



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 27-May-2013, 12:29
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

CONFIDENTIAL

Case File N° 002/19-09-2007-ECCC/TC

7 May 2013
Trial Day 177

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Victor KOPPE
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

Matteo CRIPPA
SE Kolvuthy
DAV Ansan
Simon MEISENBERG

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
TY Srinna
MOCH Sovannary
Christine MARTINEAU
HONG Kimsuon
VEN Pov

For the Office of the Co-Prosecutors:

VENG Huot
Tarik ABDULHAK
Keith RAYNOR

For Court Management Section:

UCH Arun
SOUR Sotheavy

INDEX

MR. PHILIP SHORT (TCE-65)

Questioning by Mr. Veng Huot..... page 1

Questioning by Mr. Abdulhak..... page 16

DRAFT
CONFIDENTIAL

List of Speakers:

Language used unless specified otherwise in the transcript

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

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

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

7 [09.03.12]

8 THE GREFFIER:

9 Mr. President, all parties to today's proceeding are present.

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

11 That is based on the decision of the Trial Chamber due to his
12 health.

13 The expert who is going to continue to testify -- that is, Mr.

14 Short, he is present in the courtroom. Thank you.

15 MR. PRESIDENT:

16 Thank you.

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

19 QUESTIONING BY MR. VENG HUOT:

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

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

24 [09.04.25]

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

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

13 [09.06.55]

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

24 And on page 12 -- that is, English ERN 00396204; and ERN in
25 French is 00639465, you wrote - quote:

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

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

11 [09.10.11]

12 I have a number of questions here for you, Mr. Short. First, can
13 I ask you to expand on your use of the term - quote, "the world's
14 most radical revolution"? End of quote.

15 MR. SHORT:

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

1 [09.11.45]

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

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

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

17 [09.14.05]

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

24 Already in the provinces, there were examples of a transition to
25 an essentially property-less society. Money had been done away

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

9 [09.15.48]

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

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

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

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

1 they took.

2 [09.18.08]

3 Q. Thank you, Mr. Short.

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

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

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

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

23 [09.20.41]

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

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

9 Q. Thank you, Mr. Short. Now I will move to another question.

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

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

15 [09.22.30]

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

1 organization, different from those of Angkar.

2 [09.23.34]

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

12 Q. Thank you, Mr. Short.

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

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

24 My question is the following: In your expert opinion, what was
25 the policy reason for the abolition of extinguishing individual

1 rights?

2 [09.27.20]

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

14 [09.28.36]

15 Q. Thank you, Mr. Short.

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

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

10

1 allowed to interfere with the greater loyalty of each individual,
2 each person to the communist course; to the organization, Angkar.
3 The result was that very little weight was placed on family
4 relations to the extent that marriages which took place under the
5 Khmer Rouge period, were often between soldiers, let us say, and
6 young women, essentially for the practical purpose of creating
7 children which would form part of the population.
8 The romantic attachment between a couple was something that the
9 Khmer Rouge had very little time for.

10 [09.31.12]

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

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

11

1 kind of a democratic system, so no courts.

2 [09.33.10]

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

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

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

23 [09.35.33]

24 Q. Thank you, Mr. Short. Now I would like to turn to a concept. I
25 think you're an expert you will be able to explain this based on

1 your extensive research.

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

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

16 [09.37.18]

17 Q. Thank you, Mr. Short. Now I would like to turn to the issue
18 concerning the abolition of money. Yesterday Judge Cartwright
19 asked you this question and you responded: concerning the
20 abolition of money, the policy -- the people, in general, could
21 not do anything. That's what you told the Court. So what I would
22 like to -- expand on this particular issue which I am not sure
23 and I need your enlightenment; I would like to know what policy
24 or ideological considerations underpin the decision by the Khmer
25 Rouge leadership to abolish money after victory and to establish

1 a system of co-operatives and enforced collectivisation?

2 [09.38.31]

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

22 [09.40.24]

23 Q. I have another question concerning the decision relating to
24 the establishment of a system of co-operatives and enforced
25 collectivisation. Judge Lavergne yesterday put this question to

14

1 you and yesterday you also explained in relation to this aspect
2 that the establishment of this system was to ensure equality;
3 now, for example, if you wanted to be ironed out in the same
4 level to ensure social equality. I would like to ask you to
5 explain following the establishment of a system of co-operatives;
6 what are the rationale behind the establishment of the system of
7 co-operatives and collectivisation?

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

13 [09.42.10]

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

1 strong and therefore, the more people who could be put into
2 collectives and made to work on the farms, the more agricultural
3 production there would be; the stronger, the more quickly a
4 strong Cambodia would develop.

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

12 [09.44.23]

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

18 A. It's not in terms of the abolition of money, but in terms of
19 collectivisation and that the mass population movements into
20 collectives; that happened immediately. As soon as the Khmer
21 Rouge had attained victory, all the cities were evacuated; people
22 were put to work in collectives. The abolition of money, that
23 decision was much slower. It's very difficult to pinpoint quite
24 how it went. The fundamental decision was taken in May at the
25 Silver Pagoda, but there was already at that time, there were

1 already moves, to put in to place, a banking system which would
2 have allowed money to be used.

3 [09.46.17]

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

12 MR. VENG HUOT:

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

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

17 QUESTIONING BY MR. ABDULHAK:

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

23 Q. I'm going to be ambitious and cover a rather wide range of
24 topics with you today and tomorrow morning, and we'll be going as
25 far as one can chronologically through development of some of the

1 policies that you've been describing.

2 [09.48.20]

3 But I thought I'd start first just by picking up on one or two
4 points that you have just been explaining while these matters are
5 still fresh in our mind. You talked about the concept of the
6 destruction of, I think you called it, mental private property
7 and in that context or in a different question, you discussed an
8 education session that Khieu Samphan gave that was described to
9 you by a fine individual you interviewed. And I want to read to
10 you a quote from the book and see if this relevant and if this
11 indeed, the passage you had in mind.

12 [09.49.08]

13 So this is at page 316 of the book, the lower half of page 316.
14 The English ERN is 00396524; French ERN 0063870 and this is the
15 quote:

16 "Exactly what was involved in 'changing your mentality' was made
17 clear to the new arrivals at a month-long seminar conducted by
18 Khieu Samphan."

19 And then you quote the words attributed to him:

20 "How do we make a communist revolution? [he asked us]. The first
21 thing you have to do is to destroy private property. But private
22 property exists on both the material and the mental plain... To
23 destroy material private property, the appropriate method was the
24 evacuation of the towns... But spiritual private property is more
25 dangerous, it comprises everything that you think is 'yours'."

1 And then a little bit further down, the next subparagraph:
2 "The knowledge you have in your head, your ideas, are mental
3 private property, too. To become a true revolutionary, you must ...
4 wash your mind clean. That knowledge comes from the teaching of
5 the colonialists and imperialists... and it has to be destroyed."

6 Is that the passage you had in mind before we move on to other
7 questions?

8 [09.51.01]

9 MR. SHORT:

10 A. It is indeed. Yes.

11 Q. And if I can just read another passage that follows on after
12 this quote, you state:

13 "Samphan cautioned them that they should keep these ideas to
14 themselves, because 'if the masses knew what we had been
15 discussing, they might become discouraged'."

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

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

24 [09.52.21]

25 A. This is part of the -- I can say -- the general thing of

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

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

14 A. I suppose you could say a policy -- a line -- a guiding
15 principle would be the best, I think.

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

17 Now, as I said, we are going to try and deal with things
18 chronologically in trying to understand in a bit more detail the
19 development of policies and structures of the CPK.

20 [09.54.03]

21 So I'm going to take us right back to 1960 and your book is
22 extremely detailed in this period. There are a lot of very
23 interesting developments that you describe. But just by way of a
24 very, very brief overview and you will correct me if I've got
25 this wrong, but from approximately 1950 onwards, a communist; you

1 describe the development of a communist movement within Cambodia
2 under the general sponsorship of the Vietnamese. And you describe
3 the various committees, the City Committees that existed
4 throughout the 1950's, the Urban Committee and the Phnom Penh
5 Committee; and in fact you describe Pol Pot and Nuon Chea both
6 joining, I believe the Urban Committee in 1955.
7 You then describe the Congress, the 1960 -- September 1960
8 Congress, and the reason I start here is because I think you
9 describe it as a significant event, as an event that presents a
10 number of important decisions. And if I can quote here from the
11 book, this passage starts from page 137 and then it follows on
12 the next two pages of your book: the ERNs in English, 00396337;
13 in French, 00639617; and you described a gathering of 21
14 delegates at the home of an individual called Ok Sakun, and you
15 state that they met for three days and that during that time they
16 remained all in the one place. And I'll quote you here as to the
17 importance of this meeting -- quote:
18 [09.56.17]
19 "But the program approved by the meeting marked a crucial first
20 step towards an independent political line.
21 The 'feudal ruling class led by [Sihanouk]', they declared -- far
22 from playing a positive role, as the Vietnamese argued -- was
23 'the most important enemy of the Kampuchean Revolution' and 'a
24 tool of the American imperialists'. The plight of the Cambodian
25 people was 'two or three times worse' than before 1955 (when

1 Hanoi had imposed the policy of co-operating with Sihanouk).
2 Cambodians would therefore have to struggle to 'annihilate the
3 feudal regime' -- peacefully or otherwise:"

4 Can I ask you to expand on the significance of this decision, and
5 in particular, in light of the point you made that Hanoi had in
6 fact imposed a different policy, a policy of cooperating with
7 Sihanouk?

8 A. This whole period, and I don't want to get ahead of your
9 questioning, but right from the start with the Issarak rebellion
10 against the French in the late forties, right the way through to
11 the late sixties, is a period of a very gradual, step-by step
12 disengagement by the Cambodian communists from the Vietnamese.
13 [09.57.47]

14 And the reason -- two main reasons; first of all, the Vietnamese
15 wished to be seen and regarded themselves as elder brothers,
16 bringing on the younger Cambodian brothers and controlling what
17 they did. And right up to 1960, that essentially remained the
18 case. It began to change in 1960, when the Cambodians held their
19 own congress, without inviting Vietnamese delegates, without
20 telling the Vietnamese Party what they were doing. That was a
21 crucial first step towards the independence of the Cambodian
22 Communist Party.

23 The second element was that the Vietnamese and the Cambodians had
24 very different interests. For the Vietnamese, Sihanouk, who was
25 neutralist, who was sympathetic, and indeed, at many times, many

1 points in that period, fundamentally believed that whatever the
2 Americans might do, the Vietnamese communists were going to win
3 and he had to make policy accordingly. So for the Vietnamese,
4 Sihanouk was objectively an ally, a very useful person to have.

5 [09.59.05]

6 For the Cambodian communists, Prince Sihanouk and his government,
7 which increasingly restricted any possibility of opposition, of
8 legitimate legal opposition, that regime was the enemy. So you
9 had two different approaches; two different sets of interests.

10 Q. Thank you, and I think we will return to that theme, this
11 divergence that you're describing.

12 Another quote from that same section, and if you're looking at
13 the hard copy this would be at page 138, you describe the
14 election of a new leadership and you say the following:

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

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

1 [10.00.40]

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

6 A. I think it's fair to say this was one of the marking, one of
7 the significant periods or occasions where one saw the returned
8 students become more important, because in the 1950s, the Party
9 was still essentially former Issaraks; Tou Samouth, in the
10 countryside, people like Ke Pauk, So Phim. Now we get to 1960, in
11 the Standing Committee, three -- the three full members, there is
12 no Issarak leader. Well, Tou Samouth, yes, but then Nuon Chea was
13 from the very small group of Thai-trained Cambodian communists;
14 Pol Pot, a returned student; Ieng Sary, a returned student; and
15 really only one rural warlord, So Phim.

16 [10.01.57]

17 So the balance is already changing, and it would change further,
18 though there would always be these, you can say three groups,
19 essentially two groups, the -- later they were called the "Brick
20 Houses" and the "Thatched Houses"; in other words, the urban
21 returned students and the Issarak from the countryside, plus Nuon
22 Chea and one or two others who didn't have very much
23 significance, who were the Thai group. It was very tiny.

24 Q. Thank you. And while we're dealing with this period -- you
25 don't date this particular event, but I gather from the context

1 that it would be late fifties and early sixties. We're looking
2 here at page 132 of the book, and the ERNs are in English,
3 00396332; French, 00639611. You're dealing here with the
4 activities of Khieu Samphan in the period, and what is of some
5 relevance to the present discussion is that you say the following
6 -- quote:

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

12 [10.03.45]

13 And then this:

14 "His assignment from the underground Phnom Penh City Committee
15 was to rally intellectual support and reach out to potential
16 communist sympathisers in mainstream political life. It was a
17 role to which Samphan was well-suited."

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

24 A. Yes, we're talking early sixties, right at the beginning of
25 the 1960s, and yes, there was contact, direct contact. With whom,

1 how, that's a very different question, because there are, in the
2 Sihanoukist weekly, "Réalités Cambodgiennes", there is an
3 extraordinary description of how during that sort of time the
4 Communist City Committee, Vorn Vet in particular, disguised his
5 contacts through very large numbers of intermediaries. So direct
6 contact, one can't say, but certainly, indirect contact.
7 And if I might just add, there's a little bit you didn't read
8 that followed. It said Khieu Samphan was well-suited for this
9 role: "He was an idealist, in whom personal morality and social
10 conscience were indissolubly linked." And I think that is -- I'm
11 going slightly outside your question, but it seems to be
12 important. Khieu Samphan was, still is, rigid, doctrinaire, but
13 very consistent. He was, at that time, an upright man, and he
14 continued to hold, without asking himself too many questions, to
15 what he believed in. Now, without asking himself very many
16 questions, of course, is the downside of those characteristics I
17 have described.

18 [10.06.34]

19 Q. Thank you, but to confirm, we sort of focused upon the mode of
20 contact. What I did understand correctly, then, from that passage
21 that there was assignment given to him from this underground City
22 Committee?

23 A. Yes, you did, and apologies for my digression.

24 Q. Not at all.

25 Your book is full of extremely interesting detail, and I regret

1 to have to skip some of it, but we're trying to be as economical
2 as we can with the time and just hit on the main events, to the
3 extent that we can.

4 I'm going to fast forward, then, to 1964, and you're looking at
5 the hard copy so you're -- at this point we're at page 146.
6 You'd already testified yesterday about the initial change of
7 name, so that has already happened at this point in time. The
8 reason I pause at this point, and I want to ask you a couple of
9 questions, is because you're describing a, perhaps a shift or a
10 further movement in this move towards a freedom from Vietnamese
11 control. And you will correct me if I'm summarizing these things
12 wrong.

13 [10.08.00]

14 At this point, of course, 1964, the -- some of the leaders have
15 already fled Phnom Penh and they're in Vietnam. So looking at
16 page 146, the ERNs being 00396346 in English; and 00639630 in
17 French; it's essentially the first Central Committee meeting
18 since 1963, and you say the following:

19 "The first concrete sign of that [that, being an independent
20 stance] came in the autumn, when an enlarged plenum of the
21 Central Committee -- the first such meeting the Cambodians had
22 ever held -- took place in a forest on the Cambodian side of the
23 border. It lasted several weeks and ended by producing a draft
24 resolution which endorsed 'all forms of struggle', including
25 'armed violence', against Sihanouk's government, and emphasized

1 'self-reliance', the Khmers' code word for freedom from
2 Vietnamese control."

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

6 [10.09.25]

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

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

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

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

25 [10.10.47]

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

10 Q. Thank you.

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

16 And the quote is as follows:

17 [10.12.23]

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

1 Can I ask you to expand on that phenomenon of inability to
2 infiltrate factories and what you describe as evolving view, vis
3 à vis, cities and workers?

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

14 [10.14.11]

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

23 Q. Thank you.

24 We then move forward to the 1966 period, and elections took place
25 in 1966, following which Lon Nol formed a government that's been

1 described as a right wing government, and here the Central
2 Committee makes certain decisions or resolutions with respect to
3 that government. And I'm only quoting here, again, because I wish
4 to ask you as to whether or not this is a further development of
5 relevance.

6 [10.15.29]

7 This starts at page -- it's at page 164; the English ERN is
8 00396364; and French, 00639669. The background to this passage is
9 developments in Indonesia and the fate of the Indonesian
10 Communist Party, but we're going to look at what the policy or
11 the principles were -- or implications were for the CPK -- quote:
12 "The lesson for Sar was that the bourgeoisie could not be relied
13 on. The Vietnamese strategy was wrong. It was not possible for
14 the communists 'to live together with Sihanouk' because the
15 contradictions between them were too deep. Policy towards non
16 Party sympathizers was therefore modified. In theory, the
17 guideline remained 'to unite with all those who can be united
18 with', but in practice the movement behaved more and more as
19 though 'all those who were not with us are against us'.

20 [10.17.44]

21 Khieu Samphan, Hou Youn, and Hu Nim, who had kept their seats in
22 the September elections, began to distance themselves from the
23 Prince. It marked the start of the politics of exclusion that
24 would become one of the hallmarks of the Cambodian Party's style.
25 From now on, the CPK required its supporters 'to draw a clear

1 line of demarcation between the enemy and ourselves'."

2 So we heard in your previous response a description of this
3 refusal to look to one's own actions for, with a critical eye,
4 perhaps, and now we look at -- we have this further development,
5 it appears, of a principle with respect to those outside being
6 viewed as enemies.

7 Do I take it correctly, then, that this is another development
8 and that there is a thread which then follows in the years after?

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

14 [10.18.08]

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

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

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

6 [10.19.32]

7 Q. Thank you.

8 And just to follow up on this, and please, if you think I'm
9 taking you into the realm of speculation, then simply don't
10 answer.

11 Do I take it from your previous response that there is a
12 connection between the action of these men in Phnom Penh and what
13 is being decided in the countryside? There is -- in other words
14 these were not sporadic events that occurred, divorced from one
15 another, and happened to just be happening at the same time?

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

20 Q. Thank you.

21 Now, I am going to disappoint you a little bit and skip the
22 uprising, simply because it has been covered to a degree and
23 perhaps we might deal with it as part of other topics, but I will
24 fast forward a little bit and deal with events in 1970.

25 [10.21.09]

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

5 And if you're looking at the book, the relevant passages are at
6 page 202, and then it actually continues all the way to 2,000 --
7 to 205.

8 What you're describing there is, I think, a challenge, and you
9 will -- again, you will correct me if I've got this wrong,
10 arising from military victories, that at this point in time, are
11 being attained by the Vietnamese forces, and a challenge, that in
12 your view, if I've got this right, that this poses for the
13 communist leadership in Cambodia. And you describe that the
14 Vietnamese at -- by this stage already occupied several
15 provinces, the Vietnamese forces, that is.

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

18 [10.22.59]

19 "For Sar and his colleagues, this posed a real dilemma. On the
20 one hand, the more territory the Vietnamese seized, the more
21 recruits there would be for the resistance army and the bigger
22 the 'liberated zones' for the Khmers Rouges to administer. On the
23 other hand, the CPK leaders were acutely aware of the danger of
24 going too fast. 'They told us, in effect', a Vietnamese historian
25 wrote later: 'If you, our brothers, help us to do everything too

1 quickly, we won't be able to keep up with you, and then, the
2 moment you leave, we will have nothing'."

3 On page 205, I'll just read a very brief passage from this, it's
4 the next page, you say the following: "The ancestral dread of
5 Vietnamese domination, shared by Sihanouk and Lon Nol, emerged in
6 1970 as one of the driving forces of CPK policy."

7 [10.24.08]

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

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

1 had a real problem. You know, how do we keep our end up? How do
2 we hold up our flag if we are so few and they are so many and
3 there's such a huge area?

4 [10.25.57]

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

16 [10.26.49]

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

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

24 [10.27.31]

25 "The slide over the edge of reason, into the abyss, was not

1 confined to the regime in Phnom Penh. If, to Lon Nol's
2 government, all Vietnamese were communists, to the Khmers Rouges
3 all foreigners were enemies. By the end of April, twenty-six
4 Western journalists had 'gone missing' in Cambodia. Those
5 fortunate enough to end up in the hands of the Viet Cong were
6 usually freed, as was the practice in Vietnam, at a moment of
7 maximum political advantage to their captors. With three
8 exceptions, all those captured during the war by the Khmers
9 Rouges -- priests and aid personnel, as well as journalists --
10 were killed. Once again it was a matter of 'drawing a clear line
11 of demarcation between the enemy and ourselves'."

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

15 [10.28.34]

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

23 Q. Were those --

24 MR. PRESIDENT:

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

1 The time is appropriate for a short break. We will take a
2 20-minute break and return at 10 to 11.00.
3 Court Officer, could you assist the expert during the break and
4 have him returned to the courtroom at 10 to 11.00?

5 The Court is now adjourned.

6 (Court recesses from 1029H to 1051H)

7 MR. PRESIDENT:

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

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

11 BY MR. ABDULHAK:

12 Thank you, Mr. President

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

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

21 [10.52.33]

22 MR. SHORT:

23 A. No, they are not the first instances. The beginning, I think,
24 was in Ratanakiri, when after the Samlaut uprising, fighting
25 started in other parts of the country. And during that period,

1 when prisoners were captured, the description I was given was
2 that if they were local people, in other words, government forces
3 fighting against the Khmer Rouge, if the soldier captured was a
4 local person and was known, then he might be released unharmed.
5 If he was not known he would be killed. So prisoner -- there was
6 a take no prisoners policy from the beginning, and that's really
7 where it started.

8 Q. Thank you.

9 And just one more question on this -- on these events.

10 As far as your research takes you, this policy of if they're not
11 with us, they're against us, or aligned, was it in that period
12 promulgated within the Party; was it a line, a principle, an
13 instruction, I'll let you use the right word, that was being
14 promulgated within the Party, to cadres, to combatants, etc.?

15 [10.54.03]

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

21 Q. And if I can ask that question differently: In your research
22 -- has your research yielded any evidence of instances where the
23 leadership curtailed those practices or sought to punish or
24 prevent such practices?

25 A. No, no evidence generally. There is the very specific case of

1 François Bizot, who was released, allegedly on Duch's
2 recommendation, on -- by a decision of Pol Pot, but that's a very
3 special case. But generally, no.

4 [10.55.19]

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

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

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

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

25 [10.57.24]

1 A. I think there were two factors at work. One was, as the Party
2 joins or becomes part of a broader organization, the FUNK, so it
3 is necessary to tighten the links within the Party itself to make
4 sure that it's not corrupted by becoming part of this larger
5 organization. So in terms of ensuring that the Party is a strong
6 elite, not liable to be corrupted by being part of a larger
7 organization, you tighten the entry qualifications, you ensure
8 that only those people who have class origins, which are supposed
9 to guarantee their outlook, will be members.
10 The other element was 1970 the Vietnamese -- the Viet Cong were
11 in Cambodia in force. Again, that is a reason for making sure
12 that the Khmers remained absolutely loyal to the Cambodian
13 Communist Party, not looking at the Vietnamese as an alternative.
14 [10.58.47]

15 Q. In this part of the book, you describe the establishment of
16 offices, including an office with the code name "71", which you
17 describe as -- or rather, an area which you say was the whole
18 Central Committee area known as "S 71", and you describe the
19 establishment of an information section under an office known as
20 "S 31". And in that context, I believe you describe the presence
21 of a number of intellectuals at that -- at this point in time.
22 You then -- rather, before I ask you this question, let me ask
23 this. How does one explain the continuing presence, admission, or
24 otherwise, contribution of intellectuals with what we just heard
25 about peasants, lower class peasants being viewed as a primary

1 pool from which the Party would attract membership?

2 [11.00.01]

3 A. Intellectuals were necessary for -- to run the propaganda
4 apparatus and for the interface with the Front. The two were not
5 mutually exclusive, but the intellectuals were kept apart. They
6 were people like Hu Nim, Hou Youn, who had been in liaison with
7 the Party for many years, were nonetheless kept in a separate
8 area. And just to give you an example of the
9 compartmentalization, you couldn't -- within S 71; you could not
10 go from area to another without having a Jarai or other bodyguard
11 to accompany you. It was very carefully separated.

12 Q. And in that context, on the page that follow immediately, this
13 last quote, you -- and in dealing with Office S 31, which housed,
14 as you said in the book, "progressive figures", you then say the
15 following:

16 "Khieu Samphan also spent time at S 31, but because of his role
17 in liaising with Sihanouk was soon moved to a compound nearer
18 Pol's headquarters." And on pages 226 to 227, in a different
19 context, you make the point that he was the most trusted of the
20 three, Khieu Samphan, Hou Youn, and Hu Nim.

21 [11.01.45]

22 Can I ask you first, what was the source for that - for your
23 description of these movements of Khieu Samphan closer to Pol
24 Pot?

25 I should say there's no footnote itself on this particular

1 passage, and I'll -- perhaps we can both --

2 A. I can tell you, those I spoke to, one of those I spoke to
3 about this, and who was a very good informant, was Ping Say, who
4 worked there. But let me just see.

5 [11.02.42]

6 Q. There are a number of references in relation to these pages,
7 224 to 225. If you're unable to locate it quickly, we can move on
8 and return to it if need be.

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

15 Q. Can you tell us how you were able to conclude at this point in
16 time that Khieu Samphan was the most trusted of the three? In
17 brief terms, if you could.

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

1 were.

2 [11.04.52]

3 Q. Thank you.

4 On a slightly different topic -- and if we can deal with these in
5 brief terms, just in the interest of time, because we're covering
6 a large number of areas -- you discuss some of the decisions made
7 in this early period in Kampong Thom. In fact, this is in the
8 context of a Central Committee meeting, and this particular
9 passage that I wish to take you to is at page 227, and the ERNs
10 are 00396427 in English; and 00639748 in French.

11 You say the following: "Much of the meeting was taken up with
12 'housekeeping'. New boundaries were agreed for the Zones,
13 together with a new set of code numbers..." And then you describe
14 -- you give the code numbers, and then you say: "Subsequently a
15 new zone was created around Phnom Penh, designated, as in Issarak
16 times, the 'Special Zone', under the control of Vorn Vet. The
17 Zones were in turn divided into regions, each also with its code
18 number."

19 Skipping one paragraph, the next one down:

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

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

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

3 [11.06.59]

4 A. Yes, it was, because again, one needs to go back and look
5 before at the very kind of skeletal structure that existed with a
6 very small number of guerrillas with few Party branches. The
7 Party was not strong in the countryside, or indeed, in the
8 cities. It was a very small organization. Now, the Vietnamese
9 have come in, large areas of the country are under communist
10 control; the Cambodians have to build up quickly a structure
11 which is capable of taking its place once the Vietnamese go.

12 Q. Now, moving on to 227 -- sorry, we're still on 227, it's the
13 same page that we're looking at.

14 And this is a discussion of a congress, which took place, I
15 believe, in August or September 1971, if I'm reading your book
16 correctly. ERNs are in English, 00396427; and in French, 00639748
17 to 9. And this is the passage I'm interested in:

18 [11.08.27]

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

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

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

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

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

13 [11.10.00]

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

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

21 A. Yes, it is. It reflects a view that those who came to the
22 Communist Party from different routes were not trustworthy. The
23 Hanoi returnees, who were those Khmers who had been part of the
24 communist movement, the Vietnamese -- dominated
25 Vietnamese-affiliated communist movement in the early fifties,

1 and had gone to Vietnam after the end of the war, then had to
2 come back, they were not trusted, they were regarded as too
3 contaminated by the Vietnamese.

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

8 [11.11.33]

9 Q. Thank you.

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

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

21 [11.12.34]

22 Q. Thank you.

23 The next meeting, which is of interest is dealt with at page 228,
24 and according to the book it was a Central Committee meeting in
25 1972. And the reason I am going to turn to this now is because

1 you describe it as a turning point, and I'll just read the
2 relevant passage; English ERN, 00396428; French, 00639749, I
3 believe. If I've got that wrong, I'll correct it. And you say the
4 following:

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

12 It was a turning point."

13 [11.14.02]

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

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

1 [11.15.05]

2 Q. Now, I'm going to read another passage, and then perhaps spend
3 a little bit of time on a couple of concepts here. Just two pages
4 down, at 230 you say the following, still dealing with the period
5 following the Central Committee meeting -- quote:

6 "Opposing the revolution, whether in word or deed, usually meant
7 death. In most cases, the offender was summoned to the district
8 headquarters and never returned. Less commonly, exemplary
9 punishment was meted out. In the autumn of 1970, a village whose
10 inhabitants had rebelled and killed three district cadres was
11 encircled by Viet Cong and Khmer Rouge soldiers, and the families
12 of the three alleged ringleaders, 24 people in all, including
13 children and infants, were publicly beaten to death."

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

15 [11.16.15]

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

18 Do I understand correctly from these passages, that there is an
19 intensification, a further increment here, in the -- I want to be
20 careful with my words -- in the extent to which these policies
21 are being implemented in the extremism? You will correct me if
22 I've got it wrong.

23 A. Yes is the brief answer to your question. There was an
24 intensification. It was part of what we've been discussing. The
25 fundamental reason was that the growth in Khmer forces had

1 reached a point where it was no longer quite so necessary to win
2 over the peasantry, to win over support by gentle means. It --
3 the Khmer Rouge were better able to force people into the mould
4 which they wished them to have, and one sees that right through
5 the period up to 1975, and of course, even more so after.

6 [11.17.47]

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

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

19 Q. Thank you.

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

25 [11.19.46]

1 And here, you've already referred to François Bizot, and he gives
2 an example of a criticism, self-criticism session he witnessed
3 during his captivity. But I will start with this quote from 233:
4 "If, among the population at large, levelling was imposed from
5 above, among the Khmers Rouges themselves the methods of choice
6 were 'criticism and self-criticism', manual labour and a study -
7 'riensouth', 'learning by heart and reciting' -- of Communist
8 Party texts.

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

11 And a little bit further down, you quote Khieu Samphan as saying:
12 "He called them 'a daily accounting of revolutionary
13 activities'."

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

16 [11.21.06]

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

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

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

1 that criticism and self-criticism preceded the actual work
2 session.

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

9 [11.22.31]

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

15 Q. Moving on to yet another development in this period; now, we
16 are at 1972 -- or rather, still in 1972 -- and here, at pages 236
17 to 237, you are describing the gradual withdrawal of Vietnamese
18 forces. And what I find -- what is of interest here to me is the
19 -- what you describe as opposition on the part of the CPK to that
20 move, if I have it right, and you say the following at 236; ERN,
21 00396436 in English; and 00639761 in French:

22 [11.23.59]

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

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

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

12 [11.24.57]

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

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

1 being forced by the CPK?

2 [11.25.52]

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

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

25 [11.27.54]

1 MR. PRESIDENT:

2 Yes, you may proceed.

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

5 BY MR. ABDULHAK:

6 Q. Can I ask you first, do you recall receiving that document?
7 Have you had an opportunity to look at it?

8 MR. SHORT:

9 A. I have the document in my hand.

10 Q. Thank you.

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

16 [11.29.28]

17 MR. PRESIDENT:

18 Mr. Philip Short, please hold on, and the National Counsel for
19 Mr. Khieu Samphan, you may proceed.

20 MR. KONG SAM ONN:

21 Thank you Mr. President.

22 Just now, I listened to the testimony by Mr. Philip Short, the
23 question put by the Prosecutor, and I am of the opinion that the
24 answer did not respond to the question. He asked whether or not
25 the expert has known this document before, and now -- and he

1 responded that now he is having this document at hand. So I don't
2 think that this answer actually responded to the question put by
3 the Prosecutor. I would like to ask the Prosecutor to clarify
4 this.

5 [11.30.15]

6 MR. ABDULHAK:

7 I'm not sure I understand the intervention. The document was sent
8 to Mr. Philip Short, with the Trial Chamber's permission. All
9 parties were informed of this list. We sent it to everybody some
10 months ago. So I'm not sure I understand where my friend is
11 coming from, but the document, if you look on the case file,
12 E127/24/7, is the Trial Chamber's directive permitting us to send
13 these documents to Mr. Philip Short. That was done in September
14 2012. So clearly, he has had these documents and I see no purpose
15 in this intervention. We should be able to simply proceed.

16 MR. PRESIDENT:

17 You may proceed, Mr. Prosecutor.

18 [11.31.10]

19 BY MR. ABDULHAK:

20 Thank you.

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

22 "As for Philip Short, he provided clear evidence that in truth,
23 it was the Vietnamese that created the Khmer Rumdos Army [Khmer
24 Liberation Army]. He wrote as follows:

25 'In theory, he (Sihanouk) led the Khmer Rumdos that were

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

9 [11.32.10]

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

14 MR. SHORT:

15 A. I would beg to differ from that characterization, to the
16 extent that it seems to me to be putting things rather more
17 strongly than I did. That the Vietnamese had an interest in CPK
18 affairs is undeniable; that the Vietnamese were largely
19 responsible, principally responsible, for arming and training the
20 Khmer Rumdos, is undeniable. But I'm not sure that one -- the one
21 is evidence of the other. In other words, the fact that they
22 armed the Khmer Rumdos and trained them is not, in my sense,
23 evidence that they were sticking their hands into the CPK's
24 affairs.

25 [11.33.32]

1 Q. Thank you.

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

7 And as I said, it's page 240 of the book. I'm going to be -- I'm
8 going to read only brief passages, because we have limited time:

9 [11.34.19]

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

15 A little bit further down:

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

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

23 A. He was very lucid; he knew what the score was. The operation
24 in Beijing was the public face, it was the façade. It had
25 absolutely no control over what was going on inside. They were

1 two, pretty separate things.

2 [11.35.48]

3 Q. And then, at page 242, you expand on this, to the extent that
4 there was, according to you, a wariness about the Prince's
5 popularity on the part of the CPK.

6 The ERNs are in English, 00396442; in French, 00639768. You say
7 the following:

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

15 [11.36.43]

16 Can I ask you to expand on that phenomenon?

17 A. Well, once again, the Khmer Rouge, Pol Pot, and the leadership
18 were trying to balance two things. On the one hand, they wanted
19 to keep Sihanouk happy enough that he would remain with them. In
20 other words, to make Sihanouk feel that his future, however
21 difficult it might be, and however unsatisfactory the
22 relationship between him and the Khmer Rouge, that his future led
23 through them. So he -- they wanted him with him.

24 On the other hand, Sihanouk was immensely popular among the
25 Cambodian peasantry. There was a -- I mean one of the reasons

1 that the Khmer Rouge obtained recruits so easily after 1970-'71
2 was because Sihanouk was seen as being with the Khmer Rouge and
3 they went for Sihanouk. If he came back, and if they made too big
4 a publicity for him, the risk was that he would monopolize, if
5 you like, the support of the people in Cambodia, and that would
6 take support away from the CPK. So, they had to balance.

7 [11.38.28]

8 Q. Thank you.

9 Moving on, again, following the general structure of the book.
10 You deal with, what you describe as a further mutation of the
11 policy, and this is at start of page 245, and the pages following
12 up to about 248, 249.

13 You were already asked questions about some of this yesterday, I
14 believe, by Judge Cartwright, in relation to rationale given for
15 some of the radicalization. And I want to read a passage that we
16 didn't look at yesterday, and see if that assists us in
17 understanding this development. This is at 245, so 00396446 to 7,
18 in English; in French, it's at 00639772 to 3. You're describing
19 the American bombardment at this stage, and you say this:

20 [11.39.38]

21 "More importantly, it provided the conditions for a mutation of
22 Khmer Rouge policy, which would have come about anyway over time,
23 but now occurred much more quickly. The outcome was a harsher,
24 more repressive regime under which the suffering of individuals
25 became unimportant because there was so much of it."

60

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

3 Can I ask you, in relation to this comment, that this further
4 mutation was inevitable? It may have been accelerated by the
5 events of the American bombardment, but that otherwise, you
6 consider it to have been inevitable?

7 [11.40.29]

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

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

19 Moving on to 248, so the next page from the one we were looking
20 at, in the second half of the page. You say the following --
21 quote:

22 "In Pol's mind, bloodshed was cause for exultation. Humane
23 feelings were a sign of weakness and should be ruthlessly
24 suppressed. Nor was this one man's aberration: the other Khmer
25 Rouge leaders felt the same. CPK directives ritually enjoined

1 Party members to embrace 'suffering and hardship' in exactly the
2 same way as the early Christians were urged to embrace
3 martyrdom."

4 [11.42.13]

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

9 A. Not only by a broader group of leaders, but going down into
10 the Party ranks. And it's a comparison that's been made before,
11 and we've touched on it without making it explicit. But, the CPK
12 was, in many ways, like a monastic sect, with the same rituals;
13 with the same abnegation of material things; the same embrace of
14 hardship and suffering; the same self-sacrifice; the idea that
15 you should sacrifice everything for the Revolution. I think that
16 that's one of the keys to Mr. Khieu Samphan's behaviour, but it
17 also applied to many others.

18 [11.43.33]

19 Q. Thank you.

20 You then describe what I understand to be a further step in the
21 continuum that we've been looking at of treatment of enemies and
22 those outside the ranks. This is at 249, page 249, and the
23 English ERN is 00396449; French, 00639776 to 777. You describe
24 the atrocities being committed in the war by the forces of the
25 Lon Nol regime, and you then say -- quote:

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

5 The Khmer Rouge soldiers in the field felt the change too. No
6 longer were deserters treated with indulgence. Now they were
7 killed."

8 Can I ask you to expand on this idea of the executions becoming
9 more systematic, from 1973?

10 A. Well, it's not so much an idea as what I was told by rank and
11 file soldiers who'd been in the army at that time. There were
12 earlier on, people who fled and went back to their villages and
13 didn't get into trouble. After 1973, the same behaviour was
14 treated differently.

15 [11.45.25]

16 So it's a statement of fact, but it ties in with this tightening
17 of discipline within the Party, within the armed forces
18 throughout the Khmer Rouge system, which came when they felt they
19 were ready to move on to the next stage, when victory was
20 approaching, the Vietnamese were playing a smaller role. All
21 these things tied in together.

22 Q. Thank you.

23 Then further down on that page, and the page following, you
24 describe a summer offensive by the Khmer Rouge troops; that's by
25 way of context. And you -- this is the particular passage I'm

1 interested in, dealing with Hanoi -- people returning from Hanoi
2 -- quote:

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

10 [11.46.58]

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

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

23 So 1973, relations between the CPK and the Vietnamese became more
24 tense. The CPK needed the Vietnamese less because it was becoming
25 stronger; its forces were becoming stronger. The suspicion of the

1 returnees increased, and they were parked in a camp and many
2 killed.

3 [11.48.27]

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

8 A. Yes, you're absolutely right. It was part of the overall
9 tightening of control as they were getting closer to victory.

10 Q. You then discuss a period, starting in late 1973, where there
11 was an establishment of a forward base, a place called Chrok
12 Sdech -- if I'm pronouncing that correctly, probably not -- and
13 an establishment of a headquarters for Son Sen at Ra Smach, in
14 this particular place, I believe you discussed yesterday.

15 [11.49.20]

16 You described the establishment of security centres in this
17 period, in -- within the Special Zone. And of course, yesterday,
18 you described your interview with an individual who was arrested
19 by the Khmer Rouge in this period, and he's died -- murdered.

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

23 A. It's one of the very early signs of an administration,
24 together with the hospital, you know, the military -- fixed
25 military hospital, which Thiounn Thioeunn established nearby.

1 These are the beginnings of, yes, an administration.

2 Q. At this point, I'd like to show you a document, which is --
3 dates back to July 1973. It was a "Revolutionary Flag" issue of
4 July 1973, but actually republished in the East Zone in June
5 1974. I don't think you have a copy of this, as yet. With the
6 President's -- well I can ask you first, whether you looked at
7 these "Revolutionary Flags", and if you have, we could perhaps
8 proceed?

9 [11.51.05]

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

12 MR. ABDULHAK:

13 Mr. President, with your permission, I can give the expert an
14 extract of this particular one and see whether he's familiar with
15 it. I want to be clear for the record; it's not one of the
16 documents we sent him. My understanding is simply that, based on
17 his research and all of the other issues he has looked at,
18 there's a basis for him to review this anyway. But if you wish me
19 to ask him whether he's seen this particular one, I will follow
20 that procedure.

21 MR. PRESIDENT:

22 You may proceed.

23 Court officer is now instructed to obtain the document from the
24 Prosecutor and hand it over to the expert for his examination.

25 [11.52.03]

1 BY MR. ABDULHAK:

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

7 MR. SHORT:

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

13 MR. ABDULHAK:

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

16 [11.53.23]

17 MR. PRESIDENT:

18 You may proceed.

19 BY MR. ABDULHAK:

20 Q. I just realized, I may not have given the document number.

21 This is E3/785 -- E3/785. It is entitled "Strengthening and
22 Improving the Party's Leadership Stance and Leadership Attitude".

23 I believe we may be able to display it on the screen as well, for
24 the benefit of the public and those who can read the Khmer.

25 There is a particular passage here that I'm interested in --

1 against the background of the discussions we've been having about
2 arrests and executions. At the bottom of the second page that you
3 have, Mr. Short, the Khmer -- the ERNs are Khmer, 00442047 to 8;
4 French, 00741968; and English, 00713998 to 9. It's an interesting
5 passage, and I'll read it -- quote:

6 [11.54.42]

7 "At the same time, there is still authoritarianism in the bases.
8 Thus, we must jointly improve the leading works attitudes to be
9 more appropriate in order to make people love and satisfy us
10 more."

11 A little bit further down:

12 "Moreover" -- I apologize -- "Sometimes it is a proper stance,
13 but due to the lack of caution of action line, it results in
14 political disadvantage."

15 Over the page: "For example: If the spies are arrested to be
16 executed in the meeting before the people, some people may be
17 frightened of us. They think that we are extremely cruel. The
18 stance to smash the spies is correct, but it is inappropriately
19 carried out."

20 This appears to be a sort of instruction as to how executions
21 should be carried out. Is that consistent with your findings as
22 to the systemization or development of these attitudes towards
23 enemies and arrests and executions?

24 [11.56.01]

25 MR. SHORT:

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

13 Q. Thank you.

14 We're going to move towards the events in 1975 shortly. But, just
15 as we should exhaust a little bit more this period just
16 immediately preceding.

17 [11.57.10]

18 At page 254, you are now dealing with a view of those who are in
19 the cities, and here I wish to build on the evidence you gave
20 yesterday. English ERN, 00396454; French, 00639783 to 4 -- quote:
21 "This idea that all who diverged from the revolution were human
22 vermin and should be treated accordingly, analogous to the
23 medieval Christian notion that sinners merit the torments of
24 Hell, also coloured the Party's attitude to the inhabitants of
25 Phnom Penh, including the peasant refugees who had streamed into

1 the city. They had chosen their side, sitting out the U.S.
2 bombing in safety while the revolutionaries were blown to
3 smithereens. They therefore merited whatever punishment rained
4 down on them.

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

10 [11.58.36]

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

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

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

70

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

5 [12.00.13]

6 MR. PRESIDENT:

7 Thank you, Mr. Prosecutor, and thank you Mr. Witness - expert,
8 rather.

9 The Chamber will adjourn now, and resume at 1.30 this afternoon.
10 Court officer is now instructed to assist the expert during the
11 break and have him back in this courtroom by 1.30 this afternoon.
12 Security guards are instructed to bring Mr. Khieu Samphan down to
13 the holding cell downstairs and have him back in this courtroom
14 before 1.30 this afternoon.

15 The Court is now adjourned.

16 (Court recesses at 1201H to 1333H)

17 MR. PRESIDENT:

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

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

21 BY MR. ABDULHAK:

22 Q. Thank you, Mr. President. Good afternoon, Your Honours,
23 counsel, and good afternoon, Mr. Short.

24 I hope your energy levels are high. We're going to go through
25 quite a few more areas this afternoon. And again, I'm going to

1 continue following the general structure and chronology of your
2 book.

3 We looked at the issue of a view of the city people as vermin and
4 -- and we discussed the shelling of Phnom Penh.

5 [13.34.34]

6 I want to turn to the next area that is in your book and this was
7 touched upon yesterday, so I'm going to try and be selective
8 here. At page 255 where you describe the evacuation -- the fall
9 of Udong and -- and its evacuation.

10 Again, the event was discussed in -- in some detail, so I'll ask
11 you about one particular aspect which I'm -- I don't think you've
12 commented on. This is at ERN English, 00396455; and French,
13 00639784 to 5; and the quote is as follows:

14 "The population of the town, some 20,000 people, was rounded up
15 and marched to the forest of Palhel, an uninhabited area to the
16 east of Chrok Sdech, where Mok had a military base, before being
17 resettled in cooperatives in the Special Zone and the Southwest.
18 Officials and uniformed soldiers were separated from the rest,
19 led away and killed."

20 [13.35.59]

21 I looked at the more detailed notes that you've -- that you've
22 provided to us for this page, 255, and they indicate that your
23 sources include an interview with Phy Phuon, a book, I believe,
24 authored by Deac, and conversations with villagers in the area in
25 2001, as well as a document that you abbreviated RC, May 11,

1 1974. So my question, there, first is have I got that right that
2 these are the -- the primary sources or these sources that you
3 rely upon in describing the events; the interviews and these
4 additional documents (inaudible)?

5 MR. SHORT:

6 A. Yes, that is correct. The interviews with Phy Phuong, the
7 conversations with villagers, they were two major sources. The
8 written sources are -- "RC" is "Réalité Cambodgienne", the weekly
9 newspaper, weekly journal, and Deac is a book by an American
10 military historian, Wilfred Deac.

11 Q. Thank you. When you spoke to these villagers, were they people
12 that -- that had seen these events or experienced them and were
13 -- were describing them for you?

14 [13.37.35]

15 A. Yes.

16 Q. Can I also ask if -- if you recall how many people you spoke
17 to about this -- this particular event; I'm talking about the
18 local -- locally-based people, if -- if you recall?

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

24 Q. Thank you. In that passage, you indicate that officials and
25 uniformed soldiers were separated from the rest, led away, and

1 killed. Is that something that you see as -- as consistent with
2 policies and lines that we've discussed before? Is it -- is it an
3 unusual event?

4 A. That is consistent with what had been happening before, what
5 had started happening at least, and with of course what happened
6 afterwards.

7 [13.38.54]

8 Q. Thank you. I'd like to -- now, we might come back to Udong,
9 but just for the moment, I might turn to the meeting you
10 discussed with the Judges yesterday; the 1974 Central Committee
11 meeting, which I think you -- you place at Neak, and of course
12 there you describe three key decisions that -- decisions you
13 characterize as key decisions that were made.

14 Can I ask you first, it appears from your notes that Phy Phuon
15 was a -- a source for this -- for this meeting; do you recall
16 whether you also relied on other sources for its description --
17 and let me say before you answer -- apart from confessions? I
18 think you -- I think there were confessions also referred to; are
19 there any other sources that you recall looking at?

20 A. My recollection is that that meeting was only described by Phy
21 Phuon. Whether the notes which you have, gave other sources, I
22 could look; you could look, but Phy Phuon I remember as being the
23 principal source.

24 [13.40.51]

25 Q. Thank you.

1 I'd like to now show you a -- one of the documents that we've
2 actually sent you a copy of and this is E3/11; it's the
3 "Revolutionary Flag" magazine from September 1977.

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

7 MR. PRESIDENT:

8 Yes, you may proceed.

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

10 BY MR. ABDULHAK:

11 Q. And -- and just before I read that passage, as you may or may
12 not -- you probably are aware because we sent you a -- a copy of
13 a part of the transcript of Phy Phoun's testimony before this
14 Court. He described a meeting for the Court of the Central
15 Committee in Neak which he -- I believe he dates in June or July.

16 [13.42.08]

17 I think he -- in the end, he -- he was of the view that it was
18 June, and the reason I'm showing you this document is because it
19 deals with meetings in that period and I want to see whether that
20 assists with understanding as we're dealing with the same events.

21 So we're looking at Khmer ERN 00063162, English; 00486247 -- so
22 that should be page 36 in your copy, Mr. Short -- and French,
23 00492836. And it says the following -- about in the middle of the
24 page -- quote:

25 "It was during this situation, when our Party's Central

1 Committee, in the course of its June 1974 conference, resolved to
2 mount the decisive offensive to liberate Phnom Penh and the
3 entire country."

4 If you're not quite sure on this, and I'd rather you not
5 speculate, is it possible -- is it the same event, based on your
6 research, or are they two different Central Committee meetings?

7 [13.43.37]

8 A. This is certainly the same event. One of the difficulties with
9 oral sourcing is that people may remember an event very clearly,
10 but get the dating wrong. They can also conflate different
11 events, but that didn't happen here. No, I missed this reference
12 in "Revolutionary Flag" when I wrote the book. Certainly it's
13 June 1974. Contemporary documents always are more reliable over
14 chronology than people's memories.

15 Q. Thank you.

16 Now, of course, one of the decisions -- one of the three
17 important decisions that you described was what you say was a
18 unanimous decision that Phnom Penh and all of the other Cambodian
19 towns should be evacuated as soon as they are liberated, and --
20 and you've dealt with that, so I'm going to -- I won't ask you
21 questions on that unless you wish to expand. I wanted to deal
22 with the decision to execute, I believe, a Central Committee
23 member whose name was Prasith.

24 [13.45.04]

25 Now, you make the point that he's not the first CPK cadre to be

1 liquidated; that Ta Mok had already eliminated a number of lower
2 rank -- lower rank officials. But then you make the following
3 point at page 260, and I will give the ERNs for that page in a
4 moment. This is 00396468 in English and 00639791 in French. You
5 say:

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

11 Can I ask you to elaborate on -- on the significance, as you
12 describe it, of -- if it is significant, of this being a decision
13 in relation to a member or reaching the ranks of the Central
14 Committee and being a decision about a senior member?

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

17 [13.46.26]

18 It -- it -- in any communist system, communist party, the
19 decision to start purging within the leadership is a kind of
20 tipping point. It happened in the Soviet Union. It happened in
21 China very early on, and Prasith's case was the first in Cambodia
22 because once you have accepted that "counter-revolutionaries can
23 worm their way into the leadership, as the consecrated tech
24 phraseology has it", then you're opening the door to endless
25 purges, so that was the first step and it was very important.

1 Q. And for the avoidance of any -- of any doubts, do I understand
2 correctly that it was a decision -- a collective decision; a
3 decision accepted by people at that level, at least people that
4 -- that participated?

5 A. That is my understanding and it is certainly the inference. It
6 was discussed and after the discussion, it happened. One may
7 infer that there was agreement that it should happen.

8 Q. Thank you.

9 Now, I said we were going to return to Udong very briefly and now
10 I have another exhibit that I wish to show you. This is one of
11 the "Revolutionary Flags", again, that we sent you.

12 [13.48.06]

13 This one is from December 1976 to January 1977, and Mr.
14 President, this is document E3/25 and as I said, it's a document
15 that we sent a copy of to Mr. Short. And with your permission,
16 I'll give him a copy with the specific extract.

17 MR. PRESIDENT:

18 Yes, you may proceed.

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

21 BY MR. ABDULHAK:

22 Q. Thank you, Mr. President.

23 Now, looking at this document, Mr. Short, the English translation
24 has the -- the passage I'm interested in at page 31 and that
25 we've just given you that page. The ERNs are in Khmer; 00063039

1 to 40; French, 00504049 to 50; and English, 00491424. And what
2 this passage deals with, essentially, is it appears a number of
3 movements of people that took place before 1975, and I'll read a
4 couple of the extracts from this. And it starts with -- quote:
5 [13.49.40]
6 "Attacking the enemy politically: Taking just one example,
7 fighting to seize the people. Throughout the world, they never
8 fought to seize the people. Our line was to fight to seize the
9 people: one, we took him; two, we took them; 100, we took them;
10 1,000, we took them, and so on until we fought for and seized the
11 people from Phnom Penh too."
12 This, then, goes on to describe a number of examples; the first
13 being Banam in 1973, Banam town, where it says that they expelled
14 the ethnic Vietnamese, the ethnic Chinese, the military police,
15 and everyone else.
16 Then there's another example in relation to the Chenla II battle,
17 and then, after that, we have also the example of Udong where
18 people were pulled out.
19 Are you familiar with this phrase that this "Revolutionary Flag"
20 is referring to of seizing the people?
21 [13.50.59]
22 MR. SHORT:
23 A. Yes, I am and it -- it really means simply controlling the
24 population. You don't have to control territory; you have to
25 control people, and they say -- you -- you've just read --

1 "Throughout the world, they never fought to seize the people".

2 Well, that is exactly what the Chinese communist tactics were all
3 through the Chinese Revolution, so it was hardly something the --
4 the Khmer Rouge discovered.

5 Q. When I was -- in that first passage that I read, they seem to
6 describe a series of these events of seizing the people
7 culminating in Phnom Penh and seizing the people from Phnom Penh.
8 Is there any relationship? Is there a continuing -- continuum
9 between these events as far as Party practice or policy or line
10 that was being implemented?

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

16 [13.52.24]

17 Q. You said yesterday that -- and I think this is in your book,
18 as well -- that Udong was considered as a good example of seizing
19 the people or evacuating the people.

20 Am I reading too much into that as a sort of a precursor, test
21 run, is there a connection between that and what happened in
22 April '75?

23 A. Phy Phuon who, as I said, was my principal source for that was
24 very -- very adamant, very convinced, that it was the success, in
25 his terms, what happened at Udong, which convinced the leadership

1 that this was the way they should go with Phnom Penh, and the
2 time sequence, you know, early '74 Udong and then the meeting at
3 Meak where the final decision is taken, at least he's consonant
4 with that interpretation.

5 Q. Thank you.

6 Now, we're going to move through the rest of pre-evacuation
7 rapidly I hope. There is one event from 1974 which follows the
8 evacuation of Udong that I wish to take you to at page 261 of
9 your book, English ERN 00396469; and French, 00639792.

10 [13.54.00]

11 You're describing a trip to China by Khieu Sampan and you say the
12 following:

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

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

22 A. I think it's a continuation of what we were talking about
23 earlier; this balance which they -- it was clearly in all their
24 minds when they brought Sihanouk back in 1973 to visit the
25 liberated areas; on -- on the one hand, keep his support; on the

1 other hand, don't let him acquire too much popularity.

2 [13.55.15]

3 And 1974, yes, they -- they still very much needed Sihanouk as an
4 international image for their movement, and the trip to Africa,
5 through Africa, and Asia was, yeah, partly to -- to win more
6 support, to convey their message to other countries, but more --
7 more than anything else, to keep Sihanouk tied to the movement.
8 Now, if you're going to say, where do I draw that conclusion
9 from? I basically have to tell you, that's my interpretation of
10 what it was about. It's consistent with what went before and what
11 went after and to me that is the explanation.

12 Q. That's helpful, thank you.

13 During that trip -- you know, we have documents that report part
14 of that trip on -- on the case file. I'm not going to be giving
15 you this exhibit in the interests of time, and it's -- again, I
16 wish to move to other topics, but document that is on the case
17 file, number 12.7.

18 [13.56.27]

19 This is a "Nouvelles de Cambodge Kampuchea Information Agency"
20 broadcast from the 11th of April 1974, reports a speech by Khieu
21 Samphan that he gave during his stay in North Korea on the 10th
22 of April '74 in which he essentially said that -- that the forces
23 -- Khmer Rouge forces were making significant advancement -- or
24 forces of the Front, I should say, and that they had liberated
25 Udong.

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

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

4 Q. That's fair, thank you.

5 As we move forward into early 1975 and the actual preparations
6 for and -- and the evacuation itself, I want to ask you a few
7 questions actually about the events of the 17th of April and
8 following. I'll skip some of the preparation questions simply
9 because we haven't got a lot of time.

10 Looking at your book, now, at pages 269 to 270, you're describing
11 the entry into Phnom Penh by Khmer Rouge forces, and this is at
12 Khmer ERN -- I apologize; we don't have Khmer ERNs for this, so
13 it's English, 00396477 to 78; and French, 00639802 to 3.

14 [13.58.46]

15 There are a couple of points that are of interest here at the
16 bottom of 269 and top of 270. We've already discussed the
17 attitude towards those who had, as you said yesterday, "voted
18 with their feet". You say here that now they were prisoners of
19 war and everything they possessed was legitimate war booty.

20 Shortly before the final assault, division commanders from the
21 Southwest, the East, the Special Zone, and the North had ordered
22 their troops not to loot or to kill unless they met with
23 resistance.

24 Can I ask you if you have been able to research this -- this
25 aspect of -- of the attack; the degree to which these orders were

1 coordinated, that they were issued, you seem to be suggesting, to
2 different zones by various commanders? Are you able to enlighten
3 us on that further?

4 [13.59.54]

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

16 Q. Thank you. And just picking up that point, at page 275, the
17 upper half of that page, English ERN 00396483; and French,
18 00639810; and this is after a discussion of the actions of the
19 different zone forces, you say the following -- quote:

20 "But it was a difference of style, not of policy. Once the
21 evacuation order had been passed down, Eastern Zone units, like
22 everyone else, ensured that the areas under their control were
23 emptied of inhabitants."

24 Is that right that, despite the variations, everybody implemented
25 the order?

1 [14.01.41]

2 A. The policy was the same; the implementation was different, so
3 yes, it happened everywhere, but with very significant
4 differences in how it was carried out.

5 Q. Another aspect of the evacuation that you describe in your
6 book is the killings of Lon Nol regime officials and you describe
7 this in relation to a number of areas, so I'm going to start with
8 -- with Phnom Penh. At page 271 -- and I'll give the ERNs,
9 English, 00396479; French, 00639804 to 5 -- you say the following
10 -- quote:

11 "At the Hotel Monorom, a few blocks south of the railway station,
12 where the deputy front commander, Koy Thuon, established his
13 headquarters, a 'Committee for Wiping Out Enemies' was set up.
14 Its first action was to approve the execution of Prime Minister
15 Long Boret, Lon Non, and other senior republicans, who were taken
16 out and killed in the grounds of the Cercle Sportif, not far from
17 the Information Ministry where they had been detained."

18 [14.03.04]

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

21 A. I'm afraid not.

22 Q. Do you have information as to who was in that committee? You
23 describe it as being based near Koy Thuon's headquarters. Do you
24 have any further information as to who was in it or is this as
25 far as we -- we go on that particular fact?

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

4 Q. Can I read another passage to you which relates to people --
5 evacuees from Phnom Penh and the treatment of Lon Nol officials?
6 This is at page 273. The relevant Khmer -- relevant ERNs here are
7 00396481 in English and 00639807 in French. And this is the
8 particular passage that is of interest. This is evacuees from
9 Phnom Penh -- quote:

10 [14.04.35]

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

22 It's a rather gruesome account, but my -- my question is: Do I
23 understand correctly that we discussed the committee at Koy Thuon
24 -- Koy Thuon's headquarters and now this second group being sent.
25 Are the two related in any way as far as you've been able to

1 ascertain?

2 [14.05.44]

3 The decision to send back Hang Thun Hak and Pan Sothi was
4 certainly laid down from the highest level, no question. The
5 decision, likewise, to kill officers and officials above a
6 certain level, I think one may assume had -- had -- was on the
7 basis of a central instruction, but would be implemented; the
8 exact level and who was killed would be decided by the zones.
9 However, I mean, I think it's worth -- worth adding the -- you
10 know, there was an awful lot of latitude for the people who were
11 actually doing this and I don't want to go in -- get in advance
12 of myself, but I -- I'm struck by the interview I did with a
13 perfectly ordinary soldier who was one of a group who were
14 searching houses in Phnom Penh afterwards and they'd been told to
15 go around and make sure that there was no one hiding and they
16 found various old people who had been left behind by their
17 families and were still in flats.

18 "What did you do with them?"

19 "We killed them."

20 "Did you have instructions?"

21 "No, what else were we to do?"

22 [14.06.56]

23 You know, the -- the climate, the mindset was that such people,
24 you kill.

25 Q. You do describe a degree of variation on the -- on the page

1 that precedes the one we just looked at. I may need to correct
2 myself. Rather, this is at page 277 and the ERNs, they are: in
3 English, 00396485; and French, 00639812 to 3; that's just for the
4 record. You do describe there the killings in, I believe,
5 Battambang and Pailin and you describe a degree of -- of the
6 variation.

7 Based on your research, nevertheless, in the areas at least that
8 you've considered, was there killings of people from the former
9 regime from a certain level up? Was there a particular
10 consistency that you've been able to infer based on what you said
11 was a -- must have been a central -- centrally-devised decision?
12 [14.08.23]

13 A. There was a pattern all over the country of killing former Lon
14 Nol officers whatever their level and of killing officials --
15 former Lon Nol government officials above a certain level.

16 I think in the -- in the case of the officers, the military men,
17 it was much more systematic. For the civil servants, there are
18 very large numbers of cases where individuals either escaped the
19 net or escaped the net for a period of time or for one reason or
20 another were able to get through the whole Khmer Rouge period
21 having been quite highly placed. So it was not -- if it was
22 systematic, there were gaps in the system.

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

1 etc. This is English ERN 00396483; and French, 00639810 to 811,
2 just a brief passage there -- quote -- you -- this -- you had
3 described the example of France in the months following German
4 retreat and then you say -- quote:

5 [14.09.52]

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

11 Do you still stand by that conclusion?

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

20 [14.11.00]

21 Q. Another aspect of similarities and this issue of variation
22 that you deal with in the book deals with actual forced movement
23 of people. This is at 276 to 277, English ERN 00396484 to 5; and
24 French, 00639811 to 2. Here you're describing the events in the
25 following days -- April 18 and following, with Son Sen being in

1 the city and you describe how he -- one of his first acts was to
2 summon the division commanders from all the four zones to
3 delineate clear limit -- clear limits for each sector.

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

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

18 Similar scenes, with local variations, occurred all over
19 Cambodia."

20 [14.12.56]

21 There's quite a few important facts there, but if I can start
22 with what you seem to be describing as a harmonization attempt to
23 have a more systematic procedure. Have I got that right that --
24 that from this point onwards, the -- a decision was made
25 centrally and then implemented to move people in different

1 directions depending on where they were, if -- if that is
2 research that you've been able to ascertain?

3 A. Yes, one of the problems was that the different zone
4 commanders had never actually worked together before because
5 their zones had been separate; they had been a law unto
6 themselves, and when they all came together in Phnom Penh, they
7 butted up against each other their troops.

8 [14.13.47]

9 So rules had to be laid down pretty quickly how they should
10 cooperate and it was the first time they'd had to do that. You
11 can see that it's certainly the beginning of a harmonization and
12 the -- yes, the beginning of a -- of a unification of the policy
13 towards those being evacuated.

14 Q. Now, one fact you discussed yesterday -- and you discussed the
15 reasons for the evacuation, so I will not go there, but you --
16 you discussed the issue, I believe, of people being told not to
17 take a lot of possessions with them and I want to just touch on
18 that briefly.

19 At the bottom of page 287, in your copy, Mr. Short; and English
20 ERN 00396495; and French, 00639825 to 6, you describe the
21 condition of the deportees and you say the following:

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

1 years."

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

5 [14.15.39]

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

10 So my question is: First, if you can perhaps read for us that
11 passage. In my copy, the words are completely unclear. And then
12 if you can tell us whether that statement that is attributed to
13 Khieu Samphan reflects the policy or the line that was -- that
14 you discussed yesterday about telling people not to take a lot of
15 possessions with them.

16 A. Yes, the relevant portion reads:

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

21 [14.16.39]

22 Yes, that was the logic of it, but if you took very little with
23 you, it would be worn out and then you -- you would have the same
24 as everybody else. This was part of the program to separate
25 people from their belongings so that everybody became equal

1 because if everybody has nothing of their own possession, then,
2 they are all the same. And, indeed, very short notice to leave,
3 they couldn't take that much with -- with them anyway, so it's
4 all completely consistent.

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

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

14 [14.18.07]

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

17 A. It's a very harsh judgement, but I stand by it. It was a
18 deliberate decision, quite consciously, to portray the world of
19 Democratic Kampuchea other than as it really was and there are
20 innumerable examples. I mean when Pol Pot went to Beijing -- went
21 to China for his first official visit and he gave a long speech
22 about Democratic Kampuchea, he said -- I remember; I was there
23 when he gave it, when he -- when it was broadcast -- everyone in
24 Kampuchea has 312 kilograms of rice per person per year and so on
25 and so forth. Lies -- the -- as I said, you know, sometimes there

1 was a reason; sometimes the reason was simply not comprehensible,
2 but lies were in the very fabric of everything the regime did.

3 [14.19.29]

4 Q. Thank you.

5 I'm now going to actually move on to the policies as they existed
6 post -- immediate -- the immediate event of the evacuation, and
7 as an entry point to this, look at page 280 here and the relevant
8 ERNs are in English, 00396488; in French, 00639817. And you say
9 the following:

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

16 That most city-dwellers were taken completely by surprise merely
17 showed how little attention they, and the outside world, had paid
18 to the Khmer Rouge and their methods during their long years in
19 the wilderness. What happened in mid-April 1975 was the fruit of
20 policies that had been in gestation since the 1960s and had their
21 origins in a still earlier time."

22 So there are two slightly distinct points being made there, but
23 can I ask you, first, to elaborate for us, if you could, on this
24 -- on this idea of the evacuation, itself, and its immediate
25 consequences being an almost perfect paradigm for the rest of

1 what followed?

2 [14.21.34]

3 A. Well, I think -- I think the basis of that thought is that --
4 is the ruthlessness and single-mindedness and the lack of concern
5 for human values, for human suffering, for individual values that
6 were shown during the evacuation.

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

17 [14.22.49]

18 Q. And if I can bookend this concept with another quote and see
19 whether this is -- is also relevant. This is now at page 399
20 which is at the very end of your description of the toppling --
21 the fall of the regime and the -- and the escape from Phnom Penh
22 of leadership including Pol Pot, Nuon Chea, Khieu Samphan, etc.
23 And this is the part I was interested in, English ERN 00396607;
24 and French, 00639976; and it's the following passage that I'm
25 interested in -- quote:

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

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

12 [14.24.27]

13 A. Yes, the key line is "ordinary people are expendable", but I
14 would point out following from what we discussed earlier where we
15 talked about the need to seize the people, to remove the people
16 from the control of the enemy and have the control themselves for
17 the Khmer Rouge, those are in total contradiction. There were
18 times, most notably, when they were struggling for power in
19 '73/'74 when they understood that they needed the people with
20 them. For reasons which are very difficult to understand, the
21 moment they were in the position to actually gain power and they
22 had power, they lost interest in retaining the people. The people
23 became expendable. They got what they wanted and people were no
24 longer the concern in the same way as they had been earlier.

25 [14.25.25]

1 Q. And if I can pick up the other part of the first quote that we
2 read in relation to events of mid-April '75 being the fruit of
3 policies that had been in gestation since the early -- since the
4 1960s, can I ask you to expand on that? Is that similar to what
5 we were discussing this morning, the gradual, incremental
6 development of policy, etc.?

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

15 Q. Thank you.

16 You've discussed already, I -- I believe, this concept of a first
17 modern slave state and that appears in a number of places in the
18 book. And I just wish to read one -- one part because I'm
19 interested in the concept of a -- of a slave state; a -- a single
20 entity, if you like. This is at page 291 and the relevant ERNS
21 are in English, 00396499; French, 00639831.

22 [14.27.13]

23 And in elaborating this concept of a slave state, you say the
24 following -- second half of the page:

25 "Like true slaves, the inhabitants of Pol's Cambodia were

1 deprived of all control over their own destinies -- unable to
2 decide what to eat, when to sleep, where to live or even whom to
3 marry."

4 And that part, you've already explained for us.

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

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

12 [14.28.05]

13 So can I ask you to expand on that because you are using the term
14 "slave state" as a single entity and then of course within --
15 variations within it, but you do seem to be describing, if I have
16 you correctly, a system that, in a way, emanates from the top and
17 if I have that wrong; I'll ask you to correct me?

18 A. It did emanate from the top. It could only have emanated from
19 the top because the underlying principles were the same
20 everywhere. Everyone -- well, the overwhelming majority because
21 there was always a tiny group who were exceptions for one reason
22 or another; the leaders, those high up in the Party, certain very
23 privileged workers had a greater degree of freedom and so on, but
24 the -- really 99 per cent of the population, the overwhelming
25 mass, were all slaves in the sense that they had no choice over

1 any aspect of their lives.

2 Now, if everyone is a slave, yes, some may have good masters who
3 are a little bit more -- more kind; some may have particularly
4 harsh masters, and that corresponded to the leaderships in the
5 different collectives.

6 [14.29.31]

7 It - you -- it wasn't zone by zone or even region by region; you
8 could have villages, collectives, five kilometres apart in the
9 same zone, the same region, where conditions were very, very
10 different. It really did stem from individual leaders, but
11 whether the leaders were lenient or harsh; the fundamentals, the
12 existence of slaves, were the same.

13 Q. Thank you.

14 Now, looking into what you describe as the approach to the
15 economy, which of course is a part of this -- these policies that
16 we're discussing. And this is at -- the passages start at page
17 293 and then they continue on page 294. The relevant ERNs,
18 English, 00396501 to 2; and French, 00639833 to 835; you say the
19 following -- quote:

20 "The first step, the destruction of the feudal elite which for
21 centuries, in the revolutionaries' view, had exploited the
22 country for its own ends, had been accomplished by the communist
23 victory and the evacuation of the towns."

24 [14.31.12]

25 "The second and third step - 'to build and defend', in Pol's

1 phrase -- meant mobilizing the entire nation to develop at
2 breakneck speed, in order to prevent Cambodia's sempiternal
3 enemies, Thailand and Vietnam, from taking advantage of its
4 enfeebled state. This last consideration was crucial."

5 And then just over the page there is a quote that begins with the
6 following -- first your introduction and then the quote, which I
7 think is attributed to Pol Pot.

8 "The economy was just another battlefield to be conquered by
9 brute force:" and then the quote:

10 "How must we organize [our] action? It is the same as in war.

11 There we raised the principle of attacking... wherever the enemy
12 was weak. The same goes for the economy. We attack wherever the
13 opportunities are greatest... We must prepare offensives for the
14 whole country... We learned from the war. If the command was
15 strong, we would win. If the command was not strong, we would not
16 win. The same goes for building up the economy."

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

22 [14.32.49]

23 A. I'm not sure how much I can elaborate. The -- in the early
24 stages of the Soviet Union with war communism, there was a
25 similar approach, but they were trying to go extremely fast.

1 Stalin's industrialization programme was much the same. There are
2 precedents for this and, above all, when a country, a communist
3 regime, feels itself under intense external pressure -- and
4 there's no doubt that Democratic Kampuchea did find itself under
5 very strong pressure or did feel itself; particularly, from
6 Vietnam, much less from Thailand -- and that leads to a kind of
7 paranoia where the ends justify the means; any means are
8 legitimate, which will allow you to achieve rapidly the end you
9 want.

10 That said, yes, external pressure, but after the victory, the --
11 with the arrogance and the hubris which the victory had brought,
12 Cambodia -- I think it's Ieng Sary said, "We are going down paths
13 that no country has been before".

14 [14.34.10]

15 So there was that belief that they could do impossible things
16 and, therefore, it meant they could push the population to do
17 impossible things with the results that we have discovered.

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

22 A. I think it was crucial. It certainly was the justification for
23 running as fast as they can -- as they could while the Vietnamese
24 -- in order the Vietnamese couldn't catch up. Yes, I think it was
25 extremely important. It provided the context in which no one was

101

1 going to quarrel even if they had dared to quarrel, but no one --
2 no one was even going to think, well, maybe there was another
3 solution. Everyone was agreed they had to go extremely rapidly.

4 [14.35.32]

5 Q. I want to read to you a passage from Khieu Samphan's book that
6 you looked at earlier; the chapter 5 that's translated into
7 French and Khmer. E3/16 is the number. This is at English ERN
8 00498302; Khmer, 00380497 to 500; and French, 00643909.

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

13 So with that background, this is what -- this is what Khieu
14 Samphan says -- quote:

15 "If the Vietnamese had liberated the South before Phnom Penh had
16 been liberated, there may have been major danger. Having outrun
17 them once, after liberation it was imperative to run again. There
18 could be no hesitation. This is why Pol Pot saw the expansion of
19 high-level cooperatives throughout the country had made 'the
20 revolution in Kampuchea 30 years faster than the revolutions in
21 China, (North) Korea, and Vietnam."

22 [14.37.11]

23 And then on the next page, a brief quote:

24 "Were it not for the organization of the cooperatives, Kampuchea
25 would have had to suffer all the consequences of the situation in

1 Vietnam, including respecting the 1973 Paris Agreement between
2 Vietnam and America."

3 Is that reflected at all of this concern that we've been
4 discussing about Vietnam?

5 A. I think the first part certainly is -- is reflective --
6 reflects the concern about Vietnam. The fact that they conquered
7 Phnom Penh before the Vietnamese got Saigon put them, in a sense,
8 ahead and yes, as you said, they had to keep running. That
9 reflects the paranoia about Vietnam.

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

17 [14.38.48]

18 MR. PRESIDENT:

19 Thank you, the prosecutor, and the expert.

20 The time is now appropriate for a short break. We will take a
21 20-minute break and return at 3 p.m.

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

24 The Court is now adjourned.

25 (Court recesses from 1439H to 1500H)

1 MR. PRESIDENT:

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

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

5 MR. ABDULHAK:

6 Thank you, Mr. President.

7 Mr. Short, before we proceed to look at some aspect of the
8 treatment of urban classes, I want to take you just a brief step
9 back and look at one decision made, it appears, in early '75, and
10 then this decision appears to have had some implications for what
11 happened in April '75. You discussed earlier, when we looked at
12 how some senior officials of the Khmer Republic regime had been
13 turned back to Phnom Penh, and I think you said you drew an
14 inference that that was a centrally made decision or decisions
15 from up high.

16 [15.01.39]

17 I want to look at a document that is -- dates back to February
18 1975. This is one of the documents that we sent you. It's an
19 extract from a Foreign Broadcast Information Service transcripts
20 for February 1975. The document number here is E3/117. If you
21 don't have a copy handy I'll pass one to you.

22 Mr. President, with your permission, I'll pass the expert a copy
23 from our Bench?

24 MR. PRESIDENT:

25 Yes, you may do so.

104

1 Court Officer, could you deliver the document for the expert's
2 examination?

3 BY MR. ABDULHAK:

4 Thank you, President.

5 [15.02.38]

6 Q. This particular extract -- and I acknowledge the writing is
7 not very clear -- it's a very small font, but I'll do my best to
8 read the passages that I'm interested in for you. The relevant
9 ERNs are Khmer, 00242308 to 9; French, 00281432; and English,
10 00166773. The -- this particular document is entitled -- or this
11 part of the transcript is entitled, "Khieu Samphan Chairs NUFC
12 Congress Session - Communiqué Issued", and it was broadcast by
13 Voice of NUFC in Cambodian to Cambodia on the 26th of February
14 1975.

15 This is an extract from that communiqué, and I'm looking at
16 paragraph 1 -- quote:

17 "Concerning the seven traitors in Phnom Penh, the National
18 Congress has decided as follows: traitors, Lon Nol, Sirik Matak,
19 Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and Sosthene
20 Fernandez, are the chieftains of the traitors and ringleaders of
21 the treacherous anti-national coup d'état, which overthrew the
22 independence, peace, and neutrality of Cambodia."

23 And then skipping one sentence:

24 [15.04.20]

25 "On behalf of the NUFC, RGNUG, and CPNLAF, the National Congress

105

1 declares it absolutely necessary to kill these seven traitors for
2 their treason against the nation and their fascist, corrupt,
3 criminal acts unprecedented in Cambodian history."

4 And just before I ask you some questions, I'll indicate for the
5 record that the communiqué is also contained in document E3/189,
6 which is a letter that was submitted to the United Nations
7 General Assembly. It's another document that we sent you, but we
8 don't particularly need to look at it. It reproduces, in essence,
9 this communiqué. I do note that elsewhere in your book you
10 commented that you didn't think that this particular congress
11 actually took place so my question is: Which body, if any, within
12 the CPK structure or within the broader structure of the front
13 may have been responsible for the decision if you've been able to
14 come to a conclusion on that?

15 [15.05.53]

16 MR. SHORT:

17 A. There is no evidence apart from this broadcast of any such
18 congress taking place. This is like -- seems to me to be like the
19 appeal which was the message of support from Hu Nim, Hou Youn,
20 and Khieu Samphan which was sent to Beijing at the time of
21 Sihanouk's destitution. It was a document written by the
22 Cambodian Communist Party leadership. What, who exactly in that
23 leadership, whether it was a document drawn up by Mr. Khieu
24 Samphan? But certainly it reflected a decision by the CPK
25 standing committee or by Pol Pot himself to reassure others that

1 only those seven named leaders and I think other names were added
2 to the list later on. But basically a very restricted number of
3 people would risk the death sentence, would risk being killed
4 when the Khmer Rouge took over. That was the object of it.

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

12 [15.07.49]

13 A. The fact that it was broadcast by the radio station, I mean,
14 obviously amounts to dissemination. So it would have been made
15 known but who took -- what we really don't know is who was the
16 decision maker, who approved this document, we don't even know
17 whether Mr. Khieu Samphan -- whether it was simply a matter of
18 using his name, whether he was privy to it before it was put out.
19 Or all we can say with certainty is that this nebulous body or
20 group who were at the head of CPC certainly approved it and were
21 responsible for issuing it.

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

1 A. Absolutely not and I'm sure he did not distance himself. I'm
2 sure he was in agreement with it and with the policies which were
3 connected with it.

4 [15.09.17]

5 Q. Thank you.

6 The communiqué also mentions that other lower-ranking officials,
7 as you've already intimated, were effectively welcome to - if
8 they have a full-right, in the words of the communiqué -- to join
9 the Front, the Cambodian nation and people if they cease
10 cooperating with the seven traitors.

11 Are you aware of the resistance within the country implementing
12 such a policy or approach of welcoming those who were on the
13 Khmer Republic side if they came across?

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

16 Q. Thank you. I wish to look at or build on one of the passages
17 that we looked at which was the breaking up of feudal classes
18 etc. And I want to see if we can elaborate on that by looking at
19 a few documents. The first document is a "Revolutionary Flag"
20 from August 1975. Now you won't have a copy of this but it's
21 cited in your book. I had a look to make sure this is one of the
22 documents you relied upon and it's cited in relation to page 341
23 in English, just for the record.

24 I have a copy of it here for you, and Mr. President, with your
25 permission, this is document E3/5; it's "Revolutionary Flag" from

1 August 1975, if I can pass a copy to the expert.

2 [15.11.30]

3 MR. PRESIDENT:

4 Yes, you can proceed.

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

7 BY MR. ABDULHAK:

8 Thank you, Mr. President.

9 Q. So, looking at the view that the "Revolutionary Flag" adopts
10 in relation to what it describes as private persons, bourgeoisie,
11 feudalist classes etc. The relevant ERN's are in Khmer, 00063321;
12 French, 00538961; and English, 00401486. So that should be page
13 11 in the English translation that you have, Mr. Short. It's a
14 rather long passage but I'll try and read just a couple of
15 excerpts.

16 Under number 3 we see: "Types of private ownership"..., and the
17 publication goes on to say, "They have been subjugated to state
18 ownership and collective cooperative ownership. And they are not
19 concentrated: they are scattered. They have no forces. Therefore,
20 they have no power to oppose. Since we do not allow them the
21 opportunity to strengthen and expand, they will dissolve without
22 fail. If we had left them in Phnom Penh, they would have had
23 strong power."

24 [15.13.25]

25 Then below under point 4, it's a discussion of the class

1 composition in the Kampuchean society. Point number 1: "The
2 feudalist class has been attacked and overthrown", which is
3 consistent with what you've been telling us.

4 A little bit below that: "Now the colonialists and imperialists
5 have been overthrown, the landowners and feudalists have been
6 overthrown, the capitalist have been overthrown, and the petty
7 bourgeoisie has no one to rely upon. Therefore, they are
8 subjugated to the state power of worker-peasant."

9 [15.14.03]

10 Two sentences down: "All of these persons are the new peasants
11 who came from the petty bourgeoisie, the feudalists, and the
12 capitalists. Their class has been overthrown. Their economic
13 foundations have been overthrown, but their outlook and their
14 desires remain the same. Therefore, they continue to be in
15 conflict with the revolution."

16 I am particularly interested in that last part where, despite
17 having been overthrown, these classes, apparently, continue to be
18 in conflict with the revolution. Are you able to opine on that at
19 all?

20 [15.14.41]

21 MR. SHORT:

22 A. This is why they had to be sent down to the countryside to
23 reform themselves, to reform their mentality, to be educated by
24 the peasants. This was not a wholly new idea, the Chinese also
25 sent people to the countryside to be re-forged through

110

1 agricultural labour, through working with the peasants. But the
2 first section you read out, I mean, clearly that is breaking up
3 the network among city-dwellers so that they were no longer in a
4 position to resist the regime. And the second extract is about
5 demolishing individuality, demolishing private mental ownership
6 so you become at one with the masses.

7 Might I just say, I prefer what we were discussing in answer to
8 your previous question, there is one more point to be made.

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

15 [15.16.09]

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

17 Just one or two more brief passages on this issue of class: now
18 we are looking at "Revolutionary Flag" July 1976, E3/4. This is
19 one of the documents we sent you.

20 And with your permission, Mr. President, I will give Mr. Short a
21 copy of the particular extract.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 Court Officer, could you deliver the document for the expert's
25 examination.

111

1 [15.16.56]

2 BY MR. ABDULHAK:

3 Thank you, Mr. President.

4 The relevant ERNs are in Khmer, 00062911 to 2; French, 00349973;
5 and English 00268918 -- quote:

6 "Becoming socialist requires class struggle between the worker
7 class and the other classes, the dictatorship of the worker class
8 over the other classes. If there is no worker class dictatorship
9 over the other classes, socialism cannot be built. If there is no
10 class dictatorship, the enemy will attack us."

11 [15.17.55]

12 A little bit further below:

13 "Example: We are building socialism in the cooperatives. If at
14 any time we are careless, if at any time we get loose and relaxed
15 about socialist revolution, if at any time we get relaxed and
16 loose about the proletarian class dictatorship, they will
17 certainly attack us. If we give them freedom to do so, they will
18 attack us."

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

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

1 [15.18.19]

2 MR. SHORT:

3 A. This is not unique to Democratic Kampuchea. In Maoist China,
4 throughout that period, 1949, especially from the 50's onward up
5 to Mao's death, the idea that class struggle was permanent --
6 that bourgeois elements would continue to emerge and would have
7 to be fought down; that bourgeois tendencies would continue to
8 emerge -- that was absolutely basic in China.

9 A similar idea with which Pol Pot became acquainted when he was a
10 student in Paris was set out by Stalin that a fortress is most
11 easily taken from within, meaning that the greatest danger to a
12 communist party came from elements burrowing into its leadership
13 and corrupting the leadership of the party. So, it really isn't
14 unique. What is unique here is that they talk about the worker,
15 the proletarian class exercising its hegemony over other classes
16 and I remember having long discussions with Mr. Khieu Samphan --
17 which probably will not interest the Court -- about how you could
18 have proletarian class stance when everybody was a peasant. He
19 didn't convince me and I didn't convince him but this was
20 something that was very different about the Cambodian party. That
21 it was essentially an alliance of intellectuals and peasants
22 which -- who thought, who claimed that they had forged
23 intellectually this worker class consciousness which would allow
24 them to exercise hegemony over others. And thereby repress all
25 those bourgeois tendencies that would emerge spontaneously unless

1 they were clamped down.

2 [15.21.04]

3 Q. Thank you.

4 Now, looking at your book at pages 321 to 322, you deal with a
5 number of areas here. Obviously, among them, the hierarchy that
6 cadres were expected to maintain between Base People and New
7 People. The relevant ERN's are English, 00396529 to 30; and
8 French, 00639877 and following. So, as I said, you first describe
9 this hierarchy and then you talk about the use of hunger as a
10 punitive weapon and then over the page you say the following:
11 "The indiscriminate killing of former republican army officers
12 and senior civil servants which had marked the first months of
13 the regime had stopped during the summer. But in the
14 cooperatives, executions of supposed 'bad elements' and others
15 who allegedly violated collective discipline continued."

16 [15.22.22]

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

20 A. The one was the justification for the other. If somebody
21 behaved badly in a cooperative, behaved badly picking up mangos,
22 taking food even if it had fallen on the ground and was not being
23 used by anybody, that was regarded as a manifestation of
24 individualism rather than thinking of the collective. That was
25 seen as bourgeois tendencies emerging in that person who then

1 risk the appropriate retribution. And where this system was
2 different from almost every other communist system is that the
3 appropriate retribution here was death, whereas in China and
4 elsewhere it would have been re-education through labour, it
5 would have been something to enable you to redeem yourself by
6 work then re-join the community.

7 [15.23.50]

8 Q. Thank you. Are you able at all to identify a point in time
9 looking at April '75 onwards where this began? Was it continuous;
10 was it something that developed, was it rooted in prior policies
11 if you can give us your view on that?

12 A. It's very difficult to be precise; it was certainly rooted in
13 prior policies and we saw it happening in the liberated areas
14 before 1975. It then, I think, went, if you like, in waves. There
15 were areas where the pressure became more intense on the cadres
16 and the cadres adopted a fiercer policy towards those beneath
17 them, the ordinary peasants. There were times when things were
18 easier; it depended on a variety of factors and was different in
19 different locations.

20 [15.24.55]

21 Q. Thank you.

22 Now continuing on from that, another aspect of the regime that
23 you discussed in the book is what I'll describe for shorthand as
24 a double standard and I'll ask you to use your words and correct
25 me if I've gone too far. This is at page 346, and then there is

115

1 another relevant passage at 348. The ERN's are, in French,
2 00639909 and following; and in English, 00396554 and following.

3 At the first page at 346 you say:

4 "All the leaders grew fat. Contemporary photographs show Pol and
5 Nuon Chea looking bloated. Khieu Samphan put on weight and
6 acquired an unhealthy, reddish complexion."

7 You then describe the ban on foraging which, in your view, I
8 think, made matters worse for those in the countryside including
9 the prohibition on picking up fruit off the ground which you just
10 touched on. And then just one more passage at 348 -- quote:

11 [15.26.22]

12 "But in Democratic Kampuchea the contrast was so flagrant that it
13 became a caricature. Not only did a tiny, cosseted elite preside
14 over the destinies of a nation of slaves. But the regime which
15 that elite imposed made ideological purity, abstinence and
16 renunciation, material detachment and the repression of the ego,
17 the foundations of national policy, outweighing all other
18 considerations.

19 The ban on foraging was not an oversimplification by uneducated
20 local officials. It was approved by the national leadership in
21 Phnom Penh."

22 Can I ask you to expand on that and did I go too far on using the
23 word "double standard"? I'll let you give us your elaboration on
24 this contrast.

25 [15.27.15]

1 A. I don't think you went far enough in using the word "double
2 standard". It was particularly shocking because, at both
3 extremes, the people of Democratic Kampuchea had nothing or so
4 little. Whereas in other communist countries where this kind of
5 system, a nomenclature system, the elite having access to
6 services which are not available to others, the people had access
7 to at least some things. If you think of China or if you think of
8 Russia, the gap between the two was less. It wasn't because the
9 DK leadership had absolute luxury; no, they had more or less what
10 other nomenclatures in other communist countries had. But, in
11 other communist countries, the ordinary people had more. Here
12 they had so so little the gap was enormous. And it's made more
13 flagrant by this preaching of abstinence. One can find examples
14 in history: the princes of the Catholic Church in medieval times
15 compared with the poorest peasantry but still these are not
16 supposed to be medieval times; this was the 20th century.

17 [15.28.40]

18 Q. Thank you.

19 And just while we are on that page, there is another passage of
20 interest further down where you looked at concerns which you
21 attribute to Pol Pot with respect to people being malnourished or
22 otherwise. And you say:

23 "Revealingly, however, his concern was not that, if collectivism
24 failed, people will be discontented, but that individualism would
25 re-emerge. He certainly knew that, in some areas, there was acute

117

1 privation -- detailed reports from the Zone leaders arrived on
2 his desk each week -- but either he did not wish to think about
3 it or he regarded it as unimportant.

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

7 Can I first ask you to elaborate, if you could, on your findings
8 in relation to this reporting mechanism and the degree to which
9 information was reaching those at the top or in the centre?

10 [15.30.02]

11 A. There are copies of telegrams sent from the zones to the
12 Centre which, although they don't speak of difficulties as being
13 caused by the policy, of course they wouldn't. They would speak
14 of sabotage, they might speak of natural difficulties, natural
15 conditions but which make very clear that things were not going
16 well in particular areas.

17 Ieng Thirith, Ieng Sary's wife, made a study tour of the North,
18 the Northwest and came back saying what she had seen was
19 appalling and of course it was all due to Vietnamese saboteurs.
20 So the knowledge that things were bad, they knew about that.

21 Q. And can you then expand on this idea that once in possession
22 of that knowledge you seem to conclude that the leaders took the
23 view that the principle won out regardless of the material costs.
24 That ideological, principle, and practical benefits -- where the
25 ideological, principle and practical benefits came into conflict

1 that the former prevailed?

2 [15.31.18]

3 A. Well, foraging is a very good example. It would have been --
4 had people been allowed to forage, had they been allowed even
5 very small vegetable plots outside their houses, then health
6 would have been much better, the mortality rate much lower.
7 People would have been able to work more. It's pretty obvious and
8 the examples of countries like China was there to show. Even it
9 is most extreme the Chinese never went to that extent. It was not
10 permitted in Democratic Kampuchea because of ideological
11 principle and there are many other examples of a similar kind
12 where the regime did itself immense unnecessary damage and the
13 people unnecessary damage because they were wedded to iron
14 principles.

15 [15.32.21]

16 Q. Thank you. Can I move on to another event which you describe?
17 This is now at pages 308 and 309 of the book. The ERN's are
18 French, 00639853 to 854; and English, 00396516 to 7. You describe
19 a visit to the Southwest in August and -- that resulting in an
20 understanding, on the part of Pol Pot, that things -- that rural
21 cadres had known for months, in other words, that shortages of
22 food and medicine were affecting the labour force.
23 You then say the following: "It was not the suffering that
24 bothered Pol; it was the fact that lack of food might reduce
25 their ability to work. Rather than bringing in rice from other

1 areas, the best solution, he decided, was 'to redistribute the
2 labour force in a balanced manner in according with the
3 production needs of the different regions'. That became the
4 signal for another wholesale movement of the population."

5 [15.33.51]

6 A little bit further down over the page you say:

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

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

11 You state then that it was more than one million people that were
12 moved.

13 Can I start first with dealing with the actual document that you
14 cite for this? And the document we have it on the case file, it's
15 E3/216. It was one of the documents that we sent you, E3/216. It
16 is entitled "Tour of the Northwest Zone by the Standing
17 Committee" -- or rather, "Record of the Standing [Committee's]
18 visit to the Northwest Zone". I'd like to give you a copy of this
19 and see if we can resolve one issue in relation to where the
20 visit was.

21 Mr. President, with your permission, if I can give the expert a
22 copy of this minute.

23 [15.35.07]

24 MR. PRESIDENT:

25 You may proceed.

120

1 Court officer is instructed to hand over the document from the
2 prosecutor to the expert.

3 BY MR. ABDULHAK:

4 Thank you, Mr. President.

5 Q. Now, I wish to clarify first, this one thing about the
6 location of the visit. If I'm correct, and please do correct me
7 wrong, you may have been looking at an English translation at
8 DC-Cam, which does say that the trip was to the Southwest Zone.
9 We've since retranslated that document and it actually indicates
10 that it was to the Northwest Zone, which would appear to be
11 consistent with the rest of the decisions that have been made.
12 But can I just first clarify that; is it possible that we're
13 looking at the same document in relation to this tour?

14 [15.36.13]

15 MR. SHORT:

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

22 Q. If we look at the page beginning, in your version, in English
23 -- I'll just see if I can -- so this should be page 6 in English,
24 just to make things easier for you, Mr. Short. The Khmer ERN is
25 00008492; French, 00343379; and English is 00850978. So under

121

1 that point number 2 – quote:

2 "Not yet in mastery of water problem.

3 Its human being strength is insufficient. The labour force must

4 be increased. Three or four hundred thousand more would not be

5 enough. The current strength of one million persons can only work

6 50 per cent. It's imperative to add four or five hundred thousand

7 more."

8 [15.37.55]

9 Now, does this decision relate -- and if you're not able to

10 answer the question, please let me know, based on information

11 you've gathered and the search you've conducted -- does it relate

12 to the movement which you then describe as taking place, with

13 people being moved to the Northwest?

14 A. Yes, it clearly does. With the permission of the Court, I

15 would like when I -- later today, after this session, to check

16 insofar as I can with the documents that I may be able to have

17 access to, to establish this, because I am, quite honestly,

18 puzzled by this difference of location.

19 Q. That would be very helpful. With the President's permission, I

20 think that would be appropriate. Thank you.

21 Now, just looking at the movement, you said in the passage we

22 looked at earlier, "As always, the regime cloaked its intentions

23 in a lie." Can I ask you to expand on that? How did you come to

24 that conclusion that this, again, was a lie?

25 [15.39.14]

1 A. The lie this time was that people would be allowed to go to
2 their homes. Those who had -- were from home villages, elsewhere,
3 would now be allowed to go to them and in fact, they weren't
4 going to their homes, they were going to new collectives in the
5 Northwest where labour was needed.

6 Q. Thank you.

7 Now, moving on to another passage of this page you say the
8 following:

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

19 Can I ask you to expand on that conclusion?

20 [15.40.42]

21 A. Unless I misheard you, I think the phrase says it underlined
22 the principle lesson of the April evacuation, not the "principal
23 reason".

24 Yes, it's once again the idea that people are expendable, that
25 the ends justify the means, that the goal of making Kampuchea

1 strong and prosperous outweighs any considerations of the
2 well-being of the population in the short or medium term.

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

5 A. I hesitate. I think there are -- well, not statistics, but
6 there are indications that those who were sent to the Northwest
7 had a singularly difficult time. I talked to a Chinese
8 interpreter in Beijing who had been in Cambodia, Democratic
9 Kampuchea, that autumn and who described seeing these endless
10 trails of people marching on the roads, going from the south to
11 the north. So the reality of the mass movement of population,
12 there are eyewitnesses who can testify to that.

13 [15.42.21]

14 Q. Thank you. I'm now going to turn to a whole new topic, and I
15 do realize it's late in the day and you must be getting tired.

16 The next topic I'm going to deal with has to do with the events
17 which, I believe you described mostly in a chapter called

18 "Stalin's Microbes", essentially, the enforcement of the -- of
19 the security apparatus, the purges within Party ranks, and also
20 the way that it might have affected those outside the ranks.

21 I want to start first with a -- what you seem to be describing as
22 a view that the leadership took with respect to those that were
23 being evacuated in this. One scene that informs this discussion,
24 at least insofar as those outside the ranks is concerned. This is
25 at page 283 now. The French ERN is 00639820; English is 00396491;

124

1 and in fact if you turn over the page, just in the interest of
2 time I'm going to read a shorter part of this -- quote:

3 "Soldiers everywhere are trained to secure their objectives
4 without paying too much attention to the damage they cause along
5 the way. In the case of the Khmer Rouge, this was compounded by
6 ignorance and extreme youth. Nonetheless, the political context
7 which allowed them to act as they did had been defined over the
8 previous decade by Pol and the CPK Standing Committee."

9 [15.44.14]

10 A little bit further down:

11 "Different leaders, with a different ideology, might have chosen
12 a policy of national reconciliation. Pol decided otherwise. To
13 him, the city-dwellers and the peasants who had fled to join them
14 in the dying months of the war were ipso facto collaborators and
15 had to be dealt with as such."

16 In the next paragraph, a brief sentence:

17 "Soldiers were urged to 'cut off their hearts' towards potential
18 enemies, a category which included all urban deportees."

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

21 A. I would simply say it's consistent with everything we've been
22 describing about the ends justifying the means; about making a
23 clear line of demarcation between the enemy and ourselves; about
24 those who chose to vote with their feet and stay in the cities
25 rather than joining the Revolution being untrustworthy.

125

1 I would say one more thing. I wrote "those with a different
2 ideology, a different approach, might have chosen national
3 reconciliation", but that implies trust. If you reconcile with a
4 different group, you are giving them your confidence, you are
5 showing that you trust them to work with you, and one of the
6 characteristics of the Cambodian Communist Party was there was a
7 complete -- a total lack of trust in all those who were outside
8 the Party, and indeed, suspicion of those who were within, which
9 is what led to the purges. Lack of trust was fundamental to this
10 regime.

11 [15.46.22]

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

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

18 MR.PRESIDENT:

19 You may proceed.

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

22 BY MR. ABDULHAK:

23 Q. So in your -- in the copy we just handed you, Mr. Short, it
24 should be on the second page, the passage where I wish to start.
25 The relevant ERNs here are Khmer, 0063238 and following; French,

1 00499685; and English, 00495802. Again, it's a long document, so

2 I'm going to try and be selective - quote:

3 [15.48.06]

4 "The robust organizational stance under the party class
5 organization line means we shall never condone any carelessness
6 that allows the enemy to infiltrate and burrow from within the
7 party, the Revolutionary rank in the present and in the future."

8 And in the next paragraph, the second sentence:

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

20 [15.49.16]

21 Just looking at the time of this document, being from
22 October/November 1975, and I know you -- we will get to the
23 events of 1976 that you describe in the book; could you opine as
24 to the introduction or the use of this concept of "enemy
25 burrowing from within" and the "need to maintain Revolutionary

1 vigilance" at this stage of the regime?

2 MR. SHORT:

3 A. Again, it shows consistency. It is -- you're quite right. It's
4 early on October/November, because it was probably written in
5 October/November '75, at a time when it -- even from the
6 standpoint of the regime, the burrowing in of enemies of the
7 Revolution was not a very obvious problem. But I think one can
8 find precursors of this kind of document going back before 1975.
9 That has been their consistent standpoint, and when the
10 relationship with Vietnam became more difficult, 1976 and so on,
11 then what had been partly theoretical up until then became much
12 more a matter of practice.

13 [15.50.46]

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

1 Then you say, "To Pol, this raised serious questions. Thuon's
2 behaviour went against everything the revolution stood for. Siem
3 Reap was in the Zone he used to head and Sot was a long-time
4 associate. Could Thuon have been implicated in the Siem Reap
5 event? On April the 8th, the Minister was placed under house
6 arrest at K-1, the former Bank Buildings where Pol had made his
7 headquarters. Another Northern Zone veteran, Doeun, the Director
8 of Central Committee's General Office, was appointed to act in
9 his place. Soon evidence emerged that Doeun had been privy to
10 Thuon's activities and might have covered up for him. In the
11 hothouse world of Democratic Kampuchea, it began to look as if
12 there was a Northern Zone conspiracy to overthrow the regime."
13 [15.53.00]

14 Can I ask you -- I'm dealing with a number of events, again, in
15 the interest of time, but can I ask you to opine as to the
16 significance, if any, of these developments for what was to
17 follow?

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

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

8 [15.54.34]

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

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

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

18 MR.PRESIDENT:

19 You may proceed.

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

22 MR. ABDULHAK:

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

1 MR.PRESIDENT:

2 You may proceed.

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

5 [15.55.59]

6 BY MR. ABDULHAK:

7 Thank you, Mr. President.

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

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

15 MR. SHORT:

16 A. Comrade Secretary is Pol Pot, Comrade Deputy Secretary is Nuon
17 Chea, Comrade Hem is Khieu Samphan.

18 Enough?

19 Q. And Comrade Doeun?

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

23 [15.57.01]

24 Q. Indeed. But to confirm then, it's the same Doeun that --

25 A. I believe so. It is indeed the same Doeun we've been referring

1 to. He was the head of the Central Committee General Office,
2 which was an absolutely key position.

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

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

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

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

15 "Comrade Sreng reported to Angkar on the activities of A Uk
16 Moeun, and their associates, 34 persons whom the Zone military
17 had all already arrested. The group of A Uk Moeun, alias Uk Hong,
18 which attempted to flee to southern Vietnam, and four or five of
19 their associates and asked for instructions from Angkar."

20 [15.58.57]

21 And just in the interest of time, I'll read one more passage and
22 then I'll ask you some questions. Hong's report in relation to
23 Sector 103 includes the following information:

24 "As for the entire sector, there is no enemy activity, just
25 groups fleeing in from different locations, like fleeing from

132

1 303, or from Kampong Chhnang. Since January, almost 100 have been
2 arrested."

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

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

11 MR. ABDULHAK:

12 Mr. President, I'm now informed of the time. Would you like me to
13 stop at this stage?

14 [16.00.29]

15 MR. PRESIDENT:

16 Thank you, Mr. Prosecutor, and thank you, the expert.

17 The time is now appropriate for the day adjournment. The Chamber
18 will adjourn now and resume tomorrow, on Wednesday the 8th of May
19 2013, from 9 o'clock in the morning. We will resume the hearing
20 of the testimony by the expert, Phillip Short, and the questions
21 will be put by the prosecutor in the morning and followed by the
22 Lead Co-Lawyer for the civil parties. And then in the afternoon
23 the floor will be given to the defence team, beginning with the
24 defence team for Mr. Nuon Chea.

25 Mr. Phillip Short, your testimony has not yet been concluded so

133

1 the Chamber would like to once again invite you to come to
2 provide your testimony again tomorrow morning, and Court officer
3 is instructed to coordinate with the WESU unit in order to assist
4 him in his transport and arrangement for him for the day and have
5 him back in this courtroom before 9.00 tomorrow morning.

6 And security guards are instructed to bring the co-accused back
7 to the detention facility and have them returned to this
8 courtroom before 9 o'clock in the morning.

9 Mr. Nuon Chea is to be brought to a holding cell downstairs so
10 that he can follow the proceeding by remote means.

11 The Court is now adjourned.

12 (Court adjourned at 1602H)

13

14

15

16

17

18

19

20

21

22

23

24

25