



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

TRANSCRIPT OF TRIAL PROCEEDINGS

CONFIDENTIAL

Case File N° 002/19-09-2007-ECCC/TC

9 May 2013
Trial Day 179

Before the Judges: NIL Nonn, Presiding
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I N D E X

MR. PHILIP SHORT (TCE-65)

Questioning by Mr. Koppe resumes..... page 1

Questioning by Ms. Guissé page 44

Questioning by Mr. Kong Sam Onnpage 128

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MS. GUISSÉ	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SHORT (TCE-65)	English

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Mr. Duch Phary, could you report the attendance of the parties
6 and individuals to today's proceedings?

7 THE GREFFIER:

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

10 As for Mr. Nuon Chea, he is present in the holding cell
11 downstairs, based on the decision of the Trial Chamber, due to
12 his health reason.

13 The expert today, Mr. Philip Short, is in the courtroom.

14 Thank you.

15 [09.03.24]

16 MR. PRESIDENT:

17 Thank you, Mr. Phary.

18 The floor is now given to the defence teams to put questions to
19 this witness. You may proceed.

20 QUESTIONING BY MR. KOPPE RESUMES:

21 Thank you, Mr. President, good morning. Good morning, Your
22 Honours. Good morning, Counsel. Good morning, Mr. Short.

23 I'll be asking you some questions for the next one hour and a
24 half. I wish it was one day and a half. Unfortunately, I cannot
25 have more time.

2

1 Q. I do want to revisit the topic that we have been extensively
2 discussing yesterday, and I'm doing that because it is an
3 important subject in the first segment of this trial, and it is
4 the killing - the alleged killing of Lon Nol officials and Lon
5 Nol soldiers.

6 [09.04.26]

7 Now, if you'll allow me to recap. If I understand your testimony
8 of yesterday and the days before correctly, you have testified
9 that there is a policy within the DK regime, and before 1975, of
10 executing Lon Nol officials and soldiers. You are saying there is
11 no direct evidence to that, there is no documents, there are no
12 insider witnesses saying specifically that. You deducted from
13 what you have called, if I remember correctly, "a pattern of
14 incidents of executions".

15 Is it fair to say that that particular evidence is only, or
16 predominantly, or mainly, coming from witnesses who have
17 testified, who have said that they have seen such events, and not
18 from Khmer Rouge cadres who were actually involved in the
19 shooting itself?

20 MR. SHORT:

21 A. Predominantly, that would be true, but there is evidence from
22 Khmer Rouge or Khmer Rouge soldiers of that approach as well.

23 [09.06.10]

24 Q. Could I find that particular evidence in your book?

25 A. You could. I'm thinking particularly, we would keep coming

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1 back - but he's a very valuable source - to Phy Phuon, who
2 fought, who took part in some of the first clashes in Ratanakiri
3 in early 1968, and who said that was the policy towards enemy
4 soldiers, and it was universally understood.

5 I think one point I would wish to make here, you have dwelt at
6 some length on the absence of documentary evidence. But we are
7 dealing with a movement where political consciousness, and in
8 viewing yourself with a political line, and that political line
9 was to have a clear demarcation line between the enemy and
10 ourselves, it was to smash enemies, it was to show revolutionary
11 vigilance at all times, to show - to cut off your heart, that
12 political consciousness was perfectly capable of creating a
13 generalized understanding.

14 [09.07.33]

15 It wasn't the Soviet Communist Party, it wasn't even the Chinese
16 Communist Party, where two cultures were - the written word was
17 extremely important; it was the Khmer Communist Party, where much
18 was passed on orally and there was a premium on political
19 consciousness, which certainly, didn't exist in the Soviet Party,
20 and to a much lesser extent in the Chinese Party.

21 Q. Mr. Short, assuming for a second that you are right, and that
22 if this was indeed a policy and that it was transmitted orally or
23 it was understood, then I would like to put the following to you.
24 You have been asked questions, I believe from the prosecutor,
25 about the radio broadcasts, in which it was called upon to have

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1 the seven super traitors being killed. Now, these broadcasts were
2 very explicit about these seven people, and I believe maybe there
3 is evidence other people were added.

4 Now, if oral transmitting of policy was very important, I could
5 imagine that low ranking cadres, even mid level cadres would have
6 confusion as to what to do with Lon Nol officials and soldiers,
7 because on the one hand there's a very explicit message, seven
8 super traitors be killed. If you read the words, it is very
9 implicit or maybe sometimes explicitly, that others, therefore,
10 should be left alone.

11 [09.09.28]

12 So my question to you is: Have you spoken to former Khmer Rouge
13 cadres or have you seen any evidence about possible confusion
14 between the two? On the one hand, the public statement,
15 particularly focusing on those seven super traitors, and on the
16 other hand, an apparent clandestine message to go further than
17 that? Do you understand my question?

18 A. We are talking about messages destined for two different
19 audiences. The Khmer Rouge soldiers did not listen to the radio
20 station of the FUNK. They listened to their section leaders,
21 higher up their commanders. The message which you're referring to
22 was addressed to the population of Phnom Penh.

23 [09.10.25]

24 And as I said earlier, I think, when we discussed this, it was
25 very much double-edged. It said, yes, the seven super traitors

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1 will be killed, and then invited others to join the Revolution,
2 and said if you join the Revolution immediately, immediately was
3 in that text, then you will be welcome and we will receive you
4 with open arms. Well, the implication is if you don't join the
5 Revolution immediately, you will be in the same category as the
6 super traitors.

7 It was not probably understood in that way by the urban
8 population, but if you look at the text carefully, it certainly
9 can convey that meaning. Within the Khmer Rouge forces
10 themselves, and this is absolutely typical of the whole way that
11 system operated, a system of secrecy, there are messages for
12 ourselves which must not get out to the masses.

13 Q. If you don't mind me saying, Mr. Short, but there is, I
14 believe, an element of speculation in there, when you say that
15 Khmer Rouge cadres, low rank, middle rank, or even high rank,
16 were not listening to the FUNK radio. Maybe in other ways they
17 were communicated the message that, you know, the seven super
18 traitors, they had no chance, but others, if they joined the
19 Revolution, they would have chances.

20 [09.11.56]

21 So, one way or the other, those two apparent conflicting message,
22 one clandestine and one public, had to be reconciled by Khmer
23 Rouge cadres, wouldn't you agree?

24 A. I think you just used the word "maybe", which to me would
25 suggest that you are speculating about this subject, just as you

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1 are suggesting I am speculating. I think I can say with some
2 certainty that the rank-and-file Khmer Rouge soldiers did not
3 listen to the FUNK radio. Their commanders may well have done so,
4 but they had their own radio communications. The FUNK radio was
5 very much directed at the urban population.

6 Q. I'll move on, Mr. Short, to the topic which we have also been
7 covering yesterday, and it is the question whether in
8 particularly the Northwest Zone there were what I would like to
9 call "rogue commanders" doing things outside of policy or
10 instructions. You were speaking yesterday about Ros Nhim.

11 [09.13.19]

12 I have been rereading your book again yesterday night, after what
13 you have been testifying yesterday, and if you'll allow me, I
14 would like to read a few quotes from your book. And because they
15 are all about the same subject but they are various pages, for
16 the context I would like to read them all after each other.

17 Now, I would like to start, Mr. Short, with what you have written
18 on page 283 - that is, English ERN, 00396491; French, 3982 -
19 sorry, sorry, excuse me; 00639820. And that's written by you, the
20 following:

21 "Every rank-and-file soldier and village chief knew that
22 insufficient vigilance against enemies would bring certain
23 punishment, but excessive zeal in pursuing suspects would not.
24 Thus, there was no central directive from the Party leadership
25 ordering army clean-up squads in Phnom Penh and other towns to

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1 kill elderly and sick people who had stayed or been left behind
2 during the evacuation - but the troops did so because they had
3 been told to ensure that the area was emptied and that was the
4 simplest way of doing it. There was no central directive, either,
5 to loot libraries, scientific laboratories and research
6 institutes, and to burn Buddhists and Western books. Nonetheless,
7 it happened."

8 [09.15.07]

9 That will be my first quote from your book.

10 And my second quote would be on page 282 of your book - that is,
11 English ERN, 00396490; French, 00639820. You write CPK Standing
12 Committee guidelines were transmitted orally to low level
13 officials which meant that "only the most simplistic, broad-brush
14 principles were retained. All the rest was improvisation. The way
15 in which policies were carried out depended on the whim of the
16 individual and the attitude of the higher-ups in his 'k'sae', a
17 word", you say, "which means literally 'string' but has a sense
18 of vertical patronage network through which a mandarin
19 distributes largesse and receives support from subordinates". The
20 second quote.

21 [09.16.13]

22 The third quote you could find on page 320 of your book - that
23 is, English ERN 00396528; and French, 00639876, and there you
24 write - and I quote: "Local leaders looked after their own: what
25 happened in the next district, the next village, was not their

1 concern. It made a mockery of central directives, as Pol was well
2 aware."

3 A little further: "There was no established rule for the whole
4 country." That's my third quote, Mr. Short.

5 My fifth quote in this respect, in this context, would be - could
6 be found on page 304 - that is, English, 00396512; and French,
7 00639848. There you write - and I quote:

8 "In Phnom Penh, the different sectors of the city were guarded by
9 units which, while nominally under unified command, continued to
10 answer to divisional commanders from different Zones. Pol never
11 succeeded in creating a military force which was loyal to him
12 personally and, in the end, that would prove his undoing."

13 [09.17.49]

14 The fifth quote in this context, Mr. Short, you could find on
15 your - in your book on page 282 283; English ERN, 00396490 to 91;
16 and French, 00639820. There you write in your book - and I quote:

17 Khmer Rouge structure was such that zone secretaries, in their
18 role of provincial warlords, "were loyal to the CPK Centre yet
19 had considerable latitude of their own".

20 And my last quote from your book, Mr. Short, if you allow me,
21 that is on page 177 to 178; ERN 00396378; and French, 00639685
22 until 86. And I quote from your book again:

23 "The core of the insurgent force was composed of armed peasants
24 from former Khmer Viet Minh strongholds led by old-style Issarak
25 like Ros Nhim, Ke Pauk, Mok and So Phim, who had acquired their

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1 military skills in the war against the French. Only in the
2 Northeast were 'intellectuals' like Sar, Ieng Sary and their
3 followers directly in charge.

4 "[...] Ros Nhim, Ney Sarann and Ke Pauk had little time for the
5 returned students. So Phim was quoted as saying disparagingly:
6 'Those intellectuals only have [posh] city homes and theory'. "
7 [09.19.37]

8 These are many quotes, but I believe they are - I think you can
9 see them in all - in one context. When you think about these
10 quotes in this same context, again, wouldn't it be possible that
11 local cadres in the northwest, maybe even with the knowledge of
12 Ros Nhim, did those things, what they allegedly did in the
13 Northwest, by themselves, without any central directive ordering
14 them to do them?

15 MR. PRESIDENT:

16 Mr. Expert, please wait.

17 The Prosecution, you may proceed.

18 MR. ABDULHAK:

19 I am reluctant to break up my learned friend's questioning, but I
20 am compelled to do so, because I think what he has done raises
21 grounds for objections on - for two reasons:

22 [09.20.42]

23 One is the quotes he has just read come from different periods of
24 time. Some relate to the period immediately preceding the fall of
25 Phnom Penh, some are comments about the dynamics and functioning

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1 of the regime post '75; the last comment related to the period of
2 1968. It's not fair to the expert, and it does not represent an
3 accurate representation or an accurate reflection of his book, to
4 be lumping together these quotes from different periods and
5 seeking to produce a supposed fact out of them.

6 I have no problem with my friend pursuing the line he's pursuing;
7 it's proper for him to do so, but this lumping together of
8 different periods, periods spanning some 10 years, simply does
9 not - will not elicit helpful evidence.

10 [09.21.38]

11 And secondly, my second reason for my objection is that, again,
12 this is repetitive questioning, and it - in relation to the state
13 of mind of Ros Nhim, and it invites the expert to speculate about
14 the state of mind of one particular commander, a matter on which
15 he has already said he is unable to provide further assistance.

16 MR. KOPPE:

17 Mr. President, if I may reply, about the invitation to
18 speculation, I was hoping that my learned friend on the other
19 side would give me some leeway, because I have been listening to
20 his questioning and it was a permanent invitation, like I said
21 yesterday, to speculation. That is one. But the other one is more
22 fundamental, I think.

23 [09.22.32]

24 This time period, '70 '75, '75 '79, before, that is a legal
25 construct, with all respect. There is no such thing as a

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1 compartment in time of events. We have done so in this case with
2 looking at the things that happened in '75 '79. But obviously,
3 the struggle between Lon Nol forces and Khmer Rouge was one
4 continuing course of events, so to deconstruct it into very
5 different periods is really not basically how history is being
6 perceived by people.

7 (Judges deliberate)

8 [09.24.05]

9 MR. PRESIDENT:

10 The objection by the Prosecution is invalid. Although the
11 question is related to different periods of time, but they are
12 relevant, and the expert is capable to respond to this question.
13 For that reason, the objection by the Prosecution is not
14 sustained, and Mr. Expert, please respond to the last question
15 put to you by the - Nuon Chea's defence. Thank you.

16 MR. SHORT:

17 A. Yes, I congratulate the defence counsel on having selected
18 very skilfully a number of extracts from the book which go in the
19 same sense, because it is completely true.

20 There was very, as I said, considerable latitude given to the
21 different zones. But considerable latitude about how you carry
22 out a policy on which there is broad agreement is one thing. To
23 suggest that Ros Nhim's forces in the Northwest would have done
24 things which were completely in violation of central policy, is
25 another.

Extraordinary Chambers in the Courts of Cambodia
Trial Chamber – Trial Day 179
Case No. 002/19-09-2007-ECCC/TC
9/05/2013

12

1 We do see, across Cambodia, I would argue, a pattern of
2 executions of the groups we've mentioned. Now, would Ros Nhim and
3 zone leaders in other areas have done that simply off their own
4 bat if they knew that it was flying in the face of central
5 policy? My answer is no. They had latitude about how they did it;
6 the control was often very imperfect from the Centre, but they
7 acted within a broad consensus of understanding.

8 [09.26.17]

9 And the examples you gave, which are interesting, about books
10 being destroyed, about laboratories being broken into and
11 smashed, they were, if you like, regrettable collateral damage,
12 but again, within the policy of violent opposition to city
13 dwellers and all their works. I don't see that as evidence that
14 rogue commanders would have taken into their own hands policies
15 which were completely flying in the face of what was a general
16 consensus.

17 BY MR. KOPPE:

18 Q. Let me follow up on the last things that you were saying, Mr.
19 Short. You agree, again, that there was no order; there was no
20 policy to loot libraries or to destroy laboratories. Yet, as you
21 said, it happened. Now, why wouldn't it be possible that Lon Nol
22 officials or soldiers were executed without also there not being
23 a policy to have that done?

24 [09.27.37]

25 MR. SHORT:

1 A. I would go a little way down the road with you to the extent
2 that I would say, yes, there were individual instances, which
3 we've described, of libraries being looted, of laboratories being
4 smashed, but there was not a country-wide policy of doing that.
5 For example, the Cambodian archives, most of the material was -
6 which was in them, was preserved by the Khmer Rouge; it was not
7 smashed, it was not burned. It was then pulped by the Heng Samrin
8 regime, which needed paper in order to print newspapers, but it
9 survived the Khmer Rouge period. The same is true of many
10 Buddhist sites; they were not systematically destroyed. There
11 were instances of such destruction.

12 And if you are saying to me, is it possible that rogue commanders
13 in certain cases or rogue troops killed people without any
14 instructions, the answer, of course, is yes. But I would strongly
15 argue that these were individual excesses and that you cannot use
16 that explanation to cover the pattern, which we've been
17 describing and which was consistent in Cambodia, which was a
18 consensus for eliminating Lon Nol troops over a certain level and
19 high officials.

20 [09.29.08]

21 Q. Let's agree to disagree, Mr. Short. Of course, it is - it is
22 maybe up to the Defence to argue, if it wasn't a policy and it
23 did happen, what was the reason, what could have been the reason
24 for it.

25 Now, yesterday, we spoke a little bit about the possibility of

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1 revenge, and I was referring, as you might remember, to Malai in
2 1968. Also, on this subject, I went back to your book, and what I
3 found was interesting, and that is the following. What you, of
4 course, cannot know is that a week ago we were speaking to
5 witnesses about the events, allegedly, that had - that happened
6 at the Tuol Po Chrey, and the prosecutor showed footage from a
7 documentary from Thet Sambath, and in it you could see the
8 villager speaking about what he might have seen.

9 [09.30.14]

10 And one of the things that he was describing was that the local
11 commander of that fortress at Tuol Po Chrey, together with his
12 deputy commander, were not only being killed, but both their
13 heads were decapitated and were put on both sides of the
14 fortress. And we have been wondering whether that could be acts
15 of revenge. And by going through your book yesterday again, I saw
16 a page with photos that you put in your book.

17 And I would like to have - with your permission, Mr. President,
18 to have that particular photo from your book on the screen. It is
19 a photo which comes directly after page 129, and it is before -
20 128, and it is before 129.

21 It's - I'm not sure if everybody is having the right photo in
22 front of them. It's a photo - actually, with three photos; it's a
23 page with three photos. And the by-script reads as follows:

24 "On Sihanouk's order, the army commander, Lon Nol (above left),
25 organized public executions of captured Khmer Serei in the 1960s.

15

1 In the civil war which followed, government troops took the heads
2 of communist soldiers as trophies."<V>

3 [09.31.58]

4 Now, you see in the photo below, are Lon Nol soldiers exactly
5 with those two heads walking, and that reminded me of this story.
6 And I was wondering if you could opine on the fact that there
7 were practices of decapitating and then revenging that same
8 decapitation?

9 A. I'm absolutely certain that happened. That there were acts of
10 revenge, acts of blind violence. In the case of the Lon Nol
11 soldiers, I think you may remember in my book, I mention that one
12 of the problems was when Lon Nol forces went into Ratanakiri they
13 started killing peasants and bringing the peasants heads back in
14 order to get the bounty, after which the Lon Nol command insisted
15 on having a rifle as well as a head to prove it was a soldier who
16 had been killed.

17 So these practices certainly existed. It would be very strange if
18 similar things were not done by individual Khmer Rouge soldiers
19 or small groups of soldiers. I would be - it's speculation, but I
20 would be virtually certain that it must have happened. But that
21 again, is a little different from a nationwide pattern of
22 behaviour.

23 [09.33.36]

24 Q. I'd like to ask you some more questions on this subject, but I
25 will move on, Mr. Short.

16

1 And that I will - would like to stay with treatment of the Lon
2 Nol Government of other people, and I would like to turn to page
3 208 of your book - that is, English ERN 00396408; and French ERN
4 00639725.

5 On the bottom of page 208, you wrote as follows:

6 "Over the next year, 250,000 Vietnamese residents of Cambodia
7 were forced to abandon their homes and belongings - 'to be taken
8 care of by their neighbours', as the government cynically put it
9 - and place in concentration camps pending their expulsion. And
10 still the violence did not stop."

11 A little further on that page, it's - you write:

12 "There was a price to be paid for this policy of hate. The South
13 Vietnamese troops who had flooded across the border in April were
14 ill disciplined even in their own country. In Cambodia they had a
15 massacre of their compatriots to avenge. American forces pulled
16 back as planned by late June."

17 [09.35.09]

18 It goes on a little bit about what the South Vietnamese troops
19 have been doing, but I'm actually mostly interested in the first
20 part of the treatment of the 250,000 Vietnamese by the Lon Nol
21 Government.

22 Could you expand a little bit on what, in your opinion, happened
23 to the Vietnamese in that particular period?

24 A. These were Vietnamese residents of Cambodia; people who had
25 spent, in many cases, many years, maybe all their lives in

17

1 Cambodia. And after Sihanouk's overthrow, the Lon Nol regime
2 launched, quite deliberately, a policy of racial pogroms, of
3 hatred, inspired from the highest levels, which led to massacres
4 and to a mass exodus of Vietnamese residents.

5 Q. Would you able - would you be able to make a comparison
6 between the treatment of Vietnamese in the period, '70 '75,
7 versus the treatment of Vietnamese between '75 and '79?

8 [09.36.35]

9 A. Yes, they were pretty different. Lon Nol - and again, I mean,
10 just for the record, I am aware of no documentary instructions
11 coming down from the Lon Nol regime to the military to carry out
12 massacres, but it was inspired from the top, and it - the
13 massacres were carried out.

14 But to come to your question, after Pol Pot came to power, after
15 the April 17th, 1975, there was a movement to send Vietnamese
16 residents back to Vietnam. And some Cambodians managed - Khmers
17 managed to escape to Vietnam by passing themselves off as
18 Vietnamese. So there were no massacres at that point. That came,
19 actually, much later by the violence against Vietnamese, those
20 Vietnamese who remained in Cambodia, began when - the border
21 clashes began when there was a situation of war developing
22 between Vietnam and Cambodia. But there was no systematic pogroms
23 in the first year after Pol Pot came to power; they expelled
24 them.

25 [09.37.59]

1 Q. Now, following up on this answer, Mr. Short. You have used
2 very briefly, on Monday, the G word, genocide. I will not ask you
3 any legal questions, obviously, Your Honours, because whether
4 genocide took place is indeed, for the Court to decide.

5 However, on page 446 of your book – that is, ERN number 0039662;
6 and French, 0064434 – you say the following: "The Khmer Rouge did
7 not set out to exterminate a national, ethnic, racial, or
8 religious group, whether their own, the Vietnamese, the Chams, or
9 any other."

10 And somewhere else – I'll refrain from that, you're very adamant
11 in saying that in your opinion there was no such policy.

12 Without using the G word, could you expand on what you meant?

13 A. It's very difficult to reply to that question without using
14 that particular term.

15 And I would quote George Orwell: "There are times when the first
16 duty of any honest man is to say that two and two make four."

17 The – once the definition of the word, the ordinarily understood
18 sense of a word, is deformed to fit a particular legal
19 definition, then we are on very dangerous territory because, if
20 words no longer mean what they say, we are entering a zone of
21 unknown turbulence.

22 [09.40.11]

23 So it is difficult, but I will say there was – I'm absolutely
24 convinced there was no attempt to exterminate any particular
25 ethnic group. We are in a totally different situation in Cambodia

19

1 to that in Rwanda, to that in Nazi Germany, where there was an
2 attempt to exterminate Jews for what they were; they were Jews,
3 therefore, should be exterminated. Tutsi's should be exterminated
4 because they're Tutsi's. That simply did not apply in Democratic
5 Kampuchea.

6 The Chams are often cited as an example to prove that that was
7 the case, that there was an attempt to exterminate. But the
8 difficulty for the Chams was that they had a very identifiable,
9 deeply rooted culture, different from that of other Khmers, and
10 Pol Pot's, as we discussed, the whole of the DK policy was to
11 make everybody equal. So those who stood out were under greater
12 pressure to be made equal, and in the case of the Chams, it
13 happened by disbursing them through the country by the very
14 savage repression of their rebellions, but that is not the same
15 as a conscious attempt to exterminate a racial group.

16 [09.41.44]

17 Q. Thank you, Mr. Short

18 I would like to move on to a next topic. And that is a topic that
19 revolves around a word that you have been using quite often in
20 the last days, and that's the word "paranoia".

21 You have testified that paranoia became a self-fulfilling
22 prophecy, it fuelled the purges, I think were your words, yet, in
23 your book, you are also saying at one point that the DK leaders
24 were rational men.

25 And my question is the following, and I might be using some

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1 quotes, or maybe I'll just move on for speed's sake: Vietnam was
2 perceived as an existential threat to Cambodia. Vietnam, did in
3 fact, in '79, not only invade Cambodia, occupied it, looted its
4 properties, took its rice, you write in your book. In your book
5 you quote a Russian ambassador warning the Vietnamese, please be
6 more considerate, please be not as overtly expansionist. China,
7 as you know very well, was very unhappy with the Vietnamese
8 expansionist policy.

9 [09.43.27]

10 So wouldn't it be fair to say that the perceived threat or the
11 threat was in fact real? The DK leadership was in fact thinking,
12 and it turns out rightfully so, it was invaded in '79, that there
13 were enemies, both internal and external? And you're saying, and
14 just to add a last point, you are saying in your book that it was
15 not the case that the Vietnamese forces came to liberate
16 Cambodia; it's not like they were really saving the people. You
17 say somewhere they couldn't care less what was happening. They
18 invaded because of their own interests.

19 Now, I've summed it all up. Isn't it true that you can't just
20 dismiss everything, all decisions about purges, etc., as pure
21 paranoia?

22 MR. PRESIDENT:

23 Mr. Expert, please hold on.

24 Mr. Prosecutor, you may proceed.

25 [09.44.43]

21

1 MR. ABDULHAK:

2 I must object, Your Honours. What my friend is doing is prefacing
3 every question now with a brief speech, which essentially amounts
4 to him giving evidence, bringing together ideas or concepts,
5 beliefs that he has, with a sort of paraphrased references to the
6 book or the testimony, and then putting all of that together to
7 the expert as a package.

8 And just by way of an example, he said, as a matter of fact, that
9 China was unhappy with Vietnam's expansionist policy. We've not
10 heard anything on that during the last three days. In fact,
11 there's nothing on that in the book, in those very terms, and
12 accuracy matters, details matter, only if you like this.

13 I'm perfectly happy with my friend putting these matters to the
14 expert, but I want him to be precise. If he wishes to put a
15 specific reference to a policy, then he should refer to the book
16 or refer to other materials or refer to the expert's testimony.
17 But for him to be bringing in his own knowledge or beliefs into
18 these questions is just not appropriate.

19 [09.45.55]

20 BY MR. KOPPE:

21 Very well, Mr. President, I will read the parts from the book. I
22 don't know why I have to do that, but I'll do it.

23 Q. It's on - starting, for instance, on page 409 of your book,

24 Mr. Witness - that is, ERN English, 00396625; French, 00639989.

25 This is a quote about what happened after '79: "In the spring of

1 1979, Phnom Penh was systematically looted by Vietnamese
2 transferring goods back to Ho Chi Minh City."
3 One page further, page 410 - English ERN 00396626; French,
4 00639989: "Famine sets in and KR rice stock piles and
5 international food aid for Cambodia was diverted to Vietnam."
6 Page 238 to 239 - English ERN 0039643 and 8139; French, 00639764;
7 on that page, 238, you write:
8 "Even the Soviet Ambassador in Hanoi, a pro-Vietnamese source if
9 ever there were one, told Moscow that the Vietnamese leaders
10 still spoke of their old dream of a 'socialist Indochinese
11 federation'."
12 [09.47.47]
13 On page 373 of your book - that is, ERN number 00396581; French,
14 00639943 - you write:
15 "Ill-founded or not, Cambodian fears of Vietnam were real. After
16 two years in which both sides had tried to avoid a collision -
17 the Cambodians because they wanted time to make the regime
18 stronger, the Vietnamese because they expected to achieve their
19 ends by political means..."
20 And lastly, on the very same page: "Cambodia's hostile, if not
21 aggressive behaviour towards Vietnam and Thailand is not entirely
22 irrational."
23 Now, I think, except maybe for the Chinese policy, then I'll take
24 that back, I have covered the quotes which I just summarized.
25 Going back to my original question, paranoia versus real fear of

1 being invaded, please would you comment?

2 [09.48.57]

3 MR. SHORT:

4 A. You used the word "rational", and I think you attributed to me
5 a description of the Cambodian leaders as rational, the DK
6 leaders. I would not go that far. I don't think that word is
7 appropriate. They were intensely logical, in many ways, but
8 rationality implies taking into account all the different factors
9 and making a judgment which is rounded, that that they
10 conspicuously failed to do.

11 Now, you also amalgamated internal and external threats. You're
12 absolutely right. They did have reason, and I've written it and I
13 would repeat it, to fear Vietnam's long-term intentions.

14 The Vietnamese nurtured a dream to dominate both Laos and
15 Cambodia; it's a dream which has its origins some centuries ago,
16 and did not want Cambodia to follow independent policies. But
17 that is not the same to say that there is a threat of domination
18 by Vietnam. First of all, it doesn't mean there is a threat of
19 invasion. The invasion was brought about by the deteriorating
20 relationship with Cambodia, for which the Cambodian leaders,
21 themselves, ultimately were, to a considerable extent,
22 responsible.

23 [09.50.35]

24 An external threat does not necessarily mean that there is -
25 there are internal agents working for the external group, the

1 Vietnamese, who have to be tracked down and purged. Pol Pot
2 believed that, and he believed it from a very early stage. There
3 is - there are quotes where he said to the Standing Committee:
4 "We can deal with an external threat, but if it's backed by an
5 internal threat, then that's a different matter."
6 And there was this constant - I can only say "paranoia" about
7 being undermined from within, which he got from Stalin. It's in
8 Stalin's brief history of the Soviet Communist Party that a
9 fortress is most easily taken from within, referring to the
10 communist leadership.
11 So, the two things are not mutually exclusive. External threat,
12 yes, real. Internal threat, imagined.
13 Q. Now, here is - here I don't follow you, Mr. Short, because it
14 is not - it was not the situation that Vietnam invaded and then
15 went back. They closely cooperated with Khmer Rouge cadres, like
16 Heng Samrin, Hun Sen, Pen Sovan, etc.
17 [09.52.05]
18 As a matter of fact, only a week ago I had been reading this
19 article from a German university professor in Berlin, describing
20 Stasi, the contents of Stasi files, and apparently the East
21 German Stasi, in close cooperation with Vietnam, held - had
22 records of people like Heng Samrin, etc. So, there was a close
23 connection between those Eastern Zone, former Eastern Zone
24 cadres, and the policy of Vietnam, wasn't there? You cannot see
25 the one without the other.

1 A. Heng Samrin fled to Vietnam only after So Phim had been killed
2 or committed suicide, and this immense purge, a purge so great
3 that Duch said, "The people being sent into S 21, we can't even
4 question them; Nuon Chea says they've just got to be killed,
5 because there are too many of them to question." It was an
6 enormous, unprecedented purge, and that was the moment when Heng
7 Samrin fled. Others, including Hun Sen, left for their own
8 reasons earlier, but there was no conspiracy in the east, or
9 anywhere else, on behalf of Vietnam.

10 Q. But he didn't just flee, Heng Samrin; he became the first
11 president.

12 [09.53.47]

13 MR. PRESIDENT:

14 Mr. Expert, please wait.

15 The Prosecution, you may proceed.

16 MR. ABDULHAK:

17 Now, I did give my friend some latitude with, again, another
18 speech and a summary of unspecified articles. But again, I see
19 absolutely no relevance to this last question, unless we're in a
20 business of pursuing conspiracy theories about how events post
21 '79 impacted retroactively what happened before 1979. I think, my
22 friend is venturing into areas of - completely irrelevant to the
23 issues before us.

24 [09.54.32]

25 MR. KOPPE:

26

1 Now, that's the most interesting objection I've heard so far.
2 And we're talking about paranoia, we're talking about purges.
3 We're trying to find if there's a link between internal enemies
4 and the external enemy, Vietnam. And my question was simply,
5 didn't Heng Samrin not just flee, but become even president of
6 Vietnam in '79. So I think my question is perfectly within the
7 realm of the scope of this trial.

8 (Judges deliberate)

9 [09.56.00]

10 MR. PRESIDENT:

11 The objection and ground for the objection by the Prosecution is
12 valid, as the question is about the facts put before this Chamber
13 as well as the temporal jurisdiction of the ECCC.

14 Mr. Expert, you are instructed not to respond to the last
15 question put to you by the defence counsel, and Mr. Counsel,
16 please move on to another question.

17 BY MR. KOPPE:

18 I will, Mr. President. It was a very touchy subject that I just,
19 apparently-

20 Q. The existential threat of Vietnam - we were just speaking
21 about that - to the Democratic Kampuchea regime, I would like to
22 tie it in with the thing that we were speaking about yesterday,
23 about ideology.

24 [09.57.07]

25 My question to you would be the following: Isn't the existential

1 threat of Vietnam to DK one of the key factors - maybe one of the
2 most important factors - that things went wrong with the DK
3 regime which, after all, in your words, had the most excellent
4 motive? And that existential threat, as a key factor, next to
5 maybe factors like - I wrote them down here - the devastating
6 results of the civil war and the relentless U.S. bombing, the DK
7 victory in '75, which, in essence, came much too quickly, much
8 too fast, the low - what you said yesterday, the low education
9 level of local cadres, and also - a word which you used yesterday
10 - "incompetence" of the leaders-

11 So, the existential threat of Vietnam, plus those other key
12 factors, weren't they - weren't these factors, in fact, what made
13 the Revolution, with the most excellent motive, to fail?

14 MR. SHORT:

15 A. I think all those factors - or at least many of the ones you
16 have mentioned - were important, but they were not the
17 fundamental reason for the failure of the Revolution. The
18 fundamental reason for the failure of the Revolution was its
19 single mindedness, the fact that it was carried out without any
20 consideration of the suffering that it engendered.

21 [09.58.54]

22 Now, it was made much worse by the fact that it was done
23 incompetently, that the cadres were not educated. And just as a
24 footnote, we spoke yesterday about what the DK had learned from
25 China. And one point I omitted, which is important, is the

1 Chinese idea that it's much more important to be read than
2 expert. That political will is much more important than technical
3 qualifications, and that was a large part of the basis for
4 employing poor peasants, often illiterate, to do jobs which they
5 were incapable of doing, because their class background was
6 appropriate, but they didn't have the knowledge.

7 So those factors certainly, certainly added in, and the pressure
8 of a perceived threat from Vietnam, which, with other policies,
9 could have been deflected, that added to the strains and the
10 tensions. But fundamentally, you - the problem was, what I've
11 called the cruel, inhuman and abominable way in which good
12 policies were put into effect and became, not just bad, but
13 appalling.

14 [10.00.20]

15 Q. One last question on the matter of ideology, maybe, versus
16 external factors.

17 Yesterday - and, I believe, also the days before - you used the
18 term "slave state". I believe - and maybe I am wrong, but I think
19 of the people that have been writing about the DK period. I think
20 you are the only one who's actually using that term. But I was
21 wondering if that word, "slave state", maybe was - you were
22 inspired by Lenin? Because I've been going through some writings
23 of Lenin, and he has been saying in the following - and I quote:
24 "Freedom, in a capitalist society, always remains about the same
25 as it was in ancient Greek Republics - freedom from slave

1 owners."

2 Now, I'm not a Communist myself, far from it, Mr. Short, but
3 could it be argued that from the perspective of the peasants,
4 before 1975, the situations in which they were living could also
5 be considered along the words of Lenin, as a "slave state"?

6 [10.02.06]

7 A. I would agree with you, that the condition of the poorest
8 peasants in Cambodia, before 1975, was pretty terrible. And that
9 was the justification and the motive for the Revolution and it is
10 a reproach to the governments, to the Royal Government, to the
11 Prince, and all those who ruled Cambodia before '75, that nothing
12 was done to remedy that situation. That far I would go. But I
13 wouldn't call it a "slave state". It was a deeply unequal state.
14 It was a feudal state, but it was not a "slave state", because
15 even the poorest people had degrees of freedom, which they did
16 not enjoy after 1975.

17 And I'm not using Lenin's definition of freedom from slave
18 owners, and we could have a long discussion about that. I regard
19 slavery as the absence of any freedom, and that was what happened
20 after '75.

21 Q. Now, isn't here were we are - where two ideologies are
22 clashing, the one ideology fighting for the fate of the peasants,
23 and the other ones - other one, other ideology, fighting for
24 freedom, other freedoms which might not necessarily be important
25 for a peasant?

30

1 [10.03.54]

2 Anyway, maybe we should have this discussion at another time.

3 I'll move on.

4 And I'll move on, and I would like to discuss one last external

5 factor, which played an important role in the DK period. And

6 there was the, as you called it, the low education of lower level

7 cadres.

8 Things that you hear all the time about this period, even people

9 who have no idea or have not really have been reading anything

10 about this period always come up with the example that, in that

11 period, you were not even allowed to wear glasses, and if you

12 wore glasses, you were suspect.

13 But I'm talking about this example, as well, because you are

14 referring to it in your book.

15 Do you agree with me that there was no such thing, in the DK

16 period, as a standing order from the Central Committee; for

17 instance, look at people who wear glasses, because they might be

18 intellectuals so they might be class enemies? Was there a

19 standing order, "thou shall kill intellectuals", "thou shall loot

20 libraries", we have been speaking about that earlier; or even, to

21 mention another example, "thou shall kill people who steal

22 fruits"?

23 [10.05.26]

24 In other words, wasn't there like - wasn't there a big difference

25 between the perspective of the top of the DK regime versus the

31

1 way low level cadres were executing it?

2 A. Not really, because if all your theoretical pronouncements,
3 your ideological pronouncements conveyed through "Tung Padevat"
4 and other channels are that the regime is dedicated to destroying
5 private property, which is defined in an extraordinarily broad
6 sense, anything which is individual, as against what is
7 collective, then, not allowing people to forage, to pick up fruit
8 for themselves, is - it follows from that, it's forbidden. It -
9 there is a consistency, allowing for variations, allowing for
10 excesses. Everything follows from those central guidelines, that
11 the individual, the hard shell of individualism, must be smashed,
12 so that people can dissolve themselves in the organization, with
13 no individual personality.

14 Q. But I still don't understand. And let's use the example of the
15 glasses. How would the DK leadership incur responsibility for
16 what a very local chief, somewhere in the province, is saying or
17 thinking about people who wear glasses?

18 MR. PRESIDENT:

19 Mr. Expert, please wait.

20 The Prosecution, you may proceed.

21 [10.07.38]

22 MR. ABDULHAK:

23 I must object, Your Honours. My friend just asked a legal
24 question. How would the senior leaders be responsible for the
25 actions of lower level cadre? That's a matter for Your Honours,

1 and not for the expert.

2 MR. KOPPE:

3 I didn't ask legally responsible, there's also another thing as
4 being responsible and, please Mr. President, don't forget I'm
5 cross-examining here. I would like to have some leeway with
6 asking my questions to the expert.

7 (Judges deliberate)

8 [10.08.53]

9 MR. PRESIDENT:

10 The objection and its ground is not valid.

11 Mr. Expert, you are instructed to respond to the question put to
12 you by Nuon Chea's defence. Thank you.

13 MR. SHORT:

14 A. I think there are two aspects to this issue. To take your
15 specific question, no, there was no written instruction. I don't
16 think in any sense it can be traced back to Mr. Nuon Chea or to
17 any of the others, other leaders, an instruction that people with
18 glasses should be given trouble, killed or whatever.

19 We know that in the Issarak period, people with glasses were also
20 singled out. And my understanding, from talking to Khmer Rouge
21 cadres, was this was something which came from the poorer
22 peasants and that they regarded the rich and the educated as
23 essentially the same. Having glasses was a mark of education;
24 both the rich and the educated looked down on them; therefore,
25 they were enemies, they were hostile.

1 But having said that, it would have been within the realms of
2 possibility for Nuon Chea and the rest of the leadership, when
3 they were perfectly well aware that this kind of thing happened,
4 to circulate instructions saying, this should not happen, and
5 they did not do so.

6 [10.10.45]

7 BY MR. KOPPE:

8 Q. Maybe they didn't know. But I was hoping you would make the
9 reference to the Khmer Issarak, where the same practices could be
10 seen as well. Isn't the fact that those practices happened in the
11 forties and the fifties an argument for the position that there
12 is no correlation whatsoever between policy and the execution,
13 for instance, about glasses? It would happen in the forties and
14 the fifties. Why, if it happened in '75-'79, would it have any
15 linkage with the policy of the DK?

16 MR. SHORT:

17 A. Because it is the role of government to prohibit bad things
18 and to ensure that the population is spared from crime and other
19 bad things, as well as to promote good things. And one of the
20 systematic failures of the DK regime was to prohibit unacceptable
21 practices. The example of going for people with glasses is a very
22 trivial one, but right across the board, had they wished to do,
23 they could have insisted on other policies, and they didn't.

24 Q. I see your point, Mr. Short, but this is 1975 Cambodia, and
25 there's no such thing as Internet, probably no TV, and Nuon Chea

1 and others had, I'm sure, in those days, more important things to
2 attend to. So could you explain how they would be able to know
3 what local practices were, for instance, about people wearing
4 glasses?

5 [10.12.51]

6 A. Well, we're a little bit in the realm of speculation, but my
7 opinion is that Nuon Chea, and certainly the zone leaders, having
8 been Issarakhs themselves, would have been well aware of how the
9 peasants tended to react. But I have not seen a telegram on that
10 precise subject, but we know, from all the telegrams in the
11 Cambodian archives, that the reporting from the provinces was
12 very detailed. And there was a lot about misdeeds, things that
13 were going wrong, things that were not being done correctly. The
14 government, the leadership, had a fairly clear idea of what was
15 happening. But - I mean, you said yourself, perhaps they thought
16 other things were more important, than maintaining law, order, a
17 decent, safe environment for the population.

18 Q. I'm watching the clock, Mr. Short, so I'll move on. I have a
19 few issues to cover.

20 One of them is a question earlier from the Prosecution about S
21 21. We've heard - reference was made to your book, in which you
22 have called S 21 the pinnacle of the DK period. Yet, on the other
23 hand, you are saying S 21 was the same kind of institution that
24 you couldn't find in any totalitarian state or dictatorship. You
25 mentioned Argentina in your book. We were speaking about Algeria.

1 [10.14.38]

2 Now, if S 21 was the same kind of institution as in those
3 countries, Soviet Union, China, Argentina, etc., why then on the
4 other hand would S-21 be the pinnacle of the DK period?

5 A. I think what I wrote was that, similar institutions existed,
6 and not in China, that was not true. They had a different system.
7 In the Soviet Union, again, it was different, but Argentina, yes.
8 The clearest comparison is certainly with what the French did in
9 Algeria in the early 1960s, where there were institutions
10 absolutely identical to S-21, where people were tortured for
11 information and then killed because they didn't - in order to get
12 rid of them; in order that they wouldn't continue living and
13 wouldn't be able to testify.

14 [10.15.45]

15 So it was not unique, but in the French system in Algeria, in
16 Argentina, it was - these institutions were not central to the
17 system. They were not - you've used the word pinnacle. They were,
18 I won't say aberrations, but they were the dark side. I would
19 argue that in DK, S-21, and the district prisons run by the
20 district chiefs, of whom some are still very highly placed in the
21 Cambodian government, the people who sent prisoners to S-21; that
22 system was not a side issue, it was an essential part of the
23 structure.

24 Q. Maybe, but it doesn't make it the pinnacle. Pinnacle is the
25 word which you use in your book. It's just between brackets, a

1 chain of security centres, rather than the essence of what DK was
2 all about.

3 A. S-21 was at the apex of that "incarceral" system, and
4 punishment, incarceration, the killing of those who were
5 identified as opponents was central. It was the essence, there
6 was - we discussed this already - there no judiciary. There was
7 no other possibility of dealing with those who were seen to be
8 opponents of the regime. Even in Argentina there were courts.
9 There was another - an alternative system. In France, of course;
10 and in Algeria there were courts. In DK there were not. The
11 fundamentals of the system, in the sense in which that it protected
12 itself against those it perceived to be opponents, was the
13 network going down from S-21, and that I think, makes it
14 fundamentally different from similar institutions elsewhere.

15 [10.17.58]

16 Q. I would like to ask you more question about it, but I'll move
17 on, and then move on to what you might call the products of - for
18 instance, of S-21; the confessions of the people that were
19 interrogated and tortured there. In your book, you're using,
20 sometimes quite extensively, those confessions to make a point or
21 to prove something. However, on the other hand, in the same book
22 you're saying Pol Pot wasn't as dumb to rely too much on those
23 confessions; and yesterday you were saying, you know, you had to
24 be named at least four times, and at one point even eight times.
25 This is a question to your methodology. How, when using

1 confessions, did you reassure yourself you weren't using
2 information that was completely untrue, wrong, etc.?

3 [10.19.04]

4 A. It's a good question. Yes, I did, because if you look at what
5 I have quoted from confessions, they are little bits of factual
6 detail. This meeting took place at this time. This group of
7 people were there, which they are - I have used to look at the
8 confessions, only elements which I regarded as non-political; in
9 other words, which were not extorted for political reasons and
10 could not be put to political use.

11 Q. But that's, in reality, a very hard distinction to make. You
12 have a piece of paper, how would you know?

13 A. But that is a job of a historian or a biographer, is to work -
14 sort the wheat from the chaff.

15 Q. I'll move on, Mr. Short, to Nuon Chea. You have testified
16 earlier that, according to your opinion, he was not a member at
17 any time of the Military Committee. Could you please elaborate on
18 why you - why that is your opinion?

19 [10.20.32]

20 A. Because I have found his name appearing nowhere in documents
21 relating to the Military Committee, or more generally, to
22 military matters. Yes, he discussed - he was present at meetings
23 which discussed the military situation with Vietnam. But his
24 contribution was much more to do with the political implications
25 and relationship. There is simply no evidence, if you like, to

1 connect him; and if there's no evidence to connect him and no
2 reason to think that he was part of any kind of military
3 oversight structure. I tend to think he was not.

4 Q. Would it then follow from what you were saying that he also
5 had nothing to do with policies about Lon Nol soldiers or
6 military?

7 A. Military matters are those matters concerned with deploying
8 troops, with winning battles, with military strategy. What
9 happens to defeated opponents is a political matter, and
10 political matters were very much Mr. Nuon Chea's field.

11 [10.21.59]

12 Q. Maybe after '75, but not before '75. He wasn't in power.
13 You're saying also that before '75, Lon Nol soldiers or military
14 had to be executed and that no prisoners of war were to be taken.

15 A. That is a highly political matter. You only had to look at
16 China where Mao laid down the policy, political policy, of trying
17 to recruit enemy troops, trying to win them over and bring them
18 into the revolutionary ranks. That was basically how the
19 communist armies in China developed and became stronger. What you
20 do to defeated soldiers is not a military issue; it's political
21 at any point in a revolution.

22 Q. I would like to follow up on that as well, but I won't. One
23 other thing I'm interested in. You are aware that in 1979 the
24 Vietnamese orchestrated a - what I call a show trial, against the
25 Pol Pot, Ieng Sary clique. Do you have an opinion as to why the

1 Vietnamese, who knew quite well what was going on in the DK
2 period, hardly ever, I don't think at all, mentioned Nuon Chea
3 and always referred to this trial as the Pol Pot, Ieng Sary
4 clique? Whereas your testimony has been that in fact, Nuon Chea
5 was the alter ego of Pol Pot in that they were both in charge.
6 What is your opinion about why the Vietnamese did it the way they
7 did it?

8 [10.23.50]

9 A. This is a very interesting subject and it - we tend to give
10 the Vietnamese much too much credit for knowledge about what was
11 happening in DK after the mid-1960s, the late 1960s. The proof of
12 that is that - I forget the exact date, but at a certain point it
13 was announced that Pol Pot was standing down as Prime Minister.
14 Ieng Sary more or less disappeared from sight for a little while,
15 and Nuon Chea was appointed acting Prime Minister, or at least
16 that's what was publicly announced, and Le Duan said to the
17 Soviet Ambassador, Nuon Chea is a good man. He's one of ours.

18 [10.24.35]

19 The Vietnamese persisted in thinking that Nuon Chea was
20 sympathetic to Vietnam because Nuon Chea had studied in - you
21 know, undergone communist training in Vietnam in the early 50s.
22 They regarded him as the most sympathetic of the DK, the CPK
23 leadership, and they very conspicuously refrained from mentioning
24 him at the time of that trial because they still had hopes that
25 they could come to some kind of reconciliation with the Khmer

40

1 Rouge through Nuon Chea. It was completely mistaken, but that's
2 what they thought.

3 [10.25.13]

4 Q. Let me interrupt you, because of time. But that might be -
5 your point might be valid for a period pre-'79, however, post-'79
6 when the trial was being conducted - the show trial was being
7 conducted - a vast number of DK cadres were members of - became
8 members of the Cambodian government. I won't mention his name
9 again. You know who I'm talking about. As a matter of fact, this
10 person that I won't mention was for years the personal bodyguard
11 of Nuon Chea. Now, why wouldn't, with that knowledge in that
12 trial, the Vietnamese name specifically the clique, the Pol Pot,
13 Nuon Chea clique, but insisted on calling it the Pol Pot, Ieng
14 Sary clique?

15 MR. PRESIDENT:

16 Mr. Expert, please wait.

17 The Prosecution, you may proceed.

18 MR. ABDULHAK:

19 Again, Your Honours, I'm reluctant to intervene in the final
20 stages of my friend's examination, but - and I let him get away
21 with one question, but this is clearly irrelevant. How and why
22 the Vietnamese labelled a particular trial or a particular regime
23 in post-1979 period is completely irrelevant for present
24 purposes.

25 [10.26.39]

1 BY MR. KOPPE:

2 I think the expert disagrees with your objection.

3 Q. Let me rephrase it. Wasn't it, in fact, the leadership of the
4 DK – namely the Pol Po/Ieng Sary, written in brackets, clique –
5 rather than what you're saying, Pol Pot and Nuon Chea?

6 MR. SHORT:

7 A. I understood the purpose of your question and I'm afraid I
8 can't agree. I think you mention that the individual who was Nuon
9 Chea's bodyguard and messenger from the 1960s, you say, ought to
10 have known more clearly his situation. I think you are
11 underestimating the effectiveness of the secrecy with which the
12 Khmer Rouge leaders cloaked their views.

13 [10.27.50]

14 The Vietnamese certainly didn't know. And whether they – when did
15 they start to realize that Nuon Chea was not actually their man,
16 but was the alter ego of Pol Pot, I don't know; probably very,
17 very later on, long after '79.

18 Q. Thank you, Mr. Short. Two last brief questions following up
19 yesterday, about the period '70, '75. You have testified saying
20 the following, that there was about the shelling of Udong in
21 1974. You testified that according to you, psychological warfare
22 was acceptable and that no attempt was made by the DK to avoid
23 victims. What is the foundation, or what is the basis for you
24 saying that?

25 A. Well, if an army engages – we're seeing the same sort of thing

1 with Bashar al-Assad in Syria at the moment. If an army engages
2 in indiscriminate shelling of populated areas, civilian populated
3 areas, I think it is fair to say that army is attempting to
4 intimidate. It is not paying very much attention to the human
5 losses that result.

6 [10.29.33]

7 Q. True. But then aren't you speculating? You do not know exactly
8 what happened, where Lon Nol shells were situated, what happened
9 before, etc. Isn't this too broad of a statement that civilian
10 casualties were of no concern to the DK in that particular
11 period?

12 A. I think it is a legitimate conclusion to draw in that, you
13 know, in those particular circumstances. They didn't need to
14 shell. There was a tightening ring around Phnom Penh. They would
15 have won anyway. Why shell? What could be the purpose of
16 shelling? You may say this is speculation, but it is the job of
17 historians to try to work out why things happen. It seems to me
18 that the only explanation was to intimidate at the cost of
19 shelling the civilian population.

20 Q. One last question on that particular period. You mentioned
21 earlier, in response to questions of the Prosecution, that at one
22 point in time, '72, '73, journalists got missing in Cambodia, and
23 you were making - you were attaching conclusions to that that it
24 was sort of a start of killing foreigners, if I paraphrase you
25 correctly.

1 [10.31.10]

2 Now, how would you relate that to the things that happened in the
3 days after 17 April 1975, when all foreigners were collected in
4 the French embassy and were given a free pass to leave the
5 country?

6 A. They're actually two different things. The foreign journalists
7 who were taken prisoner by the Khmer Rouge were, in their mind,
8 spies, and spies are killed in wartime. Spies are killed, in that
9 war, they were. The Vietnamese took a totally different view.
10 They recognized that whether spies or not, these people were
11 foreigners and therefore, had some bargaining value, and it was
12 more intelligent to keep them alive and then to release them in
13 return for certain concessions. So it became part of the
14 negotiating process. It was much more black and white, as were
15 most things in DK. Spies were killed and very few - and there
16 were only three cases I know of who were not killed - were not
17 killed because it was accepted by the higher leadership that they
18 were not in fact spies.

19 [10.32.29]

20 Q. But there's a different rationale between allegedly killing
21 spies and foreigners. So you're saying the difference is that
22 they were perceived as spies; correct?

23 A. They were perceived, and therefore, killed as spies. Whereas
24 the foreigners who were not killed, were not hurt in Phnom Penh
25 in '75, were rounded up and put into the French embassy; and the

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1 regime as you know, had at least one, probably two, token
2 foreigners who were part of it right the way through. Who worked
3 for it right the way through.

4 MR. KOPPE:

5 Thank you very much, Mr. Short. Like I said, I would need at
6 least one and a half day more, but it's 10.30.

7 With your leave, Mr. President, I will finish my question. Thank
8 you very much.

9 MR. PRESIDENT:

10 Thank you, Counsel.

11 The time is appropriate for a short break. We will take a
12 20-minute break and return at five to 11.00. Court Officer, could
13 you assist the expert during the break and have him returned to
14 the courtroom at five to 11.00.

15 The Court is now adjourned.

16 (Court recesses from 1033H to 1055H)

17 MR. PRESIDENT:

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

19 The floor is now given to Khieu Samphan's defence to put
20 questions to this expert. You may proceed.

21 [10.56.03]

22 QUESTIONING BY MS. GUISSÉ:

23 Thank you, Mr. President. Good morning, Your Honours. Good
24 morning to all parties, and good morning, of course, Mr. Short. I
25 would like to start first by thanking the Chamber for the 30

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1 extra minutes that were allotted to us even if, honestly
2 speaking, we are still frustrated a little bit, but I still
3 wanted to start by thanking the Chamber for this.

4 Q. Now, to start, Mr. Short, I would like to first, of course, to
5 introduce myself. I am Anta Guissé. I am the international
6 counsel for Mr. Khieu Samphan and it is in this capacity that
7 I'll be putting questions to you. And I would like to react to
8 something that you said yesterday and that somehow caught my
9 attention. You said that: "History is the art of the possible."
10 That's a beautiful quote for a historian I must say, but we are
11 here in a criminal trial and your book was quoted often in the
12 Closing Order which, of course, is the reason why our clients are
13 being tried. So you will understand that regarding some of your
14 statements and, of course, regarding some passages of your books,
15 I'm going to react and "possible" is not something that is
16 sufficient when there's a risk of condemnation; because we need
17 things that are certain, things that are more accurate. This is
18 what I wanted to tell you to start with.

19 [10.57.46]

20 The first point - you - which you spoke about a bit with my
21 colleague, from the Nuon Chea defence, regarding your working
22 technique and I imagine that, as a historian or as a biographer,
23 you have your own working methods. And my first question is, when
24 you're a historian of contemporary history, which, of course,
25 would be different from someone studying ancient history, but you

1 are working, of course, with human material I should say; because
2 you're speaking to people who are alive and who actually lived
3 through the period. So my question is - and regarding your work,
4 in particular, "Anatomy of a Nightmare". So you started working
5 on the book in 1999-2000, if I understood properly - that is to
6 say, quite a while after the facts. So didn't you have to
7 confront problems of memory? Wasn't there an issue with the
8 memory of that period from the people whom you interviewed?

9 [10.59.02]

10 MR. SHORT:

11 A. There certainly was a problem of memory. It is always much
12 preferable to work from contemporary documents, whether they are
13 contemporary letters or newspapers or political documents than to
14 work with oral history - that is, with people's memories -
15 because people's memories are fallible, and all one can do is try
16 to - the French word "recouper", to put things together and
17 ensure that you have - that the sources you have are as credible
18 as possible.

19 I would merely add, as for "possible", with respect, a law court
20 is also engaged in what is possible. There are no absolutes in
21 any field of human endeavour. You try to get as close to the
22 truth as you can, so do I as a historian.

23 Q. We don't have time to go into this philosophical discussion,
24 but the difference with history and a courtroom is that when
25 there is a doubt, then the doubt falls in favour of the accused.

1 But I will leave it at that because, of course, time is rather
2 short. So let me continue.

3 [11.00.31]

4 You worked with people who knew the inside of the regime. Indeed,
5 you specified that this was a characteristic of your whole
6 approach and before going into the talks that you may have had
7 with Mr. Khieu Samphan, I would like to know if you view yourself
8 as an expert in terms of a biography of Pol Pot or in terms of
9 the functioning of Democratic Kampuchea; or would you draw a
10 distinction between the two?

11 A. My purpose was to write a biography of Pol Pot. In order to do
12 that, it was necessary to research and to become as familiar as
13 possible with the functioning of DK, so the two are
14 complementary.

15 [11.01.39]

16 Q. You covered a good many aspects of Democratic Kampuchea. Is it
17 true that when you were writing your book you had to make choices
18 between which points should be gone into more thoroughly in your
19 work than others in terms of which were mortalistically connected
20 with the person of Pol Pot?

21 A. In any book you make choices. There are things you leave out;
22 there are things you include. I did not - yes, it is true. If you
23 are writing a biography, you focus on those elements which will
24 cast light on the personality of your subject, but when you're
25 writing a biography of a political leader, the policies he

1 follows, the system that he leads are some of the things which
2 cast most light on that personality. So there is - the
3 distinction is less than it might seem.

4 [11.02.55]

5 Q. Coming back to the questions of interviews you made with the
6 protagonists of the time, I think you pointed out recently that
7 it was easier with some than with others in certain historical
8 periods of Democratic Kampuchea. Again, this is a question about
9 contemporary historical work. Is it not simply human to have some
10 people who were on one side or the other; talking to you more
11 freely, there is more engagement, less engagement, others want to
12 accentuate their roles, others want to minimize it. Is this
13 something that you take account of in your prior research?

14 A. I think it's something you take into account not so much in
15 prior research, but in your assessments of interviews because in
16 interviews, and this was one of the points which I think your
17 colleague of the Defence brought up, you are not always indeed,
18 almost always, you are not being told the entire truth. People
19 filter what they wish you to understand and it is your job to try
20 and interpret what they say; to work out what lies behind their
21 words, what can be taken at face value, what is being said in
22 order to project a particular view. It's not simply a matter of
23 taking raw data and accepting it all at face value.

24 [11.04.57]

25 Q. Similarly, in your documentary sources or in papers that you

1 may have looked at, I imagine that you try and cross-check in
2 different ways if something is revealed on one side. Presumably
3 you look for other ways to support such revelation from another
4 source?

5 A. Where that is possible, yes. But it's not always possible and
6 that is as true of a recent period like the Khmer Rouge as it
7 would be of research onto a 18th or 19th Century figure.

8 Q. I'd like now to turn more specifically to the interviews you
9 had with Khieu Samphan. Answering questions in the last few days,
10 you said that you met Khieu Samphan, five or six times, if I
11 remember correctly. Could you tell us what particular periods
12 those meetings took place in; were they several months apart or
13 was it all very close together; what was the kind of frequency
14 that we are talking about?

15 [11.06.41]

16 A. To the best of my recollection, we met virtually every day for
17 every morning for a week; probably five times. And I then came
18 back and I can't remember whether it was one month or six months
19 later and we had a final meeting, after which Mr. Khieu Samphan
20 said he thought it would be unwise for him, it might put him in
21 difficulty to continue our discussions.

22 Q. During these meetings were you already talking about the
23 possibility of a tribunal being set up?

24 A. No, we did not, but I do remember Mr. Khieu Samphan saying,
25 and this was at the last meeting, that the reason, I'm

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1 paraphrasing, but he didn't want to continue is I had to realize
2 his situation was extremely difficult and delicate and he said,
3 you know, my life could be in danger.

4 [11.07.53]

5 Q. And as you see it, is it that particular context that explains
6 what you told us before, namely that he was more inclined to talk
7 about the period before '75 to '79 than the Democratic Kampuchea
8 period?

9 A. Yes, certainly.

10 Q. When you met Mr. Khieu Samphan, did you do prior research on
11 his career and did you – had you met people who had known him and
12 who had biographical elements to offer you on Khieu Samphan
13 before you actually met him for the talks?

14 A. Yes, I must have done because, and I say I must have done
15 because it took about 18 months before we met for the first time.
16 So I was already fairly well advanced. I had read quite a lot of
17 material from the DC archives, from other sources of original
18 Khmer Rouge material, CPK material. I had obviously read books
19 that had previously been written about Cambodia and dealt with
20 Mr. Khieu Samphan's role. I had looked at his thesis in Paris.
21 Yes, I had done a certain amount of research and I had talked to
22 at least two people who were in the Khmer Rouge and had known
23 him, not that well, but had known him during that period.

24 [11.09.45]

25 Q. May I ask you, who those two people were?

1 A. I'm thinking in particular of Suong Sikoeun who has, I think
2 given evidence before this Tribunal and Ping Say.

3 Q. You just mentioned the thesis that Khieu Samphan wrote. Let's
4 come back to this. I think you brought this point up with Judge
5 Cartwright on Monday and what you told the Court was slightly
6 less clear than what you said in your book. So I would like to
7 come back to a point in your book and this is taken from document
8 E3/9; the French ERN is 00639828; and in English, 00396497.

9 [11.11.12]

10 You say that Khieu Samphan pleaded in favour of self-reliance
11 during - and in the thesis he put before the Sorbonne in 1959,
12 and international integration, he wrote, is the prime root of
13 Khmer economic sub development. "Foreign aid made the country
14 dependent on global markets, over which Cambodia had no control
15 since they were dominated by foreign interests. Foreign trade
16 deprived local industries from work by inundating the market with
17 a low cost imports."<V>

18 This is a sort of summary of the contents of the thesis.

19 On the following page, when you brought up incidentally this
20 question with Judge Cartwright, you said that: "This thesis
21 should not be seen as a model for what actually afterwards." Now
22 in your book you're considerably more specific than that. So I'm
23 turning the page to 00639829 in French and to 00396428 in English
24 and Khieu Samphan went so far as to state that "Cambodia needed a
25 sort of autonomous national capitalism".

1 [11.13.03]

2 So, Mr. Short, quite obviously, we seem to be very far from
3 self-reliant communism in Mr. Khieu Samphan's thinking?

4 A. It would be helpful if you could give me the pages in the book
5 because I'm not able to follow.

6 Q. I'm sorry; yes I didn't remember that you didn't have the
7 codified paging. It's page 289 and 290 in the English version. So
8 the last passage I read on the subject of "Capitalism" is on page
9 290.

10 A. Yes. I don't see any contradiction. He, Mr. Khieu Samphan,
11 wrote about self-conscious autonomous development which is a more
12 acceptable way, acceptable to the Sihanouk government of saying
13 autarky. And I did say in the book that this was not a blueprint;
14 this was not taken or it should not be seen as a blueprint for
15 what the Khmer Rouge, the DK regime did later, but that it was -
16 it contained the sorts of ideas which were under discussion at
17 that time. One of the particular differences, if I remember that
18 I noted, was Mr. Khieu Samphan in his thesis put considerable
19 emphasis on technology which in DK practice was not the case. So
20 there were many differences, but the broad approach was consonant
21 with what happened later.

22 [11.15.12]

23 Q. Capitalism in Democratic Kampuchea?

24 A. Well, I would remind you that the Soviet Union practiced what
25 was often called "state capitalism".

1 Q. And do you believe that, economically speaking, that is what
2 happened in Democratic Kampuchea, "state capitalism"?

3 A. No. Mr. Khieu Samphan used the term "national capitalism",
4 which could be interpreted as the nation, the collective, holding
5 the capital of the country - the capital of the country in this
6 case being its agricultural production capacity, in particular,
7 and developing it on behalf of the nation. I mean, I think we
8 shouldn't play too much with individual words; the thrust of that
9 entire thesis is that Cambodia should develop autonomously; it
10 should not become a tributary of foreign states, that it's
11 responsibility is for its own development, and as he repeatedly
12 says, "The nation is the key; the individual is not."

13 [11.16.45]

14 These are perfectly defensible propositions. I have nothing
15 against them, but you can see a certain correlation between those
16 kinds of ideas which were being discussed in the early 1960s by
17 Cambodian radicals, including Mr. Khieu Samphan, and what
18 happened later.

19 Q. Let's come back to economics at a later stage. I'm trying to
20 move more or less chronologically even if I have to drop one or
21 two points. In your testimony and in your book, you talked about
22 Khieu Samphan's return to Cambodia and the way he threw himself
23 into drafting a newspaper although he might have aspired to other
24 more lucrative endeavours. And talking about that period, you
25 referred to links that might have existed at the time and you had

1 developed that as well for Hou Youn and Hu Nim, links that might
2 have existed with the clandestine Communist Party. And when you
3 were questioned by the Co-Prosecutor, you said that it was really
4 quite difficult to know what ties there were. There were
5 certainly no direct ties; they were all indirect and so forth.
6 Now, my question is: If it is so difficult to know, what were
7 your sources on this point when you came to write your book?

8 [11.18.41]

9 A. Before 1967, when Khieu Samphan and Hu Nim and Hou Youn went
10 to the countryside, there are no direct specific sources about
11 the nature of that relationship. I would describe it as these
12 were intellectuals who were sympathetic to some of the ideas of
13 the Cambodian Communist Party, who put out, in the case of Mr.
14 Khieu Samphan, a journal which was often very critical of the
15 prince's - the society which the prince's policies had created
16 while sparing the prince's person, and, I would say, it did so
17 very courageously in a very upright manner; a very honest manner.
18 Hu Nim and Hou Youn both were regarded by Sihanouk as opposition,
19 left wing opposition, but what we do not know, Mr. Khieu Samphan
20 didn't explain it to me and I have no other source, is the exact
21 nature of those links. One speaks in French - and forgive me - of
22 a "mouvance" - in other words, a movement connected to but not
23 directly to a political party. And that is how I would have
24 described his position. Only after 1967, when he is escorted and
25 taken out to a Khmer Rouge area, a Khmer Rouge safe area, what

1 did the relationship become clear.

2 [11.0.41]

3 Q. So, when you use this word, "mouvance", you mean a movement of
4 ideas rather than precise contact with that group, if I
5 understand correctly?

6 A. A community of ideas, yes, but which also necessarily involves
7 some form of indirect contact. And if you ask me what form of
8 indirect contact, I cannot say. I don't think anybody, except for
9 Mr. Khieu Samphan himself, is really able at this stage to say
10 that. If I might just add very briefly, had there been no link of
11 any kind, it is difficult to imagine that when necessity arose as
12 it did in 1967, he could have left and Hou Youn left with him, so
13 quickly. If they had been completely separate, it's very - I
14 mean, I can't imagine a scenario where two groups completely
15 unknown to each other could suddenly in a matter of hours have
16 come together to arrange their exfiltration as it where, from
17 Phnom Penh.

18 [11.22.16]

19 Q. But basically, between the time when Khieu Samphan came back
20 to Cambodia and the time when he was obliged to go into the
21 maquis, we don't actually know when the contacts started nor by
22 what means. Is my understanding correct?

23 A. Your understanding is broadly correct. I would just add one
24 little qualification, Mr. Khieu Samphan was close in fronts to
25 Ieng Sary and Ieng Sary was, indeed, part of the CPK. So and took

1 part in the Congress in 1960, so we do know there were at least
2 friendships linking him with members of the CPK. We also know
3 that he was a member of the French Communist Party which
4 suggests, does more than suggest, which indicates an ideological
5 convergence. I agree these are not, you know, clear dark lines on
6 the map saying he knew him and this one did that. That kind of
7 detail is beyond me and I think, beyond everybody else. But I'll
8 leave it there.

9 [11.23.32]

10 Q. Thank you. All of the questions I am asking you are related to
11 what one can read in your book, and I am, of course, looking to
12 see if this is rooted, in fact, or if it is speculative or
13 supposition, and that is going to be the essential thrust of all
14 of my questions today.

15 Now, what I wanted to do now is move from Khieu Samphan's
16 entrance into politics, his progressive alliance with Hou Youn
17 and Hu Nim, who he tries to bring within the Sihanouk government
18 fold, and then there are the threats from the military court
19 which lead to a price being put on Khieu Samphan's head.

20 We heard about this from the witness, Meas Voeun on the 9th of
21 October 2012, the reference is E1/132/1 at 11.19 and he said that
22 at that time a price had been put on Mr. Khieu Samphan's head.
23 You, yourself, have told us that we were in a period where the
24 regime was extremely violent. You talked about the repression
25 that came down on people and so we are looking at a rather closed

1 period in political terms.

2 And talking with the Co-Prosecutor, you yourself said that at one
3 particular point: "Rebellion was almost the only method of
4 expressing ourselves in that regime." Is this a fair summary?

5 A. It is absolutely fair. No other political space was left open
6 to Sihanouk's opponents and when that happens, rebellion, illegal
7 political activity is the only option to those determined to
8 oppose.

9 [11.26.02]

10 Q. Can we now focus on the CPK and the link with the
11 intellectuals?

12 In the early days as you said, you said there was "mouvance"
13 within the CPK, you had the progressive people, Khieu Samphan, Hu
14 Nim and Hou Youn who, even if they militated in left-wing circles
15 in France, were not nevertheless members of the party, but who
16 were taken under its wing because it was the CPK, after all, that
17 was going to provide them shelter and protection during the
18 period of danger. And in the rapport between the CPK and
19 intellectuals, you talked about Suong Sikoeun who came to testify
20 here and he said some interesting things about the distinction
21 that he drew within the CPK between what he called, "Strategic
22 forces and tactical forces." The transcript dates back to the
23 14th of August 2013, reference E3/107.1. The French ERN is
24 00838433; and in English, 00838305 to 306; and in Khmer, 35101 to
25 102.

1 [11.28.04]

2 And this is how he explained the distinction between tactical and

3 strategical forces vis-à-vis the intellectuals. The tactical

4 force concerns intellectuals in general; in particular, those who

5 went to study in France and those who belonged to the

6 Marxist-Leninist circle. At the time, the CPK needed those

7 intellectuals to come towards the popular masses because that

8 would be more - they would be more effective than ordinary

9 students. The red intellectuals as they were called were good

10 students. They were good natured and respected the elderly and

11 they were pleasant towards the other students. It was a kind of

12 back-up force which was distinguished from the strategic forces.

13 They could become part of the strategic force when they were

14 within the country and when they were able to change status and

15 mentality so as to become proletarians and members of the working

16 classes. Now the reason I am quoting this to you is that in your

17 book, you talked about Khieu Samphan's time in the maquis and the

18 way he lived with communists' drawn from the ranks of the

19 peasantry and the discipline of all that was a discovery to him.

20 Now, in the light of what Suong Sikoeun said, my question is: Was

21 this the discovery of a new world for Khieu Samphan and his wish

22 not to make too many waves as an intellectual? Does this not draw

23 from some kind of intellectuals' embarrassment from being along

24 with the real masses who were all around him and who were

25 offering him protection, as well?

1 [11.30.30]

2 MR. PRESIDENT:

3 The Expert, please wait.

4 The Prosecution, you may proceed.

5 MR. ABDULHAK:

6 It was a long question, but if I understood correctly, my learned

7 friend is asking Mr. Short to opine on what was in Khieu

8 Samphan's mind as he came into contact with peasantry and

9 discovered discipline. It is improper to ask the expert to opine

10 on what was in one's mind at the time.

11 So the question should be disallowed.

12 [11.31.01]

13 MS. GUISSÉ:

14 Mr. President, I'm quite shocked by the prosecutor's objection.

15 During the entire testimony of the expert when he was being

16 questioned by the prosecutor, very often the expert said what was

17 happening in Khieu Samphan's mind or this is why I thought he

18 acted this way he said. So, here again, we're not dealing with an

19 ordinary witness; we're dealing with an expert who wrote about

20 this period, who wrote about the reasons or in his opinion at

21 least, the reasons behind what happened. And so, again, when we

22 read the transcripts of the past days, you will see that this

23 criticism here is absolutely irrelevant.

24 (Judges deliberate)

25 [11.32.58]

60

1 MR. PRESIDENT:

2 The objection and its ground by the Prosecution to the last
3 question by the international counsel for Khieu Samphan is valid.
4 The question is much further outside the expertise of the expert.
5 Mr. Expert, you are instructed not to respond to the last
6 question put to you by Khieu Samphan's international counsel.
7 And, Counsel, please move to another question.

8 BY MS. GUISSÉ:

9 Fine, we will return later to the - to what you said during the
10 previous days.

11 Q. Now, I would like to focus on the youth of the CPK and its
12 relations with the Vietnamese Communist Party. You speak about it
13 in your book and you also refer to the period when Pol Pot was in
14 contact with the Vietnamese Communist Party and the moment before
15 the 1960 Congress, when there was a desire to counter Vietnamese
16 domination. And there was a will to assert independence, to
17 assert the independence of a Khmer party and you explained today,
18 again, to my colleague, the link, the difficult historic relation
19 between Cambodia and Vietnam. So in the genesis of the CPK and in
20 its rejection of an Indochinese Communist Party, do you see here
21 the reflection of a historical pattern that indeed, had an
22 influence on Pol Pot's choice to distance himself?

23 [11.35.05]

24 MR. SHORT:

25 A. Yes, this is a vast subject and one could give many examples.

61

1 But both in the 19th century and during the French period where
2 the French chose to use Vietnamese junior civil servants rather
3 than employing Cambodian civil servants for their administration,
4 there are so many aspects to this, but constantly, a constant
5 theme in history has been Vietnam's feelings of superiority, of
6 being the elder brother to the Cambodian younger brother and its
7 desire to exert what you could call, dominance, what you could
8 call hegemony over the other countries of Indochina, namely Laos
9 and Cambodia. And what became the CPK, the Cambodian Communists,
10 if you go back to the 1930s, they were a Vietnamese creation;
11 entirely an artificial Vietnamese creation which then took on
12 progressively more and more Cambodian aspects. Then again, the
13 Vietnamese played a very large role through the 19 - late '40s
14 early 50s, the Khmer Viet Minh, again, the party was under the
15 Vietnamese and finally the opportunity arose because Vietnamese
16 attention was very much on the struggle inside Vietnam. It was no
17 longer on so much so focused on what was happening in Cambodia.
18 The opportunity arose for the Cambodians to take a - to strike
19 out in the direction of independence, the Cambodian Communists I
20 mean; which is what they did in 1960. So it's part of a very,
21 very consistent pattern.

22 [11.37.10]

23 Q. Now, I would like to turn to the internal issues within the
24 CPK and to the two factions of the rebellion that you describe
25 and this can be found in French, the ERN is 00 - it's in the same

1 document E3/9, 00639688; in English, 00396379. And in English
2 it's on page 179. So you speak about the peoples' war in
3 1968/1969 and the way that the Communist Movement was gathered,
4 and you say, for the first time, [free translation]:

5 "A revolutionary movement authentically nationalist was seeing
6 the day, but it wasn't perfect. There was an unavoidable
7 alliance, but against nature whose justification is maintaining,
8 on the part of Sar and his companions, to maintain uncommon
9 shrewdness."

10 So, what do you mean by an alliance that was counter to nature?

11 [11.38.53]

12 A. Yes, an unavoidable, but unnatural alliance between the return
13 students who came from one background. They were Sar and - Saloth
14 Sar and Ieng Sary, and some of the others and those who had come
15 - whose heritage was from the Issarak. Their background was
16 totally different. It was difficult for them to stay on the same
17 wavelength, harmonize their views, but there was a precedent for
18 it; if you go back to the French Revolution, you had an alliance
19 between bourgeois intellectuals and the peasants, the
20 "sans-culottes" if you like, under Herbert, with Herbert. So that
21 was the basis; it was the alliance of these two groups which was
22 often difficult to keep together and harmonize which formed the
23 driving force of the Cambodian Revolution.

24 Q. And you also mentioned later on that during the coup d'état
25 and as you know, Sihanouk's regime was extremely repressive and

63

1 that very inclined to allying itself with the communists and the
2 leftists and there was a coup d'état and then everything changed.
3 And you said when you answered the Co-Prosecutors question that
4 Sihanouk did not have any illusions about what he would expect
5 from the Khmer Rouge. So my question is that if he decided to
6 make this alliance, it meant that he had a certain objective in
7 mind. So could you kind of expand on his interest in allying
8 himself with the Khmer Rouge then?

9 [11.40.58]

10 A. Well, I think, there were several factors involved and you'll
11 forgive me if I don't remember all of them, but the two which
12 stick out in my mind were the betrayal by Lon Nol and Sirik
13 Matak, and it is a very strong desire on Sihanouk's part not to
14 be pushed off the - pushed off the chess board in that kind of
15 way. It was not something he was prepared to accept; particularly
16 Father Ponchaud said this after the vilification to which he was
17 subjected by the new regime. That, if you like, is the emotional
18 factor, but, more profoundly, Sihanouk was determined to maintain
19 a role, whatever that role might be in Cambodian politics, and I
20 think above all - though you may say this is speculation - but I
21 think his whole life shows this, to maintain the monarchy.

22 [11.42.02]

23 Whatever else had to be sacrificed, his ancestral imperative was
24 to maintain the Cambodian monarchy, the inheritance of his
25 ancestors. And I think, very fundamentally that that was one

64

1 reason he decided no matter what the price, I will ally myself
2 with the Khmer Rouge and we will continue, I will continue to be
3 a player.

4 Q. And in your book – French ERN 00639712; English, 00396398 –
5 and you mention or you refer to a speech by the Prince on Radio
6 Peking, and it's on page 198, in fact, and you say:

7 "The next day, the Prince told Zhou his mind was made up. In a
8 message to the Cambodian people broadcast by Radio Beijing, he
9 denounced the coup makers and promised to fight for justice by
10 which he meant revenge."

11 So the term is a powerful one. So how did you come to the
12 conclusion that he had this desire to seek revenge?

13 [11.43.57]

14 A. Well, I confess to being influenced by Father Ponchaud's
15 interpretation, which, to me, rang true. I think it also comes
16 out between the lines of some of the – some of the books which
17 the prince wrote afterwards. I can only say, on that, it's my
18 interpretation. Now you may–

19 MR. PRESIDENT:

20 Mr. Expert, please hold on.

21 (Short pause)

22 Mr. Expert, could you please repeat your last answer to the
23 question? Because your testimony to the last question did not get
24 through the interpretation.

25 MR. SHORT:

65

1 A. The question, as I remember it, was: On what basis do you – do
2 you say that he wanted revenge?

3 I have said earlier – and allow me to repeat – I cannot know what
4 was in the minds of any of those who were actors in this drama;
5 whether it was Sihanouk, whether it was Khieu Samphan, whether it
6 was Pol Pot. All I can do as a historian, as a biographer, is
7 state the sequence of events and try to provide an interpretation
8 and in this case, my interpretation is, as I've given to you,
9 that he felt betrayed; he wanted revenge; and he wished to remain
10 a player.

11 Father Ponchaud, who was present in Cambodia, his interpretation
12 I found to be convincing and I extrapolated from that, but I
13 can't know what was in the Prince's mind.

14 [11.46.29]

15 BY MS. GUISSÉ:

16 Q. Now, I would like to move on to another passage in your book
17 in which you speak about the period before 1975. It's in your
18 preface, the prologue – in French, 00639455 and to 56; English,
19 00396197 and the following – and this is what you say, [free
20 translation]:

21 "During the five years of civil war that opposed the communists
22 to Lon Nol's rightist government, most observers in Cambodia as
23 well as abroad were convinced that the movement was led by Khieu
24 Samphan, a left-wing intellectual known for his integrity. And
25 his plea for more social justice, back when Sihanouk was in

66

1 power, earned him a lot of popular support. And he went into the
2 maquis in 1967, and after the overthrow of the Prince three years
3 later, he became the main spokesperson for the Khmer Rouge.

4 [11.48.08]

5 "Minister of Defence and commander-in-chief in name of the
6 Resistance Army, Samphan travelled to Peking to meet Mao, and he
7 published releases presenting in detail the progress on the
8 battlefield. In 1973, when Sihanouk sealed an alliance that was
9 unnatural with his former communist enemies and when he visited
10 the liberated zones, he was received by Samphan, but this was
11 only a smokescreen. Power was in the hands of other men and
12 everyone ignored their names; everyone in the highest spheres of
13 the communist leadership."

14 So my question regarding this passage and which mirrors a
15 question that you mentioned over the past two days - an issue
16 which you mentioned over the past two days, the law of secrecy -
17 that is to say, not showing what - exactly what's happening,
18 giving an appearance: Is this truly the principle - Pol Pot's
19 principle to remain in the rear and not to show himself so that
20 people would not know where the real power was?

21 MR. SHORT:

22 A. Absolutely. I couldn't put it better.

23 [11.49.57]

24 Q. Now, let me proceed. There is another excerpt in which you -
25 it's on the following page, in which you refer to Saloth Sar who

67

1 was a bit like a film director - a film director but, in fact, he
2 was acting as an extra. He is of course holding the reins, but he
3 appears just to be an extra.

4 And now, logically, of course, this leads me to Pol Pot's - to
5 speak about Pol Pot's character and I hope that the Prosecution
6 will not object because, as you know, you are a biographer of Pol
7 Pot's and there are a certain number - there's a certain number
8 of written material that describes his character already; I - in
9 particular David Chandler, who spoke about his character. And I
10 only have the English ERN, unfortunately, for this: 00393065.

11 It's in his book - in the book "Brother Number One" and Chandler
12 explains Pol Pot's charisma and how he fascinated people and he
13 says that this allowed - this made it possible for many
14 Cambodians to follow him.

15 [11.51.46]

16 So my question is: During your research, did you also notice Pol
17 Pot's possible charisma and do you believe that this had an
18 important influence on how he was able to lead people to follow
19 him in his ideology and in his - and in his politics?

20 A. We have a problem. Can we start again? Yes.

21 I said I don't think there's any doubt about that. When I
22 encountered Pol Pot in Beijing in 1977, his charm - his
23 (inaudible), people write about it always. His smile which was
24 simply angelic, it was a winning smile, was very, very
25 noticeable. You couldn't remain immune to it and there are many,

68

1 many descriptions from Cambodians of how after one meeting, they
2 were completely subjugated. So yes, I think, as with many
3 leaders, charisma, personal magnetism, were extremely important.

4 Q. Now, in terms of his working methods – so you spoke with Mr.
5 Suong Sikoeun about this and you say in your book on page 340 –
6 French ERN 00639901; and in English, 00396548 – and this is what
7 you write:

8 "Suong Sikoeun deems that micromanagement of the smallest details
9 was a full party of Pol Pot's leadership; strong handedness
10 without sharing power. [Free translation] He wanted to monopolize
11 everything." End of quote.

12 [11.54.27]

13 And then you add – this is no longer Suong Sikoeun speaking:

14 "This tendency only worsens over the course of time."

15 So my question is the following: Aside from what Suong Sikoeun
16 said, what allows you or what allowed you to be aware of this
17 need to monopolize everything and to notice that this only got
18 worse over the course of time?

19 A. I'm thinking of a – of an incident later, when – I think it
20 was the Thai Foreign Minister – was making a visit to Siem Reap,
21 and I can't put the year, but it was Pol Pot himself who insisted
22 on going through in minute detail exactly what the arrangements
23 would be down to what kind of linen and towels would be in the
24 rooms for him in his suite, and what – what food would be served,
25 and so on.

1 [11.55.47]

2 These would be things which more normally would be delegated to
3 others. It has to be said, Sihanouk showed the same kind of
4 micromanagement in many cases, so it was not unique to Pol Pot,
5 but it was an aspect of his - of his rule.

6 Q. Last question or last point I'd like to deal with before the
7 lunch break: You said - and as you know, we were speaking about
8 the period when Khieu Samphan seemed to be the public figure for
9 the maquis movements and you also speak about the periods at the
10 beginning of 1975. And in the English version of your book, it's
11 on page - I'm sorry, I don't have the page here, but maybe - ERN
12 in French, first of all, 00639849; and in English, 00396513. And
13 it's on page 305 in your book and you speak about the fictional
14 portfolios, and this is what you say of the various figures - and
15 you say - and you mention Suong Sikoeun:

16 [11.57.43]

17 "Khieu Samphan was not any more responsible for defence than the
18 Western Zone Secretary, Chou Chet, was for religious affairs.
19 They were ghost portfolios announced in January 1975, four months
20 before victory, to make it appear that the Khmer Rouge had a
21 viable government in waiting."

22 So here again, we spoke about the rebellion but, now, when we
23 speak about the period just before seizing power, a facade is
24 still maintained, so what was the reason behind doing this during
25 that period? Is this still - was it still important to maintain

70

1 secretary or was there another reason behind continuing in this
2 way?

3 A. It was still important to maintain secrecy. It was important
4 to maintain secrecy throughout the DK period, but in - at that
5 particular time, it was, as I say, to show that - or to give the
6 impression that there was a functioning government ready to
7 assume power and ever since the FUNK and the GRUNK, I mean, the
8 National Front - National Front Government was - was formed in
9 the very early seventies, 1971, that was completely fictitious.

10 [11.59.19]

11 All these ministerial posts existed only on paper. Again, that is
12 a characteristic of Democratic Kampuchea throughout. The National
13 Assembly, which Nuon Chea chaired, had no real existence. I think
14 it was Mr. Chea Sim who remembered attending the first session
15 and everyone being given a clean shirt so they could - they could
16 attend one morning session and that was it; there was nothing
17 more afterwards. It was - it was a pure lie, really a pure
18 invention; it did not exist, and the same was true of many of the
19 government functions which were claimed to exist.

20 MS. GUISSÉ:

21 Mr. President, I'll turn to another line of questioning now. This
22 may be an opportune moment to have a break.

23 MR. PRESIDENT:

24 Thank you.

25 And thank you, Mr. Witness.

71

1 [12.00.18]

2 The time is now appropriate for lunch adjournment. The Chamber
3 adjourns now and resume at 1.30 this afternoon.

4 Court officer is instructed to assist the expert during his break
5 and have him returned to this courtroom by 1.30 this afternoon.

6 Security guards are instructed to bring Mr. Khieu Samphan to a
7 holding cell downstairs and have him returned to this courtroom
8 this afternoon before 1.30.

9 The Court is now adjourned.

10 (Court recesses from 1201H to 1330H)

11 MR. PRESIDENT:

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

13 Before I hand over to the defence team for Mr. Khieu Samphan to
14 put the question to the expert-

15 You may proceed, Counsel.

16 BY MS. GUISSÉ:

17 Thank you, Mr. President.

18 Good afternoon, Mr. Short. We're going to spend a good part of
19 the afternoon exploring this particular period of history with
20 you.

21 Q. Now, yesterday morning - and I'm looking at the provisional
22 transcript between 10.18 and 10.20 - you were questioned by the
23 Co-Prosecutor about a meeting that Phy Phoun talked about, a
24 person who you spoke to at some length when drafting your book,
25 and he asked if Phy Phoun had asked - had talked to you about a

72

1 meeting in April 1975 and your answer essentially was, "No, that
2 escaped me. He didn't mention that to me, and nobody else did
3 either, and that is perfectly credible".

4 [13.32.09]

5 So my first question is: Is this a memory question or did he
6 really not talk to you about it?

7 MR. SHORT:

8 A. I think I have no recollection of him talking about it. I
9 can't be absolutely certain, but it says nothing to me, so I
10 don't think he did and I don't think anybody else did, but maybe
11 - one does forget things; maybe there was something, I simply do
12 not recollect it.

13 Q. Very well. When he testified, a question was put to him on
14 this subject in E1/97.1 at 11.19. Counsel Vercken asked him about
15 whether he had talked about the meeting or the start of April
16 1975, which apparently concerned the evacuation, and he answered:
17 "Yes, I talked about it with him." But I've heard your answer, so
18 that is fine.

19 [13.33.27]

20 Let me go on to my second point. The meeting that you did not
21 hear about of April 1975, when the prosecutor refers to Phy
22 Phuon's statement and testimony, you say that's perfectly
23 credible.

24 Now, my question is: If you've never heard about this and if
25 nobody had told you about this, what do you base yourself on to

1 say that it's perfectly credible; is that because Phy Phuon says
2 so or what? If nobody had brought this up with you before in the
3 past, if you hadn't focused at all on that meeting, what entitles
4 you to say that it's perfectly credible? Thank you.

5 A. Simply that if you tell me - if I'm told that a meeting took
6 place at B5, which was what was stated yesterday, at the
7 beginning of April, why not? Why should there not have been a
8 meeting there? I don't know about it, but what grounds do I have
9 to doubt that there was a meeting there?

10 I'm not saying there was or there wasn't. I'm - I'm simply saying
11 I don't have any reason to doubt it, therefore, if you tell me
12 there was a meeting; there was a meeting.

13 [13.34.57]

14 Q. Let's come back to what we were talking about this morning
15 relating to your working methods and, in particular, the people
16 you talked to many years after the facts, even if they are
17 speaking in perfectly good faith, who may, nevertheless, get it
18 wrong.

19 Now, yesterday when we were talking about the Central Committee
20 in '74 and you said that the date of September '74 that you put
21 in your book was not absolutely precise because you saw a copy of
22 "Revolutionary Flag" which put the meeting in June '74.

23 So my first question on this date of September 1974 is: Were you
24 basing yourself on Phy Phuon's testimony to choose that date?

25 A. Yes, I was.

1 Q. So this might be quoted as a typical example of where somebody
2 gives you some information in perfectly good faith that is not,
3 in fact, accurate.

4 [13.36.11]

5 When I was talking about information, perhaps, when certain facts
6 are not cross-referenced or cross-checked, there may be points
7 where information given to you may be inaccurate even if it is
8 given in all honesty. So, where things are not cross-checked that
9 may happen. That can be done perhaps as a historian, but you
10 would also understand that in a court of law, we would ask for
11 slightly stronger guarantees; do we agree on that?

12 A. We agree completely. I would go further. Where things can be
13 cross-checked, they should be; whether for a court of law or for
14 a historian. In that particular case, I was not aware of the
15 reference in "Revolutionary Flags". And I would say more; the
16 great problem with memory is chronology. People usually remember
17 more or less accurately, and it's sometimes less accurately, what
18 happened. They very often confuse when it happened.

19 [13.37.26]

20 The - one of the great problems of writing about Democratic
21 Kampuchea, and the problem for you, as a court, in judging it, is
22 that to such a great extent you're relying on memory. And
23 documents may be relied on; at least the contemporary documents
24 say what they say. Memory is treacherous. I accept absolutely the
25 qualifications you are making, but that applies to history and to

1 all of us.

2 Q. Thank you. I think we can come back to this issue of checking
3 and cross-checking and so forth at a later stage, but right now
4 can I turn to your reference to the situation in Cambodia on the
5 eve of the evacuation of Phnom Penh? You refer to the prior years
6 and in your book you explained, at considerable length, how you
7 believed that even if the U.S. bombings had a big influence on
8 things that did not explain everything.

9 From a purely economic standpoint, would you agree with me that
10 in 1975, as in the previous years, the predicament of Cambodia
11 economically speaking was difficult; that there was a
12 particularly backward agricultural system?

13 [13.39.06]

14 A. In 1975, the economic situation was worse than difficult
15 because there was a civil war. Parts of the country were - very
16 large parts occupied by the Khmer Rouge, some remnant parts by
17 Lon Nol. There was tremendous disruption because of the war. I
18 would not say it was because of a backward agricultural system.
19 It was - the economic predicament was primarily because of the
20 disruption of warfare.

21 Q. In which case, how would you describe the agricultural system
22 of the time?

23 A. Backward, undoubtedly, but that did not prevent economic
24 development; inadequate and uneven certainly during the years
25 before 1970.

1 Cambodia was not one of the poorest countries in the world. It
2 was not a basket case which required constant aid in order to
3 feed itself. The economy was not advanced and in many areas, it
4 was really very, very backward, but it was sufficient to feed the
5 population and to assure a slow, inadequate but, nonetheless,
6 real progress in economic development.

7 [13.40.50]

8 Q. Staying on this subject of the economy, in your book you
9 discussed prevailing ideas of the time while referring to Khieu
10 Samphan's thesis. It's on page 290 - in French ERN 00639829;
11 English, 00396498. And I will point out for the benefit of the
12 interpreters that I will be taking a second quote from the
13 following page.

14 So, on this page, you say that, "in the mid-1970s, this hermetic
15 approach to development-"

16 And here you seem to be referring to Khieu Samphan's thesis:

17 "In the middle of the 1970s, this hermetic approach to
18 development did not seem nearly as outlandish as it would in the
19 internet-linked, globalized world of 30 years later.

20 "A group of Western social scientists, asked in 1976 to draw up a
21 'blueprint for the future of Thailand', proposed a program with
22 more than a passing resemblance to the radical measures then
23 underway next door: relocation of the surplus urban population to
24 the countryside; confiscation of unproductive wealth from the
25 rich; and increased investment in agriculture."

1 [13.42.24]

2 Perhaps I should slow down.

3 "David Chandler, the doyen of Western historians of Cambodia,
4 wrote the same year that 'autarky makes sense'."

5 Let me continue on the next page. In the second paragraph, at
6 least in the French version:

7 "None of these were left-wing authors, but they were all aware of
8 the development failures from the sixties and seventies. The
9 turnkey factories had, in the words of his French advisor,
10 Charles Meyer, provided an object lesson in how not to go about
11 it and they were willing to look with a new eye at radically
12 different approaches."

13 In the light of the ideas that you were discussing about the
14 economy and the development of the country, I am reminded of a
15 point you made yesterday by saying that it's not so much that the
16 objectives, themselves, of the Khmer Rouge were wrong, it was the
17 methods used to implement them which led to disaster.

18 [13.43.58]

19 Does this reference to the work of sociologists and economists of
20 the time, in any way, amend your feelings about the objectives
21 not being bad in themselves?

22 A. I have, I think, during this trial, said consistently - and
23 it's in my book, you've just read it out - yes, the objectives
24 were completely rational. There was much to commend them. The
25 problem was the way they were carried out.

1 Q. Thank you. Another point that you were discussing with the
2 Co-Prosecutor yesterday concerned the evacuation and one
3 particular facet that you raised - and I'm looking in the book at
4 page 286; French ERN 00639825, and in English, 00396494 - and in
5 a paragraph about evacuation, you say that: "Nuon Chea and Khieu
6 Samphan were sent to inspect the Northern Zone checkpoint of
7 Preaek Kdam, on Highway 5..."

8 I shall begin again and try and go a little more slowly.

9 [13.45.54]

10 I repeat: "Nuon Chea and Khieu Samphan were sent to inspect the
11 Northern Zone checkpoints of Preaek Kdam, on Highway 5, while Mok
12 shuttled back and forth to the South-Western Zone HQ near Takeo."
13 When you were asked about this yesterday, you confirmed to Judge
14 Cartwright that you weren't told that by Khieu Samphan. You were
15 diplomatic, at that point, but in your footnotes, perhaps
16 somewhat less by saying that this was a lie told by Khieu
17 Samphan.

18 My question then is: What is your source on this particular point
19 about the presence of Khieu Samphan and Nuon Chea at this
20 checkpoint?

21 A. My source was Phy Phuon and he was - he was present at the -
22 was indeed one of the first to go into - to Phnom Penh and came
23 back, having been in the first day, then went back in with Pol
24 Pot the day after.

25 I found his account credible. For certain, very understandable

79

1 reasons, the word "lie" may seem unduly harsh, but we must call
2 things what they were. People do tell untruths when they wish to
3 conceal something.

4 [13.47.22]

5 This was a particular case where I had no doubt that Mr. Khieu
6 Samphan's account was untruthful for understandable reasons and,
7 indeed, in our interviews, there were one or two other points
8 where my judgement was that he was not being truthful because he
9 didn't wish to specify certain things.

10 That is completely normal when discussing history with a
11 participant. It happens all the time, but it nonetheless
12 constitutes a lie.

13 Q. So, once again, we have Phy Phuon as our source. Did you
14 crosscheck this information on this particular point with anybody
15 else about the presence here of Nuon Chea and Khieu Samphan at
16 the checkpoint?

17 A. In an ideal - I'm not avoiding your question, in an ideal
18 world; one would be able to crosscheck everything. In reality,
19 you crosscheck what you possibly can.

20 [13.48.30]

21 There was no other source that I encountered, no verbal source,
22 which was able to corroborate Phy Phuon's account. I've explained
23 my judgement was that it was credible and I think, in subsequent
24 statements, Mr. Khieu Samphan, himself, has changed his version,
25 no longer claims that he basically came into Phnom Penh a month

80

1 or so later.

2 Q. Well, indeed, on this question of "I arrived a month later",
3 according to Khieu Samphan, where - where does this information
4 come from that he arrived a month later in Phnom Penh?

5 A. In his interview with me, that is what he said and that is
6 what's in the footnote. And he gave a similar version - we would
7 need to check the text -in his discussion, the book by In
8 Sopheap, which was based on discussions with Mr. Khieu Samphan.

9 Q. Well, let's come back to what we were saying at the start. As
10 you said, in cases where an awful lot of time has gone by since
11 the facts occurred, having precise information about the specific
12 time of an event is not always very easy.

13 [13.50.16]

14 I'm going to turn to a different example. In your book, you date
15 Pol Pot's entry to Phnom Penh at the 20th of April. First
16 question: What is your source for that particular date?

17 A. The inescapable Mr. Phy Phuon, who was with him and dated it
18 there, dated it to that day.

19 Q. Do you have other sources for that date of the 20th of April?

20 A. I'm hesitating simply because - I mean, I would be - I would
21 not be honest if I said I'm sure I don't have any other source. I
22 can't recollect. We're talking about memory. You're asking me to
23 remember things which I researched and wrote 10-12 years ago.

24 I - the basic source was Phy Phuon. I can't tell you whether
25 there were others who spoke of it happening that - at that time

81

1 or not.

2 Q. What unsettles me about these dates is that, in his book,
3 David Chandler talks about the 23rd of April in "Brother Number
4 One". In English, it's 00393018.

5 [13.52.02]

6 So, he gives the 23rd of April and you, using Phy Phuon as your
7 sole source, I believe, say in footnote 286 – say that in an
8 interview with a Yugoslav journalist, Pol Pot said that he came
9 in on the 24th of April. And your comment on that – in that
10 footnote is that this is not correct, not because he needed to be
11 telling a lie, but because he was not concerned about the
12 accuracy of facts. So you, as a researcher, have seen Phy Phuon x
13 years after the facts, a good deal after 1978, and then in 1978,
14 Pol Pot, himself, says that he came into Phnom Penh on the 24th.
15 You have other writers who quote the 23rd, so how can one be so
16 sure in saying that none of this is true; it's the 20th of April.
17 What is the basis for such certainty?

18 A. I cannot answer for David Chandler. I am sure, from my
19 conversations with him, that when he wrote that in "Brother
20 Number One", he had not talked to any of those who were with Pol
21 Pot at the time. I don't know where the 23rd came from, but it
22 certainly was not from a source who was part of the Khmer Rouge
23 group outside Phnom Penh.

24 [13.54.00]

25 The 24th, I can understand. I said he was simply casual about the

1 truth. It may be that he wanted to distance himself from - this
2 is speculation, from the evacuation. In other words, he arrived
3 after the people had left.

4 In historical situations like this where there is no documentary
5 evidence, where, as you rightly say, memory is fallible, you have
6 to make a judgement. And I'm not sure how much difference it
7 makes whether he went on the 20th or the 21st or the 19th or the
8 23rd or 4th, but I am the - a source, which was with him and
9 which - who remembers going in himself to Phnom Penh, bringing
10 back, I think he told me, a Jeep and two cars, and then next day
11 going in and telling me the route he went on, through the back
12 route, to Phnom Penh with Pol Pot; that is a fairly
13 circumstantial account and unless somebody else is going to come
14 up with something which really causes me to doubt it - and nobody
15 has - then I am inclined to believe it.

16 [13.55.28]

17 Q. Once again, just now we talked about dates and facts. What
18 Chandler says about the facts does not greatly differ from what
19 Phy Phuon says; namely, that first the soldiers reached Phnom
20 Penh and then Pol Pot and his entourage came after. Firstly, they
21 wanted the situation to be secure on the ground.

22 So in terms of the sequence of events, we - I think we completely
23 agree, but what I don't understand is, why is Phy Phuon better
24 than Pol Pot? When you say in the footnote about Pol Pot that he
25 didn't have any particular reason to lie because he took the

1 decision himself, why more one than the other in the tallying of
2 information and why so categorical?

3 A. You are perhaps right. I should have been less categorical in
4 that footnote. However, when you look at the statements that Pol
5 Pot made from 1975 to '79 and afterwards, they are peppered with
6 deliberate lies or sometimes, no doubt, accidental lies.

7 [13.56.47]

8 When somebody fairly systematically, in his public statements and
9 in his interviews, distorts the truth, he is less credible than
10 someone like Phy Phuon who, speaking long after, had absolutely
11 no reason whatever to distort the truth.

12 Again, I find Phy Phuon more credible than Pol Pot when he was in
13 power giving a version of events which suited his needs at that
14 particular time.

15 Q. Well, I wasn't really talking about deciding or not deciding
16 to tell lies. I was talking about the human capacity to make
17 mistakes. For example - to quote an example, there was the
18 meeting that wasn't in the end of the year, but was in June '74.
19 So it's not just about whether or not you wish to tell a lie;
20 it's the capacity to make errors and to have inaccurate memories.
21 So I'm asking you about your work as a researcher.

22 [13.58.00]

23 There are many points of information like the one I've just
24 mentioned about Nuon Chea and Khieu Samphan at the checkpoint
25 where only one person has said it. There hasn't been

1 crosschecking and there is no kind of nuance to the statement; it
2 is categorical. And, again, as I have said before, we're in a
3 court of law and so when you quote sources, I need to know how
4 credible they are.

5 You explain that you have every reason to believe this source,
6 but when I take the example of the date at which they arrived in
7 Phnom Penh, where there is no particular reason to tell lies, you
8 are, again, very categorical, but without the crosschecking. So
9 what I am submitting to you is that even if Phy Phuon had not the
10 slightest intention of lying, it is possible that he made a
11 mistake, and since there is no crosschecking, we are talking
12 about the version of one single man. Do we agree on this?

13 A. We absolutely agree and I have already said that chronology is
14 the thing which people muddle most easily when they are relying
15 on memory. I can't repeat that too often. It's a subject I could
16 talk about a long time because it's - it's the historian's
17 greatest problem.

18 [13.59.28]

19 You keep saying, "You assert this as fact on the basis of one
20 statement without crosschecking." Well, with respect, there are
21 situations in which you cannot crosscheck. There is no other
22 source. When there is only one source, you either believe the
23 source or you disbelieve the source or you say, "It may have been
24 on this day or it may have been on some other day". Now, in my
25 judgement, that account was sufficiently credible to say, "I

1 believe it. It was on this day". I didn't think it was necessary
2 to say in my book, "He may have arrived on the 19th. He may have
3 arrived on the 20th or 21st" - it would make a very boring book,
4 by the way - "but we're not sure, but it was around then".

5 In my judgement, it was very probably on the 20th, but I would
6 repeat again, dates are the weak link in any historical work
7 based on oral history.

8 Q. Well, just a point of clarification, we - Phy Phuon testified
9 here before the Chamber and can you confirm to us that he was one
10 of the messengers or one of the bodyguards - that's how he
11 introduced himself here - who was working for Pol Pot?

12 [14.01.10]

13 A. He started as a messenger and bodyguard for Pol Pot. After
14 1975, he became the head of security at the Foreign Ministry, at
15 B-1.

16 Q. Fine. So we're speaking about the period from '75 to '79 which
17 is, of course, the period that we are focusing on here during
18 this trial.

19 In 1975, when he arrived in Phnom Penh, what was his rank? What
20 was his position, so that we are clear in terms of chronology, as
21 far as you remember from speaking to him?

22 A. At that time, he was an aid, a bodyguard if you like, to Pol
23 Pot.

24 Q. Was he in any way a member of Central Committee or of any kind
25 of leading body at the CPK?

1 A. No, he was not.

2 Q. Thank you for this clarification.

3 Now, I would like to turn to a second issue that you brought up
4 yesterday with the Co-Prosecutor; in particular, a segment of
5 your book. In the English version, it's on page 313; and the
6 French ERN is 00639867; 00396521 in English.

7 [14.03.24]

8 This is a segment that was read to you by the Co-Prosecutor, if
9 I'm not mistaken, and you say: "Samphan was also in charge of
10 missions that he felt that were too delicate to entrust them to
11 others." [Free translation]

12 And I also checked your footnote here. There was Phy Phuon, there
13 is also a written record from the Standing Committee which was
14 brought up a few days ago, E3/182.

15 Can we display the first page on the screen in Khmer for the
16 public? I don't know if you have it on hand or do you need a
17 copy, Mr. Short? Is it possible, therefore, to provide him with a
18 copy? E3/182.

19 MR. PRESIDENT:

20 (No interpretation)

21 [14.04.54]

22 BY MS. GUISSÉ:

23 It is 00292868 in French. So this is E3/182. The Khmer ERN -
24 French ERN is 00292868. This is document E3/182. And the Khmer
25 ERN is 00019108; and the ERN in English, I don't have it, but

1 it's the first page of this document.

2 And I will provide you with a copy, Mr. Short, of the first page
3 in the English version.

4 MR. PRESIDENT:

5 Court officer is now directed to bring this document to the
6 witness for examination.

7 BY MS. GUISSÉ:

8 Q. So this is a document that you already discussed with the
9 Co-Prosecutor and with Judge Cartwright, I believe, or - in any
10 case, you are aware of this document which describes the
11 breakdown of tasks. And on the first page, at item 4, we see:
12 "Comrade Hem, responsible for the Front and the Royal Government
13 and Commerce for accounting and pricing."

14 [14.06.53]

15 Can you explain to us what you mean by the quote, unquote
16 "delicate missions" that were given to Khieu Samphan, based on
17 the footnote, regarding this passage here?

18 MR. SHORT:

19 A. I think we've already established that Khieu Samphan had two
20 roles. He was, as described in this document, responsible for the
21 Front, Royal Government, and Commerce; all that is quite clear.
22 He also, as I think he himself has confirmed, was one of the
23 members of the General Office and after Doeun's liquidation, he
24 continued to work for the General Office along with another man
25 who is mentioned in this list, Comrade Yem, who's identified as

88

1 Bureau 870, and in that capacity was sent by Pol Pot to the
2 provinces and to the zones; in other words, when there were -
3 well, I've said "particularly delicate matters", and these were
4 obviously delicate matters of a political nature, to be resolved
5 or investigated.

6 [14.08.23]

7 Khieu Samphan was not - he didn't have the authority to resolve
8 these matters himself, but he would report back to Pol Pot on
9 what he found in the places he was asked to visit.

10 Q. So my more specific question is: What were these delicate
11 issues and, especially, what is your source regarding these trips
12 to the provinces? Who told you about these?

13 A. Well, I mentioned in the sources Suong Sikoeun. In my
14 interviews with him, this subject came up. I've also put down Phy
15 Phuon. I honestly can't remember whether - and you must forgive
16 me, but this is memory, whether this particular issue of these
17 missions was discussed with him.

18 Khieu Samphan's role in the General Office is attested to by a
19 document which I cite here which is in the Vietnamese military
20 archives.

21 Delicate missions, I wouldn't wish to go beyond that in terms of
22 characterizing. If I were to say when there was somebody who was
23 under suspicion that Khieu Samphan was asked to go and make an
24 assessment and report back on the situation, it might - it might
25 be so, but I have no specific grounds for saying that; therefore,

1 I would prefer to remain with the phrase "delicate missions" -
2 "politically delicate missions".

3 [14.10.16]

4 Q. So, if I understood well, your main source stating that Khieu
5 Samphan was in charge of delicate missions was Suong Sikoeun -
6 regarding your - was Suong Sikoeun and the conversations you had
7 with Suong Sikoeun if I understood correctly.

8 A. Whether it was the main source or whether it was one source -
9 and we also - I also discussed it with Phy Phuon - I really
10 couldn't say, but there were interview sources of whom Suong
11 Sikoeun was one; that I can be certain of. And there are
12 references, as I say, in this document in the Vietnamese military
13 archives also to Khieu Samphan's role in the General Office.
14 And since you mentioned it, Khieu Samphan was very insistent when
15 we spoke. I'm sorry to have to have to go into this, but he was
16 very insistent on not having had a role in the General Office,
17 and when someone wishes to obscure a particular part of their
18 activity, it surely is for reasons.

19 [14.11.34]

20 Now, that is - that is not a basis for what I wrote, but it is an
21 element in judging the testimony of others.

22 Q. Well, maybe to make things a bit clearer here, regarding what
23 was Khieu Samphan's position, I would like to quote an excerpt of
24 his testimony or of his statements before the Co-Investigating
25 Judges regarding his work at 870.

1 This is document E3/37. This is a document with French ERN
2 00156681. And the prosecutor yesterday quoted passages from what
3 Khieu Samphan said, but let me give you the full quote, and he's
4 describing 870 and he says - [free translation]:
5 "This was an office of the Standing Committee which was made up
6 only of two people; Doeun, the President, who was assisted -
7 Pang, among others and was in charge of politics and, as far as
8 I'm concerned, as I said, I was in charge of drafting a price
9 table for cooperatives to distribute goods in the region based on
10 instructions from the Standing Committee and of establishing
11 relations with Prince Norodom Sihanouk."
12 [14.13.44]
13 So, before the Co-Investigating Judges, Khieu Samphan speaks
14 about his activities within 870. He speaks about his
15 relationships with King Sihanouk - English ERN - I'm sorry for
16 this - 00156754. So he speaks about his activity at 870 and he
17 confirms what is - what was written in the record from the
18 Standing Committee which I just provided to you.
19 Now, regarding 870, yesterday, again, when the prosecutor asked
20 you to comment on the fact that Doeun had disappeared and when he
21 asked you if you knew if anyone had replaced him you said that
22 there were no official documents mentioning someone replacing
23 him, and I suppose you agree with this, and you said, however,
24 that it was possible - and let me get back to what you said
25 exactly.

91

1 [14.15.35]

2 So this was yesterday at around 10 o'clock in the morning. In the
3 draft transcript, in French, and this will be interpreted - [free
4 translation]:

5 "The office - being at the head of the office or managing it, in
6 reality, are two different things. After Doeun was sacked, no
7 name was mentioned as the person in charge of the General Office.
8 So, I believe it's reasonable to believe that Khieu Samphan had
9 an important role and this matches what was said about his
10 missions in the provinces, and here I speak about the moment that
11 followed Doeun's sacking."

12 So first question is: What is your source to speak about these
13 alleged missions to the provinces; is it still Suong Sikoeun?

14 MR. PRESIDENT:

15 Mr. Expert, could you please hold on.

16 International Co-Prosecutor, you may now proceed.

17 [14.16.53]

18 MR. ABDULHAK:

19 Thank you, Mr. President.

20 I'm not on my feet to object and I certainly wouldn't impute to
21 my friend a deliberate omission, but when she read that portion
22 from the Khieu Samphan's - Khieu Samphan interview with OCIJ, at
23 least in English, the sentence didn't come through in full, and I
24 just want to make sure we have it on the record - or the two
25 sentences that are of relevance for the present purposes: "It was

1 one office of the Standing Committee. It had only two members,
2 Doeun and me."

3 We didn't hear the words "and me", and I just want to make sure
4 we have that accurate on the record.

5 [14.17.32]

6 BY MS. GUISSÉ:

7 Q. No, it - indeed, in French, I said - I read the totality that
8 indeed states the passage that you read yesterday, stating that
9 he worked with collaborators among which Pang.

10 So let me return to my question, Mr. Short, the question being:

11 What are your sources to state that he was sent to the provinces?

12 And you spoke about delicate missions, but you said that you
13 could not be more specific about this because you didn't know
14 what these missions were or you didn't have any details about
15 these missions. But is it Suong Sikoeun who spoke to you about
16 these missions?

17 MR. SHORT:

18 A. I have already said that he was one source, maybe the
19 principal source, and I repeat again, he was a source for that
20 affirmation. I would not wish to go further on delicate missions
21 simply because I do not wish to mislead the Court. I will - I
22 feel it is right that I say what I have a reasonable belief of
23 being correct, but to speculate beyond that would be misleading.

24 [14.19.12]

25 Q. Yes, because, as you said yourself, Mr. Suong Sikoeun

1 testified before this Chamber and he did not speak about delicate
2 missions to the provinces, nor did he speak about delicate
3 missions as you describe in your book; that's why I'm asking you
4 these questions.

5 There was no further detail than that; is that the case? You
6 confirmed that there was no further detail than this generic
7 information that he provided to you, and by Phy Phoun as well,
8 because I don't see any other people mentioned in the footnotes
9 which we are discussing now.

10 MR. PRESIDENT:

11 International Co-Prosecutor, you may now proceed.

12 MR. ABDULHAK:

13 I apologize for interjecting again, but the statement just made
14 may mislead. I'm not going to suggest my colleague is intending
15 to do that at all. Saying Suong Sikoeun did not speak of delicate
16 missions may infer that he was asked about it.

17 [14.20.22]

18 I think, if I – if my understanding of the record is correct –
19 and I stand to be corrected; if I've got this incorrect, I will
20 apologize in advance, but I do not believe that the time we knew
21 – that Suong Sikoeun had given this information to Mr. Short, I
22 don't believe he was asked about delicate missions by Khieu
23 Samphan. So, I just want to make sure that we're not telling Mr.
24 Short now that this was asked of him and that he didn't provide
25 consistent testimony in Court.

1 BY MS. GUISSÉ:

2 Unless the prosecutor can prove to me that I am mistaken and that
3 <Mr. Suong Sikoeun did talk before the Chamber about delicate
4 missions,> I do not believe that I presented things incorrectly
5 to Mr. Short.

6 Q. Let me continue with speaking about this period.

7 We spoke about the date when he entered Phnom Penh and we spoke
8 about your sources. We spoke about these delicate missions and
9 about your sources. And now I would like to turn to the question
10 we were discussing regarding 870 and the absence of documents
11 regarding the person who substituted Doeun at Office 870.

12 So my first question is: Was Office 870 something that you
13 researched maybe more in detail than other topics?

14 [14.22.25]

15 MR. SHORT:

16 A. Not more in detail than other topics because the - it was a
17 highly secret organization and served, if you like, as the nerve
18 centre for transmissions from the Standing Committee. I
19 researched it as much as I could and I think probably as much as
20 anybody else has been able to. For instance, the Vietnamese
21 documents mentioned Phouk Chhay as being a member, Yem as being a
22 member. You mentioned Pang whose full name, I think, was Chhim
23 Sam Aok. Yes, I tried to discover as much as I could about it,
24 but a very secretive organization does not leave a paper trail.

25 Q. There are several witnesses here who came to testify before

1 this Chamber and some referred or mentioned Office 870 and, in
2 particular, three witnesses, Ms. Noem Sem, who testified on 25
3 September 2012, and this is transcript E1/126.1.

4 [14.23.57]

5 We also have a witness called Oeun Tan, testified on 13 June
6 2012, E1/86.1; and also a so-named Sa Vi, who testified on 8
7 January 2013, E1/156.1; and also Norng Sophang, who was heard on
8 3 September 2012, E1/120.1. And during these testimonies,
9 questions were put to them on who was the person leading Office
10 870, and the names mentioned were: Pang, Ken alias Lin, and, more
11 specifically, Madam Noem Sem, Lin's wife, who said in her
12 testimony of 25 September 2012, E1/126.1 – French ERN 00849695;
13 English, 00849586; Khmer ERN 00850477. And she knew Pang at
14 Office 870.

15 And she is asked: "Who replaced Pang after he disappeared, and
16 this, until 1979?"

17 And the answer was: "Pang's successor was my husband."

18 Question: "You said to us earlier that a certain number of
19 'Bureau K' were placed under the supervision of 870. And after
20 Pang was replaced by Lin, were these K Offices under the
21 supervision of your husband or someone else?"

22 Answer – maybe I should slow down a bit: "My husband was,
23 generally speaking, in charge of Office 870. Now, regarding the
24 other offices, maybe he supervised them, but I don't really know
25 that clearly."

96

1 [14.26.50]

2 Then, my first – the first question is: Did you ever hear that
3 Lin had replaced Pang, who apparently worked for Office 870 after
4 Doeun? Did you ever hear any information in that regard?

5 MR. PRESIDENT:

6 Mr. Expert, could you please hold on?

7 International Co Prosecutor, you may now proceed.

8 MR. ABDULHAK:

9 Thank you, Your Honours. We do seem to have a problem again with
10 a selective use of information and facts.

11 If one wants to quote every witness that was asked about the
12 Office 870, then one should be complete. Two witnesses in this
13 trial also testified that Khieu Samphan became the head of 870;
14 they were Phy Phuon and Kaing Guek Eav, alias Duch. And I want to
15 make sure that's on the record so that we're not misleading the
16 expert as to just what this Court has heard.

17 [14.27.56]

18 BY MS. GUISSÉ:

19 I don't see where I am distorting the information. I am saying
20 the witnesses who testified – I'm speaking about Mr. Lin's wife,
21 and she says that her husband was in charge of 870. And I'd like
22 to remind the Co Prosecutor that he had full liberty to present
23 all of the information he needed, so I am asking Mr. Short,
24 however, if he already heard of Mr. Lin, whose wife is saying
25 that he was in charge of 870. And Mr. Phy Phuon, well, we will

1 get to that later.

2 So I'd like to stand by my question. Did you ever hear of-

3 MR. SHORT:

4 A. I heard of Ken. I heard of the man by his name Ken. I did not
5 know he was also called Lin. And my understanding was that he was
6 the head of a messenger unit - I can't remember the code name,
7 but which was attached to 870.

8 [14.29.17]

9 I did not hear of him being the head of 870. I must be truthful,
10 I did not hear of Mr. Khieu Samphan being the nominal head of
11 870, but I did have reason to believe that he played an important
12 role, and that was on the basis both of interview material and of
13 the references in the Vietnamese archives.

14 Q. Picking up on the subject of Phy Phuon, since you spoke to
15 him, did Phy Phuon talk with you about the fact that Khieu
16 Samphan may have been in charge of 870?

17 A. To the best of my recollection, no. I would really, you know,
18 I have in Paris, the texts of these interviews, I don't have them
19 here, they're not accessible. If I were to go and look, I would
20 be able to give you an accurate answer, but to the best of my
21 recollection, no. Did I ask him specifically, "Was Mr. Khieu
22 Samphan head of 870?" I'm not sure about that either. So I don't
23 want to mislead you. I really can't take that further.

24 [14.31.00]

25 Q. There is no problem there, Mr. Short. We're certainly not

1 asking you to say things that you do not know. Thank you.

2 Let's turn to another point, which also came up yesterday with
3 the Co Prosecutor.

4 He took an extract from your book, which I will read to you. It's
5 page 366; the French ERN is 00639935; 00396574; and the sentence
6 which was read to you yesterday, goes as follows: "Confessions of
7 treason were needed for men like Ieng Sary and Khieu Samphan to
8 read out at closed Party meetings."

9 What I want to ask you is: Again, what is your source about these
10 closed Party meetings? And what sort of meetings are they,
11 exactly?

12 A. These were meetings of, for instance, ministry officials.
13 Laurence Picq, in the manuscript from which her book was taken,
14 writes at some length about them, and describes, in particular,
15 meetings of which Ieng Sary read out confessions. And I'm having
16 a blank, but there - it was another mid level Khmer Rouge
17 official to whom I spoke about this, who lives or lived near
18 Pailin. I would, after the break, perhaps, provide you with the
19 name.

20 [14.33.23]

21 Q. Certainly, we'll come back to this.

22 You've mentioned Laurence Picq, and meetings in the Foreign
23 Ministry, and this also concerned Ieng Sary. And I'm just
24 wondering if you have an example, for instance, when Ieng Sary
25 and Khieu Samphan, the two together, read out these things at

99

1 closed Party meetings and if you have a source to quote?

2 A. No, I have no source for saying the two together read out
3 these things at closed Party meetings, and indeed, closed Party
4 meetings or closed Ministry meetings, closed meetings of Khmer
5 Rouge officials, but Khieu Samphan did chair such meetings, Ieng
6 Sary also did, and my sources say that on occasion, to illustrate
7 the theme of the meeting, confessions were read out.

8 [14.34.40]

9 Q. So, if I understand correctly, you are referring in general
10 terms to this kind of meeting, but nobody spoke to you
11 specifically about a meeting during which Khieu Samphan read out
12 confessions. Is that right?

13 A. The mid level official at the Foreign Ministry, to whom I
14 spoke, and it was not Suong Sikoeun, it was another official, did
15 refer to a meeting at which he had attended where Khieu Samphan
16 had read out such a confession.

17 Q. So, on that point, Suong Sikoeun is your source, is that
18 correct?

19 A. No, no, no. No, I said "not Suong Sikoeun", another mid level
20 official whose name temporarily escapes, but I'll find it.

21 [14.35.41]

22 MS. GUISSÉ:

23 Thank you very much. Okay, we can certainly come back to that
24 after the break. There is no problem with that.

25 Mr. President, do you want us to go on now or take a break, since

100

1 we are completing at 4.30? Would you like to go on until 3
2 o'clock, as we did yesterday? I am, of course, at your disposal.

3 MR. PRESIDENT:

4 You may continue until 3.00.

5 BY MS. GUISSÉ:

6 Thank you, Mr. President.

7 Q. Again, a point that came up yesterday, where you commented a
8 little on the statements you made in your book – and just to
9 refresh our memories, I'll reread the extract. The French ERN is
10 00639941, and the following page; in English, the ERN is
11 00396579. And I must ask my team to assist me with locating the
12 page, but it's 371 in the English.

13 And you tell us that "Pol himself decided on the most important
14 arrests, sometimes in consultation with Khieu Samphan".

15 When questioned, yesterday, on that extract, you said – or
16 perhaps, I'll actually find what you actually said so as not to
17 misrepresent you. Just one moment, please.

18 (Short pause)

19 [14.38.45]

20 I apologize, Mr. Short. I am wasting the Chamber's time. My
21 Post-it seems to have come unglued. Well, I'll find the exact
22 words that you uttered a little later.

23 But broadly speaking, what I understood from the explanations you
24 gave us yesterday was that you didn't think that Khieu Samphan
25 took the decisions jointly with Pol Pot, but that this was

101

1 following a certain form of logic, whereby he was in charge of
2 sensitive missions. In other words, you were not really referring
3 to precise examples where he actually did advise Pol Pot on this
4 or that arrest.

5 I can find what you said precisely yesterday, but is that a
6 decent summary?

7 MR. SHORT:

8 A. It is. I remember the discussion, and we spoke about the
9 meaning of "consultation". "Consultation" could cover many
10 different things. Yes, my understanding is that this would be on
11 the basis of Khieu Samphan's findings after what we discussed
12 earlier, delicate missions to the provinces. And the source for
13 that are the interviews which Duch gave, some years ago, before
14 he was arrested. He gave a series of interviews, of which I was
15 able to get the texts - the transcripts, and in those interviews
16 he referred to precisely this process.

17 [14.40.51]

18 Q. And did Duch tell you if he had seen Khieu Samphan during that
19 period and how he drew his conclusions?

20 A. No, as I said, I did not interview Duch. They were interviewed
21 - he was interviewed by a British journalist, Nick - if I
22 remember rightly, Nick Butler. But I had access to the complete
23 transcripts of the interviews.

24 Q. I think I've got the reference that I mentioned a moment ago.
25 And you said, about the question of the arrests, [translation

102

1 from the French]: "This conclusion in my book..."

2 And this was at 9.46.

3 "This conclusion in my book is based on the fact that
4 'consultation' may have many meanings, and I base myself on a
5 source that I considered sufficiently reliable to use it in the
6 book. Was it sufficiently reliable for the Chamber to base itself
7 on that?" - well, that's a question that you raised yesterday.

8 "But the fact is that during a certain period of time, Pol Pot
9 used Khieu Samphan to make missions to the provinces, and he was
10 sent to assess the situation in the provinces and he came back to
11 report back."

12 [14.42.32]

13 And so there, again, when you talk about this, you are,
14 presumably, referring to that middle-level cadre whose name you
15 are trying to remember?

16 A. Long Norit (phonetic) is the name of the middle-level cadre.

17 Q. What was his precise position?

18 A. He was in the Foreign Ministry. Oh, sorry, Long Norin, not
19 Norit (phonetic); Norin, Long Norin.

20 Q. Did he tell you at what stage he was interacting with Khieu
21 Samphan when he talked to you?

22 A. Interacting, is I think, too strong a way of putting it. He
23 was part of the audience at a meeting, which Khieu Samphan
24 chaired for officials.

25 Q. Okay, so we are talking about a meeting during which

103

1 confessions were read out?

2 A. We are.

3 Q. And sorry for picking at the detail, but did he tell you where
4 the meeting was held and as part of what event?

5 [14.44.13]

6 A. Not to my recollection, and I would probably not have afforded
7 that significant. What interested me was Laurence Picq gave an
8 account of this happening; Long Norin mentioned it happening. You
9 mentioned the necessity to crosscheck. Here were two completely
10 different sources speaking about the same thing happening. I
11 certainly have no note of exactly where it happened.

12 Q. I'm asking you the question because Laurence Picq was the wife
13 of Suong Sikoeun, who was working in the Foreign Ministry, and
14 Long Norin worked in the Foreign Ministry as well, and you are
15 talking about a closed-door meeting. But you cannot, I believe,
16 tell me if this meeting itself was in the Foreign Ministry.

17 Let's switch to another topic; I'm keeping an eye on the clock.

18 Yesterday, with the Co Prosecutor, the subject came up of whether
19 you were aware of humanitarian or other assistance which the CPK
20 might have received from outside the country, and you said you
21 weren't aware of any. In the file which we gave you yesterday,
22 there were a certain number of documents, records from the
23 Standing Committee. Have you had a chance to look at those? I
24 would like to glance at those documents together with you.

25 [14.46.22]

104

1 The first is E3/230; the French ERN is 00301330; in Khmer it's
2 00000711; and in English, 00182546.

3 With your leave, Mr. President, I would like to put the first
4 page in Khmer on the screen.

5 Mr. Short, I think you're confirming there that you have the
6 document before you. This is minutes of a Standing Committee
7 meeting on the night of the 22nd of February 1976, and the
8 participants in it seem to be Comrade - Secretary Comrade -
9 Deputy Secretary Comrade Van, Comrade Vorn, Comrade Khieu,
10 Comrade Thuch, Comrade Hem, Comrade Doeun, and Comrade Touch, if
11 my pronunciation is correct.

12 Under paragraph 4, you get "Yugoslavian aid of \$3 million", and
13 underneath, I assume this is part of the recommendations:

14 "Propose buying one million dollars of medicine, especially fever
15 medication, disease fighting of all kinds, for example,
16 antibiotics, energy medication, serum, etc."

17 On the next page of the same document, paragraph 7, the title is
18 "Distribution of Chinese Aid Rice": "Distribute a quantity of
19 rice to Comrade Mut, 5,000 bags; to Koh Kong, 2,000 bags; Sector
20 25, 10,000 bags; as for the remaining amount, keep in reserve for
21 use in Phnom Penh."

22 [14.49.15]

23 My first question is somewhat superfluous since you answered
24 yesterday, but I must ask you it again. Are you aware of this
25 document?

105

1 A. Yes, I am aware of this document, and I think I spoke loosely
2 and the Court misinterpreted me or I misinterpreted the
3 questioning yesterday, but I certainly did not say the DK refused
4 foreign aid. I was asked in the context of the food shortage in
5 April 1975 and I said no, the DK authorities refused to bring in
6 urgently relief supplies in the weeks after their victory. I
7 think I also said, if I didn't, I should have done, that a
8 certain amount of food aid arrived at that time from China.
9 Whether it was in response to a direct DK request or not, quite
10 how that was arranged, I don't know, but there was a little bit -
11 a certain amount that came in.

12 But afterwards, it's well-known. I mean, the North Koreans gave
13 aid for hydro - with hydroelectric projects; the Yugoslavs, as in
14 this document; I think there was also a little aid accepted from
15 Sweden. Foreign aid was accepted in limited quantities.

16 [14.50.59]

17 Q. That takes me to the second document that I'd like to look
18 with you, E3/238. I believe you have a copy of this.

19 Mr. President, with your leave, I would like to have this put up
20 on the screens. The French ERN is 00446630; in Khmer, and this
21 spans two pages, it's 00000724 to 58; and in English it's
22 00424112.

23 These are minutes of a meeting of the Standing Committee from the
24 28th of February 1976. There were three participants, and in the
25 copy I have, the only legible name is Comrade Thuch, and the

1 agenda is issues of aids from Sweden and Yugoslavia.

2 In paragraph 1 it talks about aid from Sweden, and it says that
3 the "Swedish Government has planned to aid Angola, Somalia and
4 Cambodia in 1976 to '77, with a total of 180 million kronas or 40
5 million dollars."

6 In paragraph 2, there's a reference to aid from Yugoslavia and:

7 "They have given us 4 million dollars but they have already spent
8 1 million dollars to buy blankets and medicines. 15,000 blankets
9 have been sent through Beijing. They asked whether we have
10 received them yet."

11 [14.53.12]

12 So, a priori, it would appear that Sweden and Yugoslavia were
13 providers of aid.

14 Were you aware, during the period of Democratic Kampuchea, of the
15 aid provided by these countries?

16 A. Yes, I was. When I was aware at the time, because when I was
17 in Beijing, in the DK period, I knew the Yugoslav Ambassador to
18 Phnom Penh, and it was not something that was kept secret.

19 Q. Staying with the same documents, since we're talking about
20 political positions, vis-à-vis, foreign assistance. And in
21 French, it's the same ERN, in Khmer and in English it's the
22 following page - so, in Khmer, 00072459; and in English,
23 00424113. This is what it says under the heading of

24 "Characteristics of Aids from Sweden and Yugoslavia":

25 "Political viewpoints

107

1 "In order to receive the aids, we need to select the independent
2 countries, namely countries that are satellite to neither the
3 United States nor Soviet.

4 "With these kinds of countries, we have force on the
5 international stage. The United States want to suppress us. The
6 Soviet also wants to suppress us through Vietnam. Therefore, we
7 have to have friends in the world, the friends that are not,
8 [corrects the interpreter], in any league."

9 [14.55.15]

10 I'm nearly finished with this rather tedious reading but under
11 point 2, it says - there's a new ERN in English, 00424114. And
12 the conclusion that they reach is that:

13 "They say that their aids are unconditional. However, any aid is
14 conditional; for instance, they want to influence or get support
15 from us. But this issue is alright.

16 "Therefore, anything that serves our revolution benefits our
17 revolution. We can take and thank them."

18 After that, on the same page, although in French it goes over the
19 page, it explains that assistance from Sweden will be used for
20 the purchase of materials and from Yugoslavia, for the purchase
21 of medicines.

22 Were you aware of this document and would you say that the
23 position that appears in this document, namely that assistance is
24 accepted from countries where you can be sure of not becoming
25 dependent upon them or undergoing pressure from them, is that

108

1 concordant with what you yourself were able to observe during the
2 period?

3 A. In broad terms, yes.

4 [14.57.15]

5 MS. GUISSÉ:

6 Mr. President, I'm going to be switching now to another line of
7 questioning, so, if you wish, this might be a good stage to have
8 a break.

9 MR. PRESIDENT:

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

11 Indeed, it is now appropriate moment already for the adjournment.

12 The Chamber will adjourn for 20 minutes.

13 Court officer is now directed to assist the expert during the

14 adjournment and have him returned to the courtroom when the next

15 session resumes, at 20 past 3.00.

16 (Court recesses from 1457H to 1523H)

17 MR. PRESIDENT:

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

19 We would like now to handover the counsel for Mr. Khieu Samphan

20 to continue putting questions to the expert.

21 BY MS. GUISSÉ:

22 Thank you, Mr. President.

23 Q. This is the last lap in this race. Before I move on to the

24 next section of one of the documents I presented to you

25 yesterday, I would like to backtrack a little bit following your

109

1 answer in which you said that it was Long Norin who allegedly
2 spoke to you about meetings with Khieu Samphan or meetings during
3 which Khieu Samphan spoke.

4 [15.24.48]

5 And during the break, we checked this, and Long Norin did say
6 before this Chamber, and I will - and for the record, I will say
7 as well as for your comments, I'd like to refer to an excerpt of
8 his statement. This was on 8 December 2011. This is E1/19.1;
9 French ERN 00761359; Khmer ERN 00759197; English ERN 00761264.

10 And in this record, this is the question that is put to Long
11 Norin - in French it's on line 22: "Did you attend meetings in
12 which Nuon Chea or Khieu Samphan were present?"

13 And the answer: "Not Nuon Chea, and I also did not attend any
14 meetings which Khieu Samphan would have attended."

15 So this is what Long Norin said before this Chamber.

16 So my question is: Are you sure that it is Long Norin who spoke
17 to you about this meeting or you don't remember or maybe it was
18 somebody else or maybe this source is not reliable?

19 [15.26.52]

20 MR. SHORT:

21 A. There's room for misunderstanding on such things. Whether Long
22 Norin thought you were asking about a meeting of officials to
23 discuss official matters, and in that case certainly he would not
24 - he would not have been present at which either Nuon Chea or
25 Khieu Samphan set out policy decisions; that he was not present

110

1 at any meeting at which Khieu Samphan conducted a seminar or a
2 study session, my recollection is that he said he was. But I
3 would not go further than that.

4 And on this subject, you did - you did say when we discussed this
5 earlier that I was not sure where such meetings would have taken
6 place. I didn't - I have - certainly didn't ask about the
7 specifics of that meeting, but all such meetings for Foreign
8 Ministry personnel took place in the Foreign Ministry. To leave
9 the Foreign Ministry, at that time, for officials, required
10 special authorization and there had to be a special purpose. So
11 the meetings I was referring to would certainly have taken place
12 in the Foreign Ministry.

13 [15.28.19]

14 Q. These are your recollections. Okay. And I wanted to tender
15 this statement to you for things to be clear.

16 Now, I'm going to move on to another document, which you normally
17 have had the time to become aware of, and the document is rather
18 long. But first of all, I'd like to refer to a segment from your
19 book and in the English version, it's on page 356. The French ERN
20 is 00639922 and the English ERN is 00396564. It's at the middle
21 of the page. It's an excerpt in which you speak about the border
22 problems between Cambodia and Vietnam, and you say the following:
23 "In May 1976, Cambodian and Vietnamese negotiators held talks in
24 Phnom Penh to try to reach agreement on delineating their common
25 border. The meetings were intended to pave the way for a summit

111

1 in Hanoi to sign a border treaty."<V>

2 [15.29.55]

3 So this, I read to you is in order to put my questions in
4 context. So you speak about a meeting that took place in May
5 1976, and I'd like to refer you to document E3/221 - French ERN
6 00386175; English, 00182693; and Khmer, 00000810 - and the
7 document is titled "Examination of the Reaction of Vietnam During
8 the Fifth Meeting on the Morning of 14-5-76".

9 And it is also indicated that there was a Standing Committee
10 meeting on the afternoon and in the evening of that day.

11 "The participants: Comrade Secretary, Comrade Deputy Secretary,
12 Comrade Van, Comrade Vorn, Comrade Khieu, Comrade Hem, Comrade
13 Ya, Comrade Chan, Comrade Sae, Comrade Touch, Recorder."

14 And the first paragraph is entitled "Report of the situation in
15 the Fifth Meeting", and in this record, contrary to other records
16 that we might have from the Standing Committee, this record is
17 very detailed and it's stated very much in detail who was
18 speaking and who was saying what.

19 [15.32.00]

20 And this is Comrade Ya speaking - reported to the meeting - and
21 this is what he says:

22 "Phan Hien expressed an opinion reading a typed text of many
23 pages. They thanked us for the visit to Angkar and were impressed
24 with our organization. They said that they had considered our
25 opinions, about the visit, and about the stance of negotiation.

112

1 They said some opinions were the same, some different. There were
2 some opinions on which there was no mutual understanding."<V>
3 Two paragraphs further in this record again, Comrade Ya
4 continues:
5 "Regarding the sea borders: They said they had examined our
6 opinions on the 5th and the 8th, but they take their stance
7 firmly that we had accepted their three conditions" - or "3B" - I
8 don't know what this corresponds to exactly - however, later, we
9 based ourselves on the Brevier Line. In order to mark the border,
10 we said that this line was undeniable."

11 [15.33.21]

12 And on the following page in French, ERN 00386176; English,
13 00182694; Khmer, 000081111 - I'm skipping a paragraph here - in
14 summary, they did not acknowledge the Brevié Line. They said
15 that, legally, the Brevié Line had no basis at all. They said
16 that if the Brevié Line was taken, this would have an impact on
17 their national sovereignty, and that was unacceptable.

18 This is what is stated at the beginning of this document.

19 So my question, in order to put things back in context, is first
20 of all: In this account, are meetings referred to that you refer
21 to in your book? And if such is the case, can you tell us what
22 the Brevié Line was and what the problem was?

23 [15.34.29]

24 A. The Brevié Line was the line dividing the sea border between
25 Vietnam, the former French colony of Cochinchina and Cambodia.

113

1 And the Cambodians, the DK, wished to make that the basis for the
2 sea border because it had always been so. All the borders, as
3 they point out in this document, had been drawn by the French.
4 And the Vietnamese wanted to shift the sea border quite
5 dramatically to give a much larger sea area to Vietnam.
6 If we read the document, what is interesting to me is that there
7 is a very obvious and strong willingness on the DK side to
8 prevent this becoming a real apple of discord. In other words, if
9 we can't agree on it, let us drag out the negotiations, let us
10 try and basically keep things calm. At one point, Pol Pot says,
11 "In the past, we've had many disagreements. We've always managed
12 to overcome them."
13 So the line on the Cambodian side was essentially conciliatory.
14 [15.36.02]
15 Q. I should have asked – started by asking you: Were you aware of
16 this document before?
17 A. I think I have seen a Vietnamese summary of it, but I have not
18 seen the original Khmer document.
19 Q. With respect to the conciliatory approach that you've just
20 mentioned, I'd like to look at the very end of the same document.
21 It's 00386191 in French; in English, 00182705; and in Khmer,
22 00000826. The conclusions seem to be – Comrade Nuon says:
23 "As I see it, Le Duan himself wrote that he wanted to meet us
24 twice. Both of his telegrams stated that. He really needs us.
25 "Comrade Secretary: So, we act gentle. We go watch their movie.

114

1 They do not yet have any reason to break off from us, because we
2 will keep smiling, and have never cursed them. If they break it
3 off, they gain nothing, they only lose."<V>

4 And I think that it is in respect of that that you were saying
5 that there was very much a conciliatory stance on the part of the
6 Cambodians?

7 [15.38.09]

8 A. Not only that. All the way through this rather long document,
9 that is the case. And I mention in my books that there are other
10 statements, which confirmed they did not wish tension to escalate
11 over this issue.

12 Q. On the - well, the relationships degenerated over the longer
13 term. We had a witness who was saying that he had fought at the
14 frontier and the border problems were certainly recurrent ones
15 throughout the regime period. Am I correct there?

16 A. Yes, and there was fault on both sides on the land border. I
17 think it can be well established that there were Cambodian DK
18 troops incursions into Vietnam and certainly there were
19 Vietnamese incursions into Cambodia.

20 [15.39.25]

21 Might I just add one remark? I prefer this document because I
22 think it is significant. Mr. Khieu Samphan attended this meeting
23 but did not speak, according to the minutes. And all the others,
24 except for the recorder, did speak, and I think that is fairly
25 consistent with other Standing Committee meetings - minutes of

115

1 meetings. Unless it were a subject for which he had specific
2 responsibility, he did not speak on other subjects, whereas Nuon
3 Chea, of course, and Pol Pot did, which fits in with what I have
4 been suggesting at other times in this hearing, that Mr. Khieu
5 Samphan was not part of the decision-making core. He was present
6 at these Standing Committee meetings but his role was not the
7 same as that of Nuon Chea or the other major participants.

8 Q. Well, I think you have jumped the gun there on my next
9 question. So I'll go to another point.

10 So, over the last few days, we have talked a great deal, and you
11 mentioned this more than once with my colleague from the Nuon
12 Chea team, about different levels of treatment between different
13 zones, and we've talked about the different backgrounds of the
14 zone leaders.

15 [15.41.20]

16 Yesterday, the expression "warlords" came up when my colleague
17 was questioning you, and you said that Khieu Samphan himself had
18 used the term in saying that many problems arose from that
19 source. And you said that if it was his position, it wasn't
20 necessarily yours.

21 To shed light on this point, I would like to read from your book,
22 on page 281. The French ERN is 00639817; and in English,
23 00396489. I want to read the entire passage. It's at the bottom
24 in the French in the middle of the penultimate paragraph, and you
25 say that:

116

1 "Six of the principal zone leaders – Ros Nhim and Kong Sophal in
2 the Northwest, Pauk in the North, Ney Sarann in the Northeast, So
3 Phim in the East, and Mok in the Southwest –"

4 And you mention that this was not fortuitous: "...had started their
5 revolutionary careers as Issaraks during the war against the
6 French.

7 "They showed the same extreme single-mindedness, the same
8 excessive simplification, the same ruthlessness and contempt for
9 human life, as the rebels of 30 years earlier. They also showed
10 the same fractiousness and diversity. Unlike orthodox communist
11 states, where decision-making is highly centralized and
12 implementation is in theory monolithic, Khmer Rouge Cambodia was
13 unruly. That combination of attributes would prove one of the
14 most enduring features of Pol's regime and eventually a prime
15 cause of its downfall."<V>

16 [15.44.15]

17 Yesterday, during our exchanges, I understood that when you were
18 talking about disparity in treatment, lack of discipline among
19 the Khmer Rouge when Phnom Penh was being evacuated, I understood
20 that you were limiting the problem to that particular period,
21 saying that after, later on, there was a degree of unification of
22 things and they were, so to speak, streamlined.

23 And this morning, when you were talking with my learned
24 colleague, I also understood you to be saying that it was quite
25 impossible not to respect the discipline.

117

1 Now, in the extract that I've just read out, it seems to me that
2 there was a discipline problem that wasn't limited to the
3 evacuation stage but which continued beyond that and, indeed,
4 that you believe that it is one of the major causes of the fall
5 of the regime.

6 Can you enlighten us about what I seem to have understood from
7 what you were saying on previous days and what you wrote in this
8 section of your book? Thank you.

9 [15.45.52]

10 A. When we were speaking earlier, it was in the context of the
11 victory in Phnom Penh and the immediate aftermath, but that was
12 not a one-of aberration. It was the situation before that,
13 indeed, at the very beginning - at the very beginning of the
14 guerrilla war in 1968 and the early seventies, it was even more
15 difficult to impose any kind of harmony because of the
16 difficulties in communication.

17 By the mid-seventies - I'm talking 1973-1974 - communications
18 improved and it was easier for the Centre to lay down its line.

19 But still, the central line was conveyed to the zone leaders who
20 would interpret it after their own fashion. And that remained the
21 case after April 1975 throughout the DK period; there were
22 considerable variations and great difficulty in harmonizing
23 policies throughout the country.

24 I've used the term a "general consensus" because, if you look at
25 Khmer Rouge policy in the various different areas, there were

118

1 many things in common. There was a basis which everybody adhered
2 to but beyond that basis, there was great variation.

3 That happens with most communist systems. It happened to a much,
4 much lesser degree, a very small degree, in China; almost not at
5 all in the Soviet Union. But it does happen everywhere and it
6 happened to a very considerable extent in DK.

7 [15.47.49]

8 Q. But in this extract that I read out, the impression I have is
9 that-

10 "Unlike the orthodox communist states where decision-making is
11 highly centralized and implementation is in theory monolithic,
12 Khmer Rouge Cambodia was unruly."

13 Now, when I read that, it seems to me that you are setting
14 Cambodia on one side as an exception from the orthodox communist
15 states that you're acquainted with elsewhere. I understand that
16 there are similarities but it seems to me that you're drawing our
17 attention in this passage to the exceptional nature of the DK
18 case.

19 I may have misunderstood. Or are there other nuances that I have
20 missed?

21 A. I think it's fair enough to say the DK was exceptional in many
22 regards and that was one of them. There was a degree of
23 unruliness, which you did not find in what I've chosen to call
24 "orthodox Marxist-Leninist countries".

25 [15.49.10]

119

1 Q. Yesterday, when we were talking about hunger as an instrument
2 of pressure and power, you said that in your understanding, Pol
3 Pot did not intend to starve people. He wanted people to be
4 healthy with enough to eat for the development of the country.
5 On the other hand, at the local level, it was used as a means of
6 exerting pressure.

7 Can I deduce, and you will correct me if I'm wrong, that in such
8 conditions, it's rather difficult to say that there is a CPK
9 policy to wish to starve the population?

10 A. I would merely repeat that there was no CKP - CPK policy to
11 starve the population. There simply was no such policy. The
12 policy was that Cambodia wanted as big a population as possible
13 and, indeed, the forced marriages, the insistence at the
14 grassroots that couples who had married should produce children,
15 all that was to try to make the population bigger, so that
16 Cambodia would become stronger and its production greater; all
17 that is wholly consistent.

18 [15.50.56]

19 The problem arises when illiterate - very often illiterate,
20 uneducated low-level officials with few resources except fear
21 have to force a large population under their control to go out
22 and work very long hours. Many problems arose but in practice,
23 therefore, in the end, hunger was used as a weapon to exert
24 control of the grassroots. So there's a contradiction.

25 Q. Continuing with this question of the opposition there may be

120

1 between the directive-giving centre and opposition at the local
2 level, I would like to read an extract from a witness statement
3 who testified in this Chamber. His name is Meas Voeun. Let me
4 pause a while, while I find the document.

5 It is the transcript of the 4th of October 2012, E1/130.1 – ERN
6 in French, 00853455; in English, 00853343; 00851151 in Khmer –
7 00851151; that's the Khmer.

8 The background to this is that there was a witness who was a
9 soldier and who says that he was summoned by Pol Pot for a
10 meeting at Wat Ounalom and he was given instructions at that
11 juncture. And he tells what Pol Pot was explaining to him then.

12 [15.54.22]

13 So the question is: "During the meeting, did you receive any
14 instructions on your transfer to Preah Vihear?"

15 And he says: "Before I left for Preah Vihear, I heard word about
16 what was going on in the East Zone. And in August I was asked
17 about the Preah Vihear situation because there people had been
18 arrested. And there were people who were starving. In Siem Reap
19 the situation was similar, people had been put in prison in that
20 place."

21 Question: "What were you told to you in Preah Vihear and why did
22 you have to go there?"

23 Answer: "First, he asked Ta Son – that's the superior of the
24 witness – to report on imprisonment of certain individuals. My
25 task in the province of Preah Vihear was to look at the question

121

1 of the arrest and imprisonment of certain people to see if it
2 actually happened. In addition to that, I was told to deal with
3 dispatching some merchandise to Preah Vihear and to check that
4 they had reached their destination."

5 [15.55.46]

6 So, in that testimony extract - well, you can draw whatever
7 conclusions you want from it, but according to Mr. Meas Voeun's
8 statement here, Pol Pot was asking him to go out to a region
9 because he had heard that certain things were happening there and
10 he wanted to know what the situation was.

11 Does this example not shed light on what we were saying about the
12 disparities between zones and regions? And the fact that it was
13 not always easy for the Centre to maintain control over what was
14 going on.

15 A. I don't think it shows - with respect, I don't think it shows
16 disparities; I think it simply shows a desire on the part of the
17 central leadership to know what was happening in the zones. Now,
18 you can say that shows a lack of faith in the orthodox
19 communication channels because he could have asked the Zone
20 leadership to report to him. But I don't think it's unusual that
21 a leader would send a mission to investigate. It's a little bit
22 like what we were talking about Khieu Samphan earlier when he was
23 sent on delicate mission to find out what was happening in the
24 provinces. This seems to have been a practise of Pol Pot's.

25 [15.57.27]

122

1 Q. Mr. Short, if I am not mistaken when we talked about sensitive
2 missions and travelled to the provinces, you didn't quote any
3 particular example to me. And it was more an assumption on your
4 part?

5 A. No, it wasn't an assumption; it was - I went as far as I could
6 in characterizing that. When Pol Pot was in Ratanakiri, he sent
7 his wife Khieu Ponnary who was then in good health on
8 investigation missions to other provinces. So this was a way of
9 operating that goes back quite far.

10 Q. And you know which province Khieu Samphan went to at Pol Pot's
11 bidding and who gave you that information?

12 [15.58.32]

13 A. I think we discussed this this morning and I gave you my
14 source who was Suong Sikoeun. I certainly discussed it with Phy
15 Phuon. I cannot recollect, let me say again exactly what he said,
16 and the matter of Khieu Samphan reporting back was in Duch's
17 testimony. So those were the sources for that.

18 Q. So you're speaking about Duch's testimony that you heard - you
19 heard the audio recording of this testimony; is that what you
20 were speaking about?

21 A. I misused the word "testimony". I explained this morning that
22 Duch had given a number of interviews before his arrest which
23 formed the basis for a book which was published. And I had access
24 to the transcripts, the complete transcripts of those interviews.
25 That is the source - my source for saying that he spoke about

123

1 this matter.

2 [15.59.50]

3 Q. Fine. I am almost done with my questioning, so rest assured,
4 because Kong Sam Onn, my colleague, will also have some questions
5 to put to you.

6 Now I would like to turn to public declarations you made
7 regarding Democratic Kampuchea. I believe that you were also
8 given two articles in the folder, one article that is rather old,
9 dated - from the "Phnom Penh Post", 9/23, from 23rd of November
10 2000. And the ERN of this document is 00842099, and the document
11 is E226/1.1.1.

12 And in this interview - sorry, it's not an interview. In this
13 article entitled "The Devil's Advocate: There Should Be No Trial
14 Against the Khmer Rouge", let me just read out an excerpt.

15 English ERN is 00839943. And this is what you say - this is a
16 long article, so I'm just going to read out a passage and I'll
17 ask you to comment - [free translation]:

18 "An international Court created to prosecute the former Khmer
19 Rouge leader will have nothing to do with justice. Its only
20 mission will be to exercise judicial vengeance, to satisfy the
21 interests of UN bureaucracy, and to appease the political
22 discomfort of the United States."

23 So, my first question here - and maybe this is a harsh position
24 you state here, but - so, under which conditions did you write
25 this column, and why?

124

1 [16.02.54]

2 MR. PRESIDENT:

3 Mr. Expert, please hold on.

4 Mr. Prosecutor, you may proceed.

5 MR. ABDULHAK:

6 Your Honours, I have to say it's disappointing, given the
7 Defence's request for extra time, to see them going into this
8 completely extraneous matters.

9 With utmost respect for Mr. Short's expertise and years of
10 experience, this is neither a matter that is within the scope of
11 this trial, nor is it a matter on which his expert opinion can
12 assist Your Honours.

13 This is completely irrelevant, the question should not be
14 allowed, and my learned friend should be required to move on to
15 relevant matters, keeping in mind her request for extra time.

16 [16.03.41]

17 MS. GUISSÉ:

18 Well, Mr. President, I'd like to answer this quickly.

19 I'd like to remind you that this is a document that we asked to
20 place on the case file when - for Mr. Short's testimony. I don't
21 have the number of this request but I could find it. And this
22 request was granted, which means that today, once again, it is
23 important to remind that Mr. Short is not an ordinary witness; he
24 came as an expert, and therefore we can ask him, indeed, for his
25 opinion, and this is what we have been doing over the past four

125

1 days.

2 So, I believe that we are - we are getting with a very important
3 point here, and it's important, in your assessment of his
4 testimony, to understand his opinion and that you can be clear
5 about his stance regarding this trial in which he is testifying.

6 I don't - I don't think that this is a problem, and it is even
7 less a problem because this article was accepted by the Chamber.

8 (Judges deliberate)

9 [16.05.27]

10 MR. PRESIDENT:

11 The objection and grounds for objection by the prosecutor against
12 the last question posed by the defence team for Mr. Khieu Samphan
13 is well grounded, and this question is not relevant to the facts,
14 particularly to - it does not fall within the scope of the
15 expert's expertise.

16 So the counsel is directed to move on, and the expert needs not
17 respond to the last question posed by the counsel.

18 BY MS. GUISSÉ:

19 That is a pity, but I will proceed, however.

20 Q. In a document that was accepted by the Chamber, E271.2 - this
21 is an interview that you gave to the "Phnom Penh Post" on 7 March
22 2013, which happened when you came to testify for the first time.
23 And as you know, since Ieng Sary was not well then, the hearing
24 was not possible. And you say - the ERN in French is 00894870;
25 and 00894302, English. And let me quote an excerpt in which you

126

1 mention Rwanda and you draw a parallel with the reconciliation
2 process, and this is what you say-

3 [16.07.54]

4 Let me say again the ERN in English 00894302. And you say:

5 "In Rwanda, where the hatreds were deeper and much older than in
6 the Khmer Rouge because they were ethnic hatreds, they basically
7 had a process of reconciliation. It worked.

8 "There was a form of trial through village communities, but
9 everyone - not just a few symbolic figures - everyone was made to
10 undergo this process, and the result was you don't have what you
11 have in Cambodia, where you have Khieu Samphan, Ieng Sary, and
12 Nuon Chea at Court, and everybody else, all the people who
13 carried out the killings are living next to the families they
14 killed in the villages."

15 Now, I would like to connect this excerpt of your interview with
16 the video that was shown to you yesterday by the Co-Prosecutor.
17 And you said, regarding this video, that you felt it was
18 necessary also to speak about the responsibilities of the
19 intellectuals, but also of the cadres and of the people at the
20 local level, at the district level, at the zone level. You said
21 that it was necessary to speak about their responsibility.

22 [16.09.24]

23 So am I write or am I wrong to connect what you said in this
24 article to what you said yesterday regarding the video that was
25 shown to you by the Co-Prosecutor, the video of your conference?

127

1 I don't remember in which university it was, but is it basically
2 in the same line of thought?

3 MR. PRESIDENT:

4 Mr. Expert, please hold on.

5 Mr. Prosecutor, please proceed.

6 MR. ABDULHAK:

7 Again, Your Honours, completely irrelevant - completely
8 irrelevant to the issues before you. Comparative analysis of
9 traditional justice mechanisms between Rwanda and Cambodia might
10 be appropriate for a conference which my friend and I can attend
11 together, but not for this trial.

12 The question should not be allowed. She should be directed to
13 move on.

14 [16.10.20]

15 MS. GUISSÉ:

16 Well, I'm coming to the end of my questions, but I wanted to
17 finish in the same way as the Co-Prosecutor ended yesterday. If
18 the Co-Prosecutor was allowed to speak about a conference - and
19 I'm not speaking about a conference; I'm speaking about direct
20 statements in a newspaper - and I see that Philip Short is
21 nodding.

22 And I don't know why, because I am asking him questions on a
23 general topic regarding the expert's conclusions on who to judge
24 and what the responsibilities at line in the functioning of
25 Democratic Kampuchea - I don't know why I should not be allowed

128

1 to ask this kind of question, because I think this question is
2 useful for the Chamber, useful in order to understand the work of
3 the expert, and also useful because it raises an issue of
4 responsibility, and this is precisely what this trial is about.
5 So I don't know why I should not be allowed to ask this question.
6 So I would like the Chamber to authorize the witness to answer
7 this question, and then I will be done.

8 (Judges deliberate)

9 [16.11.52]

10 MR. PRESIDENT:

11 The objection and grounds for objection by the prosecutor is
12 appropriate. This question is not relevant.

13 The expert is directed not to respond to the last question posed
14 by counsel.

15 MS. GUISSÉ:

16 Well, in that case, I am done.

17 Mr. Short, thank you for having had the patience to answer my
18 questions.

19 QUESTIONING BY MR. KONG SAM ONN:

20 Good afternoon, Mr. Philip Short. I am the national defence
21 counsel for Mr. Khieu Samphan. I only have a few questions, just
22 for clarification on a few things that you have testified over
23 the last few days.

24 [16.12.48]

25 Q. My first point, I would like to ask you for clarification on

129

1 your statement to the question posed on the 6th of May, at
2 9.51.58 hour, when Judge Cartwright asked you concerning Mr. Phy
3 Phuon. I would like to read out this segment.

4 You said - you referred to a document as a reference based on the
5 confession stored at the DC-Cam and - the archive of the
6 Documentation Center of Cambodia. And my recollection is that
7 there were two - three or four references concerning the meeting
8 of the Permanent Committee in 1973. And I also received the
9 information from meeting with Phy Phuon concerning the meeting of
10 Standing Committee from 1973, '74, and '75 - over the three-year
11 period.

12 So, just a point of clarification; the meeting that Phy Phuon
13 mentioned that it was a Standing - the Central Committee, rather,
14 that you told the Court on the 6th of May, was it a meeting of
15 the Central Committee or Standing Committee? Just a point of
16 clarification on this.

17 [16.14.47]

18 MR. SHORT:

19 A. I think there was some confusion over that exchange because
20 there was discussion of '73, and it should have been '74. This
21 was the Central Committee meeting in - which I, in my book, said
22 was in September of '74, and in fact, one of the counsels
23 produced a "Revolutionary Flags" article showing it was in June
24 of '74. Phy Phuon spoke of September; clearly, it was in June.
25 But it was '74, not '73. So far as I know, I have no recollection

130

1 of a Central Committee in '73. It was in '72 and '74, but not, I
2 think, in '73.

3 Q. Again, I would like to know whether or not there was a
4 confusion in the statement of Phy Phuon concerning the meeting of
5 a Standing Committee and a Central Committee. Was it a Standing
6 Committee meeting or a Central Committee meeting?

7 A. It was a Central Committee meeting.

8 [16.16.16]

9 Q. Thank you. Did you ask Mr. Phy Phuon, when the Central
10 Committee was being held, where was Mr. Phy Phuon?

11 A. He was present. It was in the village of Meak, and he was
12 there. He was not part of the discussion because he was not a
13 Central Committee member, but as a - as a bodyguard, an aide to
14 Pol Pot, he was there when the meeting took place.

15 Q. Thank you. I believe that you understand the nature of secrecy
16 of the Central Committee of the Khmer Rouge at that time. So, did
17 you ask Phy Phuon how he had derived the information about the
18 Central Committee? Because, in his capacity as a security guard
19 or bodyguard, he had to be somewhere away from the meeting room,
20 I was wondering how he could come to know what was going on in
21 the meeting.

22 A. The Jarai bodyguards were the most trusted of those around the
23 central leadership and they had access which others, even of
24 higher rank, did not have. I have no doubt that Phy Phuon was not
25 only present at the place where the Central Committee met, but he

131

1 was able to get access to the information which was discussed
2 there. These people were in a uniquely privileged and uniquely
3 trusted position.

4 [16.18.32]

5 Q. Can you tell the position of Mr. Phy Phuon in 1974?

6 MR. PRESIDENT:

7 Mr. Expert, please hold on.

8 Mr. Prosecutor, you may proceed.

9 MR. ABDULHAK:

10 I should have objected earlier, but I do object now. This is a
11 repetitive question. We've heard it asked and answered at least
12 twice so far.

13 Again, we're in extra time. Counsel have asked specifically for
14 extra time because the expert's evidence is so expansive, and
15 vast, and complex for them to manage, and now they're returning
16 to the same issues that we've been hearing questions and answers
17 about and asking the exact same questions again.

18 [16.19.20]

19 MR. KAM SAM ONN:

20 I would like to respond to the objection by the prosecutor.

21 I believe that this question is not repetitive because the
22 statement of the expert - earlier on he said that Phy Phuon
23 changed his position over time. He was the messenger, bodyguard,
24 an aide, and then security head. So I was not quite sure with
25 this statement. That's why I ask for a very specific

132

1 clarification as to what position he held back in 1974.

2 MR. PRESIDENT:

3 The objection's overruled.

4 The expert is directed to respond to the question by counsel.

5 MR. SHORT:

6 A. At that time, he was a bodyguard. "Bodyguard", I think, in Phy
7 Phuon's case, was perhaps not a sufficient description; it was a
8 little bit closer to an "aide de camp", to use a French term -
9 that is, a bodyguard who had a slightly more general role as a
10 helper for the secretary - for Pol Pot.

11 [16.20.45]

12 MR. KONG SAM ONN:

13 Thank you.

14 Q. You also - I would like to know whether or not you asked Phy
15 Phuon concerning the number of participants of that particular
16 meeting?

17 MR. SHORT:

18 A. Yes. I think I give an indication of who was present, in my
19 book, and that would certainly have come, at least in part, from
20 him.

21 Q. Thank you.

22 I would like to know turn to a different point. In your testimony
23 on the government institution subordinate to the Democratic
24 Kampuchea Government at that time, you told the Court that those
25 institutions were powerless, they were symbolic or so. So, is it

133

1 fair to summarize from what you say that all the ministries were
2 powerless at that time, or there were certain ministries that
3 were powerful, and others were not that powerful or so?

4 [16.22.14]

5 A. There were ministries that had power. I think we have to
6 distinguish between the period before '75, when the ministries
7 were non-existent - they were purely names which related to no
8 real institutions - and after 1975, and particularly after 1976,
9 when the ministries were created as real, working organisms, the
10 Defence Ministry and the Foreign Ministry being, by far, the most
11 important. The Social Affairs Ministry, apparently, was - I say
12 "apparently", according to the sources I have been able to
13 consult - under Ieng Thirith, was substantial; it had a number of
14 workers.

15 But none of these were policy-making organs. Policy was made by
16 the Party, and unlike in other systems where ministries attended
17 regular cabinet meetings, that simple did not happen. There was
18 no system of regular cabinet meetings.

19 Q. Thank you.

20 You also told the Court about the role of Mr. Khieu Samphan,
21 which was the President of State Presidium. Looking at the office
22 Mr. Khieu Samphan held at that time, what was the operating
23 authority of this particular office?

24 A. You are referring to his role as Head of State?

25 [16.24.11]

134

1 Q. I am - I would like you to enlighten the Court on the reality
2 of the power that Mr. Khieu Samphan held in his capacity as the
3 President of the State Presidium during the Democratic Kampuchea.

4 A. To use the term "figurehead" is perhaps too much shorthand,
5 but the President, or the Head of State of Democratic Kampuchea
6 had no power other than that which the Party chose to delegate to
7 him. It - like the - like the government, so the Head of State
8 had no autonomous power of his own. All power was held by the
9 Party. So, if you're saying, "Did Mr. Khieu Samphan, as Head of
10 State, have any decision-making power", the answer, surely, is
11 no.

12 Q. Thank you. On the 7 of May, at 15.07.56, when you were asked
13 by the prosecutor concerning the withdrawal of Mr. Khieu Samphan
14 from any decision-making bodies, you told the Court that Mr.
15 Khieu Samphan had never withdrawn himself from any
16 decision-making movement. Do you still recall saying that during
17 your testimony earlier?

18 [16.26.17]

19 A. I'm sorry; I'm not quote following the question. "Withdrawn
20 himself from any decision-making body"? Perhaps the translation
21 is problematic.

22 Q. Well, I would to read this record of transcript again. At hour
23 15.07.56, the question asked by the prosecutor: "I have a
24 question concerning Mr. Khieu Samphan. According to your
25 research, did you encounter any evidence that Mr. Khieu Samphan

135

1 had any dissenting opinion or disagreement so that he recused
2 himself from any decision?"

3 And in your answer, you said no. And you went on: "I knew that he
4 never disagreed with anyone and he never recused himself from any
5 decision. And he had relation with other."

6 Do you recall this?

7 So, I would like to expand on this issue. Did you know any
8 matters that Mr. Khieu Samphan was involved in decision making
9 with any state organs or the decision by his own discretion?

10 [16.28.10]

11 A. That depends on how you use the word "involved". As we have
12 seen, he was present at Standing Committee meetings, he was a
13 member - I would think important, others would say less - of the
14 General Office, which was the transmission belt for those
15 decisions. He was party to those decisions; even if they were not
16 made by him, he never objected - which, I agree would have been
17 very difficult to do because he would have put himself at risk.
18 But he didn't object; he embraced all the decisions which were
19 made by the DK authorities, by the CPK. In that sense, he was
20 party to them and he never dissented from them.

21 Q. May I seek further clarification on this? Is it fair to say
22 that you do not have any specific documents to prove that Mr.
23 Khieu Samphan involved in decision making on any policy during
24 that time? Is it fair to say that?

25 [16.29.37]

136

1 A. There are many documents to prove that he was party to the
2 decisions made. I am not aware of any documents which show that
3 he played a decisive part in elaborating those decisions or the
4 policies.

5 I think this is slightly a semantic problem. If you are party to
6 a decision, that in itself means you are - you are in agreement
7 with it, that you accept the policy line which emerges whether or
8 not you, personally, have contributed to the making of that
9 decision.

10 MR. KONG SAM ONN:

11 I thank you.

12 I am mindful of the time; I would like now to move to document
13 E3/232.

14 And, with Mr. President's leave, I would like the document to be
15 handed over to the witness.

16 MR. PRESIDENT:

17 Indeed, you may proceed.

18 And court officer is now instructed to bring the document to the
19 witness for examination.

20 [16.30.56]

21 BY MR. KONG SAM ONN:

22 Q. Mr. Witness, this document has been discussed at length
23 already, but I have a few questions to discuss on this. The topic
24 of this document is the minutes of the meeting on the 8th of
25 March 1976. There were two items: one about the election, and

137

1 also the situation in the North, 106 and 103.

2 I would like you to go through the document with me regarding the
3 report by Comrade Hem. You said Hem was Khieu Samphan. And in
4 this document, you see the five dashes, and they were about the
5 policies regarding the election of 1976, and the methods of
6 voting, and also the other criteria regarding how people can
7 stand for such election, and also method in the propaganda
8 process.

9 And my question to you is: How can you prove that these matters
10 in this report was part of Khieu Samphan's report or writing? How
11 could you be so sure on this?

12 [16.32.53]

13 MR. SHORT:

14 A. Are you asking how you can be sure that Comrade Hem was in
15 fact Khieu Samphan or how can you be sure that this minute is a
16 reflection of what happened at the meeting?

17 Q. That's not my question. And I, indeed, recognize that you
18 testified that Khieu Samphan and Hem were the same person. But I
19 would like to ask you about the content of the report that -
20 written by Hem and these five points. I was talking about the
21 election on the 23rd of March 1976.

22 So, what kind of principles were reported by Khieu Samphan? Did
23 you conduct further research to have these contents
24 cross-checked?

25 A. Cross-checking, as we discussed earlier, is very important

138

1 when it is possible. If there are no sources to cross-check with,
2 then one has to rely on the only sources which exist.

3 We do know that Khieu Samphan was responsible for elections
4 because there are other documents which speak of that. We know
5 that the elections took place because there are broadcasts by
6 Radio Phnom Penh about them. The - it would be natural that Khieu
7 Samphan would be responsible because he was responsible for
8 relations with Sihanouk for United Front work.

9 [16.34.50]

10 The elections themselves were part of - I can only describe them
11 as part of a facade of respectability which the DK regime created
12 for the outside world to think that it had the ordinary
13 institutions common to every state. Significantly, the Parliament
14 only met, as we discussed, once.

15 Q. Thank you for this clarification.

16 I would like you to also move to the second point, which is about
17 the further opinions and expectations of Angkar. Can you please
18 explain to the Chamber who "Angkar" would refer to here?

19 A. The CPK, the organization, which was another reference -
20 another way of speaking of the CPK.

21 Q. Thank you. You indicated that the CPK that - refers to Angkar.
22 But here, do you believe that an individual was talking here,
23 rather than the Party itself?

24 MR. PRESIDENT:

25 Mr. Expert, could you please hold on?

139

1 And, International Co-Prosecutor, you may proceed.

2 [16.36.37]

3 MR. ABDULHAK:

4 The question is repetitive, it is leading. He asked a question,
5 he got an answer, he didn't like it, so he puts words in the
6 expert's mouth.

7 This should not be allowed; we object.

8 MR. KONG SAM ONN:

9 This question was not leading. I am citing from the document,
10 which reads that - "Further Opinions and Explanations of Angkar",
11 and it is unequivocal that "Angkar" was mentioned here. And since
12 the expert is right before us, it would be best for him to shed
13 light on this.

14 (Judges deliberate)

15 [16.37.54]

16 MR. PRESIDENT:

17 The objection is appropriate and sustained.

18 Mr. Short is now instructed not to respond to the question.

19 And, Counsel, your time has already been used.

20 MR. KONG SAM ONN:

21 Mr. President, may I please ask for just two or three more
22 minutes?

23 MR. PRESIDENT:

24 How much time you would need? But we will grant you just three
25 minutes - perhaps one more question, and we will conclude the

140

1 session today.

2 [16.38.36]

3 BY MR. KONG SAM ONN:

4 Thank you, Mr. President, indeed, for this.

5 Q. Mr. Short, please look at the content of this document again -
6 again, point number 2, "Further Opinions and Explanations of
7 Angkar". And there are subsections: Section A, B, C, and D. Had
8 you reviewed or examined this content of the document before?

9 MR. SHORT:

10 A. Yes, I have.

11 Q. Thank you. Can you also tell the Chamber your understanding of
12 the content in these four sub-points?

13 A. Well, very briefly, because time is pressing, he says - "he",
14 in this case, certainly being Pol Pot, who is speaking, the
15 Secretary of Angkar - that the world is waiting and watching us,
16 therefore this is - this is something necessary to show the
17 world, that, as he puts it, "we are not wild and disorderly". And
18 he also says later on, "Don't let them see that we are deceptive
19 and our Assembly is worthless," which is singularly truthful.
20 The whole purpose of this Assembly was to impress the outside
21 world with the seriousness of the DK State.

22 [16.41.54]

23 Q. Thank you. I would like you to also look at the part
24 concerning the report to the base by Comrade Hem and the
25 explanation or further opinions by Angkar. And can you explain

141

1 this to the Chamber –your understanding of this?

2 A. We are talking about the existence of spies on the Thai
3 border; is that the section you're referring to?

4 I don't draw any particular conclusions. The report speaks of –
5 Comrade Hem is reporting in terms of the agricultural situation
6 in his region, and then the relations with Thailand–

7 Q. I apologize for interrupting, but I would like you to compare
8 the five points, as I indicated, and also the point under point
9 number 2, from A to D. Could you compare the content of these two
10 portions?

11 [16.42.50]

12 A. The two portions of the report, the – well, the first section
13 is entirely devoted to the elections, and the next section is
14 devoted to problems of various kinds in the provinces, in the
15 regions. And I think that is, again, normal enough; a Standing
16 Committee meeting would discuss various subjects, and it did, it
17 went – it went on to discuss even foreign policy. So–
18 I'm not understanding quite what you're trying to get at, so I
19 apologize. What do you want me to comment on?

20 Q. Thank you. I believe that, perhaps, my message was not
21 properly conveyed.

22 I already asked you a few questions regarding point number 1,
23 which is about the report by Comrade Hem, and there was five
24 subsections. And second point here is regarding the further
25 opinions by Angkar, and as you see, Hem's report comprised of

142

1 five sub-points, and very brief. But when you have it compared
2 with the opinions – further opinions by Angkar, you can see it
3 was rather lengthy and more substantive, more specific than the
4 reports made by Comrade Hem, which were rather broad. And they
5 were more like the headings of items to be discussed regarding
6 election. There – it lacked specificity in such matter.

7 That's why we would like you to make comparison between these two
8 portions.

9 [16.45.12]

10 A. Now I understand, and I do apologize for not being quicker to
11 see it.

12 I think this is the nature of minute taking, especially at the
13 Standing Committee meetings. There are five broad headings for
14 Comrade Hem, what he reported on. He may well have reported for
15 20 minutes or half an hour, I don't know, but he certainly would
16 have given a fairly detailed report on these four – five items.

17 But to the minute taker, what was important was Pol Pot's
18 comments. That is why they are in much greater detail, because
19 Pol Pot's comments in the nature of instructions, guidelines for
20 how the elections are to be carried out. So, surely Pol Pot was
21 more important than Comrade Hem and warranted much more space.

22 [16.46.14]

23 MR. PRESIDENT:

24 Thank you, Counsel, and thank you, Mr. Short.

25 Your testimony now is complete, and you are now excused.

143

1 The Court is very grateful, indeed, for your attendance. It has
2 been four days already, and we note how very difficult this has
3 been with you, as you have been bombarded with questions. But the
4 Chamber trusts that your testimony helps ascertain the truth. At
5 the same time, once again, the Chamber wishes to thank you very
6 much, and we wish you all the very best, and in particular safe
7 travels home.

8 Court officer is now directed to assist with the WESU unit to
9 ensure that Mr. Philip Short is returned to his place safe and
10 sound.

11 (Mr. Short exist the courtroom)

12 [16.47.26]

13 Today's hearing now comes to an end. The Chamber will adjourn
14 now, and the next sessions will be resumed on Monday the 20th of
15 May, at 9 a.m.

16 On Monday, the Chamber will be hearing TCW-253, questions to be
17 put by the Co-Prosecutors before the other parties to the
18 proceeding. Co-Prosecutors will have half-day for putting
19 questions to this, along with the Lead Co-Lawyers for the civil
20 parties, and the defence counsel will have both a half-day for
21 this questioning time.

22 Security personnel are now directed to bring Mr. Khieu Samphan
23 and Nuon Chea back to the detention facility and have them
24 returned to the courtroom by 20th of May 2013, when Mr. Nuon Chea
25 is directed - ordered to be transferred only to the holding cell

144

1 where - he can observe the proceedings from there through
2 audio-visual link.

3 The Court is adjourned.

4 (Court adjourns at 1648H)

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