



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 March 2016

Trial Day 385

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

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KHIEU Samphan

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UCH Arun

I N D E X

Mr. Alexander HINTON (2-TCE-88)

Questioning by Ms. GUISSÉ resumes ..... page 11

Questioning by Mr. KONG Sam Onn ..... page 61

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
The GREFFIER	Khmer
Ms. GUISSÉ	French
Mr. HINTON (2-TCE-88)	English
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. NUON Chea	Khmer
Mr. SMITH	English
Mr. SON Arun	Khmer

1

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

2 (Court opens at 0906H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of Mr. Expert

6 Hinton.

7 And before we proceed, the Chamber wishes to inform the parties  
8 that, for today's proceedings, Judge Claudia Fenz is not  
9 available due to health reasons. And after Judges of the Bench  
10 deliberated the matter, Judge Martin Karopkin, who is a Reserve  
11 International Judge, is replacing her seat at the Bench. And that  
12 is pursuant to Rule 99.4 of the ECCC Internal Rules.

13 Ms. Chea Sivhoang, please report the attendance of the parties  
14 and other individuals to today's proceedings.

15 [09.07.43]

16 THE GREFFIER:

17 Mr. President, for today's proceedings, all parties to this case  
18 are present.

19 Mr. Nuon Chea is present in the holding cell downstairs. He has  
20 waived his right to be present in the courtroom. The waiver has  
21 been delivered to the greffier.

22 The expert who is to continue his testimony today -- that is, Mr.  
23 Hinton, is present in the courtroom.

24 Thank you.

25 [09.08.14]

1 MR. PRESIDENT:

2 Thank you. The Chamber now decides on the request by Nuon Chea.

3 The Chamber has received a waiver from Nuon Chea, dated 17 March  
4 2016, which states that, due to his health -- that is, headache,  
5 back pain, he cannot sit or concentrate for long. And in order to  
6 effectively participate in future hearings, he requests to waive  
7 his right to be present at the 17 March 2016 hearing.

8 Having seen the medical report of Nuon Chea by the duty doctor  
9 for the Accused at ECCC, dated 17 March 2016, which notes that  
10 Nuon Chea has back pain and feel dizzy when he sits for long and  
11 recommends that the Chamber shall grant him his request so that  
12 he can follow the proceedings remotely from the holding cell  
13 downstairs. Based on the above information and pursuant to Rule  
14 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his  
15 request to follow today's proceedings remotely from the holding  
16 cell downstairs via an audio-visual means.

17 The Chamber instructs the AV Unit personnel to link the  
18 proceedings to the room downstairs so that Nuon Chea can follow.  
19 That applies for the whole day.

20 [09.09.41]

21 The Chamber now hands the floor to the defence team for Khieu  
22 Samphan to continue putting further questions to the expert.  
23 Anyway, Counsel, please hold on. And International Deputy  
24 Co-Prosecutor, you have the floor.

25 MR. SMITH:

3

1 Good morning, Mr. President. Good morning, Your Honours. Good  
2 morning, counsel.

3 I certainly want to be very brief. Just briefly in relation to  
4 two requests. In relation to the Prosecution's application to  
5 have further witnesses for the Phnom Kraol Security Centre  
6 segment, which we filed yesterday, E390, defence counsel for  
7 Khieu Samphan have asked that discussions be had in relation to  
8 that on Monday. We would ask that -- because they need extra time  
9 to look at that request, we would ask that you consider hearing  
10 that this afternoon after the witness has finished, giving Khieu  
11 Samphan's counsel some time to review the motion. That's our  
12 request because, obviously, the proceedings are moving fairly  
13 rapidly, and that will help in the planning rather than leaving  
14 it to Monday. That's the first brief request.

15 [09.11.02]

16 But Mr. President, in relation to this expert, I just wanted to  
17 raise one matter, and I hope that, by raising it now, it'll speed  
18 up the proceedings this morning.

19 Your Honour, yesterday, I think we could see that there was some  
20 difficulty in the expert being able to respond to some documents  
21 when the proper context was not put forward to him in some  
22 situations. And Your Honours are aware that the parties gave the  
23 expert a large number of documents on the 7th of March. But in  
24 those documents, I think most of the parties, including the  
25 Prosecution, didn't include the precise ERN number of each page.

4

1 So in effect, the expert received maybe 4,000 pages of documents.

2 [09.11.58]

3 And obviously, I'm sure he made some attempt to look at it, but

4 as far as reading all the material, that would have been

5 impossible within seven days. And that's why, obviously, Khieu

6 Samphan's counsel has prepared a binder with specific excerpts.

7 But be that as it may, the -- we don't have much time in the

8 proceedings. And I understand Khieu Samphan's counsel would like

9 to get through the questions as quickly as possible.

10 But based on the concerns that were raised by the expert on a

11 number of occasions yesterday, it's -- he conveyed that it's

12 difficult for him to answer on new pieces of evidence which he

13 hasn't seen before because they've been introduced in this trial

14 without a certain context. So -- and Khieu Samphan's counsel has

15 been doing it.

16 [09.12.58]

17 They've obviously been giving the E3 number, the ERN numbers,

18 which are largely, obviously, very helpful to the parties,

19 perhaps more than the witness, but very helpful, of course. But I

20 would also ask that, on a systematic basis, that in order for

21 this expert to provide an opinion that has a certain value that

22 some additional information be given consistently when a document

23 is put forward.

24 And I believe a number of documents are going to be put forward,

25 and I see counsel nodding her head. But particularly to assist

5

1 him, the date of the document, if it's contemporaneous; the type  
2 of the document; the title of the document; who the document was  
3 sent by; who it was received by. And particularly -- we see some  
4 statements in some transcripts on the Khieu Samphan's list.  
5 Particularly the date of the incident that Khieu Samphan's  
6 counsel may want to put to the witness and also particularly the  
7 location, the village location, and also in the context of the  
8 province or the sector or the zone, and also the nature of the  
9 person that's giving the information, whether the person's a  
10 Khmer Rouge cadre, a Khmer Rouge soldier, an ordinary person, a  
11 Cham or Vietnamese, and the context in which that piece of  
12 information is given.

13 [09.14.37]

14 And we ask that, Your Honour, because the expert has said  
15 yesterday that it's very difficult to give an opinion on what  
16 something means in light of his thesis in terms of the treatment  
17 of the Cham and Vietnamese unless he understands the temporal  
18 variation, what time the incident occurred and the spatial, the  
19 geographic variation.

20 I'm sure counsel is probably going to do most of this, but  
21 because it arose as an issue yesterday, not necessarily with  
22 Khieu Samphan's counsel, but it's very difficult for him to  
23 comment on new material if that context is not given.

24 So lastly, Your Honour, I have -- I'm not sure whether it will be  
25 helpful to the expert, but in terms of trying to put whatever



6

1 documents might be put forward by Khieu Samphan's counsel in a  
2 geographic setting, I do have a copy of Ben Kiernan's map that  
3 was in his book. That's E3/1593. And that's English ERN 00 --  
4 sorry; I can start again -- 01149979.

5 [09.15.58]

6 And it's a copy of his map of the zones in Democratic Kampuchea  
7 and the sectors. And perhaps the expert may like to refer to  
8 that.

9 So that's my submission, and hopefully, when documents are  
10 presented, they'll be put in context so he's able to respond in a  
11 thoughtful and a meaningful way.

12 And I'm just wondering whether this map could go to the expert if  
13 he, in fact, thinks that would assist him. And I have other  
14 copies.

15 MS. GUISSÉ:

16 Good morning, Mr. President. Good morning, everyone. I would like  
17 to make a number of remarks.

18 First of all, on the Co-Prosecutor's application, E390. The first  
19 remark<> is that since I sent a mail <saying that I had an>  
20 application on <this subject, that I be allowed beforehand to  
21 present my application> before responding to <it>; it appears  
22 logical in view of the manner in which these proceedings are  
23 moving forward. I regret that I was not able to present my  
24 application, but I maintain it all the same.

25 [09.17.22]

7

1 But as we've told the Co-Prosecutor yesterday, we received at  
2 13.35 a courtesy copy of an application for the appearance of a  
3 new witness on the segment that is <in progress>. And I'm being  
4 told by the Co-Prosecutor that we should press on and hurry up  
5 with our examination, and that is why I am just asking that, as  
6 part of normal case procedure, we have -- we should have been  
7 given 10 days to respond, so we shouldn't be given less than 24  
8 hours. That is why I'm talking of Monday morning. And yet I hear  
9 the prosecutor say that we should move forward quickly.  
10 My first remark on this point, which is in line with my  
11 application, my request to be able to respond concisely, and it  
12 is in the interests of the proceedings that all the parties be  
13 enabled to <respond>.  
14 <My request of Monday morning is that, as> you've noticed, we are  
15 examining the expert witness and -- <I am being asked>, within  
16 <two or> three hours, <to> deal with this application <which  
17 involves a number of documents which I would like to review>  
18 before responding. That is why I'm asking that we should be  
19 allowed to respond on Monday.  
20 [09.18.46]  
21 As regards the expediency of the proceedings, <if I understood  
22 correctly, it is to replace> some witnesses who are deceased  
23 <following the list received by the parties on 5 February 2016.>  
24 If the Co-Prosecutors were so bent on ensuring that these  
25 proceedings move forward quickly, they <could> have filed that

1 application <> earlier, <which would have spared me from begging  
2 today for additional> days to be able to respond to that  
3 application.>

4 I do understand that it's important to move forward quickly, but  
5 we also have the issue of <a level playing field and the ability  
6 to respond>. <I do not think it is> the Co-Prosecutor himself  
7 <who> made that application. And we, the Defence, are those who  
8 have to respond to applications <and be present at every  
9 hearing.> And that is why I would crave the indulgence of the  
10 Chamber as well as the Prosecution so that we can respond on  
11 Monday. The timeline is reasonable. It is not extraordinary.  
12 And this is the first remark I wanted to make regarding  
13 application E390.

14 [09.20.01]

15 As regards the new specific conditions that the Co-Prosecutor is  
16 proposing, I wouldn't say imposing, as regards the examination of  
17 the expert <and> new documents that <he> may wish to provide to  
18 the expert, <> I am somewhat surprised by <this request> because  
19 the Co-Prosecutor's <questioning did not follow> the same  
20 criteria which he would like us to comply with today.

21 Let me remind the Chamber that, yesterday, when my colleague of  
22 the Nuon Chea team presented a number of documents, providing a  
23 version<, or, in any case,> explanations, he was faulted for  
24 giving his version of the facts and asking leading questions and  
25 presenting his own version of the Defence case in the

1 <presentation> of the documents.

2 I, for my part, am trying to present the situation as <neutrally>  
3 as possible. I believe that <is why> the <other> parties may  
4 object <if> the presentation <of documents> I <was> making <was  
5 not appropriate>. And that is why I <started out yesterday>,  
6 explaining to Mr. Hinton how I would proceed. If there <was a  
7 presentation> that <seemed> biased on my part, I would stand  
8 corrected if the Co-Prosecutor objected to my questions.

9 [09.21.49]

10 <I believe we can continue on this basis without imposing upon my  
11 examination. And without any further ado, given that we are  
12 running out of time, I would like to proceed with my examination.  
13 <But> I don't think <I> should be required to follow these  
14 <conditions that no one has properly respected and for which I  
15 could be criticised for not presenting them in a way that the  
16 Prosecution likes>.

17 The Co-Prosecutor may object to any questions I ask and ask for  
18 clarifications, but I will try to do my best to place the facts  
19 in context. The Co-Prosecutor has completed their examination,  
20 and <if he had any documents to present, it had to be done  
21 before.> Now I, for my part, will present <to Mr. Hinton> any  
22 documents that I consider relevant to my examination<>.

23 MR. PRESIDENT:

24 On the submission by the Co-Prosecutors to hear additional  
25 witnesses in place of those who were deceased, the Chamber will

10

1 make that decision after the short break this morning.

2 As for the proceedings, we proceed with what we have now, and if  
3 the other party wishes to object to that, you may do so. And that  
4 is the standing practice in this Chamber.

5 [09.23.20]

6 And the Chamber would like to remind the defence team for Khieu  
7 Samphan not to interrupt the expert when he is responding to your  
8 question. He is an anthropologist, so he has a great wealth of  
9 knowledge, and he's not a simple witness. For that reason, the  
10 Chamber needs to hear his expert responses during his testimony.  
11 And lastly, per request of the Co-Prosecutor, the Chamber allows  
12 you to do so -- that is, to give the DK map to the expert for his  
13 examination since this file is already on the case file and,  
14 actually, the map has been used on several occasions in the  
15 proceedings before the Chamber.

16 And Court officer, please deliver the document to the expert for  
17 his examination.

18 And Defence Counsel for Khieu Samphan, you may now proceed with  
19 your questioning.

20 MS. GUISSÉ:

21 Under these circumstances, may I request the Co-Prosecutor to  
22 also give us a copy of the document he has just given the expert  
23 because we don't have a copy of that document?

24 [09.24.55]

25 MR. SMITH:

11

1 Your Honour, it's the one in Ben Kiernan's book, and I have about  
2 10 copies, if counsel would like them. I think they've received  
3 one. I have copies if Your Honours want them.

4 QUESTIONING BY MS. GUISSÉ RESUMES:

5 Very well; the Court clerk has just given me a copy of that  
6 document.

7 Q. Good morning, Mr. Hinton. I am sorry about these delays in  
8 proceedings this morning. I would like to continue my  
9 examination.

10 In light of your testimony, I refer to a document <in the folder,  
11 tab> 5, and it is an article by Steve Heder, which I believe you  
12 know -- you are aware of because it is in the biographical  
13 references in your book. And this article is a critique of Ben  
14 Kiernan's book, document E3/3995. And I would particularly <like  
15 to> focus on a passage whose ERN in French is 00802832. And  
16 perhaps I should have started with the ERN in English, and I  
17 think there is -- the ERN in English is 00773767 and <68>, and in  
18 Khmer, 00844612; and it goes up to 14<, but> the passage is <612>  
19 in Khmer.

20 [09.27.00]

21 In this passage, Steve Heder refers to a notion you referred to  
22 on several occasions in your testimony before this Chamber, and  
23 that is <the> notion of "Khmer body and a Vietnamese mind".  
24 May I ask you to comment on this particular passage? And it is  
25 the second paragraph in French. This is what Steve Heder says,

1 and I quote:

2 "In his attempt to argue otherwise, Kiernan highlights the fact  
3 that many of the East Zone victims were <called> 'khluon Khmer  
4 kbal Yuon', which he translates as 'Khmer bodies with Vietnamese  
5 minds', and which he suggests racialized those killed. This  
6 phrase, which might also be translated 'Khmer bodies with  
7 Vietnamese heads', had also been used historically to conjure up  
8 images of Khmer political structures under Vietnamese leadership.  
9 "Kiernan's argument that the phrase was used to suppress 'the  
10 Khmer majority... on the racial grounds that they were not really  
11 Khmer' is at best incomplete. Instead, the phrase suggests  
12 political leadership and political orientation were considered  
13 more important than any biologically-determined physical  
14 characteristics."

15 [09.28.44]

16 "Being physically or 'racially' Khmer was no protection: treason  
17 to the class and national cause was political, and could <> be  
18 committed by anyone, regardless of skin colour, eye shape or hair  
19 texture, who was suspected of refusal to accept <> the correct  
20 political line of the 'proletarian vanguard' leadership." End of  
21 quote.

22 So I would like to have your vision as an anthropologist on <this  
23 development and> this interpretation made by Steve Heder, who is,  
24 of course, a very well-known author, well known for his work on  
25 the Democratic Kampuchea regime.

1 [09.29.42]

2 MR. HINTON:

3 A. Thank you.

4 And also, I should add, I believe that we had a translation issue  
5 yesterday in terms of how I should refer to you. And I just  
6 wanted to clarify that "counsel" is the preference because -- or  
7 "madam", because there was a translation in the French that was  
8 expressed, so I want to make sure that I address you as you wish.

9 Q. Well, really, Mr. Hinton, it's as you wish. I am counsel and  
10 madam. It's up to you. No problem.

11 A. Okay. Thank you, Counsel.

12 So you know, in terms of this article, I think it's a, you know,  
13 very interesting article. Both the work of Steve Heder and Ben  
14 Kiernan is important. They both made contributions. They agree  
15 about certain things.

16 [09.30.38]

17 There is a difference in how they interpret the events. While  
18 both talk about the importance of Marxist-Leninism, Steve Heder  
19 puts it more at the forefront of the driving dynamics of the  
20 killing that's taken place. And again, Ben Kiernan emphasizes  
21 that, but he looks at race as a more driving force.

22 I don't want to reduce Ben Kiernan down to more an intentionalist  
23 perspective because I think he recognizes the importance of  
24 Marxist-Leninism, but in this article by Steve Heder, he's more  
25 suggestive that he's an intentionalist.



14

1 And to go back to my discussion before, intentionalism, this is  
2 an idea that comes out of the debate on the Holocaust that he  
3 uses in the articles that you have in the folder, this idea that  
4 there was sort of a pre-existing long-standing intent to destroy  
5 a group versus -- because of something like race versus a  
6 process, structuralism, sometimes how it's referred to, that  
7 unfolds over time.

8 Steve Heder's argument in this article is, he's emphasizing  
9 Marxist-Leninism much more and the structuralist perspective  
10 that, over time, as events moved on, and it echoes what I've said  
11 before in many respects, about the attempt to get different  
12 groups to fashion their consciousness, right.

13 And as that unfolded over time, and eventually, as we moved into  
14 1976 and you begin to have the purges, whereas you have an  
15 initial attempt, I think, to bring people into the countryside to  
16 sharpen their consciousness regardless of class background, and  
17 that's sort of putting aside the fact there were initial  
18 killings, especially with Khmer Republic officials.

19 [09.32.18]

20 You know, once we get to that 1976, moving into 1977, the  
21 situation changes. So I've talked about this notion of cumulative  
22 radicalization that takes place with different trajectories. And  
23 when I've talked about it before, I've mentioned that the  
24 trajectory for my interpretation of the attacks on ethnic  
25 Vietnamese is that there was morally, racial -- racist strand

15

1 that was there from the beginning where the clash with the Chams  
2 seems to unfold more along the lines of, I think, where they  
3 rebelled and they were, as you said yesterday, scattered even as  
4 they were regulated and controlled and then, more towards 1977,  
5 they begin to be targeted.

6 [09.32.54]

7 This -- in this part of his -- of Steve Heder's discussion, he's  
8 referring to the East Zone massacres in this phrase that was  
9 used, and I think probably Ben Kiernan, I'm sure, would agree  
10 with Steve Heder on the point that this is a term that was used  
11 like the word "Yuon" that we've discussed so much and can be  
12 mobilized in different sorts of ways. But it became a common  
13 phrase.

14 So you know, I've mentioned before that Ben Kiernan, he says that  
15 is, at best, incomplete, so he's not necessarily completely  
16 disagreeing. He's saying it's incomplete.

17 But they do disagree on the sort of prominence of this. Steve  
18 Heder's asserting that we need to look at it more before making  
19 sweeping conclusions. So, the question of the East Zone and the  
20 purges of the East Zone and how that might play into, for  
21 example, a charge of genocide, as I said before, it's possible to  
22 make -- the argument has been made, for example, in Argentina and  
23 some of the local --

24 [09.33.58]

25 Q. I apologize. I apologize. I know that Mr. President asked me

16

1 not to interrupt you, but here, maybe I wasn't very clear with my  
2 question. <> But I'd like to be more specific, in fact, with my  
3 question before we continue because here, you spoke about the  
4 word "Yuon" and all that.

5 So my question was really focused on the expression of "Khmer  
6 body with a Vietnamese mind". And I wanted to know, <in relation  
7 to the explanation given by Heder, which is different from  
8 Kiernan's>, what your vision as an anthropologist is of this  
9 expression. I really wanted you to focus on this expression only.

10 A. Thank you, Counsel.

11 It's -- you know, as I said before, it's difficult -- this  
12 article is a very complicated article, and I'm trying to set it  
13 in context. So it's hard for me to give yes/no sorts of answers  
14 to something, and it's a very nuanced argument, and it's an  
15 important argument because it refers to Marxist-Leninism versus  
16 the notion of race being a driving force, which I think speaks  
17 very directly to some of the charges here.

18 But the short answer, if you're looking for a short answer, would  
19 be that this phrase, along the lines of the use of "Yuon", is a  
20 term that can be mobilized and used in different sorts of ways,  
21 depending on the overall context of, in the case of incitement,  
22 that's taking place. So you need to contextualize it and see the  
23 way that it's being taken and deployed.

24 [09.35.35]

25 Q. Another point that I would like to discuss with you in link --

17

1 in connection with this notion of spatial <and> temporal  
2 variation and, therefore, of the importance of knowing what  
3 happens when you take a document and that you examine it, I want  
4 to know if, in your research, you conducted specific research on  
5 the issue of the border conflicts, or if this was something that  
6 was secondary in your research.

7 A. Thank you, Counsel.

8 So again, as I've said before, my focus for this book project,  
9 which everyone said we should focus on, was predominantly the  
10 lived experience of people linked to this village, Banyan, the  
11 people living in Kampong Siem district. But as a scholar, in  
12 order to understand the events taking place on the micro level, I  
13 also had to, of course, become aware of the larger historical  
14 context.

15 I didn't go and do primary research on that topic. I relied more  
16 for that on secondary sources and understanding of -- as well as  
17 CPK documents, FBIS broadcasts, so on and so forth.

18 [09.37.05]

19 Q. I understood that you consulted documents at DC-Cam <in a  
20 specific context which> was not as well organized as it is today,  
21 and I understood what you said about this yesterday. But I wanted  
22 to know if, in particular -- and this is connected with <a>  
23 meeting of the Standing Committee that I would like to cover with  
24 you, which is at tab 2 in the folder I gave you. It's document  
25 E3/221.

18

1 And I wanted to know if -- before today, if you looked at this --  
2 at these minutes of the Standing Committee of 14 May 1976. Have  
3 you looked at these minutes when you conducted your research, or  
4 is this a document that you only discovered <at a later stage>?  
5 That's my first question. Then I will continue.

6 A. Thank you, Counsel.

7 It's hard to remember, but I don't believe that I had seen this  
8 document before. But again, there are many documents over many  
9 years, so I can't be certain about that.

10 [09.38.18]

11 Q. Well, let's be clear about this. I understand that, in  
12 relation to the mass of documents, of course, you weren't able to  
13 cover all of them, so no problem about this.

14 Well, a general question now: Regarding the border fighting  
15 between DK and Vietnam, in your research or in your reading of  
16 secondary sources, did you cover the issue of the Brévié Line and  
17 <> the discussions regarding the Brévié Line?

18 Is -- does the Brévié Line somehow remind you of something that  
19 -- of what you might have covered in your research?

20 A. In my research in general -- thank you, Counsel.

21 In my research in general, it's something, obviously, that's been  
22 there. In this particular project, I don't believe I discussed it  
23 in this book.

24 [09.39.24]

25 Q. I would like to look at certain segments of this document with

1 you which, contrary to other minutes of the Standing Committee,  
2 is focused or lists who speaks and who is making observations on  
3 the issue in question. And the document is titled "The Study of  
4 the Vietnamese Reaction During the 5th Meeting, on the Morning of  
5 14 May 1976". And this is a negotiation process with the  
6 Vietnamese about the border problem. And at ERN 00386178; at  
7 Khmer, ERN 00000813; and at English, ERN 00182695 on to the  
8 following page, 96, therefore. And this is the remark of Comrade  
9 Khieu. That's Son Sen's alias. And so he is representing, of  
10 course, the armed forces. And this is what he says, speaking  
11 about the Vietnamese<>:

12 "<Along the border, they would continuously <come in, non-stop>.  
13 We did not try to start any problems with them. Based on our  
14 experience, when they would enter and if we didn't push them  
15 back, they would not leave. And when we were strict, they would  
16 leave. This happened in Ratanakiri province--"

17 I'm reading directly from the French: "-- whereas in Mondolkiri  
18 province, we did not attack them at all because we respected the  
19 guidance of the Party indicating that we shouldn't be that  
20 severe."

21 [09.41.32]

22 And then the Comrade Secretary, a priori <Pol Pot>, says that:

23 "According to this discussion, <does he want> to make time lag on  
24 in order not to break the negotiations <or what>? That's one  
25 thing. Second thing, did he say <who was> representing the

1 guidelines of their Party or did he arrange them in his own way?  
2 And third, they would wait and see if we would change our minds.  
3 Fourth, what is the interest of these negotiations for us?" End  
4 of quote.

5 So in this specific segment, and this is why I'm going to ask you  
6 to react, which is I'd like to understand <if> in your research  
7 about the general context, do you remember that in May 1976,  
8 discussions with Vietnam on the border issues were taking place  
9 and do you make a connection in your research on Region 41 --  
10 because that's the region<> that you focused on in particular --  
11 <> between what might have happened on the field in May 1976 and  
12 the negotiation process between DK and Vietnam?

13 [09.43.10]

14 A. Thank you, Counsel.

15 Again, my concern was to discuss the lived experience of people  
16 from Banyan and the surrounding area.

17 Having said that, you know, I was familiar with the work, for  
18 example, of Nayan Chanda at the time, other scholars, David  
19 Chandler, who had written about this process of back and forth  
20 that took place over time and certainly, as I mentioned  
21 yesterday, this sort of dialogic process between the DK  
22 government and Vietnam trying to figure out what each other's  
23 intentions were. And eventually, you had initial skirmishes in  
24 1975 over time. Eventually, by the time we got to 1977, they  
25 began to escalate into 1978, they escalated dramatically.

21

1 So this appears to be -- I believe you said it was 1976 moment  
2 when the DK regime was trying to assess what strategy they should  
3 undertake and what the intentions were of Vietnam.

4 [09.44.18]

5 Q. Fine. So <> in fact, aside from this generic context -- are  
6 you saying, in fact that <you distinguish> between the  
7 <information> you found regarding the temporal gradation between  
8 '76, '77, '78 in relation to Region 41?

9 So do you <distinguish between the information> that you gathered  
10 from the people you interviewed?

11 A. Thank you, Counsel.

12 I'm not sure that the translation things came through quite. In  
13 terms of the elements, what are you referring to?

14 Q. Maybe I wasn't very clear about this, so let me repeat.

15 My question was: you said that you noted the moment when the  
16 negotiations took place and you noted when the skirmishes became  
17 more and more intense. So my question was that, in your research  
18 in Region 41, even if it's true that you said that there were few  
19 Vietnamese people living in that region, so <> among the  
20 <information> that you gathered from the people you interviewed,  
21 did you note a difference in the facts <as a function of the  
22 date, namely> between the moment when there were negotiations and  
23 the moment when there was an extremely clear armed conflict?

24 [09.46.08]

25 A. Thank you, Counsel.



1 So again, if we're restricting to the context of my book "Why Did  
2 They Kill?", this was not something that people talked about as  
3 part of their lived experience. I think it was more reflected, as  
4 I said before, by the temporal trajectory of events. As I said a  
5 little while ago, in 1975 and early 1976, things seemed to have  
6 been more moderate and then they began to pick up in 1976, moving  
7 into 1977. But certainly -- and I would say the one other  
8 dimension, more broadly, that is reflected is the fact that when  
9 Reap was purged and taken away -- when he attempted to rebel, I  
10 should say, and was taken to S-21, he was replaced by Phal, who  
11 brought people from the East Zone to be killed in that area.  
12 So in that sense, it reflects the broader historical process, but  
13 people -- and then there are a couple of people who were enlisted  
14 -- who were recruited in time from this village.

15 [09.47.14]

16 Q. In the -- in continuation of the notion of historical  
17 development and the development of the conflict with Vietnam, I'd  
18 like to get back to a document that you commented <on> with the  
19 Co-Prosecutor, which is document E3/4604. It's tab 3 in your  
20 folder. And this is a speech by Pol Pot from April 1978.  
21 And you might remember that I made an objection when the -- when  
22 you made your comment. And I said that there was a problem in  
23 terms of context. And you answered the Co-Prosecutor's question,  
24 but I'd like to get back to certain passages of this speech and,  
25 in particular, to passages that pre-date the passages that were

1 quoted by the Co-Prosecutor, <in order to put things in context>.

2 [09.48.18]

3 So the first passage that I'm interested in, because the date of  
4 this speech, which is in a "Revolutionary Flag" issue of April  
5 1978, and it's at an important moment. And this is at a moment  
6 when the conflict with Vietnam became particularly intense. And I  
7 would like to refer you to the English ERN, it's on page 4 <for  
8 you>, it's 00519832; Khmer, ERN 00064711; and French, 00520342.

9 And I would like to read out to you <a> first excerpt so I can  
10 place things back in context. In French, it's the penultimate  
11 paragraph on the page. And it begins as follows:

12 "In summary, on 6 January 1978, we smashed the <annexationist  
13 Vietnamese> forces and drove them completely out of our territory  
14 and smashed 29,000 of their forces, including both those killed  
15 and those wounded, breaking five of their divisions. By  
16 'breaking', I mean that their troops were destroyed, were no  
17 longer operational. They <have> to be reorganized. This was our  
18 first victory <in the first stage of this major war>."

19 [09.50.10]

20 "While <we won the victory over the enemies in this first stage>,  
21 we had still not yet organized our forces well. The forces of  
22 each zone, like the military forces of the Party Centre, had not  
23 yet been prepared and readied for this kind of large-scale  
24 combat, neither <in terms of personnel nor <of> weaponry<>.  
25 <Nothing had been thoroughly organised.> However, we <managed to>

1 smash<> them <to the extent that they had to> withdraw from our  
2 border on 6 January 1978, when they lost round one. They  
3 <continued> to attack us again in round two." End of quote.

4 So my first question: 6 January 1978, end of December 1977, <> do  
5 these dates mean anything to you or did they mean anything to you  
6 in your research regarding the fighting between Democratic  
7 Kampuchea and Vietnam?

8 A. Thank you, Counsel.

9 So we're looking at the "Revolutionary Flag", April 1978, just to  
10 make sure I'm looking at the correct document in terms of the  
11 dates. Yes.

12 Well, I guess there are sort of two issues: one is whether I was  
13 focused upon this document. I do mention it, I believe, in my  
14 book. I think I do. I have to check the references.

15 Anyways, but, yes -- no, I was aware generally of these sorts of  
16 documents. In particular with this one, it's a time when,  
17 basically, open war has been declared between the DK regime and  
18 Vietnam. Clearly, at this point, Son Sen has gone to the border  
19 to fight.

20 [09.52.15]

21 But in general, you know, I think your point that it's important  
22 to take the article as a whole and to look at the broader  
23 context, historical context, to look at everything in it and not  
24 look at it piecemeal, I think it's clear that this is directed,  
25 in part -- in large part, towards the military attacks, the fight

1 with Vietnam and the use of the "Yvon", but I would add as well  
2 that the use of the word "Yvon", as I said before, has multiple  
3 valences. And using it as incitement letter -- as incitement as  
4 well in general also would inflect upon ethnic Cambodians, ethnic  
5 Vietnamese in Cambodia. And then when you get lines like the  
6 thing about the seed that comes before where there is not one  
7 seed left, that the international -- Deputy International  
8 Co-Prosecutor mentioned, you also have those that are in this.  
9 So I think this definitely is directed, in part, towards the  
10 broader military conflict and they're directing the use of the  
11 word "Yvon" in relationship to Vietnam, but I think, as well,  
12 it's a form of incitement towards "Yvon" and ethnic Vietnamese in  
13 Cambodia.

14 [09.53.31]

15 So I think it reflects both of these valences, and you know, if  
16 you look at some of the attacks as well and just in trying to get  
17 a sense of the incitement, Nayan Chanda's reporting, I think it  
18 was in August, when there were border incursions and DK forces  
19 went in and created -- you know, perpetrated a number of abuses,  
20 very violent acts. And Nayan Chanda said something to the effect  
21 is he was really shocked, even in all the years of his reporting.  
22 I think that sort of incident illustrates the strength of the  
23 incitement that's implicit in much of this rhetoric, both in this  
24 document and in many other documents. But I think your point that  
25 you need to look at the larger context, and it is certainly

1 military, but it also inflects towards ethnic Vietnamese in  
2 general.

3 [09.54.25]

4 Q. I understand that you interpret this as having had a  
5 <repercussion> on people of Vietnamese origin, but regarding this  
6 passage that I quoted in particular, here, they are clearly  
7 speaking about fighting that took place in December 1977 and that  
8 resulted -- this is Pol Pot's interpretation -- but that resulted  
9 in a victory by DK. The terms that I used in the segment that I  
10 read out to you are "division", "fighters". They're clearly  
11 military terms.

12 So my question is: In this segment and -- do you see in the  
13 segment an incitement to attack people of Vietnamese origin?  
14 I'm clearly asking you <> your vision as an anthropologist in  
15 relation to the meaning that you want to give<>. But when you  
16 look at this document, concretely speaking, knowing that it might  
17 be important to remind that this is a speech that was given on 17  
18 April, so they're speaking about all of the military victories  
19 and the victory of 17 April, etc., do you see, in this segment  
20 that I read out to you, a call, an appeal to kill people of  
21 Vietnamese origin whereas they're speaking here specifically  
22 about <divisions, about> fighters and about armed forces  
23 <specifically>?

24 [09.56.06]

25 A. Thank you, Counsel.

1 So to reiterate, again, as I said before, I think it's quite  
2 appropriate and important to, as you've noted, to pay attention  
3 to the broader context of a document like this, to everything  
4 that's in it.

5 You know, the passage you read, I was -- I have the yellow  
6 highlighted version. I wasn't sure, as I followed along, where  
7 you were. I don't think you were necessarily in the part that I  
8 had highlighted, but I listened.

9 And as I said before, they are absolutely one intention, and an  
10 important intention of this, was to stir up the troops who were  
11 fighting against Vietnam. But as I also said, the word "Yvon" is  
12 used.

13 When you use the word "Yvon", it has two valences. It can refer  
14 to people from Vietnam, Vietnamese troops, but it also stirs up  
15 incitement against ethnic Vietnamese who also are referred to as  
16 "Yvon", often in strong racist terms, in Cambodia or DK at that  
17 time as well.

18 [09.57.16]

19 So it's not -- when the word "Yvon" is being used, it's a word  
20 that has -- as I said before, it's a multi-valent symbol. It has  
21 multiple meanings. And to use the word isn't a sort of singular  
22 directive. It's something that inspires, incites hate towards  
23 ethnic Vietnamese in general, even when it's directed, in some  
24 contexts, some parts of this, towards the military troops of  
25 Vietnam.

1 So it has -- both are implicit in the use of the word, and there  
2 are also passages like the "don't leave one seed", "there wasn't  
3 one seed left in Cambodia", that speak more particularly, I  
4 think, towards the elimination of ethnic Vietnamese in Democratic  
5 Kampuchea that are borne out by the demographic numbers as well.

6 [09.58.05]

7 Q. A question <> -- when we're dealing with terms that might have  
8 different meanings in a different context, if we're dealing with  
9 a context as what I see when I read this document, but when we  
10 are dealing with a context where the word "Yuong" is associated  
11 with divisions, <with fighters,> with <specific> battles, <> with  
12 victories over armed forces, in that case and in that context,  
13 the meaning is only about <> enemy forces?

14 Of course, I understand that in another context, that "Yuong"  
15 might <> mean -- might be applied to a civilian population. Of  
16 course, that, I don't disagree with. But in this particular  
17 context when they're speaking about armed forces, about  
18 divisions, about fighting, I would like to know how you manage to  
19 <deduce from> this that they are also speaking about the civilian  
20 population.

21 A. Thank you, Counsel.

22 I think it's quite easy to do so. I can provide other examples,  
23 aftermath of 9/11 in the United States when the government begin  
24 to talk about Muslims and Arabs in derogatory terms as barbarians  
25 and savages. In the United States, there began to be attacks on

1 people who often -- for example, Sikhs, who were perceived as  
2 being "Muslims or Arabs" in some sense. And so you have the use  
3 of this term that was directed against terrorists in the Middle  
4 East, yet resulted in attacks on people in the United States.

5 [09.59.55]

6 When you use racist rhetoric, it's a rhetoric that when it's  
7 diffuse and can refer to a group in general, again, it inflects  
8 towards the troops. I think you're absolutely right. But the term  
9 is multivalent, and it also incites hatred against ethnic  
10 Vietnamese in Cambodia.

11 The term, as I said, has been used historically in this manner. I  
12 directed -- I directed the Nuon Chea co-defence lawyer towards  
13 the article by Penny Edwards that discusses this as well in  
14 relationship to the UNTAC period.

15 I don't think this is at all controversial to say if you use  
16 language of incitement, things that are effectively slurs to  
17 direct against a military opponent of some sort, it doesn't  
18 inflect broadly towards all the people that are perceived in that  
19 term.

20 [10.00.48]

21 In my book, I talk about the process of manufacturing difference,  
22 marking difference, stigmatizing groups and mobilization of  
23 languages of hate as part of that. So if you take the term  
24 "Yuon", it's a term that can refer, as I said before over and  
25 over again, both to the military in this context. But if you use



1 it, it stirs up diffuse, generalized incitement towards  
2 Vietnamese, including ethnic Vietnamese, in Cambodia or DK at  
3 this historical moment.

4 Q. On the issue of one against 30 on which you commented <with>  
5 the Co-Prosecutor, it's also an issue on which I would like you  
6 to comment. <In this> speech made by Pol Pot, <> mention is made  
7 of the disparity between the Vietnamese and Cambodian forces. And  
8 this is what he says with regard to that disparity. And it is  
9 page 6 of your <document>. In English -- the ERN in English is  
10 00519834; ERN in Khmer is 00064714; and the ERN in French,  
11 00520345. This is another passage in the document, and I quote:  
12 [10.02.51]

13 "How would we <implement> the <combat> line <> in order to win?  
14 Allow me to say briefly that, thus far, the principle of one  
15 person against 30 is one we have succeeded in implementing. On  
16 the battlefield in Svay Rieng in March, it was one against <90>,  
17 that is to say that <one Cambodian> succeeded in <eliminating> 90  
18 Vietnamese. But on <other battlefields>, it was one Cambodian  
19 against five <Vietnamese>, <one Cambodian against 10 Vietnamese,>  
20 one <> against 15, one against 20. All in all, in the whole  
21 country, we succeeded in implementing the principle of one  
22 Cambodian against 30 Vietnamese. Consequently, the Vietnamese  
23 lost a lot of their forces.

24 "Of course, they had the mass and quantities, but numerous forces  
25 were completely lost. Why did they lose so many <men when> they

1 had numerous forces, whereas they had artillery, <tanks> in  
2 larger numbers than we did? And I must explain that their  
3 artillery and <tanks> were more numerous than ours, but their  
4 infantry was not better than ours."

5 [10.04.15]

6 "<How many foot soldiers did they have?> Why did we succeed in  
7 defeating them? I'll tell you about military matters so that you  
8 may properly understand. We observed that we succeeded in  
9 implementing the principle of one against 30. We do not attack  
10 with all our forces <at once>. Our divisions were divided into  
11 smaller parts." End of quote.

12 And here again, we have a typical example of the concept of one  
13 against 30. And in this particular context, regardless of the  
14 terms used, we are talking precisely of fighting and the fact  
15 that we are in a situation in which there were disparities  
16 between Vietnamese forces and Kampuchean forces. And this is  
17 where the issue of one against 30 was referred to.

18 <So the same question as earlier: Where do you see> in this  
19 analogy of one against 30, they are talking of civilian  
20 population?

21 A. Thank you, Counsel.

22 I don't know if it's the translation, but I'm having a little bit  
23 of passage location, or if it's the French versus the English.  
24 But could you please again locate this, if you have it, in the  
25 English version so I can find exactly where you are?

1 [10.05.46]

2 Q. I crave your indulgence. And it is page 6. The ERN, which is  
3 the number you see at the top left-hand corner of the page,  
4 00519834.

5 A. Okay. And you began reading at the bottom or the top? Because  
6 I was not on -- I just want to make sure I know exactly what  
7 language is being used before I refer to it.

8 Q. I'm sorry. All I have before me is the French version. I do  
9 not know whether it was at the beginning of the page or at the  
10 end of the page in English.

11 Perhaps someone who has the English can assist us.

12 In any case, in the terms used at the beginning of the text I  
13 read, we are talking of Svay Rieng. And they are saying that <for  
14 the report for March of> the Svay Rieng <battlefield, then> they  
15 talk of one Cambodian against 30 Vietnamese. And they talk of  
16 <tanks> and artillery.

17 Perhaps this would assist you. <In future, if ever I start>  
18 quoting <a> document<, and you don't have the time to refer to  
19 it, don't hesitate to stop me to let me know that you don't> have  
20 the document <in front of> you.

21 [10.07.11]

22 A. Thank you, Counsel.

23 I just -- because in the text I'm looking at, the word "Yuon" is  
24 used, and I'm just trying to figure out if the register in this  
25 is switched to the use of the word "Vietnamese" or if this is

1 somehow a translation issue. That's the point I'm confused about.

2 But what I'm looking at, the word "Yuon" appears everywhere.

3 Q. Yes. Indulgence. I forgot to mention it earlier, but I know

4 that in English, you have the right terminology. We had a problem

5 of translation in the French, and we noted this when we referred

6 to this document at the beginning of the -- or during the

7 documents hearing.

8 <Unfortunately,> I <cannot change an official Court document>,

9 but I know that you have the correct <> terminology in English.

10 [10.08.12]

11 A. Thank you, Counsel.

12 I just wanted to be sure because that would be a big register

13 shift if, in fact, the language had changed. But again, I don't

14 want to take up a great deal of time because I know your time is

15 -- you have only so much time.

16 But I think, again, what I said in my previous answer, if you

17 want me to repeat it, would apply to this as well, that it has a

18 military context. It has an emphasis on the battle, the fight

19 against the Vietnamese. But once again, in that battle, it marks

20 difference, it stigmatizes, it uses a word that clearly, in

21 Cambodia and Democratic Kampuchea, refers to ethnic Vietnamese,

22 whether they're in Vietnam or ethnic Vietnamese in Cambodia

23 itself.

24 So in this, clearly there's a military context, as I've said

25 before, and that's part of what the incitement is for. But it

1 also is an incitement towards, in general, ethnic Vietnamese,  
2 including those in Cambodia.

3 [10.09.18]

4 And you know, I mentioned the 9/11 example in the United States.

5 There are many examples of the use of racial slurs that are used  
6 that are directed in one manner, but are diffuse terms that  
7 encompass anybody to whom certain qualities have been ascribed.

8 And I believe earlier I went over all of the negative  
9 attributions -- I can do it again if you want -- that are linked  
10 to the term "Yuon", you know, the thieving "Yuon", covetous  
11 "Yuon".

12 Do you want me to go to over it all again, or -- but I -- you  
13 know, I mentioned that before. I'm happy to do it again if you'd  
14 like me to, or we can proceed.

15 Q. To be sure that I have properly understood your arguments, as  
16 far as you're concerned, the use of the term "Yuon", regardless  
17 of the context in which it was used, even when they are talking  
18 typically of fighting, of weaponry, <tanks> and artillery, the  
19 simple use of the term "Yuon" implies that they are also focusing  
20 on attacking the civilian population?

21 Is that a correct understanding of your answer? Is that a correct  
22 understanding of your previous answer?

23 [10.10.39]

24 A. Thank you, Counsel.

25 Just to be clear, my argument is that when you use a word that

1 effectively -- as I said, there are some cases when this term is  
2 used in a manner in colloquial speech where people aren't knowing  
3 about the use, so you can find some in Cambodia, some use of it  
4 in a manner that doesn't connote strong racism. But it's clear  
5 that if you talk to virtually anyone, people are well aware that  
6 the use of the word "Yvon", especially in context of broader  
7 incitement, of anger, of ethnic stereotyping, is a rhetoric of,  
8 you know, racist hatred. And I think, given this speech, many  
9 others that are given throughout CPK publications, radio  
10 broadcasts, the word "Yvon" occurs again and again and again.  
11 It stirs up hatred, both that's directed against the troops of  
12 Vietnam -- and again, I mentioned Nayan Chanda as one example of  
13 outcome where the attacks that didn't just kill people, but they  
14 actually led to the mutilation and horrific acts of violence  
15 against civilians.

16 [10.11.48]

17 That term itself is also a diffuse term that has led to -- also  
18 simultaneously, because it's the use of the word "Yvon" referred  
19 to ethnic Vietnamese in general, including ethnic Vietnamese in  
20 Democratic Kampuchea and Cambodia in general.

21 It's a diffuse term. It refers and stigmatizes and stereotypes a  
22 group of people. That group are ethnic Vietnamese, and they're  
23 ethnic Vietnamese both in Vietnam and in DK. In 1978, many of  
24 them had been pushed out of the country or killed, but it's a  
25 general term of incitement.

1 MR. PRESIDENT:

2 Judge Lavergne, you have the floor.

3 JUDGE LAVERGNE:

4 Thank you, Mr. President.

5 This question is for Counsel Guisse. Did you identify this  
6 discrepancy - since you saw the discrepancy between the French  
7 and the English, do you know whether any request has been made to  
8 ITU to correct this discrepancy? If that's not the case, I think  
9 <the Chamber might> do so.

10 [10.13.06]

11 MS. GUISSÉ:

12 We had observed this discrepancy. The Chamber had made that  
13 remark, the observation, and I thought <therefore that> they had  
14 made the request for correction. <I think everyone agrees that it  
15 is the term "Yuon" is used, but I thought> that the Chamber had  
16 made a request. We, the Defence team, didn't make that particular  
17 request.

18 MR. PRESIDENT:

19 It is now appropriate for a short break. We'll take a break now  
20 and resume at 10.30.

21 Court officer, please assist the expert during the break time and  
22 invite him back into the courtroom at 10.30.

23 The Court is now in recess.

24 (Court recesses from 1013H to 1033H)

25 MR. PRESIDENT:

1 Please be seated. The Chamber is now back in session.  
2 And before the Chamber gives the floor to parties, the Chamber  
3 would like to inform parties that the Chamber decides on the  
4 Co-Prosecutor's request to call additional witnesses during the  
5 Phnom Kraol security centre trial segment, document E390.  
6 The Chamber decides to hear submission and responses from party  
7 on Monday morning.

8 [10.34.55]

9 MR. KOPPE:

10 Good morning, Mr. President, Your Honours.

11 I apologize for interrupting the questioning of my colleague for  
12 the Khieu Samphan defence team, but I would like to make a  
13 request in the light of the fact that the expert will be  
14 finishing his testimony before the lunch break.

15 Our client is quite upset with Mr. Hinton's testimony this  
16 morning in relation to the word -- the use of the word "Yuon" and  
17 he would like, in the presence of Mr. Hinton, to give a reaction  
18 to his testimony. And we request that that would be possible,  
19 maybe not to interfere with the questioning of my colleague,  
20 maybe at the beginning of the -- the beginning of the afternoon  
21 after the lunch break.

22 The request is, therefore, to allow Nuon Chea five or 10 minutes  
23 to give his reaction and maybe also, at the same time, then,  
24 enabling Mr. Hinton to give a reaction to what he has to say.

25 [10.36.11]



1 MS. GUISSÉ:

2 Before you deliberate on this issue, I'd like to maybe bring a  
3 point of clarification in relation to the time that's allotted to  
4 us.

5 At the Khieu Samphan defence, we have three sessions remaining,  
6 and I started my cross-examination this morning at around 9.25,  
7 so can we agree that these 20 minutes that I lost will be given  
8 to us later on? Because I'm trying to restrict, of course, my  
9 cross-examination, but my colleague, Kong Sam Onn, also has some  
10 questions to put to the expert. So I want to make sure that we  
11 agree on that.

12 MR. PRESIDENT:

13 You may now have the floor, International Deputy Co-Prosecutor.

14 [10.37.08]

15 MR. SMITH:

16 Thank you, Your Honour. In relation to Nuon Chea's counsel  
17 request, we don't object, of course, to Nuon Chea making any  
18 comments about his evidence. And as far as whether or not the  
19 expert would respond to that, we're in Your Honour's hands in  
20 relation to that.

21 As far as extra time, I mean, the Prosecution has lost a lot of  
22 time on the Monday morning as well, and through quite extensive  
23 objections, so I would say, in the principle of equality of arms,  
24 that the Prosecution and Defence time has basically been the  
25 same. And so I would ask that if Counsel could finish at the

1 allotted time so that both sides have the same amount of time.  
2 And we certainly lost a lot of time as well in relation to  
3 objections the other day.

4 [10.38.06]

5 MS. GUISSÉ:

6 It appears to me that there might have been a certain number of  
7 objections that were raised <during> my colleague Koppe's  
8 <questioning> --

9 MR. PRESIDENT:

10 We cannot grant much time, extra time. We will give only some  
11 small extra time to the parties.

12 Actually, <for the seven sessions that have been allotted to the  
13 parties,> the Chamber has used <that> time <for almost one  
14 session to put basic questions to the expert>, <so this already  
15 affected the allotted time for the Co-Prosecutors and the Lead  
16 Co-Lawyer for civil parties. Second, there have been a lot of  
17 arguments>; basically, the allotted times <are> equal. <Maybe the  
18 Co-Prosecutor has used more time to put questions. So, please  
19 follow the procedure properly, and if you need> extra time, <>  
20 you may have a little bit of time <from> 11.30 <a.m.> to 12.00,  
21 depending on your client's health.

22 MS. GUISSÉ:

23 It's noted, Mr. President.

24 Q. Mr. Hinton, <> continuing now with this issue of Pol Pot's

25 speech from 1978, I'd like to read out to you an excerpt from the

40

1 appearance of one of the witnesses. And this is Prum Sarat. This  
2 is document E1/382.1. That's the hearing of 26 January 2016. And  
3 it's at a little bit after 3.36.42 in the afternoon.

4 And Mr. Hinton, just to explain to you the context, this -- Mr.  
5 Prum Sarat was a company commander first, and then he became a  
6 naval commander. And the excerpt that I'd like to read out to you  
7 from his testimony is when the Co-Prosecutor asks him or makes  
8 him react to the same speech by Pol Pot that we have been  
9 discussing <and that the Co-Prosecutor asked you to comment>.

10 [10.40.32]

11 And I'm going to first put the question -- or read out the  
12 question to you first so there will be no problems regarding the  
13 context. The question of the International Co-Prosecutor was the  
14 following. "I don't have the exact reference, but I know that in  
15 this speech, and I will find the reference later, the following  
16 is pretty much said:

17 'Pol Pot said that with two million Cambodians, they could defeat  
18 60 million Vietnamese and there would still be six million  
19 remaining.' So witness, did you hear Pol Pot say that?"

20 That was the question.

21 [10.41.12]

22 And the witness, Mr. Prum Sarat, answered the following:

23 "This was a comparison between military powers, one versus 30 or  
24 one for 30. It's clear in the document. And it's in the document  
25 that is here describing the speech of Comrade Secretary. And it

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1 was a speech encouraging the soldiers to demonstrate strategic  
2 thinking to use tactics to smash the Vietnamese."

3 And the Co-Prosecutor then puts another question:

4 "So I must understand that <you mean to say that> all of the  
5 Vietnamese people were considered soldiers, 60 million? Because  
6 in the speech, Pol Pot is referring to the 100,000 Cambodian  
7 forces against one million Vietnamese. So were there 60 million  
8 soldiers in Vietnam, Mr. Witness?"

9 And the witness' answer was the following:

10 "There were not 60 million Vietnamese soldiers and two million  
11 Khmer soldiers. No, that was not the case. It was just a speech  
12 that was trying to inspire the Cambodian soldiers to prepare  
13 themselves to fight and to reach victory." End of quote.

14 So I am confronting you with this testimony, and you'll  
15 understand why, because here you have a soldier who heard the  
16 speech<, or read it, in any event,> and who <interprets> the  
17 speech in a very clear way, and he said that yes, this was an  
18 incitement and also a description of the disparity between both  
19 armies, but he makes no mention of the civilian population. So my  
20 question is the following.

21 [10.42.59]

22 In -- well, this is a question that might be applied to all  
23 disciplines, in fact, but sometimes when you analyze documents  
24 and that you are an anthropologist or -- and as an expert in  
25 genocide, don't you have, in the a posteriori examination of

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1 these documents, a position that might be transformed or focused  
2 so much on your demonstration that you might <forget> the context  
3 in which the documents or the speeches were given<>, <and  
4 received> in a completely different way <by> the people who  
5 actually heard that speech when it was given?

6 MR. PRESIDENT:

7 Mr. Witness, please hold on.

8 The floor is given to Counsel Victor Koppe. The floor is given to  
9 Judge Marc Lavergne.

10 [10.44.14]

11 JUDGE LAVERGNE:

12 I'm very happy to be compared to Mr. Koppe, but I'm not sure it's  
13 a reciprocal feeling.

14 But in any case, Counsel Guisse, just to give us an idea of the  
15 context, can you tell us who this <Pol Pot> speech was addressed  
16 to? Was this a speech addressed only to military forces, or was  
17 this a speech that was addressed to the <> population at large?

18 BY MS. GUISSÉ:

19 As I indicated, and Mr. Hinton has the document in its totality  
20 here in front of him, this is a -- this speech that was given to  
21 the army as well as -- it's the second page of the document in  
22 <French>, I don't have <the ERN> -- you see that this is a speech  
23 by the secretary of the Communist Party of Kampuchea upon the  
24 celebration of the third anniversary of the <grandiose> 17 April  
25 victory <and the birth of Democratic Kampuchea.>

1 And here, apparently, he's speaking to comrades from the  
2 revolutionary army as well as to the working class and to the  
3 peasant <class>, so it's a generic, indeed, speech that was given  
4 to celebrate 17 April. So that, I think, is quite clear.

5 Q. So can you -- would you like me to put the question to you  
6 again, or can you react right now?

7 [10.45.41]

8 MR. HINTON:

9 A. Thank you, counsel. I believe I can react. And again, thank  
10 you for preparing the binder of materials, which has been very  
11 helpful in this process as well.

12 So you know, with regard to your -- one of your points which I  
13 think raises the issue of critical thinking in general, certainly  
14 I agree that everyone, no matter what they do, should be open and  
15 always be self-critical, interrogate their assumptions. Everyone.  
16 So I think that's absolutely something everyone should do, and  
17 scholars should do it.

18 And I think I said earlier that, as the process unfolds, I'm  
19 looking forward to the judgment and learning as well all the  
20 information that's been put forward by the Defence as well as the  
21 Prosecution to see what new information comes to light. And I  
22 look forward to that. So, absolutely.

23 [10.46.38]

24 In terms of -- then the reference to this one individual, and  
25 again, I don't know if he used the word "Yuong" or "Vietnam". I

1 would guess in interview, he would shift to a polite register and  
2 actually use the word "Vietnam", "Vietnamese".

3 But I think it actually directly accords with what I said before,  
4 is that this word is a word that can apply both to the Vietnamese  
5 military as well as to ethnic Vietnamese, people -- again, I know  
6 your time is limited. I could provide you with a long sort of  
7 discussion of how ideological signals are received. I don't know  
8 if you want me to do that or not.

9 But I mean, if you do, let me know. I'm happy to do that. But let  
10 me say concisely since this -- basically, I'm going to -- it  
11 bears upon what I said last time. The word has different  
12 valences. And I gave the example of 9/11, the use of discourses  
13 against Muslims and Arab Americans.

14 We have the Paris attacks. This is something that occurs all over  
15 the place where words can be used that can be mobilized much more  
16 diffusely and lead to attacks.

17 [10.47.54]

18 You know, even the word "dog" to refer to human beings as dogs,  
19 as well, there are all sorts of words that get caught up. But  
20 this particular one in reference to people, it refers to ethnic  
21 Vietnamese, and it can refer both to the military as in the  
22 interpretation of this person and then their view, but also  
23 towards ethnic Vietnamese in DK, in Cambodia.

24 You know, I direct you to page 215 of my book. I discuss it at  
25 more length. And I don't think that, among the scholars, there's

1 any controversy over this. With Cambodians, many Cambodians with  
2 whom I've spoken, there's no controversy about this. So, with Mr.  
3 Nuon Chea, I think it's important -- I look forward to hearing  
4 him speak about this, or Dam Pheng or whatever he will speak  
5 about. I think that's important to hear his perspective.

6 So I think I would just reiterate my position that this document  
7 affirms my argument.

8 [10.48.57]

9 Q. Of course, we could continue this discussion. And  
10 unfortunately, I have to move on to another topic because,  
11 otherwise, I'll never be done.

12 Well, now I would like to turn to another point which you  
13 discussed or which you brought up during your testimony, that is  
14 to say, the issue of the New People. And in particular -- oh, I'm  
15 sorry. I lost the page in your book where you mention this, but I  
16 will find it soon.

17 And in particular, what you said when you stated that sometimes  
18 in your research in Region 41, you heard a person whom you  
19 interviewed saying that the New People -- that the word <used was  
20 either> "war prisoners" or "slaves". I don't really exactly  
21 remember what you said, but I'll have to find the page in  
22 question.

23 And I wanted to discuss with you an article by Steve Heder,  
24 document E3/3346, which -- I'm looking for the tab. Oh, I'm  
25 sorry. No, no.



1 I found the excerpt from your book. It's on page 86 in your book.  
2 So document E3/3346, English ERN 00431528. And this is what you  
3 say in English:

4 [10.51.07]

5 "<Sometimes> New People were even referred to as war slaves, as  
6 Haing Ngor discovered when <>he <heard> a nurse ask someone if  
7 they had 'fed the war slaves yet.'" End of quote.

8 Let me start again because I believe that there might have been a  
9 problem in the French interpretation. Maybe I spoke too fast or  
10 maybe I didn't speak clearly enough. So let me start again, page  
11 86 in document E3/3346:

12 "Sometimes New People were even referred to as war slaves, as  
13 Haing Ngor discovered" -- Haing Ngor. Sorry for my accent.  
14 H-A-I-N-G N-G-O-R "discovered when he heard a nurse ask someone  
15 if they had 'fed the war slaves yet.'" End of quote.

16 [10.52.27]

17 And I would like to present this -- or draw a parallel between  
18 this excerpt from your book with an excerpt from Heder's article,  
19 E3/4527, which you also have in your binder. And the ERN in  
20 English is -- normally, there should be a little tab here on your  
21 document. The ERN in English is 00661462 and I think it goes on  
22 to the following page; the Khmer ERN is 00830768; and the French  
23 ERN is 00792921.

24 And you already have read this article in its totality, but this  
25 particular segment interests me because Steve Heder, who produced

1 many documents <contemporary with> the DK, quotes a certain  
2 number of elements he found among these contemporaneous  
3 documents<>, whether it be from <newspapers> or meetings from the  
4 Standing Committee that describe the New People and that describe  
5 the <guidelines> that were given in these documents towards the  
6 New People.

7 So -- and I'll have several questions to put to you in that  
8 regard, in particular regarding the issues of "Revolutionary  
9 Flag" that you might have read.

10 But let me start by Steve Heder's quote, of course connected once  
11 again with the segment I quoted from your book:

12 [10.54.34]

13 "So to <> make of the New People a stable component of a  
14 monolithic block of solidarity with the state revolutionary  
15 power, the local cadres were ordered to act towards the evacuees  
16 in an open manner by demonstrating flexibility and indulgence  
17 towards them and by not considering them as war prisoners <by any  
18 means>. They also had to prevent intolerance between the New  
19 People and the Old People by making them work side by side in an  
20 'atmosphere of happiness and solidarity'. They had to improve the  
21 living standards of the New People to make them see that this  
22 regime is one that belongs to them, ensure that <Old People>  
23 welcomed <them> and shared lands, livestock and food with them.

24 [10.55.49]

25 "<Old People> were not to exploit the New People's labour but to

1 help sustain those who had just come down to the countryside with  
2 nothing but their bare hands, demonstrating <thus> their <>  
3 'total lack of prejudice' vis-à-vis the newcomers. Thus, New and  
4 <Old> people should be living, working, studying, having good  
5 times, enjoying prosperity and enduring hunger collectively in  
6 the collectivity of the cooperatives.  
7 Cadres were warned to make <sure that> re-education of the New  
8 People <required of> the Party <that they> prove to them that the  
9 revolution was truly practicing the economic equality it  
10 <promised>. These policies filtered down to the grassroots Party  
11 structures as instructions that evacuees were to be considered  
12 <an integral> part of the people of Cambodia and not all enemies,  
13 and therefore, to prepare food, water and lodging for the  
14 evacuees, to slaughter animals, to feed them and give them  
15 cooperative rice."  
16 So for reasons of time, I'm not going to read out all of the  
17 footnotes but I didn't always indicate what was in quotation  
18 marks but you can see it here in the document. When it's in  
19 quotation marks we are speaking about <quotes from> documents of  
20 that period.  
21 So concretely speaking, in Steve Heder's work, in any case,  
22 regarding the massive <number of> documents that he reviewed,  
23 there are a certain number of documents that demonstrate or that  
24 tend to demonstrate that they were guidelines that were different  
25 from what have been applied in reality on the field.

1 So my question, my first question is, regarding this excerpt and  
2 regarding in particular the footnotes <of> the documents that I  
3 quoted, do you -- first of all, are you aware of these documents  
4 and are you aware of these <types of> guidelines in the documents  
5 that you reviewed?

6 [10.58.14]

7 I would like to specify that this article from Steve Heder which  
8 is entitled, "Re-Evaluation of the Role Played by the Senior  
9 Leaders and the Local <Heads> in the Crimes Committed in  
10 Democratic Kampuchea: Cambodian Responsibility Put <> in a  
11 Comparative Perspective", I believe that this article was  
12 published after the publication of your book, so I haven't in any  
13 case seen it in your bibliography.

14 But, however, later on did you become aware of such documents or  
15 even before, in fact, did you become aware of such documents?

16 [10.58.57]

17 MR. PRESIDENT:

18 Witness, please hold on.

19 The floor is given to the International Deputy Co-Prosecutor.

20 MR. SMITH:

21 Thank you, Mr. President. I don't mean to interrupt, briefly --  
22 but if I can just -- the question that was put to the witness was  
23 perhaps not as put in the context as it appears in the paragraphs  
24 she read.

25 And just so that the expert can see Steve Heder's full opinion if

1 I can just mention the sentences that followed what my friend  
2 just read out, and it reads: "However, unlike the veteran  
3 peasants, the New People were not to be allowed to have  
4 membership rights in the cooperatives until they had been  
5 successfully tempered in the movement in order to build up a  
6 revolutionary stance that were merely depositors in cooperatives  
7 dominated by veteran people", and then he goes on.

8 And the only reason why I wish to put that, Your Honour, is that  
9 in this system unfortunately the Prosecution don't have a chance  
10 to re-examine and, as my friend did, she put some of my documents  
11 in context.

12 [11.00.17]

13 I think that comment made by Stephen Heder in the paragraph that  
14 immediately followed should be something that the expert should  
15 be considering as well as what was read out.

16 BY MS. GUISSÉ:

17 The Co-Prosecutor did not mean to interrupt me but he did  
18 interrupt me.

19 Let me point out that this document was given to the expert in  
20 its entirety and I particularly gave him the entire document in  
21 order that this passage be placed in context. So I do not think  
22 that the Co-Prosecution should rise and <-- This> document was on  
23 my list of initial documents.

24 [11.01.08]

25 If the Co-Prosecutor wanted to examine the witness on other parts

1 he should have done so. It is clear that this is not -- he wasn't  
2 given bits and pieces of the document. <Mr. Hinton> was given the  
3 entire document <yesterday> and he knew that he was going to be  
4 examined on the document, and he <may have been aware of it even  
5 before I present it to him>. But my question nevertheless remains  
6 the same.

7 Q. Mr. Hinton or Professor Hinton, were you aware of such  
8 documents and these types of instructions that were found in  
9 contemporaneous documents at the time regarding the New People?

10 MR. HINTON:

11 A. Thank you, counsel and again, thank you for providing me with  
12 a highlighted copy of the article as well. So again, I have read  
13 many documents and at this point it's sort of a blur which ones I  
14 have read when but I, yesterday, said that I believe that the  
15 senior leaders of the Khmer Rouge of the CPK, they had a  
16 blueprint, a vision for a better society. They believed that  
17 while having different degrees of possibility, of the possibility  
18 of sharpening the consciousness everybody might have that  
19 possibility.

20 [11.02.37]

21 And I think, and I'm not at all surprised, that in 1975, to find  
22 documents like this. As I said before, I mentioned this  
23 yesterday, it's once you get into 1976, especially into 1977,  
24 that pre-existing structural divisions that are interpreted that  
25 come both from CPK ideology and from lived understandings on the

1 ground, and in my book I refer to this as ideological  
2 localization and take,  
3 I don't want to go over it too much, but it's clear as well that  
4 having said that, if people had the potential to sharpen their  
5 consciousness to fashion and transform themselves into a pure  
6 revolutionary being, the different groups were viewed as having  
7 greater or lesser likelihood.

8 [11.03.35]

9 This was true as well even of CPK cadre who might have come from  
10 privileged backgrounds and I refer to the Ieng Sary notebook that  
11 I mentioned before where this is evident. Everybody had to try  
12 and purify themselves.

13 Having said that, because people have tendencies that they  
14 constantly have to try to work through to sharpen, to focus  
15 themselves, to become mindful to have a pure political  
16 consciousness, but New People were marked, and I refer to the  
17 marking of difference, and stigmatized and people were aware of  
18 that difference that has been crystallized.

19 As we move through the temporal and spatial variation through  
20 time, as I said once you get into 1976 those people who --  
21 certainly you have these documents in '75 came through and there  
22 was a hope that maybe they could reform themselves, once you  
23 begin to have suspicion, the fear of coups, a growing sense of  
24 paranoia, the beginning of purges, people -- the notion that  
25 there were internal enemies that needed to be rooted out, found

1 and eliminated on the ground as the orders came down to eliminate  
2 members of the old society. And I refer to Teap in my interview  
3 as well as to the meeting in Region 41 given by the cadre who Mr.  
4 Defence Co-Lawyer believes is Teap which refers to a meeting as  
5 well, is one small example of a process by which those people who  
6 have been marked as different or having a lesser potential for  
7 reform that then turns into the threat, the contamination, the  
8 belief that these people are internally subverting the  
9 revolution, you begin to have purges, the sweep-up; not just  
10 cadre but former officials of the Khmer Republic, people who wear  
11 glasses, students, professors.

12 [11.05.35]

13 Again, I refer to my book to many other documents that refer to  
14 those very backgrounds that people who had been labelled "New  
15 People" came from. They came from the cities. They were  
16 associated with capitalism. They were viewed with suspicion. You  
17 know as well there is the thing about depositors versus full  
18 rights or candidates.

19 I also should note that again in the spirit of looking at a  
20 document in its totality there are other things in this article  
21 by Steve Heder including the belief that ethnic Chinese had been  
22 singled out and in contrast to the view of Ben Kiernan, may  
23 constitute a genocide.

24 So again that is part of his argument as well and that's -- and  
25 this article by Steve Heder as well as the other one that we



1 discussed earlier.

2 [11.06.32]

3 Q. To clarify matters, I thank you for the comments you have  
4 made.

5 What I wanted was your reaction vis-à-vis the fact that the term  
6 used in Region 41 <seems to> contradict the instructions that  
7 were given in some documents. And let me point out that Steve  
8 Heder testified before this Chamber in Case 002/01 and we heard  
9 his testimony. I want to focus on your work and your opinion,  
10 <rather than> your comments <on authors>, specifically since we  
11 are running out of time.

12 Another point regarding the "Revolutionary Flag", the  
13 "Revolutionary Youth" you used some of these magazines as part of  
14 your work, always bearing in mind the fact that you had  
15 difficulties obtaining documents at the time of your research.  
16 And I believe you used some "Revolutionary Youth" issued in 1977.  
17 On this issue of the "Revolutionary Flag" and the "Revolutionary  
18 Youth" is it -- is that a subject you broached during the  
19 interviews you had with people in <Region> 41?  
20 Did you put questions to the persons you interviewed to find out  
21 whether they had access to these documents, who had access to  
22 these documents and how these magazines were <circulated, or is  
23 that something you did not cover during your research>?

24 [11.08.37]

25 A. Thank you, Counsel. I just want a small point of clarification

1 that Haing Ngor, I believe was in Battambang, not in Region 41,  
2 if my memory serves me correctly. He wrote a memoir from which I  
3 appear to have been quoting in the passage that you refer to.

4 But I think the -- and the quick answer is, no, I didn't have  
5 those documents, so I did not refer to them. My goal was to try  
6 and understand the lived experience of people from this village  
7 and this area and their experience during the DK regime. Part of  
8 the lived experience are the frames of understanding through  
9 which they understood the events that took place.

10 The terms that they used to refer to their experience very  
11 frequently were Base People, Old People, New People, 1975 People.  
12 Those terms were important categories. When people interpreted  
13 their experience those were the frames through which -- including  
14 both I should say, Old and New People, distinctions were made  
15 about people and they would refer to the purges as taking away  
16 sometimes groups of New People, families of New People.

17 So I did --

18 Q. I am sorry, as time passes so quickly I have to focus on my  
19 questions. My question was, did you ask any questions on access  
20 to these documents and <circulation> of those documents? <I  
21 understood that you didn't.>

22 I'm sorry to interrupt you. <You> heard Mr. President, but my  
23 time is really limited this morning.

24 I would like us to focus on page 265 of your book which was  
25 referred to <> by my colleague of the civil parties, and that

1 passage referred to the rotation of cadres. I'll quote what is  
2 stated in the book. You talked of nepotism. You <used several  
3 words, "nepotism", "clientelism", "patronage", etc.>.

4 [11.11.11]

5 In the book you refer to Region 41 and this is what you state and  
6 I quote in English, and it is at the end of the page:

7 "The Khmer Rouge seemed to have recognized this pattern and to  
8 prevent enemies from escaping often placed cadres and soldiers  
9 without local ties in positions of power." End of quote.

10 Aside from Region 41, what examples are you referring to in this  
11 part of the book?

12 A. Thank you, Counsel. Again, my intention was to represent the  
13 lived experience of the people from this area and to present the  
14 history as it unfolded and as it related to the broader history  
15 that was taking place.

16 So this, when I speak, I am speaking in reference to my  
17 interviews that took place with these individuals. And as I said  
18 before, it was very difficult to do research to find former  
19 members of the Khmer Rouge. I did find some. I did interview  
20 them, as I said, and I've been as well pleased to find that  
21 different documentation has supported many of my findings  
22 including the purges and Region 41 and the execution of the Cham  
23 population that took place.

24 [11.12.52]

25 So again, this is what I found. I presented it. I have always

1 presented this way and the way to assess it, as I am sure the  
2 Trial Chamber will do, is to look at other information and pull  
3 it together and assess the veracity based on that.

4 Q. My question was more specific than that and it was as follows.  
5 Apart from Region 41, do you refer to other places or <does> your  
6 <conclusion> refer only to Region 41?<>

7 A. Thank you, Counsel. I was unable to locate exactly where you  
8 are in the page but it doesn't really matter. So, no, I did not  
9 go and seek to interview people about their lived experience in  
10 other areas. I focused on Kampong Siem and Region 41.

11 [11.14.11]

12 Q. Thank you for this clarification. I am trying to tighten my  
13 belt because my colleague, Kong Sam Onn, also has some questions  
14 for you. I would like us to broach the last few points. This will  
15 have to deal with anthropology in general.

16 In answer to a question put to you by the Co-Prosecutor regarding  
17 the national anthem, and I refer you to page 267, <00431709>.

18 That's the ERN in English.

19 You do not have your book with you? I thought -- I proceeded on  
20 the principle that you have your book with you. So I will have to  
21 read out the passage for you. I see that the Co-Prosecutor -- so  
22 it's page 267 of your book and you are referring to blood  
23 sacrifices and so on and so forth, and you even speak in very  
24 broad terms talking about the revolutionary anthem of Democratic  
25 Kampuchea. You commented on several occasions referring, <> to

1 the examples of Dam Pheng, the exultation <and> glorification  
2 <of> revolutionary figures;<> and so on and so forth.

3 [11.15.52]

4 And my question is as follows: Is it really something that is  
5 <particular> to Democratic Kampuchea or in general terms, <did>  
6 all societies and all states, <and particularly, perhaps>  
7 societies that have endured revolutions <or a> struggle against  
8 colonialism, <or a war leading to> some kind of liberation  
9 whether we are talking of <revolutionary liberation or colonial  
10 liberation -- Isn't it typical of> such constructions of <a>  
11 state <to have this> exultation of certain figures? Blood  
12 sacrifices, of course, we can cite the example of "La  
13 Marseillaise", <in> which they <say, "To arms, citizens -- let  
14 an> impure blood <soak our fields>". <I believe in the American  
15 national anthem, there is> talk of the blood of <heroes or the  
16 blood of> enemies and so on and so forth.

17 Is this therefore not something that is known in all states and  
18 all <national histories> where there have been struggles against  
19 -- struggles for liberation <or revolutions>?

20 A. Thank you, Counsel, and thank you for bringing up an important  
21 issue which is that when we look at violence, at genocide from  
22 afar, if we look at ideological registers from afar without an  
23 understanding of the local context, we project and impose our  
24 beliefs, those things that we understand on that context. In  
25 order to understand how the meaning of a song, the meaning of

1 metaphors and the meaning of phrases like class grudge, you need  
2 to understand the local context.

3 [11.17.54]

4 So it's easy to search for different sorts of similarities but  
5 you need to take each piece of whatever it is, of ideology, of  
6 song, of dance, things people say and you need to enmesh it in a  
7 given context and understand the broader degree to which these in  
8 the context of this trial, the degree to which such idioms are  
9 linked to a broader incitement of hate.

10 The notion of blood, as I talk about here, also links back to --  
11 the notion of blood back to my discussion of begrudgment, of a  
12 class grudge which appears, as I said before, in the article on  
13 Dam Peng that came out in the "Revolutionary Youth" magazine in  
14 1973, but is a fairly well -- I believe fairly well known amongst  
15 Khmer Rouge cadre. He is sort of a legendary figure.

16 [11.18.52]

17 That essay is followed by one that is about a class grudge. In  
18 the anthem it says again, "Blood red blood, bright red blood  
19 which covers the towns and plains of Kampuchea" and it goes on,  
20 the blood turning into unrelenting hatred.

21 Phrases like that perhaps you can find here and there, but you  
22 need to look at it in the context, specific cultural and  
23 historical context and interpret it within that context. Not to  
24 do so invites the projection of assumptions of people and to make  
25 generalizations without understanding a locality.

1 So again, it's easy to search for commonalities. It's much more  
2 difficult to find the nuances of each situation and, in terms of  
3 an anthropological attempt, that's part of what we try to do.

4 Q. I am obliged to shorten my examination. I cannot really  
5 respond to what you're saying. <Your answer to my question> is  
6 therefore to say that <> you cannot generalize the context of  
7 <revolution> of <> "La Marseillaise", <or the patriots or the  
8 founders of> the United States, for instance. You are saying that  
9 you cannot compare the two situations?

10 I know that my colleague has questions for you as well so I  
11 cannot really elaborate further.

12 [11.20.27]

13 A. May I respond? Thank you. As I said before, an anthropological  
14 perspective seeks to be holistic to try as best as possible to  
15 suspend judgment, to understand the local frames of understanding  
16 and to be comparative. Comparative analysis is possible and is  
17 done in anthropology, but it's done after the attempt to try and  
18 understand the locality to the fullest extent possible as opposed  
19 to coming in and projecting external categories.

20 A very simple example would be the use, for example, of coming in  
21 with a category of post-traumatic stress disorder which is a  
22 biomedical category and trying to classify people in the locality  
23 in terms of that category without any understanding of the local  
24 nuances of that thing we call trauma. That's a slight example.

25 But my very book shows how you can take a local experience near

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1 perspective and you can extract out generalizations and create a  
2 comparative model. So I would put forth my book is precisely an  
3 example of what you are talking about but one that's done with  
4 attention to and a focus upon the local level. It's a comparative  
5 model but it emerges from detailed ethnographic research.

6 [11.21.49]

7 Q. I would have many other questions to put to you, but  
8 unfortunately I have to give the floor to my colleague, Mr. Kong  
9 Sam Onn.

10 QUESTIONING BY MR. KONG SAM ONN:

11 Thank you, Mr. President. My name is Kong Sam Onn. I am the  
12 Co-Defence Counsel for Khieu Samphan. And good morning, Mr.  
13 Expert Hinton. I have a few questions to put to you in addition  
14 to those questions that have been put to you during the last  
15 three days.

16 We discussed the term "Yuon", and that the term is racist and it  
17 is an incitement. Can you inform the Chamber to your best  
18 knowledge when the word "Yuon" was used by Cambodians?

19 MR. HINTON:

20 A. Thank you, Mr. Co-Defence Lawyer. You know, I can't tell you  
21 the exact genealogy. It's a very fascinating and interesting  
22 question. But in terms of the specific moment, we're talking  
23 about Democratic Kampuchea and the years before and the years  
24 after, there is detailed analysis about the use of this term.

25 [11.23.33]



1 Q. Can you make an estimate? For example, was the word "Yuon"  
2 used in the long past or it was only used in the recent history  
3 of Cambodia?

4 A. Thank you, Mr. Co-Defence Lawyer. Again, as a scholar I would  
5 undertake detailed examination before rendering an opinion on  
6 that. My -- what I have studied is the use of the term "Yuon", in  
7 the years before, for example, the Khmer Republic and Democratic  
8 Kampuchea and afterwards.

9 So without undertaking further study, I wouldn't want to give an  
10 answer to that question. It's an interesting question and a good  
11 one, but what I think I've said and a point is in each historical  
12 moment terms and concepts like this are taken up and deployed in  
13 different manners.

14 But in Cambodia in the recent history, if we speak to that, the  
15 term "Yuon" has frequently been taken up and used in a vitriolic,  
16 racist manner to refer to ethnic Vietnamese.

17 [11.24.52]

18 Q. Thank you. And when you made your conclusion on the use of the  
19 term "Yuon", did you actually make any reference to a Cambodian  
20 dictionary, for example by Samdech Chuon Nath which was published  
21 in 1962 and with a later republication of the same dictionary by  
22 the <Cambodian> Buddhist institution before you actually made  
23 your conclusion on the use of the word "Yuon"?

24 A. Thank you, Mr. Co-Defence Lawyer. Certainly looking at a  
25 dictionary is an important thing to do and I've consulted that

1 dictionary as you know from reading my book at different points  
2 in my analysis.

3 I don't think I refer to in the book looking up the word "Yuong",  
4 which would be a good exercise, but that dictionary was written  
5 in -- it came out about the 1940's as you point out.

6 What I based my analysis upon was my conversations and interviews  
7 with Cambodians, including people in Region 41, and those are  
8 discussed in the book, as well as a plentiful secondary  
9 literature about the use of that word.

10 But I didn't set out to do an ethnography of the use of the word  
11 "Yuong", but it's a term that was frequently invoked by people  
12 during my research.

13 [11.26.38]

14 Q. Thank you. Have you heard the word "Yuong" used in combination  
15 with other terms to refer to a Vietnamese? For example, a "Yuong  
16 Annam", "Yuong Tonkin" or "Yuong Prey Nokor"?

17 A. Thank you, Mr. Co-Defence Lawyer. Other uses I've come across  
18 in passing, but what's most frequently the invocations that I  
19 encountered doing my research in 1944 and 1945 were uses of the  
20 word "Yuong" to refer to ethnic Vietnamese.

21 So when I speak about my analysis -- and, again, I didn't do an  
22 ethnography of the word "Yuong" -- but it was one that was  
23 frequently mentioned in reference to ethnic Vietnamese. It's also  
24 other scholars have looked at, scholars who I cite in my study,  
25 and it looks at the valence of ethnic hatred that's associated

1 with that term.

2 [11.27.42]

3 As I said before earlier, the word "Yuong" can be used at times  
4 and ways that don't have full, sort of strong racist  
5 connotations, sometimes in ignorance, so there are other contexts  
6 in which it is used. I said that clearly at the very beginning.  
7 In order to understand the deployment of the word "Yuong", in the  
8 context of DK as well as other highly politicized contexts, when  
9 the word is brought into ideologies that incite hate ranging from  
10 the Khmer Republic into politics in the 1990s in Cambodia, the  
11 word "Yuong" is used to refer to ethnic Vietnamese as part of a  
12 broader context of hatred and incitement that's linked to  
13 political, ideological broadcast.

14 So while noting that there are other contexts, in the context of  
15 ideological mobilization, in a context of seeking to root out  
16 internal enemies burrowing from within, in context of mobilizing  
17 against a defuse ethnic Vietnamese enemy, in those precise  
18 contexts the use of the word "Yuong", which I've been talking  
19 about, refers to racist language, the stigmatization of ethnic  
20 Vietnamese.

21 [11.29.03]

22 But, again, there -- I've noted from the very beginning -- that  
23 there are other possible uses of the word "Yuong" that are done in  
24 ignorance or in other contexts, not in the broader context of  
25 incitement, propaganda that promotes hate, where the word can be

1 used differently.

2 Q. My next question is also linked to my previous question as  
3 well. And in terms of tasting sour soup, have you tried a sour  
4 soup we call samlar machu youn?

5 A. Thank you, Mr. Co-Defence Lawyer. I have indeed and I'm  
6 familiar with the term. An anthropologist might interpret that  
7 activity in different sorts of ways. You probably don't want me  
8 to begin to undertake a long anthropological analysis of the act  
9 of consuming a food that's called "samlar youn", but anyways, but  
10 I am familiar with the term.

11 [11.30.22]

12 Q. Thank you. Can you give us <examples of the words that>  
13 Cambodian people <call> the <> "Yuon" within the context that you  
14 suggest it carries racist connotation? <Do you know those words?>

15 A. I can -- thank you, Mr. Co-Defence Lawyer. I can refer you to  
16 an example from my book so that there's one that's in the record.  
17 I conducted extensive in-depth interviews with an informant who I  
18 refer to as Chlat. He's an extremely intelligent person. He was  
19 eloquent. He told me his story about life under the DK regime  
20 when he had been stigmatized as a New Person, suffered greatly.  
21 He talked about his loss of rights at the time. There's loss of  
22 his brother which I recount, when he was taken away at night one  
23 day and he held his child as the rain splattered on the ground,  
24 and then he was bused off. And then the clothes of his brother  
25 were redistributed a few days later and he saw his brother's

1 clothes.

2 I did an extensive interview with him. He's someone I greatly  
3 respect. Again, we would have to the precise page. Then one day  
4 we were casually talking and he brought up the topic of ethnic  
5 Vietnamese, Vietnam came up and he launched into a long diatribe  
6 about hating the Yuon over and over again, talking about this.

7 [11.32.08]

8 So in reference to what you're talking about, I certainly have  
9 encountered many people, highly educated people, a variety of  
10 people who use this term, but if we want to stick to the record,  
11 that example is in my book, and you're welcome to refer to it if  
12 you would like.

13 Q. Thank you. And for you personally, do you recall any terms  
14 that the Khmer used to refer to Yuon which carries the racist  
15 connotation?

16 A. Thank you, Mr. Co-Defence Lawyer. So as I said before, if we  
17 look at the many CPK/DK broadcasts which use the word "Yuon",  
18 which are deployed in a broader context of incitement, in those  
19 contexts the word "Yuon" is being mobilized to be directed both  
20 against military troops, against Vietnam which is viewed as a  
21 threat, as well as to ethnic Vietnamese.

22 In the country more broadly the term has been mobilized in a  
23 variety of contexts --

24 [11.33.29]

25 Q. I'm sorry that I need to interrupt you. My question is short.

1 My question is whether you recall any other Khmer words that they  
2 used to refer to Yuon and that carry racist connotation?

3 A. Thank you, Mr. Co-Defence Lawyer. The term that I frequently  
4 heard, most frequently in reference to ethnic Vietnamese, that  
5 was often said in a strong way, almost spat out at times, was the  
6 word "Yuon".

7 That is the one that, based on the lived experience of the people  
8 with whom I was doing research, the one that was mentioned by  
9 those people, it was not unusual. It was a term that was  
10 circulating in politics as well, being used by politicians at the  
11 time. It's a word that other scholars, such as Penny Edwards in  
12 the article I talked about when she spoke about the UNTAC period,  
13 refer to the use of the term.

14 So it's a word that was widespread during my research and, again,  
15 I think there's literature that supports the association of the  
16 word "Yuon" with strong anti-Vietnamese sentiment.

17 Q. Thank you. Can I make a conclusion in terms of what you have  
18 just said, that <you do not know any other> Khmer words <that>  
19 the Khmer people <> use <to refer to the "Yuon" that carry an  
20 offensive connotation. You do not remember them>. Am I correct?

21 [11.35.17]

22 A. Thank you, Mr. Co-Defence Lawyer. Again, I would never say --  
23 offer a definitive conclusion about whether there are other  
24 words. Usually, there are multiple words to refer to people, for  
25 example as "dogs". It's a very insulting thing in Cambodia to

1 refer to a human being as a dog. Sometimes I've heard people say  
2 "The Yuon dogs", right? So that word can be mobilized in  
3 different ways. But if we talk about the specific context, as  
4 I've said before of the time I was in Cambodia and the research I  
5 was doing, the word the people used and that reflected their  
6 experience at the time was the word "Yuon".

7 Q. Thank you. As you were -- just said, the word "dog" is  
8 insulting in Cambodian context, so even the word "dog" -- even if  
9 you add anything else to the word "dog", it still carries the  
10 connotation of insulting someone. Am I correct in saying so?

11 [11.36.26]

12 A. Thank you, Mr. Co-Defence Lawyer. So, yes, you can do  
13 combinations of dog or if you describe people in terms of  
14 quality, you might say, for example refer to the Vietnamese as  
15 "thieving" or if you look at "The Black Paper", for example, it  
16 talks about the savage nature of the "Yuon".

17 This is the point at which you have a term that has a set of  
18 associations and connotations which sometimes are explicitly  
19 verbalized, sometimes they are said within a given context but,  
20 again, to look -- you have to look at the broad context of use in  
21 the broader context of incitement in the context of DK which  
22 makes it clear that the use of the word "Yuon" at this  
23 point-in-time was one that was incendiary, that connoted and was  
24 trying to propagate ethnic hatred.

25 I referred as well, after the 1978 speech that we discussed

1 earlier, how one small example is Nayan Chanda's findings, that  
2 people had gone in and severely butchered, taken bodies, torn  
3 them apart, done all sorts of atrocities to people, to people who  
4 were viewed as "Yvon" in this attack.

5 But, again, it's a form of incitement. It's omnipresent in CPK/DK  
6 rhetoric and it's linked to a much broader discourse --

7 [11.37.47]

8 Q. My apology, Mr. Expert, that I interrupt you, since my time is  
9 running out.

10 My main question so far is in terms of the <independent> words  
11 <that are used to refer to the> "Yvon", <in terms of "Yvon"  
12 nationality in general>. <I am not talking about the words that  
13 are used together with the word "Yvon". I want to ask you about  
14 other words that Khmer people use instead of the word "Yvon", and  
15 that might be> equivalent to the word "Yvon", but <which carry  
16 offensive connotations. Nevertheless,> so far, I have not  
17 received your response regarding this term.

18 Let me move to another question. During the war era, in  
19 particular during the 1970s, was Cambodia under the influence of  
20 the fact of any Cold War?

21 A. Thank you, Mr. Co-Defence Lawyer. I think, yes, that's clear.  
22 Maybe if to move things along you might couch a more direct  
23 question though? That seems to be a fairly minor point of fact.

24 [11.39.15]

25 Q. My next question is in relation to the communist bloc and the



1 liberal bloc <that used Cambodia as a battlefield>. <> Can you  
2 tell us <what is the purpose of that, and if you think that>  
3 Cambodia <was <influenced by the Cold War>?

4 A. Thank you, Mr. Co-Defence Lawyer. I think the translation was  
5 not clear. Could you please repeat the question? Thank you.

6 Q. My question is in relation to the use of Cambodia, for example  
7 as a battlefield that the two blocs tried to benefit from; for  
8 example, the communist bloc or the liberal bloc. Were there any  
9 factors that the communist and the liberal blocs used Cambodia as  
10 a battleground and that, as a result, Cambodia fell into the Cold  
11 War?

12 A. Thank you, Mr. Co-Defence Lawyer for your clarification. And,  
13 again, of course, as I said before, if you look at the process of  
14 genocidal priming, you need to look at the process of  
15 socio-economic upheaval and as part of that process of  
16 socio-economic upheaval in addition there are a wide range of  
17 factors that are involved.

18 In the context of Cambodia, one of those factors is geo-politics.  
19 So, yes, that's definitely a factor.

20 [11.41.08]

21 Q. Thank you. And in relation to the US aerial bombardments and  
22 you have touched upon that issue in your testimony, can you tell  
23 the Chamber whether Cambodia was severely impacted by the aerial  
24 bombardment by the United States?

25 A. Thank you, Mr. Co-Defence Lawyer. Absolutely I think -- as I

1 describe in my book during the process of socio-economic upheaval  
2 in Cambodia, one of the factors that was involved in this process  
3 was the US bombing of Cambodia that began before 1970, but really  
4 intensified in 1973. It was, while not a cause of the violence  
5 that took place, it was a factor that helped propel the Khmer  
6 Rouge regime to power. Many people lost their lives, lost their  
7 homes. The Khmer Rouge gained recruits at this time because of  
8 the bombardment.

9 So, again, it also contributed to increasing anger at the time,  
10 so it was definitely a factor in the rise of the Khmer Rouge to  
11 power, though you can't explain the genocide that took place  
12 directly as an outcome of that bombing.

13 [11.42.44]

14 Q. Thank you. In relation to the establishment of the Indochinese  
15 Party, can you explain to the Chamber whether Vietnam actually  
16 initiated the idea of forming the Indochina party where Laos,  
17 Cambodia and Vietnam were part of it, led by Vietnam in terms of  
18 politics, in terms of military, as well as the country itself,  
19 and that in the end they planned to actually use one currency for  
20 Indochina?

21 A. Thank you, Mr. Co-Defence Lawyer. You included many different  
22 things in that statement, but I, certainly in terms of the  
23 beginning of your statement, can confirm that at the initial  
24 stages the Indochinese Federation was led by Vietnam, established  
25 by Ho Chi Minh, so.

1 Q. Thank you. My next question is in relation to Democratic  
2 Kampuchea. After the victory on 17 April 1975, can you tell the  
3 Chamber what were the immediate needs to the Cambodian people at  
4 the time?

5 [11.44.38]

6 A. Thank you, Mr. Co-Defence Lawyer. By immediate needs, again  
7 that's -- I'm not quite sure what you're referring to. If you're  
8 talking about the provision of food to areas in the context of  
9 war that might not get the food, this came up in arguments  
10 related to Case 002/01. I know that's an issue.

11 But, again, the word "needs" is a big word and there are many  
12 different ways to interpret it. If you'd like to begin to go into  
13 elaborate discussions of the word "need" in relationship to that  
14 moment in time, I can. Or if you want to be more specific, I can  
15 try and keep things short because I know we've run on for quite  
16 some time now and I don't want to take up too much of your time.

17 [11.45.27]

18 Q. Yes, you're right, Mr. Expert, and this may be my last  
19 question.

20 Do you agree that the agricultural policy and implementation for  
21 the improvement of economy in order to provide food to the people  
22 during the initial stage of Democratic Kampuchea was a necessary  
23 step?

24 A. Thank you, Mr. Co-Defence Lawyer. As I said before, I believe  
25 that the leaders of the CPK, the Khmer Rouge, had a vision for a

1 world that was better and that had social justice and they sought  
2 to transform society. It's just unfortunate that in doing so,  
3 certain groups were eliminated because they are viewed as a  
4 threat, as a form of contamination, as a hindrance to that  
5 vision.

6 And, again, if we go back to the process I outline when I talked  
7 about the process of socio-economic upheaval, the creation of  
8 blueprint for a better world so on and so forth, referring to the  
9 marking of difference, organization of difference, ideological  
10 localization and take, so on and so forth. I outline the  
11 implications and outcomes of what happened, in part because that  
12 vision has the irony of being a vision to try and create a better  
13 world, but yet leads to mass violence and genocide.

14 MR. KONG SAM ONN:

15 Thank you, Mr. Expert. And, Mr. President, I am done.

16 MR. PRESIDENT:

17 Thank you.

18 The Chamber actually heard a request from the Defence Counsel for  
19 Nuon Chea, that Nuon Chea wishes to react to the testimony of the  
20 expert and that he may use 10 to 15 minutes time.

21 [11.47.39]

22 I'd like to ask the Defence Counsel for Nuon Chea whether Nuon  
23 Chea is able to come to the courtroom to address the Court  
24 because this morning we received a waiver from Nuon Chea that he  
25 waives his right to be present in the courtroom.

1 MR. KOPPE:

2 As a matter of fact, I am in contact with him now and he's ready  
3 come up, however, it's also quarter-to-twelve. I'm not sure if  
4 Mr. Khieu Samphan is in need to get his rest, but Nuon Chea is  
5 ready to come up.

6 [11.48.26]

7 MR. SMITH:

8 Thank you, Mr. President. Just in terms of procedure. We're  
9 asking Defence whether Nuon Chea is waiving his right to silence  
10 by making these statements or reactions and whether or not he's  
11 now opening himself -- he would answer questions from the parties  
12 on the basis of what he said or whether it's purely a comment?

13 MR. KOPPE:

14 He is invoking his right, I believe, to comment on whatever  
15 experts or witnesses are saying and this doesn't mean that he  
16 will be opening himself up to questions, certainly not from the  
17 Prosecution.

18 MR. SMITH:

19 Of course, it's up to Your Honours. I mean, normally when an  
20 accused speaks and gives evidence, they've waived their right to  
21 silence and the parties should be able to question them.

22 Otherwise, of course, there would less value in what the accused  
23 has to say.

24 We're in the civil law system and I'm aware in the first trial  
25 comments were sometimes made by the accused and parties weren't

1 able to answer questions, so we're in Your Honours' hands, but --  
2 in how it would work in this system.

3 [11.50.13]

4 MS. GUISSÉ:

5 Mr. President, I would like to make a practical remark. Since the  
6 issue of my client's health status is mentioned, Mr. Khieu  
7 Samphan says that to the extent that there will be no hearings  
8 this afternoon, he can make an effort to continue somewhat if the  
9 Chamber decides to hear Mr. Nuon Chea.

10 MR. SON ARUN:

11 Good morning, Mr. President, Your Honours, and everyone in and  
12 around the courtroom. My name is Son Arun. I'm the Co-Counsel for  
13 Nuon Chea.

14 Actually, I spoke to my client on several occasions this morning  
15 and he actually follows the proceedings on a TV screen.

16 [11.51.07]

17 And he's observed that, during the proceedings, the term "Yuon"  
18 was extensively discussed as last put to the expert by Counsel  
19 Kong Sam Onn. And Mr. Expert still stands by his opinions that  
20 the use of the word "Yuon" carries a racist connotation. For that  
21 reason, my client wishes to clarify this issue and as to when the  
22 term "Yuon" was deployed.

23 And, of course, if the Chamber permits then he would be here to  
24 give us his speech.

25 MR. PRESIDENT:

1 In order to resolve this matter, the Chamber has also heard,  
2 previously, reactions by Nuon Chea, and the defence team for  
3 Khieu Samphan states that the client would be here since there is  
4 no hearing this afternoon.

5 For that reason, the Chamber decides to hear Nuon Chea's reaction  
6 now to the testimony of the expert. For that reason, security  
7 personnel, you are instructed to bring Nuon Chea into the  
8 courtroom.

9 (The Accused Nuon Chea enters the courtroom)

10 [11.58.05]

11 MR. PRESIDENT:

12 I would like to give the floor now to Nuon Chea so that he can  
13 react to the testimony of the expert.

14 Mr. Expert, please listen to the reaction by Nuon Chea to your  
15 testimony during the last <three> and-a-half days and, if it is  
16 necessary, you will be given the floor to respond to his  
17 reaction.

18 And, Nuon Chea, you have the floor now.

19 [11.58.46]

20 MR. NUON CHEA:

21 Thank you, Mr. President, for allowing me to provide the  
22 clarification on this matter.

23 I have listened to the testimony and I feel uncomfortable with  
24 that. I actually referred to the Khmer dictionary by Samdech  
25 Chuon Nath, the <CE year> 1967, <and 2511 for the Buddhist Era

1 year>. At page <955>, at line number 5, the term "Yvon" is  
2 defined as a noun to refer to those who resided in <Tonkin,>  
3 Annam, <> Cochinchine, and they <simply> refer to "Yvon Tonkin"  
4 <as> "Yvon Hanoi" and "Yvon Annam" as "Yvon Hue" and "Yvon  
5 Cochinchine" as "Yvon Prey Nokor".  
6 So Democratic Kampuchea did not mean to incite anyone and this is  
7 -- and the term is clearly defined in that dictionary. And,  
8 actually, Pol Pot gave instructions <> that we should not regard  
9 them as our hereditary enemy <because Vietnamese> were our  
10 friends, but we had contradictions with them, and that is the  
11 express instructions from Pol Pot. He said that we had  
12 contradictions with them, although he did not elaborate further  
13 on those contradictions.  
14 Cambodian people may consider "Yvon" as hereditary enemy, but for  
15 Pol Pot, he only said that we were friends but we had  
16 contradictions, and I'd like to clarify this point <again and  
17 again>.  
18 And that is the point that I wish to focus on. So there is -- in  
19 no way there is any incitement in regard to this term. <For the  
20 story> that we consider, the population <ratio between> Khmer and  
21 <> Vietnam, <in terms of how many Vietnamese one could kill, that  
22 is also wrong>.  
23 [12.01.22]  
24 And as for the military tactics, actually Pol Pot said that we  
25 should deploy smaller number against the larger number. <If there



1 were 100 Vietnamese, there should be only 10 of us,> because we  
2 had only a limited number of troops, and if one of us actually  
3 shot one "Yuong" and one <"Yuong"> was injured, it meant they had  
4 to deploy four soldiers to carry <> that <one> wounded soldier.  
5 <So, what if we shot 10 of them? How many would carry the  
6 injured? It would be about 40 of them.> And that was the militia  
7 -- military tactics <of> Democratic Kampuchea and it did not in  
8 any way refer to the killing of any "Yuong" civilians. <This is  
9 what I want to clarify.>

10 And, actually, I have a question to put to the expert. Thus far,  
11 does Vietnam actually forfeit their ambition to swallow and to  
12 grab Cambodia?

13 [12.02.23]

14 And my second question also to Mr. Expert. You are an American  
15 citizen and you know that - actually, US dropped <3 million tons  
16 of> bombs in Cambodia for 300 days and nights and, as a result,  
17 many houses, pagodas and infrastructures were destroyed,  
18 including the lives of Cambodian people. Do you consider that <a  
19 genocide,> a crime of war?

20 That is all. Thank you. <>

21 MR. PRESIDENT:

22 Thank you, Mr. Nuon Chea for your reaction and questions to the  
23 expert.

24 And, Mr. Expert, if you wish, you may respond to the two  
25 questions put to you by Nuon Chea.

1 And before that, I'd like to give the floor to the International  
2 Deputy Co-Prosecutor.

3 MR. SMITH:

4 Thank you, Your Honour. Many of the statements made by Nuon Chea  
5 do not tally with what the Prosecution says is the evidence and  
6 the expert is being asked to comment.

7 Obviously, the expert hasn't -- he hasn't had access to the case  
8 file with all of the evidence on the case file at this stage, I  
9 mean other than the documents he refers to. And the question is;  
10 is whether or not the expert should comment without access to  
11 that information as to the veracity of what Mr. Nuon Chea has  
12 said.

13 [12.04.06

14 And perhaps, if just by one example, if I can just state, Nuon  
15 Chea just stated that Pol Pot never said that Vietnam or "Yuon"  
16 was the hereditary enemy.

17 I'd just like to refer to --

18 MR. KOPPE:

19 He is pleading, Mr. President. I would like you to stop the  
20 Prosecution from pleading now.

21 We've heard the evidence of the expert for about two and-a-half  
22 days. My client comes up, gives a reaction. Mr. Hinton is man  
23 enough to be able to give a reaction. He really doesn't need your  
24 guidance, Mr. Prosecutor.

25 [12.04.44]

1 MR. SMITH:

2 Your Honours, I'm about to get to my question to Your Honours  
3 and, unfortunately, I was interrupted by my friend. And if we're  
4 talking about speeches, I think we've heard many of them, many,  
5 many of them, from our friend yesterday.

6 But just to give you an example, and I'd just like to put this  
7 to, Your Honours. Where Nuon Chea states that Pol Pot never used  
8 the word "hereditary enemy", I refer, Your Honours, to the  
9 statement of the government of Democratic Kampuchea dated the 2nd  
10 of January 1979, E3/8404, English, 00419728; Khmer, 00716183; and  
11 French, 00017542; and this is from the statement of the  
12 government of Kampuchea on the 2nd of January 1979, and in that  
13 statement it states:

14 "Kampuchea's people are against Vietnam which is the hereditary  
15 enemy."

16 Which is a complete contrast to what Nuon Chea stated.

17 My point -- my point is, Your Honours, do you wish to get a  
18 comment from the expert without him reviewing the other prior  
19 statements of Nuon Chea that contradict some of the claims he  
20 makes, or are you happy that he gives this comment now?

21 We're in Your Honours' hands on this issue.

22 [12.06.18]

23 MR. KOPPE:

24 Mr. President, if I may. I really do object to these remarks from  
25 the Prosecution. First of all, he is feeding the expert an

81

1 answer, he's basically helping him saying, well, maybe you should  
2 refer to this file while giving a reaction. That is totally  
3 uncalled for.

4 Secondly, if that word was used, I would argue it was rightfully  
5 used. Vietnam just invaded with a massive army of 100,000 troops,  
6 the whole world except for the Soviet pact condemned this  
7 flagrant act of aggression. Of course, in the heat of the moment,  
8 maybe that term was used though it doesn't mean that was used  
9 during the DK regime.

10 [12.07.06]

11 MR. PRESIDENT:

12 I just instructed the expert to react or to respond to the  
13 reaction by Nuon Chea if he wishes to do so, if not, that is all  
14 right. Actually, the matter had been debated extensively and this  
15 is the last part of the proceedings. What has been said by Nuon  
16 Chea may be outside of the scope of the debate or probably  
17 outside of the expertise of Mr. Expert, but it is up to Mr.  
18 Expert whether he wishes to respond to that.

19 And I'd like now to hand the floor to the expert.

20 MR. HINTON:

21 Thank you, Mr. President, and I'd like to thank the Accused for  
22 coming here to express his views. I think it's very important  
23 that his view is heard, his voice his heard. It's been, at least  
24 from my perspective watching, too absent and he has -- certainly  
25 his perspective should be aired in these proceedings.

1 I'd like to start by thanking him for coming and for saying that.  
2 In terms of the -- and in some ways he should have the -- as the  
3 defendant to have the last word, but since he's asked me a couple  
4 of questions I will briefly respond to them, but I'll be very  
5 short.

6 [12.08.52]

7 In terms of the question about the Vietnamese fulfilling a  
8 long-standing goal, I think we've discussed in the proceedings  
9 that this view -- at least I've expressed the view -- that this  
10 is a very standardized, reductive, teleological view of what  
11 occurred. It ignores historical and temporal and spatial  
12 variation. It reduces a complex, historical and political  
13 situation in a reductive manner that seems as if everyone's just  
14 guided in a singular manner towards a goal. So I, with respect, I  
15 respectfully would say that that's not the case.

16 With regard to the second question about the US Bombing,  
17 certainly, people have argued that it's possible in international  
18 law it might have violated international law, and it certainly  
19 had an awful impact. I think that's -- no-one would contest that.  
20 And, as I've said before, the bombing was part of a process of  
21 upheaval that combined with the CPKs vision of society,  
22 ultimately, and unfortunately once people were labelled as class  
23 enemies, as subversives, as counter-revolutionaries burrowing  
24 within, led to genocide.

25 [12.10.24]

1 I think, you know, again I thought you should have the last word.  
2 You know, you refer back to me so maybe I'll just end by saying  
3 that I'm glad that the discussion here about the word "Yuon"  
4 hopefully can provoke critical thought and discussion about this  
5 term, it's use, it's connotations.

6 I think that's a valuable pedagogical exercise in general, but in  
7 the end I stand strongly by my stance that the word "Yuon" can be  
8 a very incendiary word. It's a word that can incite hatred and  
9 violence and in the context of DK it was an incitement to  
10 genocide.

11 Thank you, Mr. President, and thank you, Mr. Nuon Chea.

12 [12.11.14]

13 MR. PRESIDENT:

14 Thank you, Mr. Expert.

15 The Chamber will adjourn today's proceedings now and resume on  
16 Monday, 21 March 2016, commencing from 9 o'clock in the morning.

17 For Monday and Tuesday next week, the Chamber will hear the oral  
18 submissions and responses to the additional witnesses request in  
19 relation to Phnom Kraol Security Centre submitted by the  
20 Co-Prosecutors. As well as to hear testimony of Witness  
21 2-TCW-900, in relation to Au Kanseng Security Centre via a video  
22 link.

23 [12.12.20]

24 And Mr. Professor and Expert, Alexander Hinton, the Chamber is  
25 grateful of your time and testimony; that you have made a very

1 long journey to be here for the last <three> and a half days with  
2 patience and professionalism. Your testimony may contribute to  
3 ascertainment of truth in this matter.

4 Your testimony is now concluded and you are no longer required to  
5 be in the courtroom. For that reason, you may return to your  
6 residence or wherever you wish to return to, and the Chamber  
7 wishes you all the very best and a very safe trip back home.

8 Court officer, in collaboration with WESU, please make necessary  
9 transport arrangements for Mr. Hinton to return to his  
10 accommodation.

11 Security personnel, you are instructed to take the two Accused,  
12 Nuon Chea and Khieu Samphan, to the detention facility and have  
13 them returned to attend the proceedings on Monday, 21 March 2016,  
14 before 9 o'clock in the morning.

15 The Court now is adjourned.

16 (Court adjourns at 1213H)

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