confirmed
23 his lengthy involvement with the Communist Party of its – of
24 Kampuchea and its predecessors, and also, that since 1960, he was
25 appointed Deputy Secretary of the Party, a position that

1 continued through the DK era. That complies with your knowledge;
2 does it?

3 A. Absolutely.

4 Q. His responsibilities as Deputy Secretary, you've already
5 touched on those to some degree. He was, if I may summarize, very
6 much alongside Pol Pot or immediately beneath him. Is that a fair
7 summary or is it overstating the position?

8 A. I think it's a fair summary. It's very difficult to grasp that
9 exact relationship between Pol Pot and Nuon Chea. I remember
10 suggesting to some former Khmer Rouge officials that Nuon Chea
11 was the manager and Pol Pot was the – if you like the, you know,
12 the – the director, and they said no, it wasn't that clear cut.
13 It was perhaps closer to an alter ego.

14 [14.04.21]

15 They occupied – they both took an interest in and responsibility
16 for the same things in many cases. So, it was difficult, very
17 difficult, to know where the influence of one or the influence of
18 the other started and ended.

19 Q. And we've – we know that he has deputized for Pol Pot on
20 occasions, but it's a little unclear about whether – due to Nuon
21 Chea's own statements on this topic, as to whether, in fact, he
22 was acting prime minister at some stage as alleged in the Closing
23 Order, in paragraph 888. Do you have any knowledge about that?

24 A. This is something I dealt with in my book. It – no, I don't
25 think he was acting prime minister. I think this was something

1 which had been agreed between the two of them basically to throw
2 sand in the eyes of the Vietnamese who misinterpreted it as the
3 eclipse of Pol Pot and Ieng Sary and were very happy about that.
4 And in fact no, the leadership remained united and Pol Pot,
5 although it was announced that he had stepped down as prime
6 minister, no such thing happened.

7 [14.05.58]

8 Q. Now, with his roles as Deputy Secretary of the Party,
9 membership of the Central Committee and also of the Standing
10 Committee and deputizing roles in those committees, does that
11 structure align with your knowledge of other communist parties;
12 for example, China and Russia, that you have studied? This
13 blending of different roles and no clear distinction between,
14 shall we say, the legislative branch and the executive branch,
15 dismissing the judicial branch of course. What – what do you have
16 to say about that? Was it a common way to run a communist party
17 then?

18 A. Yes and no – no in the sense that the Democratic Kampuchea
19 regime, the CPK, was really sui generis. It was of its own kind
20 and unlike any others.

21 [14.07.22]

22 That said, all communist parties, all communist systems have
23 ultimate decision-making by the Party, by the Central Committee,
24 or the Politburo. But more usually the way they do it is to have
25 what is called a Party fraction in the leadership of the ministry

1 and through the Party fraction, the Central Committee
2 instructions are then conveyed to the elements of government. So
3 there is a much more defined structure and system for the Party
4 to convey its - its orders.

5 In Democratic Kampuchea that - it was not that systematized and
6 the blending of roles, particularly between Nuon Chea and Pol
7 Pot, I can think of no - no equivalent, really, in any other
8 communist party.

9 Q. Do you think that this was the result of what you described
10 earlier today as the stage that the Communist Party of Kampuchea
11 was at; that is, the infant stage, the un-evolved stage or do you
12 think it was deliberate, for example, to keep a veil over their
13 activities? Is there any - anything from your research that you
14 can assist me with there?

15 A. I think the first reason that it was a communist party at the
16 very early stage of its development probably was a factor.

17 [14.09.05]

18 I don't think it was deliberately - I don't think it was part of
19 the secrecy element and I suspect if the Communist Party of
20 Kampuchea had remained in power for longer, then it would
21 gradually have become more structured. There are certain signs -
22 sorry, signs that that was happening.

23 Beyond that - sorry, you - there was a third question which I've
24 now forgotten.

25 Q. Nuon Chea has always denied having any formal role in relation

81

1 to the military affairs of Democratic Kampuchea. I just want to
2 know what your view of that is. Do you have any knowledge of his
3 involvement, direct involvement, in decisions relating to the
4 military, outside those Standing Committee minutes where military
5 matters were discussed?

6 A. No, I don't. He did - he did have some military
7 decision-making role much, much later on in the middle 1990s when
8 they were fighting a guerrilla war still and it was very - there
9 were very much localized commands in different - different parts
10 of the guerrilla areas, but in the period 1975 to 1979; no, I
11 don't think he had a military role.

12 [14.10.53]

13 Q. There is one report of a Standing Committee meeting convened
14 on the 26th of March 1976, E3/218, which has the heading
15 "National Defence", indicating the subject matter of the meeting,
16 and I have raised this previously with another expert. In that
17 particular Standing Committee meeting was chaired by Nuon Chea as
18 Deputy Secretary. There is no confirmation that Pol Pot was there
19 at all. And there is a lengthy report by Comrade Ya concerning
20 military policy, the military situation, vis-à-vis Vietnam. And
21 towards the end, the opinions and instructions from Comrade
22 Deputy-Secretary are set out in reasonable detail. What - how do
23 you - how do you characterize that degree of involvement in
24 discussion or direction with relation to military affairs?

25 A. Well, Comrade Ya was Ney Sarann who was a zone leader and

1 therefore not directly a military leader, so it was within the
2 Party that this discussion took place, not – not from Nuon Chea
3 directly to military commanders.

4 [14.12.42]

5 And I missed the date, but if Pol Pot were not there, I would
6 imagine it's because he was out of the country. He did make a
7 number of unpublicized visits to China and there was one in '76;
8 if it was at that time that would explain why Nuon Chea would be
9 chairing the meeting.

10 Q. This was the 26th of March 1976.

11 A. Let me just look. I – forgive me, but we could probably sort
12 this out. No, I have no record of a visit then I'm afraid.

13 Q. Nuon Chea, himself, in his statement to the Co-Investigating
14 Judges on the 19th of September 2007, E3/54, described his role
15 in the Democratic Kampuchea post-1975 like this:

16 [14.14.11]

17 "As for myself, after the liberation, I was in the legislative
18 body, so I was not involved with the executive. Besides the
19 Party, there was a Military Committee of the Party whose chairman
20 was Pol Pot, with Son Sen and Ta Mok as deputies, and So Phim and
21 Ke Pauk as members, so I was not in the Military Committee. I was
22 Deputy-Secretary of the Party and President of the Assembly.
23 Besides that, I was in charge of educating cadre and Party
24 members, so I was not involved in anything relating to these
25 charges."

1 These are the charges that the Co-Investigating Judge had just
2 announced to him.

3 "At that time, the military were the strongest group because they
4 were the ones who defeated Lon Nol. As for the politicians, they
5 were not strong. They received less esteem."

6 Do you think that that is a fair summary of his influence within
7 the Democratic Kampuchean regime; namely, that his influence was
8 less than those who had direct involvement with military orders
9 and organization?

10 A. No, I think that is not true. It's - it's a mixture of
11 elements which are undoubtedly true. He was not part of the
12 Military Committee and extrapolations which I certainly would not
13 agree with. To pretend that the military had power in Democratic
14 Kampuchea and that the politicians; in other words, the Party
15 leaders, did not, is to turn truth on its head.

16 [14.16.24]

17 The Party needed the support of the military, but as I think you
18 read out in one of the documents we've just heard, the army was
19 absolutely subordinated to the Party. And it was the Party which
20 took the decisions which the military implemented.

21 It relied - there was a disconnect in the sense that the military
22 leaders - the main military leaders like Ta Mok and Ke Pauk had
23 come up from the Issarak tradition; whereas, the Party leadership
24 was from Paris, the former students, and in the case of Nuon
25 Chea, from Thailand. So there were different groups which Pol Pot

1 tried to bring together and reconcile, but the final word was
2 with the Party.

3 Q. This isn't a very critical point, but speaking before the
4 Trial Chamber, some months ago now, Nuon Chea demurred when it
5 suggested - it was suggested to him that he was called Brother
6 Number Two during this regime. Is that a title that's been
7 developed since the regime was pushed out of Phnom Penh or was it
8 something that was current during the regime?

9 [14.18.02]

10 A. Both Pol Pot and Nuon Chea were called "Om" - "Grand Uncle".
11 Pol Pot was also known as First Brother, "Bong Ti Muoy" - "Bong
12 Ti Muoy" - and Nuon Chea, yes, was Second Brother, and Ieng Sary
13 was Third Brother, but the use of "Brother Number One", "Brother
14 Number Two", with respect to my colleagues who have used it, I
15 think, is wrong. It gives an Orwellian overtone which did not
16 exist at the time, and every family in Vietnam, in China, has a
17 first, second, third, fourth, fifth brother. That's - that's the
18 way your family members are known, so it was in no sense
19 menacing; it was just how they were described.

20 Q. I want to finish my questioning of you with a discussion of a
21 topic that you touch on from time to time through your book which
22 does not focus specifically on Nuon Chea or Khieu Samphan, but on
23 the regime, itself. And that's the question of secrecy as used in
24 the regime.

25 [14.19.25]

1 Before April 1975, you speak at page 162 of the change of name
2 from the Worker's Party to the Communist Party of Kampuchea in
3 1966 and you said: "It was kept secret from the Party rank and
4 file and from the Vietnamese."

5 Some of the comments you've made this morning and this afternoon
6 about keeping matters confidential from the Vietnamese may apply
7 here, but what about the Party rank and file. Are you able to say
8 your source for that and also why the change of name would be
9 kept secret?

10 A. The change of name was kept secret essentially from the
11 Vietnamese and the Party rank and file were not told because if
12 the Party rank and file had known, then it would have leaked out
13 to Hanoi. And the reason was that the Vietnamese have a
14 Vietnamese Worker's Party and if the Cambodians have a
15 Cambodian-Kampuchean Communist Party, in the hierarchy of Party
16 values, if you like, that indicates a superior level of
17 development, so they did not want needlessly to annoy the
18 Vietnamese on whose - on whom they still relied for many things
19 at that time.

20 [14.21.03]

21 But secrecy, yes, was an absolutely characterizing aspect of the
22 Cambodian communist leaders. Nuon Chea, in the interview in 1978,
23 which you read extracts from earlier, makes a very strong point
24 to a Danish Communist Party delegation that secrecy is the key to
25 everything. And it's partly explained - I mean there are many

1 aspects. I remember Mr. Khieu Samphan, when we talked, saying you
2 can't - you can't tell Cambodians anything. They can't keep a
3 secret for one minute, so there is an attitude and Mr. Khieu
4 Samphan was not alone in that view. There is an attitude that
5 unless things are kept secret, they will leak immediately.
6 In the 1960s, Sihanouk's police force, Prince Sihanouk's police
7 force, was very strong, very numerous, very determined to root
8 out Communist influence. Again, clandestinity was essential. And
9 you go back still further, under the French, when the Issarak
10 were active, the same - not - the same obsession with secrecy
11 occurred. So the regime throughout was characterized by secrecy,
12 and I think it has as much to do with Khmer culture as with
13 objective practical conditions.

14 Q. In this period before 1975, you describe Nuon Chea's work in
15 Phnom Penh as his "secret work"; that's at page 183 of your book.
16 And you describe him as he was in 1968 in these terms:
17 "Nuon Chea, the opaque master of the underground, undetected by
18 authorities, continued to devote himself to what was now his main
19 task, using his cover as a commercial traveller to send rifles,
20 grenades, and ammunitions to the rebels in the bush."

21 [14.23.31]

22 You also speak of how Nuon Chea managed to remain in Phnom Penh
23 for some time after other notable figures had fled to the jungle,
24 and that was in spite of crackdowns, he remained undetected. Is
25 this, again, part of the secrecy that would surround a

1 clandestine or illegal organization which is trying to take
2 power, or were there some other reasons other than those you've
3 already touched on?

4 A. I think Nuon Chea was simply very good at it. He managed to
5 remain undetected where others decided it had become too
6 dangerous and they should go to the bush - to the jungle.

7 No, it's part of the general - of modus operandi in
8 clandestinity. But it also suggests that Nuon Chea was not easily
9 ruffled; he could live under considerable stress perhaps more
10 effectively than some of the others.

11 [14.24.52]

12 Q. In this same period, another reference to secrecy, you speak
13 of the secret offices of the Communist Party of Kampuchea, and
14 you mention another more secret office known as L 71, headed by
15 Son Sen's wife, Yun Yat, produced the Party's internal monthly
16 journal "Revolutionary Flags", which appeared in two versions,
17 one with five flags on the cover destined for senior cadres, and
18 the other with a single flag for the Party rank and file.

19 So this, again, I infer, is part of the development of an illegal
20 organization, and the extension of its influence to the Party
21 rank and file, as well as a method of communication with the more
22 significant figures, pre 1975. Is that a fair inference?

23 A. Yes, L 71 was near Kampong Thom in the early seventies. And
24 again, knowledge is power. So it's quite parsimoniously
25 distributed to those who need or can be trusted with different

1 degrees of knowledge.

2 Q. After liberation, as you've already indicated, this secrecy
3 continued, and you referred to E3/196, the statement of the
4 Communist Party of Kampuchea to the Communist Workers Party of
5 Denmark in July of 1978, a speech given by Nuon Chea as Deputy
6 Secretary. And in that, he speaks about secrecy after liberation,
7 and he says:

8 [14.26.51]

9 "Since liberation, we continue a secret work because we consider
10 the strategic line to be more important than tactics. We have
11 published the names of only a few of our cadres and members. Not
12 many need to be public. During the war, all of them were secret."
13 And he goes on to say that they learned to do this from the
14 experiences of the Communist Party in Kampuchea and also gives
15 examples of the way they operated signals and flags and pictures
16 and so on.

17 So why, after liberation, was it so important to keep the names
18 of the significant people in the Party, or indeed, other members
19 of the CPK so secret?

20 [14.27.49]

21 A. Well, you are touching on a subject which - which is not
22 limited to this, and at the risk of using a shorthand term, one
23 would have to say paranoia. And there is a geographical paranoia
24 of Cambodia squeezed between big Thailand and big Vietnam. There
25 is paranoia about enemies burrowing within the Party. That, I can

1 only call it paranoia, took many different forms throughout the
2 Cambodian - the Kampuchean Communist Party regime, and I think
3 this is simply one aspect of it, put in a particularly dramatic
4 way by Nuon Chea to a friendly foreign Communist Party
5 delegation.

6 JUDGE CARTWRIGHT:

7 Well, Mr. Short, and President, that was the extent of the
8 questioning that - of the examination that I wished to make.
9 Thank you very much, Mr. Short. I think you will find there are
10 quite a few more questions because mine have been fairly narrow
11 in scope. Thank you.

12 MR. PRESIDENT:

13 I hand over to Judge Jean -Marc Lavergne. You may proceed, Judge.
14 [14.29.19]

15 QUESTIONING BY JUDGE LAVERGNE:

16 Thank you, Mr. President, and good afternoon to you, Mr. Short.

17 Q. I have a certain number of questions to put to you to add to
18 what we have already heard so far. And to begin with, I'd like to
19 ask you about one of the sources you used in writing your book,
20 "Pol Pot: History of a Nightmare".

21 In your book, you referred to a document, which you said was
22 written by In Sopheap, if you'll pardon the pronunciation. The
23 document is called, "Khieu Samphan, Enlarged and Real", [or
24 something to that effect, says the interpreter], and it is a
25 typewritten note, so it's not a published document, which may be

1 problematic.

2 This document may be one of those that is in the DC Cam holdings.

3 I don't have a copy and I'm wondering if you look at the document

4 you could authenticate it as being the one that you in fact used

5 in writing your book as one of your sources?

6 [14.31.14]

7 MR. SHORT:

8 A. Yes - sorry, I was fiddling with this - if I'm shown it I

9 probably can identify it.

10 Q. In that case, I'll ask the greffier to give the document when

11 we have the coffee break, and that way you'll have a look at it.

12 If the witness identifies the document, of course, it will be

13 made available to the parties.

14 I have other questions to ask you about sources, but before doing

15 that, I'd like to ask you about any possible link between

16 population movements and the establishment of a policy of forced

17 collectivization by the ever-increasing development of

18 cooperatives.

19 Could you tell us first, if, before the evacuation of Phnom Penh,

20 the Khmer Rouge leadership prepared a population movement policy?

21 Obviously, there were actual practices, but in what sort of

22 context did those practices develop?

23 A. It did start earlier. It started with the - ah, she can't -

24 the translator can't hear.

25 (Words in French, no interpretation)

1 [14.33.10]

2 JUDGE LAVERGNE:

3 No, it is actually better if you stay in the same language, or
4 else it can cause difficulties in the interpretation system, but
5 the start of what you were saying was not heard in the French,
6 but so if you could repeat that, it would be very useful.

7 MR. SHORT:

8 A. I apologize. I understand.

9 No, I was saying that, yes, there were movements of population
10 earlier. I think the first ones started - the first ones we
11 really know of started in 1973. Then there was the movement of
12 population out of Kratie and from Udong in 1974. There were
13 movements of population along the Vietnamese border, regrouping
14 into collectives. So it didn't start in 1975. It did start
15 earlier, but it was usually on a small scale, and in many cases,
16 for practical reasons, in the countryside, whereas in 1975 it
17 became an ideological movement.

18 BY JUDGE LAVERGNE:

19 Q. What I would like to do is read out a part of your book to see
20 if you still agree with what you wrote at the time. In French the
21 ERN is 00639773 to 74; in English, 00396446 to 47.

22 [14.34.21]

23 This is an excerpt which says that "in order to avoid
24 bombardments, entire villages were moved, evacuated and
25 transferred elsewhere. Population movements on a smaller scale

1 had already occurred in 1970, and even in Ratanakiri, from 1968,
2 but in that instance it was designed to allow people to escape
3 government controls by transferring them further within liberated
4 zones".

5 Now, you did refer to the year, 1973.

6 But going on with the excerpt: "Now they were sent to remote
7 mountain and jungle areas. Their original homes, if not already
8 destroyed, were burned down to stop them returning. Instead of
9 working individually or in small mutual aid teams, they were
10 dragooned into cooperatives of 30 or 40 families who farmed the
11 land in common. Here, too, there were precedents: in the
12 Southwest and the Special Zone, attempts had been made to
13 introduce cooperatives after the May 1972 Central Committee
14 meeting. But they had been unpopular and authorities had not
15 insisted. Now, collectivization was imposed by force throughout
16 the liberated zones." Quote, unquote.

17 [14.37.31]

18 This is the first extract I wanted to read to you. Do you still
19 agree with what you wrote in your book, and if so, could you
20 comment on why? Thank you.

21 MR. SHORT:

22 A. Yes, I certainly agree with what I wrote, but I think you -
23 there is a distinction between collectivization and population
24 movements.

25 Collectivization could occur without a village being moved. When

1 villages were burnt down and the population moved elsewhere, it
2 was usually for practical reason - practical reasons, in the CPK
3 context at that time, being - sorry - as the extract says, for
4 control.

5 We later, with the evacuation of Battambang and Phnom Penh, after
6 April of 1975, it's really a different exercise. It's not about
7 regrouping villages to collectivize them, whether on the spot or
8 elsewhere, it's about emptying the towns.

9 [14.39.04]

10 Q. When a population is moved, before or after '75, is the point
11 as well not to facilitate the establishment of cooperatives? You
12 say that you don't need to move a village to turn it into a
13 cooperative, but when people are displaced are there any other
14 options other than turning them into cooperatives?

15 A. But it wasn't always necessary to displace people in order to
16 create cooperatives. My understanding is that many - the majority
17 of cooperatives were based on the villages which were already
18 existing. There were areas, particularly along the Vietnamese
19 border, where villages were destroyed and people were moved up
20 into more remote areas, but there were many areas, the majority,
21 where the cooperatives were created on the basis of existing
22 villages.

23 You mentioned the Ratanakiri movements of population. Again, they
24 were for very practical reasons, to take supporters, of what was
25 then a nascent gorilla campaign against the government, into

1 safer areas which could be more easily defended.

2 [14.40.47]

3 So again, practical reasons, I think these were two different
4 things: collectivization and population movements.

5 JUDGE LAVERGNE:

6 I think we can come back to this issue at a later stage.

7 This may be a good moment to have a break, Mr. President.

8 MR. PRESIDENT:

9 The time is now appropriate for a short break. We shall take a
10 break until 3 p.m. when we return.

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

13 The Court is now adjourned.

14 (Court recesses from 1441H to 1501H)

15 MR. PRESIDENT:

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

17 I wish to ask the expert. Just now, there was interruption in the
18 interpretation, because we know that you are well conversed with
19 both languages, English and French. And now, the question being
20 put to you is in French. According to the information I have
21 received, you can actually respond back in French.

22 So, for this reason, I ask the interpreting team to be prepared
23 accordingly so that the proceeding of examination is going
24 smoothly.

25 MR. SHORT:

1 [Interpreted from French:] Yes, thank you, Mr. President.

2 MR. PRESIDENT:

3 So interpreters are instructed to change the channel accordingly.

4 Now question and answer will be in French.

5 [15.02.51]

6 You may proceed, Judge Jean-Marc Lavergne.

7 BY JUDGE LAVERGNE:

8 Thank you, President, and thank you, Mr. Expert, for responding

9 in French. I also gather that when you are being asked questions

10 in English that you are at liberty to revert to English.

11 Q. Let us return to the matter of the policy of collectivization

12 and the establishment of cooperatives. Is it accurate to say that

13 the policy had been developed as of May 1973, and that there had

14 been some practical considerations that had been considered

15 according to which the supply of rice had to be controlled by the

16 revolutionary forces, which would have then prevented the

17 Vietnamese forces from disturbing the production and supply of

18 rice? Is this accurate?

19 [15.03.13]

20 MR. SHORT:

21 A. Yes, I do think it is accurate. There were two reasons for

22 that. Firstly, there was an interest to organize the production

23 and supply of rice in order to prevent the Vietnamese from

24 causing disorder. But it was also to preclude any chaos later on.

25 Q. So in effect, there was an ideological consideration or

1 interest to build a pure and honest society, based on the words
2 that were used at the time. And in essence, in the eyes of the
3 leaders, private trade and private ownership were sullied or
4 dishonest undertakings. And here, I want to refer to a passage in
5 order to justify the implementation of this policy:

6 "Pol Pot would distort the reality by making sure that
7 three-fourths of the population lived in quasi-indigents. As of
8 1973, the policy of establishing cooperatives by the Khmer Rouge
9 was based on quasi-famine. The majority of Cambodians would
10 suffer from famine during the regime.

11 [15.05.52]

12 "Cooperatives, therefore, represented progress to the extent that
13 the majority of Cambodians were happy and devoted to the new
14 collective system, as Pol put it. Dissent was ipso facto, the
15 mark of a class enemy. Like many of the policies he imposed, it
16 was a case of Pol Pot, as it were, cutting the feet to fit the
17 shoes."

18 Do you confirm what I have just read out, and do you wish to
19 provide any further explanation?

20 A. I do confirm that. There is a quote that I would like to
21 share. It wasn't just a matter of cutting the feet to fit the
22 shoes, but Mey Mann, who was a student in Paris alongside Pol
23 Pot, and who was also in Cambodia during the Revolution, said
24 that "all men and all women were to only be 1 metre and 60
25 centimetres tall". It fell into the same line of thinking.

1 Everyone living under the Democratic Kampuchea regime had to fit
2 a certain mould. And there's a contradiction in that, because Pol
3 Pot knew very well that 79 per cent of people living in total
4 shortfalls wasn't true.

5 [15.08.02]

6 And for all those who didn't want to become members of the
7 Communist Party, he only accepted peasants or middle class
8 peasants, and as for the slightly richer peasants or anyone
9 belonging to any higher echelon was denied entry into the Party.
10 And he employed other methods. We're not talking about 75 per
11 cent. We're talking about a rather small minority that lived in
12 what would be considered quasi-absolute poverty.

13 Q. So those who belonged to a particular class would be certain
14 of being - of agreeing to the policies being implemented?

15 A. Exactly. And poverty was not corrupted by material goods.

16 Q. And with respect to poverty and what the Khmer Rouge
17 considered ownership and their policy of collectivization, I wish
18 now to refer to another document. This is the "Revolutionary
19 Flag", the August 1975 issue, E3/5. ERN in Khmer are the
20 following: 00357556 to 7597; in French, 00538953 to 62; and in
21 English the ERNs are 00401477 to 1497.

22 [15.10.21]

23 This is an article entitled "Cadres, Members of the Party, the
24 Population, and Revolutionary Army Must Agree with the Party to
25 Review and Assess the Situation as well as Review the Tasks

1 Required for the Great Leap Forward".

2 It refers to 1973 as the date at which the absolute democratic
3 revolution was to begin. There is mention of the collectivization
4 of land and the prohibition of private property - ownership and
5 property, return to the bartering system, and as for merchants,
6 they have been ordered to exert manual labour, like everyone
7 else.

8 And as for private ownership and property, at French ERN
9 00538961:

10 "If we look at Phnom Penh (so called private property) can be
11 powerful. In the countryside, however-"

12 "Private ownership dominates in Phnom Penh. However, we cannot
13 allow this. Property and ownership must have no power."

14 [15.12.23]

15 I believe this morning you testified that collectivization had
16 been used as a reason by Pol Pot as one pretext for the
17 evacuation of cities and of Phnom Penh. So, therefore, is what I
18 just read out something which is consistent with your analysis or
19 something that emerged later on?

20 A. I'm not entirely sure I understand. What emerged later on?

21 Q. Was the ideological reason behind the reason to evacuate the
22 cities, or did the ideological reason crop up afterwards in order
23 to justify the evacuation?

24 A. It was used beforehand, and that ideological reason was highly
25 significant, in my mind. Let's think of China, where the

1 countryside encircled cities. Whereas in the Cambodian
2 Revolution, the countryside was much purer, much cleaner, as you
3 said. However, it was a way to evacuate all of the corruption
4 that festered in the cities.

5 [15.14.05]

6 And there was a time, before 1973, when Pol Pot had come to the
7 realization that trade in small cities of the countryside and
8 small townships of the countryside was resuming and he wanted to
9 eradicate this. Therefore, it was one of the triggers of the
10 radicalization that had begun to take shape in 1973.

11 Q. And so the radicalization had begun before 1973 and did it
12 start to emerge and manifest with the abolition of currency? Was
13 the abolition of money and currency a result of that?

14 A. There were two stages. After 1973, there was a system of
15 bartering that began to prevail in the countryside; however, at
16 the time, there was not a very prevalent use of the currency used
17 during the Lon Nol regime. And that is why, at the same time, in
18 the liberated zones, the Lon Nol regime money was no longer used.
19 And Peking was requested to print revolutionary money. And in
20 1974, it had been decided that only revolutionary currency would
21 be used in Democratic Kampuchea.

22 [15.15.58]

23 Later on, after April 1975, whatever reserves remained at the
24 Central Bank was destroyed. However, they did attempt to
25 establish a system of - a very specific system of currency, and

100

1 then in 1975, there was a policy to no longer allow currency to
2 be circulated and not to use it, because as Ta Mok said, the
3 wound had not been healed, he had to stem the bleeding. That was
4 his own expression. And so therefore, it was their decision to go
5 down that path. And I believe that it is crucial turning point,
6 because at some point in time there was no longer any point of
7 return on even the most minor details. And it is a symbol of the
8 system of enslavement that I describe in my book.

9 Q. Are you certain that the decision to not - and to no longer
10 use money was only taken after the 17th of April, or had it not
11 been decided upon earlier?

12 A. I am certain, because Pech Chheang, who served after the
13 ambassador, the DK ambassador in China, talked about the
14 distribution of the currency. There were also people who
15 witnessed and who attested to the fact that, in their
16 cooperatives, they were being shown what would be the new money
17 of the revolutionary regime. So for several months on-going there
18 was a process to institute and circulate this new currency.

19 [15.18.44]

20 Q. And with respect to the development in the policy of
21 collectivization, would the establishment of cooperatives also
22 foster the elimination of the enemy? Would this also be a way of
23 determining much more easily who was in agreement or not with the
24 regime?

25 A. Yes. Was it a primary cause or was it simply collateral

101

1 damage, that spinoff from the policy of collectivization? It's
2 true. Yes, indeed, it had facilitated the task.

3 Q. I have a much broader question before moving to another topic.
4 Generally speaking, and based on what is written in your book, do
5 you still agree and stand by what you wrote in your book, or
6 there were certain passages in your book, relative to which with
7 the hindsight and wisdom of time, that you would look upon a bit
8 differently or modify?

9 A. I have reread my book. There are a few repetitions in the book
10 that I would have taken out for stylistic reasons, but there is
11 nothing that strikes me or nothing that would compel me to say,
12 why did I say that? I still stand by what I wrote and believe
13 that it is correct.

14 [15.20.36]

15 Q. Thank you.

16 Let's move into another realm concerning the rule of Mr. Khieu
17 Samphan.

18 Now, it would appear that following the fall of Prince Sihanouk,
19 as of March 1970, a letter was written by - to the Front and
20 signed by Khieu Samphan, Hou Youn, and Hu Nim.

21 You describe that the letter was supposedly written by Pol Pot,
22 who, at the time, would have resided in Peking. Can you please
23 confirm that, and possibly provide some more ample explanations?

24 A. He wasn't in Peking, he was just travelling through. When
25 Sihanouk fell out of power, he just happened to be there, Pol Pot

102

1 that is.

2 In material terms, it was impossible for such a letter to be sent
3 so quickly to (inaudible). So if you wanted a hypothesis, I
4 wasn't given any affirmation that Pol Pot had authored the
5 letter. Now, it's the only plausible possibility was that it was
6 Pol Pot, or someone from his entourage, but it was written in
7 such a skilful manner in order not to arouse any concerns or
8 cause any fears; it had all of the hallmarks of Pol Pot.

9 Q. And shortly after the sending of the letters, there was the
10 formation of the GRUNK, the Royal Government of the Union of
11 Cambodia. And Mr. Khieu Samphan is presented as the Vice Prime
12 Minister and the Commander-in Chief of the Armed Forces - the
13 Popular Armed Forces of Revolutionary Kampuchea.

14 Do you know when exactly Mr. Khieu Samphan, following the coup
15 d'état, when he - when Mr. Khieu Samphan could have met Pol Pot
16 and when could Mr. Khieu Samphan have met King Sihanouk? Do you
17 have any idea?

18 [15.23.50]

19 A. To the best of my memory, to the best of my knowledge, I
20 believe that when Pol Pot settled in Kampong Thom, that is he was
21 no longer in Ratanakiri, he moved to the central area of the
22 country, and set up a new headquarters of the Communist Party of
23 Kampuchea near Kampong Thom. Khieu Samphan and the others had
24 travelled from the Aoral Mountains, where they were based, and it
25 was only then Khieu Samphan and Pol Pot came into contact with

1 one another.

2 As for Khieu Samphan and King Sihanouk, I'll have to check and go
3 into my documents, but I do believe that they met in Peking
4 before the Prince visited the liberated zones of Cambodia. But
5 the two, Khieu Samphan and the - Prince Sihanouk, had very little
6 contact. Ieng Sary was the CPK representative in Peking, and it
7 was essentially through Ieng Sary that communications were sent.
8 And the delegation in Paris had rallied around Sihanouk after his
9 fall.

10 [15.25.25]

11 Q. Now, perhaps the defence for Khieu Samphan will provide us
12 some more specific details, but I'm not entirely sure that there
13 was a meeting in Peking between Mr. Khieu Samphan and King
14 Sihanouk before he returned in 1974. Perhaps we are mistaken, but
15 I am sure that the Khieu Samphan defence will provide us the
16 correct clarifications.

17 Now, when the GRUNK was formed, at any point in time was Mr.
18 Khieu Samphan consulted? And if you simply do not know, just
19 state so.

20 A. I don't believe that Mr. Khieu Samphan was consulted. I don't
21 believe that his personal opinion was actually elicited. I don't
22 believe this. Pol Pot was in Peking at the time. As Sihanouk was
23 there, Thiounn Mumm was there, as well as other members of the
24 Party, and it was - the discussion was restricted amongst
25 themselves.

104

1 Q. Because we're talking about essential and significant
2 decisions, when a man is appointed prime minister of a country it
3 is a landmark moment, and Prince Sihanouk would have accepted a
4 role, even if it were to serve as a bridge between the Front and
5 the Khmer Rouge. But how would that actually play out? What form
6 would that actually take?

7 [15.27.34]

8 A. This morning I told you that Mr. Khieu Samphan was devoted and
9 devoted wholeheartedly to the cause. I believe that Khieu Samphan
10 believed entirely that he would carry out his duties. As for the
11 Front and everything else, it would have played out later on.
12 Khieu Samphan was in Kampong Thom, and any communication with
13 Sihanouk would have gone through Ieng Sary, it would have gone
14 through the Chinese, but it would have gone through Ieng Sary.
15 And apparently, there was quite a bit of friction between the
16 two. Khieu Samphan's role only coalesced afterwards.

17 Q. So you're stating, if I understand correctly, Pol Pot had
18 decided to appoint Khieu Samphan to this very strategic position
19 as vice prime minister, because he knew that Khieu Samphan was a
20 loyal man, devoted to the cause, and that he would abide by his
21 decision. Is this what I am to understand?

22 A. It was not a strategic position; it was window-dressing.

23 [15.29.22]

24 Q. He held the flag, but to carry the flag carries out a
25 strategic purpose for the public. It's important to be able to

105

1 identify references that they can identify as symbols of peace
2 and unification. It's an image. It's an image that has strategic
3 interests.

4 A. Yes, on the image I agree, that had strategic importance, but
5 talking about influence and leadership, no, not at all.

6 Q. As you see it, did Khieu Samphan accept to be purely an image
7 or did he in fact want to have decision-making powers?

8 A. That's a crucial question, but the answer may not match the
9 question. I would tend to say, but this is really just an
10 assumption based on what I believe I have understood of Mr. Khieu
11 Samphan's character, that he preferred to be in a secondary
12 position rather than the one in charge, and that is why he was so
13 useful to Pol Pot and to the regime. He was somebody who was very
14 reliable, who didn't ask questions, and who acted in the required
15 way.

16 [15.31.39]

17 Q. Thank you. Thank you for those answers.

18 I'd now like to turn to another subject, because we are short of
19 time here.

20 I want to ask you about possible links between the Khmer Rouge
21 and the People's Republic of China. You are in fact an expert on
22 Pol Pot and also on the history of China. So I'd like to ask you,
23 do you remember the dates when Pol Pot first went to stay in
24 China?

25 A. It was at the end of 1965, the start of 1966. I can't give you

106

1 the precise dates from the top of my head, but he didn't stay
2 very long. We're talking about one month or six weeks. And what
3 does need to be stressed is that it was a great deal before the
4 start of the Cultural Revolution, so he had no experience of that
5 period.

6 Q. 1965–1966, that is when we can say that Vietnamese oversight,
7 so to speak, of Cambodia was still pretty strong. So to get to
8 China, he must have gone through Vietnam. Is that correct?

9 [15.33.16]

10 A. That's absolutely true. He wanted to go to China and he also
11 wanted to go to North Korea. The Vietnamese had said no, North
12 Korea is out of bounds, but they accepted to take him to China.

13 Q. Now, this may be a bit complicated, because we are talking
14 about a secret visit here, but do we know anything about the
15 people he might have met in the Chinese Communist Party?

16 Do we know who was dealing with relations with other foreign
17 Communist parties, for example?

18 A. Well, we know that he met Pech Chheang, who was a member of
19 the Chinese Political Bureau, who was the Mayor of Peking, and
20 who was removed from the picture during the Cultural Revolution.

21 It's not entirely clear if he met Kang Sheng, who was the big
22 chief when it came to all kinds of external relations. He also
23 met the foreign minister, I think, at the time. That we do know.

24 We also know that he was housed at the institute, which was
25 designed for revolutionaries from other continents, Africa, South

1 America, and so forth, but it was only an initial meeting. And I
2 rather doubt that he was manoeuvring with any kind of wide scale
3 knowledge of China.

4 [15.35.30]

5 Q. You just quoted the name of Kang Sheng, a significant name, I
6 think, in the history of China. It seems that at the time Kang
7 Sheng was in charge of relations with foreign Communist parties.
8 But can you tell us a little bit more about who Kang Sheng was
9 and why the meeting with Pol Pot could have been rather
10 important?

11 A. Kang Sheng was a member of the Standing Committee of the
12 Political Bureau. He was a very powerful man who wielded
13 considerable influence. He had been trained in the Soviet Union
14 in the 1930s. He was alongside Mao, and he did his dirty work for
15 him. He was head of the Special Services.

16 [15.36.34]

17 He was a formidable individual. If Pol Pot hadn't - didn't meet
18 Kang Sheng himself, and it's quite probable that he didn't, he
19 certainly would have met people from his entourage. And I think
20 probably that was the most significant side of the whole visit.
21 Because afterwards, in China, who was supporting Pol Pot in the
22 Cambodian Revolution? Well, it was these protégés of Kang Sheng,
23 the deputy Chinese prime minister, the people that later on were
24 called the "Gang of Four", the ultra-radicals, in other words.
25 And you can quite easily situate the start of that friendship

108

1 with the most radical elements within the Chinese regime in terms
2 of that 1965, '66 visit.

3 Q. So, Pol Pot was in Peking in 1970, that we know. Between '66
4 and '70, did Pol Pot go back to Peking?

5 A. No. From all the knowledge available, no, he didn't go abroad
6 between those two visits.

7 [15.38.16]

8 Q. In your book, there's a footnote that caught my eye. It refers
9 to information that you might have heard from the mouth of Ieng
10 Sary when you interviewed him. And apparently Ieng Sary told you
11 that in 1970, Pol Pot had frequent contacts with Kang Sheng. Can
12 you confirm that you heard - that Ieng Sary told you that, and
13 when he did, what did that make you think?

14 A. Yes, I do confirm that. There's no doubt at all that they met
15 in 1970. I heard about this as well from the Chinese side. And I
16 didn't mention this in the book, but Ieng Sary was absolutely
17 clear on the subject. I think you can probably situate it at the
18 start of 1970 in the Kang Sheng entourage.

19 Q. The footnote I'm referring to is number 200; English ERN is
20 00396704, and it's page 259 of the book - in French, ERN
21 00638714.

22 [15.39.56]

23 If we can stay with Kang Sheng one moment more, you include a
24 FBIS broadcast summary from Phnom Penh Domestic Service. It's on
25 E3/1356. The English ERN is 00167593; and in French, 00700106.

109

1 And we're looking at a broadcast concerning condolences to the
2 People's Republic of China following the death of Kang Sheng.
3 It's from the 24th of December 1975, and the Chinese Embassy at
4 this moment received Prime Minister Penn Nouth, Deputy Prime
5 Ministers, including Khieu Samphan and Ieng Sary, who go to the
6 Embassy of the People's Republic of China in Phnom Penh to
7 express their condolences on the occasion of the death of Kang
8 Sheng, Deputy Prime Minister of the Chinese Communist Party. He
9 died at the age of 77. The prime minister and deputy prime
10 ministers laid a wreath, which had the following inscription:
11 "Sincere and deepest condolences for the sad death of His
12 Excellency, Kang Sheng, a Chinese revolutionary individual of
13 exceptional quality and a companion in arms close to the
14 Cambodian people."

15 [15.42.14]

16 So one can only assume that there was a certain amount of
17 influence there.

18 In your view, because you talked to us about those who would
19 eventually become what was called the "Gang of Four"; does the
20 name Zhang Chunqiao mean something to you?

21 A. Zhang Chunqiao was deputy prime minister and probably the most
22 influential of the ultra-radicals. He had Kang Sheng's
23 protection. And the initial secret visit was made by him to
24 Democratic Kampuchea.

25 Now, you're going to ask me when, but I can't remember; it's in

110

1 my book, maybe the spring of '75 or '76, but that was the first
2 major visit by a Chinese leader. There are photographs. He went
3 to Angkor Wat with Pol Pot and Ieng Sary and the Chinese
4 delegation.

5 Zhang Chunqiao was somebody who was hugely important in the
6 connection between the two countries, and when he lost his
7 position and was arrested there was consternation in Phnom Penh.
8 [15.43.59]

9 Q. So there was an official visit with photographs and somebody
10 also reported on a secret visit, which took place after the 7th
11 of April 1975, and that was Kaing Guek Eav, Duch, who said that
12 he received confidential information from a Chinese teacher, who
13 he met in Beijing, who told him that Zhang Chunqiao had secretly
14 come after the 17th of April 1975 to Democratic Kampuchea.

15 It's document E3/441, and the English ERN is 00265559, and I'm
16 sorry to say I haven't got the Khmer ERN.

17 This information is not in fact corroborated by others, but did
18 you ever hear about this secret visit?

19 [15.45.14]

20 A. I believe that there may be a mistake here. It's very
21 difficult to date the Zhang Chunqiao visit. It was secret. Their
22 photos were not published at the time and it wasn't broadcast or
23 announced either in China or on the radio in Phnom Penh. But I
24 would situate the visit around - or in April 1976. I had a source
25 in Peking in the Chinese Party who actually told me that Zhang

111

1 Chunqiao had to get back to Peking by the end of April, and that
2 would locate the visit in the first half of April 1976.
3 There are other testimonies that are not terribly precise either.
4 At B 1, in the Foreign Ministry, for example, they prepared
5 banners, placards to welcome the dignitary, but sources say that
6 that was more at the end of 1975, but I think people are mixing
7 the date, and I believe that it was April '76.

8 Q. Well, whatever the case, he came at least once and he met a
9 certain number of important people here. Let's come back to the
10 crucial year of 1975 and the meetings that were held between the
11 Chinese leaders and those of the Khmer Rouge Revolution. Start
12 with Ieng Sary.

13 [15.47.08]

14 In your book, you told us that before he came back to Cambodia,
15 Ieng Sary went to Peking. Can you tell us if there was a
16 particular reason for him to transit through Peking and what the
17 purpose and result was?

18 A. I need to check. I don't have the answer in my mind at the
19 moment. Maybe you can give me a little bit of guidance?

20 Q. At the time, were there perhaps plans to obtain significant
21 aid, particularly military? Perhaps the assistance would not have
22 to go through Vietnam but go directly through the Kampong Som
23 Port?

24 A. That's absolutely true. But again, the calendar is somewhat
25 complicated. Ieng Sary went to Peking and then he came back with

112

1 a man called Kong Chu Un (phonetic), who was the deputy leader of
2 the International Relations Department of the Chinese Communist
3 Party, and that was about a week after the 17th of April, it was
4 the first plane to Phnom Penh from Peking. And straightaway,
5 talks got underway. And the subject – and the talks ended in
6 Peking when Pol Pot met Mao, but it was very important to have
7 detailed discussions on Chinese aid for Cambodia. But that was
8 happening in the autumn of 1975.

9 [15.49.25]

10 Q. So, you situate the meeting between Pol Pot and Mao to, as you
11 say, talk in detail about the scope of Chinese aid to Cambodia,
12 you situate this in September 1975? In my notes, I see reference
13 to a visit in May or even June '75?

14 A. June '75. You're right.

15 The meeting with Mao was to talk big philosophical and
16 ideological issues. The details were worked out with Deng
17 Xiaoping, who, at the time, was Deputy President of the Chinese
18 Party and who was going to become Mao's successor, except that he
19 too was destituted (sic) for a period.

20 Q. Other important meetings took place during this period. There
21 were meetings between Mao Zedong and Zhou Enlai, involving King
22 Sihanouk and Khieu Samphan. In August 1975, we know that Sihanouk
23 is in Peking and Khieu Samphan went as well to meet up with the
24 king and perhaps convince him to come back, but what can you tell
25 us about these meetings?

1 [15.51.17]

2 You have whetted our appetite because you have referred to
3 minutes of meetings that may have taken place and are apparently
4 held in the central archives in Beijing, but it's very hard for
5 us to have access to them, and we would have very much liked to
6 have had those documents.

7 A. It's not only incredibly difficult for you; it's pretty hard
8 for me too. I didn't really have access to those documents; I was
9 able to talk to Chinese officials who had seen the documents. The
10 conversation with Zhou Enlai – We know very little about what
11 happened at that instance. We know a little bit more about the
12 meeting that took place with Khieu Samphan, Ieng Sary, and Mao.
13 And Mao asked them to give Sihanouk and Penn Nouth decent
14 treatment and not send them off into the patty fields. And Khieu
15 Samphan promised that they would be given proper treatment and
16 all the honours that were due to them once they were back in
17 Cambodia. But there was a significant moment of hesitation before
18 Prince Sihanouk came back to Cambodia.

19 [15.53.01]

20 Q. So can you say that among the Chinese leadership there was a
21 whole current of opinion in favour of moderation and trying to
22 push that idea with the Khmer Rouge leaders. And on the other
23 side those who were more ultra-Maoist and in favour of the way
24 the Revolution was being put into effect by the Khmer Rouge.

25 A. That's absolutely true, Zhou Enlai himself was worried about

114

1 what was going to happen in Cambodia. And who said - who told
2 Khieu Samphan that they should absolutely not emulate the great
3 leap forward in China. They couldn't say it in so many words but
4 he had understood that it was a major disaster and he was arguing
5 in favour of moderation without success of course. It was a time
6 when the Khmer Rouge were steeped in hubris and arrogance. They
7 had won a victory and they didn't want to listen to the voices of
8 moderation. When Mao met Pol Pot the meeting was highly
9 instructive. He made all kinds of references, underwriting his
10 speech, to say, "Open up, don't stay too rigid. You're going to
11 put your own revolution into effect, but this can't be done in
12 isolation." So I think Mao was very impressed what the Khmer
13 Rouge had achieved but he too was worried and disturbed.

14 [15.55.11]

15 Q. Can we say that, as these leaders saw it, the fact that King
16 Sihanouk was back in Phnom Penh could have lent a little
17 moderation to the Revolution. Do you see that as having been one
18 of the hopes of the Chinese leaders in an attempt to calm things
19 down, and that was why they were asking Sihanouk to be brought
20 back with all due dignity and respect?

21 A. It's a difficult question. I'm not sure we know what they were
22 thinking. I think the Chinese leaders were too lucid to think
23 that Sihanouk could have had a big influence on the behaviour of
24 the Khmer Rouge. But the very fact that he was in Phnom Penh,
25 that he was Head of State, did give a slightly different image to

1 the regime. The Chinese are very practical people; I don't think
2 that they would have believed that there could have been a real
3 change in the regime's policy due to the presence of Sihanouk.
4 [15.56.32]

5 Q. At that time we heard much talk of independence, sovereignty
6 and self-reliance. And it seems that the Khmer Rouge leaders
7 wanted to defend their own independence in an extremely resolute
8 way. Now can we talk about independence being defended including
9 vis-à-vis the Chinese?

10 A. Yes. They didn't want to be the tools of the Chinese. It was a
11 much smaller problem then vis-à-vis the Vietnamese, but they
12 wanted their own proper existence alongside the Chinese. But they
13 didn't want to be the creatures of the Chinese. But can I come
14 back a little bit to the matter of the Prince. Another reason
15 without any doubt why China wanted Sihanouk to return was that if
16 he stayed outside of the Khmer Rouge he would have had much less
17 opportunity to play a significant role at a later stage. So he
18 had to be implicated in the political system if he was going to
19 retain his hopes for the future.

20 Q. It seems as if that assistance provided by China was
21 significant. I don't know if you can talk about unconditional,
22 because there were ups and downs in this relationship between
23 China and Democratic Kampuchea, but nevertheless there was
24 technical assistance, military assistance, economic aide
25 including to develop a banking system so that products could be

116

1 exported. But at any particular time was a request for food aid
2 from the Khmer Rouge leadership in the direction of China.

3 [15.59.02]

4 A. Not to my knowledge.

5 Q. Let's move to another personality who may have played a
6 significant role. I'm talking about a gentleman called Chen
7 Yonggui who was also known as the leader of the Tachai commune
8 and brigade.

9 Earlier I made mention of Pol Pot's visit in 1976 in China where
10 you were working. And it would appear that Pol Pot met with that
11 personality and began cultivating relations. Can you please tell
12 us some more about that?

13 A. Yes, Chen Yonggui was a model peasant. He received great
14 assistance from the Chinese State in order to build his commune
15 and showcase it as the model commune. It was all fiction but it
16 was the case and he was allied with radicals of the extreme left
17 such as Chunqiao. And there was a 15-day visit to Cambodia and he
18 spoke effusively of the regime at the time. However, it wasn't a
19 person who held any real importance, he was simply a symbol of
20 Chinese agriculture. And yes, he was cited and the relations were
21 tied, but with no real effect.

22 [16.01.16]

23 Q. In the commune of Tachai it was a model based in China but it
24 is a model that was discussed extensively during Democratic
25 Kampuchea. So what kind of role did that particular model play in

117

1 the structuring and establishment of cooperatives in Cambodia? Do
2 you have any knowledge of that and what can you tell us?

3 A. There you are entirely right. For the Cambodians the whole
4 issue was of great importance. The commune and the figure was
5 used as an example, as a successful farming, and in theory it was
6 the case but in practice no. Everything was already taking place
7 and after the arrival of Chen Yonggui nothing really changed. He
8 came he admired the landscape, he looked around, they were very
9 friendly with one another and he paid compliments.

10 [16.02.35]

11 Q. What can you tell us about how he spoke of the Cambodian
12 accomplishments?

13 A. Yes, it's precisely that. He just spoke well of it and paid
14 compliments.

15 Q. We talked about the Cultural Revolution, can you please refer
16 us to particular documents about the Cultural Revolution.

17 Was it a phenomenon that could have influenced the leaders of
18 Democratic Kampuchea and provided them guidance? And what about
19 the "Gang of Four" and the death of Mao Zedong?

20 [16.03.28]

21 A. Yes, to my knowledge there is one document that does make
22 mention of the Cultural Revolution. It is the message sent to the
23 Central Committee, from Pol Pot to the Chinese. It's a series of
24 praises for the Cultural Revolution but for the Chinese the
25 Cultural Revolution was perhaps the most wonderful phenomenon in

118

1 all of history, it was rhetoric.

2 Q. Allow me to shift to another line of questions with respect to
3 the sources you cite.

4 You talk about letters that you may have found in electronic form
5 and that have since been conveyed to all the parties. I'll simply
6 call them letters from the Vietnamese archives as this is the
7 case, they are documents that you obtained and that you believed
8 were held in the Vietnamese archives. Can you walk us through how
9 you obtained the documents? If they were original Khmer documents
10 or had they already been translated into Vietnamese? What can you
11 tell us about those documents?

12 [16.05.20]

13 A. All of those documents were obtained by an American researched
14 called Christopher Goscha who was working on his doctoral thesis
15 at the university de Paris. His thesis was on the Khmer Rouge
16 period, and the Khmer Rouge before 1975. He worked in the
17 military library of Vietnam while he was researching the subject.
18 Of the documents there are some that were translated from Khmer
19 into Vietnamese. They originate from the Communist Party of
20 Kampuchea. This is the case for - but the majority of documents,
21 rather, are Vietnamese reports. Some of them are rather lengthy
22 reports on the Cambodian situation between 1949 and 1950, and
23 '67. And of the military Vietnamese reports - or rather of the
24 Vietnamese reports, they contained citations and references to
25 Cambodian documents to which we do not have access. And so,

119

1 between the two, there's a rather interesting link. They are not
2 necessarily complete, but they do portray an interesting
3 relationship between the two parties and they certainly
4 illustrate the point of view of the Vietnamese with respect to
5 the Cambodian Communist Revolution.

6 [16.07.24]

7 Q. We can of course return to those documents if the parties so
8 wish. I have here before me two documents that are worthy of
9 interest. They are YYTLM75. It is a letter that you, sir, had
10 referred to earlier. It dates back to 1967 addressed to the
11 Chinese Communist Party and the start of the Cultural Revolution
12 and it talks about how all of the criteria in Cambodia are now
13 met for the fomenting of the proper Revolution. There's another
14 document KK76 and this is a document emanating from the Communist
15 Party of Kampuchea. I refer, however, that we do not have time to
16 go into those documents. I do have one final question on a
17 document concerning In Sopheap – the document entitled "Khieu
18 Samphan, Enlarged and Real", and my earlier question – as to
19 whether or not this is indeed the same document that you have
20 referred to in your book.

21 A. Yes, this is indeed one and the same document.

22 Q. And very briefly, Mr. Witness, can you please tell us who In
23 Sopheap is, if you recall? Did you meet the gentlemen? Did you
24 interview him? Can you please tell the Chamber anything about
25 this particular document?

120

1 [16.09.13]

2 A. In Sopheap, I'm not sure if the case still is relevant, but
3 was in Pailin. And if I'm not mistaken his brother was a
4 physician and his mother, Madam In, were all loyal partisans of
5 the Cambodian Revolution. And I did interview him several times
6 and he was the one that handed me this document. I found it very
7 interesting, namely the start of the document on the life of
8 Khieu Samphan. And I do make reference to it several times.

9 Q. So you were telling us that you received this document
10 directly from Mr. In Sopheap and you cannot authenticate what he
11 related in that particular document? Is that correct?

12 A. That is correct.

13 JUDGE LAVERGNE:

14 I believe that document can be admitted into the proceeding.
15 Mr. President, I wish to thank you very much for the time that
16 has been allocated to me for questions.
17 And I wish to thank you, Mr. Expert.

18 [16.10.37]

19 MR. PRESIDENT:

20 Thank you, Judge Lavergne, and thank you, Mr. Expert.
21 Today's proceedings have come to an end. We will adjourn today's
22 proceedings now and will resume tomorrow - that is, Tuesday the
23 7th of May 2013, commencing from 9 a.m.
24 Tomorrow we will continue to hear the testimony of the expert
25 Philip Short, who will be first questioned by the Prosecution and

121

1 followed by the Lead Co-Lawyers.

2 Mr. Short, the hearing of your testimony has not concluded, and
3 we will continue to hear your testimony tomorrow. For that reason
4 you are required to attend tomorrow's proceedings commencing from
5 9 a.m.

6 Court Officer, in collaboration with the WESU unit, please assist
7 the expert Mr. Short's return to his residence and have him
8 returned to this courtroom at 9 a.m.

9 Security guards, you are instructed to take the two Accused -
10 that is, Khieu Samphan and Nuon Chea - back to their detention
11 facility and have them returned to the courtroom tomorrow, prior
12 to 9 a.m.

13 As for Mr. Nuon Chea, please bring him to the holding cell
14 downstairs, which has been equipped with the facilities so that
15 he can follow the proceedings through remote means.

16 The Court is now adjourned.

17 (Court adjourns at 1612H)

18

19

20

21

22

23

24

25