



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

8 May 2013
Trial Day 178

Before the Judges: NIL Nonn, Presiding
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MS. GUISSÉ	French
MR. KOPPE	English
MS. MARTINEAU	French
MS. MOCH SOVANNARY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SHORT (TCE-65)	English

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 The floor will be once again given to the Prosecution to continue
6 putting questions to the expert. You may proceed.

7 QUESTIONING BY MR. ABDULHAK RESUMES:

8 Thank you, Mr. President, and good morning, Your Honours; good
9 morning, Counsel, and good morning to you, Mr. Philip Short.

10 As you will have heard, from the President's instructions
11 yesterday, these are the final stages of my examination, and
12 after approximately an hour and a half I'll be handing the floor
13 to my colleagues, representatives for the civil parties.

14 [09.04.11]

15 Q. Now, picking up where we left off yesterday, we were looking
16 at a minute of a meeting of the Standing Committee - which, for
17 the record, was E3/232 - and we looked at the reports given by
18 three sector secretaries in relation to events in their regions.
19 And you opined about the nature of those reports and other
20 reports that you've looked at.

21 Just taking one step back and looking at the attendance record,
22 and again, here you said to us yesterday that your view,
23 secretary was Pol Pot, deputy secretary was Nuon Chea, Comrade
24 Hem was Khieu Samphan. Can I ask you whether you have been able
25 to come to a view as to why Khieu Samphan's attendance was

2

1 required or appropriate at a meeting of this nature?

2 [09.05.39]

3 MR. SHORT:

4 A. Khieu Samphan was not a member of the Standing Committee, and
5 I think it's important to emphasize that. But he did attend most,
6 if not all, probably not all, but certainly the great majority of
7 Standing Committee meetings and his name is on the minutes. And
8 that is because he was in a special position. He was at the
9 centre of power, though he did not belong to that centre. And it
10 was an unusual position, but one which Pol Pot had wished.
11 And one may speculate, and I think I've said this already, that
12 Pol Pot saw Khieu Samphan as someone who might eventually take
13 over more and more leadership duties. That is speculation, but in
14 the event it never happened, and it never happened because, for
15 various reasons, but one of which was that Khieu Samphan was not
16 a leader. He was someone who was extremely useful in the - with -
17 for the leading circle, but did not, in Pol Pot's judgement, have
18 the qualities to become the leader or a senior leader.

19 [09.07.09]

20 Q. Thank you.

21 Let me ask you a little bit about reports and telegrams before we
22 come back to these issues.

23 We sent you a series of reports, and it was a representative
24 sample, it was 15 documents, and obviously in the time we have we
25 won't be able to go through them. If I can ask you first whether

3

1 you've had a chance to familiarize yourself with them?

2 A. Yes, I have read through all the documents you sent.

3 Q. Thank you.

4 Just, again, by way of eliciting your expert opinion on this
5 without necessarily looking at each of the reports. Are they
6 consistent with other materials you've looked at? This is a
7 sample. You opined yesterday that you've - or you informed us
8 that you looked at a number of reports and telegrams. Is this
9 consistent with the general manner of reporting in terms of
10 content and information being provided?

11 [09.08.38]

12 A. Yes.

13 Q. Thank you.

14 I'm going to now return to the issue of the evolution of purges
15 that you describe in your book, the events of 1976 and 1977. And
16 here again, we must go relatively quickly. So, I won't have the
17 time to read all of the relevant passages from the book, but
18 another significant event which you deal with is an explosion
19 which took place outside the Royal Palace, and then a series of
20 events which followed, beginning with the arrest of a number of
21 soldiers, leading to the arrest of Chan Chakrey, and the
22 ultimately - or rather, following him, Chhouk.

23 Can I ask you to describe for us what significance you've placed
24 on those events?

25 [09.09.51]

4

1 A. Well, to be very brief, it was another stage in the evolution
2 of what one can only call the "paranoid mindset" of the CPK
3 leadership. An event would happen, which would trigger
4 suspicions, which would go in many different directions, in this
5 case towards the Eastern Zone, towards Chan Chakrey and Chhouk,
6 and that would lead to the arrests, not only of those people, but
7 of all those connected with them in ever widening circles. And
8 that was the pattern which happened in all the zones thereafter.

9 Q. Thank you.

10 Now, just looking briefly at the matter of Chakrey, and I will
11 not deal with individual arrests, except for only one or two by
12 way of illustration of the evolution of the policy and its
13 significance. I want to take you to an extract of - from Khieu
14 Samphan's book. This is the 2007 book that we sent you a copy of
15 - or rather, we sent you a copy of Chapter 5, which we have
16 available in three languages.

17 [09.11.10]

18 If you could go to page 53 of that translation and I'll give the
19 ERNs and E number.

20 Mr. President, this is E3/16 and the relevant ERNs are Khmer,
21 00380444; French, 00643877 and following; and English, 00498272.

22 And in this - on this page, Khieu Samphan is discussing the
23 arrest of Chan Chakrey and the circumstances surrounding that
24 event, and he says the following - quote:

25 "As for Chakrey, Pol Pot had not trusted him for quite some time.

5

1 For example, at the 9 October 1975 meeting of the Standing
2 Committee, he remarked that even though his – that is, Koy
3 Thuon's – division was strong, the political education of the
4 combatants was not very profound and Chakrey himself was new, and
5 had his position because of Vietnam. We must monitor somewhat
6 closely.

7 It is my understanding that Pol Pot saying this in front of the
8 Standing Committee was responsible speech, not words of hatred
9 for Chakrey because of some matter. He was speaking as a Party
10 Secretary, who had been monitoring Chakrey for a very long time."

11 [09.12.50]

12 I'm interested, particularly, in the use of the words – that in
13 Khieu Samphan's understanding, this was responsible speech,
14 something that followed monitoring for a long time. Are you able
15 to opine on that issue of the way Chakrey was treated?

16 A. The question, and I am answering your question, but the
17 question which that phrase arises in my mind is why did Khieu
18 Samphan write it? Is it because Khieu Samphan believed that it
19 was responsible speech, in other words, that he believed that
20 there really was a plot by Chan Chakrey and others, or is it the
21 view justifying the purges that he wished to convey? Because my –
22 when I talked about these things with Ieng Sary, he basically
23 said that Pol Pot was – he didn't use the word paranoid, but
24 excessively suspicious and that most of these so called plots
25 were figments of his imagination. And I would have thought that

6

1 somebody in Khieu Samphan's position would have drawn similar
2 conclusions.

3 [09.14.28]

4 So to see him writing that, in effect, there was a justifiable
5 basis for this kind of purge, raises questions as to why he would
6 say that, why he would think it. I don't have an answer.

7 Q. I might be asking an obvious question, but would you agree or
8 disagree that it was responsible speech, this monitoring and
9 suspicion, vis à vis, Chakrey? If you're able to come to a view.

10 A. That Pol Pot was suspicious of Chakrey; I think there's no
11 doubt. Whether there was any basis for that suspicion is a
12 totally different issue. And one would have thought that somebody
13 like Khieu Samphan, as Ieng Sary, would have formed his own
14 judgement as to whether there was a basis for it.

15 But what Mr. Khieu Samphan has written, yes, does make sense,
16 because the whole of the Eastern Zone, the leadership, came under
17 suspicion because of their very close links with Vietnam, just
18 across the border, and the influence of the former Khmer Viet
19 Minh. So yes, it was responsible speech in the sense that Pol Pot
20 was genuinely suspicious of them. Was there a basis, a real basis
21 for that suspicion? That's a completely different question.

22 [09.16.03]

23 Q. I'll move on to another topic. We may revisit these types of
24 issues.

25 As we go forward in time, your book also deals with the question

7

1 of a - what I believe you describe, as a deteriorating
2 relationship with Vietnam border negotiations in relation to the
3 borders in 1976 and the Standing Committee's deliberations on the
4 issue.

5 And there's a passage here, which I think may be relevant to this
6 issue of a view of the Vietnamese as engaging in a conspiracy.

7 This is at page 356 to 357 of the book, and the ERNs are, in
8 English, 00396564; and in French, 00639922.

9 And I'm really looking at the bottom of that first page, where
10 you describe that a summit that had been planned between the two
11 countries was postponed. And then you say the following:

12 "In public, the Cambodians redoubled their protestations of
13 friendship. In private, confidence nose-dived. Even before the
14 meetings, the Standing Committee had been worrying about the
15 possibility of an assassination attempt if the summit were to
16 take place - a preposterous idea, but one which reflected the
17 paranoia that had gripped the Cambodian leadership."

18 Can I ask you to expand on your conclusion that this was, as you
19 describe it, "a preposterous idea"?

20 [09.18.07]

21 A. I may be mistaken, but I cannot think of any instance where a
22 country has invited a head of state of a neighbouring country or
23 another country to come to a summit meeting and has arranged the
24 assassination of that leader. I don't think it's ever happened,
25 and for very obvious reasons. The opprobrium that would fall on

8

1 the host's state would be such that there would be much better
2 ways of trying to deal with that kind of problem.

3 Q. Now, just by way of context, you also describe the incursions
4 in 1977 into Vietnamese territory by Cambodian troops. We won't
5 deal with that, but I just want to contextualize where we're
6 going. And this chapter, then, deals also with the way in which
7 the regime enforced its policy with respect to enemies, and in
8 particular, how it did that through S 21. We won't spend much
9 time on S 21, but I wish to read a couple of passages where you
10 describe what you – what I think you see as the mission or
11 importance of this facility or the centre.

12 [09.19.40]

13 So going to page 364 of the book to 365; the ERNs are, French,
14 00639932 and following; and English, 00396572 and following.

15 You are dealing with the 1976/1977 period, by way of context, and
16 you say:

17 "Nothing illustrated better the ghastliness of Pol's regime than
18 S 21 and its associated institutions in the provinces. Not
19 because of what they were – all totalitarian regimes torture and
20 kill their opponents – but because they represented in its purest
21 form a doctrine of extermination."

22 [09.20.46]

23 Over the page, in the upper half of the page, having looked at
24 atrocities in other countries and tragic events happening in
25 other countries where atrocities have taken place, you say the

1 following:

2 "Yet S 21 was different in ways that set it apart from all other
3 institutions of its kind. In Stalinist Russia, in Nazi Germany,
4 in countries like Argentina, Indonesia, and Iraq, the death camps
5 were monstrous aberrations, growing from the dark side of
6 societies, which in other respects appeared more or less normal
7 and where those outside the concentration camp universe enjoyed
8 certain basic freedoms.

9 Tuol Sleng was not an aberration. Instead, it was the pinnacle,
10 the distillation, the reflection in concentrated form of the
11 slave state which Pol had created."

12 And if I can start with that last part, can you tell the Court
13 why you came to the view that S 21 was the pinnacle and the
14 reflection in concentrated form of the slave state?

15 A. Because in the dystopian vision that the Communist Party of
16 Kampuchea had, freedoms were equated with individuality and were
17 suppressed throughout the country. And the place where freedoms
18 were most completely suppressed, including eventually the freedom
19 to live, was Tuol Sleng. In that sense, it was the apex of that
20 pyramid.

21 [09.22.51]

22 However, it was by no means unique. There is a very close
23 parallel with the French prisons in Algeria, and that is not a
24 matter for this tribunal, I recognize, but it is perhaps worth
25 saying that France is among the countries financing this

10

1 tribunal, supporting it. In France, not one person has been
2 brought to trial for exactly the same kinds of offenses as were
3 committed at Tuol Sleng.

4 Q. If we can come back to your view about S 21. You do say that
5 what sets apart Tuol Sleng from other similar operations in other
6 countries is that it was not an aberration, but rather, a
7 pinnacle of a state. But you also say, in the first part that I
8 read, that it, together with associated institutions in the
9 provinces, illustrated the ghastliness of the regime.

10 Can I ask you to expand on your - on this view that - or rather,
11 on the use of the term "associated institutions", what did you
12 mean by that?

13 [09.24.26]

14 A. I was referring essentially to the district prisons. And in
15 each Cambodian district there was a prison under the
16 responsibility of the district chief. And offenders - offenders;
17 those whose loyalty, reliability was judged to be doubtful, were
18 sent from the collectives, if their case were serious enough, to
19 the district prison, and again, if serious enough, they would go
20 up to S 21.

21 In most cases, those sent to S 21 were people who had some
22 responsibility under the regime. Ordinary peasants, who were
23 regarded as expendable or should be killed, were killed in situ;
24 those who needed to be interrogated were brought to S 21.

25 Q. Thank you.

11

1 Now, looking at the phenomenon of the use of confessions and the
2 development of theories as part of this policy on the part of the
3 regime, there are several very useful and interesting passages in
4 the book, and you've already hinted at one of them, and I might
5 just read it for context, so that everybody has the specific
6 paragraphs in mind.

7 [09.26.02]

8 This is at pages 359 and 360. The French - English ERNs are
9 00396567 and following; and French, 00639927 and following.

10 What you describe there is the arrests in the second half of 1976
11 of Ney Sarann and Keo Meas, and you say that they were accused of
12 conspiring to create a new Vietnamese-backed Kampuchean Workers
13 Party. And you said that, in your view, no such party ever
14 existed and Pol Pot very well knew this.

15 Over the page, I'll read this passage - quote:

16 "In the end the regime claimed to have 'documentary proof' -
17 meaning confessions extracted under torture - of no fewer than
18 six bungled attempts on Pol's life. Many years later Ieng Sary
19 admitted that none of it had been true. 'There were no coup
20 attempts,' he said. 'It was all greatly exaggerated. In Pol's
21 mind, there were serious incidents. But in fact, they were a
22 pretext - a pretext for a crackdown.'"

23 A little bit further down you say: "In simple language, moderates
24 were traitors."

25 [09.27.41]

12

1 So just to encapsulate that, is it your view that this
2 "documentary proof", as you call it in inverted commas, was
3 considered significant by the regime, was it - or was it useful,
4 or what's the appropriate way to describe it?

5 A. It was justification after the event. Angkar, the CPK, was
6 always right; it could not be mistaken. Therefore, to prove it
7 was correct, confessions had to be extorted, which would prove
8 not only - I would take that back - which would prove to high
9 level cadres, to whom, in some cases these confessions were read
10 out at study sessions, that Angkar had been correct.

11 [09.28.45]

12 There is a real question whether, and to what extent and in what
13 way the top leadership, and indeed, people like Duch, believed,
14 or had placed any credence in the confessions being extorted.
15 That, I cannot really offer an opinion on.

16 Q. And just a couple more references before we leave the issue of
17 confessions and their significance. You say at page 358 of the
18 book, or you opine, that the confessions were of little intrinsic
19 value themselves and that Pol Pot was not so foolish to put faith
20 in statements extracted under torture.

21 In the book that we've been looking, the book published by Khieu
22 Samphan, there is reference to these passages of your book, and
23 I'd like to look at them briefly.

24 So again, this is document E3/16, and there are two relevant
25 paragraphs that I'd like to read.

13

1 The first is at Khmer ERN 00380445; French, 00643878 to 9; and
2 English, 00498273, where he says the following: I think there
3 might be a misspelling here insofar as it refers to "David
4 Short". I think the reference might be to Philip Short. I want to
5 see if I can give you the exact page number. Have you been able
6 to find that particular page? Okay, it's 54 in the English
7 translation.

8 [09.30.55]

9 So there, in the upper half:

10 "I am inclined to agree with David Short that Pol Pot was not so
11 stupid as to believe documents that came from the use of torture.
12 But Philip Short seems to have over spoken somewhat in saying
13 that the role of Prison S 21, and the confessions it supplied,
14 was not to provide information, but was rather to provide the
15 proof of treason that the leadership needed to arrest those they
16 had already decided to arrest. According to what I understood,
17 Pol Pot's methodology on any issue was to gather maximum
18 documentation for analysis before making a decision. He had even
19 compiled a document entitled, 'Leading and Working Following the
20 3-7-8 Principle of Analysis for Training Combatants and Cadres at
21 Every Echelon'".

22 Let me stop there for a moment. Would you care to opine on that
23 description of - or characterization of your treatment of the use
24 of confessions?

25 [09.32.24]

14

1 A. I wouldn't dispute what Khieu Samphan has written. I took the
2 view that the essential purpose was to justify that Pol Pot may
3 also have been interested in the content and may have drawn bits
4 of information from the content, that is entirely possible. But I
5 would say that – two things. First of all, in the Cambodian
6 Foreign Ministry it was a rule of thumb that unless you were
7 mentioned three times in confessions, they didn't bother to
8 arrest you. And after a while there were so many interrogations
9 and confessions it became a rule of thumb that you had to be
10 denounced five times before you were under suspicion.
11 Pol, himself, speaking about Moeun, Pech Chheang's wife, said,
12 you know, even if she's denounced eight times it's not possible
13 that she's guilty, which shows at least a certain cynicism about
14 the nature of confessions.

15 Q. In your interviews with Khieu Samphan, were you able to
16 discuss with him any of these topics? For example, his knowledge
17 of the use or the methodologies that, according to him, Pol Pot
18 used in investigating cadres.

19 A. The only point in what he has written here, which I can
20 confirm we discussed and which ties in with this, is Pol Pot's
21 obtaining maximum information; therefore, he announced his
22 decision. That was apparently his method, yeah.

23 [09.34.26]

24 Q. And turning to the second paragraph that I wanted to read –
25 this is at Khmer ERN 00380453 to 55; French, 00643882 to 3; and

15

1 00498277 to 8 for English.

2 And here again, under number three, I'm going to try and give you
3 a specific page in English, at 58, the bottom of 58 of the
4 English translation – quote:

5 "Because of the clear interference of the Vietnamese that I have
6 repeatedly described above, I wish to take this opportunity to
7 make an observation. The evidence Philip Short provided, about
8 the Vietnamese having created the Khmer Rumdos Movement, together
9 with the evidence that other researchers have discovered, makes
10 it clear that all of Pol Pot's monitoring, following his 3-7-8
11 Principle of Chakrey, Chhouk, Ya, and the other cadres who had
12 cooperated with the Viet Minh, was correct.

13 [09.35.49]

14 Thus, Philip Short was incorrect when he wrote, "The role of
15 Prison S 21 and the confessions was not primarily to provide
16 information, but rather, to provide the "proof" of treason that
17 they needed to arrest anyone they had already decided to arrest."

18 The policy of independence from Vietnam required the
19 implementation of absolute policies inside the country."

20 Now, we've looked – we looked yesterday, briefly, at the issue of
21 Khmer Rumdos, and you gave us your opinion about the extent to
22 which that could be taken as evidence of Vietnamese interference.
23 Looking at the commentary here by Khieu Samphan, do you agree or
24 disagree with his conclusions that the evidence you've unearthed,
25 essentially, has provided justification for Pol Pot's monitoring

16

1 and arrests of these people?

2 [09.36.53]

3 A. This is the classic Khmer Rouge-CPK explanation, and it became
4 a self-fulfilling prophecy. If you are convinced that the
5 Vietnamese wish you ill, then you see all kinds of reasons to
6 take measures against the Vietnamese, which in turn, the
7 Vietnamese are aware of, and it becomes enmity.

8 Now, I'm not surprised that Mr. Khieu Samphan should write as he
9 did, but I would again return to this word "paranoia", a paranoia
10 for which there were perfectly understandable historical reasons.
11 If you look back at what happened to Cambodia over the last two
12 centuries, it's understandable. But it triggered, it created, or
13 enlarged a problem which could have been dealt with differently.

14 Q. So do I understand you correctly that there was some basis for
15 apprehensiveness about the Vietnamese, but that perhaps the
16 conspiracy theory, as far as it was taken, was not justified, or
17 if you can just elaborate on that a little bit further, without
18 me putting words in your mouth?

19 [09.38.32]

20 A. I think the term, "some basis for apprehensiveness" is
21 absolutely correct. Historically, there was, and indeed, in
22 Vietnamese - then contemporary Vietnamese statements, there was a
23 basis for apprehensiveness. The Vietnamese did want Cambodia to
24 be, in a sense, subordinate, to be part of a larger entity in
25 which Vietnam would be dominant. That was a reality. The problem

17

1 was that in the way that the CPK reacted to that, instead of
2 trying to resolve the problem, it made it worse, by what I would
3 again say, was paranoia.

4 Q. And it is that paranoia, if I understand it correctly, which
5 fuelled the murder that we see on a mass scale?

6 A. It was that paranoia, which fuelled the purges, and
7 separately, I would not say mass murder, but it was the same
8 paranoia that was responsible for the determination to push the
9 country to its limits to build itself up in order to be able to
10 resist Vietnam, causing death from overwork, starvation,
11 exhaustion, and so on.

12 [09.40.15]

13 Q. In your book, you also describe a paranoia or fear that was
14 created as a result of the evolving purges and arrests. And I
15 won't be spending a lot of time on this. There's only a couple of
16 passages that are of interest.

17 At page 366; French ERN 00639935; and English, 00396574, you say
18 the following:

19 "Confessions of treason were needed for men like Ieng Sary and
20 Khieu Samphan to read out at closed Party meetings, proving that
21 Angkar had 'as many eyes as a pineapple' and that nothing could
22 escape its vigilance. The climate of fear this generated helped
23 to unmask new traitors, who were then tortured to make them
24 identify other members of their strings, the khsae or patronage
25 networks which were the basis of political activity in Cambodia.

18

1 Can I ask you first, in the research that you've conducted,
2 interviews, information that you've gathered, how prevalent was
3 this practice of people like Ieng Sary and Khieu Samphan reading
4 out confessions in closed Party meetings to prove conspiracies
5 against Angkar?

6 [09.42.04]

7 A. I know of two cases, which is why I said Khieu Samphan and
8 Ieng Sary. Whether it was much more general, I really don't know.
9 It happened.

10 Q. Can I ask you to comment further on this climate of fear,
11 because I think you comment in other parts of the book on this
12 being also a phenomenon in other parts of the country? Am I right
13 in understanding that this was a general feeling, if you like, or
14 prevailing situation in the country as a result of the purges?

15 A. Fear was a very important instrument of power, of rule for the
16 CPK, and one reason why it was necessary is that there were very
17 few on the ground. The Cambodian Communist Party's membership was
18 never more than about 14,000. Well, in a country of several
19 million, however many million it was at that time, that is a very
20 tiny group. So fear was used to instil discipline. Fear was used
21 to control the population, but above all, it was used to keep the
22 Party - to keep the faithful in line.

23 [09.43.48]

24 Q. On the issue of decisions that are made in relation to
25 arrests, and the awareness on the part of leadership in Phnom

1 Penh of such practices, both in the capital and around the
2 country, you say the following at page 371; French ERN 00639941
3 to 2; and English, 00396579.

4 You first describe some of the brutalities that took place in
5 prisons in the regions and you do indicate that some of them were
6 similar to practices even before the Khmer Rouge time, and then
7 you say the following:

8 "The leadership in Phnom Penh knew of such practices. They were
9 mentioned in telegrams to Son Sen from officials in the
10 provinces. There is no reason to think that Pol and other
11 Standing Committee members approved. But nor did they do anything
12 to stop them. The 'seething class hatred' of the peasants,
13 however hideous the forms it might take, had to be assumed and
14 embraced."

15 [09.45.07]

16 Would it be fair to augment that passage with specific reports
17 that we've looked at, or at least the ones that I've sent you,
18 where there is actual reference to arrests of enemies, insofar as
19 one discusses the issue of knowledge of leadership? So that you
20 make reference here to telegrams to Son Sen from officials, and I
21 just want to see if it's fair to augment that conclusion with
22 evidence from these other reports and other sources of
23 information flowing upwards towards the Party Centre?

24 A. I think we're talking about two different things. The reports
25 from officials to Son Sen were about superstitious practices of

1 mutilation, which – akin to witchcraft, which are very
2 traditional, which are practiced by the Issaraks and by Khmer
3 Rouge cadres in the countryside. Those, the leadership would have
4 disapproved of. The arrest of enemies, no, that absolutely
5 policy, so they would have had no problem with that at all.

6 Q. Thank you for clarifying that. It's useful – it's a useful
7 clarification.

8 [09.46.26]

9 Now, staying on this page, a little bit further down, you say the
10 following:

11 "S 21 was viewed in the same way. Neither Pol himself nor Nuon
12 Chea ever went there. But to each, it was an essential instrument
13 of the revolutionary state. Pol himself decided on the most
14 important arrests, sometimes in consultation with Khieu Samphan."

15 We've been looking at – or you've given evidence about your
16 conclusions in relation to this relationship. Can I ask you
17 whether this is relevant, whether that relationship, if you have
18 been able to come to a conclusion, whether that relationship of
19 increasing trust was a reason that Khieu Samphan, as you say, was
20 consulted in relation to the most important arrests, or is there
21 a different explanation?

22 [09.47.42]

23 A. The basis for that statement, in my book – and consultation
24 can have different meanings, I'd like to specify what was meant
25 there – was, I was told – and by a source I regarded as reliable,

21

1 reliable enough to put it in a book, whether reliable enough for
2 a court of law, is not necessarily the same thing - that at a
3 certain - during a certain period, Pol Pot used Khieu Samphan for
4 missions into the provinces, and that Khieu Samphan was sent to
5 evaluate a situation in the provinces and would report back. And
6 on the basis of that report or partly on the basis of that
7 report, no doubt with other sources, Pol Pot would then decide
8 whether or not to arrest certain people in the provinces.

9 So consultation did not mean he asked Khieu Samphan, do you think
10 we should arrest this man, it was much more a mission of
11 information. That is my understanding anyway.

12 Q. But as you understand it, the mission of information relating
13 to a potential arrest of someone who is under suspicion, if I
14 understand you correctly?

15 A. Yes, and that is very much in Khieu Samphan's role. He was
16 trusted. He was someone in whom Pol Pot had confidence to follow
17 the line that Pol Pot laid down to do what he asked.

18 [09.49.37]

19 Q. Just before we leave the issue of purges, and we will leave it
20 very shortly, I want to touch upon just one more phenomenon,
21 you've already hinted at it, and it is the issue of regional
22 purges. And you describe Ta Mok's forces being sent into a number
23 of different parts of the country and then you describe arrests
24 that follow ultimately culminating in the East Zone - in the
25 purge of the East Zone.

1 Can I ask you to sum up for us, briefly, your findings in
2 relation to this – to the procedure, the mechanism by which this
3 occurred, whereby, if I understand the book correctly, decisions
4 made at the Centre would then be implemented by these regional
5 forces?

6 A. One of Pol Pot's problems was that he never really managed to
7 unite the armed forces. They remained under different warlords,
8 and the most important of the warlords were Ke Pauk, So Phim in
9 the east, and Ta Mok. And as time passed, Pol came to rely more
10 and more on Ta Mok.

11 [09.50.59]

12 So, in the last years, the last period of the Khmer Rouge regime,
13 when a provincial leadership fell under suspicion, which meant,
14 because of the patronage networks, that very large numbers of
15 cadres in that region would be under suspicion, it was Ta Mok's
16 troops who were sent in to first of all arrest them; Ke Pauk did
17 the same thing in certain regions, to arrest them and then to
18 replace them with cadres from their own areas, which they
19 regarded as loyal.

20 Q. Thank you.

21 Now, just to look at a couple of speeches, which seem to relate
22 to the issue we're discussing, broadly speaking, and enemies and
23 their treatment.

24 In the bundle of documents we sent you is a 1977 speech given by
25 Khieu Samphan; it's an anniversary speech given on the 15th of

23

1 April 1977. The document number here is E3/201.

2 Mr. President, with your permission, I have a copy which I can
3 pass to the expert with the relevant extracts for his
4 examination.

5 [09.52.26]

6 MR. PRESIDENT:

7 You may proceed.

8 Court Officer, please bring the document from the Prosecutor to
9 the expert.

10 BY MR. ABDULHAK:

11 Thank you, Mr. President.

12 Q. So this is a transcript of that speech, in this case by -
13 entitled, "Summary of World Broadcasts", which, I understand, is
14 a BBC publication, which you are probably more familiar with than
15 we are. It's a long speech, so I'll just read one or two
16 passages, and this is on the first and second page of your hard
17 copy, Mr. Short.

18 The relevant ERNs are; Khmer, 00292803 to 805; French, 00612165
19 to 6; and English, 00419512 to 3. And I'll start on that second
20 page and see if that might suffice for our purposes, in the
21 interest of time. The second paragraph from the top - quote:

22 [09.54.01]

23 "Immediately after liberation, when we suffered untold
24 difficulties, as we had just emerged from the devastating U.S.
25 Imperialists' war, the enemy failed to cause us any serious

1 trouble. Today, the enemy certainly cannot do us any harm. This
2 is our firm belief, stemming from concrete, practical evidence.
3 However, we must carry on the task of defending our Democratic
4 Cambodia, protecting our worker-peasant administration and
5 preserving the fruits of our Cambodian revolution by resolutely
6 suppressing all categories of enemies, preventing them from
7 committing aggression, interference, or subversion against us.
8 "We must wipe out the enemy in our capacity as masters of the
9 situation, following the lines of domestic policy, foreign policy
10 and military policy of our revolutionary organization. Everything
11 must be done neatly and thoroughly. We must not become
12 absentminded, careless or forgetful because of past victories. On
13 the contrary, we must further steel ourselves, remain alert,
14 constantly maintain the spirit of revolutionary vigilance and
15 continue to suppress all stripes of enemy at all times."

16 [09.55.34]

17 It's a rather long quote, but there is a discussion here of
18 suppressing all categories of enemies, including those committing
19 interference or subversion. Does that relate to the policy that
20 we've been looking at, in terms of the regime's treatment of its
21 perceived enemies?

22 MR. SHORT:

23 A. In that kind of speech, I think you have to see it as a coded
24 warning to Vietnam. We know what you're doing, we know you're
25 trying to subvert our regime, we are vigilant, we are aware. It's

25

1 also obviously a call to vigilance within the country, but I
2 would have seen that as primarily waving a red flag to the
3 Vietnamese.

4 Q. I am going to move on now to considering another aspect of
5 your book, and more broadly, of the issues that we're interested
6 in. And I want to start by - and this really relates to the
7 functioning of the regime and of its upper echelons, to the
8 extent that you are able to assist us.

9 [09.57.29]

10 Judge Cartwright took you to two documents that emanate from the
11 Standing Committee; one being a minute of the Standing Committee,
12 and another actually being a decision of the Central Committee.
13 If I can just take you to these documents and see whether you are
14 able to assist us with some of the matters being discussed.

15 Mr. President, if I can first give the expert document E3/182;
16 this is a minute of the Standing Committee of the 9th of October
17 1975?

18 MR. PRESIDENT:

19 Yes, you may do so.

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

22 BY MR. ABDULHAK:

23 Q. Here we see an agenda, which includes a delegation of work and
24 operational processes. One office in particular that I wish to
25 discuss with you is what is described here as, under number 8 on

1 the first page that you have, and it's the beginning of a
2 document, where Comrade Doeun is assigned as the Chairman of
3 Political Office of 870.

4 [09.59.06]

5 You have touched upon the role of Doeun. If I have noted your
6 evidence correctly yesterday, I think you said that this was -
7 that the role he performed was an important one; that it was an
8 executive function, but I'll let you expand on that first for us.

9 MR. SHORT:

10 A. The political office of 870, in other countries it would be
11 called the General Office of the Central Committee, is the office
12 which gives implementation to the decisions reached by the
13 Standing Committee. It's the transmission belt, and as such,
14 obviously plays an absolutely crucial role.

15 Q. So then if we look at the second, or rather, the fourth page
16 in your English copy. This is at Khmer ERN 00019111; French,
17 00292872; and English, 00183396. There's a discussion here about
18 a delegation of work and avoiding having all work concentrated at
19 the Standing Committee level. And then I wish to look at this
20 following - this particular passage:

21 [10.00.38]

22 "The office of the Standing Committee makes contact back and
23 forth with each section. The Standing Committee monitors each
24 section's implementation of the line. The office has the task of
25 monitoring implementation."

1 Is that consistent with your understanding and the description
2 you just gave us?

3 A. Yes.

4 Q. I'll just note for the record, given that I think this might
5 suffice for present purposes, in the 30th of March decision there
6 is an establishment of a regime of weekly reporting to Office
7 870. In the part of the book that we looked at, dealing with
8 purges, you deal with the arrest of Doeun, who was a member of
9 the Central Committee, according to the book, as well as of his
10 wife. Khieu Samphan has said on the record before this Court that
11 he - that this office had as its members Doeun and himself. Do
12 you know whether a replacement was appointed for Doeun or any
13 other position within that office after his demise?

14 [10.02.22]

15 A. Whether a formal replacement was appointed is not certain.

16 There is no documentary evidence that I have seen that Mr. Khieu
17 Samphan was named as Doeun's replacement, and he has repeatedly,
18 both to me and in his 2007 book, denied that he was the head of
19 the general office. But having a formal appointment and being a
20 part of the general office, being the acting head, these are
21 different things.

22 Certainly, after Doeun's replacement, Doeun's removal, no one
23 else - the name of no one else, has ever been cited as having
24 been in charge of the general office. So, I think it is
25 reasonable to assume, and it ties in with what I was saying

1 earlier, about Khieu Samphan being sent on special missions to
2 the provinces, that Khieu Samphan certainly had an important role
3 in the general office after Doeun left.

4 Q. Thank you. Looking at the records of attendance at Standing
5 Committee meetings, and you've already told us that from the
6 minutes you've looked at, the majority of them indicate that
7 Khieu Samphan was present. And, I don't want to invite you to
8 speculate here, so if you think I'm - we're entering a realm of
9 speculation, then please refrain from answering my question. But
10 does that apparent role in Office 870 provide a rational basis
11 for an understanding, at least in part, of his presence at the
12 Standing Committee?

13 [10.04.37]

14 A. It's a question of what was cause and effect. Pol Pot trusted
15 him, found him a useful transmission belt, executor, amanuenses.
16 Was it because of that that he was in the general office of 870
17 and he attended Standing Committee meetings, or did he attend
18 Standing Committee meetings because he was in the general office?
19 I think the two go hand in hand, and it's difficult to say which
20 was the cause of the other.

21 Q. Thank you very much. Dealing with the actual physical location
22 of the leaders in Phnom Penh and the functioning of offices etc.,
23 to the extent that you've been able to obtain information on
24 this, and you have already told us about one office in
25 particular, K-1. Have you been able to ascertain, in your

29

1 interviews with Khieu Samphan or others, how many members of the
2 leadership or upper echelon, or however one might describe that
3 group, were present and residing together with Pol Pot, Nuon
4 Chea, etc.?

5 [10.06.11]

6 A. I think five were together at the bank buildings, five or six;
7 among them Ieng Sary, Nuon Chea, Pol Pot, Khieu Samphan, Vorn
8 Vet. Those I'm fairly sure of.

9 Q. Most of the others you've mentioned, again, taking your book
10 as a starting point for this, are described by you as members of
11 the Standing Committee. Khieu Samphan, at least during the
12 Democratic Kampuchea period, is a member of the Central
13 Committee, from 1976 onwards, again, taking both your book and
14 his own statements into account. Were there any other members of
15 the Central Committee that resided with and worked with the
16 people you just mentioned, apart from Khieu Samphan?

17 A. Resided with, I'm not aware of. Worked with, Yun Yat, the wife
18 of Son Sen - I'm trying to think at Central Committee level -
19 well, obviously, Doeun when he was in Phnom Penh. No - frankly,
20 no other names come immediately to mind. It was a pretty small
21 group. And you must remember, I mean, many - half the Standing
22 Committee members were provincial leaders, so they were not in
23 Phnom Penh, and the same obviously applied to the Central
24 Committee.

25 [10.08.08]

1 Q. In the document we looked at a few minutes ago, this October
2 '75 minutes, under the allocation of work and operational
3 processes, Comrade Hem is assigned, among other things,
4 responsibility for commerce, for accounting and pricing.

5 There are on the Court's file, numerous reports, from 1976 to
6 late 1978, from the Ministry of Commerce to Khieu Samphan. Is
7 this documentation something you've had access to and have you
8 looked into his responsibilities in this regard?

9 A. I was aware of the documentation. I didn't do particular
10 research on it, because it was not, honestly, my topic, which was
11 Pol Pot. But Thiounn Mumm, who - to whom I spoke at length,
12 recalled working with Khieu Samphan on accounting and the price -
13 pricing of products for the Ministry of Commerce. So I have no
14 doubt about his responsibilities.

15 Q. Can I take you back, just for a brief moment, to the functions
16 of Office 870, functions that one would perform within that
17 office? Apart from the missions you described into the
18 countryside, have you collected information or received
19 information on any other ways in which the office implemented the
20 orders or decisions of the Centre, and monitored (unintelligible)
21 its implementation?

22 [10.10.30]

23 A. There was a messenger office attached, which took confidential
24 messages to provincial leaders. Essentially, my understanding,
25 which is by no means complete, is that it dealt with the flow,

31

1 backwards and forwards, of information and its importance was
2 that it was the channel through which all this passed and
3 therefore controlled the passage of information.

4 Q. Thank you.

5 When we – when you were questioned by the Bench, I believe on
6 Monday, you gave the example of a seminar, education session,
7 that Khieu Samphan presided over or where he taught, and then we
8 looked at a specific passage. In that context, if I recall your
9 words correctly, you said that one of his responsibilities was
10 propaganda, but that was – and that it wasn't just in relation to
11 elections, which is one of the areas he reported on at the
12 Standing Committee, but that it was broader than that. Are you
13 able to expand on that at all; what were the ways in which he
14 carried out those responsibilities?

15 [10.12.00]

16 A. Propaganda itself was – came under Yun Yat, Son Sen's wife.
17 Now, what we're talking about are study sessions and all the
18 leaders, at different levels, had a responsibility for study
19 sessions. Pol Pot and Nuon Chea, at the Central Committee, work
20 conference level; Ieng Sary, in the Foreign Ministry, would hold
21 study sessions twice a year; Khieu Samphan, study sessions at the
22 Olympic stadium; in other places, for the students who came back
23 from overseas, they all did it, and he certainly had an important
24 role and I think it was something which he felt at ease doing,
25 because he did it quite a lot.

1 We're coming up to time. There is just one point before you
2 finish the last thing. I want to come back to the documents,
3 Southwest, Northwest, we discussed yesterday.

4 Q. Thank you. Would you like to do that now?

5 [10.13.00]

6 A. I will very briefly.

7 I have not got a complete text of the document I was using, but I
8 have a note which is sufficient to say it's a totally different
9 document. And I think what must have happened is that DC Cam gave
10 the same dates, August the 20th to the 24th, to a visit which he
11 paid to the Southwest, and they did indeed have a Standing
12 Committee meeting in Kampong Som, and the document you gave me,
13 which it describes a visit to the Northwest.

14 If you wish the reference, it is L01022 in the, what was
15 described at the Khmer Rouge communications file, at DC Cam, that
16 is the document, which describes the visit to the Southwest.

17 Q. That's very useful, and I should apologize for not having
18 addressed this. It was my plan to do so earlier, but we're
19 dealing with so many matters of interests, and time is short.

20 When you interviewed Khieu Samphan, he - you said on Monday that
21 both he and Ieng Sary were happy, if I can - if I'm using the
22 correct word, to discuss the pre '75 period, but reticent, I
23 think is the word you used, to discuss with you the Democratic
24 Kampuchea period. If I've got that correct, did you ask them, at
25 all, as to why they were apparently unwilling or reticent to

1 discuss this period?

2 [10.14.52]

3 A. No, I didn't. Mr. Khieu Samphan did say: "We probably" - after
4 the last interview - "we probably shouldn't continue any further,
5 because, you know, it's a very delicate, difficult situation for
6 me, and so on." So at that point, the interviews came to an end.

7 Q. I must apologize to you because my questions now are a little
8 disjointed and it's because I'm trying to cover a few areas in a
9 limited time.

10 So, if I can take you for a brief moment to the pre '75 period.

11 And if I can first ask you about the appointments in 1971, or
12 election in 1971, to the Central Committee.

13 You did describe that in that period, in your view - Khieu
14 Samphan - a relationship started to develop, a relationship of
15 trust, if I'm correct, between Pol Pot and Khieu Samphan. And he
16 was elected as an alternate member of the Central Committee and
17 also moved closer to Pol Pot. Were you able to consider whether
18 that appointment to the Central Committee was reflective of this
19 general relationship of trust, if I am describing it correctly?

20 [10.17.04]

21 A. Yes, it certainly did reflect that. Yes, yes, it did.

22 Q. Khieu Samphan has said in his statements to this Court, that
23 between 1970 and 1975, he stayed permanently with the leadership.
24 In your interviews with him, did you ask him about his activities
25 during that period, apart from those that are publicly known

1 through reports and media coverage?

2 A. I can't - I can't probably be much use to you, no. I learned
3 about Mr. Khieu Samphan's activities to the extent that I did,
4 probably more from other sources, than from him. Again, it was -
5 we were getting to the point where it was not an area he went
6 into in any great detail.

7 Q. As we move forward in time, your book describes in great
8 detail the movements of the advanced headquarters, with Pol Pot
9 moving closer to the city. And Judge Cartwright asked you about
10 events in this period, and we covered some of them yesterday.

11 [10.18.51]

12 One of your sources for the events in this period was an
13 individual called Phy Phuon, to whom you referred a number of
14 times. He testified in this Court, or described, a further
15 meeting, which took place at Office B-5, in early April 1975,
16 which is an office that you describe in your book. I don't
17 believe this particular meeting is discussed in the book. It's
18 said to have taken place in early April 1975 and to have been
19 attended by Pol Pot, Nuon Chea, Khieu Samphan and a number of
20 military leaders. And the topic of the meeting was the evacuation
21 of Phnom Penh, where the three leaders that I've just mentioned,
22 all, according to Phy Phuon, agreed with the decision and a
23 discussion followed. Is this an event that you're at all familiar
24 with; is it something you covered with Phy Phuon or other people?

25 A. No, I missed that. He didn't mention it to me and no one else

35

1 did, but I - it's entirely credible. I think - you say that all
2 three leaders agreed. Yes, the decision would have been taken by
3 Nuon Chea and Pol Pot, and essentially Pol Pot.

4 Q. But this is not an event that you particularly researched?

5 A. No, I have not.

6 [10.20.34]

7 Q. Just looking briefly at the speeches that Khieu Samphan gave
8 during the period, and they do deal with a variety of matters of
9 life and policy of the regime, etc.. Were these speeches
10 important, or were they significant, in terms of a conveying, if
11 you like, of government messages, to those that were listening?

12 A. Yes, this was Khieu Samphan's role as the public face of the
13 FUNK, and above all, of the Communist core within the FUNK. And
14 he was there to reassure by his presence and to convey certain
15 messages like the message we discussed earlier about the - only
16 the seven who were going to be executed.

17 Q. Thank you very much.

18 At this point, we're going to do, with the President's
19 permission, a brief multi-media presentation.

20 In 2005, in March 2005, you gave a lecture at the University of
21 California, Los Angeles, and that lecture is - a video of that
22 lecture is available on line, and of course, in preparation for
23 the hearing, we looked at it. We have placed it on the case file
24 with the permission of the Chamber. The document number is
25 E260/1/1.1R.

1 [10.22:00]

2 Mr. President, with your permission, I would like to play a brief
3 extract or excerpts, from that video. And for the AV Unit, this
4 is segment number 11B, 11B.

5 So, Mr. President, with your permission, we will play that brief
6 segment. It's approximately two minutes long.

7 MR. PRESIDENT:

8 Yes, you may do so.

9 AV Unit, could you display the video clip as provided by the
10 prosecutor?

11 BY MR. ABDULHAK:

12 There may be a difficulty with the segment.

13 [10.24.09]

14 (Audio-visual presentation)

15 "[Mr. Philip Short:] So I really think that's barking up the
16 wrong tree, because it was - I mean, we must remember it was not
17 just Pol Pot who did these things. I don't think so, I really
18 think that's barking up the wrong tree, because it was - I mean,
19 we must remember it was not just Pol Pot who did these things,
20 there was a swathe of leaders, really fairly substantial numbers,
21 who thought very much as Pol Pot did.

22 And below them, very large numbers of intellectuals; often among
23 the brightest of Cambodian intellectuals, bought into this vision
24 that Pol Pot held out and accepted, they don't admit it now, but
25 in fact, accepted the brutality and the violence that went with

1 it, because, they would have argued, we – the only people who we
2 have to make this Revolution are the poorest peasants and poor
3 peasants are brutal and violent. You can't expect them to behave
4 like refined, educated gentlemen and gentlewomen, they're not.
5 Life is pretty brutish in very deprived villages. That would the
6 argument.

7 And then below them, you have literally hundreds of thousands of
8 village militiamen, of district chiefs, village chiefs, police,
9 others, soldiers, who also took part in this regime. It is not a
10 question at all of one man imposing some devilish, demonic
11 vision on an entire country and holding it prisoner. Pol Pot was
12 able to touch chords in Cambodia, which enabled him to get this
13 Revolution going. And I really don't believe that he was a
14 pathological case, any more than the others who did it with him
15 were..."

16 (End of audio-visual presentation)

17 [10.26.02]

18 BY MR. ABDULHAK:

19 I must apologize for the poor quality of the picture in that
20 video. It's what happens these days when things are downloaded
21 from the Internet, but we did get the sound. It is a very
22 interesting lecture and it's an interesting segment, this in
23 particular.

24 Q. And, you say here that:

25 "We must remember, it was not just Pol Pot who did these things,

1 there were swathe of leaders, really fairly substantial numbers,
2 who thought very much as Pol Pot did."

3 Would you include in that category of leaders, Nuon Chea and
4 Khieu Samphan?

5 MR. SHORT:

6 A. Yes, I would; they and many, many others, who believed that
7 this was the only possible way in which Cambodia could be
8 transformed.

9 [10.27.18]

10 Q. Thank you. And we're coming up to my final, couple of
11 questions.

12 As you may be aware, in the course of this trial, we've heard
13 evidence from Professor Chandler, who also opined on some of the
14 areas that you've given evidence on. I do note that you have
15 relied on his books in your work; there's approximately 170
16 references in the notes that you've sent us. So, in the interest
17 of having a complete understanding of your assessment of the
18 functioning of the regime, I want to put to you a couple of
19 extracts of the evidence he gave, and see whether they strike a
20 chord with you.

21 He was asked a number of questions, obviously, about the
22 functioning of the regime on the 18th and 19th of July, last
23 year, and he opined, in relation to the decision of the 30th of
24 March 1976, that it was a decision that emanated from a
25 collective leadership, not from Pol Pot alone. And he also

1 opined, in relation to the four year plan, that that was a
2 document issued or generated collectively by a group of people,
3 not by one person, he said it was a composite or collective
4 effort.

5 And I want to read to you now, one particular passage and see if
6 I can have your observations:

7 [10.29.30]

8 "I read to Professor Chandler an extract from his book, 'Tragedy
9 of Cambodian History', and in that book, he essentially said at
10 one point that by 1977, the regime amounted to rule by Brother
11 Number One and Brother Number Two, who had become synonymous with
12 the organization."

13 So that was the extract from the book.

14 Now, I ask him about that extract, given that he had opined that
15 there was a collective leadership during his testimony. This is
16 at document E1/93.1, so that's a court transcript, and the
17 relevant passage is at; Khmer ERN 00825518 to 19; English,
18 00827349 to 351; and French, 00827505.

19 So now commenting on that passage in the book, whereby he
20 described Pol Pot and Nuon Chea as the sole leaders, he says -
21 and he said the following - quote:

22 [10.31.04]

23 "That's a passage that after 22 years I might revise slightly.
24 I've come to the belief that in - I read a lot more material
25 since I wrote that passage - that the leadership of Democratic

40

1 Kampuchea was more collective than I thought, although, as it
2 comes true in the documents we've seen, the decisions handed down
3 by Pol Pot were the final ones. He was, in fact, the executive
4 leader of the country. And this is certainly the way many
5 Cambodians viewed that period. They call it the "Pol Pot era".
6 But I do want to say that if I were to rewrite, redo the passage,
7 or revisit it, I would say that the leadership was, from all the
8 evidence I've seen since then, more truly collective than the
9 evidence I had to use in 1990."

10 Mr. Short, do you substantially - substantively agree with that
11 opinion or do you materially disagree with him?

12 [10.32.18]

13 A. I don't know what new evidence he's discovered, and that might
14 modify my opinion, as well. But on the basis of everyone I
15 interviewed, and all the documents I've seen, my impression is
16 that there was a - an appearance of collective decision-making,
17 which Pol Pot, one might almost say, manipulated to get his own
18 decisions accepted by everybody. But fundamentally, the decisions
19 which were made were those of Pol Pot and to an extent, Nuon
20 Chea, and that extent we don't know. But they were the couple who
21 drove the machine.

22 [10.33.10]

23 Q. Thank you very much for your patience and your expert
24 opinions. You Honours, thank you for the time allocated to us. We
25 have no further questions.

41

1 MR. PRESIDENT:

2 Thank you.

3 The time is now appropriate for a short break. We will take a 20
4 minute break and return at 5 to 11.00.

5 Court officer, could you assist the expert during the break and
6 have him returned to the courtroom at five to 11.00?

7 The Court is now adjourned.

8 (Court recesses from 1033H to 1057H)

9 MR. PRESIDENT:

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

11 The floor is now given to the Lead Co-Lawyers for civil parties
12 so that they can put questions to this expert. You may proceed.

13 [10.57.53]

14 MR. PICH ANG:

15 Mr. President, the assigned lawyers are Moch Sovannary and
16 Christine Martineau

17 MR. PRESIDENT:

18 Yes, they may proceed.

19 MS. MOCH SOVANNARY:

20 Good morning, Mr. President, and good morning, Your Honours, and
21 everyone in and around the courtroom. I have some questions to
22 put to this expert. First, I'd like to seek your permission as
23 part of my question I will quote parts of his books, and those
24 parts have not yet been translated into Khmer. Therefore, the
25 quotes will be read by me in English and thus, the quote shall be

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1 displayed on the screen with your permission.

2 MR. PRESIDENT:

3 Yes, you may do so.

4 QUESTIONING BY MS. MOCH SOVANNARY:

5 Thank you.

6 Q. Good morning, Mr. Expert. During the last two days, questions
7 and issues and subject matters have been put and responded by you
8 – that is, between you and the Bench and the Prosecution.

9 However, the process was done in the English language so it is
10 rather difficult for us, the national lawyers. On top of that
11 your book has not been translated into Khmer and I've tried to
12 avoid repetitive questions already asked by the Bench, by the
13 Prosecution. Please bear with me if you think my question is
14 repetitive. Please indicate so and there is no need for you to
15 respond, or you might wish to elaborate further on those points,
16 and I thank you in advance for that.

17 [11.00.04]

18 Yesterday you testified before the Court regarding the criticism,
19 self-criticism, and the livelihood meetings, that you said were a
20 policy implemented within the Party rank as well as the mass of
21 people living in the cooperatives. You also stated that the city
22 dwellers, in particular, those people who fled from the liberated
23 zone and took refuge in Phnom Penh city, deserved what they got
24 because in their areas it was bombardment and the war was on
25 going. And after the evacuation from Phnom Penh city they were

1 considered New People, in the cooperative they were assigned to
2 live in.

3 Based on your research, was the implementation of the policy of
4 criticism and self-criticism resulted in any impacts on the New
5 People living in the cooperative; particularly those who were
6 considered non-communist and they were subject to re-education or
7 refashioning?

8 [11.01.28]

9 MR. SHORT:

10 A. As I understand it, criticism and self-criticism, took place
11 within official organizations and within the party
12 systematically. For New People who were taken to the countryside,
13 in their collectives, there were study sessions which were
14 ideological training sessions, ideological propaganda sessions;
15 and if somebody was denounced as having, for instance, gathered
16 fruit when they should not have done, then they would be expected
17 to make self-criticism. Very often that self-criticism was judged
18 not sufficient and they would be either taken to a prison, or
19 more often, killed for having transgressed the rules laid down by
20 the party. As far as I understand it, New People did not
21 participate in systematic criticism, self-criticism sessions.

22 [11.02.41]

23 Q. Thank you.

24 My next question is related to certain events regarding the
25 evacuation of people from Phnom Penh city, as far as the

1 livelihood of the people in the cooperative. In particular, I
2 will focus on the consequences and the suffering those people
3 suffered under the implementation of the CPK policy. And in your
4 book on page 269 in English, we're at English ERN 00396477; and
5 the French ERN is 00639803. I'd like to read the following quote
6 in English:

7 "Many of them were teenagers, some only 12 or 13 years old, not
8 much taller than AK47s they carried manfully on their shoulders.
9 In their eyes, city girls wearing lipsticks and youths with long
10 hair were prostitutes and perverts, the proof of all they had
11 heard about the bourgeoisie's loathsome ways."

12 And on page 270 of your same book, with ERN in English 00396478;
13 French, 00639803 to 04, I'd like to read the following quote:

14 "Hate played its part in the events that followed, and some of
15 those involved later admitted as much. But it was not the
16 dominant emotion that day. More common, especially among the
17 younger troops, was a slow, sullen anger, directed against the
18 city and its entire works." End of quote.

19 [11.04.59]

20 Mr. Expert, based on your research, was the teenage Khmer
21 soldiers possessing the real hatred and the anger against the
22 city dwellers and what were the levels of the anger and hatred?
23 Was it the ideology of the Khmer Rouge that they were
24 indoctrinated?

25 A. Khmer Rouge ideology certainly played a part, but there was a

45

1 deeper basis in many peasant revolutions through history. Hatred
2 of the city has been a factor. And the Khmer Rouge recruited in
3 the most remote and the poorest areas; young soldiers who were
4 simply totally unfamiliar with city life. Uncomfortable with it,
5 they regarded it as something alien, something hostile, and
6 something to be destroyed. The two reinforced each other, Khmer
7 Rouge ideology and the anti-city, the anti-urban feelings of
8 people from very remote area and I don't think that is, in any
9 sense, unique to Cambodia. It has happened all through history.

10 [11.06.45]

11 Q. Thank you. My next question on this point is the following. As
12 a consequence, did you know the actions committed by those Khmer
13 Rouge immediately after they arrived in Phnom Penh, what did they
14 commit to those city dwellers?

15 A. There was looting, which was not called looting, but it was in
16 effect looting. They were charged with bringing about the
17 evacuation of the population as rapidly as possible. So, people
18 were herded by the soldiers into processions going out into the
19 countryside, regardless of the condition of those people.

20 Pregnant women about to give birth were forced to leave. People
21 in hospitals were forced to leave regardless of their condition.
22 There were certainly cases of kindness, of - there were Khmer
23 Rouge soldiers who tried to help, tried to alleviate the distress
24 of those leaving. But in the majority of cases, they simply
25 carried out orders more or less brutally; and there were

1 certainly exemplary killings all the way along of people who
2 didn't follow orders quickly enough, those who wanted to go back
3 to their houses. They were killings to intimidate the rest so
4 that they did as the soldiers wished.

5 [11.08.30]

6 Q. Thank you. I'd like to read a quote from your book on page
7 272. In English, that is 00396480; and in French, 00639806. I'd
8 like to read the following in English:

9 "To move more than two and a half million people out of a crowded
10 metropolis at a few hours' notice, with nowhere for them to stay,
11 no medical care, no government transport and little or nothing to
12 eat, was to invite human suffering on a colossal scale.

13 "...The 600,000 or so authentic city dwellers, who had lived in
14 Phnom Penh since before 1970, evacuation meant leaving behind
15 everything they held dear and entering an unknown world for which
16 they were totally unprepared."

17 Regarding your description of the event, is that it - will -
18 invited human sufferings on a colossal scale, would you be able
19 to provide further explanation regarding this point?

20 [11.10.17]

21 A. In more normal circumstances, a population movement of that
22 kind would have been very carefully prepared. There would have
23 been medical stations, or at least some kind of medical
24 assistance available along the way. There would have, perhaps,
25 been some kind of transport organized. There would have been food

1 supplies along the way. None of that was done. The goal was
2 simply to move people, and however unpleasant it was for them
3 during the movement, that was not really taken into account. And
4 this is a general point; there was consistently, throughout the
5 Khmer Rouge period, a disregard of human suffering. That the city
6 dwellers managed to cope as well as they did was perhaps because
7 Cambodians, even in the cities, had still links with the
8 countryside. Much as certain - in certain European nations during
9 the second world war people managed - despite very short food
10 supplies at that time during the war, managed to find ways to
11 survive. The resilience of the city dwellers was probably much
12 greater than one would have expected.

13 [11.11.53]

14 Q. Thank you, Mr. Short. My next question is in regards to the
15 psychological impact those people suffered when they arrived at
16 the cooperative where they were forced to engage in hard labour.
17 In your book, on page 319 - that is with English ERN 00396527,
18 and in French, 00639874 to 75, the quote is the following:

19 "To the former town dwellers, adjusting to life in the
20 countryside was even more traumatic than in Phnom Penh was for
21 the intellectuals. For both, it was a double blow. Physically,
22 they were deprived of the creature comforts they had taken for
23 granted throughout their lives. Physically (sic), they were
24 enslaved, confined within a political and ideological
25 straitjacket that grew steadily tighter. The deportees were at

1 one end of the Party's scale of concern; the intellectuals were
2 at the other. But its approach to both was the same.

3 [11.13.26]

4 "The physical change was so overwhelming for the New People that
5 at first it drowned out every other consideration. Many were
6 terrified. 'We had the impression,' one wrote, 'of having been
7 abandoned in the middle of a hostile land.' They arrived in
8 villages 'that seemed frozen in time', where people just suffered
9 from yaws, dropsy, and other diseases which were supposed to have
10 been eradicated from Cambodia decades before. Like the
11 intellectuals, the deportees had to learn everything from the
12 bottom up - to build primitive wooden huts; to plough; to plant
13 vegetables and rice - usually in conditions far harsher than the
14 return students endure.

15 "Like the peasants, they used potash extracted from the cinders
16 of wood fires as a substitute for soap. In the flooded rice
17 paddies, they wrapped cloths between their legs as protection
18 against miniscule leeches which could enter the penis, the anus
19 or the vagina, causing excruciating pain until, days later, they
20 detach themselves and were flushed out."

21 [11.14.52]

22 According to your analysis and based on your experience regarding
23 the implementation of the policy and the ideology of the
24 communists, could you tell the Court, to which degree of trauma
25 suffered by the deportees, who were suddenly deprived of

1 everything they owned and was forced to live in the cooperatives
2 or in the forest, in particular, those New People who were
3 evacuated to the cooperative?

4 A. I'm not sure I can judge what degree of trauma because that is
5 a question for a psychologist or psychiatrist. But certainly it
6 was an extraordinarily wrenching experience. However, everything
7 has two sides. It was wrenching for the city dwellers to come
8 into a very primitive environment. But it was precisely the fact
9 that large parts of Cambodia had been left in such a primitive
10 and backward state that fuelled - that gave the reason for the
11 Khmer Rouge, for their revolution.

12 [11.16.30]

13 Q. Thank you. My next question is in regards to the food supplies
14 - the rations given to the people living in the cooperative, and
15 the different consideration given to the Base People and the New
16 People. Once again, I will quote from your book. That is on page
17 320 to 321; English ERN is 00396528; and French, 00639876 to 77;
18 and on page 321, the English ERN is 00396529; the French is
19 00639878. Here is the quote:

20 "For the local cadres, food was an essential means of control,
21 calibrated by the differing treatment of New and Base People. For
22 the Base People life was bearable. The plight of the New People
23 was a constant reminder to them of their own relative good
24 fortune, which in turn was designed to incite the former to work
25 harder to reforge themselves, in order to progress from the being

1 depositees to candidate or full rights status with the
2 corresponding improvement in rations."

3 "It added up to so many conflicting imperatives that in practice
4 most cadres opted for the simpler solution: they and the Base
5 People ate well; the New People ate badly. Hunger remained the
6 punitive weapon. The death toll from malnutrition and related
7 disease stayed high and the health and strength of the New People
8 continued to decline."

9 [11.18.40]

10 At this passage you mentioned about food as an essential means of
11 control and about the different rations between the New and Base
12 People. According to your knowledge, was this also a policy
13 rendered by the high echelon of the Democratic Kampuchea regime?

14 A. No, it wasn't. It was - the food was used as a means of
15 control by the local officials. It was one of the best means of
16 control and motivation that they had. But from the top, the word
17 came down from the Standing Committee that people must be fed
18 properly. It didn't happen because the system was dysfunctional.
19 It didn't work. And when local cadres tried; on the one hand to
20 follow the orders coming from the centre; on the other hand to
21 control their population; and thirdly to force people to work
22 hard enough to produce large amounts of rice, they were caught in
23 a web of contradictions from which they decided the best answer,
24 in most cases, was to apply extremely harsh policies.

25 [11.20.14]

1 So you can't - Pol Pot and the leadership were certainly
2 responsible, because they allowed this situation to arise and did
3 nothing to stop it. But it was not because of a direct order to
4 the lower levels, use food to control the population.

5 Q. Also at this passage, based on your research regarding the
6 implementation by the Khmer Rouge cadres of this policy of
7 practice on the people, especially those who had been evacuated
8 and were forced to leave and work hard in the cooperative, what
9 were the kinds or the levels of treatment that different kinds of
10 people received differently?

11 A. Yes, indeed. The New People, the people from the cities, were
12 - had much, much worse rations, at least in the first two years.
13 Because from 1978 onwards the distinction between New People and
14 Old People was progressively abolished. But in the early years,
15 yes, the New People had much worse conditions than the Old People
16 and there were a variety of reasons for that.

17 [11.21.46]

18 It was partly, if you like, punishment because they had been in
19 the towns rather than joining the revolution early on. It was
20 partly to motivate them, to show their revolutionary loyalty and
21 work their way up to becoming Old People. It was partly, I won't
22 say revenge, but a desire to make them understand what - how hard
23 life was in poor areas in the countryside. There were lots of
24 different motives at work, but the result was they were fed very
25 badly, they had to work very hard, and over time more and more of

1 them starved to death.

2 Q. Regarding starvation, I'd also like to quote a portion from
3 your book, that starvation was a tool used in the countryside.

4 The quote is on page 320 in English, with the English ERN
5 00396528; and in French, 00639876. The quote is the following:

6 "Hunger was a weapon in the countryside, no less than in the
7 re-education camps [...] 'He who does not work, does not eat', was
8 applied in the Cambodian cooperatives with a literalness the
9 Russians had never dreamed of. In a bad area, a day's work earned
10 one bowl of watery rice soup.

11 Those too ill to work got nothing. Illness itself was often
12 equated with opposition to the regime, or at least a lack of
13 'revolutionary consciousness' which was considered almost as bad,
14 and the rural clinics, where untrained nurses dole out
15 traditional medicines were no more than charnel houses. But
16 hunger, compounded by non-existent healthcare, was a double edged
17 sword."

18 [11.24.27]

19 The passage that I just read, does it reflect what you responded
20 to my last question when you talked about the starvation and the
21 non-provision, or nonexistence of healthcare to the people in the
22 cooperative as a double edged sword? The question is, based on
23 your research, was there a severe consequence on the livelihood
24 of the people living in the cooperative, in particular, those
25 people who were considered non-communists and the subject to

1 refashioning?

2 A. To begin with, just a small correction – it may be the
3 translation, it may be from you – I didn't write that starvation
4 was a tool. I wrote that hunger was a tool. There is a very
5 important difference. You reduce the food as a punishment, or in
6 order to make people work harder, or for whatever reason.
7 Starvation was not what the regime wished or what it intended,
8 and I think this is important. Pol Pot actually wanted people to
9 be healthy so they could work hard and he repeatedly, in his
10 speeches, talked about the need to feed people properly. But in
11 practice, it didn't happen and it didn't happen because he and
12 the Standing Committee failed to make sure that it happened. So
13 at the lower levels officials who were overwhelmed used hunger as
14 a means of control and the result was to weaken the population,
15 have many people dying from starvation, and so on.

16 [11.26.30]

17 This is why I say a double edged sword. It was a means of control
18 at the local levels, but the result was you had fewer people to
19 work, therefore, less production, and that was not at all what
20 the leadership wanted.

21 MR. PRESIDENT:

22 I notice the international counsel for Nuon Chea, Mr. Koppe, on
23 his feet. You may proceed.

24 MR. KOPPE:

25 Mr. President, maybe I didn't hear it correctly in my earphone. I

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1 would like to make a small correction in respect of the quote
2 from the civil parties. I didn't hear the words 'Lenin's dictum'
3 and that is in the quote. Just for the record I would like to
4 make that correction.

5 BY MS. MOCH SOVANNARY:

6 Q. Thank you. I'd like now to move on to my next question
7 regarding the forced marriage. Yesterday, Mr. Expert, you already
8 stated to the Court and the Prosecution that the CPK made
9 Cambodia as a stage in which Cambodia was regarded as slaves.
10 They did not have their private life and no rights to decide on
11 who that they would marry to. I'd like, again, to read a quote
12 from your book on page 325 to 326, with the English ERN 00396533
13 to 34; and the French ERN 00639883. The quote is the following:
14 "Free choice of spouses' was explicitly condemned. To underline
15 the social aspect, weddings were celebrated collectively for a
16 minimum of 10 couples. After a marriage had been consummated the
17 couple often lived apart." End of quote.

18 [11.28.50]

19 What kinds of punishments were used regarding the rights to
20 choose a partner? Can you give the Court examples based on your
21 research of the real concrete examples that were used as means to
22 force people to obey Angkar and to marry based on the instruction
23 of Angkar?

24 MR. SHORT:

25 A. The possibility of not obeying did not arise because to

1 disobey Angkar would lead to death. You either did it, what you
2 were told, or you died.

3 [11.29.50]

4 Q. Thank you. My next question is related to the policy
5 implementation of communal eating in the cooperative. I'd like to
6 read the quote on your book and page 345, ERN in English is
7 00396553; and in French, 00639908 to 09. The quote is the
8 following,

9 "Communal eating quickly became one of the more detested aspects
10 of life under the Khmer Rouge."

11 "But everyone else hated it. The food supply sharply diminished,
12 as the cook pilfered provisions for their own use or for the
13 village chiefs. The cohesion of the family, already under
14 pressure, was weakened further. Women, in particular, felt it
15 undermined their traditional role. The Base People lost their
16 privileges: no longer could they get by with the produce of their
17 fruit trees and their vegetable plots beside their houses because
18 now, like everything else, these were communally owned. Their
19 carts and oxen were seized. So were private grain stocks, fish
20 nets, bicycles, and anything else which might set the individual
21 apart from the mass. In many villages the larger houses - which
22 also often belonged to Base People, were dismantled to provide
23 wood for the new communal dining halls and uniform, smaller huts,
24 barely big enough to sleep in, built in their place."

25 [11.31.44]

1 "In the countryside, those with power - the chlop, the soldiers,
2 commune and district officials - ate separately and well. Some
3 have four meals a day and personal cooks to prepare their
4 favourite dishes. Railway workers and certain other privileged
5 groups were given special rations of meat and rice."

6 On this particular point I would like to ask you, based on your
7 research on the ideology of communism as well as the widespread
8 practice during the Democratic Kampuchea period, can you advise
9 the Chamber concerning the impact, the direct impact and
10 foreseeable impact of this communal dining on the people. In
11 other words, can you enlighten the Court on the consequences of
12 having the communal dining on the people?

13 A. It was another step in the elimination of personal freedoms.
14 The freedom to exist as a family, to be able to prepare your own
15 food, these may seem very small things. They are things which
16 everybody in this Court takes for granted. But if they are
17 removed it weakens the ties within the family and it's another
18 step towards the state which Angkar wished, in which everybody
19 would have only one family, and that family was the collective
20 and more largely the organization in the widest sense of the
21 term.

22 [11.33.44]

23 Q. Thank you. Just now, you've also explained to the Court on the
24 separation of members in a family under the control of Angkar,
25 and yesterday you also told the Court the reason behind the

1 separation of family members. And as you may have been well aware
2 that a Cambodian family has a tradition of living with extended
3 family, they have attachment in the family. But during the Khmer
4 Rouge period they separated family members. Could you tell the
5 Court the impact or the consequences of such a policy of
6 separation of young children from their parents? Could you also
7 enlighten the Court on the possibility of the mental impacts of
8 the young children who are separated from their parents?

9 A. Well, once again, I'm afraid I am not a psychiatrist or a
10 psychologist. But from the Khmer Rouge point of view it was a
11 means of atomizing society so that the natural links within
12 families and between extended families, and between groups, were
13 broken and each person was an atom uniquely dependant on Angkar,
14 on the organization, the CPK.

15 [11.35.17]

16 The psychological effect, well, you mentioned young children.
17 Obviously, once children are taken away from their parents and
18 are made dependant on another organization they are much more
19 easily influenced, because all the family ties, the family
20 influences have been removed. So that was important, to be able
21 to bring up a new generation of Cambodians who were dedicated to
22 the Khmer Rouge because they had known nothing else. And the
23 other part was to demolish in that respect, as well as in all
24 others, the individuality of each Cambodian.

25 Q. Thank you, Mr. Expert. I move on now concerning the policy of

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1 separating family members. I would like to ask you whether or not
2 you see this policy applied across the country, and was it
3 applied with the senior cadres of the Khmer Rouge leaders? For
4 example, was this policy applied with the family of Khieu
5 Samphan, Nuon Chea, or Ieng Sary at that time?

6 [11.36.45]

7 A. The families of the senior leaders were given special
8 treatment. Khieu Samphan's mother was in Phnom Penh with two
9 helpers to look after her because she was very elderly. His wife
10 and his children, young children at that time, were in Phnom
11 Penh. Nuon Chea's mother was in Battambang, as far as I have been
12 able to establish, and again, had very special treatment. So at
13 the highest levels it was different.

14 Even certain senior cadres one layer down, also, were able to
15 have their families with them in Phnom Penh. In the countryside -
16 in the provinces, yes. Village cadres, district cadres, lived
17 with their families. It was not applied to them. They also ate
18 much better. They had special meals and so on. So the conditions
19 for anybody with power, whether at the central or the lower
20 levels, were very different from those of the ordinary people.

21 [11.38.04]

22 Q. So is my understanding correct, from your statement that the
23 policy of separating family members only applied to the ordinary
24 citizen population on the ground, but not with the families of
25 the senior leaders, or leaders in the regions; is that correct?

1 A. I should bring one qualification to what I just said. I said
2 the families of people like Khieu Samphan were in Phnom Penh. But
3 they didn't live with their families all the time. There is a
4 story which Mr. Ieng Sary told me when he, and Vorn Vet, and
5 Khieu Samphan, and the others were living with Pol Pot in the
6 bank buildings, K-1. There was a rule that at that level of the
7 leadership visits could be made to the family once a week. So
8 there was separation at that level, but certainly in the
9 districts and the provinces, I think that didn't apply. The
10 family lived together.

11 [11.39.30]

12 Q. Thank you, Mr. Witness. Now, I would like to once again refer
13 to an extract from your book in relation to Mr. Khieu Samphan who
14 was accompanying Prince Sihanouk on his visit to the liberation
15 zone. In your document, page 344 to 445; in English, 00396541 to
16 42; and French, 00639894. "Sihanouk was brought face to face with
17 the awfulness of life in Democratic Kampuchea for the first time
18 during two provincial tours he had led that winter in the company
19 of Khieu Samphan; one to the Eastern and Northern Zones, the
20 other to the Northwest. 'It bowled my over,' he wrote later. 'My
21 people had been transformed into cattle. My eyes were opened to a
22 madness which neither I nor anyone else had imagined.' His
23 account of those journeys is self-centred and self-pitying."
24 "Yet there is no doubt that he was deeply shocked. The question
25 was posed: Could he continue to lend his name to a regime which

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1 inflicted such egregious suffering?" End of quote.

2 [11.41.07]

3 In relation to this point, based on your research concerning
4 these particular visits, to your knowledge do you know that
5 Prince Sihanouk was shocked by the living conditions of people he
6 witnessed during his visit? So my question to you is whether or
7 not Mr. Khieu Samphan shared these observations? Did he observe
8 the same event that then Prince Norodom Sihanouk witnessed
9 concerning the living condition of people?

10 A. No, he did not. We did not discuss that visit. We did not
11 discuss his views about the conditions that he witnessed on that
12 kind of visit.

13 Q. Since I am running out of time I would like to ask you my
14 final question. I would like to extract your book on page 328,
15 from your book, ERN in English, 00396536; French, 00639886 to 87.
16 I would like to read out the quote:

17 "Under Pol's rule, love, sorrow, anger, passion, and all the
18 other feelings that make up everyday life were seen as emanations
19 of individualism to be banished for the collective good. In some
20 parts of the country it was forbidden even to laugh or sing. In
21 pursuit of illumination, the people had to suffer." End of quote.

22 On this point, my last question for you, Mr. Expert; do you know,
23 to your knowledge - do the Khmer Rouge leaders think that the
24 suffering of the people is the price to be paid in order to
25 accomplish their revolutionary goal? Was that what they had in

1 mind? Or was it a distinct case for Cambodia under the Khmer
2 Rouge regime - or it was the situation that could have happened
3 in other countries as well, so long as it was under the communist
4 rule?

5 A. That is a triple question. Suffering was - one part of the
6 answer is that suffering was collateral. It was a necessary - it
7 was not necessary, but unavoidable - effect of a policy designed
8 to make Cambodia strong and prosperous very quickly. The ends
9 justified the means. The end was good. Therefore, if people
10 suffered along the way, that was regrettable, perhaps, but it was
11 unavoidable.

12 [11.44.42]

13 The second aspect of suffering - and here we come back to
14 something we discussed yesterday a little bit - the CPK was, in
15 many ways, like a monastic sect. And suffering is a way - by
16 suffering you transform yourself. You purify yourself. You become
17 a different and - in the Khmer Rouge view - much better person.
18 So suffering had a positive function as well, in the views of the
19 Khmer Rouge leadership. And that is clearly attested by some of
20 the documents and speeches. Could it - was it unique to Cambodia?
21 Yes, to this extent. But there are elements of it also in China.
22 You reform yourself through labour, through hard work, through
23 suffering. In the Soviet Union, also, but particularly in China
24 during the Maoist period. So it's an idea which is common to
25 other systems, but it was taken much, much further in Democratic

1 Kampuchea.

2 [11.45.56]

3 MS. MOCH SOVANNARY:

4 Thank you once again, Mr. Expert.

5 Mr. President, I have no further questions.

6 I thank you very much for granting me the opportunity to put the
7 question. I would like to cede the floor to my international
8 colleague.

9 QUESTIONING BY MS. MARTINEAU:

10 Yes, good morning, Mr. President. Good morning, Your Honours.

11 Good morning, Mr. Short.

12 Q. I won't take that much time, and I'm going to ask you a few
13 short questions, but - following up on what my colleague just
14 spoke about, you understood that we're particularly attached to
15 the consequence of this regime on the population and on the civil
16 parties that we are representing, of course. And for us to be all
17 on - aware of your research, I would like to ask you, first of
18 all; have you met victims? Have you met victims of the regime?
19 Because, in what we see in your book, references are made - maybe
20 I didn't understand them well - but references seem to be made
21 essentially to leaders, to people who were very close to the
22 leaders of the Khmer Rouge. But I don't have the feeling that
23 many victims were questions. Maybe I'm wrong, so --

24 [11.47.36]

25 MR. SHORT:

1 A. You are absolutely right, and quite deliberately. There have
2 been an immense number of books about the plight of the victims,
3 which is really very well documented. There had been nothing to
4 try to explain the mindset - or get into the mindset - of the
5 regime. And my purpose in writing this book and doing the
6 research was to delve into the rationale of Pol Pot and those
7 around him, including Khieu Samphan and Nuon Chea. Why did they
8 do this? Why did they take this route? And I quote in the book
9 many of the victims, from their writings, so in that sense I
10 think it was balanced. But my job was not to go and get yet more
11 accounts from victims, because that was already out there.

12 [11.48.39]

13 Q. And, in the same line of thought, I have another question for
14 you. I think the day before yesterday, Judge Cartwright asked you
15 who you had questioned among the leaders, and she asked you if
16 you had interviewed Nuon Chea, and you said no. So, I must say
17 that we would like to know why you made this choice? Since Nuon
18 Chea is, as you know, a central figure. Pol Pot's alter-ego,
19 even. Chandler also spoke about the osmosis between him and Pol
20 Pot, and we spoke about this again. They were all living
21 together, as you know. They knew each other very well. And here
22 you could have dealt with someone who could have provided you
23 with very precious information, even though we know that secrecy
24 was something that was very, very important for Nuon Chea. But,
25 however, he was interviewed by journalists. He allowed films to

1 be made about him. Thet Sambath, as you know. So he was not
2 someone who is impossible to approach.

3 A. Chronology is vital to - I'm sure law - but certainly to
4 history. You say Nuon Chea was easy to approach. You are talking
5 from the perspective of 2013. When I began research on this book,
6 it was 1999/2000. It was impossible to approach Nuon Chea. I
7 tried. It was very difficult to approach Khieu Samphan. He
8 eventually agreed to see me, but it took 18 months. Ieng Sary was
9 also difficult. Nuon Chea at that time had spoken to no one,
10 would speak to no one. He lived in a house - in a small house
11 which I later visited - much later - on the Cambodian-Thai border
12 at Pailin, and think it was probably five or six years later
13 before he agreed to see anybody.

14 [11.51.18]

15 So it was not for want of trying. But you are transposing onto a
16 perspective of 13 years ago the situation of today.

17 Q. That's possible, yes. But it's true that this question that -
18 sticks out. And we see clearly that we have now the answer. So
19 I'm going to move on now to a different question that we haven't
20 dealt with that much, or only indirectly, maybe. Regarding
21 communism; you say in your book that the Khmer Rouge leaders
22 wanted to invent their own communism, to distinguish themselves
23 from Marxist orthodoxy, and even rejected it. And you say that
24 they wanted to create a form of intuitive communism, you could
25 say. You even speak about illumination.

1 [11.52.31]

2 And you explain, as well, that they used – in order to justify
3 something that was very odd in terms of Marxism – they justified
4 their attitude by resorting to the following explanation. And you
5 said it yesterday; that, in fact, belonging – classes is no
6 longer a question of economic status, but a question of
7 mentality, you said. And you spoke about this yesterday, briefly.
8 And what's surprising here – I would like to therefore get
9 explanation from – is that these Khmer Rouge leaders retained
10 very fundamental principles of Marxism, such as religion is the
11 opium of the people. They wanted to eradicate Buddhism or other
12 religions as well. And we have the feeling, here, when we read
13 your book, that Buddhism remains the guideline of the
14 implementation of their revolution in certain terms. There are
15 other examples of course. So maybe this might seem contradictory.
16 There are a lot of contradictions, of course, in the Khmer Rouge
17 regime. On the one side, Buddhism should not exist. On the other
18 side, Buddhism is used as a basis to create this new form of
19 Marxism. That's what I could perceive.

20 [11.54.15]

21 A. Thank you for the question. Every form of communism is, to
22 some extent, national. Marx laid down the fundamental principles
23 in the middle of the 19th century. Then, in Russia, Lenin
24 developed it, on the basis of the system which he knew, which was
25 of tsarist autocracy. And that is the form that was taken by

1 Stalinism - was taken until Stalin's death - by Soviet communism.
2 In China - China was a Confucian - still is as Confucian -
3 country. Communism was developed on the basis of Confucian
4 thought. You find in China ideas - I used the term "illumination"
5 in Cambodia. In China - in Chinese communist documents, they talk
6 about virtue. That's a Confucian concept. So, to me, it was
7 completely normal that, when Pol Pot and the CPK elaborated a
8 system based on certain Marxist principles, but also based very
9 much on what they had learned about the French Revolution and the
10 Paris Commune, it would be on the basis of Buddhism.

11 [11.55.42]

12 Because, in order to make communism relevant to a country, it has
13 to resonate with the underlying beliefs of the population, which
14 in Cambodia are Buddhist. So I don't see that as a contradiction.
15 And the fact that they wished to eliminate the Buddhist religion
16 is, again, normal. It happened in other communist societies. No
17 communist regime wants an ideological competitor, which is what
18 religion gives.

19 Q. Yes, I understand very well. But what is a little bit
20 contradictory here is to try to eradicate in Cambodian society
21 what is noxious and what Buddhism created, and at the same time
22 the Khmer Rouge used this. Well, I don't have a lot of time. Now,
23 I'd like to ask you another question on something that we spoke
24 about yesterday - or that you spoke about yesterday, rather. On
25 the slave state. Moch Sovannary also referred to this earlier,

1 and I'd like to return to this qualification, because it's very
2 evocative.

3 [11.56.58]

4 A slave state is indeed something – we understand what it means
5 immediately. Anybody can understand what this means. But if we go
6 into the details, even though this qualification is very global –
7 there are differences, however, in the way people were treated
8 within the populations. People were treated in different ways in
9 Cambodia. Let's say the Base People were not treated as slaves.
10 Or not immediately, maybe. Maybe at the end, we could have said
11 in a basic way that they were, indeed, treated like slaves. But
12 not strictly speaking. The Base People did not lose their rights
13 as citizens. The New People, indeed, did lose their rights as
14 citizens. They were not allowed to vote. I know that voting in
15 1976 was only theoretical, but however it did exist. Whereas the
16 New People did not – they had their voting rights suppressed. I
17 don't have references here, but we spoke about it here yesterday.
18 When David Chandler also came to testify, he confirmed this. So,
19 my question is: What do you think about this difference in
20 treatment?

21 [11.58.30]

22 Because, on the one hand, there was – the Base People kept
23 certain citizen right, and on the other hand a group which lost
24 their rights as citizens and which was reduced to the status of
25 enemy – that had to be suppressed.

1 [11.59.01]

2 A. I accept the distinction you're making. Slave state is a
3 generic term, and indeed there were distinctions of the extent to
4 which people were enslaved. The Base People were enslaved to a
5 lesser degree. I would argue they were still slaves, because in
6 no meaningful sense did they have - were they able to make any of
7 the choices. Base People could not travel as they wished. They
8 couldn't decide where to live. They couldn't decide, after
9 communal eating came in, what to eat. They couldn't - Base People
10 too could not decide who their daughters and sons should marry.
11 The distinction - I absolutely accept you're right, there is a
12 distinction, but it was minimal. And the distinction over voting
13 I think, to me - a totally meaningless vote and no vote - we can
14 argue about whether there is a significant difference.
15 I think the slave state - if you have to pinpoint the
16 particularity of Democratic Kampuchea, the term "slave state"
17 depicts it best, because it was the only one - the only time this
18 has happened in modern history - and other appellations can be
19 very easily knocked down. Don't hold water.
20 May I just say, you - I think at the end of your question, you
21 talked about the New People as being enemies to be suppressed. I
22 think that's too sweeping, too, if the translation was correct.
23 They were regarded as unreliable, but to be transformed, to be
24 reformed, as possible. The regime did not want to have them
25 killed. It wanted to make them willing and useful servants -

1 tools of its policies.

2 [12.01.08]

3 Q. I am going to react to your answer by quoting an excerpt from
4 your book in French. The ERN is 00639702 to 703, and in English
5 it is 00396391. And you indicate at one point that - you note
6 that the enemy is "incurably hostile" - [free translation] - and
7 you speak also - you mention in this segment the borderline
8 between the good ones and the bad ones. That is to say, that if
9 we cross this line, you speak about the forest - in fact, if you
10 cross this line, we're on one side of the border or on the other
11 side. And this line cannot be crossed. And you say the New People
12 were on the other side of this line, and therefore their
13 existence had no value. So, maybe I'm interpreting the word value
14 in very broad terms. So, if the New People had no longer any
15 worth, we can say that they could be disposed of - either we
16 could suppress them or - and - or force them to work. So their
17 existence was very tenuous. That - however - was in the leader's
18 minds.

19 A. Yes, I remember the section of the book about the demarcation
20 line. This side and that side, the forest and the village. I
21 don't have the exact words, and I think I probably wrote them
22 fairly carefully. You've - it's here somewhere, but it's
23 paraphrased. Yes, you're right. The existence was much more
24 tenuous. Nonetheless, the goal was not to exterminate all the New
25 People. The goal was to make them useful servants of the regime.

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1 And there are so many speeches in which Pol Pot and others talk
2 about the need to make them - indeed, the need to feed them
3 enough so that they could work.

4 [12.03.52]

5 There was no rationale for the leadership to which to destroy all
6 the New People, because the leadership needed them. I think that
7 is taking it a stage further than the facts, or certainly
8 anything I have written or think - warrants.

9 Q. Mr. President, may I put a last question to the witness?

10 Because I see that it's already past 12.00. Thank you.

11 Now, regarding this population of deportees that ended up forced
12 to work - and you spoke of - I'd like to speak of the second
13 evacuation, which you spoke about yesterday briefly. I'd like to
14 speak about someone you quote, but not in this segment of the
15 book. Mr. Pin Yathay. And in - during the second evacuation that
16 took place at the end of 1975, he was evacuated. We spoke about
17 lies, as well. And let me read very quickly three sentences in
18 his book. And I will give the ERNs. In French 00587887, English
19 005876019, and then in Khmer 5888204 to 205.

20 [12.05.34]

21 MR. PRESIDENT:

22 Counsel, please be advised to read more slowly when it comes to
23 the ERN number, because the interpreter might not follow. So
24 please repeat the ERN number again. Thank you.

25 BY MS. MARTINEAU:

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1 Q. Yes, I'm sorry. I forgot to say that the document is E3/18/11.
2 So the French ERN 00587887; English 0058760919; and in Khmer
3 5888204 to 205. And this second evacuation, and the treatment
4 that Pin Yathay was subjected to during this evacuation, was very
5 different - or seems to be very different, from the treatment
6 that was inflicted upon him during the first evacuation, but that
7 was still, quote unquote, "bearable", we can say.
8 And he says - [free translation]: "During this evacuation, we
9 were 2,000 standing along the road, and put into trucks. A
10 hundred people in each truck, and we were pressed together".
11 And then he describes this journey - this horrible journey. And
12 he says that: "As of now, I have nothing to hope for. We are no
13 longer human beings". And when they arrive in the middle of the
14 jungle, close to Pursat, he says that thousands of other
15 deportees were there, just waiting.
16 [12.07.32]
17 So, we see that there's a considerable number - thousands of
18 people - who are transported in a horrendous way towards
19 locations that are very inhospitable. The jungle in this case,
20 for these thousands of people mentioned. And my question is; you
21 - a lot was said - often it was said that the leaders knew what
22 was happening. And this evacuation that was covered up in lies,
23 in order - was one problem. But the question is; how was it
24 possible, since the objective was to distribute the population in
25 a productive way, how was it possible for intellectuals - for

1 leaders who had studied - for intelligent leaders - how was it
2 possible for them to accept the second evacuation, under these
3 conditions?

4 [12.08.49]

5 Okay, the first one, of course, was swift, because it was a swift
6 victory. But, however, the second evacuation could have been
7 planned. So we get the feeling here that these leaders were
8 either incapable or they didn't think, or maybe they resorted to
9 horrible methods to compensate for their fear, maybe, or their
10 inability to manage the situation. So this is mind-boggling, when
11 I look at this with a bit of distance. So, I would like to have
12 your opinion on that.

13 MR. SHORT:

14 A. You use the word incapable. I think this is something we have
15 not discussed at all at this case - at this Hearing - but one of
16 the hallmarks of the Democratic Kampuchea regime was that it was
17 incompetent. It was incapable. It made a mess of most of what it
18 tried to do. And the lack of planning, the lack of organization
19 in the second transfer of population, was an example of this. I
20 don't want to understate - I don't want to downplay - the
21 suffering that the New People endured. The Base People, also - as
22 much in some areas, less in others. It was horrendous. But there
23 were two elements to it - three elements. One was incompetence
24 and inability to organize anything efficiently. The other was the
25 very low educational level of the cadres in the countryside, most

1 of whom were illiterate and who could only receive instructions
2 orally, because they couldn't read the documents.

3 [12.10.50]

4 And the third was the policy which held that the New People were
5 expendable in the sense that it didn't matter that much if
6 numbers of them died. That was part of the process, although they
7 wanted as many New People as possible to live and to work,
8 because then they would produce. They were not regarded as being
9 intrinsically of any worth. They were of worth for what they
10 could produce. So those three things came together.

11 Q. My very last question, it's a short one; you spoke about Khieu
12 Samphan's visits to the provinces and about the reports he would
13 draft when he returned to Phnom Penh. And – do you have any
14 elements, or do you see any elements from Mr. Khieu Samphan or
15 documents that relate – these terrible problems in the provinces
16 that were obvious, or that should have been obvious, to him?

17 [12.12.15]

18 A. No, I haven't seen any documents from Khieu Samphan. There are
19 documents from others, some of which we've discussed here. I
20 think Mr. Khieu Samphan would have justified to himself, as the
21 leadership did, whatever collateral suffering was taking place as
22 necessary to reach the end which they wished to achieve. I don't
23 think he would have asked himself very many question about it.

24 MS. MARTINEAU:

25 Neither do I. Thank you very much.

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1 Thank you very much, Mr. President.

2 [12.12.53]

3 MR. PRESIDENT:

4 Thank you, Counsel, and thank you, Mr. Expert.

5 The time is now appropriate for lunch adjournment. The Chamber
6 adjourns now and resumes at 1.30 this afternoon.

7 Court officer is instructed to assist the expert during this
8 break, and have him returned to this courtroom this afternoon by
9 1.30.

10 Security guards are also instructed to bring Mr. Khieu Samphan to
11 the holding cell downstairs and have him returned to this
12 courtroom before 1.30 this afternoon.

13 The Court is now adjourned.

14 (Court recesses from 1213H to 1331H)

15 MR. PRESIDENT:

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

17 This morning we received a request from the two defence teams
18 regarding the time allocation for this expert and we granted a
19 request. However, that would be extended only for today's session
20 to 4.30 and, likewise, the same thing for 4.30 tomorrow
21 afternoon. That is the limitation of the grant.

22 The floor is now given to Nuon Chea's defence to put questions to
23 this expert. You may proceed.

24 QUESTIONING BY MR. KOPPE:

25 Q. Thank you, Mr. President. We are quite grateful for the extra

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1 half hour that we're having. I will try to speed as much as I can
2 with my questions to the expert.

3 Good afternoon, Mr. Short. You have gathered by now that I am the
4 international counsel for Nuon Chea.

5 [13.33.12]

6 Like I said, although I have many questions for you on the things
7 that you have been testifying about today and yesterday, I do
8 feel I need to go back to the very beginning in where you - in
9 which you were telling about your background - academic
10 background and your professional career. I do have a few
11 questions on that if you don't mind.

12 I understand that you've been a foreign correspondent in China,
13 in Beijing. Which other places in the world have you been a
14 correspondent for the BBC - (unintelligible)?

15 MR. SHORT:

16 A. I worked for the BBC in Africa; then in Moscow, then in
17 Beijing, then in Paris, finally in Tokyo and Washington.

18 Q. So Moscow and Beijing were the cities at that time in - in
19 former communist countries.

20 A. (Microphone not activated)

21 Q. And how long have you been in Moscow, respectively Beijing?

22 [13.34.34]

23 A. I was in Moscow for three years from the beginning of 1974
24 till the end - the very end of 1976. Then, in 1977, I went to
25 Beijing and left late in 1981.

1 Q. You said something two days ago about your academic
2 background. If I understood correctly, you studied sciences and
3 English Literature. Am I correct in saying that you are not a – a
4 historian in – in the academic sense; you're not a scholar of
5 history?

6 A. You are correct. I have had no formal academic training as a
7 history professor or a history lecturer as is true of many other
8 historians.

9 Q. All right. Let me be more specific. You are not an academic
10 scholar in the sense of being an expert – an academic expert in
11 communism, socialism, etc.; for instance, like people – people
12 like David Priestland or – or Archie Brown or Steve Heder for
13 that matter.

14 A. I am not and I would not pretend to be, nor would I wish to
15 be.

16 [13.36.23]

17 Q. Let them not hear it, Mr. Short. Have – have you ever
18 published in academic magazines or journals in respect of the –
19 the theoretical foundations of communism?

20 A. I have been asked to peer review articles for academic
21 journals on that subject. I must say I have found most of them
22 not very good, but I have not written myself.

23 Q. And is it fair to say that what you have written on matters in
24 respect of communism will be your two books; one, a biography of
25 Mao, and two the biography of Pol Pot; is that correct?

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1 A. That is not entirely correct. My first book on communism was a
2 comparison of the Chinese system after Mao and the Soviet system
3 after Khrushchev – after Stalin. It was called "The Dragon and
4 the Bear" and it was a comparison of how those two communist
5 systems evolved after the – the principal leaders had disappeared
6 and Khrushchev, on the one hand, and Deng Xiaoping, on the other,
7 had taken their place.

8 [13.38.05]

9 Q. And – and the sources of your knowledge leading up to those
10 respective books, was it mainly gathered during your foreign
11 correspondentship (sic) for the BBC in those cities?

12 A. Yes, I think that would be true. A reading of the Soviet
13 press, of the academic literature, also of Russian studies,
14 because I read Russian. In China it was much more a study because
15 the system after Mao was evolving at the time I was there. It was
16 much more a matter of observation; what I saw, the way that the
17 communist apparatus changed rather than archival resources.

18 Q. Thank you.

19 Now, let me turn to – to Cambodia. If I understand it correctly,
20 you have not been in Cambodia or DK before 1975; is that correct?

21 A. That is correct, yes.

22 Q. You have testified earlier that you have in the DK period
23 tried to – to get a visa to visit the country, but you were
24 unsuccessful in that respect. Have you visited Cambodia between
25 '75 and the moment in 1999 or 2000 when you started your research

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1 for the book that we've been discussing today and yesterday?

2 [13.40.06]

3 A. Yes, I came to Cambodia in, I think, 1991. You will correct me
4 as to the exact date, but it was shortly – around the time that
5 Prince Sihanouk returned from Beijing. And I spent, I think,
6 about three weeks here at that time.

7 Q. But that was in respect of your correspondentship (sic) or was
8 it–

9 A. No, I came (no interpretation).

10 Q. And before 1999, when you – when you came here to start
11 researching for your book, have you done any other research in
12 Cambodia or outside Cambodia, or is it really 1999 as a first
13 moment that you were starting thinking and – and writing about
14 Cambodia?

15 A. 1999 was – was the beginning. I spent about – about five years
16 from 1999 to 2004 working on the book and working full-time; I
17 was not doing anything else.

18 [13.41.14]

19 When I was in Beijing in the 1970s, I followed events in DK
20 extremely closely. It was the best place, apart perhaps from
21 Bangkok, but it was at least a privileged viewpoint because the
22 Chinese were the closest allies and there were people in Beijing
23 who knew probably better than anyone else what was going on in
24 DK.

25 Q. You just testified that you speak Russian. Do you speak Khmer?

1 A. No, I do not. Sadly, there are limits to the number of
2 languages one can learn.

3 Q. Indeed, but did you, when you were writing or - or researching
4 your book, find that a handicap not being able to speak or
5 understand, yourself, directly the Khmer language?

6 A. In some cases, of course; in others, no, because, Khieu
7 Samphan, for example, Ieng Sary, speak very good French, so we
8 conversed in French and this was - was not a problem.

9 [13.42.43]

10 Q. That I - that I understand. I'm asking you this question for
11 the following reason; not speaking Khmer, not really having been
12 able to study in depth Khmer culture, etc., before 1999; not
13 withstanding that you make quite - in your book at least, if I
14 may phrase it like this - sweeping statements about the Khmer
15 culture or the Khmer behaviour; you called the Khmer lazy; you -
16 you say that they're having inferiority complexes; you use the
17 theravada of Buddhism as a - as a source for explanation. Well,
18 did you feel that - I see my learned friend is standing.

19 MR. ABDULHAK:

20 Mr. President--

21 MR. PRESIDENT:

22 Mr. Expert, please wait.

23 The Prosecution, you may proceed.

24 [13.43.56]

25 MR. ABDULHAK:

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1 Thank you, Mr. President.

2 We object. That was a sweeping statement seeking to clarify -
3 seeking to characterize Mr. Short's work as - as consisting of
4 sweeping statements. The way this - these questions should be
5 posed is by taking in specific portions of his book so that we
6 can all look at the relevant extracts and then they can put - be
7 put to the - to the expert and - and questions can be asked, so
8 we object to this form of questioning.

9 MR. KOPPE:

10 I understand, Mr. President, the technical objection, but I - I
11 just try to speed up things. I mean, we've all read it and I'm
12 sure Mr. Short knows that he wrote it, and my point is to speed
13 up in asking him about it and not necessarily asking whether he
14 actually wrote that because he knows he wrote it.

15 [13.44.45]

16 I'm just asking how he was dealing with the fact that he has
17 written that and what was his ideas behind it due to his lack of
18 knowledge of certain things in my opinion.

19 (Judges deliberate)

20 MR. PRESIDENT:

21 The objection ground by the Prosecution is valid, thus sustained.
22 The expert, you do not need to respond to the last question put
23 to you by Nuon Chea's defence.

24 Counsel for Nuon Chea, you are instructed to focus your questions
25 on the relevant facts that are being processed before this Court.

1 BY MR. KOPPE:

2 Q. Very well, Mr. President. I - I will rephrase the question.

3 Has your research let you conclude that, in general, the Khmer
4 people were suffering from an inferior complex in respect of
5 Vietnam?

6 [13.46.38]

7 MR. SHORT:

8 A. I think - I - I honestly can't remember whether I used the
9 term "inferiority complex"; I possibly did. It is certainly a way
10 of describing the peculiar vulnerability that historically has
11 been Cambodia's; vis-à-vis, its two much more powerful
12 neighbours.

13 As a point of fact, so that we - we don't make sweeping
14 statements, in - in your - your term, I certainly have not said
15 the Khmer people were lazy. That is not anything I've written.
16 I've quoted others who took that view and I have said there were
17 ways of interpreting this; doing only as much work as you needed
18 to live can be laziness to some, but wisdom to others.

19 Q. That is - that is correct. You have used others to - to bring
20 about that - that point, but have I understand your book
21 correctly that you try also to make a point with the laziness in
22 respect of DK policy; that it was very difficult for DK
23 leadership to move the Khmer people, in general, to - to work?

24 [13.48.16]

25 A. They certainly felt that, the DK leadership. Whether they -

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1 they could - I mean, they could obviously have used different
2 ways of doing it. They chose a particular way and, yes, I think
3 they - they did feel that it was very difficult to get this
4 country moving and that is part of the explanation for the very
5 harsh methods which they chose to use.

6 Q. Let me - let me move on, Mr. Short. There are more important
7 points.

8 When you started researching your book, there was already quite a
9 bulk of - of literature people had written about the DK period
10 and - and the period leading up to DK. Would you be able now,
11 today, to name - limit ourselves to three - to three important
12 things that you have discovered on the basis - on the basis of
13 your research that hadn't already been put forward or argued by
14 scholars like Kiernan, Chandler, Heder, etc.? Is there any - any
15 - anything in your book you say, well that is something that I
16 have established based on my own research, if others hadn't done
17 that, I hadn't done before?

18 [13.50.13]

19 A. With - with no difficulty at all. You mentioned Chandler and
20 Heder and Kiernan. I - we don't want to get into a scholarly
21 argument, but I disagree with a great deal of what Kiernan wrote.
22 It was an early attempt and, in my view, was in many respects
23 totally misguided.

24 Chandler, very sound work but, again, it was early and there are
25 whole sections, whole segments, where basically in his books, he

1 says, "We don't know what happened. We don't know where Pol Pot
2 was at this time, what he was doing".

3 Well, in my book, because I went to talk to former Khmer Rouge
4 leaders and officials, those gaps are filled in. We now know
5 where he was, what he was doing. We don't know what he was
6 thinking, necessarily, but a lot of what he was saying and
7 writing, throughout the period, we're talking about. And please
8 remember, my book is not a history of DK; it is a biography of
9 Pol Pot. It's about Pol Pot's life.

10 [13.51.19]

11 Another aspect which has been written about a great deal since,
12 but had not been written at that time is the - we discussed this
13 morning, the influence of Buddhism on the form taken by Cambodian
14 communism.

15 Yet another is the form taken by the study sessions; the - the
16 motivation for the - this egalitarian policy which the - the
17 Khmer Rouge endeavoured to impose, that had not been written
18 about in - in anything remotely like that kind of detail because
19 none of those concerned on the Khmer Rouge side had spoken.

20 The - the fundamental difference between my work and that which
21 had preceded it was that the - the great majority of the books
22 before had been - had been written from sources other than the
23 Khmer Rouge, themselves, and I endeavoured to base my book on an
24 understanding of their mentality, what they were going for.

25 [13.52.26]

1 Q. I understand your answer, Mr. Short. You oppose the view on
2 certain aspects of – of Ben Kiernan. You – you say many things
3 developed since – since Chandler wrote his last book, but would
4 you be able, on the basis of your interviews or your discovery of
5 new documentary material, just to give one, two, maybe three
6 really pertinent examples of things that are your discovery?

7 A. Well, I thought I just did, but if you want more specific
8 things, the – Pol Pot's discussions with Mao in Beijing in 1975;
9 no text had ever been made available in any other – well, in any
10 language because in China it was a – a secret text in the
11 archives. It hadn't been published anywhere else.

12 The whole period of Pol Pot's stay in Ratanakiri and, indeed, at
13 Office 100, very little had appeared about that until I talked to
14 Ieng Sary about it and then other sources filled in gaps.

15 You're – you're asking me to pick needles out of a very – you
16 know, there is – there is an enormous amount in that book which
17 had not appeared before. I claim no special merit, but it is a
18 fact.

19 Q. And let me go further on that. You – you mentioned speaking to
20 – to Ieng Sary. Other people have spoken to him as well. Steve
21 Heder, for instance, has spoken to him.

22 [13.54.23]

23 But you also testified that both Khieu Samphan and Ieng Sary were
24 not very inclined to speak about post '75 events. You've also
25 described Ieng Sary as – in your book as – as manipulative and

1 devious. What made you conclude that whatever he had said was
2 really something new or never been said before?

3 A. That which is new is by definition that which has not appeared
4 before. What - what further proof of newness are you asking me to
5 give you? If it hasn't appeared before - and remember, again, we
6 talked this morning about chronology.

7 Yes, others have talked to Ieng Sary, not before me. I - I was
8 the first to interview him at length. And, again, no - we're
9 talking about 2000. The - the war - you know, the last guerrilla
10 movements ended in 1999. I may be wrong, but my - my impression
11 is that he had not, at that time, started to discuss with others,
12 in any detail, the things which we talked about; about the early
13 - the early periods of the movement.

14 [13.55.59]

15 Q. Let me try from - from another angle if - if you allow me, Mr.
16 Short.

17 Would you be able to tell if you had fundamentally different
18 insights in the functioning or working of DK other than Chandler,
19 Heder, or Kiernan?

20 A. I think that is for the reader to judge. It's not for the
21 author to say - the writer to say, "You've never seen anything
22 like this before." It's - you put your book out there; the work -
23 your work of research, and it is then up to readers to say, "Oh,
24 I've read all that 10 times before" or "No, that's new. I didn't
25 know that. That's interesting".

1 I – I think you're – you're asking me something which I am not
2 the best person to judge. Of course, I think that there are many
3 things which are new; that there is an interpretation which is
4 new and certainly which is much fuller than has appeared before,
5 but I am not the one to say so.

6 Q. Do you know if Chandler, Kiernan, or Heder have ever reviewed
7 your book; whether they ever read a – wrote a – what's the word–
8 [13.57.32]

9 UNIDENTIFIED SPEAKER:

10 Review.

11 BY MR. KOPPE:

12 Q. Exactly, thank you.

13 MR. SHORT:

14 A. Both David Chandler and Steve Heder were kind enough to read
15 the complete text before it was published. You're going to
16 embarrass me. Chandler said it was a masterpiece which Steve
17 Heder should have written, but had not done so and Steve, without
18 making any general comment, picked out various things which he
19 objected to, but was not in fundamental disagreement on any
20 point.

21 [13.58.12]

22 Stephen Heder and I disagree fundamentally – and it came out in
23 his comments – over whether the Khmer Rouge revolution was more
24 Cambodian or more communist; it's an old argument and that was
25 our point of – of disconnection.

1 Q. And since you've raised it, have you been able to incorporate,
2 in your work, Steve Heder's book titled "Cambodian Communism and
3 the Vietnamese Model"?

4 A. I think I'm right in saying that came out afterwards. When -
5 when was it published?

6 Q. I think it was published in the same year as your book.

7 A. No, I - I didn't see it. I - I don't think so.

8 He - he also produced a - a book about seven candidates for
9 prosecution. That I did have I think. Yes, I had that before, but
10 not the other one.

11 Q. I'm - I'm asking you this because in the forward to that very
12 same book of Steve Heder - the forward is by David Chandler and
13 it has been written in 1970 - sorry, 19 - no, no, excuse me;
14 2003. So apparently David Chandler had a manuscript of that book.

15 [13.59.50]

16 Did you have, before finishing your book, a manuscript of Steve
17 Heder's book?

18 A. No, I didn't. I gave him mine to read. He obviously didn't
19 give me his.

20 Q. As you - as you said - no, as we agreed, Steve Heder is - is
21 an important scholar on - on Cambodian communism. Have you read
22 his book later and, on the basis of that book, come to other
23 insights in respect of the ideology of the Khmer Rouge?

24 A. I honestly cannot tell you. We are talking about - if I read
25 it, I would have read it when it was published and that's now

1 eight or nine years ago. I have been deeply involved in other
2 subjects since.

3 Might I be permitted to make one remark additionally?

4 Steve Heder and others like him, David Chandler and, for a time,
5 Ben Kiernan devoted their entire energy and lives to studying
6 Cambodia. It's a narrow focus which goes very deeply into one
7 subject.

8 [14.01.25]

9 My qualifications are different. I have looked at and lived under
10 communist systems in Russia and China which they have not. I've
11 tried to understand many different systems, cultures, in
12 different parts of the world. That provides a very different
13 perspective for looking at what happened here to the – the focus
14 of an academic who works only on that subject.

15 I – I'm not saying one is better, one is worse; they are
16 different.

17 Q. I'm just, Mr. Short, trying to establish whether, after the
18 publication of your book, you have read Stephen Heder's book or
19 you have been able to study it.

20 A. I can only repeat my answer. I – I have no recollection of
21 reading it. I may have read it, but it's not something which
22 stuck in my mind.

23 Q. I believe – and the prosecutor will correct me if I'm wrong –
24 Steve Heder's been qualified as the world's leading scholar on
25 Cambodian communism.

1 [14.02.43]

2 Now, you have been testifying as an expert today and yesterday
3 about the ideology of the Khmer Rouge and – and what they were
4 about. Now, wouldn't – doesn't it seem strange to you that you've
5 been giving this testimony without having read the leading book
6 of the leading scholar on Cambodian communism?

7 A. I'm not here simply to regurgitate or to reflect the views of
8 another scholar and I would agree with you, Steve Heder probably
9 is the leading – the world's leading scholar on Cambodian
10 communism. That does not mean we are in a – academic debate is –
11 is where truth is established. One may study a subject and draw
12 conclusions. One is not obliged to read the interpretation of
13 someone else.

14 As I say, I may well have done so. I simply don't remember. It's
15 nearly 10 years ago. I've read maybe a thousand books since on
16 different subjects. You're – you're asking me something which is
17 long ago.

18 Q. Okay, Mr. Short. I – I will be returning to – to Heder's book
19 shortly. I have a few other questions to you.

20 [14.04.19]

21 On a few occasions, today and yesterday, you have been speaking
22 about the secrecy of the Khmer Rouge almost as – as it was an
23 obsession, the secrecy. You have been speaking about Nuon Chea,
24 about your big master of secrecy, etc., etc. Did that, in any
25 way, form a handicap in trying to find out what really happened

1 or what was really in the minds, as you put it, of the Khmer
2 Rouge leaders?

3 Nuon Chea didn't speak. Ieng Sary didn't speak really about the
4 post '75 period. Others didn't - didn't really speak at all. How
5 did that hinder you in - in, nevertheless, making the conclusions
6 that you have been taking or making today and yesterday?

7 A. Ieng Sary and - and Khieu Samphan, I said they were reticent.
8 It - it was not a subject they wished to be expansive on, but
9 both of them gave answers on - on certain questions about that
10 period.

11 [14.05.43]

12 The - the secrecy issue, I thought and I believe is - was an
13 important part of the modus operandi of the Khmer Rouge. It was
14 not unique to them. The Vietnamese communists used code words,
15 code names, to a considerable extent; a little less than in - in
16 Cambodia. The Chinese much less, but this was part of - of the DK
17 and CPK system, so it wasn't a handicap as such.

18 What was a handicap was - I wouldn't call it secrecy, but
19 people's reluctance, understandably, to speak about highly
20 contentious issues. You know, the right to keep silent, the right
21 not to speak. I can't force people to say what they don't want to
22 say. I can merely try to draw them out and draw lessons from what
23 - what they do say.

24 Q. Let - let me, if you allow me, Mr. Short, to - to approach it
25 from another angle. The goal of your research in your book, as

1 you've testified today, was to try to grasp the mindset of the DK
2 leaders, to try to understand why they did what they did. Very
3 ambitious project, on the one hand.

4 [14.07.17]

5 On the other hand, one can conclude that you have not been able
6 to speak to Pol Pot; you've not been able to speak to Nuon Chea;
7 you've not been able to speak to any other members of the
8 Standing Committee or – other than Ieng Sary and Khieu Samphan.
9 You have said yourself, on numerous occasions, that you are
10 doubting the things that Khieu Samphan had been saying to you or
11 that he has been writing in his book. Ieng Sary, you were calling
12 a devious, manipulative man.

13 I'm not sure as to how many mid-level cadres you have been
14 speaking. What makes you conclude that you have actually achieved
15 this very ambitious goal of the book; that you really know what
16 was in the mind of Pol Pot when he made decision x, y, or z?

17 A. Any biographer who pretends to know what is in the mind of his
18 subject is deluding himself. A biography is an attempt to get
19 close to a personality.

20 [14.08.36]

21 Now, at the time at which I was writing, which was just after the
22 end of the – of the guerrilla war, I think I got as close as
23 anyone could reasonably hope to do, but surely it's like any
24 book; an inadequate attempt, and I – I say that not as a
25 self-criticism, but it's the nature of writing biography.

1 Q. Now, Mr. Short, now, I'm - I'm completely agreeing with you,
2 but maybe I wasn't listening correctly, but I haven't been
3 hearing this reservation about events or thoughts of - of leaders
4 earlier.

5 Are - are you saying - let me - let me give one example. You have
6 been calling Nuon Chea the alter ego, if I remember correctly, of
7 Pol Pot. We all agree you didn't speak to any of them. We all
8 agree that you were never there when they spoke to each other. I
9 think we can agree that you never spoke to anybody who was - on
10 that particular topic, who was present when they were speaking.
11 What makes - makes you say that - that Nuon Chea was, in fact,
12 the alter ego of Pol Pot or would it be fair to say that it might
13 be the case or that you think it was, rather than that it
14 actually was?

15 [14.10.21]

16 A. I think we would have to go back to the transcript, but I have
17 frequently used the - the words "my understanding is" or such
18 terms throughout my answers. As to Nuon Chea and Pol Pot being
19 the alter egos, one or the other, that is based on interviews I
20 did with mid-level cadres who - to whom I spoke at some length
21 about exactly what that relationship was.

22 And these were people who had had direct contact with both of
23 them, not, I'm sure, together, but who had - who were in a
24 position to form a judgement - perhaps right, perhaps wrong - on
25 how they operated. And it was on that basis that I said,

1 according to my understanding, Pol Pot was in a - Nuon Chea was,
2 in a sense, the alter ego of Pol Pot.

3 Q. Thank you for that - for that answer then. If indeed you had
4 been introducing every answer to the question with words "it is
5 my understanding" or "it could be like this" or - but my
6 understanding of the way that you have been testifying is that
7 you were very certain in respect of certain events or thoughts or
8 policies from - from the DK period.

9 [14.11.53]

10 Is it fair to say that what you have meant to say when you were
11 answering questions that it was always "to my understanding" or
12 "it's my speculation"; maybe sometimes "it's my conclusion"
13 sometimes because I would really like to have clarification on -
14 on that issue?

15 MR. PRESIDENT:

16 Mr. Expert, please wait.

17 The Prosecution, you may proceed.

18 MR. ABDULHAK:

19 Your Honours, we object again. The - the question is - is
20 extremely wide and vague. If, again, and I - I repeat my object
21 from early, if specific statements can be put to the expert, if
22 he can be asked whether in relation to those specific statements
23 he is certain or he - or he drew an inference, that is entirely
24 appropriate, but to be asking him now to qualify the last two and
25 a half days of evidence as - as matters on which he is not

1 certain - certain is - is improper.

2 [14.12.57]

3 It will simply not elicit helpful evidence for the Chamber.

4 BY MR. KOPPE:

5 Q. Mr. - Mr. President, I will - I will be more specific,
6 although I have to say Mr. Short is not a witness of a certain
7 event. Mr. Short is an expert, a very intelligent expert I might
8 add. He's perfectly capable of - of making - of understanding a
9 general question, but let me be very specific.

10 On numerous occasions, you have testified about a policy in
11 respect of the treatment of Lon Nol soldiers and Lon Nol
12 officials. You have stated that there was a policy basically to
13 execute them once captured and I can get the specific quotes for
14 you, but I'm - I'm sure you remember saying that.

15 And my question to you is: When you say - when you have been
16 testifying that, is - is that based on how you really think it
17 is; that - that it is really evidence - enough evidence to
18 support it or is that something that you conclude, something to
19 your understanding?

20 [14.14.21]

21 If it's the first one, please offer concrete evidence of this
22 policy.

23 MR. SHORT:

24 A. You have just given an example where it is not opinion; it is
25 not interpretation; it is fact. We know that Lon Nol soldiers

1 above a certain rank, unless they were able to dissimulate their
2 rank, and we know that high officials, again, unless they were
3 able to dissimulate, were executed. There is abundant testimony
4 to that effect. The – some of the statements from the Khmer
5 Rouge, themselves, bear it out.

6 If you wanted a list, I would have to go back to my book or my
7 electronic notes and tell you exactly where it came from, but you
8 are as capable as I of seeing the sourcing.

9 What – the point I would like to make – and I understand what –
10 what you were driving at earlier – no one can know for certain
11 what is in anyone else's head, what their thoughts are.

12 [14.15.39]

13 My book is based on my judgements. I would say judgements, rather
14 than interpretations or conclusions, are based on what was said,
15 either in documents or in interviews by those I spoke to.

16 Q. Although I'm – I'm getting ahead of my – of my – of the
17 subjects that I have in mind, you're saying there's abundant
18 testimony about the execution policy of Lon Nol soldiers. There
19 is – even Khmer Rouge cadres were saying that.

20 Let me – let us take one example. You've been writing that –
21 about that in your book. You've been answering questions from the
22 Bench and from the Prosecution. The execution of Lon Nol soldiers
23 in Udong in 1974, what is the concrete evidence? What are the –
24 what are your sources that, in fact, Lon Nol soldiers or
25 officials were executed as a result of an implemented policy?

1 (Short pause)

2 (Technical problem)

3 [14.20.38]

4 MR. PRESIDENT:

5 Let – now we resume the proceedings again.

6 Counsel for Mr. Nuon Chea, please repeat your last question so
7 that the expert can respond. Thank you.

8 BY MR. KOPPE:

9 Q. Thank you, Mr. President.

10 [14.20.58]

11 The – the expert remembers the question because I think, Mr.

12 Short, you are now looking for the sources of your earlier

13 testimony that, in fact, the execution of Lon Nol soldiers was
14 the result of a policy.

15 I – I have no problem, whatsoever, to have you read or, again,
16 what were your sources?

17 MR. SHORT:

18 A. Yes, I thought I would take advantage of the break to refresh
19 my memory.

20 The principle source was Phy Phuon. There is also American

21 testimony, Deac – Wilfred Deac's book. I – I note that there's a

22 – a reference to "Réalité Cambodgiennes" and another – another –
23 and also talking to villagers.

24 Now, which one of those sources specifically refers to the

25 execution of the Lon Nol soldiers which is what you're interested

1 in? At this, you know, 12 years afterwards, I'm afraid I can't be
2 very helpful.

3 Phy Phuon certainly talked. We discussed, at some length, the
4 policy of executing captured soldiers, so I would feel fairly
5 certain that at least some of that information came from him.

6 [14.22.35]

7 Q. What have you done to double check if Phy Phuon was somebody
8 on a level to actually know about this policy or to actually have
9 been there to witness it? What have you done to do - to research
10 this American military historian, Mr. Deac, that he was, in fact
11 - that he was, in fact, right what he has been saying in his
12 book?

13 You're not only, Mr. Short, an author; you're also a
14 correspondent. You're also a journalist with the BBC; I might
15 add, one of the most renowned institutions in the world. You know
16 also as a journalist what it is to check your sources, to double
17 check your sources, and to see from where - that they have it and
18 were they even in the position to say something about policy or
19 in the actual executions, in this particular matter, in Udong in
20 1974.

21 What have you done to convince yourself that the sources that you
22 were using were, in fact, in accordance with the truth?

23 [14.24.02]

24 A. Biography, like politics, is the art of the possible. You
25 check. You verify that your information is consistent with other

1 information, but a biographer is not or a historian is not a
2 judge in a court of law. The standards of proof, happily, are -
3 are not the same.

4 In this case, Phy Phuon gave me his version. I - I quoted three
5 other sources or three other sets of sources because I spoke to
6 more than one villager about this matter. Everything was
7 consistent with itself and - and was consistent with other
8 accounts, with all the other facts about this sort of
9 circumstance, that I was able to discover about the Khmer Rouge
10 throughout the - the period immediately before they were in power
11 and the period they were in power.

12 So, to me, yes, it was fair to make a judgement that this was
13 correct.

14 [14.25.19]

15 Q. Let me - let me - if you allow me, Mr. Short, take it to a
16 next level. What was it that Phy Phuon said to you that made you
17 conclude there was a policy? What did he say? "Yes, there are
18 standing instructions to all the commanders that all Lon Nol
19 soldiers or officials should be executed." Did he, for instance,
20 speak about a telegram in which that was put down? Did he speak
21 about a - a speech of - of Pol Pot or Nuon Chea to high-ranking
22 cadres where it was discussed? Did he, in any other way, say
23 something to you which made you say: "Yes, no doubt, there was a
24 policy of executing Lon Nol soldiers and officials."?

25 A. Unless I'm mistaken, I didn't say there was a policy that had

1 been laid down from the top. I - I may be mistaken. What I said
2 was it happened. In the case of Udong, they were executed after
3 they left.

4 As far as I'm aware - this is only my - my - what the documentary
5 evidence I've been able to discover - there - there was no
6 written document instructing people to execute former Lon Nol
7 officers and - and high officials.

8 [14.27.03]

9 Phy Phoun, himself, said when the - the first fighting starting
10 in Ratanakiri in 1968, it wasn't that there was an instruction;
11 it - it followed from the policy that the - the set of policies
12 which the - the Khmer Rouge were following and soldiers knew how
13 they were expected to behave.

14 That is not the same as having a policy document read out saying,
15 "One, two, three, you shall kill in this way and that way", but
16 the result was the same. The result was the people in those
17 categories were executed.

18 Q. What were the specific words of Phoun convincing you that
19 every soldier, every Khmer Rouge soldier, knew what to do? How
20 did cadres from the Northwest Zone, for instance, in '74, '75,
21 know that whenever they captured Lon Nol soldiers or officials
22 they had to be executed? How did they know that? What made -
23 Phoun's - make you convinced - ah hah, that's - that's convincing
24 evidence?

25 A. What convinced me is that it happened everywhere. Now, I'm -

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1 I'm saying, I - I am unaware of any document, but the - the zone
2 leaders would meet from time to time when you had congresses or
3 central work conferences or Central Committee meetings and they
4 would go back with their understanding of the policies to be
5 followed.

6 [14.28.51]

7 Now, the outcome, the result, was that - and it was followed
8 irregularly. It wasn't absolutely uniform. Not every Lon Non -
9 Lon Nol soldier was killed. Not every high official was killed
10 but, in general, that was the outcome throughout Cambodia.

11 It's difficult not to make a connection between a centralized
12 policy meeting, Central Committee meetings, work conferences, and
13 what is done in the - on the ground afterwards. But there's no
14 smoking gun. There's no document which signed by Nuon Chea or Pol
15 Pot saying, "Do this. Do that. Do the other".

16 Q. Are you now shifting from whatever Phuon has been saying to
17 you to it happened before? And if you do, please elaborate on
18 where did it happen before. I - I don't have to remind you Udong
19 was 1974, was way before 17 April 1975. Where were there concrete
20 examples of this policy apparently being executed by low-ranking
21 cadres? Where in - in Cambodia in 1974 or 1973?

22 [14.30.17]

23 A. My discussion with Phy Phuon began with 1968, which is very
24 much earlier, and it was put in terms of drawing a clear line of
25 demarcation between ourselves and the enemy. Udong was a

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1 particular instance which I've quoted in my book. April 1975,
2 when Phnom Penh was taken, I would argue there is abundant
3 evidence that the same thing happened again. There is evidence
4 from those – the New People of what happened to Lon Nol soldiers.
5 I – I'm not pretending that I am in a position to tell you
6 exactly what happened in every corner of Cambodia. I'm simply
7 saying from the limited evidence – and it is limited for – for
8 all historians of that period – that is available, it's all
9 completely consistent that everywhere where we know what
10 happened, Lon Nol soldiers above a certain level were executed
11 and high-ranking officials likewise.

12 [14.31.36]

13 Q. With all due respect, Mr. Short, we're still talking about
14 Udong '74. You're shifting back to Phy Phuon again. I still
15 haven't heard concrete facts and circumstances, concrete
16 evidence, which can convince everybody in this courtroom that
17 there was a practice, a policy, of executing Lon Nol soldiers.
18 You are saying that it happened somewhere else in the country. I
19 haven't heard you giving evidence about that. It's a very serious
20 allegation that before '75 there was such policy, so I'm asking
21 you again, very concretely, what is the evidence making you say
22 there was a policy?

23 MR. PRESIDENT:

24 Expert, please wait.

25 The Prosecution, you may proceed.

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1 MR. ABDULHAK:

2 Mr. President, I was going to object earlier. I refrained because
3 I thought my friend might move on from the point.

4 [14.32.34]

5 The question's been asked and answered about three times; put to
6 the witness in different terms, answered by him comprehensively.
7 He's given his sources. He's described the process by which he
8 came to the conclusion to which he came.

9 I think this point is being exhausted and my friend is simply
10 asking the same question over and over again.

11 BY MR. KOPPE:

12 Q. Mr. President, I agree with the last sentence; I am asking it
13 over and over again. It's because I haven't heard an answer which
14 is convincing.

15 We're speaking about a very concrete incident in 1974, Udong.

16 We're speaking about sources and I'm trying to establish - I'm
17 not badgering some witness; I'm trying to establish with this
18 expert what made him write that specific paragraph in book on
19 page 255.

20 That's what we're here for. We're here for sources.

21 (Judges deliberate)

22 [14.34.20]

23 MR. PRESIDENT:

24 The objection and ground for the objection raised by the
25 Prosecution to the last question is valid and sustained. Of

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1 course the questions are repetitive and the expert is instructed
2 not to respond.

3 Counsel, please move on.

4 BY MR. KOPPE:

5 Q. I'm - I'm not quite sure if I understand the ruling. We're at
6 - at a very crucial point and I'm asking an expert to be specific
7 on his sources and the reliability and credibility of the
8 sources. What else should I be doing here?

9 I move on, Mr. - Mr. Short, to the actual executions in Udong, so
10 I'm moving away from the policy part.

11 [14.35.11]

12 You've cited an excerpt from a book from an American military -
13 military historian. I've looked at the specific pages of the book
14 that you are quoting. What made you say that he - what - what
15 convinced you that he was the one knowing what happened in Udong
16 in 1974?

17 MR. SHORT:

18 A. I gave him as one of a number of sources for that particular
19 paragraph. I did not say that I have absolutely no idea 12 years
20 later what is in that book. You've - you've looked at it. I don't
21 have that kind of photographic memory.

22 What the fundamental basis for the - the statement that they were
23 - these people were killed after leaving Udong was my interview
24 with Phy Phuon and discussions, conversations, with villagers.
25 Deac and "Réalité Cambodgiennes", we - we can check them together

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1 and come back to this later, but I can only say that, in my best
2 judgement, I believe that to be true.

3 You do not have to accept my belief, but that is what I believe
4 to be correct.

5 Q. Would it be fair to say, quoting your earlier testimony, that
6 what you have been writing about Udong, you deemed reliable for a
7 book, but not reliable for this Court?

8 [14.37.09]

9 MR. ABDULHAK:

10 (No interpretation)

11 MR. KOPPE:

12 I withdraw the question.

13 I can continue to - to another line of questioning, Mr.

14 President. I don't know if you would like to take a pause now.

15 MR. PRESIDENT:

16 You may continue until 3 p.m.

17 BY MR. KOPPE:

18 Q. Thank you, Mr. President.

19 [14.38.01]

20 As a matter of - of exercise, according to the same lines, Mr. -

21 Mr. Short, I would like to read out a quote to you from your book

22 - that is on page 10, first paragraph of your book. The English

23 ERN 00396202, and French ERN 00639461, page 21 of the French

24 book.

25 It reads as follows:

1 "All through the late spring and early summer of 1975, columns of
2 evacuees continue to crisscross the country. Khieu Samphan's
3 colleague, Hou Youn, whose blunt talking had started to infuriate
4 the higher echelons of the leadership, watched an unending
5 procession of city dwellers struggling past the bombed out town
6 of Skun, 50 miles northeast of Phnom Penh at the beginning of
7 May. The sight of their fires burning in the darkness by the
8 roadside, haunted him."

9 And then he's being quoted: "'Those people were truly wretched',
10 he told Nuon Chea later."

11 Now, I think we can agree, Mr. Short, it is not a terribly
12 important passage of your book, but nevertheless I would just
13 like to ask you about your methodology about using this specific
14 example.

15 [14.39.46]

16 It's something that Nuon Chea has been saying. What make you -
17 what made you write down this particular passage in your book?

18 MR. SHORT:

19 A. I thought it was significant because it's the - virtually, the
20 only example I've come across of any, not senior member of the
21 leadership because Hou Youn was not a senior member, but a member
22 of a group with some influence remonstrating with a top CPK
23 leader. I hadn't - I didn't come across any other example of this
24 and you will have seen the source was a series of interviews with
25 Ping Say and Ping Say was with Hou Youn, at the time, and Hou

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1 Youn told him what he had said to Nuon Chea.

2 Q. I have - I have seen your - your sources and I have concluded
3 with you that is the only source and because it's the only source
4 and because it's about something Nuon Chea has been saying to Hou
5 Youn, what make you - what made you convinced, when you wrote it
6 down, that your source was, in fact, telling the events how they
7 happened; that Nuon Chea did, in fact, say that?

8 [14.41.19]

9 As - as you know, there's one source. People say things all the
10 time. Did you look for a corroborating other source?

11 A. I think it would have been quite difficult to find a
12 corroborating source. I was very happy to find one source who was
13 - who was able to give that kind of information.

14 I - it was not the - the kind of thing that people say all the
15 time. I spent many hours over a period of - of weeks and I
16 returned on several visits, months apart, to see Ping Say. We
17 talked about the time he and Hou Youn spent together in early
18 1975.

19 I found his account - when - when you talk several times over a -
20 a period of months to a person and he gives you basically the
21 same account, it's - it lends it a certain credibility. I found
22 it credible, too, because it - it gelled with everything that I
23 knew about Hou Youn and about his attitude to the radicalism of
24 the Khmer Rouge said policies. I had no reason to doubt it and I
25 have today no reason to doubt it.

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1 Q. I'm not saying it hasn't happened, I'm just picking this
2 example which is again terribly important but just to focus on
3 the way that you have been using sources. Also if its only one
4 source did you have a mechanism in place to somehow if it was
5 only one source leading you to certain conclusion to have it
6 double checked, to have - to find other sources? Or be it
7 circumstantial, to corroborate them?

8 [14.43.35]

9 A. With respect, that is a very loyally approach. You asked
10 earlier is it reliable for a court of law and you withdrew the
11 question I haven't been told not to answer. Yes it is reliable
12 for a court of law but it was not written with a court of law in
13 mind. That is to say when I wrote my book this Court had not been
14 thought of, or if it had been thought of no steps had been taken
15 towards it. So the standard of proof that you are - you seem to
16 be seeking is not the standard of proof that I was using in
17 trying to discover the truth as a historian. For a historian, if
18 a source appears to be credible, if what he says is completely
19 consistent with every other known fact. And if there is nothing
20 to contradict it, that is prima fascia an extremely believable
21 statement.

22 [14.44.46]

23 Q. I agree with you Mr. Short. I'm just asking these questions
24 because - and maybe wrongfully so I get the impression that after
25 1 day, 2 days of testimony that whatever you've been writing in

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1 your book is always fully backed by credible and reliable
2 sources. That's why I am focusing on this particular point. To
3 move on to a sort of last subject of methodology and the use of
4 sources and the use of earlier books etc. What I'm going to say
5 might upset some people but I'll try to formulate it as neutral
6 as possible. One could say, that before you started writing and
7 researching your book, there was a very dominate narrative on -
8 about the things that had happened in the DK period. And if - and
9 that's the part that might offend certain people, but there seem
10 to be a very strong Anglo-American French narrative of the events
11 in the DK period. Now we could all agree that the American policy
12 in DK was disastrous. The French weren't very good at it either
13 before that. Although scholars were all raised and educated in
14 those systems. And the question I'm asking you -- and maybe it's
15 a difficult question but I hope you understand -- how were you
16 able to avoid the trap, if I might call it like that, of getting
17 into that dominant Anglo-American French narrative? Vickery calls
18 it standard total view, I think. What did you do to make sure you
19 just didn't go in there?

20 [14.47.03]

21 A. I did not read, until I had got a little way into my research,
22 I didn't read very much that had been written before. It is a way
23 of avoiding the preconceptions which other historians, other
24 writers have laid down but your question is a very good one.
25 Their certainly is a standard total view as Vickery said. As I

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1 indicated to you, one of the very early writers, Ben Kiernan, I
2 found completely misguided on many points. I certainly did not
3 follow either Chandler or Kiernan in the interpretation which I
4 came to regard as the correct or the best way of looking at the
5 DK system. That said any narrative, I will often say a biography
6 tells you as much about the writer as the subject. It's an
7 exaggeration but there is a grain of truth in it. We all
8 interpret things; we all understand things through our own
9 experience. My experience as I told you has been in China, in the
10 Soviet Union, much less time in Vietnam, and a certain amount of
11 time here. But that makes it a different way of interpreting. I
12 recognize the strength of your question; I can't give you a
13 complete answer because there isn't one. All I can say is I tried
14 and I brought a different perspective to bare than other writers
15 who have been in this field.

16 [14.49.00]

17 Q. I understand your answer but would it be possible for you to
18 give concrete examples. Of course you've said that you've studied
19 the Vietnamese and the Chinese archives but one of the things for
20 instance that are - we find very lacking is the input of Chinese
21 or Vietnamese scholars about what happened in the DK period. Do
22 you make serious efforts to try to get away from the dominant
23 narrative at that time which is still the dominant narrative and
24 try to really get underneath the things? A. One of the problems
25 is that the Vietnamese narrative today and the Chinese narrative

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1 today is now that different form the western narrative. It was
2 different in the early 1970s, when Mao and the ultra-leftish were
3 in power in Beijing, but that's a time long ago. The only
4 corrective, if you like, was that I had studied and immersed
5 myself in Chinese politics and in particular in that period of
6 the Cultural Revolution and the views that the ultra-left had. So
7 at least I was familiar, I was able to make comparisons and
8 parallels with what happened in a revolution which was not
9 totally dissimilar in another country. And I think perhaps that
10 has been a help.

11 [14.51.02]

12 Q. Which Mr. Short is a nice bridge to my next subject. And it is
13 the ideology of the Khmer Rouge. I have been hearing your
14 testimony today and yesterday when you were saying that the DK
15 Revolution or DK ideology was something – was sui generis, it
16 was, I have you quoted here as the "most radical revolution",
17 "leaps forward were made to a radical communist state", "worlds
18 most radical revolution", etc., etc.. Would you be able to tell
19 again or to explain again, what were the fundamental differences,
20 not in practise, not in the way it was working out, but in theory
21 between on the one hand the DK ideology and on the other hand the
22 Vietnamese communist ideology, the Chinese ideology, and maybe if
23 we even have time the Russian, the soviet one? So, I'm not
24 talking about, you know, low level cadres executing it wrongly
25 etc., but the fundamental differences in theory.

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1 [14.52.41]

2 A. In the classic Marxist Leninist model, once a revolution

3 triumphs, and this was the case in China and it was the case in

4 the Soviet Union, most markedly in China, you have a period which

5 Mao describes as new democracy, the people's democratic

6 dictatorship; where those who are not against us are with us. In

7 other words it's a broad, it's a temporary, usually, attempted

8 reconciliation of bringing together all the forces which are not

9 actively hostile to the revolution. The same was true in - after

10 1917 in the Soviet Union, it was a little bit different because

11 there was the war against the white Russians, there was the

12 western encirclement and so on. But in both countries that was

13 the model. You had a period of new democracy where the new regime

14 became established then radicalization came later. It happened in

15 China after the Korean War. But Mao's original idea was that

16 there would be a transition period of at least 12 years, during

17 which there would be a new democratic front and only after that

18 would more resolutely communist policies be implemented. There

19 was never any thought of that in Democratic Kampuchea, that's one

20 major difference. There was no attempt to bring together in a

21 common front all those who could be united with. The other really

22 major difference, and we touched on this the other day, was that

23 in China and in Russia proletarian ideology, the ideology of the

24 working class, was held to be fundamental. Khieu Samphan

25 explained to me that in Democratic Kampuchea it was a matter of

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1 transforming your mind. And he said, I remember, that Pol Pot and
2 Nuon Chea had - although they were of bourgeois origin, of not
3 poor peasant origin by any means, they transformed their thinking
4 and were as such Communists and Revolutionaries. And that's what
5 everyone else had to do. This is a completely non-standard
6 interpretation or view or vision of Marxism. It goes back in some
7 respects to the French Revolution which was an alliance of
8 peasants and intellectuals; peasants and bourgeoisie, and that's
9 fundamental what you had in DK. The Leninist model was not
10 followed.

11 [14.55.33]

12 Q. Maybe if I could rephrase the question, if we bring ourselves
13 back to 16 April 1975. So, before the actual taking over of power
14 or liberation of Phnom Penh. What would be the difference in
15 ideology or in policy or in theory between on the one hand Khmer
16 Rouge and on other hand the Vietnamese or the Maoist or - in an
17 earlier stage? Because I still don't see the fundamental
18 difference in theory between, on the one hand Khmer Rouge and on
19 the other hand the Vietnamese or the Chinese.

20 [14.56.40]

21 A. Well, let us take 1949 in China it's a subject forgive me for
22 taking about that rather than Vietnam but it's the subject I am
23 most familiar with. By 1948, 1949 huge numbers of junior
24 officials, bourgeois in the Chiang Kai-shek - that is the
25 nationalist government, as well as most ordinary people, were

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1 completely fed up with the venality and corruption of the Chiang
2 Kai-shek regime. Basically welcomed the communists with open
3 arms. It was pretty similar in Phnom Penh; people thought, at
4 last the war is over, we will all get together. I remember
5 Thiounn Thioeunn's wife, and she should have known better, he
6 after all being part of the movement, saying we all thought we'd
7 go home to Phnom Penh, that I'd make cakes for my parents and it
8 would - life would be normal again. That was the expectation, and
9 it didn't happen. There was no attempt to unite with those who
10 were outside the very narrow Khmer Rouge ranks. That is a
11 fundamental difference. You may say it is a difference in
12 practise but behind the practise there was a difference in theory
13 which is we cannot trust anyone who is not part of our core.

14 MR. KOPPE:

15 Mr. President I see it's three o'clock I would like some
16 guidance.

17 MR. PRESIDENT:

18 The time is appropriate for a short break.

19 We will take a 20-minute break and return at 3.20.

20 Court Officer, could you assist the expert during the break and
21 have him returned to the courtroom at 20 past 3.00. Thank you.

22 (Court recesses from 1458H to 1520H)

23 MR. PRESIDENT:

24 You may be seated. The Court is now back in session.

25 The floor is once again given to Nuon Chea's defence to continue

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1 putting questions to this expert. You may proceed.

2 [15.20.46]

3 MR. KOPPE:

4 Thank you, Mr. President.

5 Mr. Short, I would like to read a few passages from the book from
6 Steve Heder to you from, "Cambodian Communism and the Vietnamese
7 Model". Maybe, with your leave, Mr. President, I will be able to
8 put the relevant passages on the screen for Mr. Short to read
9 along. We're speaking about document E3/22 and ERN numbers
10 English 00393644 until 00393675. Unfortunately, there does not
11 seem to be a French or a Khmer translation of this part of the
12 book. So we have to limit ourselves to the English version.
13 Maybe, with your leave, Mr. President, we could put the relevant
14 passages of the book up on the screen.

15 MR. PRESIDENT:

16 First I believe you should ask the expert whether he has seen the
17 document.

18 Court Officer, could you deliver the hard copy from the counsel
19 for the expert's witness examination first?

20 [15.22.15]

21 BY MR. KOPPE:

22 Thank you, Mr. President. I believe Mr. Short has answered that
23 he isn't sure whether he has actually read it, so maybe if he has
24 a look at it again, it will refresh his memory.

25 Q. Do you recognise it, Mr. Short?

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1 MR. SHORT:

2 A. (Microphone not activated)

3 Q. Please could you repeat your answer?

4 A. I'm sorry. It is looking more familiar. I think I did read it
5 after my own book was completed. Yes, I'm fairly sure.

6 [15.23.16]

7 Q. I would like to read a few passages from both the Foreword by
8 Mr. Chandler to this book and some passages from the Introduction
9 of the book. So, because we don't have much time to go into
10 detail, I would like to read to you the following passages.

11 On page roman seven, that is to be more specific, ERN number
12 00393648, Chandler is saying - and I quote:

13 "In the course of his analysis, Heder disposes of four myths
14 about Cambodian Communism that have been accepted in whole or in
15 part by many other writers. These are that the Communist Party of
16 Kampuchea, CPK, and its predecessors were not Communists at all,
17 but they were controlled and led astray by a handful of Cambodian
18 intellectuals who had studied in France; that they owed nothing
19 to foreign models or advice; and finally that in terms of theory
20 and practice the CPK was essentially Maoist."

21 Just to give you more context, Mr. Short, allow me to read some
22 more passages to put it all in one context. On page roman nine -
23 ERN 00393650, Chandler says, in the second paragraph: "As Heder
24 convincingly demonstrates, French radical thinking was
25 insignificant in the intellectual development of the leaders of

1 the CPK."

2 [15.25.22]

3 A little further on that same page, about Pol Pot: "In the
4 process, he became the protégé of Vietnamese cadre and Cambodian
5 Communists like Tou Samouth who had been trained by the
6 Vietnamese."

7 On the next page, that would be roman number 10: "After 1975, CPK
8 spokesman repeatedly claimed that the Cambodian revolution was
9 without precedent and followed no foreign models. This stance
10 reinforced the nationalist, quasi-utopian aspects of the
11 "Organisation", as the CPK called itself, and reflected its
12 fondness both for concealment and for what it called
13 "independence mastery". However, as Heder's study makes
14 abundantly clear, at almost every turn in the first 45 years of
15 its history, the CPK and its predecessor parties followed
16 Vietnamese models, timetables and advice."

17 [15.26.29]

18 Now moving on, because this is what Chandler is saying, in the
19 Introduction in itself by Heder - that will be page one of that
20 book, ERN 00393664 - he says in the middle of that page:

21 "It lays the groundwork for understanding the behaviour of
22 Cambodian Communists as the acting out of a set of political
23 blueprints authored by the Vietnamese Communists, who had once
24 aspired to be the leaders of revolution in the region."

25 A little further on that page: "It describes how the Vietnamese

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1 taught Cambodian Communists the general rules of revolution and a
2 specific strategy and tactics for making revolution in the
3 Indochinese context..."

4 Let me, otherwise we will lose too much time, let me summarize
5 the rest. But basically the main argument of Steve Heder is,
6 seems to be, that DK policy, DK ideology, CPK ideology rather,
7 was in essence completely modelled on the Vietnamese ideology;
8 under Vietnamese model. Now having read with me those passages,
9 do you agree with Steve Heder?

10 [15.28.17]

11 A. No.

12 Q. Please elaborate, Mr. Short?

13 A. To take the very first extract, Heder is completely right in
14 negating claims or refuting claims that the CPK were not
15 Communists. The CPK was Communist. They were not led astray with
16 a handful - by a handful of intellectuals, they did owe a lot to
17 foreign models and it was not essentially a Maoist.; all that I
18 agree with. The problem it comes back to what I said earlier.
19 Steve Heder takes the view that the CPK should be seen
20 essentially as a Communist Party among others. I take the view
21 that the particular form taken by the CPK reflects Khmer culture,
22 its Buddhist antecedents and that that is not found in any other
23 Communist party and not even the Burmese Communist part. So we
24 disagree over that and we disagree over the extent to which the
25 CPK took the Vietnamese party as its model. But this kind of

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1 disagreement is quite natural and normal among people who spend
2 time studying these things.

3 [15.30.01]

4 Q. I agree with you in general, but I feel I need a little - to
5 hear a little more arguments from you, as an expert, to dismiss
6 the arguments - the well-researched arguments and facts from, as
7 what my learned friend on the other side said, somebody who has
8 been called the world's most leading academic on CPK policy and
9 ideology?

10 A. It is absolutely true that the Vietnamese mentored the
11 Cambodian party from its inception. Indeed, it was largely a
12 Vietnamese creation at its inception. One can take out the word
13 largely; it was entirely a Vietnamese creation at its inception,
14 up till 19 - the early - late 50s, early 60s. We talked, I think
15 earlier, about the 1960 Congress which the CPK held without
16 Vietnamese observers and without prior information to the
17 Vietnamese. Then came, Heder mentions it, Pol Pot's visit to
18 Hanoi in 1965 to '66, which was crucial, because that was the
19 moment at which Pol Pot really decided that the Vietnamese were
20 bent on taking control of the CPK and from then on, the
21 divergence became more pronounced.

22 [15.31.48]

23 If you argue that CPK policy was essentially modelled on
24 Vietnamese worker party, Workers' Party Policy, you have to
25 explain why after 1975 one set of policies was carried out in

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1 Cambodia in DK and a very different set of policies in Vietnam
2 because they were very different-

3 Q. Sorry to interrupt you, Mr. Short, but that might very well be
4 caused by external factors; a threat perceived or not about
5 Vietnamese Hegemony, sorry. The speedy character of the
6 Revolution, you know, in Vietnam it took tens of years, decades -
7 so in China - to achieve a victory. There might be cultural
8 differences obviously between China, Vietnam and Cambodia. But in
9 essence he is saying CPK was just a Communist Party and in theory
10 and ideology it didn't differ from the Vietnamese or possibly
11 even the Chinese. So am I to understand that you don't agree with
12 that observation?

13 [15.33.15]

14 A. I do not agree with that, with that interpretation.

15 Q. Then once again, and I'm coming back to the first question
16 before the last break, what was then the crucial difference in
17 theory; remember I took you took 16 April 1975; what was the
18 crucial difference in theory between Kampuchean ideology, CPK
19 ideology on the one hand and the Vietnamese ideology or rather
20 the Chinese or maybe even the Soviet on the other hand? I'm still
21 not getting the crucial difference in theory?

22 A. The matter of where theory stops and practice starts is a
23 contentious one. One fundamental difference, whether you call it
24 theoretical or practical, is that the Vietnamese party, which had
25 been in power in the north for - since 1954 and therefore had a

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1 very long experience, was based on the working class, the
2 industrial proletariat. There was no industrial proletariat at
3 least none recognised as such by the CPK, therefore it was based
4 on the peasantry. Now in theory and in practice, a party which is
5 based on an alliance of peasants and intellectuals is
6 fundamentally different from an orthodox Leninist party based on
7 the working class, such as the Vietnamese Workers' Party; Workers
8 'Party in its name.

9 Q. Let me again try from another angle. Steve Heder is using the
10 word "blueprints." Would you disagree with that particular use of
11 that word, that the Vietnamese model as a blueprint for the CPK
12 model?

13 [15.35.32]

14 A. I would disagree. A blueprint yes, in the sense of the early
15 stages of the Revolution; when I say "early stages", - the pre
16 1973 stage. Yes. In - up to that point there were quite close
17 parallels, but once you get to the evacuation of the cities, I
18 can only quote Mao's conversation with the Vietnamese leader Le
19 Duan where Mao said: "We couldn't do that, could you?" and Le
20 Duan said: "No we couldn't." It would have been inconceivable in
21 Vietnam, it was what the CPK did and it's a pretty major
22 difference.

23 [15.36.26]

24 Q. Is it fair to conclude and to summarize that had you been in a
25 position to read Heder's book before publication of your book, it

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1 wouldn't have changed your view on CPK policy?

2 A. No it wouldn't and you know, to be fair, Steven Heder and I
3 had long conversations about these sorts of issues. I wasn't
4 aware at the time that this book was coming out or if I was, I
5 have forgotten. But we talked about it and if I might just add, I
6 think a lot of this difference in interpretation is the fact that
7 Stephen Heder concentrated on Cambodia and Vietnam and my
8 background, as I say, is of looking at many different cultures
9 and systems and what is specific to those particular systems;
10 what the differences are, why the Chinese party and the Cambodian
11 party are different. His strength was in the depth of his
12 knowledge of this particular system; not so much in the
13 comparative study.

14 Q. Allow me to ask you some more questions and also in following
15 up, Judge Lavergne's questions two days ago, about Mao thought,
16 Chinese Communist ideology. In your book you have been writing
17 about contacts between Pol Pot and Mao, and Pol Pot and others
18 Zhou Enlai. I believe, somewhere in your book, you are quoting
19 the excessive praise from Pol Pot about the Cultural Revolution.
20 You mention contacts with a former widow of Mao, I'm sure you can
21 pronounce her name better than I can. Right in that period,
22 second part of '60s, early '70s there was a lot of discussion, a
23 lot of things going on about the Cultural Revolution. And
24 earlier, of course, we had the Great Leap Forward. Would it be
25 fair to say, or am I now oversimplifying things completely, that

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1 maybe, the CPK policy was about combining the Great Leap Forward
2 and a Cultural Revolution all at once; and go forward, but still
3 taking the inspiration from China when it comes to the Great Leap
4 Forward or the Cultural Revolution?

5 [15.39.27]

6 A. Insofar as the Great Leap Forward is concerned, certainly.
7 This was an inspiration. It was a model. It was something that
8 they wanted to do themselves, but to do better. As regards to the
9 Cultural Revolution, no. It was completely antithetical to
10 everything that was done in Democratic Kampuchea.

11 I don't think any of the DK leaders, I say I don't think, I
12 don't know what was in their heads, but I've seen nothing to
13 suggest that they wished to emulate the Cultural Revolution or
14 that they understood what it was, which was something quite close
15 to a civil war.

16 [15.40.16]

17 They'd had that in Cambodia. They didn't, certainly didn't want
18 to set one group warring against another for ideological
19 rectitude. So the Cultural Revolution analogy is a complete red
20 herring, but the Great Leap Forward, yes. And Zhou Enlai, when he
21 met Khieu Samphan, according to the Chinese documents, said: "You
22 should not go down that road. We did it and it was not something
23 which produced enormous successes." It produced, as you know, 38
24 million dead in a huge famine.

25 Q. About the Cultural Revolution, I do recall that you have been

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1 writing about contexts between, for instance Ieng Sary and people
2 within that limited group, the Gang of Four. In your conversation
3 with Ieng Sary, was he able to speak about any possible influence
4 on him or others from the Cultural Revolution?

5 [15.41.24]

6 A. I must be honest; I don't recall having discussed the Cultural
7 Revolution with him. And I know the parallel is often made
8 between what happened in DK and the Cultural Revolution, but with
9 respect it, to me, with everything, all that I know, the little
10 that know about the two, they were totally unconnected.

11 Q. But I'd still be interested in hearing from you, the possible
12 parallels and the differences between Chinese Communist policy on
13 the one hand, and Cambodian Communist policy and ideology on the
14 other hand. What were, according to you, the striking parallels
15 and what were the differences? I know you've said something about
16 violence, but rather, I'm talking about theory?

17 A. There were two - three major influences. The Great Leap
18 Forward was one. The work of Lin Biao, who - it was a collective
19 article, but it was ascribed to Lin Biao, about the necessity for
20 the countryside to surround the city, both internationally, in
21 other words, the third world is going to dominate the
22 industrialized world and is going to surround it, and within
23 Cambodia, because it is one of the basic principles of guerrilla
24 warfare. You use the countryside to surround the cities and you
25 conquer them, and that had been Chinese practice as well. That,

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1 certainly, was a major influence for Pol Pot.

2 The idea that a revolution could be based on the peasantry also
3 was reinforced by Chinese experience. But in China, nonetheless,
4 there had been, all the way through, an insistence on the
5 importance of the industrial proletariat, and Mao argued that
6 actually the peasantry behaved like the petty bourgeoisie, that
7 is, they would commit uncontrollable acts of violence, they were
8 not disciplined, whereas industrial workers, the proletariat, the
9 industrial proletariat, formed a reliable backbone for any party.
10 Now, that backbone was absent in the CPK.

11 [15.44.29]

12 Q. I'll move on because of time.

13 When we look at what happened in practice, what happened in
14 reality as a result of the Great Leap Forward and the Cultural
15 Revolution, you would agree with me that, especially if you've
16 read Frank Dikötter's book about the great famine, and recent
17 literature on the Cultural Revolution, that the amount of
18 casualties and victims of both the Great Leap Forward and the
19 Cultural Revolutions are enormous.

20 If it's not within the realm of your expertise, then please say
21 so, but when you sort of zoom out, it seems unfair and unjust
22 that former Chinese leaders are not on trial and DK leaders are
23 being held responsible, criminally responsible for what happened.
24 What is your opinion, the essential difference between the way
25 Chinese leaders have been acting, in those particular periods in

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1 the fifties and the sixties, and DK leaders?

2 [15.45.47]

3 MR. PRESIDENT:

4 Expert, please hold on.

5 Mr. Prosecutor, you may proceed.

6 MR. ABDULHAK:

7 I do have to object to that characterization. I don't think it's
8 appropriate in the context of questioning for us as counsel to be
9 commenting as to who should or shouldn't be on trial and what
10 country. To the extent that my friend wishes to explore issues
11 around ideology and effects on the CPK, obviously, I have no
12 problem with that, but I do object to this commentary as part of
13 the questions. I think it's inappropriate.

14 [15.46.26]

15 MR. KOPPE:

16 I'm not inviting Mr. Short to, you know, say anything about
17 criminal liability of former Chinese leaders, but I'm sure Mr.
18 Short understands what is behind the question. Maybe we should
19 give the expert a little leeway on this.

20 (Judges deliberate)

21 MR. PRESIDENT:

22 The objection by the Prosecutor to the last question posed by the
23 defence counsel for Mr. Nuon Chea is appropriate. This question
24 is irrelevant. The expert is therefore instructed not to respond
25 to the last question.

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1 Counsel, you may move on.

2 [15.47.34]

3 BY MR. KOPPE:

4 That's a pity, Mr. President. I was keen on getting that answer.

5 I think maybe the expert was keen on giving an answer as well,

6 but I'll move on, Mr. President.

7 Q. I'll move on, Mr. Short, to more concrete events, more

8 specifically, I would like to draw your attention to a page in

9 your book, page 277. That is, Mr. President, ERN number English,

10 00396485; and French, in the book, that will be page 357 to 358,

11 and ERN number 00639812 until 813.

12 Mr. Short-

13 MR. PRESIDENT:

14 Mr. Koppe, could you please repeat the ERN number, because it was

15 not being followed by the interpreter?

16 BY MR. KOPPE:

17 I apologize, Mr. President.

18 [15.48.53]

19 ERN English, 00396485; French, 00639812, leading into 813.

20 Q. This passage, Mr. Short, is about the fighting in the

21 Northwest Zone, on or around April 18. In the middle of that

22 page, you're saying, or you're writing that, in the course of

23 this fighting - and I quote literally: "About 20 miles out of the

24 city, they", Lon Nol soldiers, "were ordered to get off and

25 assemble in nearby fields, where their arms were bound and they

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1 were killed."

2 A little further, on that same page, you write about: "Similar
3 massacres occurred throughout the Northwest. At Pailin, the gem
4 mining town on the Thai Border, the Khmer Rouge arrived on April
5 20, people in from neighbouring villages, one resident
6 remembered."

7 And almost down at that page, you say: "At the Samlaut
8 crossroads, 15 miles to the east, they were all killed. So were
9 80 city officials."

10 Now, before the break I've been asking you questions about Udong
11 in 1974. We're one year later, in your answers to questions, you
12 have given testimony that you are of the opinion that a policy to
13 execute Lon Nol soldiers and officials was in place, and that
14 everywhere in the country these executions took place.

15 [15.51.09]

16 So let me divide that up. What was your source for you to
17 conclude that in '75, in the Northwest, there was still this
18 policy, the DK policy, of executing former Lon Nol soldiers and
19 officials in place? What is your basis for that?

20 MR. SHORT:

21 A. I'm sorry, I'm going to disappoint you, because I have been
22 looking at my notes, as you no doubt have done, and for that
23 passage I can find no reference, which means that I omitted to
24 put in the notes the reference from which it was taken, and I
25 cannot at this distance tell you what that source was. I'm sure

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1 it was a written source, it was not an interview, but what the
2 source was, I'm sorry, this is an inadequate answer, but it is
3 the truth and it's all I can tell you. I don't remember where it
4 came - where that particular statement came from.

5 Q. Are you now referring to the actual events in the Northwest,
6 or are you now referring your answer to the existing yes or no
7 policy of executing Lon Nol officials and soldiers?

8 [15.52.45]

9 A. I'm responding to the events in the North-West outside
10 Battambang and Pailin, at the Samlaut crossroads, to which you
11 just referred.

12 I no longer - I'm not able to tell you what the source of that
13 information was because it should be in my notes, but it's not.
14 It's a failing on my part and I can't recall at this distance
15 what the source was.

16 [15.53.10]

17 It was - as I say, those descriptions of what happened in those
18 places I'm sure came from a written source, but what the written
19 source was, I'm afraid I can't tell you.

20 Q. Would you be able to say anything about actual orders or
21 instructions coming from the centre, so to speak, towards the
22 North or Northwest Zone to do this?

23 A. With respect, I think we dealt with this in principle earlier.
24 No, as I said then, I have seen no document instructing Khmer
25 Rouge forces in the different zones to execute Lon Nol soldiers

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1 and high - former high officials.

2 However, it happened. It happened in a very similar way all over
3 Cambodia. And I take that as a prima facie evidence that there
4 was an understanding among all the forces involved that this is -
5 was what had to be done.

6 Was there a written document? Perhaps, but if so, I haven't seen
7 it. Was it through verbal instructions given at Central Committee
8 and work meetings or work conferences? Very possibly, I don't
9 know.

10 All I'm able to say is it happened in the same way everywhere and
11 that indicates a harmonization of policy throughout the country.

12 [15.55.06]

13 Q. Assuming for a moment that you are right when you're saying
14 that it happened everywhere, then how would you be able to opine
15 or to give conclusions that what happened was in fact the result
16 of an implemented policy rather than, for example, understandable
17 between "actions of revenge" from local Khmer Rouge cadres on Lon
18 Nol soldiers?

19 I mean we can agree, I think, that there was a bloody war in the
20 last five years. You've written in your book that Lon Nol
21 soldiers were not particularly friendly to Khmer Rouge cadres
22 once they captured them. They executed them like that.

23 How can we distinguish between, what might very well be acts of
24 revenge from the local cadres, from the local commanders and not,
25 in fact, the result of a nationwide policy?

1 [15.56.38]

2 A. I think we've agreed over the last few days that if there was
3 one thing which characterized the Khmer Rouge movement, the CPK,
4 it was extremely rigid discipline. It's very hard to believe, in
5 those circumstances, that individual commanders without a clear
6 understanding that this was what they were expected to do, would
7 have allowed their troops to carry out revenge as thoroughgoing
8 and in as many places as we have seen.

9 There were slight variations. There were places where Lon Nol
10 soldiers were not killed but were sent for re-education, where
11 high officials were sent for re-education but under extremely
12 harsh conditions, which very few of them survived. These are the
13 exceptions which prove the rule. But there were - there were
14 exceptions, particularly in the Eastern Zone.

15 [15.57.43]

16 However, allowing for that, which in a sense makes the general
17 picture more credible because you do have these very small
18 variations, the picture across the country was pretty much
19 uniform. And in a regime that disciplined, an army that
20 disciplined, there is a very strong presumption, at the least,
21 that there was an understanding which resulted from a centralized
22 order, instruction, policy-

23 Q. Sorry to interrupt, we are in 1975 now. What is your evidence,
24 what are your sources that the things that you have been
25 describing happened in the North-West were also happening in the

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1 East or were also happening in and around Phnom Penh?

2 Could you give one example of irrefutable evidence, really strong
3 evidence that there was this systematic pattern of rounding up
4 Lon Nol soldiers and officials and execute them?

5 [15.58.58]

6 A. I think we discussed yesterday the exodus in - and I would
7 have to look back to the - for the details, but if you'll
8 remember Hang Thun Hak, the former Prime Minister, and another
9 official were sent back to Beijing where they were executed at
10 the Olympic stadium. And the other officers were - marched across
11 the rice patties and there bludgeoned to death. This was
12 something which was read out from the book. It is a description
13 of an eyewitness who was part of that procession and who saw them
14 being separated.

15 There is a great deal of evidence of that kind. Now, you can say
16 the eyewitness has made them up but when there is nothing - when
17 everything appears to be consistent with that and there is no
18 coherent evidence to oppose it, I think a court of law like a
19 historian probably will accept it.

20 Q. I understand what you're saying, I hear what you're saying.

21 But nevertheless, and excuse me for maybe being repetitive, but
22 rather than just citing one account of one unknown person in your
23 book, aren't you able or - aren't you able to just really give
24 concrete evidence, concrete indications that this really happened
25 in 1975, as a matter of a pattern?

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1 [16.00.52]

2 A. There is - there are different sources of evidence from
3 different areas. Now, if you were to give me a week to go through
4 all my papers in storage in Paris, I could probably draw up a
5 list of who testified to what, where. At the moment, in these
6 circumstances, I can only cite cases like the one I have. But
7 without in any sense trying to be disrespectful or to use up your
8 functions, if a court hears evidence from one witness, everything
9 is consistent with the evidence of that witness and nothing
10 contradicts it, it is, as a historian, in the same way as a
11 historian, that evidence is taken to be believable. Well, that's
12 the judgment I made on the various witnesses and the written
13 evidence which I saw, and I drew the conclusion that there was a
14 pattern which presupposed a policy understanding.

15 [16.02.08]

16 Q. And just to be absolutely clear on this, the fact that it, in
17 your opinion, was a pattern, is solely based on the fact that
18 various witnesses are giving accounts of those things happening;
19 not a source telling you directly, 'Yes, there was a standing
20 order from the centre to do this.'

21 A. I accept, I agree with what you say. No, I have no evidence,
22 and I think I've said this before, of an order from the Standing
23 Committee, from Nuon Chea, from Pol Pot. I - there is no evidence
24 that I am aware of, of any formal written instruction.
25 The pattern, is to me, evidence that there must have been at

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1 least a policy understanding, conveyed, by what means I don't
2 know, but which explains why the policy was implemented in more
3 or less the same way everywhere.

4 Q. Now, Mr. Short, assuming for a moment that you are right, and
5 that there was in fact a policy to round up Lon Nol soldiers and
6 officials and have them executed, how, although you haven't seen
7 any evidence, would you think it would have been communicated? I
8 will tell you the reason why I'm asking this. You have no
9 knowledge, as I understand it, about executions at a place called
10 Tuol Po Chrey, that's a place somewhere in the Northwest Zone,
11 but evidence might suggest that orders to do that, to have those
12 people executed, could typically be conveyed through public
13 sessions, political education sessions.

14 [16.04.30]

15 Now, again, assuming that there was such a policy, in your
16 knowledge of structure and communications, etc., how would such a
17 standing order or instruction be typically communicated to zone
18 commanders or division commanders, or what have you?

19 A. There were two basic forms of communication, one was by coded
20 telegram. Before 1975, greater use was made of messengers, which
21 continued after 1975, because telegrams, any kind of radio
22 transmission, was liable to interception, and secrecy being one
23 of the watchwords of the regime, that was less rare. I'm not
24 familiar with the - that was not so common - I'm not familiar
25 with the case you mentioned, but, we actually looked at a

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1 document, and there are others, the other day, which said we
2 should not discuss before the masses, the elimination of
3 counter-revolutionaries.

4 And certainly practice, from every account that has been
5 published since, is that people were not taken out and publicly
6 executed. In most cases, they would simply disappear. They would
7 go to what was called the forest in the west, which was a killing
8 ground outside the village, and disappearance was a much more
9 effective way of instilling fear and instilling obedience than a
10 public execution.

11 [16.06.29]

12 Q. Am I - is it fair then to summarize your answer that it's not
13 very likely that any communication to have Lon Nol soldiers or
14 officials killed was conveyed to cadres through public or
15 semi-public gatherings, is that correct?

16 A. I would have thought that was correct. Before 1975, as we
17 know, there were warnings from Khieu Samphan, Hou Youn
18 broadcasting saying, if you want to save yourselves, come over to
19 the Revolution now, come immediately, don't wait. But, after
20 April 1975, no, I would be surprised; it would be exceptional if
21 that kind of order were conveyed in any public way.

22 Q. Just allow me to step a little bit outside of this subject.
23 Would - and I'll go back again, but would the same, in your
24 opinion, be the case for orders or decisions to purge cadres? Is
25 it, in your opinion, very unlikely that, for instance, Nuon Chea

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1 or Pol Pot would say to a meeting of cadres, X, Y or Z, in zone -
2 in the East Zone should be smashed?

3 [16.08.13]

4 A. I would say extremely unlikely. We know of cases where
5 messengers were sent from the Standing Committee General Office
6 to the Eastern Zone, for example, to order purges of high-ranking
7 officials. But these were messages - extremely secret messages.
8 They were not done publicly.

9 Q. So, would it be fair to say, that in your opinion, low level
10 cadres or mid level cadres, commanders, would not be hearing
11 orders to execute somebody in a full political education meeting?

12 A. I would be surprised if such orders were given about named
13 people. We know that Son Sen addressed meetings of military
14 cadres, where he talked about the necessity to smash, but without
15 naming those to be smashed. And indeed, in many cases, that was a
16 call for vigilance, after certain elements had been arrested and
17 when others were suspected, but they weren't, for the most part -
18 those who were to be arrested, were never named. That is my best
19 interpretation.

20 [16.09.48]

21 Q. Thank you.

22 Now, going back again to the fate of Lon Nol soldiers and
23 officials.

24 Now, of course, realizing fully that you do not know any
25 specifics or details about what might have happened in Pursat

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1 province and Tuol Po Chrey, but there is evidence that might
2 suggest that after the final battle of the fortress at Tuol Po
3 Chrey, Lon Nol officials were, more or less, lured into a big
4 meeting in a provincial house, having received speeches and being
5 promised that they would get re educated and even meet the king.
6 And evidence might suggest that they left the provincial building
7 happy, and were really thinking - meeting - that they were
8 meeting the king.

9 Now, this is a story, this is almost about a plot to lure the
10 provincial officials into their death. Have you heard, or have
11 you seen evidence, that might suggest that such plotting, or
12 however you want to call it, occurred, in for instance, in Phnom
13 Penh or any other cities?

14 [16.11.25]

15 A. It is exactly what happened in Battambang, where the officers
16 were told to put on their dress uniforms and they would be taken
17 to be presented to the king, to Prince Sihanouk in Phnom Penh,
18 and were killed, early on, on the route, on the way.

19 Q. Battambang is, as you know, in the Northwest. You haven't been
20 able to present concrete evidence of what happened in Battambang,
21 we just heard from you. Do you know if such schemes happened
22 outside of the Northwest Zone?

23 A. I do not, but this is not surprising, because there was
24 considerable leeway given to the zones, the zone commanders, in
25 how they went about, what they were supposed to go about. The

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1 objective was fixed, but the means were left at their disposal,
2 which is why you have these differences between the different
3 areas.

4 Q. Now, of course, Mr. Short, you know, because you've written
5 about him from various passages, you knew who was the commander
6 of the Northwest. If you don't remember, I'll be happy to give
7 the name to you.

8 A. (Microphone not activated)

9 [16.13.06]

10 Q. Your microphone.

11 A. Ros Nhim.

12 Q. Ros Nhim, yes, yes, yes.

13 Do you remember, what you have written about him? Do you remember
14 speaking to other people about this particular character?

15 A. I'm afraid I would need to refresh my memory from my book or
16 my notes. It's not in my head, 10 12 years later.

17 Q. Would it be fair to say that he is in - if I might put it
18 popular - an old school Issarak guy from the forties, who was
19 there from the beginning, in the fifties and the sixties, with
20 the Khmer Rouge, or the CPK or whatever it was called at that
21 time?

22 A. That was true, I think, of all the zone leaders, except for
23 Chou Chet, who became the leader of the Western Zone, when that
24 was created, but all the others, So Phim, Ke Pauk, Ros Nhim, Ta
25 Mok, I'm leaving some out, but, they were all former Issaraks.

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1 [16.14.50]

2 Q. Your - you have been - in your book - make - I need to - can I
3 get-

4 In your book, you have been making a distinction between, on the
5 one hand, intellectuals, and on the other hand, again, old
6 school, hardboiled, tough, cadre from the Issarak Movement. Is
7 that correct?

8 A. Yes.

9 Q. Would you be able to elaborate on that distinction between
10 those two groups?

11 A. One of the reasons why Pol Pot was chosen, rather than Nuon
12 Chea, as Secretary of the CPK in 1963, after Tou Samouth's
13 arrest, was that he was thought to be capable of bringing these
14 two groups together. It never completely happened, and it
15 remained a source of friction right through the DK regime.
16 I think we said the other day, that there are confessions in
17 which arrested leaders speak of "Thatched Houses", meaning the
18 Issarak, and "Brick Houses", meaning the returned students from
19 Paris. That was always a source of friction, and I do remember
20 Mr. Khieu Samphan saying to me once that the people who were
21 really responsible for all the abominations were the old Issaraks
22 who had become the warlords, the zone leaders in the provinces.
23 [16.16.52]

24 Q. Now, would you be able to recollect whether Ros Nhim was such
25 a warlord, who did things by himself, not necessarily receiving

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1 instructions from whoever?

2 MR. PRESIDENT:

3 Mr. Expert, please wait.

4 The Prosecution, you may proceed.

5 MR. ABDULHAK:

6 I have to object to the content of the question, because it
7 misrepresents the previous response.

8 The characterization of Issarak as people responsible for all
9 the crimes, acting of their own volition, and without any
10 instruction, if I understood the expert's response correctly,
11 that was based on a statement by Khieu Samphan. Now, it wasn't a
12 conclusion that the expert has given. So I object to it being put
13 to the expert as a fact, or a conclusion, or an inference that he
14 has drawn.

15 [16.18.00]

16 BY MR. KOPPE:

17 Let me rephrase, Mr. President.

18 Q. Was there, in your opinion, a difference between the actions
19 of the Issarak warlords, on the one hand, and ideas and policy,
20 maybe from the intellectuals, such as Nuon Chea and Khieu
21 Samphan, on the other side?

22 MR. SHORT:

23 A. I would have made the point and reinforced the point that,
24 indeed, the statement about the warlords being responsible for
25 all the problems was Mr. Khieu Samphan's view. I would certainly

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1 not make it my own.

2 The evidence is that the former Issarak leaders obeyed, pretty
3 scrupulously, the policy laid down from the Centre. There were
4 cases where they objected, not ever directly to Pol Pot or Nuon
5 Chea. I'm thinking of the case of François Bizot, who described,
6 when he was released by Duch on Pol Pot's instructions, how Ta
7 Mok said, and Ta Mok was probably the most vocal of all the
8 warlords, that the central leadership didn't know what it was
9 doing; Bizot was an American spy, he should never be released.
10 But he was released. Ta Mok went along with the instruction from
11 the Centre. And it's a very small example, but no one among the
12 Issaraks, among the former Issaraks, who were zone commanders,
13 was going to disobey what the centre had laid down.

14 [16.20.02]

15 Q. Now you know, I presume, Mr. Short, what happened to Ros Nhim,
16 in '78.

17 A. My memory is not very precise, but I think I would stand
18 little chance of being wrong in saying he was executed.

19 Q. Do you know why he was executed?

20 A. You're taking me to a level of detail which is not in the
21 front of my mind.

22 Q. Have you heard any evidence that might suggest that he was
23 executed because he wasn't listening, for instance, to orders or
24 instructions coming from the Centre?

25 A. If you wish me to offer anything resembling an intelligent

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1 response, you will have to allow me to refer to my book, because
2 I do not - I have not learned it by heart, and it's a little
3 while ago.

4 Q. Maybe, if you will allow me, I could get back to the question
5 tomorrow, and give you some time tonight to have a look at it
6 again.

7 [16.21.24]

8 But I suppose my question on this topic is that, we've been
9 speaking about examples right now, of executions in the Northwest
10 Zone in 1975, would it be possible that those executions were
11 ordered by Ros Nhim, and that he didn't get any permission for
12 this to do so from Nuon Chea or Pol Pot or anybody else from the
13 Standing Committee?

14 MR. PRESIDENT:

15 Mr. Expert, please wait.

16 The Prosecution, you may proceed.

17 BY MR. ABDULHAK:

18 I have to object, because the expert has said that he doesn't
19 have the evidence at his fingertips. He hasn't been able to give
20 much evidence about Tuol Po Chrey, and we looked at Battambang
21 earlier, that wasn't available immediately. I think asking him
22 about whether it's possible that Ros Nhim did one thing or
23 another, is simply inviting him, at this stage, to speculate.

24 [16.22.45]

25 BY MR. KOPPE:

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1 The questions of my learned friend were one big invitation to
2 speculate, I might add, but I will rephrase, Mr. President.

3 Q. Talking in general, about communications structures, about the
4 roles of local commanders versus the Centre, warlords, Issarak
5 warlords, and not. Now, would it be possible that on the
6 battlefield, and shortly after battles, zone commanders decided
7 for themselves to have Lon Nol officials executed, Lon Nol
8 soldiers executed?

9 MR. SHORT:

10 A. I understand the intent of the question. I understand where
11 you're coming from. It would not have been possible for zone
12 commanders to act against or outside the broad policy consensus
13 which had been laid down by the Centre. You are not dealing with
14 an army which descends into banditry, which - on a large scale,
15 which takes matters into its own head and carries out massacres.
16 You're dealing with an army which was quite small, not an
17 enormous force, which was very rigidly controlled. Yes, there
18 were individual cases of looting, there were bound to be, but
19 large scale, systematic killings of particular groups, no, I find
20 it inconceivable that that would have happened outside a broad
21 policy consensus, which had already laid down.

22 [16.24.54]

23 Q. Now, that is where I lose you, Mr. Expert, Mr. Short, sorry.
24 Americans killed many innocent people in My Lai, in 1968. There
25 wasn't a standing order to do that. We have established the

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1 communication in that period of time was very difficult. I recall
2 a passage in your book where it sometimes takes a month for one
3 message to arrive.

4 How can you be so certain in saying that individual actions,
5 individual decisions by zone commanders were impossible?

6 A. When we talked about messages sometimes taking a month, that
7 was in 1971, at the period when the Kampong Thom headquarters had
8 just been established. Later on, a proper messenger network, with
9 relay posts and everything else, was set up, it became much
10 better and they also developed a wireless capability.

11 You mention My Lai. I think it is general accepted that that was
12 one relatively small, I'm sorry to put it that way, but
13 relatively small, in terms of the things we're talking about,
14 action by an aberrant American squad. We are not talking about
15 hundreds of officers being rounded up and shot and - or
16 bludgeoned to death.

17 [16.26.40]

18 Of course, there were individuals - individuals killed, groups
19 killed, without anybody's instructions. They were small scale, in
20 inverted commas "local atrocities". But what we're talking about
21 here is a pattern of killing of a whole group. It's, with
22 respect, not comparable.

23 MR. KOPPE:

24 Mr. President, I would like to move on - although I have a few
25 minutes, I would like to move on to another topic, and maybe it's

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1 late in the day. I'll use my - consider my half hour, extra half
2 hour being used up.

3 MR. PRESIDENT:

4 Thank you, Counsel, and thank you, Mr. Expert.

5 The time is now appropriate for today's adjournment and we will
6 resume tomorrow morning.

7 And for tomorrow, that is Wednesday, the 9th May 2013, we will
8 commence at 9 a.m., and we will continue to hear the testimony of
9 the expert, Mr. Philip Short, who will be questioned by the two
10 defence teams.

11 [16.28.09]

12 And Mr. Short, the hearing of your testimony is not yet concluded
13 and you are required to testify again tomorrow. For that reason,
14 you are invited, once again, to appear before us, to testify
15 before 9 a.m.

16 Court Officer, in collaboration with WESU, could you assist the
17 expert to return to his place of residence and have him returned
18 to the courtroom tomorrow at 9 a.m.

19 I notice that counsel is on her feet. You may proceed.

20 MS. GUISSÉ:

21 Yes, thank you, Mr. President.

22 I don't want to delay the hearing, I simply want to have the
23 permission from the Chamber to give to Mr. Short, a list - a
24 listing of different - a list of pages in English so that he may
25 be able to read them again tomorrow in order for us to avoid

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1 wasting tomorrow - time tomorrow. And I also like - would like to
2 provide two to three documents that were placed on the interface
3 so that he may also become familiar with these documents so that
4 things are more fluid tomorrow while I question him.

5 [16.29.37]

6 MR. PRESIDENT:

7 Yes, you may do so.

8 Court Officer, could you deliver the hard copy documents for the
9 expert so that he can review it tonight?

10 Security guards, you are instructed to take the two accused, Nuon
11 Chea and Khieu Samphan, back to the detention facility and have
12 them return to the courtroom tomorrow, prior to 9 a.m.

13 As for Nuon Chea, bring him to the detention - to the holding
14 cell downstairs which is equipped with the equipment for him to
15 follow the proceeding.

16 The Court is now adjourned.

17 (Court adjourns at 1630H)

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