



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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18 October 2016
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I N D E X

2-TCW-1037

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Questioning by Mr. LOR Chunthy page 37

Questioning by Ms. GUISSÉ page 42

Mr. Stephen John MORRIS (2-TCE-98)

Questioning by the President (NIL Nonn) page 53

Questioning by Mr. KOPPE page 64

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-1037	Khmer
Mr. BOYLE	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
Mr. MORRIS (2-TCE-98)	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues hearing 2-TCW-1037, and then

6 proceeds to hear the expert, 2-TCE-98.

7 Greffier Chea Sivhoang, please report the attendance of the

8 parties and other individuals to today's proceedings.

9 [09.02.07]

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case

12 are present.

13 Mr. Nuon Chea is present in the holding cell downstairs. He has

14 waived his right to be present in the courtroom. The waiver has

15 been delivered to the greffier.

16 The witness who is to testify today, 2-TCW-1037, is here with the

17 duty counsel, Moeurn Sovann.

18 And the next expert to testify is 2-TCE-98. The expert has

19 confirmed that, to the best of his knowledge, he has no

20 relationship, by blood or by law, to any of the two accused, Nuon

21 Chea and Khieu Samphan, or to any of the civil parties admitted

22 in this case. The expert will take an oath before the Chamber.

23 Thank you, Mr. President.

24 [09.03.06]

25 MR. PRESIDENT:

1 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
2 request by Nuon Chea.

3 The Chamber has received a waiver from Nuon Chea, dated 18
4 October 2016, which states that, due to his headache, back pain,
5 he cannot sit or concentrate for long. And in order to
6 effectively participate in future hearings, he requests to waive
7 his right to participate in and be present at the 18 October 2016
8 hearing.

9 Having seen the medical report of Nuon Chea by the duty doctor
10 for the accused at the ECCC, dated 18 October 2016, who notes
11 that Nuon Chea has dizziness when he sits for long and when he
12 stands, and the doctor recommends that the Chamber grant him his
13 request so that he can follow the proceedings remotely from the
14 holding cell downstairs. Based on the above information and
15 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
16 grants Nuon Chea his request to follow today's proceedings
17 remotely from the holding cell downstairs via audio-visual means.

18 [09.04.25]

19 AV Unit personnel are instructed to link the proceedings to the
20 room downstairs so that he can follow the proceedings. This
21 applies to the whole day.

22 Next, the Chamber gives the floor to the Co-Prosecutors to put
23 questions to the witness.

24 You may now proceed.

25 QUESTIONING BY MR. BOYLE RESUMES:

1 Thank you, Mr. President. Good morning. Good morning, Your
2 Honours, and counsel.

3 Q. Good morning, Mr. Witness. Thank you for being with us again
4 here this morning.

5 When we left off yesterday, we were talking about your work in
6 the fishing unit providing fish for the military.

7 Can you tell the Court when you left the fishing unit?

8 2-TCW-1037:

9 A. I stopped working at the fishing unit in 1978.

10 [09.05.25]

11 Q. And why did you stop working in the fishing unit at that time?

12 A. It was because the army of the upper level <had> dismantled my
13 unit <and office of fishing and economic section>, and we were
14 separated and placed in various cooperatives. For instance, some
15 of us were placed at Sala Ta An cooperative, and some others were
16 sent to Phnom Thipakdei. And we were also sent to some other
17 locations as well.

18 Q. And when you refer to the army of the upper level, are you
19 talking about the Southwest Zone cadre?

20 A. At the time, the army of the Southwest Zone came in large
21 groups. There were four or five motorboats <arriving at Bak Prea,
22 Tonle Sap area>, and hundreds of families were <rounded up and>
23 sent to various sectors, for example, Sector Number 4, and a
24 sector at Koh Kralor <district>, Phnom Thipakdei, and also in
25 various cooperatives.

1 [09.07.25]

2 Q. And where did you personally go at that time?

3 A. <At that time,> there were seven or eight families, including
4 me, were told to live in a cooperative in <Sala> Ta An, which was
5 in Ta Dak village -- Anlong Ta Dak village.

6 And as I said, it was a cooperative in Sala Ta An, Sector Number
7 4.

8 Q. When you moved to live in this cooperative, did you notice a
9 difference in the living conditions of the people in the
10 cooperatives versus the living conditions when you were in the
11 military?

12 A. <At that time,> I personally observed that living condition in
13 cooperatives became worse compared to the time when I was living
14 in the army. Although in the army, we did not have enough food,
15 <we had gruel and> we still had <> rice <sometimes>.

16 After we were moved to the cooperatives, we could only have
17 gruels in the morning and in the evening, and two or three cans
18 of rice were given for 10 of us.

19 [09.09.27]

20 Q. You talked about some of the places that other members of the
21 fishing unit went. Did some of them go to a place named Kakaoh
22 prison?

23 A. Kakaoh prison: regarding that prison, we were not transferred
24 to that prison. <Some of> the zone army was sent to that
25 location, Kakaoh prison, for refashioning. Many of them were sent

5

1 there.

2 I did not know at the time which soldiers were sent to that
3 location for refashioning. All I know is that <> a large number
4 of them were sent to that Kakaoh prison for <> refashioning.

5 Q. And are you able to tell the Court anything else about Kakaoh
6 prison other than that it was used for large numbers of zone
7 military prisoners?

8 I'll repeat my question. I'm not sure if you heard it.

9 I'm just wondering if you know anything in addition to the fact
10 that Kakaoh prison was used for large numbers of zone --
11 Northwest Zone army prisoners. Do you know anything else about
12 it?

13 [09.11.28]

14 MR. PRESIDENT:

15 Please hold on, Mr. Witness.

16 You may now proceed, Anta Guisse.

17 MS. GUISSSE:

18 Thank you, Mr. President.

19 I'm speaking at this point because I don't know where Mr.
20 Prosecutor is going with these questions, but here again I'd like
21 to know which part of the <severance order> the prosecutor is
22 referring to when he <poses> these questions. And if it <is> a
23 security centre <or prison> that is part of the <severance order,
24 meaning it falls under the scope of> Case 002/02, I would object
25 to the question.

6

1 MR. BOYLE:

2 In response, my questions have to deal with purges of Northwest
3 Zone cadre, where they were sent, how they were treated. I'm not
4 asking questions in light of my -- of a view that this particular
5 prison centre is a crime site. It has to deal with the general
6 policy of the purges that was carried out.

7 Mr. Witness --

8 [09.12.15]

9 MR. PRESIDENT:

10 The Chamber overrules the objection. The question can be put by
11 the Co-Prosecutor, <but> it has something to do with the policy.

12 Mr. Witness, please answer the question put by the
13 <International> Co-Prosecutor, if you recall it.

14 2-TCW-1037:

15 On this particular topic, Kakaoh was not <a> prison, in fact. It
16 was a refashioning location for minor prisoners. Minor prisoners
17 were sent there for refashioning. And for more serious prisoners
18 were placed in another location at night time.

19 I, myself, <> had no experience living in that location. I heard
20 that from <> soldiers.

21 [09.14.02]

22 BY MR. BOYLE:

23 Q. You just mentioned differences in treatment of prisoners who
24 were considered to be more or less serious.

25 Do you know where higher-ranking officials who were arrested were

7

1 sent after they were arrested in the Northwest Zone?

2 2-TCW-1037:

3 A. I do not know exactly where those people were sent to. For
4 high-level cadres from <> zone <, sector, or regimental level>,
5 we were not allowed to know where they placed those senior people
6 <in a province>. <But> I heard that <most of the time those>
7 senior people had been sent to Phnom Penh. I learned that from
8 the zone army.

9 Q. When you say that you learned it from the zone army, are you
10 talking about the Northwest Zone army or the Southwest Zone army?

11 A. I learned from the Northwest Zone army.

12 [09.15.40]

13 Q. Thank you, Mr. Witness.

14 I'd like to now begin asking you some questions about some of the
15 topics that you were asked about yesterday. And I'd like to start
16 off asking you about the individual who you discuss in your
17 statements named Ta Ham.

18 Can you tell us again -- you mentioned it yesterday, but can you
19 tell us again what Ta Ham's position in the Northwest Zone was?

20 A. Ta Ham held a position in the general staff of the zone.

21 Q. Here is what you said at -- in your DC-Cam statement,

22 E3/10666; English, 01330540; Khmer, 01326329:

23 Question: "What was the name of the chief of the zone economics?"

24 Answer: "It was Ta Ham."

25 Question: "Were economics and logistics the same?"

1 Answer: "Yes, they were the same, but this was part of the army.

2 The zone was different." Close quote.

3 Is that correct that Ta Ham was the chief of the zone economics
4 and/or logistics?

5 [09.17.38]

6 A. Let me tell you that Ta Ham was not chief of the <> economic
7 <section of the zone army>. He was part of the <general> staff
8 office in charge of logistics.

9 Regarding chief of economic <section> of the zone <army>, it was
10 Ta Sum who was in charge of it. And he was part of the fishing
11 unit as well.

12 Q. The Ta Ham that you reference in your statements, do you know
13 his full name? I understand that Ta Ham was an alias, but do you
14 know his actual name?

15 A. I do not know his surname. I only know his first name. He was
16 referred to by the name Ta Ham. I do not know his last name.

17 [09.18.56]

18 Q. And what happened to Ham?

19 A. As I told you earlier, he was linked to the cadres of the
20 zone, and it was allegedly said that he was linked to <a
21 traitor's network, be it CIA,> KGB or internal agents. He was
22 accused by the upper Angkar <that he was linked to a traitor's
23 network,> and <that was pretty much the reason why> people were
24 <arrested at that time>.

25 Q. And was he arrested?

1 A. I did not witness his arrest at the time. However, those who
2 were living in the same location as he was and those <soldiers>
3 who were working in the same office said that he was called to a
4 study session, and he disappeared ever since. I do not know
5 whether or not he was arrested or <killed or> where he was sent
6 to. He disappeared from that time onward.

7 Q. Do you know when he was called to that study session?

8 A. I did not recall the exact date when he called to a study
9 session. It perhaps happened in 1977 or perhaps in mid-1977.

10 Q. Thank you.

11 Mr. President --

12 [09.21.14]

13 MR. PRESIDENT:

14 You may now proceed, Judge Lavergne.

15 JUDGE LAVERGNE:

16 Yes. It's just to tell the parties, in particular <the
17 prosecutor, that> if they can wait a little bit for the
18 interpretation <before> asking the question, <that will allow the
19 interpreters to interpret the question he is asking>. <I believe
20 that> the last <few> questions that you've asked haven't been
21 interpreted, just for your information.

22 MR. BOYLE:

23 Yes, absolutely, Judge Lavergne. I apologize to the interpreters.

24 Mr. President, with your leave, I would like to show the witness
25 some documents on the screen now to see if I can refresh his

10

1 memory.

2 [09.22.02]

3 MR. PRESIDENT:

4 Yes, please.

5 BY MR. BOYLE:

6 Thank you.

7 Q. Mr. Witness, I'm going to be showing you a series of five
8 documents now on the screen in front of you. These are
9 contemporaneous documents from the period of Democratic
10 Kampuchea, and I will walk them -- I will walk you through them
11 at the same time. So just wait until they appear on the screen,
12 or the first one does.

13 Mr. Witness, this is E3/8707.7; English, ERN 00143315. The Khmer
14 is actually at a slightly different document number, E3/8707;
15 Khmer, 00052760.

16 This is a note from Chann in the S-21 office to Duch on the 15th
17 of September 1977 reporting on prisoners taken in on 13th
18 September 1977. There's only one mentioned for that day, and it
19 says -- quote:

20 "Northwest Zone: Phy Hinh alias Ham, Zone Military Economic
21 Chief."

22 [09.23.37]

23 If we can now go to the next document, this is E3/10275. It's
24 only available in Khmer. It's an S-21 prisoner list, and at Khmer
25 01017124. There's an entry, if we can show the document on the

11

1 screen, for Phy Hinh alias Ham, entered on 13 September 1977, age
2 36.

3 It states that he was the Chairman of the Northwest Zone Military
4 Economy.

5 If we can go to the next document, it's E3/3182; Khmer, 00088690;
6 English, 00784613.

7 This is an S-21 prisoner list that states that Hy Hing alias Ham,
8 male, 35 years old from the Northwest Zone described as Chief of
9 Zone Farm entered on 14 September 1977, and died of disease on 3
10 October 1977.

11 [09.24.48]

12 The next document is E3/10003. It's only one page; Khmer is
13 01012327. It's only available in Khmer.

14 It's a daily controlling list of prisoners made on the 7th or 8th
15 of October 1977. There is a handwritten note by Hor at the bottom
16 that states that three people died. One of them was Hy Hing alias
17 Ham, who was Chairman of the Northwest Zone Military Site.

18 If we can show that document on the screen.

19 If the AV Unit could please allow us to show that document on the
20 screen.

21 Thank you.

22 And the last document is E3/1208. It's a telegram sent by Ros
23 Nhim, the Northwest Zone Secretary, to "Respected Angkar 870" on
24 21 December 1977. Here, Ros Nhim is apparently unaware that Ham
25 has already died. He's asking for information obtained from Ham

12

1 so that he can carry out arrests on behalf of the Centre. He says

2 -- he writes -- quote:

3 "I wish the security to ask Ham who is responsible for zone
4 military logistics as soon as possible so that all of his
5 connections are identified and arrested." Close quote.

6 [09.27.09]

7 And just for the information of the Chamber and the parties, the
8 OCIJ S-21 list, E3/10604, number 1791 is a 36-year old male, Phy
9 or Hy Hing alias Ham, chief of the Northwest Zone Military
10 Economics entered S-21 on 13 or 14 September '77 and died on 7 or
11 8 October '77.

12 Now, Mr. Witness, seeing these contemporaneous documents, does
13 that refresh your memory that the Ta Ham that you knew who was
14 involved in zone military economics and was arrested at some
15 point in mid-1977 was someone named Hy Hing or Phy Hinh and that
16 he was sent to S-21 in Phnom Penh?

17 [09.28.23]

18 2-TCW-1037:

19 A. Concerning the name Hy Hing, I never heard of that name. The
20 name that I heard from the time of war <even before> the
21 liberation period in 1975 was the name Ham.

22 I have never heard of any other names beside Ham.

23 Q. Thank you.

24 Your Honours, just because yesterday there was statements made by
25 Nuon Chea's counsel in open Court regarding the veracity of a

1 witness who appeared and his identification, I'd just like to
2 point out that it appears that there is at least more than one Ta
3 Ham that was in the Northwest Zone and, indeed, there's a WRI of
4 2-TCW-1036 at E3/9581, answer 67, he states that he was aware of
5 at least three individuals in the Northwest Zone named Ta Ham.

6 [09.29.45]

7 MR. KOPPE:

8 Just an observation, Mr. President. Thank you, and good morning.
9 I do understand what the Prosecution just said. However, for
10 completeness sake and also for the benefit of the Supreme Court
11 Chamber who might be watching, Toit, who gave an interview to the
12 investigators, said in E3/9610 in question and answer 31 the
13 following:

14 "I used my alias Ham. One of my foster brothers saw my name in
15 the list of the people who were executed at Tuol Sleng, and
16 knowing that I am still alive, he invited me to look at the name
17 list at Tuol Sleng."

18 So the mystery isn't solved yet.

19 BY MR. BOYLE:

20 I don't intend to get into this debate now. I'm happy to make
21 submissions on this. I'm quite confident in our position.
22 However, the information that the counsel has just pointed out
23 only goes to support my view that there might be more than one Ta
24 Ham, as is shown in the evidence we received. But we can have
25 that debate in the final briefs or at some other point.

1 [09.31.16]

2 Q. Mr. Witness, I'd like to now move on to ask you just a couple
3 of questions regarding the Ta Khleung that you were asked about
4 yesterday.

5 You stated in your testimony that Ta Khleung was the chief of the
6 military staff of the Northwest Zone. Is that correct?

7 2-TCW-1037:

8 A. I am not sure whether it's correct or not that he was in that
9 position, but what I knew was that he was within Division 1 and
10 Division 2 general military staff.

11 Q. Thank you.

12 And you also stated he was arrested. Do you know what happened to
13 him after he was arrested?

14 A. To my knowledge, as I told you earlier, that those who were
15 part of the networks, those who were linked to the zones
16 military, those who were considered as part of that network were
17 all accused of being traitors.

18 [09.33.00]

19 Q. And this is what you said in your Written Record of Interview,
20 E3/9580, answer 5:

21 Question: "Besides Ta Sum, the chairman of the fishing unit, was
22 there anyone else?"

23 Answer: "At that time, there was Ta Cham, Ta Khleung and Ta Ham.
24 The last to be arrested was Ta Nhim. To my knowledge, Ta Khleung,
25 the zone military staff, was probably sent to S-21. Initially,

15

1 the chairman of Divisions 1 and 2 were arrested, followed by the
2 leaders of the regiments, battalions and artillery units." Close
3 quote.

4 In this statement, you say "probably sent to S-21". Can you tell
5 the Court if you had any knowledge as to why you said he was
6 probably sent to S-21?

7 A. Besides Ta Ham and Ta Khleung, I did not know where others were
8 sent to. What I knew was that Ta Ham and Ta Khleung were sent to
9 Phnom Penh. <I did not know any further than that because> they
10 were arrested on different days.

11 [09.34.38]

12 Q. I'm going to ask you the same question about Ta Khleung. Do you
13 know what Ta Khleung's real name was?

14 A. I did not know because <we> lived in different villages.
15 <Although we> lived in the same commune, in Kampong Kol (sic)
16 commune, <> but <he was> from <a> different village. <He was from
17 Sangkae Vear village.> Therefore, I did not know <any other>
18 names <of his> beside the name that people call him, Ta Khleung.

19 Q. On the case file of the OCIJ, S-21 list, E3/10604, number
20 7223, Mr. Witness, we have an entry for Lim Chhuom alias Khleung,
21 age 42, Deputy Secretary, Division 2, Northwest Zone, who entered
22 S-21 on 18 December 1977.

23 Does that refresh your memory that Ta Khleung's was Lim Chhuom?

24 A. No, I have never heard of <it>.

25 Q. Thank you.

16

1 I'd like to now move on to asking you some questions about Ta
2 Vanh, who you discussed yesterday.

3 You stated yesterday that Ta Vanh was part of the Sector 2
4 committee. Do you know Ta Vanh's real name?

5 [09.37.01]

6 A. I did not know his original name. People simply referred to
7 him as Ta Vanh. He was in the <resistance> force long before the
8 1970s. <During the war, he was <chief> of Sector 2.>

9 I got to know him because he worked in the department <where I
10 usually had contacts with> regarding the food and ammunition that
11 needed to be supplied to the soldiers <at that time>. People
12 simply referred to him as Ta Vanh. I did not know his original
13 name.

14 Q. Do you recall when Ta Vanh was arrested?

15 A. I cannot recall it. <During the time of war,> I did not know
16 from what years to what years that he was in charge of
17 controlling Sector 2. In 1973 <or 1974>, he was already a member
18 of the sector committee. <After 1975,> I did not know what
19 position he held, <but> he was assigned to supervise a <Kanghat
20 (phonetic)> dam construction site.

21 [09.39.00]

22 Q. I'm not sure if my question was understood. I was asking if
23 you knew when Ta Vanh was arrested.

24 A. I cannot recall when.

25 Q. See if I can refresh your memory. E3/10604, the OCIJ S-21

17

1 list, it's number 913, male, 36, Chea Huon alias Vanh, Secretary
2 of Sector 1, Northwest Zone, entered S-21 on 20 June 1977.

3 Does that refresh your memory that Ta Vanh was arrested somewhere
4 around June or mid-1977?

5 A. I cannot recall it because in 1976-77, I was already assigned
6 to Tonle Sap area, and I <> came to the Battambang provincial
7 town <three times a year>. I spent most of my time at Tonle Sap.

8 Q. In your testimony yesterday, you said that Ta Sum told you
9 that Ta Vanh had been illegally equipping mobile forces but that
10 you didn't know where Ta Sum received his information and you
11 didn't know any further details.

12 Do you know if Ta Vanh actually did the things that he was
13 accused of?

14 [09.41.19]

15 A. I heard from other people that Ta Vanh was accused of
16 concealing weapons to arm <a mobile unit> illegally, and that was
17 the reason of his arrest. That was what people told me about. For
18 other things beside that, I don't know.

19 Q. In your DC-Cam statement, E3/10666; English, 01330557; Khmer,
20 01326340; you describe the information that you heard about Vanh
21 and then you were asked:

22 "But according to what you know, was this story true, the story
23 that he prepared forces to fight back?"

24 Answer: "I don't know whether or not it was true. He was
25 arrested."

18

1 Is that correct, that you don't know whether or not the stories
2 that you heard about Ta Vanh were true?

3 [09.42.41]

4 A. Yes, I stand by my answer. I gave my answer based on what I
5 heard from other people told me. Whether what they told me was
6 true or not, I don't know, but <later on> I noticed that Ta Vanh
7 disappeared.

8 Q. Did you ever hear anything about anything that Chea Huon alias
9 Vanh said when he was arrested?

10 A. Please repeat your question.

11 Q. Sure. No problem.

12 I was -- the question was whether you ever heard anything about
13 what Chea Huon alias Vanh said when he was arrested.

14 A. I have never heard what, exactly, Chea Huon alias Vanh said. I
15 heard only from what <Ta> Sum told me. <So, I heard from someone
16 else.> I never met him personally since the liberation day in
17 1975.

18 I never met <or contacted> him because my work responsibility was
19 different from his.

20 [09.44.35]

21 Q. I'd like to read you a quotation. This is E3/413. It's a
22 Written Record of Interview of Salot Ban; English, 00361014;
23 Khmer, 00357531; French, 00405456. He is talking about people
24 being brought to Phnom Penh. He says -- quote:

25 "Mr. Pang just told them that they would be taken to study only.

19

1 I heard that some arrested people had shouted that 'Long live the
2 Communist Party of Kampuchea', 'Long live Pol Pot'; those people
3 included Mr. Hu Nim, Vorn Vet, Ke Kim Huot, including my teacher,
4 Chea Huon, too." Close quote.

5 Does that refresh your memory that these people, and specifically
6 Chea Huon alias Vanh, said things to the effect of "Long live the
7 Communist Party of Kampuchea" when they were arrested?

8 A. I have never heard such statement.

9 [09.46.04]

10 Q. Thank you.

11 I'd like to now ask you a couple of short questions about Ros
12 Nhim.

13 First, can you tell us who replaced Ros Nhim after he was
14 arrested?

15 A. At that time, I did not know about the hierarchical structure,
16 <how> people at the upper level <> assigned someone to replace
17 Ros Nhim. At that time, I saw Ta Mok and <> Ta Tit were already
18 at Battambang. <They were at the office of the general staff.
19 They went to various sectors, such as,> Sector 1, Sector 2.

20 Q. In answering a question about Ros Nhim yesterday, you stated
21 that you met Ros Nhim in person a couple of times when you
22 attended political study sessions with him at a political school.
23 Is that correct?

24 A. Yes, that's correct. At that time, cadres from various
25 sections and offices were invited to political study session and

1 I met him. In fact, I knew him even before the liberation day in
2 <> 1975 when we were still in the jungle.

3 Q. And when did these study sessions take place?

4 A. I cannot recall <that since> the study session took place many
5 times. Each one lasted about two to three days.

6 [09.48.29]

7 Q. And did these occur before April 17th, 1975 or after, or both?

8 A. The study session took place after 17 April 1975. It took
9 place in late 1975 <once>. And then in early 1976, to my
10 recollection, it was probably in February or March, another round
11 of study session was conducted.

12 Q. Who would lead these study sessions? Who would talk at these
13 study sessions?

14 A. The persons who gave the lecture included the committee from
15 the zones military, including Ta Khleung, Ta Keu and Ta San. Ta
16 San was the one who explained to us in details during the study
17 session.

18 [09.50.07]

19 Q. And what things were you taught during the study sessions?

20 What types of topics were addressed?

21 A. At that time, to my recollection, the study session was about
22 the strengthening of our political stance and about the
23 <revolutionary socialism> and about strengthening our spirits to
24 <resist> against the feudalism, capitalism. We needed to
25 eliminate this kind of feudalism and capitalism from the society.

21

1 We needed to strengthen our stance in order to serve the
2 revolution and our army. And those were the points I remember.

3 Q. Thank you.

4 I'd like to now move on to asking you some questions about the
5 information that you've told us that you heard regarding plans
6 for rebellion. You reiterated today that you only heard about
7 this from other people and you don't know if it was true.

8 You also explained yesterday that most of the information you
9 learned about an alleged plan came from a Southwest Zone cadre
10 after the arrests of Northwest Zone leaders had taken place.

11 I'd like to start off by asking you some questions -- a couple of
12 brief questions just about your own fishing unit.

13 The fishing unit that you were part of where individuals were
14 arrested and dispersed, did the Southwest Zone cadre ever accused
15 you or other people in your fishing unit of anything when they
16 were arresting you or dispersing you?

17 [09.52.40]

18 A. Before the arrest of my chief named Ta Sum, before that, the
19 Southwest force came to supervise my unit and my area. They made
20 accusations and reports to the zone that my men <> dumped <>
21 fuels <and fish> into the river. They accused me and my men of
22 sabotaging the interests of <the upper Angkar without thinking of
23 the hunger> of the army. So those was the accusations.

24 And then, later on, they arrested Ta Sum. And after Ta Sum had
25 been arrested, they started to gathered up all the people in the

1 fishing unit, <including its chief> and <all of its members> and
2 sent to different cooperatives. In fact, there were no
3 rebellions; only some people escaped <from some cooperatives>
4 into the forest to create the Khmer Sar or White Khmer movement.
5 [09.54.37]

6 Q. The things that the Southwest Zone cadre accused you and the
7 members of your fishing unit of doing, which is putting fuel in
8 the water, had you actually done those things?

9 A. No, we did not do that. People living in the area knew about
10 this. <> We transported fermented fish or food <or fuel, we never
11 had much fish or meat that we would dump it into the water.> The
12 engine boats <that we usually used> were <even> shortage of fuel,
13 so how <could> we dump fuel into the river?

14 <Later on, they asked people in the economic section about it.>
15 Perhaps they did not believe us, and that's why Ta Sum was
16 arrested. <At that time, Ta Sum was called to Phsar Leu and he
17 was arrested there.>

18 Later on, they dispersed people in my fishing unit. We were
19 separated from each other and put in different cooperatives.
20 The engine boats and other fishing equipment were left behind
21 there. We only <took> the big engines from the boats in order to
22 be used to transport people <along the river to Battambang, and
23 then we went our separate ways>. <Some of them were dropped off
24 at> Sala Ta An, and some were transported all the way to
25 Battambang provincial town.

1 [09.56.38]

2 Q. Do you know why the Southwest Zone cadre would accuse you of
3 doing something that you hadn't actually done?

4 MR. KOPPE:

5 That would -- I object. That would be asking for speculation. He
6 has no idea of knowing what deliberations were made among the
7 Southwest Zone cadres. Whether, in fact, oil was found, that's
8 really asking for speculation.

9 JUDGE FENZ:

10 Not if the question is "Do you know if" because if he doesn't
11 know, he can say, "I don't". And I remember that was the way the
12 question was phrased.

13 [09.57.33]

14 BY MR. BOYLE:

15 Q. Mr. Witness, I'll repeat my question.

16 Do you know why the Southwest Zone cadre would accuse you and
17 your men of doing things that you hadn't actually done?

18 2-TCW-1037:

19 A. At that time, there were people from the Southwest Zone who
20 come to work in my unit. Perhaps those people reported to people
21 at the upper level and that <might be> why they made such
22 accusations. <Such accusations were made so that they could kill
23 people.>

24 In reality, we did not do like what they accused us.

25 Q. Did any Southwest Zone cadre ever tell you who had directed

24

1 them to come to the Northwest Zone and why they were there?

2 A. I did not know about the thinking of people at the upper
3 level. At that time, they said that they wanted to have these
4 people join at various respective units <there>. <That was the
5 case for almost every place.>

6 [09.59.17]

7 Q. I'd like to read you a quote from your Written Record of
8 Interview. This is E3/9580, answer 36:

9 Question: "When the southwest group arrived in the northwest, did
10 they ever announce in meetings that they had come to take control
11 of the zone?"

12 Answer: "During meetings, they never said they had come from the
13 southwest. They only declared that upper Angkar had assigned them
14 to take control of this place. We learned they were from the
15 southwest through village gossip." Close quote.

16 Does that refresh your memory that you heard Southwest Zone cadre
17 in meetings telling you that upper Angkar had assigned them to
18 come to the Northwest Zone?

19 A. I never heard so, but people who came to work with me told me
20 that they came to join the <fishing> unit, "Because the upper
21 Angkar sent me to come in order to help your unit," and that was
22 what those people told me.

23 Q. Is it true that you would sometimes attend meetings where
24 Southwest Zone cadres would give you information?

25 [10.01.05]

1 A. On this particular point, they never convened us to a meeting.
2 Two or three of us from the economic <unit> were invited to
3 discuss the work issue, and they <said they came here to stay and
4 work, so we all should> assist one another and <help improve> one
5 another. <That's all I know about that.> For me, I never received
6 any plan or instruction from the upper level.

7 Q. Did you ever -- you were just referencing when you were still
8 in the fishing unit. Did you ever attend any meetings after you
9 were sent to Sala Ta An commune when you received information
10 from Southwest Zone cadre or officials?

11 A. They did not call me into a meeting, but we convened a meeting
12 among our small group in relation to work issue and food issue.
13 We were told not to conceal and bring our gruel back to our
14 homes, and we were told to go straight away to the kitchen hall
15 when we heard the bell.
16 In addition that, we were instructed not to be lazy and to
17 respect the working hours.

18 [10.03.05]

19 Q. I'd like to read you a quote that you gave to the
20 investigators, E3/9580 at answer 37. You were asked -- quote:
21 "After the arrests of the northwest group, did they ever organize
22 a meeting to announce why they arrested the northwest group?
23 Answer: "I used to join meetings with Sala Ta An commune
24 cooperative chairman Ta Im from the southwest. He said that the
25 northwest leaders had betrayed Angkar and the people, and that he

1 had come to reunite and redevelop the cooperative. The previous
2 ones had betrayed Angkar, and Angkar had swept them clean
3 already." Close quote.

4 Does that refresh your memory that you attended such a meeting
5 where you received information regarding why Northwest Zone
6 officials were swept clean?

7 [10.04.19]

8 A. Upon my first arrival, they told the villagers who had been
9 there at the beginning at Sala Ta An <cooperative> to work with
10 other villagers <from the previous cooperative there>. And Ta Im
11 <went to supervise that cooperative>, and <at first,> villagers
12 were told to go to a meeting, and that topic was discussed, the
13 topic that you made mention. And they raised the question why the
14 fishing unit was required to live in that location, and we were
15 told that it was because the leader of the fishing unit was a
16 traitor. That is why <the leader was arrested by the upper level
17 and so his group came> to strengthen it.

18 This was the first time when I attended the meeting and I heard
19 that in the meeting. <Later on,> we had meetings <among our small
20 groups at our respective worksites>, and the meetings <were>
21 related to the work issue.

22 [10.05.55]

23 Q. I'd like to read you a couple of quotes now from your DC-Cam
24 statement, the first one, which is E3/10666; English, 01330560;
25 Khmer, 01326341; quote:

1 Question: "How did they announce about the supervision of Ta
2 Mok?"

3 Answer: "They announced that the zone chief had betrayed Angkar,
4 this or that chief had betrayed, then they appointed names to all
5 the districts and sectors." Close quote.

6 The next quote is at English, 01330541; in Khmer, 01326330; quote
7 -- this is you speaking, to begin with:

8 "I did not lack much. The shortages happened when the Southwest
9 Zone arrived. They dissolved my team. They said Ta Nim, Ta Khleung
10 and Ta Ren were all traitors." Close quote.

11 When you're using "they" in these descriptions, are you referring
12 to these types of meetings where Southwest Zone cadre would tell
13 you about the reasons for the arrests?

14 [10.07.33]

15 A. The reason of the arrests was <> because of the fact that they
16 were accused of <> being in the traitor's network <from upper to
17 lower level>, so there were purges from units to units. I heard
18 that from the Southwest Zoners.

19 Q. Did they also tell you that individuals from the Southwest
20 Zone were Vietnamese and CIA spies?

21 A. I used to hear of it. The people from the Southwest Zone did
22 say that those were from the northwest were CIA agents or other
23 agents serving the feudalism. I heard of that.

24 I personally never went to ask them for further clarification of
25 information. I only noted the information <in my head>. And

28

1 during the time, they were trying to search for those who were
2 linked to Ta Sum group. I, myself, never did any bad things to
3 the villagers or members, so I was concealed by the villagers and
4 my colleagues.

5 [10.09.43]

6 <They> told <the Southwest Zone people> that those who were
7 linked to Ta Sum had already been arrested <and that none of them
8 were left there anymore>. <At that time,> there were six, seven
9 or eight <> families <including me> remained living at Sala Ta
10 An. I was concealed by villagers and my colleagues <at Sala Ta
11 An>.

12 At the time, if I had been revealed that I was the deputy within
13 Ta Sum unit, I would have no chance to come here.

14 Q. And just one follow-up question. Why would you -- why did you
15 say that you would have no chance to come here if it had been
16 revealed that you were a deputy in the fishing unit?

17 A. I, myself, believe that if they had found out who was the
18 deputy chief, I would have been arrested and sent for
19 refashioning, and I would have been deprived of food and water to
20 drink. <It was hard to tell what they would have actually done
21 since they already accused me of being a traitor.> So it was
22 their own decision on me how to treat me if I would have been
23 found that I was the deputy chief.

24 [10.11.20]

25 MR. BOYLE:

1 Mr. President, I'm about to move to another topic, if you would
2 like to take a pause.

3 MR. PRESIDENT:

4 I thank you very much.

5 It is now time for break. The Chamber will take break from now
6 until 10.30.

7 Court officer, please assist the witness during the break time in
8 the waiting room and please invite him back together with the
9 duty counsel into the courtroom at 10.30.

10 The Court is now in recess.

11 (Court recess from 1011H to 1031H)

12 MR. PRESIDENT:

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

14 And the floor is given back to the Deputy Co-Prosecutor to resume
15 the questioning. And the Chamber wishes to inform the Deputy
16 Co-Prosecutor and the Lead Co-Lawyers for civil parties that you
17 still have 40 minutes together.

18 [10.32.24]

19 BY MR. BOYLE:

20 Thank you, Mr. President.

21 Q. Mr. Witness, I would like to now ask you some questions about
22 the Khmer Sar movement that you mentioned yesterday and today.

23 You testified yesterday that it was your understanding that

24 Northwest Zone cadre and 17 April People who ran away when

25 Southwest Zone cadre started arresting people had formed the

1 Khmer Sar. Is that correct?

2 2-TCW-1037:

3 A. That is correct.

4 [10.33.21]

5 Q. And can you tell the Court how you learned the information
6 that it was these individuals who had created that movement?

7 A. I learned the information from people <> within my village and
8 my commune. <They said that at the time,> some of them from the
9 regiment and battalion <inside the cooperative> ran away, and
10 they created a <Khmer Sar movement> to come and steal rice and
11 stuff from <various places>. A group of four to 10 people was
12 created to search for <the southwest group> who <came to> reside
13 in <the> cooperative.

14 Q. I'd like to read to you a quote from your WRI. This is answer
15 12 at E3/9580 -- quote:

16 "I know that during the chaos some northwest cadre escaped into
17 the forest while some others were arrested."

18 And then at answer 13: "The ones who had escaped into the forest
19 created the White Khmer movement."

20 Is it -- close quote Can you tell the Court, therefore, when the
21 White Khmer movement -- what year it was created?

22 A. To my recollection, it was created in 1978.

23 [10.35.48]

24 Q. And do you know how many people formed the White Khmer
25 movement?

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1 A. To my knowledge, there were only a small number of people
2 involved. There were a few people who led the movement and those
3 people already died.

4 Q. Do you know if they had any sort of armaments? Did they have
5 any guns, trucks, anything of that sort and, if so, how much of
6 each did they have?

7 A. They did not have any heavy <or modern> weapons. They did not
8 have any vehicles. They possessed only small weapons like AK,
9 CKC.

10 [10.37.12]

11 Q. And do you know how many -- you said AK. Are you referring to
12 AK-47s, the gun called the AK-47?

13 A. I did not grasp the situation. I only knew that they possessed
14 only two types of weapons, AKs and CKC.

15 Q. Do you know how many of those they possessed?

16 A. I did not know the numbers of weapons they had.

17 Q. Do you know who was in charge of the Khmer Sar movement as you
18 understood it?

19 A. I did not know the name of their leaders. I knew only <one
20 person>, but <that person> already died.

21 After the Vietnamese had entered Battambang province, they
22 liberated people from the forests. <> Those people in the White
23 <Khmer> movement did not resist the Vietnamese. They threw away
24 their weapons and they <stopped the movement>.

25 [10.39.13]

1 Q. Thank you.

2 I'd like to now move to a different topic. I'd like to ask you if
3 you knew anyone of Vietnamese ethnicity in the Northwest Zone
4 that were there after 17 April 1975.

5 A. I knew at that time ethnic Vietnamese who had lived in my area
6 since the old regime. There were five or six families of them <at
7 my area>. They were not sent away in 1975 because the husbands
8 were ethnic Khmer and their wives were ethnic Vietnamese.

9 They were not sent away; they were kept to live there. For other
10 Vietnamese families, they were sent <> by boats <to Vietnam>. <In
11 1975,> many <Vietnamese> were sent away by boats along Tonle Sap
12 river through Phnom Penh. Only couples or families remained,
13 especially those with Khmer husbands, Vietnamese wives.

14 But later on, when the situation became increasingly chaotic,
15 some people <from the Northwest Zone> were arrested, while other
16 <cadres> escaped into the forest <or to various cooperatives>.
17 <At that time, the people from the Southwest Zone arrived and
18 started the purge there.> Some of the people who were <living
19 along the river> were arrested and killed because they had
20 relatives who were ethnic Vietnamese.

21 [10.41.45]

22 Q. The families of Vietnamese that were sent back by boat, when
23 did this occur? Was it -- if you don't know the exact month and
24 year, was it shortly after 17 April 1975 or longer than that?

25 A. It was after April 1975. It was not in April. It was after

1 April. That were probably in July or August of that year.

2 Q. And do you know how it was organized that these Vietnamese
3 families would get on the boats and leave? Were announcements
4 made? Did people come and inform them?

5 How did they organize for all of these Vietnamese families to
6 leave and travel by boat to Phnom Penh initially?

7 A. At that time, they assigned their people to collect people
8 from various villages and communes in order for those people to
9 be sent back to their country in Vietnam.

10 [10.43.30]

11 Q. Do you know how they identified who was Vietnamese, of
12 Vietnamese ethnicity?

13 A. I did not know how they <identified those people>, but for
14 those who did not speak Khmer clearly, they were identified as
15 ethnic Vietnamese. <They were asked about their backgrounds and>
16 some of <them said they were> ethnic Vietnamese people <who> were
17 born in Cambodia, <some said they> had spent a long time living
18 in Cambodia, while others were born in Vietnam and just arrived.

19 Q. You mentioned some individuals in your fishing unit who had
20 Vietnamese relatives who were taken away and killed. You also
21 mentioned that, initially at least, individuals who had
22 Vietnamese spouses were not sent back to Vietnam.

23 Did anything happen to individuals who had Vietnamese spouses
24 later on in the regime?

25 A. Later on, they did not allow people to have relationship with

1 the Vietnamese. Regardless of those with Vietnamese wife or
2 husbands, they were all swept clean. <Many families> were
3 arrested and taken by boat and killed along Tonle Sap lake <by
4 the Southwest Zone army who went there to purge>.

5 [10.45.48]

6 Q. And do you know when that occurred, more specifically?

7 A. To my knowledge, the incident happened in late 1978, but I
8 cannot recall the exact month.

9 It took place at the time when the water in the river rose. It
10 was perhaps in July <or August>. It was the month when the nearby
11 forests of the river <> were flooded.

12 Q. Did anyone ever tell you why people of Vietnamese ethnicity
13 were sent away and then, later on, were killed?

14 A. I witnessed; I tried to hide one of them who came with me at
15 Ou <Kach> Roteh (phonetic). It was the place where we stayed
16 temporary for <four to> five days. The soldiers came by boats to
17 search for them, and they asked us if there were any Vietnamese
18 living there, <they said if anyone had concealed any Vietnamese
19 there,> they would be punished. <>

20 Regardless of whether they had Vietnamese wives or husbands, they
21 had to face the punishment. <The villagers there did not dare to
22 conceal any of them.> I told them <that for this family, the
23 husband was Vietnamese, but the wife was Khmer>. <Although the
24 husband> was Vietnamese, <he> had lived in the area since the
25 Sangkum Reastr Niyum time. <And together they had five or six

1 children already.> But those soldiers <said> that "<As long as
2 they are related to Vietnamese,> we cannot spare them <>."

3 The family were all arrested and taken by boat <along Tonle Sap
4 lake>, and they were killed somewhere in the river. No Vietnamese
5 families were spared in 1978. They were all arrested and killed.

6 [10.48.54]

7 Q. I'd like to now move on to my final topic of questioning for
8 you, Mr. Witness.

9 Did you know of any Cham who lived in the Northwest Zone after 17
10 April 1975?

11 A. Talking about ethnic Cham, I knew, but there was no remarkable
12 actions taken against them compared to the ones taken against
13 Vietnamese.

14 The Cham people had a different ways of living from us. They did
15 not eat pork, and in that time, they were forced to eat pork.
16 Some of them refused to eat and, as a result, they were punished.
17 Some of them were killed. But I noticed that the majority of Cham
18 people survived the regime.

19 Only those who resisted, who opposed to do what were instructed,
20 were killed.

21 [10.50.35]

22 Q. And how did you gain this information about Cham being forced
23 to eat pork and then those who resisted being killed? How did you
24 know about this?

25 A. I knew about this through some of the ethnic Cham people who

1 also worked with me in the fishing unit at the river. They told
2 me that <and I told them not to worry because at my area, they
3 did not have to eat pork, but> they <had to> follow <> orders,
4 not oppose the orders <>. So <for some areas, they were required
5 to always follow orders,> whatever food that was given, they had
6 to eat <it, because> at that time <we had to eat communally in a>
7 dining place, there were many people, for example, around <70 to
8 80 or over>100 people come to eat together, so if there were fish
9 to eat, we had to eat fish together, <if there was pork, we had
10 to eat pork together>. And <that was the reason> Cham people <had
11 some difficulties to live during that time>.

12 [10.52.12]

13 MR. BOYLE:

14 Thank you very much for answering my questions, Mr. Witness.

15 Mr. President, I have no further questions.

16 MR. PRESIDENT:

17 Thank you.

18 The floor is now given to the Lead Co-Lawyer for civil party to
19 put questions to the witness.

20 MR. PICH ANG:

21 Good morning, Mr. President and Your Honours. I would like to
22 request the permission <> from Mr. President to give the floor to
23 Counsel Lor Chunthy.

24 MR. PRESIDENT:

25 Your request is granted.

1 [10.52.52]

2 QUESTIONING BY MR. LOR CHUNTHY:

3 Thank you, Mr. President. God morning, parties in the whole
4 Chamber. My name is Lor Chunthy, the civil party lawyer.

5 Q. Mr. Witness, I have some questions to put to you related to a
6 number of events that you had experienced or witnessed.

7 My first question that I would like to ask you is about the
8 marriage that took place at your workplace.

9 Were there any marriage organized at your workplace and, if so,
10 how they were organized?

11 2-TCW-1037:

12 A. During the regime, the marriages were organized differently
13 from marriage nowadays. <At that time,> some people loved each
14 other, while other were forced to marry. For example, in my case,
15 I was also arranged to get married during that regime.

16 It was in 1975 that <> I was arranged to marry my wife <who came
17 with me here>. It was on the 31st of December. It was late 1975
18 and about to start 1976.

19 There were 30 couples organized to marry that day. Some of them
20 wanted to marry, while others did not even know who their spouse
21 looked like. So the marriage at that time was very simple. We
22 were simply required to hold each other's hand and make the
23 commitments and follow the instruction and the lines of Angkar.
24 And that was it.

25 [10.56.07]

1 Q. <Did you know which leaders assigned or organised the
2 arrangement of the wedding>?

3 A. At that time, the wedding ceremonies were arranged by some
4 people from <the ministries within> the zone, including Ta
5 Khheng, Ta Ham and Ta Sum. Those people presided over the
6 ceremonies.<They were the general staff of the military zone.>

7 Q. A while ago, you talked about what the people from the
8 Southwest Zone did in your areas, that when they came into your
9 area, something happened.

10 I want to know <> how the Southwest people <> created their
11 structure <when they came to> your area?

12 A. At that time, I knew to some extent about what happened. When
13 they arrived, they started to remove people in the leadership of
14 the Northwest Zone, including those in the leadership of the
15 cooperatives <and the army as well>. After they had removed the
16 leaderships of the Northwest Zone, and then they started to
17 create their leadership machines from the high level down to the
18 lower levels. <They announced that when they arrived there.>

19 [10.58.41]

20 But for my unit, they did not make any announcement. They simply
21 came to make arrests <for less than a month>, and then they
22 started to collect all of us and sent us to various cooperatives.
23 <They did not reassign anyone from the Southwest Zone to
24 supervise that unit yet. At that time,> they dispersed my groups
25 and put us in different cooperatives.

1 Q. After they had organized like that, were there anyone from
2 your unit disappeared?

3 MR. PRESIDENT:

4 Please hold on.

5 Counsel Victor Koppe, you have the floor.

6 [10.59.45]

7 MR. KOPPE:

8 Thank you, Mr. President.

9 No objection, but an observation. The question to us is clearly
10 relevant, so no problem with relevance. However, I'm a bit
11 surprised that civil parties -- civil party lawyers are asking
12 questions about the rebellion or purges in the Northwest Zone
13 because I believe, and if I'm wrong, please correct me, that
14 whatever happened in the Northwest Zone was outside the scope of
15 002/02.

16 I think that was the continuous position.

17 Civil party lawyers opposed all our requests in relation to
18 rebellion in the Northwest Zone, so these questions, although
19 relevant to us, surprised me.

20 BY MR. LOR CHUNTHY:

21 Thank you, Mr. President. I would like to withdraw my question.

22 Q. In relation to a few questions I put to you at the beginning
23 about your marriage, had you and your wife known each other
24 beforehand, before the marriage?

25 2-TCW-1037:

1 A. I had known her before the marriage.

2 [11.01.26]

3 Q. What about other couples? Could you tell about them?

4 A. There were a few couples, two couples, who had not known each
5 other well or who had not seen each other faces before the
6 marriage. They only proposed to Angkar that they wanted to <get
7 married> and, after that, <Angkar> arranged <marriage> for them.

8 Q. Thank you.

9 What happened next after the marriages? Were they forced to
10 consummate their marriages afterwards? Have you heard of that?

11 A. I heard of it, and for those who got married on the same day
12 as me did not experience such force. <I heard> in some other
13 locations, Angkar forced them to get married. The would-be
14 husband and wife did not love each other and did not want to
15 consummate the marriage. <But they just went along with it. Later
16 on,> for those couple, they divorced. Some of them, after their
17 divorces, were taken away to be killed because they did not
18 comply with the <> Party's line.

19 [11.02.32]

20 Q. Thank you.

21 Following the marriages, could the wives and the husbands live
22 together?

23 A. <Mostly,> they could stay together for two or three days after
24 the marriages, and after that two or three days, they were
25 separated into different locations. I mean the wives would be

41

1 sent back to the worksite <to work the field>, and the husbands
2 were sent back to the army. <>

3 And if they wanted to visit their spouses, they would have to
4 seek permission <to visit their spouses for a day or two>. And
5 the request needed to be granted by them. Otherwise, they could
6 not go and see their spouses.

7 In fact, at the time, well, mostly the husbands <would ask for
8 permission from their unit chief to> visit the wives, not the
9 <other way around>.

10 [11.05.05]

11 Q. Perhaps it is my last set of the questions.

12 <How were> your feeling after you got married? <Were you afraid
13 that if you had> children, <you would face even more difficulties
14 afterward>?

15 A. I was concerned. I was worried about my children<'s future>.

16 Nothing <would> happen to my children, but in that regime,
17 everything belonged to Angkar. <So, anything including food> and
18 stuff that we used belonged to the collective community.

19 We did not have any personal ownership and we did not have any
20 property or belongings to be handed over to our children. What we
21 were given at the time was rice and <water>. <Regarding> freedom,
22 education <> was dependent on <their> policy.

23 [11.06.45]

24 MR. LOR CHUNTHY:

25 Thank you very much.

1 Mr. President, I run out of question now. I am done.

2 MR. PRESIDENT:

3 Thank you.

4 And now the last floor is given to the defence team for Mr. Khieu

5 Samphan to put questions to the witness. You may now proceed.

6 [11.07.04]

7 QUESTIONING BY MS. GUISSÉ:

8 Thank you, Mr. President.

9 Q. Good morning, Mr. Witness. My name is Anta Guisse. I am the
10 National Co-Lead Lawyer in the defence of Mr. Khieu Samphan.

11 I have <some complementary> questions to ask you, <essentially
12 follow-up questions> regarding what you've already said in this
13 Chamber.

14 First you talked about joining the army and the fact that, after
15 <that>, you <were> assigned to a trade unit. Were you still
16 considered to be a soldier after <you arrived at> this trade
17 unit?

18 2-TCW-1037:

19 A. My force was not armed <like I used to be when I was part of
20 the military>. We had only four or five rifles or weapons. And we
21 were under the zone army<'s office>.

22 [11.08.15]

23 Q. So you were part of the zone army. I understood from your
24 answer that you had four or five weapons at your disposal. Did
25 you retain these weapons or did you give them back at some <point

1 or another>?

2 Excuse me. I have a problem with my earpiece. I'd like to change
3 it before you respond. Sorry.

4 Sorry. Sorry for that. Now you can respond to the question if you
5 remember it.

6 My question was, I'd like to know if, at one point or another,
7 did you give these weapons back?

8 A. I did not give back or keep the weapons in the warehouse.

9 Those weapons were given to us and we were armed. The weapons
10 were under our possession.

11 <Four,> five or six of us were armed, and we had to secure the
12 security within the office with the weapons.

13 [11.09.50]

14 Q. All right. You said that you had heard accusations against
15 Vanh<, you said> that he was accused of having <concealed>
16 weapons to <distribute them among mobile units, or to> a mobile
17 unit.

18 Can you tell us if the members of the mobile unit were authorized
19 to have weapons?

20 A. The mobile unit consisted of single youth. They were gathered
21 and put in the mobile unit to carry earth so that they could
22 build the Kanghat dam. In fact, the <youth were not armed with>
23 weapons <> yet <>. It was alleged and accused that Ta Vanh was
24 prepared to arm those people <in the mobile unit in order to
25 fight back>. <That was all I heard.>

1 Q. You heard about these accusations. My question is, in what Ta
2 Sum said to you, did he indicate if <they> had found weapons that
3 had been <hidden> somewhere?

4 Is this information that you received?

5 A. I did not receive such information <>.

6 [11.11.48]

7 Q. Now I would like to bring up another point that you just spoke
8 of with the Co-Prosecutor, and you also spoke of it earlier.
9 You talked about the arrival of cadres from the Southwest Zone
10 into your area, and you indicated that they replaced cadres from
11 various units. In your statement, E3/9580, before the OCIJ, you
12 <initially> talked about a period during which these Southwest
13 Zone cadres worked with the people from the Northwest, and I will
14 quote. It's answer 36. You say the following:

15 "We learned that they came from the Southwest Zone thanks to the
16 <confidential> information circulating among us residents.

17 <Initially,> they worked with their counterparts in <the>
18 Northwest <Zone under the pretext that they were providing help,
19 although they> actually <were supposed> to spy on those from the
20 Northwest. At the end of <three or four> months, they started to
21 report on wrongdoers. For instance, they accused my fishing unit
22 of having poured fuel into the water and of dumping fish <back>
23 into the river, but we had not done that." End quote.

24 [11.13.28]

25 My <first> question is about what you said. You said in <your

1 declaration> that for about three or four months, the people from
2 the Southwest <Zone> worked with people from the <Northwest
3 Zone>. I understand from that, that the arrests did not take
4 place immediately.

5 Did I understand that correctly, and can you please clarify?

6 A. Allow me to inform the Court that regarding the arrest of the
7 Northwest Zone cadres, in fact, at the beginning, it was not
8 people from the Southwest Zone arresting the northwest. The
9 northwest <leaders> arrested <some of their> own members. <Later
10 on, the Southwest Zone people came to verbally provoke various
11 offices in the zone.> And in <fact,> at my fishing unit, they, at
12 the beginning, went to live and work together with us. <Since
13 then>, we heard that there were arrests <at the leadership level>
14 from time to time and we heard that <more> Southwest Zone people
15 came to our location and the arrest happened extensively in early
16 and late 1978. This is all I know.

17 [11.15.40]

18 Q. I'm having trouble understanding your answer.

19 If I understand correctly, in your answer, you say that the
20 arrests of cadres from the Northwest Zone initially were carried
21 out by other cadres of the Northwest <Zone>.

22 Did I correctly understand your testimony?

23 A. I did say that. That was the beginning. And later on, the
24 people from the southwest arrested the northwest.

25 Q. Okay. From your testimony, I also understood that in your

1 fishing unit initially, you worked with people from the Southwest
2 <Zone>. Did I correctly understand your testimony?

3 A. That is correct. They came and asked to work together with us
4 at the outset at the fishing unit.

5 [11.17.00]

6 Q. All right. Therefore, I would like a clarification on what you
7 said earlier. I don't know if it was in response to the
8 Co-Prosecutors or <my> colleagues from the civil parties, but <I
9 believe> you said that you <had concealed the fact that you> were
10 the <deputy chief> of the fishing unit so that you would not be
11 arrested.

12 How could you hide your position in the fishing unit since the
13 Southwest Zone people had actually worked with you in that unit?
14 Could you please clarify?

15 A. I could do that. After Sum had been arrested, the south
16 westerners had been removed from my fishing unit, <they did not
17 dare to live with us anymore because there were very few of them.
18 They were afraid that if the people from Northwest Zone were to
19 rebel, they would not know where to run to. So, at that time,
20 they fled already. When we were put in a cooperative, the
21 cooperative chief, Ta Im, was asked who Ta Sum's deputy was. So,
22 my forces were there, but> those who had been <living> together
23 with me at the time <> concealed the fact that I was the deputy
24 and they told <> those people that people from the southwest had
25 already <> arrested <all of us after Ta Sum was arrested. In

1 fact, about 100 people were dispersed and went their separate
2 ways, some went to cooperatives, others went to Kakaoh. <So,>
3 they could not find out where I was <exactly>.

4 [11.19.06]

5 Q. I don't know if it's a problem in the interpretation, but I'm
6 hearing that you're saying that the people from the Southwest
7 Zone who came to work for a period of three or four months with
8 your fishing unit in order to spy on people from the Northwest
9 Zone, that they were withdrawn. Is that what you're saying?

10 A. The situation became more chaotic at the time <in all the
11 offices of the zone>. The leading structure was not clear. <They
12 could not communicate with each other anymore.>

13 The cadres from the southwest who were working in respective
14 units went to different locations. I did not know where they were
15 going to.

16 Seven or eight families, <including me,> were placed in <a>
17 cooperative, and other families were sent to other <cooperatives,
18 Kakaoh> or to Phnom Thipakdei.

19 So as I said, those people from the southwest who had <> sent
20 <those people> from Battambang <> to some other locations before
21 me. <I was at Sala Ta An for four or five days before others were
22 transferred. They needed to transfer people on two occasions,
23 because they could not transfer all those people in one trip>.

24 [11.21.02]

25 MR. KOPPE:

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1 I apologize for interrupting my colleague, but I would like to
2 raise an interpretation issue.

3 In both -- in the WRI of the witness when the Southwest Zone
4 cadres were coming to the Northwest Zone, he uses, in English,
5 two different words "investigating" and "monitoring". However, I
6 understand that in the French translation this becomes "to spy",
7 "espionner".

8 I'm not quite sure that is the same thing, monitoring or
9 investigating.

10 I know it may sound like a detail, but to us, it's not a detail.
11 So I would like to get clarification as to what -- which word is
12 used in Khmer.

13 BY MS. GUISSÉ:

14 Q. Perhaps to <get back to the topic>, when you say people from
15 the Southwest Zone came to work within your unit for three or
16 four months, do you know if they carried out an investigation? Do
17 you know if they looked at documents to see how your unit or
18 other units in which they worked <were managed>? Do you have any
19 information on this topic?

20 [11.22.50]

21 2-TCW-1037:

22 A. They came to my location and they went anywhere with us. They
23 did not come to lead us. They came to monitor and to try to get
24 the information of the situation. And afterwards, they would <>
25 make the report. <That's all I know.>

1 Q. My colleague, Kong Sam Onn, just told me in response 36,
2 <which> I <just> quoted, the word <in> Khmer <is "investigate".>
3 Perhaps he can pronounce it in Khmer so that there is no <issue>
4 there.

5 I've understood that the word <"investigate"> was translated
6 <into Khmer correctly,> as it appears in answer 36, so that
7 answers <my colleague's> question.

8 [11.24.00]

9 We're close to the end. I have another question.

10 You spoke about events relating to the Vietnamese who stayed in
11 the territory of Democratic Kampuchea after some of them had been
12 repatriated to Vietnam. Aside from the people that you talked
13 about hiding in the forest at <one point>, do you personally know
14 any people who were Vietnamese or from Vietnamese families in
15 your area?

16 A. Regarding those who were <> mixed Cambodian-Vietnamese family,
17 some of them, the husbands were Cambodian and <the wives were
18 Vietnamese, and> some of them, <the wives were Cambodian and the
19 husbands were> Vietnamese <>. I had known <four to five>
20 families. <But I could conceal only one family. Later on,> they
21 had all been arrested before my group <were drafted> to live in
22 the <> cooperative. <I tried to conceal one family, but it was
23 not successful.>

24 At <Praek> Kach <> Roteh (phonetic), they also did the search for
25 those families. They came <openly> in <large army force>. They

1 came on the motorboats. <They did the search in every locations.>
2 And some of the mixed families were transported on the motorboats
3 to different locations <to be <killed and> finished off>.

4 I was trying to conceal one mixed family at the time, but it was
5 not successful.

6 [11.26.20]

7 Q. You say "they came by horse or motorboat". Earlier, answering
8 the Co-Prosecutor's question, <you mentioned> soldiers.

9 Do you know which soldiers they were and who gave the order for
10 these arrests?

11 A. I do not know about that. At the time, I had no more
12 authority. I became an ordinary villager after I fled that unit
13 or location. And after I left, the southwest was in charge of
14 that location.

15 <There were about 15 of them.> They were in motorboats, and they
16 went to that location to cleanse the Vietnamese living along the
17 river.

18 Q. Here again, you say "<they>". At the time of this arrest of
19 <these> Vietnamese <families>, were you present and were you able
20 to see the soldiers who made these arrests?

21 A. I saw that. I was at that location. I was there, and those
22 arrested people raised their hands together and they wept, asking
23 me for help. <I said I did not dare to help them, I could not
24 help them, and that I was also a victim. They were weeping when
25 they were boarded the motorboat.>

1 The husband had been taken away to be killed first, and then it
2 was the time for the wife and children. One child was successful
3 in fleeing, and that child survived <till> 1979. I met that child
4 in Banteay Meanchey.

5 [11.28.50]

6 Q. Did you know the soldiers who <carried> out the arrests?

7 A. I do not know them. I know and recognize one leader who was
8 frequently visiting my area. I, in fact, do not know his name,
9 but I could recognize his face. He was working at the logistics.

10 Q. And since when was this chief working at logistics?

11 In order to be clearer, was he working with logistics when you
12 were at the <trade> unit?

13 A. I noticed that he was a new face when he was there to arrest
14 <Vietnamese> people. He was not from the northwest. <He was from
15 the east.>

16 Q. You did not answer my question.

17 Was he in your fishing unit or, rather, in your logistics unit< -
18 excuse me -- >when you were there?

19 A. That <person> was not working with me. I used to <see> him at
20 <Phsar Leu, Battambang>. <> He frequently visited the <general>
21 staff office, <the logistics office>.

22 [11.31.02]

23 Q. So this was the staff office, <at> which level?

24 And this will be my last question.

25 A. I do not know his name and his position. Again, he frequently

1 came to the office.

2 Q. You're speaking about the office, but which office? You're
3 speaking about the staff office, but can you tell us which office
4 you are speaking about?

5 Was it an office of Division 1, Division 2? Which office are you
6 speaking about?

7 A. The <general> staff office belonged to the zone army. I was
8 referring to the <general> staff office belonged to the zone army
9 in charge of Divisions 1 and 2.

10 MS. GUISSÉ:

11 I am done with my questions, Mr. President, and I no longer have
12 any time.

13 [11.32.30]

14 MR. PRESIDENT:

15 Thank you.

16 The Chamber is grateful to you, Mr. Witness. The hearing of your
17 testimony as a witness has now come to an end. Your testimony
18 will contribute to the ascertainment of the truth.

19 You may now be excused. You may return to your residence or to
20 anywhere you wish to go.

21 I wish you good luck, good health and prosperity in your life.

22 The Chamber is grateful to you as well, duty counsel Moeurn
23 Sovann. You may now be also excused.

24 Court officer, please work with the WESU unit to send <> the
25 witness back to his residence or to any destination he wishes to

1 go.

2 And in the afternoon, the Chamber proceeds to hear the expert
3 2-TCE-98, but it is now time for lunch.

4 The Chamber will take break for lunch and will resume at 1.30
5 p.m.

6 Security personnel <> are instructed to bring Mr. Khieu Samphan
7 back to the waiting room downstairs and please bring him back
8 into the courtroom before 1.30 p.m.

9 The Court is now in recess.

10 (Court recesses from 1134H to 1331H)

11 MR. PRESIDENT:

12 Please be seated.

13 The Chamber is now back in session and Court officer, you are
14 instructed to bring the expert into the courtroom.

15 (The witness enters the courtroom)

16 [13.34.34]

17 QUESTIONING BY THE PRESIDENT:

18 Q. <> Good afternoon, Mr. Expert, what is your name?

19 MR. MORRIS:

20 A. Stephen Morris.

21 Q. Thank you, Mr. Morris. When were you born?

22 A. January 10th, 1949.

23 MR. PRESIDENT:

24 Please.

25 MS. GUISSÉ:

1 I apologize, Mr. President, but in the French booth, the
2 beginnings of each answer that the expert has been providing to
3 us have not been audible, so if you could please remind him to
4 wait a little bit so that we don't lose any of what's being said
5 <in the French booth. Thank you>.

6 [13.35.38]

7 BY THE PRESIDENT:

8 Thank you. It <> depends on the person who control the microphone
9 for the expert. The expert, himself, did not control the
10 microphone.

11 Q. What is your nationality, Mr. Expert?

12 MR. MORRIS:

13 A. Australian.

14 Q. Thank you. And where is your current address and what is your
15 occupation?

16 Please wait.

17 A. My current address is Silver Spring, Maryland. I am a
18 researcher and writer, as well as a teacher of international
19 politics and history.

20 Q. Thank you. What religion do you practice?

21 A. Not religious.

22 [13.36.55]

23 Q. Thank you. Based on the report by the greffier this morning
24 that base on your knowledge, you have no relationship by blood or
25 by law to the two accused, that is, Nuon Chea and Khieu Samphan,

1 or to civil parties admitted in this case; is this report
2 correct?

3 A. Yes, the Court is correct.

4 Q. Thank you, Mr. Morris.

5 Pursuant to Internal Rule 31.2 of the Internal Rules of the ECCC,
6 in your capacity as an expert who testify in this courtroom, the
7 Chamber require you to take an oath based on your religion before
8 you provide your testimony in this courtroom; do you agree to do
9 so?

10 A. Yes, I agree.

11 Q. International Greffier Mr. Harshan, please lead the expert to
12 take an oath in this courtroom.

13 [13.38.18]

14 THE GREFFIER:

15 Good afternoon, Mr. Expert. Can you please stand and repeat after
16 me?

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

19 MR. MORRIS:

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

22 THE GREFFIER:

23 Thank you. Please be seated.

24 BY THE PRESIDENT:

25 Thank you.

1 The Chamber and parties in this courtroom would like to thank
2 you, Mr. Morris, for spending your valuable time to travel all
3 the way from overseas to provide testimony in this courtroom and
4 your testimony may contribute to the ascertaining of the truth
5 that are related to important information that are quite
6 essential for this Court and also for the Cambodian people.

7 [13.39.26]

8 Now, I would like to ask you a number of preliminary questions
9 related to your <educational background> and your writing and my
10 first question is about your writing and <education>.

11 Q. Can you tell us about your qualification; I mean your
12 education?

13 MR. MORRIS:

14 A. Yes, I have a -- I have a doctorate in political science from
15 Columbia University. I have been a research fellow at Harvard
16 University and at Columbia University and at Johns Hopkins School
17 of Advanced International Studies.

18 [13.40.10]

19 I have also -- I am also qualified by virtue of the fact that in
20 1983, I visited guerrilla-controlled areas of Cambodia and met
21 with leaders of the Democratic Kampuchea faction, the FUNCINPEC
22 faction, and the Khmer People's National Liberation Front
23 faction, which were fighting the Vietnamese. Furthermore, I have
24 -- I believe I'm the only academic who has had an extensive,
25 private, one-and-a-half hour interview with His Royal Highness

1 Prince Norodom Sihanouk in 1985.

2 I have published widely, not only a book by Stanford University
3 Press called "Why Vietnam Invaded Cambodia," but also in many
4 magazines such as "The Atlantic Monthly", and newspapers such as
5 "The New York Times", "The Washington Post", and "The Wall Street
6 Journal".

7 I have also been -- have the good fortune and unique fortune to
8 have been able to work in the archives of the Russian Federation
9 on the history of the Vietnam War and the war in Cambodia.

10 [13.41.36]

11 Q. Thank you. What about other studies of yours; can you tell us
12 the specific studies of yours that are related to <Cambodia,
13 especially related to> Democratic Kampuchea regime?

14 A. Yes, I think that my book "Why Vietnam Invaded Cambodia" is
15 the most relevant of my studies which contains all of the source
16 material that I have just mentioned to you, but I have written a
17 lot about my experiences with the Democratic Kampuchea regime
18 after 1979, not experiences before 1979. But my book contains an
19 analysis of the nature of the Democratic Kampuchea regime and
20 gives my interpretation of why they behaved the way that they
21 did.

22 [13.43.01]

23 Q. Thank you. Before we continue, I would like to suggest to the
24 expert to speak slower so that your answer can be <interpreted>
25 fully and well.

1 And for your thesis that you mentioned earlier, related to your
2 PhD thesis with the title "The Origins of the Soviet-Vietnamese
3 Alliance", and related to this PhD thesis, when did you start
4 doing it and why you decided to choose such topic for your
5 research, especially for your PhD dissertation?

6 A. Decided -- yes, I began my work on this in 1979 or 1980; I
7 don't remember exactly the year that I began my research, but
8 1979 or 1980. And the reason for my interest in the subject was
9 the fact that I had been to Vietnam during the war in 1970 and in
10 1972. I had seen the situation in Vietnam and knew that the
11 situation was very different to what I had believed it to be and
12 therefore, I have always attempted to base my research, at least
13 in part, upon personal contact with the people who are making
14 history that I'm writing about. So my interests in the
15 Soviet-Vietnamese alliance is derived in part from my interest in
16 the Vietnam War, but in part from the fact that I have some
17 training in Soviet Studies or I had some training in Soviet
18 Studies at Columbia University in pursuant of my dissertation and
19 my PhD.

20 [13.46.01]

21 Q. Thank you. What were the important issues that your
22 dissertation focused on? Please provide us brief information
23 about those important issues because the Chamber would like to
24 know about those relevant points for the Chamber.

25 A. It was in part a reaction to the belief that the Vietnamese

1 had always pursued an independent foreign policy, which I found
2 to be incorrect, and that the Vietnamese had alternated between
3 being pro-Chinese and being pro-Soviet Union with a period -- a
4 brief period -- in the middle sixties of being neutral between
5 the two Communist powers and therefore, my study of the
6 Soviet-Vietnamese alliance was to highlight the fact that the
7 Vietnamese communists did not always maintain a neutrality
8 between the communists, the rival communist powers, the Soviet
9 Union, and China and that they sometimes took sides between the
10 Soviet Union and China and the most clear and decisive example of
11 them taking sides was their decision to sign a treaty of
12 friendship and cooperation with the Soviet Union at the end of
13 1978, just prior to their invasion of Cambodia.

14 [13.48.04]

15 Q. Thank you. Now, my question focus on <> another book, that is,
16 "Why Vietnam Invaded Cambodia: Political Culture and the Causes
17 of War". Related to this book, "Why Vietnam Invaded Cambodia:
18 <Political Culture and the Causes of War>", when did you start
19 doing research for this book and when was the book <> first
20 published?

21 Please hold on.

22 A. I started doing research for the book shortly after completion
23 of my dissertation in 1987, probably in 1988 or '89. The book was
24 eventually published in 1999 by Stanford University Press.

25 Q. Thank you. What methods of research did you use for your study

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1 and what sources you rely on for your writing; did you interview
2 any important individuals or figures and if so, how many of them?

3 <And what are their names?>

4 [13.49.41]

5 A. Yes, I did interview some important individuals, some very
6 important individuals; most notably His Royal Highness Prince
7 Norodom Sihanouk in Thailand in 1985. I also interviewed Mr. Ieng
8 Sary, former foreign minister of Democratic Kampuchea in
9 Cambodia, in Western Cambodia, in September of 1983. I was then
10 on assignment for the CBS News Television Network of the United
11 States in Cambodia and that was the main reason I was able to
12 interview Mr. Ieng Sary.

13 [13.50.39]

14 But interviews were just one part of my methods; I studied many
15 secondary sources, a lot -- all the literature on the subject.
16 But, most important, I was able to access the archives of the
17 former Communist Party of the Soviet Union. And, going back to
18 the 1930s when Ho Chi Minh formed the Indochinese Communist
19 Party, I was able to read documents in Moscow, written by the
20 Vietnamese communists, pertaining to Cambodia and also records of
21 interviews with Vietnamese communist leaders, carried out by
22 Soviet officials, pertaining to the problem of Cambodia. So it
23 was a variety of sources that I used.

24 [13.51.54]

25 Q. Thank you. You talked about your interviews with King Norodom

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1 Sihanouk and also with Ieng Sary, the former foreign minister of
2 Democratic Kampuchea regime. Did you receive the information
3 yesterday from WESU officer <who requested> you to bring along
4 those transcripts of interviews and do you bring along those
5 documents about your interviews with the two figures into this
6 courtroom?

7 A. Yes, I did receive a request for copies of the notes made
8 during the interviews; unfortunately, I was already in Cambodia
9 and all my source material is in the United States of America, so
10 it was impossible for me to locate these sources.

11 [13.53.23]

12 Q. Thank you, that's all right. Thank you for your answers.
13 To support your writing for the book, did you rely on any
14 materials or equipment provided by other researchers and if so,
15 what were those materials or equipment?

16 A. Well, materials; the writings of other researchers, I used.
17 Equipment; no, except not from other researchers; the only
18 equipment that I used was a cameraman or a camera for interview
19 of Ieng Sary, which was provided by the CBS Television Network of
20 the United States, and a cassette recorder for my interview with
21 His Royal Highness Prince Norodom Sihanouk as he was then.
22 But generally, I have used the work of other researchers to
23 provide background for my own work.

24 [13.54.47]

25 Q. Thank you, Mr. Expert. Why were you so much interested in

1 doing research on this particular issue that led to your
2 publication of the book titled "Why Vietnam Invaded Cambodia:
3 <Political Culture and the Causes of War>"?

4 A. I was interested in it because I have, for a long time, been
5 interested in the political affairs of Vietnam and Cambodia and I
6 wanted to know why these two former allies came into a military
7 conflict and in particular, when it seems that it was not to the
8 interests of either party for them to be fighting. So I was
9 looking for an explanation of a puzzling event, the war between
10 Vietnam and Cambodia.

11 Q. Thank you. My last question to you is: Can you brief for the
12 Chamber about the important events you wrote in your book, the
13 book that we just discussed right now? Can you summarize the
14 important events that you included in your book; I mean the book
15 that we are discussing right now?

16 [13.56.47]

17 A. Well, basically, I try to explain how the Vietnamese Communist
18 Party attempted to control the communist movements of all three
19 countries of Indochina and I attempt to explain how the
20 Vietnamese lost control of the communist movement in Cambodia
21 despite their intention to control it.

22 And I also point out the conflicts between the Vietnamese and the
23 Cambodians which began during the war against the United
24 States-backed regimes, which both the Vietnamese communists and
25 the Cambodian communists were fighting in; in other words, I

1 outline how, at a time when the main enemy of the Vietnamese and
2 Cambodian communists was the United States and its client regimes
3 in Vietnam and Cambodia, nevertheless the Cambodian communists
4 came to regard the Vietnamese communists as their main enemy.

5 [13.58.07]

6 And furthermore, I point out how the Vietnamese communists never
7 fully understood what was going on in Cambodia, that they
8 misunderstood who was for them and who was against them, and
9 finally how they relied upon the assistance of the Soviet Union
10 to undertake what they came to conclude was a necessary invasion
11 in December 1978.

12 But the main -- one of the main themes of my book is that all of
13 the parties or at least the Cambodian communists, the Vietnamese
14 communists, and the Chinese communists misunderstood their
15 situation; they behaved irrationally and caused consequences
16 which were not in their interests, negative consequences for all
17 of the three communist parties mentioned.

18 [13.59.23]

19 The reason I say that is because the Democratic Kampuchea regime
20 was overthrown by the Vietnamese and the Vietnamese provoked the
21 Chinese into attacking them and the Chinese misperceived the
22 actual relationship of the Vietnamese and the Soviet Union in
23 terms of the origins of the conflict. There was a lot of
24 misperception going on and that's what I tried to spell out.

25 MR. PRESIDENT:

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1 Thank you. In the questioning of this expert -- what has
2 happened?

3 (Technical problem)

4 [14.01.11]

5 MR. PRESIDENT:

6 There <are> some problems with the <interpreting> equipment. So
7 the problems still remain, please fix <them>.

8 (Technical problem)

9 [14.01.54]

10 MR. PRESIDENT:

11 In the questioning of this expert, pursuant to Internal Rule
12 <91bis>, the Chamber give the floor to defence counsel for Nuon
13 Chea to put question to the expert before other parties. The
14 defence counsel for Nuon Chea, together with the defence counsel
15 for Khieu Samphan have <four sessions or> one full day to put
16 questions to this expert.

17 You may now proceed, Counsel.

18 [14.02.25]

19 QUESTIONING BY MR. KOPPE:

20 Thank you, Mr. President, good afternoon.

21 Good afternoon, Mr. Witness or Mr. Expert, I apologize.

22 Before I start, a very small matter in relation to the documents
23 that have just been admitted. It's our understanding that there
24 is -- that there are still no E3 numbers awarded to those
25 documents. Maybe that could be done because I'll be referring to

1 those documents today and tomorrow.

2 Having said that, Mr. Morris, I have many questions that I would
3 like to put to you; unfortunately, we only have a day for the
4 Defence. Let me tell you, very briefly, how I would like to ask
5 my questions; what divisions of topics I have, so that you know
6 beforehand, a little bit, where I'm going.

7 [14.03.36]

8 I would like to start asking you some questions on -- some
9 follow-up questions on your sources and methodology.

10 Then I would like to discuss with you what you, in your book and
11 dissertation, call the imperial ambitions of the Vietnamese and I
12 would like to deal with that subject in conjunction with the
13 Indochinese Federation or the ambition for Indochinese
14 Federation. Subsequently, I would like to discuss with you some
15 general matters of Vietnamese behaviour toward Khmer during their
16 negotiations in general.

17 My fourth subject is Vietnamese communist ideology and its
18 relation toward the Soviet Union and the positions of various
19 Vietnamese Communist Party leaders.

20 [14.04.44]

21 Then I will go into an important subject for the Defence, which
22 is the way the imperial ambitions or the attempts to establish an
23 Indochinese Federation were implemented in Cambodia in the
24 revolutionary movement of Cambodia or in DK.

25 Subsequently, I will address the subject that you also shortly

1 touched upon; that's the DK or the CPK's reaction to the
2 Vietnamese attempts toward DK, and I will be discussing the words
3 that you have been using in your book; paranoia, irrational
4 behaviour, etc., or as you just said, why they behaved why they
5 did.

6 Briefly afterwards, if I still have time, I would like to discuss
7 with you Vietnamese foreign policy versus China and vice versa.
8 Then I would like to discuss a few things about my client, Nuon
9 Chea, things that you have discovered in the Soviet archives in
10 relation to him.

11 [14.06.11]

12 Subsequently and very briefly, I would like to touch upon
13 reactions versus Vietnam after their invasion, so a brief subject
14 on post-'79 opinions and positions of the world versus China --
15 versus Vietnam, excuse me, and then I will stop, if I still have
16 time, with some main -- miscellaneous subjects, such as
17 diplomatic relations of DK with other countries and for instance,
18 Vietnamese attempt to kidnap former King Father Norodom Sihanouk
19 in early-1979 and some other subjects as well.

20 That was a bit of a long introduction. I apologize for this, but
21 then at least you know where I will be going.

22 [14.07.12]

23 Q. Let me start, Mr. Morris, with some questions about sources.
24 In your book, you have listed all your secondary sources. Many
25 books are familiar to the parties. We do have excerpts from your

1 dissertation. We were able to microfilm parts of your
2 dissertation; however, we do not have the sources that you used
3 in that dissertation. But is it fair to say that your book, in
4 terms of secondary sources, is building further upon the sources
5 used for your dissertation?

6 JUDGE FENZ:

7 Sorry, sir.

8 MR. PRESIDENT:

9 Please hold on, Mr. Expert.

10 MR. MORRIS:

11 A. Yes, that is correct. It is building upon sources used in the
12 dissertation, but also the focus of the book is different to the
13 focus of the dissertation.

14 [14.08.32]

15 BY MR. KOPPE:

16 Q. I will be touch upon -- touching upon that subject, a little
17 bit, in more detail later. Let me first ask you some questions in
18 relation to the secondary sources that you have used. It's
19 impossible, of course, to discuss them all.

20 There is -- there's a few scholars, American scholars that I
21 think you use specifically in your book; one of them is an
22 American scholar and I think a former State Department official,
23 Douglas Pike. Could you briefly indicate who Douglas Pike was and
24 how you used his archives that were attached to the University of
25 California in Berkeley?

1 [14.09.40]

2 MR. MORRIS:

3 A. Douglas Pike was a former State Department official who
4 specialized in Vietnam and was in Vietnam during the war between
5 the United States and North Vietnam. He gathered a large amount
6 of documentary material from his time in service with the US
7 Government and placed it in an archive at the University of
8 California Berkeley where I was fortunate enough to have two
9 years residency during the research for my dissertation.

10 I think Mr. Pike was a very, very avid gatherer of facts from all
11 different sources and he edited something called "The Indochina
12 Chronology," which summarized all the latest writings about
13 Indochina, and also gathered information on events in Vietnam,
14 Laos, and Cambodia for people to follow

15 Q. And one follow-up question: I'm sure you are aware that he
16 testified before US Congress in, I believe, October or November
17 1978. He was asked his opinion on the troubling relations between
18 Democratic Kampuchea and Vietnam. Do you know why it was that US
19 Congress asked Douglas Pike to appear before them?

20 A. I don't know exactly why, but I believe that it was probably
21 because they were searching for every possible, available source
22 of information on the growing crisis in Indochina between the
23 Vietnamese and the Cambodians, so Mr. Pike would have been an
24 obvious person to call to testify.

25 [14.12.04]

1 Q. Thank you for this. In your book, English, ERN 01001662, you
2 refer to another American scholar from whose work I will be
3 asking questions, as well, and you call him an eminent historian
4 of Vietnam; that's Professor William Duiker or Duiker; I'm not
5 quite sure how to pronounce it. Could you expand, a bit, on the
6 way you used his work in your book?

7 A. I recall using Mr. Duiker's work in some places, but I'm not
8 sure how important he was for my general argument.

9 Q. Then I will get back to him when I actually want to use one of
10 his observations in his books.

11 Now, of course, in this Tribunal, we are intimately familiar with
12 the works of people like Nayan Chanda, Ben Kiernan, Chandler, and
13 Steve Heder and others. Let me briefly ask you some questions
14 first about Ben Kiernan. Would it be fair to say that you are not
15 a big fan of Ben Kiernan?

16 A. That would be fair judgment.

17 [14.14.04]

18 Q. I'm -- I'll ask you a follow-up. I think I know why it is, but
19 maybe the Cambodian public doesn't know, so I will ask sometimes
20 questions which are, to me, the answers are obvious, but I will
21 ask them anyway. Can you explain to why that is a fair
22 observation?

23 A. Yes, I believe that Ben Kiernan is a very politicized person
24 who has always had a strong political agenda. During the years of
25 Pol Pot's rule, he was a strong supporter of Democratic

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1 Kampuchea, but after, and only after, Vietnam turned against
2 Democratic Kampuchea, Kiernan became a critic of Pol Pot and the
3 Khmer Rouge and subsequently, Kiernan has taken a position which
4 might be considered in strong alignment with the Vietnamese
5 Communist Party's interpretation of events in Cambodia.

6 [14.15.25]

7 Q. And is it correct that you have actively advocated against his
8 appointment as director of the organization DC-Cam?

9 MR. PRESIDENT:

10 Please wait for the microphone to go on, Mr. Expert.

11 MR. MORRIS:

12 A. No, I didn't know that he was ever going to be director of
13 DC-Cam. You mean the -- you may be referring to something else;
14 you might be referring to --

15 Q. I do apologize: I mean the -- well, when it was still
16 connected to Yale, his appointment by the State Department in the
17 Genocide Program, which I believe, in the very beginning, worked
18 together with DC-Cam. But let's move away from DC-Cam; move,
19 please, to what you said about the State Department appointment.

20 [14.16.32]

21 A. I believed that the State Department's granting of a large sum
22 of American taxpayer money to Ben Kiernan; initially, half a
23 million dollars and subsequently, \$1 million, was a tragic
24 mistake since I believed that he was not the best person to
25 research what happened in Cambodia between 1975 and 1978.

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1 I believe that there are other more qualified candidates such as
2 David Hawk, who had worked with Amnesty International, and who I
3 believe would have been a more objective analyst of events in
4 Cambodia and not carrying a political agenda.

5 Q. Thank you. Now, one other question in relation to someone who
6 has testified here as an expert and has written extensively about
7 the CPK and DK, David Chandler. I was wondering if you ever read
8 his review about your book "Why Vietnam Invaded Cambodia", a
9 review which was, I believe, published in or shortly after your
10 book appeared? Are you aware of that review and if yes, could you
11 react to what he says about certain things in your book?

12 [14.18.10]

13 JUDGE FENZ:

14 Could you, in the meanwhile, give us the reference of the review?

15 BY MR. KOPPE:

16 Yes, of course.

17 Q. Well, not an E3 number yet, but I do have an ERN already; it's
18 01335287 and it's attached to our request, E40 -- 445.

19 MR. MORRIS:

20 A. Yes, I am familiar with David Chandler's review of my book,
21 which was in, I believe, "The Journal of Asian Studies". I would
22 regard it as somebody else, another scholar, described it as a
23 mixed review, saying there were some good things about the book
24 and some not-so-good things about the book.

25 [14.19.09]

1 But my comment on it is that Mr. Chandler never specified what
2 was the not-so-good things about the book. He did make the point
3 that there was a lot of new information from Soviet archives
4 contained in my book which would not be found elsewhere. But like
5 many historians who reviewed my book or at least some historians
6 who reviewed my book, their criticisms were not of my history,
7 but of my political science which I found rather ironical that my
8 argument that there was irrationality was at the center of the
9 conflict in Indochina rather than the solidity and veracity of my
10 factual assertions, which nobody challenged, and I believe nobody
11 can challenge.

12 Q. Thank you for this. Let me move on to another important --
13 other important sources for your work. It was just briefly
14 touched upon by the President and it is your interview with
15 certain important individuals, important at the time.

16 [14.20.30]

17 You mentioned already your interview with Prince Sihanouk. I am
18 particularly interested in an interview you had, I believe,
19 according to your dissertation, in -- both in Paris and
20 Washington with a very high-ranking South Vietnamese communist,
21 Truong Nhu Tang. I will be extensively speaking about Truong Nhu
22 Tang, if I pronounce it correctly, but can you describe, a bit,
23 the parameters of your interview and specifically -- and it's the
24 same question that the Chamber has -- whether you still have your
25 notes of that interview, but maybe first tell us -- for those who

1 don't know who he is -- who Truong Nhu Tang is?

2 A. Truong Nhu Tang was a former senior figure in the National
3 Liberation Front Provisional Revolutionary Government. He was
4 not, as far as I know, actually a member of the Communist Party.
5 He was, in fact, a member of the Front organization, the
6 Vietnamese Communist Party's Front organizations. He was an
7 intellectual and he became disillusioned with the Vietnamese
8 communists during the 1970s after they seized power and
9 subsequently defected to France, as did some other prominent
10 figures; one of whom I also interviewed, Mr. Bui Tin, former
11 editor of the army newspaper, who was a communist party member.

12 [14.22.46]

13 Q. I will get back to Truong Nhu Tang and I will discuss the
14 quotes from his memoirs and I believe your interviews. But do you
15 still have your notes from your interviews with him or are they
16 gone?

17 A. I don't believe I have my notes of interviews with him. I met
18 him on several occasions, some of them very informal, the
19 discussions. He was a friend -- he was a friend of a Vietnamese
20 friend of mine and so I had access to him quite often when he
21 came to visit the United States and so I didn't always feel the
22 need to take notes.

23 Q. One last question; is it correct that he is still alive today?

24 A. I don't know.

25 [14.23.55]

1 Q. Now, let me move to what arguably are maybe your most
2 interesting sources and that is the Soviet archives. We very
3 briefly touched upon it. You speak about it in your book.
4 We have located another publication from you which is called "The
5 Soviet-Chinese-Vietnamese Triangle in the 1970s"; no E3 yet, but
6 it is admitted into evidence. Specifically, I will be referring
7 to English, ERN 01335245, in which there's a footnote 2 in that
8 article in which you extensively describe how the work was done
9 at the Soviet archives and the distinction that you made between
10 documents that you were allowed to see and the documents that you
11 were not allowed to see.

12 Can you briefly explain as to what you did in those archives, how
13 access was arranged, etc.?

14 [14.25.24]

15 A. Yes, access to the archives took place just after the collapse
16 of the Soviet Union when Boris Yeltsin, then President of Russia,
17 decided to undertake an investigation into the crimes of the
18 former Communist Party of the Soviet Union with a view of
19 possibly banning the Communist Party of the Soviet Union in
20 Russia.

21 Following on from Mr. Yeltsin's gathering of a team of experts,
22 mainly Russians, to investigate the Communist Party of the Soviet
23 Union, various international scholarly organizations requested
24 access to the archives as well. That included The Cold War
25 International History Project at the Wilson Center in Washington

1 DC and they managed to gain -- get access to the archives for
2 various subjects in the history of the Cold War.

3 [14.26.28]

4 I was not involved originally. I did not know about this
5 originally. I went to Moscow on my own -- under my own steam as a
6 private individual, found out about the Wilson Center project and
7 after various efforts, got myself as part of the programme and we
8 were able to in -- request documents from the Communist Party of
9 the Soviet Union's Central Committee, as well as the foreign
10 ministry and it was up to officials in the archives to decide
11 whether or not the researchers, which I was one, would be allowed
12 to see these documents.

13 This project of the Cold War International History Project at the
14 Wilson Center in Washington DC was not focused on Vietnam or
15 Cambodia. I was the only person -- I was the only person who was
16 involved in researching Vietnam and Cambodia. So I went through
17 an index of files that were -- looked like they were relevant to
18 the history of Vietnam and Cambodia and requested to see files in
19 sequence.

20 [14.27.55]

21 There's an enormous amount of information there and for the most
22 part, I was given access to everything I requested. There were
23 very few rejections that I can recall, but may I just point out
24 that the archivists, who were making decisions about who would
25 see what, were not necessarily experts in the subject that the

1 researcher was investigating; hence, they couldn't know
2 necessarily what was significant and not significant in the
3 files. Moreover, the requests for review of the files were so
4 voluminous that I cannot believe that the archivists read through
5 the files in -- completely before giving them to the researcher.
6 So I believe that because of all of this that my access to
7 documents in Moscow was very, very lightly screened and I think
8 that the only possible reason why documents were denied was where
9 there may have been KGB documents which related to agents, for
10 example, perhaps. But as I say, there were very few documents
11 that I was denied access to. But all the documents that I was
12 researching came from the departments of the Communist Party
13 Central Committee dealing with international affairs.

14 [14.29.34]

15 Q. And as I understand, you were not allowed to have -- to review
16 or to have access to any document belonging to the Politburo of
17 the Central Committee; is that correct?

18 A. That is correct.

19 Q. And the same applies to the presidential archive; is that
20 correct?

21 A. The presidential archive is the place where, amongst other
22 things, the Politburo documents were kept.

23 Q. Can you briefly describe how you worked? I presume you were
24 not all -- all right.

25 MR. PRESIDENT:

1 I guess there is an issue with the <audio> gadgets <>.

2 (Short pause)

3 [14.31.01]

4 MR. PRESIDENT:

5 You may now resume your questioning, Counsel.

6 BY MR. KOPPE:

7 Yes, thank you, Mr. President.

8 Q. My question was about the way you were working while you were
9 investigating the archives. Is it correct that you were not
10 allowed to make copies; that you were only allowed to make notes
11 of the documents that were shown to you?

12 [14.31.26]

13 MR. MORRIS:

14 A. No, it's not true that I was not allowed to make copies, but
15 as somebody who came to the project very late and was not on the
16 original planning of the project, I was not given a quota of
17 photocopying that the other researchers were given. I think I was
18 allowed something like a hundred pages, perhaps, whilst the other
19 researchers had a thousand pages. So I had to do a lot of my
20 recording of documents, handwriting; actually, my most common
21 method if the document was very significant, I would handwrite a
22 copy in Russian of the document and translate it later.

23 Q. Let me be concrete and ask you about one particular example
24 that comes to mind now. In your book, you refer to a transcript
25 of a conversation or a document pertaining a conversation between

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1 the general secretary of the Vietnamese Worker's Party or
2 Communist Party, Le Duan, or "Le Yuon", as we say in Khmer, and
3 the Soviet ambassador. There's a few conversations. Do you have a
4 copy of that actual document or is it just notes that you took
5 from those documents pertaining these conversations?

6 A. This would be notes that I took; probably handwritten Russian,
7 copying of part of the document.

8 [14.33.31]

9 Q. Let me be even more concrete. At one point in time -- I
10 believe it was '76 and he repeats this in '78 -- Le Duan tells
11 the Soviet ambassador, "Nuon Chea is our man. He is my personal
12 friend." And we'll get back to that, but do you have that
13 particular document so that if you will be willing to do so could
14 -- we could have a look at that document or is that -- is it just
15 your notes?

16 A. What I have -- I don't recall with a hundred percent
17 certainty, but I believe that it is transcription of the Russian
18 text in my own handwriting, so if I can locate that document; I
19 could make available my handwritten copy in Russian.

20 Q. But you do not have the actual document in -- the Russian
21 document which -- in which it is noted or annotated that Le Duan
22 says to the Soviet ambassador, "Nuon Chea is our man". That
23 actual document is not in your possession; is that correct?

24 A. That's correct.

25 Q. Do you speak and read Russian fluently?

1 A. I wouldn't say fluently; I can speak and read Russian however.

2 [14.35.26]

3 Q. So if we were to have very specific questions as to the
4 Russian words you used in that conversation; for instance, the
5 characterization by Le Duan of Nuon Chea, you would be able to
6 provide us with the exact Russian words and its English
7 translation?

8 A. I should be able to do that.

9 Q. One or two brief other -- other questions in relation to your
10 work in the Soviet archives: I read in your book that you were
11 assisted by Dimitri Masiakov; is that correct and if yes, what
12 did he do?

13 A. That is correct and he read the files that I thought might be
14 interesting in advance of my reading them and told me which ones,
15 specifically, I should read. He was a kind of screener for me
16 because of the massive volume of documentation. I needed somebody
17 like that.

18 [14.36.50]

19 Q. And my last question -- I will get back, obviously, to the
20 content of all those very interesting documents -- is it correct
21 that these -- this opening of the archives in '92-'93 was a brief
22 moment and now, they're all closed and God knows when they will
23 open again?

24 A. You're partly correct and partly incorrect. It was a very
25 brief moment which lasted from sometime in 1992 until -- sorry,

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1 late-1991 until 19 -- until April of 1993; however, I have
2 recently discovered that the archives in Moscow, to which -- in
3 which I was working, have been temporarily reopened; then closed
4 for relocation, and that they will be reopened again next year
5 and I hope to be there and to make photocopies of some of those
6 documents that you refer to, so that I can have the hard copy
7 myself.

8 [14.38.08]

9 Q. I will be quite delighted if you will be able to do that, Mr.
10 Morris.

11 My final question, maybe, Mr. President, before the break and
12 that is comparing your dissertation with your book in 1999. As I
13 said, we only have parts of the dissertation, so for instance,
14 presumably a very interesting chapter on the Soviet invasion of
15 Czechoslovakia in '68 is something that we do not have. But what
16 we do have from your dissertation, there are -- there's overlap
17 and there are some differences; we might get to that, but one
18 specific, very interesting point which we will address later, as
19 well, came to mind and that is on, I believe, page 461 of your
20 dissertation, which now has English ERN 01335197 and that is
21 something which is absolutely not in your book, but which is in
22 your dissertation. And let me read that to you. Let me read the
23 excerpt from your dissertation.

24 [14.39.30]

25 You're talking about events in 1978; you're talking about Heng

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1 Samrin, the Vietnamese creating an armed-rebellion movement. We
2 will go into detail later, but this is what you say in your
3 dissertation and I quote:

4 "According to a major from the National Army of Democratic
5 Kampuchea, who had defected to Thailand in September, Heng Samrin
6 had attempted a coup against the government in Phnom Penh the
7 previous April; however, the second in command of Heng Samrin's
8 4th Division, based at Kampong Cham, warned the government and
9 the plot was crushed. Heng Samrin, who was said to have been part
10 of a larger pro-Vietnamese group within the KCP, fled to Vietnam
11 with some of his troops and weapons."

12 [14.40.43]

13 Now, I don't -- I'm not asking you to go into the content of this
14 because we will when we come to that subject, but can you explain
15 to the Chamber why it is that this is something which we can find
16 in your dissertation, but is nowhere to be found in your book?

17 A. And now, I -- I'd have to take a look at that excerpt from my
18 dissertation to possibly give you an answer; to be quite honest,
19 I'd forgotten all about it.

20 MR. KOPPE:

21 We will revisit the subject; maybe it will jog your memory then.

22 Mr. President, this might be a good moment.

23 [14.41.36]

24 JUDGE FENZ:

25 May I just ask, can you do this during the break or do you have

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1 this material with you? You don't, okay so.

2 MR. PRESIDENT:

3 Thank you. Thank you, Mr. Expert.

4 It is now convenient time for the break. The Chamber will take a
5 break from now until 3 o'clock.

6 Court officer, please assist the expert at the waiting room
7 reserved for the expert during the break time and invite him back
8 into the courtroom at 3 o'clock.

9 The Court is now in recess.

10 (Court recesses from 1442H to 1501H)

11 MR. PRESIDENT:

12 Please be seated.

13 The Court is now back in session and the floor is given back to
14 Counsel Koppe to resume the questioning to the expert.

15 You may now proceed.

16 BY MR. KOPPE:

17 Thank you, Mr. President.

18 Q. Good afternoon again, Mr. Morris.

19 A brief follow-up question in relation to that excerpt from your
20 dissertation regarding Heng Samrin. Did you bring your
21 dissertation with you or would you like me, through the
22 intervention of the President, to give you a copy of that
23 specific page because I will return to this subject?

24 MR. MORRIS:

25 A. No, I didn't bring my dissertation with me and I would like a

1 copy of that specific page, thank you.

2 [15.03.05]

3 MR. KOPPE:

4 With your leave, Mr. President.

5 MS. GUIRAUD:

6 Just a remark, Mr. President. <To understand the document given
7 to the expert>, I have the impression that the parts quoted by my
8 colleague is a two-page document and then there's a conclusion at
9 the end by the expert which <seems> interesting to read as well.
10 I <simply> want to make sure that the expert has received the two
11 pages on which the quotation is found; 197 <toward the end of the
12 ERNs, and> 198.

13 I make this remark because there is a <conclusion> paragraph at
14 the end of the <passage which was quoted> by my colleague
15 <earlier,> and <I believe it is important to read, too>. That
16 will enable the expert to react on both paragraphs. I, myself,
17 have a copy of that document.

18 [15.04.26]

19 MR. KOPPE:

20 I cannot possibly object to that, it's his own dissertation, but
21 maybe he could get a full copy of what the Chamber has then the
22 expert could have a look at everything. I have no problem with
23 that at all.

24 JUDGE FENZ:

25 For the time being, my understanding is the two pages requested

1 already are here, so perhaps those could be given to the expert.
2 I don't know if he can digest it in this short period of time but
3 I leave that to you, obviously.

4 MS. GUIRAUD:

5 With your leave, Mr. President, and with the assistance of the
6 Court officer, if there is no objection to that, I'm ready to
7 give the expert <my> copy of the document, <which is underlined,
8 but it> is my copy with the two relevant pages.

9 MR. PRESIDENT:

10 Yes, please.

11 [15.05.35]

12 MR. KOPPE:

13 I'll move on, Mr. President, and may I suggest, Mr. Expert, if
14 you do wish to receive a copy of everything that we have, I'm
15 sure you'll be able to indicate that to the Chamber.

16 BY MR. KOPPE:

17 Q. Before I move to my second subjects, some brief additional
18 questions in relation to your sources.

19 Is it correct that you do not read or write Khmer?

20 MR. MORRIS:

21 A. That is correct.

22 [15.06.16]

23 Q. Is it also correct that in your footnotes or references to
24 your sources in your book, your 1999 book, there's nothing quoted
25 from what I would like to call Democratic Kampuchea

1 contemporaneous documents, such as minutes of the Standing
2 Committee of the CPK, telegrams from military divisions all the
3 way up to the military -- the general military staff, such
4 documents, "Revolutionary Flags". I believe there's one reference
5 to one "Revolutionary Flag" but I think that's the only one.
6 So is it correct that in your 1999 book, there is no reference to
7 DK contemporaneous documents?

8 A. That may be correct. I haven't gone over that, you know.

9 Q. Another question I have: Did you use in your book primary
10 contemporaneous American or Chinese sources?

11 A. Probably. I would have used newspaper articles, for example,
12 contemporaneous, which would be contemporaneous American sources.
13 Not Chinese, no.

14 [15.08.35]

15 Q. I understand. In relation to American primary sources, as you
16 know, at one point in time many diplomatic cables of U.S.
17 embassies, conversations between, for instance, Henry Kissinger
18 and General Suharto have been publicized, have been gone from
19 confidential to open sources.

20 Have you used those American primary sources for your book?

21 A. No, I don't recall having used them.

22 Q. And then my last question - subject, methodology, and sources
23 -- have you done research in relation to Democratic Kampuchea or
24 Vietnam after the publication of your book and, if yes, are you
25 when you're giving answers sometimes using these documents or

1 sources or books, or can we safely assume that most, maybe
2 everything that you're saying, finds its foundation in your book
3 and dissertation and your publications?

4 A. Yes, I would say that everything I say, or almost everything I
5 say, finds its foundation in my book and publications and other
6 publications of mine.

7 [15.10.14]

8 Q. And then, final follow-up question, have you followed the
9 proceedings of this Tribunal?

10 A. I followed the proceedings a little bit at the beginning of
11 the Tribunal and -- but not in -- not very closely, no.

12 Q. Thank you.

13 JUDGE FENZ:

14 Sorry, Mr. Koppe, for interrupting, but I don't want this to be
15 lost, it's technical.

16 You suggested to provide to the expert relevant parts of
17 documents you want to use. Now, it's 216 pages if we have to copy
18 the whole excerpt we have in the case file. The reason I'm
19 mentioning it now then your staff can work on it. Perhaps they
20 can identify those pages you would wish the expert to study
21 overnight. We can then make copies of them.

22 MR. KOPPE:

23 As a matter of fact, the excerpts that I will be using from his
24 dissertation, I will be using right now, so I think before 4
25 o'clock, it's clear and if any questions follow up then we could

1 discuss it here in the courtroom.

2 [15.11.54]

3 BY MR. KOPPE:

4 Q. As I said earlier, Mr. Expert, Mr. Morris, my second subject

5 is also a very interesting subject. It's -- I'm using your

6 phraseology -- something like what you call the "Imperial

7 ambitions of Vietnam" or "Imperial impulses of Vietnam".

8 Could you describe to the Chamber what you mean with "Vietnamese

9 imperial ambitions"?

10 MR. MORRIS:

11 A. Well, the history of Vietnam is the history of a long march

12 south from what is now northern Vietnam to conquer territories

13 which were once occupied by other ethnic groups, including the

14 Cham and the Cambodians.

15 Large parts of what is now southern Vietnam used to be part of

16 Cambodia, and the French assisted in the official dismemberment

17 of that part of southern Vietnam from Cambodia during their

18 colonial rule. And I also think that the whole concept of the

19 Indochinese Federation which was initiated in the Communist

20 International in the 1930s was a guiding impulse and motivating

21 factor in the behaviour of the Vietnamese communists towards

22 Cambodia in subsequent decades.

23 [15.13.56]

24 I think that the idea of the Indochinese Federation was modelled

25 on the Soviet Union itself, that is, that there would be one

1 major political ethnic entity which provided the "leadership" for
2 the other ethnic groups which were federated with it. So as in
3 the case of the Soviet Union, the Russian ethnic group was
4 dominant over the other non-Russian peoples of the Soviet Union.
5 So the Vietnamese conceived Indochina as a place where the
6 Vietnamese would be dominant over the Lao and Cambodian in terms
7 of leadership, and they were -- considered themselves more
8 advanced than the people of Laos and Cambodia.

9 [15.14.52]

10 Q. Let me follow-up on this now that you've mentioned the
11 Indochinese Federation already in your book. There's no Khmer or
12 French translation, so I'll be only using the English.
13 In your book, English ERN 01001732, you say the following:
14 "Traditional Vietnamese imperial ambitions in Indochina had been
15 given a veneer of Marxist-Leninist legitimacy through the concept
16 of an Indochinese Federation, formulated by the Comintern in 1930
17 at the time of the founding of the Indochinese Communist Party."
18 So that's a follow-up question. What did you mean when you wrote
19 "a veneer of Marxist-Leninist legitimacy"?

20 A. What I meant was that I think the Vietnamese originally had --
21 Ho Chi Minh as he later came to be called -- he was then known as
22 Nguyen Ai Quoc -- founded the Vietnamese Communist Party in
23 January of 1930, but his decision to call it the Vietnamese
24 Communist Party was overruled by the Communist International, the
25 Comintern. And in October of 1930, the party was renamed the

1 Indochinese Communist Party, despite the fact that there were no
2 Cambodians or Lao members of this party.

3 [15.17.08]

4 So the idea of there being a federation was consistent with
5 Marxist-Leninist ideology but, in fact, it was really a
6 Vietnamese project which was dressed up to be something
7 consistent with Marxism/Leninism.

8 Q. Let me move away from the Marxist-Leninist view and go back to
9 the Vietnamese imperial ambition as you call it.

10 On page 01001714, you say that the factor of Vietnamese imperial
11 ambition is: "A deeply rooted element of Vietnamese elite
12 political culture." End of quote.

13 Can you explain to the Chamber what you mean with that and how do
14 you know?

15 [15.18.18]

16 A. Most Vietnamese whom I know do not have -- well, sorry, let me
17 rephrase that -- most educated Vietnamese whom I know have a
18 condescending view of Cambodians. It's not a hatred, but it is a
19 condescending view regarding the Cambodians as being somehow
20 inferior culturally and there is a history during the Vietnamese
21 occupation of Cambodia in the 19th century where humiliation of
22 the Cambodians was an important part of political life. That
23 wasn't so much true of the Thai military occupation of Cambodia
24 in the 19th century.

25 So I think that there is a sense that there are two completely

1 different cultures, the Khmer and the Vietnamese, and that the
2 Vietnamese regard themselves as superior even if they don't
3 express that always explicitly and publicly.

4 [15.20.00]

5 Q. See if I understand it correctly. In your dissertation at
6 English ERN 01335046, you're saying something similar but not
7 quite sure if it is. Let me quote that to you:

8 "Thus two factors encouraged Vietnamese communist ambition
9 towards Cambodia: traditional Vietnamese nationalism, which was
10 politically expansionist and culturally intolerant, and
11 revolutionary Marxist-Leninist internationalist ideology, which
12 favoured political integration of disparate peoples in the
13 service of a 'world revolution'."

14 Here you speak about traditional Vietnamese nationalism. Is that
15 also what you mean when you speak about culture or is that
16 something different?

17 A. I think that that is part of culture. Nationalism is part of
18 the Vietnamese culture and I think that, yes, I think that
19 Vietnamese nationalism has been expansionist until recent times.
20 I wouldn't say that that's true of the government of Vietnam
21 today, that is that it is expansionist, but it has been true in
22 past centuries and I think it was true during the era of both Ho
23 Chi Minh and Le Duan's domination of the Vietnamese communist
24 movement.

25 [15.21.58]

1 Q. Let's move to various perspectives on this very same issue,
2 the imperial ambitions of Vietnam and its wish to create an
3 Indochinese Federation.

4 There's various perspectives that we can use, of course. We can
5 have the Vietnamese perspective and, for instance, have a look at
6 the Soviet Archives; I will be doing that shortly.

7 But let's first have the Cambodian perspective on Vietnamese
8 ambitions or Vietnamese encroachments upon Cambodian territory
9 and Indochina in general.

10 You've mentioned it already before. Of course, he's an absolute
11 key figure in Cambodian politics and that is late King Father
12 Sihanouk. Based on your interview, based on things he has said
13 and that you quoted in your books, could you explain to the
14 Chamber what Prince Sihanouk's views were in the 60s developing
15 into the 70s and the 80s on Vietnamese ambitions toward Cambodia?

16 A. I think that the King Father's views were that he would try,
17 as effectively as possible, to preserve Cambodian independence,
18 Cambodian national identity, and he was very pragmatic in the
19 policies he pursued.

20 [15.23.57]

21 In the beginning of the 1960s he turned against the United
22 States, more strongly by the mid-60s, but then as a result of
23 domestic pressures, in part from the elite, he became more
24 critical of the Vietnamese or at least more distant from the
25 Vietnamese communists ambition and he tried to reconcile Cambodia

1 with the United States.

2 And I think that he, the King Father Sihanouk, was somebody who
3 acted very rationally and with very careful judgement about what
4 was in the best interests of Cambodian independence.

5 Q. Let me follow-up and refer you to two citations from Prince
6 Sihanouk, late King Father Sihanouk. You use both excerpts in
7 your dissertation and in your book.

8 Let me just read -- refer to the citation in your dissertation,
9 English ERN 01335073, and this is what you wrote:

10 [15.25.49]

11 "Sihanouk was fearful, as all Cambodians traditionally have been,
12 of the ambitions of all Vietnamese. As he wrote in January 1963:
13 'Whether he is called Gia Long, Ho Chi Minh, or Ngo Dinh Diem, no
14 Annamite (or Vietnamese) will sleep peacefully until he has
15 succeeded in pushing Cambodia toward annihilation, having made it
16 first go through the stages of slavery'."

17 And then you say, "He reiterated the same attitude nearly 20
18 years later", in his "Souvenirs doux et Amers", in his memoirs.

19 You quote him as having written the following:

20 "The Khmer people have serious reasons not to like the
21 Vietnamese. Our neighbours in the East have in effect, in the
22 course of the centuries, 'swallowed' territories which had always
23 belonged to Cambodia and have colonized them, leaving to the
24 local population only the choice between submission and flight."

25 These two excerpts of speeches, I believe, or his memoirs from

1 Sihanouk, is this something that you've also come across in your
2 interview with him. Has this been his continuous position as to
3 Vietnamese imperial ambitions?

4 [15.27.55]

5 A. To be honest, I don't actually recall if this came up in my
6 interview with him which was in 1985, but it is consistent with
7 his view. But the late King Father made it very clear that
8 Cambodia had to live with Vietnam, that it had to accept his
9 reality, the existence of Vietnam to the east, and not try to
10 pursue policies that might encourage a more aggressive Vietnamese
11 policy. I think he -- I think that's been his consistent
12 position.

13 Q. Do you remember or have you used Sihanouk's speech before the
14 Security Council of the United Nations in January 1979 when he
15 was -- very, very strong words condemning Vietnamese aggression
16 and the Vietnamese invasion?

17 A. I have only a vague memory of that speech to be honest.

18 Q. Well, if that's the case then I will not ask you questions
19 about that maybe tomorrow when we speak about the actual
20 invasion.

21 Do you know if there was any difference between Prince Sihanouk's
22 perspective on Vietnam's imperial ambitions and the subsequent
23 Lon Nol government? Did Lon Nol have any different views of
24 Vietnamese ambitions or Vietnamese encroachments of territory?

25 [15.30.20]

1 A. I think that Lon Nol had a resentment of the Vietnamese but a
2 very unrealistic estimate of what Cambodia could do about it.
3 Cambodia was not in a position to defeat the Vietnamese army,
4 especially the north, during the war, during the Vietnam War as
5 we call it in the United States or the American War as Vietnamese
6 communists call it.

7 I think Lon Nol was a not very rational man and was not a
8 pragmatist like the late King Father and he made a huge blunder
9 in participating and leading the coup d'état.

10 Q. I understand. You're talking about reactions and earlier you
11 were also talking about reactions, but for now I'm interested in
12 their perspectives -- perception of Vietnamese ambitions. Were
13 they the same?

14 [15.31.55]

15 MR. PRESIDENT:

16 Please hold on.

17 MR. MORRIS:

18 A. I'm not sufficiently expert on Lon Nol's thinking to be able
19 to answer that correctly.

20 BY MR. KOPPE:

21 Q. That's no problem. Now we have very briefly discussed the
22 Cambodian perspective on Vietnamese ambitions toward Indochina.
23 Now, of course, there are many other key players who had views as
24 to what Vietnam's intentions were, are, and have been toward
25 Indochina.

1 Do you know what China's perspective was, very briefly, already
2 from the 50s and 60s toward Vietnam and its foreign policy? What
3 did China believe Vietnam's ambitions to be?

4 [15.33.08]

5 MR. MORRIS:

6 A. China, I think, initially played a role as a kind of a
7 godfather for -- as a patron of the Vietnamese in the early 1950s
8 and trained a lot of Vietnamese communists in the ideology and
9 the institutional life of Mao's China as it was then.

10 I think that the Chinese always wanted to see the Vietnamese as
11 pliable client of China which the Vietnamese were not willing to
12 be except when they had an ideological dispute with the Soviet
13 Union under Khrushchev.

14 I think that the Chinese developed a concern about Vietnamese
15 ambitions after the outbreak of the Sino-Soviet dispute when it
16 was felt, especially in the 1970s, that Vietnam had become a
17 client of the Soviet Union and therefore that any aggressive acts
18 or imperial-type acts by Vietnam would be at least in the
19 interests of, to the advantage of, and perhaps under the
20 influence of, the Soviet Union. So it was really in the 1970s
21 that China became very skeptical of Vietnam's intentions.

22 [15.35.02]

23 Q. Well, let me follow-up on this. We will be discussing how
24 Vietnam saw -- how China saw Vietnam's ambitions after 1975 and,
25 of course, we will be discussing Deng Xiaoping's famous saying,

1 calling the Vietnamese the hooligans of the east.

2 But let me refer you to what a renowned French Vietnam scholar

3 said to the French High Commissioner in 1965. This French scholar

4 is called Paul Mus, M-U-S, and you're not referring to him but

5 Nayan Chanda is in his book E3/2376 on English, ERN 00192311; and

6 Khmer, 0019448 and 49; and French, 00237013; Chanda says:

7 "Paul Mus, a renowned Vietnam scholar and former advisor to the

8 French High Commissioner, said in 1965 that China made

9 concessions to the French in Geneva in order to deny the

10 Vietnamese full mastery over Indochina."

11 And this view of Paul Mus, by the way, is confirmed by another

12 French historian, Francois Joyaux, mentioned on that same page.

13 So it seems that China, at least according to the French, was

14 already quite worried about Vietnam's intentions of full mastery

15 of Indochina. Would you agree?

16 [15.37.27]

17 A. I think that could be one interpretation from Chinese

18 behaviour at Geneva, but I think that certainly the Chinese would

19 have been aware of Vietnamese role in Cambodia during the 1950s,

20 the Vietnamese communist role in Cambodia during the 1950s, and

21 would have probably regarded the Vietnamese as having an ambition

22 to control Cambodia and Laos through the parties that the

23 Vietnamese themselves had set up in 1951.

24 In 1951, the Vietnamese created proto-communist parties in both

25 Cambodia and Laos which had few Cambodians or Laos in them and

1 were dominated by people of mixed ethnic background, including
2 people of mixed -- of partial -- part Vietnamese heritage and
3 that has been the long-standing method during the period of Le
4 Duan during the period from the 1930s through the 1970s. It was
5 the ambition of the Vietnamese to use people whom they regarded
6 as being loyal to them to create communist parties in other
7 countries.

8 [15.38.58]

9 Q. As I said, I will come back to China and especially to what
10 Deng Xiaoping and Geng Biao have said about Vietnamese actions
11 between '75 and '79.

12 Of course, very important players in the region geopolitically
13 are or were -- or still are, the Americans and countries
14 neighbouring Indochina, for instance, the Indonesians.

15 Are you aware of conversations that Ford and Kissinger had in, I
16 believe, November 1975 with General Suharto on what they thought
17 Vietnam's ambitions would be in relation to Indochina?

18 A. No, I'm not familiar with those conversations. I don't recall
19 them.

20 Q. Then I will move on. I'm not at liberty to, unfortunately, to
21 quote from these documents, but would it surprise you that
22 Suharto was afraid of Vietnamese ambitions towards Indochina?

23 A. No, it wouldn't surprise me.

24 [15.40.55]

25 Q. Let me move on to, of course, maybe the most important

1 perspective or sources and that is how the Vietnamese themselves
2 saw Indochina and Cambodia under and that is, I think, partially
3 something which we can find back in the conversations that
4 various Soviet ambassadors had with leading Vietnamese communist
5 party members in '71 and '73.

6 I'm referring to -- let me start by referring to a conversation
7 that Ambassador Shcherbakov had with high-ranking Vietnamese
8 officials. It is mentioned in your book on English ERN 0100178.
9 I'd be happy to quote from it first, but maybe I should ask an
10 open question.

11 What is it that you found was told to Soviet ambassadors in the
12 early 70s as to Vietnamese ambitions and Vietnamese wishes to
13 establish a federation of Indochina?

14 [15.42.36]

15 A. Well, there is one reference in my book to conversations -- or
16 at least with regard to the concept of the Indochina Federation,
17 but later there's also a conversation between Le Duan and a
18 Soviet official about -- at the time of the heightened conflict
19 between the Vietnamese communists and Democratic Kampuchean
20 communists and, at that point he said, eventually everything --
21 he says something to the effect eventually everything will be in
22 order in Cambodia. They have no other way.

23 So I think that it was the suggestion there that the Vietnamese
24 had the upper hand over what happened in Cambodia.

25 Q. Let me see if I can assist your memory a bit and refer you to

1 English ERN 01001733 and let me read it to you:

2 "In February 1973, the Soviet ambassador to North Vietnam spelled
3 out what he believed to be Hanoi's goals. 'The program of the
4 Vietnamese comrades for Indochina is to replace the reactionary
5 regime in Saigon, Vientiane, and Phnom Penh with progressive
6 ones, and later when all Vietnam, and also Laos and Cambodia,
7 start on the road to socialism, to move toward the establishment
8 of a federation of the Indochinese countries. This course of the
9 Vietnamese Workers Party flows from the program of the former
10 Communist Party of Indochina.'" And the same -- was it -- was
11 said two years earlier and then that particular ambassador was
12 cautioning the Vietnamese to be very careful with the subject
13 because, as he said, it was a delicate matter.

14 Does this job your memory?

15 A. Yes, it does.

16 [15.45.12]

17 Q. Since we only have your quotes in your book, can you -- do you
18 remember more specifics about these conversations? For instance,
19 do you have a reason to believe that the Soviet ambassadors who
20 were present or people who formulated what was said during these
21 conversations were accurate in their description? How was this
22 conversation read down in Russian? Do you have a recollection of
23 what you saw in Soviet Archives?

24 [15.46.02]

25 A. On this particular quotation, no, I do not have a recollection

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1 of what I saw in the archives. Yes, I can't add anything to it.
2 But just let me say that I was reading from either reports of
3 Soviet intelligence services on conversations that took place or
4 reports of the Soviet ambassador of conversations that had taken
5 place. So I have no reason to doubt the veracity of what was
6 said. It was a function of Soviet diplomats to give the best
7 possible information to Moscow in order to formulate policy.

8 Q. You interviewed a Vietnamese high-ranking -- South Vietnamese
9 high-ranking -- well, communist. I think I might refer to him as
10 that -- Truong Nhu Tang. In his interview, did you discuss these
11 Indochina Federation ambitions with him or is it something that
12 you don't recall?

13 [15.47.58]

14 A. It's not something that I recall discussing with him, and it's
15 probably unlikely because at the time in which Mr. Truong Nhu
16 Tang made his appearances in the West he was more concerned with
17 the situation of human rights in Vietnam. And that was one of the
18 main -- and the deceptive role that the Vietnamese communists had
19 played in attracting people to their side during the war.

20 And I think that that was the thrust of what he'd like to talk
21 about because he felt he had been used -- used by the communist
22 party leadership in order to give a much broader sense of popular
23 support for the communists than existed.

24 So I don't think -- I don't recall discussing with him and I
25 doubt that we did discuss it.

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1 Q. Are you aware of testimony that he gave in 1981 before the
2 Committee on Foreign Affairs of the House of Representatives,
3 U.S. Congress, on the matter of Vietnamese ambitions?

4 A. I don't recall it, I'm sorry.

5 MR. KOPPE:

6 Mr. President, I'll be referring to this document which is now
7 admitted into evidence. I'm not sure what the E3 number is --

8 JUDGE FENZ:

9 They've sent an email with it --

10 [15.49.35]

11 BY MR. KOPPE:

12 Yes, I heard, but I haven't -- I don't have it here right now.

13 Q. On English, ERN 10041745, he refers to the Indochinese
14 Federation and he says:

15 "I understand that Hanoi has also supported the project of an
16 Indochinese Federation as was the wish of Ho Chi Minh."

17 Is that something that you have found as well, that it was
18 apparently a long-standing wish of Ho Chi Minh to create this
19 Indochinese Federation?

20 MR. MORRIS:

21 A. Yes, I think it was. I should add though that Ho Chi Minh
22 ceased to be a dominant figure in the policy making of the
23 Vietnamese communists from the 1960s when he became ill -- as you
24 know he died in 1969 -- but that ambition was carried forth by
25 two of the principal figures in the communist party, Le Duan and

1 Le Duc Tho. And, in fact, during the French colonial era, Le Duc
2 Tho had the "Cambodia portfolio" for the Vietnamese Communist
3 Party and for the Indochinese communists in general.

4 [15.51.04]

5 So I think that, yes, that was an ambition he had because Ho Chi
6 Minh was formed by the Communist International in his political
7 education from 1923 until at least 1938, if not longer.

8 Q. Now, as you rightfully said, he was not -- Truong Nhu Tang was
9 not an inner circle member of the Vietnamese Workers Party. I
10 mean, he wasn't in the Standing Committee or in the Central
11 Committee. But one person who, of course, was is someone I think
12 who is extremely relevant as to understand Le Duan and Le Duc Tho
13 ambitions. That is someone -- I think you used his book in your
14 book, Hoang Van Hoan, one of the founders of the Indochinese
15 Communist Party, Politburo member, foreign policy expert of
16 Vietnam.

17 Can you briefly explain for us to the Chamber who he was and what
18 he said about Vietnam's ambitions once he had defected in '79 to
19 China?

20 [15.52.37]

21 A. Yes, Hoang Van Hoan was a senior member of the Vietnamese
22 Communist Party who had a pro-Chinese orientation and I believe
23 that during the time of the Vietnamese tilt and shift towards the
24 Soviet bloc, he became disillusioned and eventually defected to
25 China. I don't recall -- I may actually have a quote from him in

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1 my book, but I don't recall it to be quite honest.

2 Q. In your secondary sources, there is a reference to his book "A
3 Drop in the Ocean", which he wrote in the early 80s while he was
4 in China. That book has just been -- an excerpt from the book has
5 just been admitted into evidence.

6 He speaks about Le Duan or Le Duan and he refers to him as the
7 "hegemonic overlord of Indochina" in combining it with that same
8 ambitions.

9 Is that something that you recall; that that was his position?

10 [15.54.04]

11 A. I'm sure that that was his position. Since he had defected to
12 China, that would have been the Chinese position at the time.

13 It's -- these quotes, you know, I wrote a book of several hundred
14 pages which has a lot of quotes in it and, to be honest, I don't
15 recall every one of them some 17 years later.

16 Q. I have full understanding of that. But what I do like to know
17 and I will be re-visiting him some more, but he was a Politburo
18 member of the Vietnamese Workers Party and the Communist Party
19 all the way up until the moment he had -- he was kicked out or he
20 had to resign end of 1976.

21 That being the situation, would you agree with me that he had
22 unparalleled insight into the inner workings and ambitions of the
23 Vietnamese Communist Party?

24 A. I would agree with that.

25 [15.55.28]

1 Q. Let me finish -- Mr. President, I have five more minutes --
2 with the views of an American scholar we discussed before the
3 break, Douglas Pike. As you agreed, very insightful as to
4 Vietnamese foreign policy. He also reported to you as congress in
5 October 1978.

6 Mr. President, that is Document E3/2370. Let me move to his final
7 -- to his conclusions. It's called "Some conclusions about the
8 border war". It is English ERN 00187396 and French translation
9 only, 00344747 until 48.

10 This is what he says and my question will be whether you would
11 agree with him, yes or no:

12 "The Cambodian Vietnamese heritage of mutual ill will and
13 distrust is as deep and abiding as exists anywhere, comparable to
14 the Greek-Turkish, Arab-Jew, Moslem-Hindu antipathies.

15 "Cambodia's historic experience is that foreign relations devices
16 which work well elsewhere, such as balance-of-power politics and
17 military alliances, do not work for Cambodia."

18 And then the most important one: "Vietnamese Communists long have
19 regarded a Federation of Indochina as the proper ultimate
20 political configuration for the peninsula. Of necessity, this
21 would require Cambodian and Laotian acquiescence, or at least
22 find rulers in the two countries who are amenable to the idea. In
23 creating a Federation of Indochina, the Vietnamese are in no
24 hurry." End of quote.

25 Would you agree with his analysis, especially the point where he

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1 speaks of the Federation of Indochina as the proper, ultimate
2 political configuration?

3 [15.58.21]

4 A. Yes, the Vietnamese communists at the time would have thought
5 like that. I would agree.

6 MR. KOPPE:

7 Mr. President, this might be a good moment to take the break.

8 MR. PRESIDENT:

9 Thank you. Thank you, Mr. Expert.

10 It is now convenient time for the adjournment. The Chamber will
11 resume its hearing tomorrow <morning>, Wednesday, 19 October 2016
12 from 9 o'clock.

13 And the hearing tomorrow, the Chamber continues to hear the
14 testimony of expert Stephen Morris.

15 Thank you, Mr. Expert, Stephen Morris. The hearing of your
16 testimony as an expert has not yet concluded. You are therefore
17 invited to come back tomorrow at 9 a.m.

18 [15.59.20]

19 Court officer, in collaboration with WESU, please make necessary
20 transport arrangement to send the expert to where he is staying
21 and invite him back to the courtroom tomorrow at 9 <a.m>.

22 Security personnel are instructed to bring Khieu Samphan and Nuon
23 Chea back to the detention facility and have them returned to the
24 courtroom tomorrow morning before 9 a.m.

25 The Court is now adjourned.

1 (Court adjourns at 1559H)

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