



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

19 October 2016
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ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 01-Feb-2017, 09:10
CMS/CFO: Sann Rada

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

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

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Questioning by Mr. KOUMJIAN page 68

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. MORRIS (2-TCE-98)	English
The President (NIL Nonn)	Khmer

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

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

6 Morris.

7 Mr. Em Hoy, please report the attendance of the parties and other
8 individuals to today's proceedings.

9 THE GREFFIER:

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

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

15 The expert who is to continue his testimony today, that is, Mr.
16 Stephen Morris, is present in the courtroom. Thank you.

17 [09.03.13]

18 MR. PRESIDENT:

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

20 The Chamber has received a waiver from Nuon Chea dated 19 October
21 2016, which states that, due to his health, that is, headache,
22 back pain, he cannot sit or concentrate for long. And in order to
23 effectively participate in future hearings, he requests to waive
24 his right to be present at the 19 October 2016 hearing.

25 Having seen the medical report of Nuon Chea by the duty doctor

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1 for the accused at the ECCC, dated 19 October 2016, which notes
2 that, today, Nuon Chea has back pain and a chronic back pain when
3 he sits for long and recommends that the Chamber shall grant him
4 his request so that he can follow the proceedings remotely from
5 the holding cell downstairs. Based on the above information and
6 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
7 grants Nuon Chea his request to follow today's proceedings
8 remotely from the holding cell downstairs via an audio-visual
9 means.

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

13 I now hand the floor again to counsel for Nuon Chea, that is,
14 Counsel Koppe, to put further question to the expert.

15 [09.04.56]

16 QUESTIONING BY MR. KOPPE RESUMES:

17 Thank you, Mr. President. Good morning, Your Honours. Good
18 morning, counsel.

19 Q. Good morning, Mr. Morris. Before I move to my next subject,
20 there is one follow-up question in relation to your testimony
21 yesterday that I would like to ask you.

22 We have a draft transcript from yesterday's proceedings, and in
23 relation to a question from me about late King Father Sihanouk,
24 you said at around 15.25 in the afternoon, and a bit further,
25 around 15.28, the following. Let me read it back to you. You

3

1 said:

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

5 [09.06.06]

6 And then you say:

7 "But the late King Father made it very clear that Cambodia had to
8 live with Vietnam, that it had to accept this reality, the
9 existence of Vietnam to the east, and not to try to pursue
10 policies that might encourage a more aggressive Vietnamese
11 policy. I think he -- I think that's been his consistent
12 position."

13 This is what you said yesterday.

14 Now, I briefly mentioned Prince Sihanouk's speech on the 11th of
15 January before the Security Council of the United Nations. I will
16 not quote his full speech, but a few things that he said, for
17 instance, and that is document E3/7335, English, ERN 01001643.

18 And, Mr. President, all paragraphs of his speech are the same in
19 French and Khmer, so I will be referring to the paragraphs of
20 that UN document.

21 For instance, in paragraph 75, he compares Vietnam and Cambodia
22 to a boa constrictor.

23 Let me read it fully:

24 [09.07.48]

25 "But on the very morrow of the final victory in April '75, a

4

1 victory over imperialism, and in the wake of the reunification of
2 the two Vietnams, North and South, the Socialist Republic of
3 Vietnam decided, cold-bloodedly, to embark upon a very special
4 operation whose ultimate goal was nothing less than to swallow up
5 little Kampuchea just as a starving boa constrictor would fling
6 itself upon an innocent animal."

7 Further on, in paragraph 79, he compares the invasion with
8 Hitler's attack -- Nazi Germany's attack of Poland in 1939, and
9 he strongly condemns the aggression.

10 Now, having said that, three days earlier, he gave a press
11 conference in Beijing.

12 Are you aware of the things he said during that press conference
13 to the international press?

14 [09.09.01]

15 MR. MORRIS:

16 A. No, I do not recall what he said at that time.

17 Q. There he actually answered questions as to the policy of DK
18 and whether DK's position and reaction toward Vietnam was
19 appropriate.

20 He said -- let me first ask, is it correct to say that China, in
21 1979 and before, was one of the protectors or patrons of
22 Sihanouk, that they were very -- had very warm and cordial
23 relations with Prince Sihanouk? Would that be correct to say?

24 A. Yes, that would be correct.

25 Q. So this is what he said, among other things--

5

1 JUDGE FENZ:

2 Sorry, just the reference.

3 BY MR. KOPPE:

4 Yes. I just talked with the legal officer. There is no E3 number
5 yet. We sent an email this morning. You have admitted this
6 document last week.

7 It's now English ERN 01323954, and provisionally, it's called
8 E435.1.8.

9 [09.10.29]

10 He said the following:

11 "You have a very clear, very ominous example of naked aggression
12 from one country against another without any justification. They
13 cannot turn Kampuchea into a colony of Vietnam. Vietnamese are a
14 satellite state of Russia. How can you be sure that the
15 Vietnamese and Russians will be satisfied with the swallowing of
16 Kampuchea? As the French saying goes, the more one eats, the
17 better one's appetite.

18 After swallowing Kampuchea, the appetite of the Russians, the
19 Warsaw Pact and the Vietnamese will grow. They will threaten
20 Thailand, and after swallowing Thailand, they will swallow
21 Singapore and Malaysia, as this is in the interest of Vietnamese
22 imperialism and colonialism."

23 [09.11.34]

24 And then he says, and that's important -- when he talks about Pol
25 Pot, he said:

6

1 "I do not agree with his internal policy, but his external policy
2 is good because Pol Pot is a patriot. His determination to defend
3 the territorial integrity, national dignity and national
4 independence is good."

5 Q. Long excerpts, but would you agree with me that there is
6 really no difference in Sihanouk's position before the invasion
7 and any -- no difference between his position and the DK's
8 position in terms of Vietnamese aggression and the Vietnamese
9 invasion?

10 A. It would appear so on the basis of that statement, however, I
11 would say that there was a common interest in repelling the
12 Vietnamese invasion at that time, and so I would suggest that
13 differences that existed may have been papered over because of
14 the common interest.

15 Q. I would like to follow up on that, but I will not because of
16 time. Let me move now to my next subject, Mr. Morris, and that is
17 something that we could also debate maybe for the whole day, but
18 we have to be very short on this. And that's Vietnam's -- or the
19 Communist Party of Vietnam's ideology and its position toward the
20 Soviet Union. Because of time sake, I would like to move
21 immediately to the period of temporal jurisdiction of the Court.
22 You have quoted in your book Truong Nhu Tang, who said that there
23 was a clear victory for the pro-Soviet faction already in 1974.
24 However, you also mention in your book the Fourth Congress of the
25 Vietnamese Workers' Party, then becoming the Vietnamese Communist

7

1 Party in 1976.

2 Could you describe Vietnam's position toward the Soviet Union
3 after the Fourth Congress in December 1976?

4 [09.14.29]

5 MR. PRESIDENT:

6 Please observe the microphone.

7 MR. MORRIS:

8 A. I would say that the Vietnamese position was that the Soviet
9 Union had the correct line in the international Communist
10 movement and that Vietnam felt that it was correct to follow the
11 Soviet position. And moreover, it felt that the Soviet Union was
12 a supporter and protector of Vietnamese interests vis à vis China
13 and that, therefore, it was right and necessary for Vietnam to
14 follow the Soviet line on international affairs and further
15 develop its relations with the Soviet Union.

16 MR. KOPPE:

17 Q. Thank you. That's clear.

18 Would you agree with President Carter's National Security Advisor
19 at the time, Zbigniew Brzezinski, who called Vietnam, as related
20 in Nayan Chanda, a Soviet surrogate or a Soviet proxy?

21 MR. PRESIDENT:

22 Mr. Expert, please hold on.

23 And Lead Co-Lawyer for civil parties, you have the floor.

24 MS. GUIRAUD:

25 Thank you, Mr. President.

8

1 Just a request at the beginning of this hearing. Our colleague
2 should systematically give us the ERNs of Mr. Morris' book or of
3 the other sources he is referring to. This would allow everyone
4 to follow.

5 He goes quite quickly when he mentions sources, so if you could
6 please remind him to <systematically> mention the ERN or the page
7 in Mr. Morris' book or the other sources he is referring to when
8 he is questioning the expert.

9 [09.16.47]

10 MR. PRESIDENT:

11 Thank you.

12 And Counsel Koppe, please adhere to the practice. The request is
13 appropriate for this regard.

14 BY MR. KOPPE:

15 No problem, Mr. President.

16 Q. Brzezinski says -- Chanda refers to what Brzezinski says on
17 English, ERN 00192449; which is French, ERN 00237119; and Khmer,
18 0019609. Brzezinski says the same on 00192472, in English; and in
19 Khmer, 00191634 to 35; and French, 00237136.

20 So Mr. Expert, would you agree with the way Brzezinski describes
21 Vietnam being a Soviet surrogate or a Soviet proxy?

22 [09.18.15]

23 MR. MORRIS:

24 A. I would say that this was a little bit overstated by Dr.

25 Brzezinski. You must recall that he was holding office in the

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1 Carter administration at that time, and his judgments were, in
2 part, a reflection of the political situation and America's
3 position at that time.

4 My view is that the Vietnamese were making their own policy
5 towards Cambodia and China, and the Soviet Union was supporting
6 Vietnam and, therefore, I would look at the initiative as being
7 primarily Vietnamese in what they were doing with regard to
8 Cambodia and China rather than the initiative being the Soviet.
9 But nevertheless, the Soviets supported Vietnam.

10 [09.19.17]

11 Q. Let me move on quickly, although I have some other questions
12 which I might reserve for later.

13 There is one particular key moment in Communist history, which is
14 extremely important which you say yourself as well, and that is
15 the Soviet invasion in Czechoslovakia in 1968.

16 In your book, 01001817, you called the 1968 invasion of
17 Czechoslovakia a "landmark event in international relations, and
18 particularly in international Communist relations."

19 Could you explain to the Chamber why that is?

20 A. The Soviet invasion of Czechoslovakia was a landmark event in
21 international relations and international Communist relations
22 because it made clear that the Soviet Union would not tolerate a
23 domestic policy reorienting itself away from the Soviet model and
24 potentially reorienting itself away from the Soviet bloc.

25 [09.20.50]

10

1 Q. Can you describe what Vietnam's, I think, consistent position
2 has been on the Soviet invasion in '68?

3 A. The Vietnamese supported the Soviet position on Czechoslovakia
4 in 1968, including the rationale of the Soviet invasion.

5 Q. The reason I'm discussing Czechoslovakia is twofold. One,
6 because in internal DK policies, especially by Son Sen,
7 Czechoslovakia is a very important consideration. I will get back
8 to that.

9 But let me concentrate first now on something Nayan Chanda has
10 said in his book, that is, 00192401; and in English -- in French
11 ERN, that's 00237080; in Khmer, 01 -- 00191580. Let me read it to
12 you:

13 "In late 1978--"

14 MR. KOUMJIAN:

15 I'm sorry. I don't think we got the English, or I didn't hear it.

16 [09.22.24]

17 BY MR. KOPPE:

18 Yes, I just mentioned it. It's 00192401. It's page 216 of his
19 book.

20 Q. So this is what Chanda writes:

21 "In late January 1978, General Grigoriyevich Pavlovskiy,
22 commander-in-chief of the Soviet ground forces, arrived in
23 neighbouring Laos in his special Aeroflot jetliner for a
24 'friendly visit'. Vietnamese minister of defence, General Vo
25 Nguyen Giap flew to Vieng Xai in Northern Laos for an

11

1 unpublicized meeting with the Soviet general to review the
2 Cambodian situation.

3 Pavlovskiy's advice, a Vietnamese official told me years later,
4 was 'Do a Czechoslovakia'."

5 It goes on describing Giap's reaction, but Soviet advice to
6 Vietnamese Communist Party leaders, "Do a Czechoslovakia", was
7 that something that you found as well, or did you find evidence
8 in the Soviet archives confirming this Soviet advice to Vietnam?

9 [09.24.09]

10 MR. MORRIS:

11 A. No, it's not something that I found evidence of in the Soviet
12 archives, which doesn't mean it wasn't the case. It's just that
13 the documents that I had access to did not reveal such advice.

14 Q. Thank you for that answer. But is it correct that, in your
15 book, 01001773, you quote Tran Quyen, who, according to you, was
16 a member of the Central Committee of the Vietnamese Communist
17 Party -- he said, and in your book, you write:

18 "He contrasted Cambodia in 1978 with Czechoslovakia in 1968. In
19 Czechoslovakia, counter-revolutionaries had overthrown the
20 revolutionary power, and that is why bringing in outside forces
21 was necessary."

22 This is a quote from this Quyen in '78. Does that quote somehow
23 -- could confirm Russian advice to do a Czechoslovakia in
24 Cambodia?

25 A. I do recall that quote. I'm not quite sure the implications of

12

1 it. I think it was -- needed to be fleshed out a little bit more,
2 the argument, that he was trying to make.

3 Q. Fair enough. One very last question on Vietnamese ideology,
4 and then I move on to my next subject.

5 In your book, 01001795, you say that the Vietnamese have
6 consistently defended Stalin all the way up until 1979. Is that
7 true, and can you explain why that was?

8 [09.26.28]

9 A. Yes, it's true. And as to why it was, is an interesting
10 question. I think that the Vietnamese Communists celebrated the
11 Communist international, the Comintern, as a great period in the
12 history of the Communist movements, and Stalin was the head of --
13 not the official head of the Comintern, but the de facto leader
14 of the Comintern during most of its life.

15 It was the Comintern, which created the Vietnamese Communist
16 Party, and it was Stalin who more or less was the most revered
17 leader of international Communism at the time in which the
18 Vietnamese Communist Party had -- later renamed the Indochinese
19 Communist Party, was formed.

20 I think that the Vietnamese Communists believed that Stalin had
21 created a unified international Communist movement, and that he
22 did not tolerate divergency, he did not tolerate independence
23 and, therefore, he was a model for the development of the
24 Communist movement in the time subsequent to his death.

25 [09.28.04]

13

1 The Vietnamese were very unhappy with what we used to call police
2 centrism in the Communist world. The Vietnamese were unhappy with
3 different centres of power in the Communist world, and they
4 wanted to see, as Ho Chi Minh said just before he died, that "the
5 reunification of all the Communist Parties is one of my most
6 cherished hopes".

7 Q. One follow-up. Isn't it correct that even in 1979, after they
8 had invaded Cambodia, celebrating, I believe, the 100th birthday
9 of Stalin, they still argued that Stalin's policies were correct?

10 A. Yes, they still argued that Stalin's policies were correct.

11 And as far as I'm aware, that continued into the 1980s.

12 [09.29.17]

13 Q. And is it then also correct to say that there was no necessity
14 to do so because I believe Hungarians or Czechs took a totally
15 different position on Stalin, even the Soviets themselves?

16 A. Yes, that is correct. There was no political necessity in
17 terms of the national interests of Vietnam or of the security
18 interests of the Vietnamese Communist Party to be celebrating
19 Stalin, Stalinism, and the international Communist movement under
20 Stalin.

21 I think the celebration of Stalin and the international Communist
22 movement reflects the true ideological beliefs of the Vietnamese
23 Communist leadership.

24 [09.30.11]

25 Q. Thank you, Mr. Morris. Let me move on to my next subject.

14

1 We briefly touched upon it yesterday, about -- when we were
2 talking about the Vietnamese perspective of Khmer. You -- also in
3 your book on 01001692, you talked about the, "cultural arrogance
4 of the Vietnamese" and the, "profound contempt for the culture of
5 Cambodia" and the Vietnamese being highly patronizing toward the
6 Cambodians.

7 What's interesting is that, in Chanda and Philip Short, for
8 instance, we see the same things.

9 But let me move away from the cultural arrogance and the contempt
10 for the culture of Cambodia to other, well, "characteristics" of
11 Vietnamese leaders.

12 I'm not interested in what the average Vietnamese person would
13 say, but I'm interested in what the Le Duan or Le Xuen (phonetic)
14 and Le Duc Tho and others would think. Words that I have written
15 down reading Chanda and Short and others are the following words,
16 so they're not mine, just to be sure.

17 Calling the Vietnamese in their foreign policy arrogant,
18 deceitful, condescending, untrustworthy. And I'm particularly
19 interested in the words "deceitful" and "untrustworthy".

20 You have seen in the Soviet archives, if I understand correctly,
21 Soviet Union complaints, diplomats in Hanoi complaints about
22 deceitful behaviour of the Vietnamese in, I believe, 1972.

23 Can you expand a bit on this, please?

24 [09.32.37]

25 JUDGE FENZ:

15

1 And while he's waiting, since you, yourself, said you're quoting
2 somebody, please give us the references.

3 BY MR. KOPPE:

4 Certainly. The expert is talking about untrustworthy Vietnamese
5 on 01001876 and 01001878.

6 Chanda is talking -- I'll just give the English ERN -- on
7 00192588, about Americans being suspicious about, "tricky
8 Vietnamese".

9 The other quotes on patronizing I just mentioned. I believe the
10 expert, in his book, refers to, on page 01001720, to Henry
11 Kissinger noticing the condescending, cynical attitude of Le Duc
12 Tho. And also, Short goes on about this.

13 Q. But let me refer, basically, to -- that's what I'm interested
14 in, Mr. Expert, as to what the Soviets meant when they called the
15 Vietnamese "deceitful".

16 [09.34.21]

17 MR. MORRIS:

18 A. When the Soviets referred to the Vietnamese as "deceitful",
19 they were referring to the fact that the Vietnamese did not share
20 their strategic plans with the Soviet Union, that they accepted
21 Soviet assistance willingly, gladly, but did not reveal always
22 what that assistance was going to be used for precisely. And one
23 of the statements came in the context of the planning of the --
24 what was called the "Easter Offensive" in Vietnam in 1972, when
25 the Soviet Union -- or at least when Vietnam was planning the

16

1 biggest offensive of the Vietnam War against South Vietnam backed
2 by the United States.

3 A major Soviet delegation came to Hanoi to negotiate further
4 Soviet aid, and yet the Vietnamese did not reveal that their
5 initiation of the "Easter Offensive" was imminent. This upset the
6 Soviets, and the Ambassador, I believe, talks about this, that
7 is, the Soviet Ambassador to North Vietnam talks about this in
8 his annual report.

9 But there are other instances where the Vietnam -- the Soviets
10 complained about the Vietnamese not being exactly open about
11 their -- about their intentions.

12 [09.36.00]

13 Q. Thank you. And following up on this, it's not a citation from
14 you, but it's from Chanda, as I just mentioned. Do you -- are you
15 in a position to tell us why the Americans, presumably referring
16 to the Paris '73 negotiations, considered the Vietnamese to be
17 "tricky"?

18 MR. PRESIDENT:

19 Please hold on.

20 MR. MORRIS:

21 A. I think that the Americans were upset that the Vietnamese
22 would often make public statements and take political initiatives
23 in front of the press, at a time without -- without forewarning
24 the United States, to try and create some kind of fait accompli
25 in negotiations, to reveal some secret discussions. And therefore

17

1 the Americans were upset that the -- that the Vietnamese
2 Communists would not follow the normal agreed rules of the game
3 in negotiations -- secret negotiations.

4 [09.37.23]

5 MR. KOPPE:

6 Q. Following up on this, of course, what's also very interesting
7 is the Chinese perspective on the Vietnamese. Yesterday, I
8 mentioned briefly Deng Xiaoping.
9 Could you explain to the Chamber what kind of Chinese leader Deng
10 Xiaoping was? How should we view Deng Xiaoping in terms of
11 foreign policy?

12 A. I think Deng Xiaoping was a Chinese nationalist and a
13 pragmatist, who wanted to reorient Chinese foreign policy in a
14 way that would guarantee Chinese security against what was
15 perceived as a Soviet threat to China. A Soviet threat of
16 encirclement of China, partly through Vietnam, and the creation
17 of bases, of course, in Vietnam, which would be considered a
18 security threat to China.

19 I think that, at this time, Deng Xiaoping was very open to new
20 alliances and new relationships in international politics, which
21 is why he forged a closer relationship with the United States in
22 the late 1970s.

23 [09.39.03]

24 Q. Is it correct that in doing your research in the Soviet
25 archives, you found a very positive characterization of Deng

18

1 Xiaoping by Le Xuen (phonetic), Le Duan?

2 A. Yes, I -- sorry. To be quite honest, I've -- it's just a vague
3 memory of that part of the research.

4 Q. I will find the exact quote for you.

5 Why I refer to this is, on the one hand, Vietnam or at least Le
6 Xuen (phonetic) or Le Duan, had a very positive idea of the
7 pragmatist, Deng Xiaoping. On the other hand, I would like to
8 read to you an excerpt from Chanda on Deng Xiaoping and Deng
9 Xiaoping's position towards the Vietnamese.

10 [09.40.09]

11 Mr. President, that is Chanda's book, E3/2376; English, ERN
12 00192446; French, 00237116; and Khmer, 00191604. And this is what
13 Chanda, I find very interestingly, describes, quote:

14 "Ironically, the man who seemed to hate the Vietnamese most
15 passionately was Deng Xiaoping, whose re-emergence had been
16 welcomed by the Vietnamese. A Thai diplomat says the moment the
17 topic of Vietnam would come up, one could see something change in
18 Deng Xiaoping. His hatred for the Vietnamese was visceral. He
19 spat forcefully into his spittoon and called the Vietnamese dogs.
20 The Vietnamese, Deng announced at a press conference in November
21 '78, were the 'hooligans of the East'." End of quote.

22 Could you give a reaction to what this Thai diplomat describes?

23 A. Are you asking me my reaction to the description of Deng
24 Xioaping?

25 Q. Well, let me be more concrete. Was this visceral hate of the

19

1 Vietnamese something only for Deng Xiaoping or was this shared
2 among members of the Politburo or Central Committee within the
3 Chinese Communist Party? Is that something that you know?

4 [09.42.14]

5 A. I think the Chinese leadership in general was very, very angry
6 with the Vietnamese, because of the fact that China had provided
7 an enormous amount of assistance to the Vietnamese Communist
8 Party in its quest to take control of South Vietnam and that this
9 ingratitude probably was pervasive in the Chinese leadership. Or
10 at least -- sorry, this perception of Vietnamese ingratitude
11 towards China was pervasive amongst the Chinese leadership.

12 I think Deng Xiaoping was merely reflecting what most Chinese
13 leaders would have felt, particularly because Vietnam could have
14 maintained a neutral position between the Soviet Union and China
15 and, instead, chose to orient itself towards the Soviet Union,
16 which was China's principal security threat at that time, so I
17 would say that the Chinese reaction was understandable.

18 [09.43.24]

19 Q. Thank you, Mr. Morris. I will move on to my next subject,
20 arguably the most important subject, and that is the question
21 whether the imperial ambitions that we spoke of yesterday and the
22 desire to create an Indochinese federation, whether these
23 ambitions were, in fact, implemented at one point in time and, if
24 yes, how they were implemented. I'll be asking you questions in
25 relation to a broader period than the temporal jurisdiction, the

1 period between 1970 and 1979.

2 Having read your book and Chanda, and I will come with exact
3 quotes later, I have been able, I think, to distinguish eight
4 methods of implementation of this policy, if it existed. I have
5 written down as coming from you, establishing political control,
6 influence over the Cambodian insurgency, controlling the
7 Cambodian revolution. That's one.

8 Two: Methods such as subversion, sabotage, espionage and
9 infiltration in Cambodia.

10 Another one is continuous encroachments into Cambodian territory,
11 presumably also provoking DK forces.

12 Four: Removing -- please let me finish, I will get back to it
13 point by point -- removing Pol Pot from power through
14 assassination attempts. Starting a civil war, building up
15 guerrilla forces or a clandestine war.

16 [09.45.42]

17 Most importantly, staging coup d'états. And finally, a military
18 invasion Czechoslovakian style.

19 These are eight methods that I've found, and I will discuss a
20 few, and I will be referring to exact quotes.

21 MR. PRESIDENT:

22 Please hold on, Mr. Expert.

23 And the floor is given to the Lead Co-Lawyer for civil party.

24 MS. GUIRAUD:

25 Thank you, Mr. President. I think there's a problem in the

21

1 method.

2 Our colleague had found <eight methods> in Morris' work. Why is
3 he not systematically citing the passages that he's referring to
4 so that this Expert can say whether he agrees or not<, on these
5 eight points,> rather than presenting <his own> general
6 conclusions, which are <his own> interpretation of what the
7 Expert <and his work> said?

8 I don't know why our colleague cannot <systematically>, point by
9 point, cite his sources <today>. That's the goal of having an
10 expert in this Chamber, to benefit <from> the expertise of the
11 expert, and not of the knowledge and pleadings of our colleague.

12 [09.47.09]

13 MR. KOPPE:

14 I actually said that I will do that after first having read out
15 all methods to get the general picture.

16 I will move now to his exact quotes. No worry.

17 JUDGE FENZ:

18 But generally, Counsel, she's right. When you first mention it,
19 you give the -- you give the reference. That's how we have done
20 it in the Court all the time. We trust you'll do it now, but
21 after two years in the trial --

22 MR. KOPPE:

23 Don't be so fetishist on little rules, Judge Fenz.

24 [09.47.37]

25 JUDGE FENZ:

1 This is not fetishism. This is allowing the other parties to
2 follow the trial.

3 There's a reason behind these rules.

4 BY MR. KOPPE:

5 I presume you have read his book. All parties have read his
6 books, and I'm now going to go to the exact quotes. No worry.

7 Q. Mr. Morris, I'm sure you don't understand what's going on.

8 Let me first go to the things that you have said in your book,

9 01001721. You said:

10 "The Vietnamese Communists began with two political instruments
11 for establishing their political control over the Cambodian
12 insurgency."

13 And next page, 01001722, you say, "Hanoi's Trojan Horse method of
14 controlling the Communist revolution."

15 Can you tell us what you meant with that?

16 [09.48.43]

17 MR. MORRIS:

18 A. The Vietnamese had two principal instruments at the beginning
19 of the insurgency of 1970, against the government of Lon Nol, and
20 the Vietnamese military forces attacks on the government of Lon
21 Nol.

22 The Vietnamese had two principal instruments for controlling the
23 insurgency. One was liaison committees, which were set up between
24 the Vietnamese Communists and the Cambodian Communists, which
25 were -- these liaison committees were controlled by the

1 Vietnamese. And secondly, they had the -- what were called the
2 Khmer Vietminh, the Cambodians who had retreated from Cambodia in
3 1954, at the signing of the peace agreement between France and
4 the Democratic Republic of Vietnam.

5 Those Cambodians who retreated back to North Vietnam in 1954,
6 were re-infiltrated back into Cambodia from 1970 onwards, and
7 Hanoi believed that these Hanoi-trained Cambodian Communists
8 would be an instrument for Vietnam to control the Communist Party
9 of Cambodia.

10 [09.50.26]

11 Q. Thank you. On page 01001723 of your book, you say, and I quote
12 you, "the blatancy of Hanoi's desire to control the Cambodia
13 insurgency."

14 What did you mean when you said, "the blatancy of Hanoi's desire
15 to control the Cambodian insurgency"?

16 A. Well, I mean, the two methods that I've just referred to, the
17 liaison committees and the Khmer Vietminh, as they were called,
18 the Hanoi-trained Cambodian Communists, made it very clear that
19 Hanoi wanted to control the insurgency.

20 [09.51.18]

21 Q. Thank you. In your book on page -- English, ERN 01001734, you
22 say the following:

23 "In the aftermath of the independent victory of the Khmer Rouge
24 in 1975, which had bestowed international legitimacy upon the new
25 Cambodian regime, Hanoi was forced to wait and try other

1 methods." End of quote.

2 What did you mean that, "Hanoi was forced to wait and try other
3 methods"?

4 A. I think that the Vietnamese Communists felt that the fact that
5 the Khmer Rouge had come to power before the Vietnamese
6 Communists, two weeks before the Vietnamese Communists, meant
7 that the Vietnamese Communists could not claim to or actually, in
8 effect, secure a Communist victory in Cambodia. It had been
9 secured despite the Vietnamese Communists' ambitions, and that,
10 therefore, the situation would have to wait until -- Vietnamese,
11 I believe, anticipated that their agents of influence, the Khmer
12 Vietminh, so to speak, and those Cambodians who had some
13 relationship with Vietnam, would be able to assert themselves and
14 a friendly policy towards Vietnam. But I think that the
15 Vietnamese underestimated the extent to which Pol Pot had
16 eliminated the Khmer Vietminh.

17 [09.53.41]

18 Q. That is a point that I will definitely follow up upon a bit
19 later, but let me move back to the words "other methods".

20 In your book, you do not, I believe, describe attempts to remove
21 Pol Pot through assassination attempts, but who does is Nayan
22 Chanda, and let me read to you what he says in his book, E3/2376;
23 English, ERN 00192266; French, 00236977; and Khmer, 00191395 -
24 96.

25 Let me just take one excerpt. He says:

25

1 "At least one of the many assassination plots against Pol Pot
2 recounted in DK's Black Book was confirmed by a Khmer Rouge
3 defector. After fleeing to Thailand, he told U.S. officials of a
4 plot in mid-'76, to kill Pol Pot by poisoning his food."
5 And then he goes on to describe why the attempt failed.

6 [09.55.11]

7 MR. PRESIDENT:

8 Please hold on.

9 The floor is given to Judge Marc Lavergne.

10 JUDGE LAVERGNE:

11 Yes. Thank you, Mr. President.

12 I think there's a problem. It seems to me the <infamous> Black
13 Book, <most of its sources> come from confessions obtained at
14 S-21 and, as we have already had the opportunity to say, since
15 these confessions were obtained under torture, they are not
16 admissible in this Chamber.

17 MR. KOPPE:

18 That's actually a very interesting observation because that's a
19 subject that I will be discussing with the expert soon. The
20 implication of what you're saying, Judge Lavergne, is that
21 whatever DK has ever said publicly about assassination attempts
22 or coup d'états only comes from confessions obtained at S-21.

23 [09.56.19]

24 I will soon be discussing Nuon Chea, and Nuon Chea's position
25 toward Vietnam. Couldn't it be true that Nuon Chea had an

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1 extremely well-informed intelligence position? That's just one
2 remark.

3 However, I'm not referring to the Black Book. I'm referring to
4 Chanda, who says one of the many assassination plots against Pol
5 Pot recounted in the Black Book was confirmed by a DK --

6 JUDGE LAVERGNE:

7 Counsel Koppe, rather than citing Nayan Chanda, who is a
8 secondary source, could you cite the Black Book, and we will see,
9 indeed, what is the source that the Black Book is referring to
10 for such statements? Because to cite sources which are citing
11 other sources has no point.

12 [09.57.14]

13 MR. KOPPE:

14 That doesn't make any sense, what you're saying, Judge Lavergne.
15 I'm referring not to the Black Book --

16 JUDGE LAVERGNE:

17 Please, Counsel Koppe, refrain from making this type of comment.

18 BY MR. KOPPE:

19 I certainly will not.

20 Q. Mr. Morris, I'm not referring to the Black Book, to be very
21 clear. I'm referring to a KR, Khmer Rouge, defector, who
22 recounted an assassination plot towards U.S. officials. Nothing
23 about the Black Book.

24 Do you know -- do you have knowledge as to the existence of
25 assassination plots of Pol Pot?

27

1 MR. MORRIS:

2 A. No, I do not have knowledge of assassination plots against Pol
3 Pot. The sources that I was using did not refer to them, so I
4 don't know whether they were true or false.

5 [09.58.14]

6 MR. KOUMJIAN:

7 Mr. President, I just have one comment on this report of a
8 defector.

9 As we know, the Khmer Rouge publicized after arrests and
10 executions their supposed reasons for arresting and executing
11 people, and the defector -- I don't know this, but it doesn't say
12 here whether the defector had personal knowledge or was just
13 repeating what he had heard from Khmer Rouge announcements as to
14 why Chakrey was arrested and executed.

15 So I think it is possible, but I don't know, that the source of
16 this defector's statement is simply an S-21 confession under
17 torture.

18 MR. KOPPE:

19 How would that be possible if he was in Thailand talking to U.S.
20 officials?

21 [09.59.08]

22 MR. KOUMJIAN:

23 Thank you. I'm happy to explain again.

24 As I stated, the DK publicized to its cadres these confessions.

25 We know this. Khieu Samphan would read confessions, and others

28

1 would, to cadre, so that's how they would know that the Khmer
2 Rouge was alleging that there was a plot to assassinate, and
3 that's why Chakrey was arrested and executed.

4 BY MR. KOPPE:

5 Whatever, Mr. Prosecutor.

6 Q. Let me move on, Mr. Morris, to what is arguably the most
7 important method of implementing Vietnam's ambitions, and that is
8 the assistance in orchestrating coup d'états.

9 Because of time, we don't -- it's not possible to discuss all
10 attempts of coup d'états. We believe there are at least three,
11 '76, '77 and also '78. Let me discuss with you the 1978 military
12 coup, political coup.

13 Let me first ask an open question. What is it that you know of
14 any involvement of the Politburo of the Vietnamese Communist
15 Parties in staging a coup d'état in DK?

16 [10.00.50]

17 MR. MORRIS:

18 A. I'm sorry. I don't know anything about the role of the
19 Communist Party of Vietnam Politburo in staging attempted coup
20 d'états in Cambodia.

21 Q. There's two ways I would like to approach this with you. Let
22 me start with the first way, and that is referring to a
23 mid-February 1978 Politburo meeting.

24 I have noticed that, if that meeting took place, you do not refer
25 to it in your book. Is that correct?

1 A. Yes, I think that's correct.

2 Q. Do you recall Nayan Chanda and also William Duiker and also
3 Philip Short referring to the existence of a mid-February
4 Politburo meeting discussing very important issues?

5 [10.02.20]

6 A. Mid-February 1978?

7 Q. Yes.

8 A. I only have a very vague memory of that, to be honest. I'm not
9 sure where that led in terms of what I was trying to find out. To
10 be honest, yes, I don't have very concrete memories of that.

11 Q. Let me start, then, by not referring to this mid-February
12 meeting, of which Nayan Chanda gave details as to exactly where
13 in Ho Chi Minh City it took place, etc. Let me move back a bit to
14 the period before.

15 And let me read to you what Chanda said about when Vietnam first
16 started to make preparations for a coup d'état. I'll be referring
17 to his book, English, ERN 00192381; and that is in French,
18 00237064; and in Khmer, 00191529. Here he says the following:

19 "A later, official Vietnamese account reveals that preparations
20 for the most important coup attempt against the Pol Pot regime
21 began in November 1977."

22 Let me also quote what ,apparently, a Soviet diplomat told a
23 colleague of his from India, that is, Chanda, 00192383; and
24 French, 00237065 and 66; and Khmer 0019153 --

25 MR. PRESIDENT:

1 Counsel, please repeat the ERN number <because the interpreter
2 could not get it>.

3 BY MR. KOPPE:

4 Q. Yes. Khmer, ERN 00191530 - 531; and French, 00237065. He says
5 the following:

6 "The Soviets were also kept informed of Vietnamese moves against
7 the Pol Pot regime. In November 1977, a Soviet diplomat in Hanoi
8 confided to an Indian colleague that an anti-Pol Pot resistance
9 was in the making. It consisted of a group of 10 to 15 central
10 level leaders, at least three of whom were old members of the
11 Vietnamese-led ICP."

12 These preparations, which presumably already started at least in
13 November '77, is that something that you came across during your
14 research in the Soviet archives?

15 [10.06.10]

16 MR. MORRIS:

17 A. I came across the --

18 MR. PRESIDENT:

19 Mr. Expert, please hold on.

20 And Judge Lavergne, you have the floor.

21 JUDGE LAVERGNE:

22 Just for the record, Counsel Koppe, could you please tell us if,
23 by chance, you have the names of the Vietnamese officials, which
24 Nayan Chanda is referring to, the name of the Soviet diplomat as
25 well as the Indian diplomat who apparently had this conversation

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1 <you described,> which Nayan Chanda is echoing?

2 MR. KOPPE:

3 Now that is a very interesting question, Judge Lavergne. That's
4 one of the reasons why we would like to have Nayan Chanda testify
5 here in Court.

6 I'm not sure, as a journalist, he would reveal his sources --
7 [10.06.58]

8 JUDGE FENZ:

9 But can you just answer the question? Can you give the names or
10 can't you, and if you can't, tell us why.

11 BY MR. KOPPE:

12 Because Nayan Chanda doesn't disclose his sources. He does,
13 actually, refer in his -- in the first footnote to something
14 called the "Kampuchea Dossier", this is a French book that he
15 refers to quite often, but that's not on the case file, so I'm
16 not at liberty to refer to this.

17 And who the Indian diplomat was, and the Soviet diplomat, I don't
18 know.

19 Q. So Mr. Morris, have you encountered in your -- in your
20 research in the Soviet archives any similar things?

21 [10.07.54]

22 MR. MORRIS:

23 A. What I encountered was evidence of attempted insurgency, but
24 not necessarily of a coup d'état.

25 The concept of a coup d'état was not something that I came across

1 in my -- in my research. Again, that's not to say that such
2 things did not occur. I can only say what I saw, what I read, and
3 I did not read about attempted coup d'états.
4 I did read about attempted insurgencies against the government of
5 Democratic Kampuchea.

6 Q. Well, I'm not sure if you're correct, and that's also the
7 reason why I gave you the excerpt from your dissertation
8 yesterday, and I hope you had a chance to have a look at this.

9 Let me repeat the English ERN again, Mr. President, 01335197.

10 This is what you wrote in your dissertation:

11 [10.09.03]

12 "According to a major from the National Army of Democratic
13 Kampuchea who had defected to Thailand in September, Heng Samrin
14 had attempted a coup against the government in Phnom Penh the
15 previous April. However, the second-in-command of Heng Samrin's
16 4th Division based at Kampong Cham, warned the government, and
17 the plot was crushed."

18 So it seems that you do speak about a coup.

19 A. Your previous question had asked me did I find evidence in
20 Soviet archives of a coup, in my reading of the Soviet archives.

21 And my answer to that is, as I stated, no, I didn't find evidence
22 in Soviet archives.

23 The evidence you've cited as -- from my dissertation is not from
24 Soviet archives.

25 [10.10.01]

1 Q. I apologize. That's absolutely correct. Before I move to the
2 mid-February '78 Politburo meeting, let me just follow up a bit
3 on this excerpt.

4 Are you in a position to tell us who the major was that defected
5 to Thailand who said that Heng Samrin had attempted a coup
6 against the government in Phnom Penh the previous April?

7 A. No, I'm not in a position to tell you, simply because I do not
8 know. I reported everything that came in an AFP report from Hong
9 Kong in December of 1978, but I think I revealed everything that
10 was in the report of substance.

11 I do not have any knowledge of who the major was.

12 Q. Maybe it's because of us, but we weren't able to locate this
13 AFP report.

14 One question, you referred to the "previous April". Now, is that
15 April '78, or is that the April in '77?

16 A. I think it was April of 1978.

17 Q. That would make --

18 A. That would make sense.

19 Q. That would make sense. And final question, the
20 second-in-command of Heng Samrin's 4th Division, do you know
21 whether he was mentioned by name in the underlying source?

22 A. I doubt that he was mentioned by name because I think I would
23 have -- I would have reported his name in the -- in the
24 dissertation.

25 MR. KOPPE:

1 Mr. President, this might be a good moment to break.

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 It is now time for a short break. The Chamber will break now and
5 resume at 10.30 a.m. to continue our proceedings.

6 Court officer, please assist the expert at the waiting room
7 reserved for experts and witnesses and invite him back into the
8 courtroom at 10.30 a.m.

9 The Court is now in recess.

10 (Court recesses from 1012H to 1033H)

11 MR. PRESIDENT:

12 Please be seated. The Chamber is back in session.

13 And before I give the floor to Counsel Victor Koppe to put
14 question to the expert, the Chamber received a request for
15 additional time from the Defence Counsels. And the Chamber
16 decided to give additional time to the Nuon Chea defence team
17 until <11.45 a.m>.

18 And for Khieu Samphan defence team, you will have the floor <for
19 one session> after the other parties to put question to this
20 expert.

21 Now I give the floor to Defence Counsel Victor Koppe to put
22 question to the expert.

23 I also would like to clarify that the Khieu Samphan defence team
24 is given one session, but the floor that is given to you is at
25 the last one, that is, after the other parties.

35

1 MR. KOPPE:

2 And just to be sure, Mr. President, my request to have half hour
3 after the lunch break until 2 o'clock, is that denied?

4 [10.34.20]

5 JUDGE FENZ:

6 Well, as long as the two of you finish at the end of the first
7 session in the afternoon.

8 MR. KOPPE:

9 Right. That means I have to skip a few subjects.

10 MR. PRESIDENT:

11 No, that's not the case. <Your additional time is not one
12 session.> We give you an additional time, that is, until 11.45
13 this morning. <> The time for Nuon Chea's Defence will conclude
14 by that time. <It has already been> four sessions <for the
15 defence teams; that is the time that you requested for>. And we
16 <give> one session <to> the Khieu Samphan's Defence Counsel, so
17 it means that for both defence teams, you have a combined time of
18 five sessions. And we will <consider whether or not we will give
19 additional time to> the other <parties> if they request <it>. So
20 for you, there will be no more time granted.

21 [10.36.19]

22 BY MR. KOPPE:

23 Q. Unfortunately, Mr. Morris, that means I have to drop even
24 more.

25 Let me finish questioning you on that mid-February 4th plan and

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1 meeting by just reading to you from Chanda and just to see if it
2 somehow jogs your memory in relation to things that you might
3 have found in the Soviet archives.

4 On English, ERN 00192402; French, 00237080; and Khmer, 00191552;
5 Chanda says the following. He talks about the mid-February '78
6 Politburo meeting. He talks about a momentous series of meetings
7 in the outskirts of Ho Chi Minh City at the police training
8 school of the fallen Thieu regime, and he says, "The meeting
9 studied the nuts and bolts of the plan for setting up a Cambodian
10 Communist Party and a resistance organization." And a bit
11 further, setting up an anti-Pol Pot resistance.

12 Is that something that somehow refreshes your memory?

13 [10.37.59]

14 MR. MORRIS:

15 A. This is February '78, is it? Yes. Yes, look -- I'm sorry, it
16 doesn't refresh my memory.

17 Q. That's no problem. Let me move on, then, to my next subject.

18 One of the very interesting findings, and I referred to it
19 already earlier, in your book is, for instance, on page 01001762,
20 reference to So Phim and Nuon Chea being "our men". For instance,
21 you quote Pham Van Dong saying, on the 6th of November 1976:

22 "With Nuon Chea, we are able to work better. We know him better
23 than other leaders of Kampuchea."

24 Le Yuon (phonetic) or Le Xuen (phonetic), Le Duan, says the same
25 thing in '76, and he repeats it in '78, "Nuon Chea is our man and

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1 my personal friend, and Nuon Chea is a person who feels sympathy
2 for Vietnam."

3 My first question, when you read this in the archives, was this
4 the only things that you saw that was said about Nuon Chea and
5 also about So Phim?

6 [10.39.32]

7 A. Yes. What I quoted in my book is everything that I saw. Had I
8 found any more, I probably would have cited, too, because it's --
9 was very striking, ironic and indicative, in my opinion, of the
10 Vietnamese misunderstanding and miscalculation --

11 MR. PRESIDENT:

12 Please hold on.

13 Please change the battery for his equipment, for the Defence
14 Counsel for Nuon Chea.

15 BY MR. KOPPE:

16 I think it was for everyone in the courtroom, so it's not only
17 me, but I hear myself now, so I think it's fine again. Thank you.

18 Q. Sorry. You were interrupted. Could you repeat your answer,
19 please?

20 MR. MORRIS:

21 A. The quotes that I provided in my book are everything that I
22 would have seen. Had I seen more, I would have probably, almost
23 certainly, quoted them as well.

24 I found the Vietnamese comments strange and reflective of a
25 misunderstanding of the real political situation inside Cambodia.

1 [10.41.15]

2 Q. History proves your words right when it comes to Nuon Chea,
3 but do you have an explanation as to what made Pham Van Dong and
4 Le Duan say that Nuon Chea and also So Phim "is our man", is a
5 person who feels sympathy for Vietnam?

6 A. I think it's probably because of, as I understand it, Nuon
7 Chea's and So Phim's presence in North Vietnam during the 1950s,
8 and that that -- if that's correct -- if I'm correct in that
9 that, therefore, the period of time there may have indicated a
10 sympathy towards Vietnam which the Vietnamese mistakenly
11 concluded persisted long after those early contacts.

12 [10.42.20]

13 Q. What makes you say that also after 1975, there weren't any
14 contacts between So Phim and Nuon Chea on the one hand and the
15 Vietnamese on the other hand?

16 A. Well, I'm not aware of contacts.

17 Q. No, I understand. But let me ask you the following question.
18 If there were strong contacts between the Vietnamese Politburo
19 members on the one hand and So Phim and Nuon Chea on the other
20 hand, would you agree with me that that would provide Nuon Chea
21 with a formidable intelligence position as to the implementation
22 of Vietnamese ambitions?

23 A. I'm not sure that it would because of the fact that the
24 Vietnamese are very -- as I pointed out, very, very evasive and
25 often deceitful with regard to their intentions. And I'm not sure

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1 that any contacts that he would have had with the Vietnamese and
2 -- both So Phim and Nuon Chea would have revealed what the
3 Vietnamese intentions were. They might have, but I'm saying I'm
4 -- it's not inevitable. That's all I'm saying.

5 [10.44.00]

6 Q. True. All of a sudden, I'm thinking about -- I cannot find it
7 right now, but I will get -- I will get the exact quote a bit
8 later.

9 In Chanda's book, the brother of Heng Samrin, Hem Samrin, is
10 being quoted as saying, "Pol Pot simply knew too much. He was
11 always one step before us. That's why a military intervention was
12 necessary."

13 Is it possible that --

14 MR. KOUMJIAN:

15 There's no question and there's no citation for that, so I don't
16 know why it was necessary to say it if he didn't have a citation
17 and wasn't going to ask a question about it.

18 [10.44.50]

19 BY MR. KOPPE:

20 Fine. Let me move away from this quote. It's not important.

21 Q. But let me try it differently. You haven't seen
22 contemporaneous documents or studied them. Obviously, you didn't
23 have inside conversations with Nuon Chea. But is it impossible
24 that the Standing Committee of the CPK had a formidable
25 intelligence position when it came to Vietnamese plans and its

1 implementation?

2 MR. MORRIS:

3 A. It's possible.

4 Q. Thank you. Now let me move to another subject, which is, of
5 course, a central issue in your book. And I would like to, at one
6 point in time, go through it with some contemporaneous documents
7 from DK that you do not know, but I would like to show them to
8 you.

9 Mr. President, I have prepared a binder, it's a very small
10 binder, with a selection of all contemporaneous DK documents
11 relating to DK's conflict with Vietnam. And with your leave,
12 after I have summed up the relevant documents, I would like to
13 give that folder to the expert.

14 MR. PRESIDENT:

15 Yes, your request is granted.

16 Court officer, please deliver the document from the counsel to
17 the expert.

18 [10.46.46]

19 BY MR. KOPPE:

20 Q. Let me -- let me read for the Chamber which documents I will
21 be using and, meanwhile, maybe you can have a look at these
22 documents already.

23 As I said, 11 documents, and I will be referring to specific ERNs
24 when I discuss them.

25 The first document is E3/799. These are the minutes of a plenary

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1 meeting of the Division 920 on the 7th of September 1976.

2 Document 2 is E3/221. These are minutes of a Standing Committee
3 meeting entitled "Examination of the reaction of Vietnam during
4 the fifth meeting". And these minutes are from 14 May 1976.

5 Document 3 is Revolutionary Youth, E3/749. It's a Revolutionary
6 Youth from August 1975.

7 [10.47.55]

8 Document 4 is E3/887. It's a report from Brother 05, which is
9 Saroeun, to Uncle 89, being Son Sen, on the 23rd of January '76.

10 Document 5 is E3/884, a report from Chhean to Office 81 of 30
11 August 1977.

12 Document 6 is E3/882, a report from that same Chhean to Office
13 91, 12th August '77.

14 Document 7 is E3/994. It's a report from Roth to Brother, unknown
15 who, 12 August '78.

16 Then E3/9741 is document 10, which is a written record of
17 interview of Meas Voeun, 20 January 2014.

18 And finally, document 11, E3/8752, which is the DC-Cam interview
19 of Meas Voeun.

20 I will be returning to these documents shortly.

21 Mr. Expert, I would like to discuss with you now, also on the
22 basis of these documents, DK's reactions towards --

23 JUDGE FENZ:

24 Counsel, get closer to the mic. There is an issue.

25 [10.49.50]

1 BY MR. KOPPE:

2 Q. One of the central positions in your book, that is, DK's
3 reaction to Vietnamese encroachments, Vietnamese incursions into
4 DK territory. Can you describe how, in your book, you qualify
5 DK's behaviour toward the encroachments on their territory?

6 MR. MORRIS:

7 A. Are you referring to 19 -- the end of 1977, or 1978?

8 Q. I will be referring to the temporal jurisdiction of the Court,
9 17 April '75 until the final invasion in '78.

10 [10.50.50]

11 A. There were disputes about territory between the Vietnamese and
12 the Cambodians which go back a long time, but the -- you're
13 asking about the DK reaction. I'm not aware of -- after early
14 1975, of major incursions of Vietnam until the end of 1977. Major
15 incursions.

16 Q. Let me see if I can assist you a bit.

17 In your book, for instance, on 01001779, you say that -- you talk
18 about, "the bizarrely aggressive behaviour of the Cambodian
19 regime".

20 On page 01001674, you speak about Cambodia, "initiated armed
21 conflict."

22 On the next page, 10 -- 01001675, excuse me, you talk about
23 provocative military acts from DK. A word that appears often is
24 "irrational", irrational behaviour. Paranoid behaviour.

25 I mean, the use of those terms in relation to Vietnam's policy or

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1 in its implementation of policy, can you tell us what your
2 central position is in your book?

3 A. I argue that in April 1977, the DK attacked a Vietnamese
4 village, causing substantial number of civilian casualties. And
5 again, in September of 1977, a similar act occurred which I
6 believe was reported by also, Nayan Chanda, or Nayan Chanda was
7 taken to see the results of that attack, which killed a lot of
8 Vietnamese civilians.

9 [10.53.32]

10 My view is that these attacks were provocations, which reflected
11 an irrationality, because of the fact that Cambodia, Democratic
12 Kampuchea, militarily, was much weaker than Vietnam and there
13 seemed to me to be no purpose in attacking Vietnamese territory
14 which could be defended.

15 In other words, what I'm saying is, I'm not sure what interests
16 were served by them doing that. I don't understand the interests
17 that were served by doing that. And moreover, I believe that it
18 turned -- made the Vietnamese Communist leadership more
19 determined to do something about Cambodia's leadership.

20 [10.54.31]

21 Q. Two follow-up questions. One is, how is it possible for a
22 political scientist as yourself to conclude that DK's reaction
23 was bizarre, irrational, etc. if you haven't extensively studied
24 contemporaneous DK documents?

25 In other words, you speak about a 30 April 1977 attack. Isn't it

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1 true that you're only basing yourself when you say that upon a
2 Vietnamese document and that you do not include in that
3 conclusion what had led up to that attack, if it ever existed?

4 A. Yes, it would be true that I have not based -- I'm not aware
5 of what may have led up to that attack, if some events did take
6 place which led up to that attack.

7 Q. That --

8 A. But -- sorry. Just let me just say one thing.

9 If there were events leading up to that attack, that is,
10 provocations on the Vietnamese side of some kind, attacking
11 Vietnamese villages seems to me to be not the appropriate
12 response.

13 Q. That is certainly up for debate, and a very interesting
14 question. But then, before I go to the actual documents, let me
15 refer you to what Douglas Pike said in November '78 before U.S.
16 Congress. He also, at the time, obviously was not in possession
17 of any DK internal communication documents, and this is what he
18 said at E3/2370, English ERN 00187396 and French only, 00344747.
19 It's from that same excerpt on conclusions that I read out to you
20 before, and he says, under point 5.

21 [10.57.20]

22 "The present border war" -- he's talking in November '78 -- "The
23 present border war, which is actually internecine" -- I'm not
24 sure how to pronounce it -- "Communist conflict has been going on
25 since at least 1970. Neither side can be condemned as instigator,

1 neither is simply a victim."

2 And then, most importantly, point 7:

3 "Cambodian behaviour in the war is not as irrational as appears.

4 There is logic, both to Cambodian strategy and rhetoric,

5 particularly when viewed in the light of Cambodian history." End

6 of quote.

7 Now, he seems -- and maybe I'm wrong -- to go into a different

8 direction as to DK's behaviour in reaction of Vietnamese

9 behaviour and policy. Is that correct?

10 [10.58.30]

11 A. Yes, it is correct. But just to go back to your earlier

12 question, part of my reaction to DK behaviour and my conclusion

13 that it was irrational goes back to the period 1970 to '75 during

14 the war against the Lon Nol government.

15 And at that time, the DK forces came to the conclusion that

16 Vietnam was the number one enemy, whilst, objectively speaking,

17 trying to put oneself in the shoes of the DK, I would not think

18 that the -- Vietnam was the number one enemy. It may be an enemy,

19 but not the number one enemy. The number one enemy was the Lon

20 Nol government, who they were attempting to overthrow.

21 And to have -- to have tried to drive the North Vietnamese forces

22 out of Cambodia when the North Vietnamese forces were helping the

23 DK forces, as they later came to be known, the insurgency led by

24 Pol Pot to try and drive the Vietnamese out of Cambodia at the

25 same time as Vietnam was assisting the Khmer insurgency seemed to

1 me to be irrational.

2 So there was a pattern which I applied in my thinking about what
3 happened in 1977 and 1978.

4 There is other evidence in the book, as you know, which -- for
5 example, talking about ignoring the disparity of strength between
6 Cambodia and Vietnam in terms of armed forces and so on. I go
7 into that in quite a lot of detail.

8 So my conclusions about irrationality in these two particular
9 cases are not based on those particular cases alone.

10 [11.00.17]

11 Q. Before I go to the documents that I've just handed out to you
12 and which we believe strongly contest the irrationality of
13 certain behaviour, let me first read to you Nuon Chea's views or
14 position as to Vietnamese ambitions and its implementation.

15 This is something he said in January 1978. That was a speech of
16 Nuon Chea celebrating the visit of Zhou Enlai's widow, a visit of
17 her to Cambodia early '78. This was right after the cutting off,
18 of the diplomatic relations with Vietnam.

19 Mr. President, this is document E3/1407, English ERN S00008683,
20 French S006872 -- 7052, I'm sorry, Khmer 00657406.

21 This is what Nuon Chea says:

22 [11.01.50]

23 "Our Cambodian people always make efforts to have close, friendly
24 relations with all countries, far and near, based firmly on the
25 principles of respect for each other's independence and

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1 territorial integrity, non-interference in each other's internal
2 affairs, non-aggression, equality and mutual benefit and in line
3 with the policies of independence, peace and non-alignment as
4 indicated in the Constitution of Democratic Cambodia. However,
5 our Cambodian people will struggle resolutely against the acts of
6 sabotage and subversion from within aimed at staging a coup
7 d'état to topple Democratic Cambodia against the nibbling acts in
8 the border area and all acts of aggression and expansion from
9 without." End of quote.

10 He doesn't refer to Vietnam. It's obvious which country he speaks
11 about. But I will -- I would like to put it to you that this is a
12 statement reflecting completely rational and coherent behaviour
13 in terms of foreign policy. Would you agree?

14 [11.03.30]

15 A. I would agree that it appears that way.

16 Q. I was expecting that answer, and that will bring me now to
17 leading you to those documents.

18 And if you could have a look with me to the first document, I've
19 highlighted the relevant excerpts for you.

20 Mr. President, first document, E3/799; English, ERN 00184777;
21 French, 00323914 and further; and Khmer, 00083157 and further.
22 It's a small document, a few pages.

23 Here is Son Sen, the chief commander and member of the Standing
24 Committee, addressing members of Division 920 on the 7th of
25 September 1976.

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1 You agree with me, I'm sure, that this is a document which was
2 absolutely an internal document and which was not supposed to
3 ever go out. It did.

4 [11.04.55]

5 Here, he says the following on page 5 of that document:

6 "Our revolution is a socialist revolution, and already is a deep
7 one, so toward Vietnam, we take the following stances.

8 (1) We won't be the ones who make trouble.

9 (2) But we must defend our territory absolutely, and absolutely
10 not let anyone either take it or violate it.

11 (3) If Vietnam invades, we will ask them to withdraw, and if they
12 do not withdraw, we will attack."

13 I realize this is the first time you see this document, but what
14 would be your first reaction?

15 A. Well, I mean, I can only take it at face value, and I don't
16 know the context in which it was issued, the statement was
17 issued. It suggests that there were not serious problems between
18 the two countries at that time, but there was a fear that there
19 could be problems between the two countries in the future.

20 [11.06.30]

21 Q. I understand. I'm asking you a face value reaction. That's not
22 easy.

23 But in terms of foreign policy, military policy toward Vietnam at
24 that time, does this sound to you in any way irrational, bizarre
25 or whichever qualification you would like to give?

1 A. No, it doesn't.

2 Q. Now, let me move to --

3 A. Incidentally, I would like to say that people who behave
4 bizarrely or irrationally don't necessarily behave bizarrely or
5 irrationally all the time.

6 [11.07.25]

7 Q. That is true. That's why we move on to the second document, to
8 show you there is consistency, Mr. Morris.

9 That is document E3/221, your document 2. Here, again, it's Son
10 Sen talking, this time not vertically, but really horizontally,
11 to his direct peers in the Standing Committee. Present are our
12 client, Nuon Chea, Pol Pot, Ieng Sary, Vorn Vet, Khieu Samphan,
13 Comrade Ya from the Northeast region. And here's what he says
14 when he discussed the border problem, and I would like you to go
15 to the green -- or the part that I highlighted.

16 Mr. President, that is ERN 00182696; French, 00386178; Khmer,
17 00000813.

18 So this is what Comrade Khieu, Son Sen, tells, inter alia, Nuon
19 Chea:

20 "Along the border, they keep on coming in non-stop. We did not go
21 looking to make trouble with them at all. According to
22 experience, they come in when we do not chase after them and they
23 do not go, but when we get strict, that's when they go. That is
24 in Ratanakiri, in Mondolkiri -- That is in Ratanakiri.
25 In Mondolkiri, we do not attack them at all. We respect the

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1 instructions of the Party absolutely and do not let it get
2 tense." End of quote.

3 There are some interesting other excerpts, but because of time, I
4 will limit myself to that one.

5 Again, same question. Does that strike you as irrational?

6 [11.09.49]

7 A. No, it does not, but I'd like to have more context on who
8 "they" are, whether they are Vietnamese forces or whether they
9 are civilians from Mondolkiri because, as you, I'm sure, know,
10 civilian populations of the Cambodian side and the Vietnamese
11 side near Mondolkiri, Ratanakiri would have a lot in common. And
12 whether there's considered to be violations by civilians, by
13 state officials or by soldiers seems to me to be an important
14 issue.

15 Q. I understand what you're saying. That's why it's not only
16 documents of the very high level I will be showing you, but also
17 documents from -- coming down, upward.

18 But let me now go to document 3, which is an excerpt from
19 Revolutionary Youth, meant to educate young cadres. It's a
20 document, Revolutionary Youth, from August 1975. It's E3/749. Oh,
21 I see.

22 [11.11.11]

23 MS. GUIRAUD:

24 Thank you, Mr. President.

25 Just a question in order to understand what is happening. We

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1 would like to know if the documents that are presented by the
2 Nuon Chea counsel were sent to the expert before. Was the expert
3 made aware of the documents before testifying, or is he just
4 discovering these documents for the first time <today>? Because
5 we checked these documents <and they> are on the list <that was
6 sent out>, but it appears that the expert is only discovering
7 them now.

8 So I just want to understand what is happening.

9 BY MR. KOPPE:

10 I'm sure Mr. Morris is able to give the answer himself.

11 Q. I think this is the first time that you see the documents.

12 Correct?

13 [11.12.05]

14 A. Correct. This is the first time I have seen these documents.

15 JUDGE FENZ:

16 Which is -- but I haven't intervened earlier because with this
17 expert I don't have a big problem, but if you feel uncomfortable
18 to give an answer because you would need to read the whole
19 document, you tell us, please. But I certainly leave that to you.

20 BY MR. KOPPE:

21 And if I may follow up on this, Judge Fenz, I was under the
22 impression that I would be able to question him till 2.00, and I
23 had planned to give the documents to him in the lunch break. But
24 that's unfortunately not possible.

25 Q. So Mr. Morris, the Revolutionary Youth, document 3; English,

1 ERN 00532686; Khmer, 00399114; French, 00593942. It is instructed
2 to all youth cadres as follows, and I quote:

3 [11.13.10]

4 "Along the borders, it is imperative to be vigilant and not to do
5 anything to cause trouble with the foreign neighbouring people.

6 However, it is also imperative to absolutely defend and counter
7 and not allow them to violate or insult our nation and our
8 people." End of quote.

9 This is an instruction which, of course, goes much broader.

10 Again, on the face of it, does that seem to be an irrational
11 instruction to young cadres?

12 MR. MORRIS:

13 A. No, it doesn't seem to be an irrational instruction to young
14 cadres. I want to emphasize, though, to you and to the Court that
15 this time period, which the document refers to, 1976, if I'm not
16 mistaken, is -- or this is issued from August '75, actually, so.

17 This was not a period of -- which I regard as high tension
18 between the two countries. There was some tension over the
19 islands, but -- some islands, disputed territory, but this was
20 not the period in which there was very high tension which, from
21 my analysis, began in 1977.

22 [11.14.49]

23 Q. We do have documents from that period as well.

24 Let me see if I can move on to the next document, document 4,

25 which is, for you, four, which is E3/887. This is actually, as I

1 said earlier, an instruction or a telegram going from down,
2 upward. You can see it is written by 05, that is, Commander Sarun
3 (phonetic) -- Run (phonetic). I think I say it correctly.
4 It is directed to Uncle 89. That's the code name for Son Sen.
5 English ERN -- it's only one page. English, ERN 00185223; Khmer,
6 00021448; French, 00283096. This is what he writes to Son Sen:
7 "In the night of 22 January '76, the Vietnamese secretly came to
8 our camp at the front and at the back, attacking our patrol
9 guards.
10 3. We have not attacked them. We still negotiate firmly because
11 that is our land.
12 5. I'm organizing the forces while testing and waiting for the
13 final decision from the Party. As in the above report, request to
14 attack any place where there are Vietnamese. Only if they are on
15 Cambodian land, I will attack them all, yet there has been no
16 final decision from Angkar. I implemented in a way politically
17 mature by trying to tolerate it. We have not counter fired even a
18 bullet while we are awaiting Angkar's advice first."
19 And down, "We have not fought back yet."
20 Again, I understand first reaction. Does that sound like out of
21 control, irrational behaviour on the actual border between DK and
22 Vietnam?
23 [11.17.15]
24 A. No, it does not.
25 Q. Let me take one more document, and then I have to finish, I'm

1 afraid.

2 This is also a very interesting document because it talks about
3 negotiations as well. It's document 5 for you, E3/884. Let me
4 guide you through it. It's English, ERN 00182762; Khmer,
5 00001237; French, 00386257.

6 "Our people and revolutionary army has a good and pure will
7 toward the people and Vietnamese army, who is a neighbour. We do
8 not wish to have any conflict with Vietnam. Through my
9 observation of past events, when comrade" -- the Vietnamese --
10 "invaded us to a certain extent, comrade always alleged us first
11 that we had invaded comrade to this and that degree.

12 For us, we would like to reaffirm that we will not violate
13 anything, even a small thing belong to Vietnam. However, we will
14 always absolutely defend our independence and territorial
15 integrity based on the current border."

16 [11.18.56]

17 And then further down, paragraph 3, where he says:

18 "We take assumptions on Vietnamese main aims that the state of
19 not stopping provoking border conflicts is also directly meant to
20 delete or avert the public attention to severe situation provoked
21 by Vietnam."

22 Again, first reaction?

23 A. Now, this -- this must be taken in the context of what was
24 happening on the ground at the time, and I simply do not know
25 whether the events described at the beginning of the document --

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1 the events described actually took place or not. That would
2 determine whether I thought it was irrational or not. There's
3 nothing in the words that is irrational, obviously.

4 [11.20.06]

5 Q. I understand. Let me move away, because of time, from these
6 documents and go back to an area that you are well familiar with.
7 Can you describe Cambodia's or DK's foreign relations with
8 Thailand or DK's behaviour or attitude towards Laos, for
9 instance?

10 Because of time, let me go straight to the point. Isn't it true
11 that up from '77 and '78, the relations with the Thai neighbours
12 were very good and that the trouble that was taking place at the
13 border, the Thai authorities blamed third parties or other
14 parties for this, and not central command, and that, ultimately,
15 the relations with Thailand and DK were good and stayed good?

16 [11.21.26]

17 A. I think that one can't draw too many conclusions from the
18 initial Thai reaction to fighting on the border between Cambodia
19 and Thailand, which took place in 1978. The Thais are not people
20 who are belligerent and aggressive. They don't like to resolve
21 conflicts by force, necessarily. They prefer to try and negotiate
22 settlements.

23 I think that they initially probably thought, as was reasonable,
24 that there may have been some local commander who was acting on
25 his own, but the consistency and persistence of these attacks

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1 against Thailand in 1976, would have caused the Thais to
2 eventually regard this as somehow or other a central policy.
3 I'm not sure, you know, how far there were instructions from the
4 centre to the border areas to carry out these policies, but it
5 seems strange that they persisted if there was not some kind of
6 central authorization to carry out attacks on -- against the
7 Thais.

8 [11.22.44]

9 Q. Well, let me read back to you what you wrote yourself on
10 English ERN page 01001748, when you discuss these border
11 troubles, and I quote you:

12 "The two most important Thai government leaders refused to
13 attribute blame to the DK leadership in Phnom Penh."

14 On page 01001742 (sic): "Thai foreign minister Uppadit
15 Pachariyangkun, at a banquet, talks about attacks not from
16 central command, but from 'a third party'."

17 And let me move on and -- Chanda is saying that, at one point
18 after the Vietnamese invasion, as he says, "Bangkok was scared
19 that the tanks would roll further, even into Thailand."

20 So if you compare the situation with Thailand to Vietnam,
21 wouldn't you agree with me that, in relation to Thailand, DK's
22 behaviour was very rational, not bizarre at all?

23 [11.24.32]

24 A. I don't necessarily agree. At a time when DK was involved in a
25 very serious conflict, large scale conflict with Vietnam, the

1 last thing they needed was to have a conflict with their western
2 neighbour, and if, in fact, there had been local commanders
3 carrying out provocative acts against Thailand, I would have
4 thought that the central authorities in Phnom Penh would have
5 shut that down immediately. And I'm surprised that they didn't,
6 and that's why I regarded their persistence in these attacks as
7 somehow or other a reflection of attitudes from the central
8 command.

9 As for the Thai attitude, I think I answered that earlier. The
10 Thais went out of their way to try and avoid conflict. That's
11 their way of behaving in foreign policy. They're conflict
12 avoidance people.

13 [11.25.36]

14 Q. Again, very interesting topic that I would like to discuss
15 with you further, but I'm afraid I cannot.

16 Let me move away to another topic that I would briefly like to
17 touch upon.

18 During -- throughout your book, you refer to the CPK as not only
19 Maoist, but even hyper Maoist.

20 I'm not sure what that is, but can you explain why it is that the
21 CPK is Maoist?

22 And if you can also take into consideration what Heder called the
23 "myth of the CPK being Maoist".

24 A. I think that the Communist Party of Kampuchea was Maoist in
25 its orientation because the -- a lot of the domestic policies of

1 Democratic Kampuchea were, in fact, modelled on the Great Leap
2 Forward, taking people to the countryside from the cities,
3 emphasis on manual labour as a form of personal liberation.
4 These things were ideas of Mao Zedong, and I believe that the
5 reason I used the word hyper Maoist is because the Democratic
6 Kampuchea's leadership felt that they should go faster and
7 further than Mao did in China in attempting to achieve what they
8 considered to be a pure Communist state. There was a sense -- a
9 frantic sense of need to go faster and to create what the DK
10 leaders thought would be the purest form of Communist revolution.
11 So, I don't know that there's -- what Heder is referring to is
12 the influence of the Vietnamese on the Kampuchean Communist
13 movement, to some extent, and I think that there was a Vietnamese
14 influence, but I think that the Maoist influence was more
15 important.

16 [11.28.14]

17 Q. My client is not sitting here and, of course, I'm not allowed
18 to testify on his behalf. But he would be very upset if he were
19 ever to be called a Maoist.

20 Let me -- let me refer to -- to make my point to an important
21 Vietnamese ideologist, Truong Chinh.

22 Can you tell the Chamber who Truong Chinh was, and what was --
23 how would you describe the way he saw Marxist-Leninist ideology?

24 A. Truong Chinh was a member of the Politburo of the Communist
25 Party of Vietnam. Truong Chinh is Vietnamese for "long march",

1 indicating an affinity for Maoist China.

2 Truong Chinh was the secretary-general of the Party during the
3 time of great Chinese influence over the Vietnamese in the early
4 1950s. After the land -- the so-called land reform which was, in
5 fact, a terror campaign initiated by the Vietnamese Communists
6 against their civilian population -- after it got out of hand and
7 led to an -- uprisings in parts of Vietnam, Truong Chinh was
8 demoted from the position of secretary-general and largely
9 blamed.

10 [11.29.43]

11 So he was probably the man most connected with China in the
12 Vietnamese leadership. The Vietnamese leadership, from my
13 studies, was always factionalized between a pro-Chinese, more a
14 pro-Soviet, and a more -- and a third party neutralist or
15 independent faction, and there were often struggles for power or
16 for policy decisions between these factions. So Truong Chinh was
17 a representative of the pro-Chinese faction.

18 Q. Maybe -- I think if you back down a bit because when you speak
19 in the microphone --

20 A. Oh, sorry.

21 Q. -- too closely, then --

22 A. Distortion.

23 Q. Yes. Are you, in essence, in summarizing, saying that Truong
24 Chinh was a Maoist?

25 MR. PRESIDENT:

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1 Please hold on, Mr. Expert.

2 [11.30.54]

3 MR. MORRIS:

4 A. I think Truong Chinh -- the Vietnamese Communist Party did not
5 follow the Chinese Communist Party's policies after 1956. They
6 followed all the Chinese Communist Party institutional policies
7 up until 1956. But then, as a result of the Great Leap Forward --
8 sorry, as a result of the 100 Flowers Campaign and that getting
9 out of control and demands for liberalization in Vietnam, they
10 shut down the 100 Flowers Campaign and they did not go further in
11 subsequent years in copying the Chinese policies such as the
12 Great Leap Forward.

13 So to ask the question would I consider Truong Chinh a Maoist, I
14 would say perhaps he was a soft core Maoist, and I would regard
15 the leaders of Democratic Kampuchea as hard core Maoists in their
16 ideological orientation. That means that they were inspired by
17 the policies of Mao Zedong.

18 [11.32.03]

19 Q. But so was Ho Chi Minh. They were all paying tribute to Mao
20 Zedong thought, but it didn't make the Vietnamese Communists or
21 the Vietnamese Marxist-Leninists, Maoists. Don't you agree with
22 me?

23 A. That's because the Vietnamese ceased to emulate the Chinese
24 after 1956, as a result of their bad experience of Maoism in
25 destabilizing their political control to some extent in 1956. So

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1 I think that they stepped back and they tended to go more towards
2 -- whilst retaining some of the institutions of Maoist China, the
3 basic social institutions, they stopped emulating all the Maoist
4 Chinese policies.

5 Q. Just to wrap up this point -- I'm discussing it because it's
6 very crucial for my client.

7 I will give the reference shortly, Mr. President. The direct
8 quote is to be questioned, but it is, indeed, correct that in
9 Thet Sambath and Gina Chon's book relating interviews with Nuon
10 Chea, Nuon Chea says that by far the biggest influence on his
11 ideology or his vision of Marxism-Leninism is Truong Chinh.
12 If that is, indeed, the case, how would you then describe the
13 ideology of Nuon Chea?

14 [11.34.09]

15 A. Well, I think that if Nuon Chea is saying that Truong Chinh
16 was the most influential of the Vietnamese Communist leaders with
17 regard to him, he's conceding that the Chinese orientation
18 faction of the Vietnamese Party was influential on the Cambodian
19 Communist Party.

20 But I think that the -- one has to look at what actually happened
21 in the state of Democratic Kampuchea to come to a conclusion
22 about whether they were ideological or not, and what was the
23 inspiration.

24 And I just find it very hard to avoid the conclusion that Maoist
25 China was the big inspirational influence upon Pol Pot and other

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1 members. I don't know if there was a disagreement between Nuon
2 Chea and Pol Pot -- I don't know -- over these questions. I doubt
3 it in terms of what I've seen of Nuon Chea's say about Pol Pot,
4 his deference towards Pol Pot, his respect for Pol Pot.

5 There could have been some small differences. But, you know, the
6 Cambodian revolution must be understood in terms of what it
7 actually did, not only in terms of what they actually said.

8 [11.35.35]

9 Q. Now let me move to -- let's see if I can squeeze in two more
10 subjects.

11 In your book, 01001772, you speak about the propaganda campaign
12 of the Vietnamese that started right after the cutting off of
13 diplomatic relations in 1978. On page -- that same page, you
14 speak about an attempt to legitimize its impending overthrow of
15 the Cambodian Communist regime.

16 Most importantly, on 01001881, you speak about a meeting in early
17 1978, between Vietnam and a Soviet propaganda department
18 delegation.

19 Can you explain what that meeting was about, who were the members
20 of that Soviet delegation?

21 A. I'm sorry. That detail of the book escapes me for the moment.

22 Q. I understand. But is it fair to say that, immediately after
23 the cutting off of diplomatic relations, the Soviets, I presume
24 also the East Germans and others, came in to assist the
25 Vietnamese in their propaganda efforts?

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1 [11.37.25]

2 A. Undoubtedly.

3 Q. Douglas Pike, in E3/2370, also talks about propaganda, English

4 ERN 0018738 --

5 MR. PRESIDENT:

6 Counsel, please repeat the ERN number because the interpreter

7 could not get it.

8 BY MR. KOPPE:

9 Certainly. E3/2370; no Khmer ERN; English, 00187389; French,

10 00344740. This is what Douglas Pike tells Congress, "Both sides

11 make bids for world public opinion, the Vietnamese far more

12 skilfully than the Cambodians." End of quote.

13 Q. Is this something that you would agree with and, if yes, why?

14 [11.38.35]

15 MR. MORRIS:

16 A. Yes, I would agree with that, and I think that because the

17 Vietnamese have a long history of -- a much more detailed history

18 of training by the Soviets and the Chinese in these arts of

19 propaganda.

20 Q. Now, allow me to fast forward to the present. You are a

21 political scientist. Are you still today studying Russian foreign

22 policy and, more particularly, Russian propaganda and Russian

23 "disinformation campaigns", for instance, when it comes to

24 Ukraine or Syria?

25 A. Yes, I'm certainly paying close attention to these

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1 disinformation campaigns, especially as regard to Ukraine.

2 Q. Are you able to draw a comparison between Soviet-assisted
3 propaganda, possibly disinformation, in '78, in relation to
4 Vietnam and Kampuchea and now?

5 A. Well, yes. I mean, I think that back in 1978, the Soviets were
6 simply repeating the Vietnamese line on Cambodia. I don't think
7 that -- I think that the Vietnamese were skilful in their own
8 right in propaganda -- agitation and propaganda. They didn't need
9 the Soviets to teach them as late as 1978. They'd been learning
10 it for decades. And I think that the Soviets simply followed
11 along with the Vietnamese line because they were aligned.

12 [11.40.44]

13 Q. Now, maybe I can phrase it differently. One of the most
14 puzzling things to me, and to others, hopefully, as well, is why
15 it was that Vietnam, which was a pro-Soviet, Stalinist country --
16 why were they believed when they said it was DK who started this
17 whole thing, it was DK that provoked?

18 Why on earth would you believe these pro-Soviet Vietnamese?

19 A. Are you asking why would I believe?

20 Q. No.

21 JUDGE FENZ:

22 I'm not clear, either.

23 MR. KOPPE:

24 It's --

25 JUDGE FENZ:

1 Who believe?

2 BY MR. KOPPE:

3 Q. Let me rephrase.

4 It seems that not necessarily in the beginning, but later,
5 scholars, diplomats, whoever is interested in what happened
6 between '75 and '79, seemed to believe -- seemed to buy without
7 any reservation the Vietnamese propaganda's side of the story
8 that, namely, that it is because those permanent DK incursions,
9 we were forced to invade.

10 Can you shed us some light -- shed some light on this?

11 MR. KOUMJIAN:

12 Could I ask for a clarification of the question because I think
13 it changed.

14 I understood Counsel's first question was why believe that
15 Cambodia attacked Vietnam first, or is Counsel asking what was
16 the motivation for the Vietnamese invasion; was it those
17 incursions?

18 Those are two very different questions, and I think it could be
19 clearer for the records.

20 [11.42.44]

21 JUDGE FENZ:

22 And characterizing it as "propaganda", it's an additional
23 element.

24 BY MR. KOPPE:

25 I have no other words than described it as propaganda coming from

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1 pro-Soviet Vietnamese, but let me -- let me rephrase.

2 Q. The far more skilful propaganda campaign of the Vietnamese
3 together with the Soviets says, it's the CPK and DK started those
4 provocations, those incursions. We had to react. They started
5 attacking us in April '77. We couldn't do anything else.

6 Is it correct, first of all, that this, at one point, was -- is
7 now accepted as correct and, if yes, how is that possible?

8 [11.43.49]

9 MR. MORRIS:

10 A. Look, we have limited information about what was actually
11 going on between Vietnam and Cambodia. You have just presented
12 the Court with a series of documents from Democratic Kampuchea,
13 which I presume comes from DC-Cam. Certainly the -- most people
14 will not be familiar with these documents, nor the context.

15 Based upon the little we knew or little we know, that was the
16 conclusion that was drawn. Now, I don't think it was because of
17 Vietnamese propaganda. I think that people saw the results.

18 I mean, Vietnamese propaganda certainly played a role, but I
19 think that people couldn't see another explanation.

20 Q. Then one final follow-up question. Do you agree with me that
21 after Vietnam's invasion and subsequent occupation of Cambodia
22 for 10 years, led to Vietnam, in the eyes of the diplomatic
23 international community, as a pariah nation?

24 [11.45.10]

25 A. Yes, it did.

1 Q. And why was that?

2 A. Because the Vietnamese didn't simply overthrow the regime of
3 Democratic Kampuchea, but they occupied the country for 10 years
4 and attempted to create a regime in their own image in Cambodia
5 and, therefore, most people regarded the Vietnamese activity as
6 not simply a defensive one, but an offensive one in order to
7 create a client state in Cambodia.

8 Q. But isn't it true that, had there not been a Soviet veto in
9 the Security Council in 1979, January, the international
10 community would have condemned Vietnam for violating the UN
11 Charter for intolerable acts of aggression, that only because of
12 this Soviet veto, it didn't happen?

13 [11.46.25]

14 A. I think that is true. We see in the votes of the General
15 Assembly year after year a vote against the Vietnamese presence
16 in Cambodia and a demand for Vietnamese troops to withdraw. Those
17 votes increased year after year, from after 1979. And I think
18 that this leads to the conclusion that a majority of -- a huge
19 majority of the international community was opposed to the
20 Vietnamese invasion of Cambodia, and particularly the occupation
21 of Cambodia for 10 years.

22 Q. And my final, very last question, you agree with me that the
23 invasion was anything but a humanitarian intervention.

24 A. Yes. I don't believe that, in its intention, the Vietnamese
25 invasion was a humanitarian one. I don't think humanitarian

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1 values are part of the ethos of the Politburo of the Vietnamese
2 Communist Party. Although there may have been, and were,
3 humanitarian consequences of the invasion, that wasn't the
4 intention.

5 MR. KOPPE:

6 Thank you. Thank you, Mr. President.

7 MR. PRESIDENT:

8 Thank you. It is now convenient time for lunch break. The Chamber
9 will take a break from now until 1.30 p.m.

10 Court officer, please assist the Expert at the waiting room
11 reserved for him during the lunch break and invite him back into
12 the courtroom at 1.30 p.m.

13 Security personnel are instructed to bring Khieu Samphan to the
14 waiting room downstairs and bring him back to the courtroom
15 <before> 1.30 p.m.

16 The Court is now in recess.

17 (Court recesses from 1148H to 1334H)

18 MR. PRESIDENT:

19 Please be seated. The Chamber is now back in session and I give
20 the floor to the Co-Prosecutor to put questions to the Expert.

21 You may now proceed.

22 [13.35.07]

23 QUESTIONING BY MR. KOUMJIAN:

24 Thank you and good afternoon, Mr. President, counsel, civil
25 parties and Mr. Expert.

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1 Professor, this is a criminal trial and I would like to begin my
2 questions by focusing, a bit, on the crimes charged in this case.
3 I know you said you're only partly familiar, but among the crimes
4 charged were murders, executions, exterminations and -- and
5 purges of enemies at places like S-21, the Tuol Sleng Prison, and
6 other security centres throughout the country, purges of the East
7 Zone soldiers and purges of various groups like former Lon Nol
8 soldiers.

9 Mr. Nuon Chea, in a book that has been quoted a few months ago by
10 his counsel -- that's E3/4202; the ERN is 0075752 (sic) -- he's
11 quoted, the book says, "Nuon Chea doesn't apologize for S-21,
12 even though his niece and others close to him were sent there."

13 Q. Professor, in your research, did you ever come across anything
14 to indicate that the DK authorities put any of these people that
15 they imprisoned or executed on trial before any court of law.

16 [13.36.48]

17 MR. KOPPE:

18 Just as I have been interrupted all the time, Mr. President, I
19 would like to have the ERN numbers please.

20 MR. KOUMJIAN:

21 Yes, Counsel, I gave the ERN number. It's--

22 JUDGE FENZ:

23 Well, they were mentioned. They were just read out.

24 MR. KOUMJIAN:

25 I just read it out, but I'm happy to give it to you again; it's

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1 00757521. So--

2 [13.37.08]

3 MR. KOPPE:

4 I was asking for the Khmer and the French ERNs.

5 BY MR. KOUMJIAN:

6 Okay, we'll get those for you.

7 Q. Sir, the question -- and again, please wait for the microphone
8 light -- is: Did you come across any evidence in your research
9 that the Khmer Rouge put any of these individuals that were
10 detained or executed on trial in any court?

11 MR. MORRIS:

12 A. In my research, I did not come upon any evidence that people
13 who were executed, were put on trial in any court.

14 Q. Professor, in your research, particularly in the Soviet
15 archives and research of what the Soviets had of Vietnamese
16 documents, did you find any evidence that among the thousands
17 detained at places like S-21 and Kraing Ta Chan that these people
18 -- were any evidence to support the DK's allegations that these
19 people were, in fact, Vietnamese spies or traitors?

20 A. No, I did not come upon any evidence to show that the -- any
21 of the people executed were Vietnamese spies or traitors;
22 although, I must point out that I did not -- I was not
23 specifically researching on that subject.

24 [13.38.52]

25 Q. Thank you and that's true of many of the questions you were

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1 asked this morning. You weren't specifically researching on all
2 of these topics; is that correct?

3 A. Well, the general topic I was researching on, but I was not
4 familiar with all of the material.

5 Q. Thank you. So, I now would like to read to you another speech
6 by Nuon Chea; this is at E3/196. In English, the ERN is 00762402;
7 in Khmer, it's 00224473 and the next page; and in French 002806
8 -- it begins at the bottom of 0674.

9 This is a speech of Nuon Chea dated the 30th of July 1978, and
10 I'd like to get your reaction to the reasonableness of his
11 statements. In the speech he indicates, "It is more widely known
12 that the USA planned to seize power from us six months after
13 liberation. The plan involved joint action on the part of the
14 USA, the KGB, and Vietnam." And he goes on to say, at the end of
15 that paragraph, "We know the current plan involves not only
16 Vietnamese agents, but has something to do with US imperialism
17 and KGB, all of them."

18 Can you react to the reasonableness of Nuon Chea's statement in
19 this speech?

20 [13.40.48]

21 A. That strikes me as a very bizarre and paranoid explanation of
22 what was happening. The idea that the United States would be
23 cooperating with the Soviet Union and its intelligence services,
24 the KGB, at a time of tension between the United States and the
25 Soviet Union seems to me absurd, but I might point out that this

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1 kind of construction of conspiracies is not peculiar to
2 Democratic Kampuchea; it's been a feature of most totalitarian
3 states, like the Soviet Union, like China, of mixing together
4 people of completely disparate intentions, ideologies, and
5 purposes as part of a fantastic conspiracy.

6 [13.41.38]

7 Q. So, I'd like you to comment; I don't think -- you didn't go
8 into any depth in your answer about one particular aspect of the
9 statement and that is US cooperation with Vietnam. During the DK
10 period, so from April 1975 until January 1979, can you explain to
11 the Court, what was the state of the United States relations with
12 Vietnam?

13 MR. KOPPE:

14 Mr. President, I object to this question and also the previous
15 question. The Prosecution is misleading the expert in relation to
16 that speech. It is very well known that the words "CIA" and "KGB"
17 are code words for agents working, on the one hand, for the
18 Soviet Union in Vietnam and on the other hand, agents working for
19 the CIA. They don't mean CIA or KGB itself.

20 Plus, I must say this is not a speech that was written down by
21 the CPK; it is a translation by the Danish Communist Party
22 visitor and subsequently, from his handwritten notes translated
23 into Danish and English. So to say that these are literal quotes
24 from Nuon Chea is incorrect.

25 [13.43.01]

1 BY MR. KOUMJIAN:

2 Your Honour, Mr. Koppe is not -- should not be testifying. We
3 certainly, if he wants to testify, would love to cross-examine
4 him. His claims that these things are well known, that KGB
5 doesn't mean KGB and CIA doesn't mean CIA, we think is absolutely
6 unsupported by the evidence, but what he's done -- what we're
7 doing -- what I'm doing right now is I'm wasting the time to
8 examine the expert because I'm responding to something that's not
9 related to my question.

10 Q. Sir, I think you remember the question, so Professor if you
11 could wait for the microphone light and please give us your
12 answer.

13 MR. PRESIDENT:

14 The objection by Counsel Victor Koppe is overruled. The question
15 by the Co-Prosecutor is relevant; therefore, the Expert, please
16 give your answer.

17 [13.43.55]

18 MR. MORRIS:

19 A. Yes, during this time period that you're referring to,
20 Vietnamese-American relations were extremely cold. There was one
21 attempt to break the ice by the Carter administration, I believe,
22 in 1978, but apart from that, which amounted to very little,
23 there was no cooperation.

24 In fact, if I'm not mistaken, it was in 1979, that there was an
25 espionage activity undertaken by somebody who was an agent of

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1 Vietnam against the United States. So there -- there is -- there
2 was no closeness of relationship between the Vietnamese
3 government and the United States government; on the contrary, it
4 was an extremely unfriendly relationship.

5 Q. Was the -- was the issue of Vietnamese cooperation with
6 Americans missing in action an issue during this period of time?

7 [13.45.13]

8 A. Yes, it was.

9 Q. Was there also a dispute about Vietnamese claims that the
10 Nixon administration had promised them a massive amount of aid at
11 the conclusion of the Peace Treaty that was not delivered?

12 A. Yes, it's -- it's true there was a dispute, a major dispute
13 between the two countries; the United States and the Socialist
14 Republic of Vietnam, over the delivery of aid which was not
15 delivered. That was a matter of contention between the two
16 countries.

17 Q. You were asked this morning about DK relations with Thailand
18 and I would just like to bring to your attention another document
19 in this case and that is E3/8177. Actually, I'll skip that
20 because I only have the English ERN and I think Counsel wants us
21 to have the Khmer and French ERNs, so I'll ask that to be looked
22 up and I'll come back to that, perhaps, later.

23 Sir, one of the points you write on page 98 of your book -- in
24 English, the ERN is 01001765 and on to the next page -- is the
25 following, you said that:

1 [13.46.54]

2 "According to the deputy military commander of Vietnam's Tay Ninh
3 province, during April and May 1977, the Khmer Rouge forces had
4 carried out systematic attacks upon Vietnamese border villages
5 making it impossible for Vietnamese peasants to work there. The
6 Vietnamese side claimed that it then offered to settle the border
7 question peacefully with the Khmer Rouge, but the offer was
8 refused. According to the Khmer Rouge -- according to the
9 Vietnamese, the Khmer Rouge is then concentrated up to two
10 divisions on the border adjacent to Tay Ninh and in the middle of
11 May, these forces undertook massive attacks upon Vietnamese
12 territory."

13 Do you recall writing this?

14 A. Yes, I do.

15 [13.48.04]

16 Q. Can you tell us what you know about what was the reason the
17 Khmer Rouge carried out the attack, if you have -- know of any
18 reason?

19 A. I don't know of any reason why they carried out the attack
20 other than -- one can speculate on what the motives were, but I
21 don't know of any objective situation of conflict emanating from
22 the Vietnamese side which might have led to that attack.

23 Q. Were there -- you -- you've been quoted reports, your own
24 writing, the writing of Nayan Chanda; there were other academics,
25 about these attacks by Khmer Rouge forces into Vietnam, are there

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1 similar reports about Vietnamese attacks before April 1977, not
2 speaking about the islands, into Cambodia?

3 A. No, I'm not aware of any such reports.

4 Q. Sir, are you familiar -- changing topic a bit -- with an
5 organization known as FULRO?

6 A. Yes.

7 Q. Do you know if the FULRO received support from the Khmer
8 Rouge?

9 A. Yes, I think they may have, but I'm--.

10 [13.49.53]

11 Q. Okay, let me read to you from the book by Nayan Chanda. The
12 ERN in English is 00192282 and in French, it's 00236990; there's
13 not a Khmer translation. Chanda wrote that:

14 "Success is achieved by his men in destroying Vietnamese villages
15 and massacring civilians in surprise raids since April 1977, and
16 the lack of Vietnamese response might well have boosted Pol Pot's
17 confidence. The fact that Hanoi faced a severe food crisis, deep
18 social malaise in the South, and armed resistance from different
19 groups; at least one of which, the United Front for the Struggle
20 of Oppressed Races, FULRO, received material support from the
21 Khmer Rouge might have also emboldened the Khmer Rouge to
22 challenge Vietnam."

23 Would you comment on Chanda's analysis about whether Vietnam's
24 own internal problems could have influenced Pol Pot to believe in
25 the DK leadership that they could be successful in attacking

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1 Vietnam?

2 [13.51.27]

3 A. I think that belief that there was some kind of -- there was
4 some kind of internal problem in Vietnam may have influenced Pol
5 Pot; however, I -- I suspect that he was behaving in a rather
6 paranoid way in response to what he thought were enemies with
7 inside the Party and attributing any potential opposition, actual
8 real or imagined, to Vietnam and therefore, trying to show a
9 reaction to what he perceived to be threats.

10 MR. KOPPE:

11 Mr. President, a short observation, also on behalf of my national
12 colleague: Chanda has been translated into Khmer completely.
13 There's a full Khmer translation of Chanda, so I would appreciate
14 if we also get the Khmer ERN.

15 JUDGE FENZ:

16 Mr. Koppe, you are aware that we have given you a lot of leniency
17 when it came to references; now, I've no objection to what you
18 are saying, but please expect to be held to the same standard in
19 the future.

20 [13.52.49]

21 BY MR. KOUMJIAN:

22 Thank you. My -- my apologies and I have been handed some of
23 these ERNs. First -- for the first quote I gave about Nuon Chea
24 not apologizing for S-21, the French is 00849 -- is that 4 or 9
25 -- 4 --415. For Chanda, the quote I just gave, the Khmer ERN is

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1 00191415. That's -- that's the same ERN, so I'm going to have to
2 double check that. We'll double check that.

3 Q. Sir, I now would like to ask you about these attacks in April
4 and May. From the information of your research from what you
5 learned from Chanda and other sources, did these Khmer Rouge
6 attacks into Vietnam concentrate only on military targets or were
7 civilians targeted?

8 [13.54.10]

9 MR. PRESIDENT:

10 Mr. Expert, please hold on. The floor is given to Counsel <Anta>
11 Guisse:

12 MS. GUISSSE:

13 Thank you, Mr. President. I know that we have an expert who's
14 giving testimony and a priori, we can speak of many things; on
15 the other hand, the topic that the Co-Prosecutor intends to
16 raise, if he's talking about the incursions of the army of
17 Democratic Kampuchea into Vietnamese territory, is excluded from
18 the scope of Case 002/02 and therefore, we <are> asking the
19 expert to give information <to the Chamber about facts that are>
20 not within the scope of this trial, so I object to the question.

21 MR. KOUMJIAN:

22 Your Honours, a good part; perhaps the principal part, as I
23 understood, of the Defence examination of this witness was asking
24 why Vietnam invaded Cambodia, so the commission of atrocities
25 against Vietnamese civilians is extremely relevant to that point

1 among others.

2 MR. PRESIDENT:

3 The objection is overruled. The question is very relevant;
4 therefore, it can be posed to the expert. The question did not
5 ask <for details regarding the fact that DK invaded> Vietnam,
6 <but for any relevant parts at all regarding this fact should be
7 presented clearly>.

8 [13.55.50]

9 BY MR. KOUMJIAN:

10 Let me read the portion of what the expert wrote that I'm asking
11 about and this is from ERN 01001765. In your own book, Mr.

12 Morris, Professor Morris, you wrote that;

13 "On April 30th, 1977, the Khmer Rouge units attacked several
14 villages and towns in An Giang and Chau Doc provinces of Southern
15 Vietnam burning houses and killing hundreds of civilians."

16 So my question is about the targeting of civilians in these
17 attacks inside Vietnam. Did you -- from your research and from
18 what you've read of others, did you determine whether or not
19 civilians were specifically targeted by the Khmer Rouge?

20 [13.56.48]

21 MR. MORRIS:

22 A. I believe that in these attacks, civilians were deliberately
23 targeted by the Khmer Rouge. I'm not aware of military targets in
24 the areas where the attacks took place.

25 Q. Thank you. In Chanda's book "Brother Enemy," at ERN 00192272;

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1 in Khmer, the ERN is 00191402; and in French, 00236981, at the
2 bottom of that page; he said that on that night of April 30th,
3 1977, the Khmer Rouge had attacked a string of villages and
4 townships in An Giang province. He wrote that the killing
5 civilians and burning down houses. He wrote that the attack on
6 Tinh Bien township alone -- and of course my pronunciation is,
7 I'm sure, I have no idea how close I am -- had caused about a
8 hundred civilian deaths.

9 Chanda goes on to write, "Although the Cambodians had, in fact,
10 been raiding Vietnam's border provinces since January 1977, their
11 choice of April 30th to launch the most vicious attack to date
12 was rich with symbolism."

13 Can you explain that comment; do you understand what Chanda's
14 point is and tell us whether you agree with it?

15 [13.58.32]

16 A. Yes, April 30th was the anniversary -- the second anniversary
17 of the conquest of South Vietnam by North Vietnam -- by the
18 Communist Party of Vietnam and therefore, to have staged an
19 attack against Vietnamese villagers on April 30th was an attempt
20 to discredit or cast an unpleasant aroma around the anniversary.

21 Q. Thank you. I understand from my colleague that there may have
22 been a -- the translators may not have understood me and
23 translated the date that Chanda wrote about that attack as being
24 13 April; in fact, I said 30 April.

25 Now, did you ever meet or know this Hungarian journalist, Kandor

1 Dura?

2 A. No.

3 [13.59.30]

4 Q. And what did -- how did you learn about his own experiences in
5 Vietnam?

6 A. His experiences were reported first by Chanda -- by Nayan
7 Chanda and then there -- I found evidence to support it in the
8 Soviet archives.

9 Q. Thank you. So in your book at the ERN 01001766, you write at
10 the bottom of the page about Chanda (sic) Dura's visit to Tay
11 Ninh where you said, "He witnessed many ruined buildings and many
12 dead and burned people, mainly women and children." Now, was
13 Chanda (sic) Dura -- Kandor Dura, excuse me, allowed to report on
14 that at that time?

15 MR. KOPPE:

16 I object to this question because the Prosecution seems to
17 suggest that this evidence is about an alleged Cambodian attack
18 on the 30th of April '77; however, the Hungarian journalist
19 together with Chanda and a Dutch journalist, Van Wolver
20 (phonetic), visited Vietnam in March or February or March '78, so
21 the two have nothing to do with each other.

22 BY MR. KOUMJIAN:

23 In fact, I did not give the dates of that visit, but I can do
24 that and it begins on page -- on the page I quoted, 01001766; he
25 wrote that "On September 27th, 1977, Pol Pot openly declared the

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1 existence of the CPK. The message was sent after hundreds of
2 Vietnamese civilians had been massacred in Khmer Rouge raids on
3 September 24th." So I think that is important to point out and I
4 thank Counsel for that.

5 Q. These are actually talking about raids in September 1977; is
6 that correct?

7 [14.02.14]

8 MR. MORRIS:

9 A. Yes, that is correct.

10 Q. So these are separate from the raids that we talked about
11 previously in April. Can you tell us how did Kandor Dura get to
12 observe the aftermaths of those attacks and what happened about
13 his reporting?

14 MR. KOPPE:

15 Again, that -- that's incorrect. There were also, apparently,
16 attacks in February-March '78, so again, that's a time period of
17 five or six months has nothing to do with each other.

18 [14.02.53]

19 BY MR. KOUMJIAN:

20 I appreciate that there are so many attacks by the Khmer Rouge
21 into Vietnam that one could be confused, but it appears from the
22 order that you gave this in your book that these are related to
23 the September attacks, but I -- Professor, can you comment on
24 that?

25 MR. MORRIS:

1 A. Yes, initially the Hungarian journalist, to whom you refer,
2 took notes and photographs and then the Vietnamese asked him not
3 to talk about it; those photographs and notes were confiscated
4 and they were given back later when he was allowed to write about
5 it.

6 Q. In fact, you write on the next page from the one that I
7 mentioned that, "Yet, on October 1st, the situation totally
8 changed. The Vietnamese demanded that Dura hand over all his
9 materials." At the end of the paragraph, you say, "The Hanoi
10 leaders suppressed the evidence until the end of 1977, when the
11 journalist's notes, films, and other materials were returned."
12 So is it clear to you that you were talking about a visit in
13 late-September 1977, by this Hungarian journalist?

14 A. (Microphone not activated)

15 [14.04.18]

16 Q. We didn't get your answer because of the mic.

17 A. Yes, it seems to me that this was fairly clearly a reference
18 to events that took place in September 1977.

19 Q. Now, Nayan Chanda writes about his own visit to border areas
20 in March 1978, and this is at English page 00192405 and to the
21 next page; in Khmer, two pages beginning 00191555 and in French,
22 again, two pages 00237083.

23 Chanda writes about his March visit, "In place after place along
24 the border, we saw villages in ruins, abandoned paddy fields, and
25 hundreds of graves. From survivors, we heard unprompted stories

1 of medieval atrocities. There was no longer any doubt in my mind
2 about the reality of this bitter conflict that the Vietnamese had
3 kept out of the public view for so long."

4 [14.05.40]

5 So a couple of questions about that: First, can you explain why
6 Vietnam would have wanted to suppress, for at least a time
7 period, the evidence of the Khmer Rouge crossing their borders
8 and committing atrocities against Vietnamese civilians?

9 A. I think that they may have thought that this was something
10 that needed to be resolved off the record -- off the public
11 record. That, they may have believed, that this was something
12 which was at the behest of local commanders and therefore, waited
13 to see whether the central authorities in Phnom Penh would rein
14 them in. I believe that the Vietnamese did not want to get
15 involved in a conflict with the Cambodians over these matters, at
16 that time, a public conflict, and would -- they would resolve it,
17 perhaps, quietly and secretly.

18 [14.06.54]

19 Q. What does it say to you about their intention to negotiate or
20 not, the Vietnamese intention?

21 A. I think the Vietnamese were intending to negotiate to -- to
22 try and stop these attacks.

23 Q. You were asked this morning about whether a few selected
24 statements were read to you whether those selected statements
25 were reasonable. I wanted to ask you about the actions of the

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1 attacks into Vietnam committing atrocities against civilians. In
2 your opinion, can you tell us was that reasonable? Yes, let me
3 repeat the question.

4 MR. PRESIDENT:

5 Expert, please hold on.

6 [14.07.56]

7 MR. MORRIS:

8 A. Could you repeat the question please?

9 BY MR. KOUMJIAN:

10 Q. This morning you were read a few selected excerpts of
11 statements by DK leaders and asked if those statements in
12 isolation were reasonable. I'm asking you whether the actions of
13 the DK authorities in -- in these attacks across the border,
14 where civilians were specifically targeted, were reasonable in
15 your view?

16 MR. MORRIS:

17 A. I don't believe that attacks on innocent civilians were
18 reasonable.

19 Q. Now, you said it might have been -- you don't know whether or
20 not this was a local initiative; have you ever reviewed telegrams
21 from the DK's ambassador in Hanoi to Pol Pot and other leaders
22 about Vietnamese complaints about these attacks?

23 A. I don't recall.

24 [14.09.08]

25 Q. Perhaps, we may have time to review some of those.

1 There's another person who's written about these attacks and that
2 is Khieu Samphan. In document E3 -- thank you. In document E3/18
3 -- E3/18, at English, 00103759 and on to the next page; in Khmer,
4 at 00103849 and to the next page; and in French, at 00595446 and
5 to the next page; Khieu Samphan describes how he claims he only
6 became aware about the -- these attacks after he surrendered in
7 the late 1990s. And specifically, talking about the late-April
8 1977 attacks on Tinh Bien village of An Giang province, he said
9 from sources after 1979, he learned that -- well, he says about
10 attacks on villages in Tay Ninh and Ha Tien provinces at the end
11 of September, "The events recounted are irrefutable. There is no
12 doubt that the Khmer Rouge made forays into Vietnamese villages
13 along the border committing appalling crimes against Vietnamese
14 civilians."

15 Would you agree with Khieu Samphan that the evidence was -- is
16 irrefutable?

17 [14.11.24]

18 A. Yes, I agree.

19 Q. I'd like to ask you about something you wrote on page 98 of
20 your book. The ERN is 01001765. You said that:

21 "In April 1977, on the occasion of the second anniversary of the
22 'liberation' of Phnom Penh, the government-controlled media in
23 Hanoi offered congratulations and praise for the DK regime. But
24 this goodwill gesture reaped no beneficial consequences for
25 Vietnam. The Khmer Rouge deliberately chose the second

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1 anniversary of the Vietnamese communist conquest of South Vietnam
2 to leave a bloody calling card." And then you talked about those
3 April 30th attacks.

4 Did you come across evidence that the Vietnamese authorities were
5 trying to lower the tension and the conflict to take the conflict
6 from the battlefield to negotiations?

7 A. I think that was true in 1977.

8 [14.13.00]

9 Q. You also wrote on the same page that on September 27th, '77,
10 the -- Pol Pot openly declared the existence of the Communist
11 Party of Kampuchea. The Central Committee of Vietnam sent a
12 message of congratulations, publicly expressing its joy. You
13 said, "Interestingly, this message was sent after hundreds of
14 Vietnamese civilians had been massacred in raids on September
15 24th."

16 Is this further evidence of what you're talking about; evidence
17 that in 1977, even as late as September '77, the Vietnamese were
18 hoping that the conflict could be de-escalated and negotiated?

19 A. Yes, that's my opinion.

20 [14.14.16]

21 Q. There is another document I would like to -- to ask you about
22 and this is E3/7338 and it's -- I guess it's -- sorry, this is
23 your -- your book; the ERN is 01001768. And in this particular
24 passage, you're describing a discussion on the 6th of October
25 '77, between Le Duan and the Soviet ambassador to Hanoi about

1 Vietnam's reaction to the 24 September massacres in Tay Ninh
2 province.

3 You wrote: "After noting the massacres of Vietnamese women and
4 children by the Khmer Rouge, Le Duan noted that the Vietnamese
5 army had the capability to rout the Kampuchean army quickly."

6 And then you go on to say, "Vietnam's response, according to Le
7 Duan, was to display patience and attempt to find a peaceful
8 resolution of all questions with Kampuchea."

9 First, would you agree with Le Duan; was he telling the truth
10 when he said Vietnam had the capability to rout the DK forces
11 quickly if they had wanted to?

12 A. Yes, I agree.

13 Q. Okay, we'll come back, a little bit, and go into a little bit
14 more depth on the disparity in forces. But again, do you believe
15 Le Duan was still exhibiting here, in the 6th of October '77, a
16 willingness to try to reach a peaceful resolution with Democratic
17 Kampuchea before resorting to force?

18 A. Yes, I agree.

19 Q. On page 102, and that's ERN 01001769, you wrote that on
20 December 31st, 1977, the Government of the Democratic Kampuchea
21 announced that it was temporarily--

22 MR. PRESIDENT:

23 There is no Khmer <interpretation>.

24 (Short pause)

25 [14.17.28]

1 MR. PRESIDENT:

2 International Co-Prosecutor, you may continue.

3 BY MR. KOUMJIAN:

4 Thank you.

5 Q. You wrote on this page 102, that on December 31st, 1977, the
6 Government of Democratic Kampuchea announced that it was
7 temporarily severing diplomatic relations with the Socialist
8 Republic of Vietnam pending the withdrawal of the "aggressor
9 forces" of the SRV from the "sacred territory of Democratic
10 Kampuchea". It said -- you wrote that Khieu Samphan, on behalf of
11 the Cambodian government read a speech at this time on Vietnamese
12 aggression.

13 Now, putting this in context, the severing of relations at the
14 very last day of the year 1977; something had occurred before
15 that, there was a Vietnamese attack into Cambodia; is that
16 correct?

17 A. Yes, that's correct.

18 [14.18.34]

19 Q. And can you tell us a little bit about this attack?

20 A. The Vietnamese launched an offensive which led to the
21 capturing of a number of Khmer Rouge soldiers and they also took
22 with them some civilians into Vietnam.

23 Q. Do you know whether or not the civilians -- whether any
24 civilians voluntarily went with them as opposed to being forcibly
25 transported out of Democratic Kampuchea to Vietnam?

1 A. As I recall, the -- the civilians voluntarily relocated with
2 the Vietnamese to Vietnam.

3 Q. Let's talk a little bit more -- in a little bit more depth
4 about this attack, but perhaps to preface it, let us talk about
5 the forces -- the relative strengths of the forces between the
6 two countries.

7 On page 103 of your book at ERN 01001770, you wrote that:

8 [14.20.10]

9 "There are certain objective military facts that should have been
10 strongly influencing the decisions of the leaders on both sides.

11 First was the huge disparity in size of the armed forces on each
12 side. In 1977, the armed forces of DK were estimated to total
13 70,000. The armed forces of the Socialist Republic of Vietnam
14 were estimated to total 615,000."

15 Can you comment on how the various armies; their relative
16 strength in terms of numbers, quality of weapons, quality of
17 experience, and quality of generalship?

18 A. Yes, the Vietnamese had a far more battle-hardened and
19 experienced soldiers, commanding officers, as well as equipment
20 and also an air force. Cambodia had almost no air force; the
21 Vietnamese did have a small air force. Tanks, the Khmer Rouge had
22 only some light tanks; the -- the Vietnamese had a large number
23 tanks, more modern tanks. The -- the disparity of force was --
24 was massive in both quality and quantity.

25 [14.21.45]

1 Q. And I'm sure you don't now recall the numbers, so let me read
2 what you wrote on that same page. You said, "The armed forces of
3 DK constituted a light infantry. It included a few light tanks,
4 some 200 armoured personnel carriers, and virtually no air force.
5 By contrast, the armed forces of the SRV included some 900 medium
6 and light tanks and a 12,000 person air force with 300 combat
7 aircraft, including 1 light bomber squadron and 8 fighter ground
8 attack squadrons of 150 aircraft -- and a fighter ground squadron
9 -- attack squadrons of 150 aircraft."

10 At that time, where had Vietnam obtained its weapons?

11 A. At that time, most of its weapons would have come from the
12 Soviet Union.

13 Q. And what--

14 A. Some -- some light weaponry may have come from China, but
15 certainly the air force and heavy tanks were Soviet.

16 [14.23.06]

17 Q. And what happened to the arms of the South Vietnamese
18 government that had been defeated, which I would imagine were
19 mainly supplied by the United States; can you comment upon how
20 much quantity and quality of weapons the regime in Hanoi had
21 obtained following their victory in '75?

22 A. Yes, the North Vietnamese had obtained a substantial
23 percentage of the weaponry of which, I'm sure, an overwhelming
24 majority of the weaponry that was in the hands of the South
25 Vietnamese army in 1975. Although some of these weapons were

1 provided to the Soviet Union so that the Soviet Union could use
2 them to support national liberation movements, as they were so
3 called, in other parts of the world without being traceable to
4 the Soviet Union. The same thing, by the way, happened in --
5 after the Korean War, the weapons captured from allied forces
6 were -- some of them were used to supply the North Vietnamese.

7 [14.24.23]

8 Q. Thank you. Now, in talking about that late-'77 offensive,
9 Nayan Chanda wrote -- writes in "Brother Enemy", that's E3/2376,
10 at ERN in Khmer, 00191539; in French, 000237072 (sic); and in
11 English, at 00192391; he said that -- he wrote that:

12 "The Vietnamese purpose was, as Hoang Tung later explained to me,
13 'first to chase them from our territory and then deal a heavy
14 blow to their divisions to make them realize that we are not
15 passive as they have assumed and to tell them that they have to
16 choose the other solution, negotiations.' The first of the
17 Vietnamese objectives was achieved almost effortlessly.
18 Vietnamese forces backed by artillery barrages had gone into
19 Cambodia like a knife through soft butter."

20 Do you agree with Chanda and can you expand at all upon his view
21 that the results of the battle were one-sided; the Vietnamese
22 easily were able to overcome any DK resistance?

23 A. Yes, I agree it was easy for the Vietnamese to achieve their
24 military objectives in Cambodia, at that time, and by -- by --
25 the Democratic Kampuchea forces were in no position to stage --

1 to wage a conventional war against the Vietnamese. Their only
2 option was guerrilla war, which they did not pursue.

3 [14.26.32]

4 Q. And can you tell us: Who is Hoang Tung and what you make of
5 his statement that the purpose was, "to chase them out of the
6 territory, make them realize we are not passive, and to tell them
7 they have to choose negotiations"?

8 A. (Microphone not activated)

9 [14.26.55]

10 MR. PRESIDENT:

11 Please hold on.

12 MR. MORRIS:

13 A. I'm sorry; I don't recall Hoang Tung and his status, but yes,
14 look; I think that they were trying to teach them -- the -- the
15 Khmer Rouge a lesson. They were acting in order to pursue a
16 deterrent policy, you might say, against the Khmer Rouge; rather
17 than defeat them completely, make them suffer sufficiently that
18 they would then cease and desist or else negotiate.

19 [14.27.45]

20 BY MR. KOUMJIAN:

21 Q. Just to remind everyone of what you wrote on page 102,

22 01001769. You said:

23 "The decisive military penetration of the Parrot's Beak region of
24 Cambodia by the Vietnamese army was initially halted short of the
25 City of Svay Rieng after the Vietnamese had inflicted a major

1 defeat upon their enemies. In early January, the Vietnamese
2 withdrew from Cambodia, taking with them thousands of prisoners
3 as well as civilian refugees. With their forces only 24 miles
4 from Phnom Penh, the Vietnamese could have easily captured the
5 capital city and occupied all of Cambodia, but as they explained
6 to a Bulgarian journalist later, this was impossible for them
7 politically. The purpose of their offensive seems to have been to
8 inflict damage upon and thus temper Khmer Rouge aggression."

9 Does this remain your view?

10 [14.29.06]

11 A. Yes, this remains my view.

12 Q. Was the attack successful in getting the DK to alter its
13 behaviour and to negotiate with the Vietnamese?

14 A. No, it was not.

15 Q. Did attacks from -- from Cambodia into Vietnam continue?

16 A. Yes.

17 Q. Now, I mentioned earlier some telegrams from the DK ambassador
18 in Hanoi; were you familiar, sir, with a man named Heng Sok
19 Kheang; it's K-H-E-A-N-G, alias Chhean, who was the DK ambassador
20 to Hanoi?

21 [14.30.29]

22 A. No, sir, I'm not familiar with him.

23 Q. Just for the parties and Your Honours benefit, there's a
24 record, E3/2270; this is an S-21 record at English, 00784584;
25 Khmer, 00086738; and French 00810094; which indicates that Heng

1 Sok Kheang, alias Chhean, ambassador to Hanoi, entered S-21 on
2 the 25th of February 1978 and he was executed on the 31st of
3 December 1978. He has the -- appears in the OCIJ list as number
4 12927.

5 Sir, in a 15-June-1977 telegram, this is E3/878; the Khmer ERN is
6 00001264; the English is 0182770 (sic) and there's not a French;
7 it indicates that this was distributed to Pol Pot, Nuon Chea,
8 Ieng Sary, Vorn Vet, Son Sen, and the -- and Office. It says:
9 "On 14 June 1977, starting at 8 p.m., a company of our forces
10 committed aggression across their border over a length of 40
11 kilometres from Sa Sie (phonetic) to Deum Chit (phonetic), Ha
12 Tien (phonetic)."

13 I should explain this is what the ambassador is reporting the
14 Vietnamese are complaining to him about. So he's saying the
15 Vietnamese said:

16 "He said our forces, with 105s called in as auxiliary support,
17 carried out a coordinated, storming attack against their security
18 posts, slaughtering and torching residences, bringing about
19 enormous casualties."

20 I'm going to ask you about all of these together.

21 So the next one is E3/880; it's at English 00182766 (sic) and the
22 next page; Khmer, 001258 (sic); and French, 00623013. This is a
23 telegram dated the 20th of July 1977, and I think the same
24 distribution. And this is reporting on a letter received from
25 Sun. It said:

1 "It is said that on 16, 17, 18 July, Cambodian armed forces
2 launched hundreds of mortar 105 millimetre on to the area with
3 crowds of people in the An Giang province. It destroyed mainly
4 people, as well as materials. From 16 to 17 July, there were 30
5 people dead and 50 people injured and a large number of houses
6 burnt."

7 [14.34.18]

8 It goes on to say, "Once again, Vietnam wants to clarify that
9 Vietnam still wants to meet Cambodia to cease the bloodshed and
10 maintain solidarity of both parties."

11 Another telegram, this one dated 4th of August 1977; this is
12 E3/882, telegram 62 from Chhean distributed to the same persons
13 and it reports that the Vietnamese complained; "The Kampuchean
14 army has committed mass killings of 1,000 ordinary Vietnamese
15 people at Ha Tien in Kien Giang province."

16 Another telegram dated a few weeks later, 30 August 1977, from
17 Chhean to the same parties; the ERN in English, 00182762; in
18 Khmer, 00001237; and in French, 00386257. It's talking about,
19 again, a protest from Sun, saying that:

20 "Since early August, Kampuchean army has invaded such provinces
21 as An Giang, Long An, and Tay Ninh. Kampuchean army has killed
22 and burned down houses causing great damage to human lives and
23 properties. Ten people were killed including a woman whose belly
24 had been cut open." And it ends by saying, "Vietnam would like to
25 confirm the two parties, as well as governments must call a

1 meeting for a resolution in order to end the bloodshed."

2 [14.36.18]

3 Now, sir, given all of these telegrams to the central
4 authorities; Pol Pot, Nuon Chea, and the Office, did you ever
5 come across any evidence that the DK responded by saying, "Oh,
6 you're being attacked. We're surprised. These must be local
7 commanders; we had no idea"?

8 A. No, I have not encountered such evidence.

9 Q. Would the lack of any such response by the DK authorities,
10 denying that this was a policy of the Centre indicate anything to
11 you about whether, in fact, it was a policy of the Centre?

12 [14.37.12]

13 A. Given the--

14 MR. PRESIDENT:

15 Mr. Expert, please hold on. The floor is given to Counsel Anta
16 Guisse.

17 MS. GUISSSE:

18 Yes, Mr. President, here I must object to the manner in which the
19 Prosecution is posing his questions. Aside from the fact that
20 <for some time now we've been discussing these facts,> which --
21 <I repeat once more> -- are not within the scope of this trial.
22 <And when I say that> I must object once again, <it is because I
23 am going to have a> legal problem <regarding> the possibility of
24 the Defence to talk about things which are not within the scope
25 of the trial.

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1 Also, the way this question was asked <by the Prosecution poses a
2 problem because I understand --> and certainly I'll come back to
3 this when I'm questioning -- but <I understood that> the expert
4 has not carried out specific research on the Democratic Kampuchea
5 documents, even in the context of his work with the Soviet
6 archives, so to ask him today to confirm that this was a policy
7 of the Centre; this comes back to speculation rather than
8 <reliance on> the basis of his own research and the documents he
9 would himself <have> read on the position of the <people of>
10 Democratic Kampuchea, so I object to this question.

11 [14.38.39]

12 BY MR. KOUMJIAN:

13 Thank you. One thing I'd like to know: This morning and yesterday
14 afternoon, counsel for Nuon Chea asked this witness about these
15 attacks. There was no objection from the Khieu Samphan Defence
16 that this was outside the scope. The crimes are not part of the
17 charges in this case, but clearly, it's relevant to issues in
18 this case and the testimony of this expert as to the relationship
19 between Vietnam and DK and why Vietnam eventually invaded
20 Cambodia both in late-'77 and then in -- excuse me, both -- yes,
21 in late '77 and very late 1978.

22 [14.39.21]

23 As to whether this witness can speak to these telegrams, the
24 witness said he did not review DK documents; that's why I read
25 them to him. However, the witness has reviewed Soviet archives of

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1 the Vietnamese diplomatic material and the question I'm asking
2 him -- and I asked him and he's -- he's already answered, he has
3 not found any response from the Vietnamese -- excuse me, from the
4 DK to Vietnam trying to explain, "Oh, we're very sorry about
5 these attacks. We didn't order them. They're done by local
6 commanders." So the fact that such response does not exist is
7 obviously highly relevant.

8 I'll -- I'll move on to another question, but.

9 MS. GUISSÉ:

10 Nevertheless, just for the needs of the record, the Prosecutor
11 has just told us that he is reading documents, which the expert
12 is not familiar with<, which the expert is not aware of,> and
13 he's asking the expert if he knows <whether there were> any
14 responses to these documents with which the expert is not
15 familiar. That's why I'm stating this objection. If the expert
16 didn't know about these telegrams to begin with, I don't know how
17 he can <be aware of any> response to these telegrams.

18 [14.40.48]

19 JUDGE FENZ:

20 I think I'll just repeat what I said in the morning when the same
21 issue came up with Nuon Chea who presented the expert with lots
22 of documents he had never seen before; I think we can trust this
23 expert to warn the Chamber in cases where he feels that he cannot
24 comment on documents or needs more context. He has done that; I'm
25 confident he'll do that again and he's the best one to actually

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1 know what is his -- within his expertise and what is outside and
2 I'm also sure he will tell us accordingly -- inform us
3 accordingly.

4 [14.41.28]

5 BY MR. KOUMJIAN:

6 Q. Sir, I'm going to move on to a question about events in early
7 1978 and this comes from E3/1593; the ERN in English is 01150201
8 and the next page; in Khmer, 00637942 and the next page; and in
9 French, at 00639168 and the next page. This is Ben Kiernan's
10 writing.

11 "On 5 February 1978, Hanoi offered Democratic Kampuchea a new
12 proposal. It called for negotiations, a mutual pullback of 5
13 kilometres on either side of the border, and international
14 supervision of the border to prevent aggression across it. Had
15 Pol Pot's regime accepted this offer, it most likely would have
16 survived."

17 So first, let me ask you about this: Are you familiar of a
18 Vietnamese offer as late as February 1978, for negotiations with
19 DK?

20 MR. MORRIS:

21 A. No, I'm not familiar with such an offer.

22 Q. He goes on to write:

23 "Meanwhile, the Centre pursued its military incursions over the
24 border. On 14 March, DK troops invaded the Vietnamese Province of
25 Ha Tien slaughtering and disembowelling up to a hundred peasants

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1 of both Vietnamese and Khmer origin. Looking back over this
2 period several months later, Phnom Penh Radio unwittingly
3 acknowledged Cambodia's aggression."

4 And he quotes the radio station, "In March, the Vietnamese did
5 not have the strength to attack us; instead, we continued to
6 attack them."

7 [14.43.41]

8 "By June 1978, three quarters of a million Vietnamese had fled
9 their homes near the border seeking refuge elsewhere in Vietnam.
10 Meanwhile, DK officials had refused to even accept delivery of a
11 copy of the Hanoi, 5 February peace proposal."

12 Do you understand from the Phnom Penh Radio announcement that in
13 March, Vietnam did not have the strength to attack us; instead,
14 we continued to attack them; is that consistent with what you
15 know about the behaviour of the DK in early 1978, that they were
16 continuing to attack Vietnam?

17 [14.44.35]

18 A. Yes, that's consistent with what I know.

19 MR. KOUMJIAN:

20 Is this--

21 MR. PRESIDENT:

22 Thank you. It is now convenient time for the break. The Chamber
23 will take a break from now until 3 o'clock.

24 Court Officer, please assist the expert at the waiting room
25 during the break time and invite him back to the courtroom at 3

1 o'clock.

2 The Court is now in recess.

3 (Court recesses from 1445H to 1502H)

4 MR. PRESIDENT:

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

6 Again, the floor is given to the International Co-Prosecutor to
7 put further questions to the expert.

8 BY MR. KOUMJIAN:

9 Q. Professor, I'm interested, because you talked about interviews
10 you had with Ieng Sary in the 1980s, I believe, did you discuss
11 this topic with him at all, the Democratic Kampuchea's attacks
12 into Vietnam during the DK regime?

13 [15.03.10]

14 MR. MORRIS:

15 A. No, I don't recall discussing that. Just one question, which
16 stood out to me, was that I asked him who were the most
17 influential people in his -- politically influential people in
18 world history, and the first person he mentioned was Mao Zedong.
19 I will also add that he added, as a sock to the American
20 television network, Ronald Reagan. But no, no, I don't recall him
21 making any comment on this particular thing.

22 Q. I believe you said that was an ABC--

23 A. CBS.

24 [15.03.58]

25 Q. CBS, excuse me -- interview. Do you know, was it broadcast?

1 A. No, it was never broadcast.

2 Q. You also mentioned that you spoke to the King Father. Can you
3 tell us a little bit about that conversation?

4 A. That was in Baen Saen -- if I'm pronouncing it correctly --
5 Thailand, in 1985, and I mainly engaged the King Father, the late
6 King Father, in discussions of historical questions rather than
7 contemporary events; about his relationships towards various
8 political figures in the world and towards the United States, and
9 that lasted for about 90 minutes.

10 Q. Do you recall if you discussed with him his relationship with
11 the group that he named, the Khmer Rouge?

12 A. No, I don't recall discussing that with him. You know, I may
13 have discussed but nothing that was said was exceptional. What
14 stays in my mind were things that were exceptional in the
15 conversation. So, he may have said things, but he thanked me at
16 the end of the meeting for not discussing contemporary political
17 events and only discussing historical events which he said he
18 found very interesting.

19 [15.05.54]

20 Q. So you did not discuss, I gather, from that last answer why he
21 was at that moment working with the remnants of the DK regime to
22 fight against the Vietnamese occupation of the country?

23 A. No, I don't recall that part of it but, again, if we did
24 discuss it the reason I won't recall it is because it would have
25 been an obvious -- the comments would have been obvious to me,

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1 nothing new. What stands in my mind was what he told me that was
2 new to me, new information, which there were some significant
3 examples of.

4 But with regard to -- I knew that he had a tactical alliance with
5 the Khmer Rouge to repel the Vietnamese invasion of the country.

6 Q. And you have described him--

7 [15.07.02]

8 MR. PRESIDENT:

9 Please hold on and please switch off your microphone after you
10 put the question to the expert and also leave a slight pause
11 between the question and answer session <so that it can be
12 interpreted properly>.

13 BY MR. KOUMJIAN:

14 Thank you, Mr. President, I will.

15 Q. You've described the King Father as a practical and realistic
16 man. Can you explain what you mean by that?

17 A. What I mean by that is that he had a set of political goals
18 and tried to achieve them as best possible in the most practical
19 way. That is, he wanted to keep Cambodia independent and
20 therefore he pursued policies, which he thought, would achieve
21 that end.

22 I brought this up because I wanted to contrast it with the
23 policies of DK, which I felt were not practical.

24 [15.08.22]

25 Q. Do you wish to expand on that to make that clear? What is the

1 difference?

2 A. Basically, the Prince -- he was then the Prince by the way --
3 the late King Father was then titled Prince Sihanouk. He, as I
4 think I mentioned in some of the earlier comments that I made to
5 Nuon Chea's representative, he represented -- he understood that
6 there was a hostility from Vietnam towards the Cambodians or at
7 least a condescending, patronizing attitude that Vietnam had
8 imperial orientations. But he understood he had to do everything
9 he could to prevent those ambitions from being realized, and that
10 included not provoking the Vietnamese. And I draw that contrast
11 with what I saw as the behaviour of Pol Pot and some of the
12 leaders of Democratic Kampuchea which were provocative.

13 [15.09.46]

14 Q. You also said that the King Father, or Prince Sihanouk at the
15 time, was not a racist. How would you contrast that with the DK?

16 A. I think that -- I'm not quite sure what the real attitudes of
17 the DK were towards non-Khmer ethnic groups because the DK was
18 really in the tradition of totalitarian revolutionary movements
19 like the Soviet Communist Party, like the Chinese Communist
20 Party, and their ambition was to eradicate cultural differences
21 in society.

22 So, it wasn't because they necessarily specifically hated the
23 Vietnamese or specifically hated other ethnic groups, but because
24 ethnic differentiation was an obstacle to a kind of social
25 conformity and a social monolith which they wanted to create.

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1 So I would say that -- you know, somebody once told me that they
2 often -- frequently in the period, in recent years before his
3 arrest, Ieng Sary was often seen eating at a Vietnamese
4 restaurant in Phnom Penh. I suspect that he wasn't particularly
5 hostile to Vietnamese, but they were an obstacle to ambitions.

6 [15.11.37]

7 Q. I'm going to switch topics a bit rather than go into more
8 depth on that.

9 And I'd like to read to you from some other authors who talk
10 about Vietnamese views of Khmer Rouge leaders, DK leadership.

11 And perhaps I'll start with Dimitri Mosyakov, and this is at
12 E3/9644. ERN is 01085974 to the next page in English, in French
13 01125304 and in Khmer at 01120075.

14 First of all, you know Mr. Mosyakov. Can you explain a little bit
15 about him and your relationship with him?

16 [15.12.53]

17 A. Mr. Mosyakov was a Russian scholar at the Institute of
18 Oriental Studies in Moscow when I met him. He's an expert in
19 Cambodian affairs and I hired him as an assistant in my research
20 in order to be what I have said earlier was a kind of screener of
21 documents for me, to provide me with -- make a decision about
22 what documents were the most relevant to my research.

23 I gave him a lot of leeway in terms of time and he spent some of
24 his time doing his own research in the archives while I was
25 there, pertaining to Cambodia.

1 Q. On this page, he indicates that:

2 "Pol Pot introduced Nuon Chea -- a person trusted in Hanoi, whom
3 Le Duan, leader of the Vietnamese communists, in a conversation
4 with the Soviet Ambassador, called a politician a 'pro-Vietnam
5 orientation' as the occupant of the second most important post in
6 the party. Speaking of Nuon Chea, Le Duan literally emphasized
7 'he is our man indeed and my personal friend'."

8 And the footnote indicates that this was a record of the Soviet
9 ambassador with Le Duan, dated November 16th, 1976.

10 He goes on to say, several pages later, ERN in Khmer, 01120098 to
11 99; in French; 01125322; and in English, 01085999; he said:

12 "In October 1978, according to a high-ranking Vietnamese party
13 official 'responsible for Cambodia', Hanoi still believed that
14 'there were two prominent party figures in Phnom Penh who
15 sympathized with Vietnam -- Nuon Chea and the former First
16 Secretary of the Eastern Zone, So Phim'. Friends were aware, a
17 Soviet diplomat reported, that 'Nuon Chea opposes Pol Pot's
18 regime; he deeply sympathizes with the CPV, but fearing
19 reprisals, he cannot speak his mind'."

20 [15.15.48]

21 And then the last from Mosyakov on the next page. It's the same
22 ERN in French, one more in Khmer and one more in English. He
23 said:

24 Vietnamese hopes that these figures would lead -- head an
25 uprising against Pol Pot turned out to be groundless. So Phim

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1 perished in the revolt in June '78, while Nuon Chea, as it is
2 known, turned out to be one of the most devoted followers of Pol
3 Pot. It is difficult to understand why until the end of 1978, it
4 was believed in Hanoi that Nuon Chea was 'their man' in spite of
5 the fact that all previous experience should have proved quite
6 the contrary. Was Hanoi unaware of his permanent siding with Pol
7 Pot, his demands that 'the Vietnamese minority should not be
8 allowed to reside in Kampuchea', his extreme cruelty, as well as
9 the fact that 'in comparison with Nuon Chea people considered Pol
10 Pot a paragon of kindness'?"

11 [15.17.03]

12 What I'm interested in, Sir -- Professor, is your view of what we
13 can take from these Soviet archives, and the Vietnamese apparent
14 view at the time that Nuon Chea was sympathetic to their position
15 and in opposition to Pol Pot, which I think I can say for all
16 parties present in the courtroom, and anyone can tell me if I'm
17 wrong, none of us believe is true, that the Vietnamese had that
18 completely wrong.

19 So what does that say to you about whether the Vietnamese had, in
20 fact, good intelligence; had, in fact, penetrated the leadership
21 of the CPK to know what was really going on within the CPK?

22 A. I think it tells us that the Vietnamese had very poor
23 intelligence about what was going on the leadership of the DK and
24 may have had poor intelligence even more broadly about what was
25 going on in the countryside.

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1 Q. Now, the accused persons, Khieu Samphan and Nuon Chea, have
2 said that there were traitors and Vietnamese agents even within
3 the Central Committee and the Standing Committee. What does this
4 tell you about whether this makes sense given that Vietnam
5 thought that Nuon Chea was their closest friend?

6 [15.18.49]

7 A. Well, I think it certainly raises questions about the reality
8 of that belief, that there were enemies at such a high level of
9 the Communist Party of Kampuchea.

10 I certainly -- again, I would like to go back to a point that
11 I've made earlier. This belief of enemies penetrating the party
12 at the highest level was a feature of the Soviet Communist Party,
13 it was a feature of the Chinese Communist Party, the Korean
14 Communist Party. In their internal purges and terror campaigns,
15 the supreme leader would always use such justifications, and he
16 may have actually believed them, but used such justifications for
17 a campaign of terror within the party leadership.

18 [15.19.44]

19 Q. Would you agree that that, of course, differed over time and
20 with leaderships? So with Stalin, it may have been different than
21 with subsequent leaders with the Lin Biao, I believe it was,
22 campaign in China differed from other periods under Deng
23 Xiaoping, for example?

24 A. Yes, it's a product of a paranoid mindset, which is a
25 characteristic of revolutionary elites. It certainly wasn't a

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1 characteristic of the mindset of Deng Xiaoping.

2 Q. Thank you. Now, you had mentioned that Nuon Chea had been in
3 Vietnam and there's a couple of quotes from the book "Behind the
4 Killing Fields" I'd like to read to you and then get your
5 comments.

6 And this is E3/4202, in English, it's 00757511; in Khmer,
7 00858293; in French, 00849403. It indicates, that:

8 "Nuon Chea was the main Khmer Rouge liaison with the Vietnamese
9 during Cambodia's civil war. Since he had travelled to Vietnam in
10 1953 for training, he knew the personalities of his Vietnamese
11 counterparts, which made him the ideal negotiator. 'I am the
12 compromiser and I was close to Nguyen Van Linh and we could talk
13 easily,' Nuon Chea said."

14 [15.21.33]

15 And then the second quote. It's at ERN in Khmer, 00858279; in
16 French 00849 -- excuse me -- 849394; and in English, 00757506.

17 This is in the book they quote Nuon Chea as saying:

18 "I liked reading books about how to work in secret and Vietnamese
19 books that talked about the torture and arrest of communist
20 members."

21 So what can you tell us about what Nuon Chea was doing in Vietnam
22 and his relationship with the Vietnamese?

23 [15.22.32]

24 A. I can't tell you a lot about it, I can tell you very little.

25 But he would have been one of the leading figures trained by the

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1 Vietnamese in the early 1950s and therefore would have had a
2 certain relationship with them, favourable relationship with them
3 from their point of view, because the Vietnamese always believed
4 that the people they trained would remain loyal to them.

5 This has turned out to be false as in the case of, for example,
6 Pen Sovan, is one obvious example, but I think that Nuon Chea,
7 because of his pedigree in the Indochinese communist movement,
8 would have been favourably treated by the Vietnamese and it's the
9 reason for their misinterpretation of his attitudes towards
10 Vietnam.

11 Q. What can you tell us about the relationship between this
12 movement Sihanouk called Khmer Rouge Communist Party; they
13 weren't called that then. But starting, as you know, in 1968 they
14 began an armed rebellion against the government of Sihanouk. I
15 believe that government also had been elected and against the
16 monarchy.

17 What was the relationship at that time, between 1968 and the coup
18 in 1970, between the Khmer Rouge and the Vietnamese?

19 [15.24.28]

20 A. The Khmer Rouge and Vietnamese had different objectives
21 between 1968 and 1970, because the Khmer Rouge, as you stated
22 correctly, wanted to overthrow the government of, then, Prince
23 Sihanouk, whilst the Vietnamese wanted to keep him in power,
24 because he was allowing them to use Cambodia as a staging area
25 and as a supply base, through Sihanoukville, for their war in

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1 South Vietnam.

2 That is, the Vietnamese communists were very favourably disposed
3 towards retention of the Sihanouk government. And so there was a
4 conflict of interest between the Khmer Rouge who were based in
5 the northeast of Cambodia in the mountainous provinces of the
6 northeast and the Vietnamese who were in eastern parts of
7 Cambodia, a little bit -- some which were a bit further south.

8 [15.25.36]

9 Q. For the years between, let's say, 1968 and 1972 -- so that
10 includes two years before the coup and two years after -- did the
11 Khmer Rouge seek the assistance of the Vietnamese and did they
12 receive any?

13 A. Well, they would have been supported by the Vietnamese at that
14 time, especially from 1970 to 1972 after the coup d'etat of March
15 1970 by Lon Nol and Sirik Matak. The Vietnamese -- the Vietnamese
16 communists who had been told by Lon Nol to get out of Cambodia
17 launched a series of offensives in late March of 1970, against
18 the Lon Nol government and then subsequently expanded the war
19 into Cambodia more generally.

20 As I said before, the Vietnamese were previously mostly in the
21 eastern provinces of Cambodia. After the American and South
22 Vietnamese invasion of April 1970, they fled into the interior of
23 Cambodia and in their wake they set up Cambodian communist
24 organizational structures which they tried to dominate by their
25 own Khmer-trained agents, which were called the Khmer Vietmin,

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1 the people who were brought back from Hanoi at that time.
2 But Pol Pot and the other leaders of the Khmer Rouge were aware
3 of this strategy of the Vietnamese and had the Khmer Vietmin
4 removed from positions of power in the communist structure. So
5 that, in other words, what was happening in 1970 to '72, was that
6 the Vietnamese communists were assisting the Khmer Rouge to
7 establish themselves by providing a lot of military force against
8 Lon Nol.

9 [15.28.03]

10 Q. And for the time after the coup until 17th of April, where did
11 the Khmer Rouge forces obtain their arms and ammunition?

12 A. They obtained their arms and ammunition mostly from China and
13 that would have come -- some of it would have come down the Ho
14 Chi Minh Trail and be provided, technically, by the Vietnamese,
15 but it was Chinese arms.

16 Q. Thank you. Now, I want to switch topics a bit and talk about
17 the DK claims about Vietnamese agents within their ranks and the
18 reasons for arrests and executions.

19 Michael Vickery is an academic, do you know him?

20 [15.29.20]

21 A. I do know of him, yes.

22 Q. He's frequently cited by the Defence in this case. He wrote in
23 E3/1757 and the ERN is only the -- this portion is only in
24 English, 00396945. He says:

25 "Of the DK leadership, Ieng Sary and Saloth Sar - Pol Pot in

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1 particular never were pro-Vietnamese and they became increasingly
2 anti-Vietnamese as time went on while those who were in any
3 degree at all pro-Vietnamese were mercilessly eliminated between
4 1975 and '79."

5 You wrote in your book on page 106 -- that's English, ERN
6 01001773:

7 "There is no evidence that the people who Pol Pot's emissaries
8 attempted to kill were agents of Vietnam. On the contrary, the
9 people Pol Pot was now attempting to kill had loyally carried out
10 orders from the Khmer Rouge leadership for the previous three
11 years. These orders had involved them attacking Vietnamese and
12 ethnic Cambodian civilian targets inside Vietnam and bearing the
13 brunt of Vietnamese retaliation."

14 [15.31.02]

15 Just to provide all the quotes and give one question. Elizabeth
16 Becker in her book at E3/20, ERN English, 00237970; Khmer, ERN
17 00232350; and French, ERN 00638524 and onto the next page; she
18 wrote that about the same year, 1976 -- she's talking about 1976:
19 "In the midst of this chaos, the Eastern Zone army was ordered to
20 the border to push back encroaching Vietnamese troops. After
21 several skirmishes, the Centre rebuked So Phim, the Eastern Zone
22 leader, for fighting the Vietnamese too zealously and warned him
23 not to upset the tenuous balance on the border."
24 She goes on to say on another page, and that is, English,
25 00238002; Khmer, 00232392; and French, 00638555; she said

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1 referring to So Phim:

2 [15.32.46]

3 "He was too much a part of the system to imagine it turning
4 against him or to recognize the clues when the Centre did turn on
5 him. He was a party elder. He had been a member of the elite
6 Standing Committee since the 1950s. He had been Party Secretary
7 of the Eastern Zone since 1960. He had personally built up the
8 Eastern Zone army."

9 And on the next page, she says:

10 "Yet when Pol Pot ordered the execution of the Khmer communists
11 who returned from Hanoi with the Vietnamese troops, Phim obeyed.
12 Eastern Zone deputies like Ouk Bunchhoeun oversaw the detention
13 and execution of the returnees within the region in 1974. But
14 nowhere in this record is there a hint of So Phim being a close
15 friend of Vietnam, rather, he was proud of his record of refusing
16 to become dependent on Vietnam in war or peace. Nor was there a
17 hint of rebellion."

18 So I'd like you to comment on what these other writers have
19 written and also you -- I didn't read all of the excerpts in your
20 book.

21 Was there a rational belief by the DK leaders that the ranks were
22 riven with traitors and agents of Vietnam?

23 [15.34.24]

24 A. In the period of the war against the Lon Nol government, I
25 think it was true that there were agents of Vietnam within the

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1 Kampuchean Communist Party and that Pol Pot was correct in
2 thinking so.

3 Not all the Khmer Vietmin, as I want to reiterate, not all the
4 people trained in Hanoi were loyal to Hanoi, turned out to be
5 loyal to Hanoi, but there were a substantial number who were and
6 who could have been considered to be compliant with Hanoi's
7 interests in Indochina. However, most of these people had been
8 killed by 1975 and therefore the purges and terror campaign -- or
9 campaigns -- which took place after 1975, were aimed at people
10 who were loyal members of the system.

11 [15.35.25]

12 I believe that it was a paranoid fantasy on the part of Pol Pot
13 to think that people within the party who had been loyal to the
14 party throughout a long period of time, were, in fact, agents of
15 Vietnam. Instead, I think it was not only paranoia but also an
16 attempt to explain weakness in conflict with Vietnam. In other
17 words, the people like in the Eastern Zone who took the brunt of
18 the fighting of Vietnam and who were not successful in the
19 fighting with Vietnam must have been traitors in order not to
20 defeat Vietnam. Again, this is a part of a paranoid political
21 culture, which permeates all revolutionary movements.

22 Q. Are there other examples of such regimes where they blame
23 their own failures on sabotage, traitors, within the ranks?

24 A. Certainly Stalin's regime did that and so did Mao's regime.

25 Q. I'd like to read to you something that is written by Chanda

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1 where he's quoting Stephen Heder, and this is E3/2376, in
2 English, it's 00192380; in Khmer, 00191527; and in French,
3 00237063 to 4. He said:
4 "In light of what happened since the massacres in Tay Ninh, it
5 has also become clear that it was no isolated act of madness. The
6 attack, on the eve of Pol Pot's first official trip to China, was
7 clearly aimed at impressing on China the seriousness of
8 Cambodia's determination to fight Vietnam. American scholar,
9 Stephen Heder, believes that the September 24 attack on Tay Ninh,
10 launched by Divisions 3 and 4 of Cambodia's Eastern Zone, was a
11 double gift. At a time when a countrywide hunt for suspected
12 Vietnamese sympathizers was on, the Eastern Zone leaders' zeal in
13 killing Vietnamese was proof of loyalty to Pol Pot as well as an
14 offering for him to carry to Beijing."

15 Do you think there's some logic in Heder's belief that the
16 Eastern Zone's participation in these killing of Vietnamese
17 civilians was partially aimed as to prove their loyalty to Pol
18 Pot?

19 [15.38.43]

20 A. Yes, I agree.

21 Q. Let me talk about -- ask you a little bit about the
22 relationship between Democratic Kampuchea and the Soviet Union
23 and then between -- and then we'll go into China and the Soviet
24 Union.

25 Do you know what happened on 17th of April, when the Khmer Rouge

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1 took Phnom Penh, to the Soviet embassy?

2 A. Yes, I believe that the Khmer Rouge fired a missile into the
3 Soviet embassy.

4 Q. Can you explain why -- what the relations were and why the
5 state of relations was as they were?

6 [15.39.46]

7 A. The relations were poor because the Soviet Union had not
8 broken relationship with the Lon Nol government; that's the first
9 reason. And I think the second reason is that the Khmer Rouge
10 being Maoist in their orientation were regarded the Soviet Union
11 as a revisionist power. That's a bad word in -- amongst
12 Marxist/Leninist purists, to call somebody a revisionist. It
13 means you're abandoning some of the fundamental principles of
14 Marxism and Leninism, and I believe that that's how they regarded
15 the Soviet Union. So there was a double set of factors -- two --
16 two factors which would compel them to be hostile towards the
17 Soviet Union.

18 [15.40.43]

19 Q. And what about the relationship in this time period between
20 China and the Soviet Union. Can you talk about that? And the
21 period I'm talking about is the DK period from 1975 to '79, but
22 you can explain earlier events that affected that relationship.

23 A. Yes, relationships between the Soviet Union and China were
24 extremely bad. They had hit rock bottom in 1969 when the Soviets
25 actually threatened to take action, launch an attack against

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1 Chinese military installations, which they did not do in part
2 because of a warning from the United States not to do it.
3 But the relationships continued to sour throughout the 1970s and
4 the Chinese regarded the Soviet Union as an expansionist power
5 which was intending to surround China strategically, and that
6 Vietnam was one of the instruments of Soviet policy, Cuba being
7 the other one.

8 [15.42.07]

9 From 1975 to 1978, I think that the Soviet-Chinese relationship
10 continued to get worse and I think that the Khmer Rouge were
11 still sympathetic to China in a total and overall sense until
12 1976 when Mao died. I think that the fervour for China as a
13 nation diminished after the death of Mao. And the most loyal
14 friend, the only country which the Khmer Rouge considered to be a
15 good friend after 1976, was North Korea.

16 [15.42.58]

17 Q. Do you put the change in the DK view towards China at the
18 death of Mao or the subsequent fall of the Gang of Four to Deng
19 Xiaoping's eventual emergence; I think that was about a year
20 later, was it?

21 A. Yes, I think, well I'd re-stated then the Khmer Rouge became
22 somewhat disillusioned with China as a result of the death of
23 Maoism which involved the Gang of Four.

24 [15.43.39]

25 Q. And did, in fact, China and the Soviet Union actually have

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1 armed clashes over a dispute about where their border was?

2 A. Yes, they did.

3 Q. So, for China, how did they view the -- Vietnam's relationship
4 with the Soviet Union?

5 A. China viewed Vietnam's relationship with the Soviet Union as a
6 sign of ingratitude towards Chinese assistance over the whole
7 history of the Vietnamese communist movement; Chinese support for
8 Vietnam over the entire history of the Vietnamese communist
9 movement.

10 That was the first thing, and the second thing was that they
11 regarded the Soviet Union as using Vietnam against China.

12 [15.44.48]

13 Q. Did Vietnam and China have territorial disputes?

14 A. Yes, they did, even during the period of -- before the fall of
15 South Vietnam there were disputes over the Paracel and Spratly
16 Islands, disputes which continue to this day.

17 [15.45.16]

18 Q. And can you briefly put on the record your view of the
19 difference in the power, the military power, of the Soviet Union
20 and China at that time in the late 1970s?

21 A. Although China had nuclear weapons, the Soviet Union was a
22 vastly superior military power, a global superpower. China was a
23 regional power.

24 Q. So in your view would Chinese fear of encirclement by the
25 Soviet Union, Soviet bases in Vietnam, be a rational view?

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1 A. Yes, it was a rational fear.

2 Q. And how then did the Chinese view Cambodia as how it played
3 out in these various relationships between Vietnam, China, Soviet
4 Union?

5 A. China regarded Cambodia as a possible buffer against
6 Vietnamese expansion. And it should be noted that China has
7 always had a special relationship with Cambodia going back to the
8 late King Father's rule when he was both king and then Prince
9 Sihanouk.

10 Q. I want to ask you about something you wrote on page 72 of your
11 book. The ERN is 01001739. You wrote:

12 "Note Pol Pot's political judgement that building socialism
13 quickly, which had already involved massacring hundreds of
14 thousands of people, destroying their traditional culture and
15 institutions and creating second-class citizens out of the New
16 People, would make Cambodia internally stronger and better able
17 to deal with its external enemies. This judgement suggests a
18 total disconnection from reality which is clearly the product of
19 paranoia and misguided ideological assumptions."

20 [15.48.32]

21 You wrote on page 237 -- the ERN is 01001910:

22 "Pol Pot's power within his party was never seriously challenged
23 after 1972 and by 1977 his pre-emptive purges of the party and
24 military had eliminated any possibility of a coup. Pol Pot's
25 purges against non-existent enemies during 1978 further weakened

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1 his already weak political and military position in relation to
2 his foreign enemies."

3 [15.49.20]

4 Can you talk about that? Did the DK policies, particularly these
5 internal purges, purges of the East Zone army and other --
6 setting up detention centres around the country, other Khmer --
7 DK policies, did they, in your view, help to assure the
8 independence of Cambodia or did they make it more likely that
9 Cambodia would lose its independence and actually weaken the
10 country towards any potential foreign invader?

11 A. I believe the latter interpretation is correct. It severely
12 weakened Cambodia's ability to engage in conflict with any
13 neighbour, with the possible exception of Laos with which
14 Cambodia was not in conflict.

15 I would like to point out again, to use historical analogies,
16 that this is a replication of kinds of behaviour we see from
17 revolutionary totalitarian dictators in the past. Stalin's -- in
18 the wake of the rise of Nazi Germany, Stalin purged not only his
19 party leadership but also his military and severely weakened the
20 capability of the Soviet Union to face Nazi Germany.

21 [15.50.56]

22 Similarly, in China there were purges of the Chinese military at
23 a time when China regarded the Soviet Union as a mortal threat to
24 China. Mao Zedong carried out these terrorist purges against the
25 armed forces leadership in a way which diminished his capability

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1 to deal with any possible future confrontation with the Soviet
2 Union.

3 [15.51.22]

4 So Pol Pot was, in a way, behaving just like the two giants of
5 international communism in carrying out an internal purge against
6 people whom he needed and, in fact, in the general policy that he
7 was pursuing, weakening the country's ability to resist Vietnam
8 if that's what he really thought was the main threat to Cambodia.

9 Q. In your view, were his policies aimed at strengthening the
10 country against Vietnam or maintaining a small clique, his
11 clique, of leaders in power?

12 A. I believe the latter. Although he wanted to resist what he saw
13 as a Vietnamese threat, what he was doing at the same time
14 undermined his capability.

15 Q. You've mentioned I believe this morning -- or perhaps it was
16 yesterday afternoon -- some historical attitudes of Khmer people
17 towards Vietnam, a country that has(sic) much larger and that
18 over the centuries has taken territory from what was previously
19 part of the Khmer empire.

20 [15.52.50]

21 I'd like you to talk a little bit about -- further about that, in
22 particular how did, in the -- during the Vietnam War and the time
23 of the 1970 coup before and after that, how were the Vietnamese
24 welcomed or not welcomed by the Khmer people inside Cambodia;
25 Vietnamese that were using bases in Cambodia? Around -- yes, in

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1 the years before and after 1970.

2 [15.53.36]

3 A. Now, the Vietnamese presence in Cambodia was not popular. It
4 was not popular during the time of Sihanouk which is one of the
5 reasons why Sihanouk went overseas in early 1970 to try and
6 convince the Soviets and the Chinese to get the Vietnamese out of
7 Cambodia; the Vietnamese troops which were occupying the Eastern
8 Zone of Cambodia. That was his mission when he was overthrown.
9 Most Cambodian people are hostile towards the Vietnamese and
10 would not have embraced any Vietnamese military presence in the
11 country.

12 Q. And would you say they would not have embraced then a
13 Vietnamese invasion and capture of their capital before the Khmer
14 Rouge?

15 A. Yes, I think that's correct.

16 Q. And do you think that the Khmer Rouge, the DK policies,
17 affected how the -- what resistance there was to the eventual
18 Vietnamese invasion; how it changed people's lives?

19 A. Yes, I think it affected the way they reacted. I think that
20 the Cambodian people didn't want either a Vietnamese occupation
21 of Cambodia nor a Khmer Rouge control of Cambodia, which is why,
22 in the elections which were held in 1993, a majority of
23 Cambodians voted for the non-communist forces of the late Father
24 King and of the republican party of the late Mr. Son Sann. The
25 majority of people reject communism and they reject Vietnamese

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1 control of the country.

2 [15.55.52]

3 Q. Where in the '70 to '75 war, there was -- we can talk about a
4 certain amount of popular support or support for The Front, the
5 opposition to Lon Nol, headed theoretically by Sihanouk. To what
6 extent did Sihanouk's presence in that government affect the
7 popular -- the ability of the Khmer Rouge to gain popular
8 support?

9 [15.56.35]

10 A. I think that Sihanouk's role, then Prince Sihanouk's role was
11 vital in helping the Khmer Rouge gain popular support.

12 It should be noted, however, that there were royalist forces
13 fighting against Lon Nol; there was a royalist army though
14 dwarfed by the rival communist factions, but I think that it was
15 his political legitimacy which helped the Khmer Rouge soften some
16 of the opposition to the Khmer Rouge which would otherwise have
17 existed.

18 Q. There is something on that point that I wanted to bring up,
19 but I can't find it now, but perhaps you recollect it. Maybe it
20 was from your book.

21 Do you recall in your -- any conversation with Sihanouk or
22 reading about Sihanouk talking about badges with his picture
23 being produced?

24 A. Yes, it was in my book. There were badges produced at the
25 behest of the -- I can't remember whether it was the Chinese or

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1 the North Vietnamese -- badges of Sihanouk which were to be used
2 and in order to win popular support during the war. This was a
3 time in which the Vietnamese were still present in Cambodia
4 during the 1970 to '75 war, and it was the Pol Pot group which
5 took the badges and threw them away because they didn't want too
6 much credit for their successes to be attributed to Sihanouk.

7 [15.58.53]

8 Q. I have time for just one last question today. So I would like
9 you to comment upon something you wrote in your book. This is at
10 ERN 01001774. You quote the Vietnamese leader, Le Duan, as having
11 called the existing system in Cambodia at that time, the DK,
12 "Slave-holding communism".

13 Can you tell us what he meant by that, in your interpretation?

14 [15.59.34]

15 A. Well, that -- I think what he understood was that the system
16 of party control of society was so onerous with people not paid
17 for their work except in food, and an insufficient amount of
18 food, that it was a form of slavery rather than the kind of
19 communism that existed in Vietnam.

20 Some of these issues are matters of degree, of course, but the
21 situation in Cambodia was very extreme, of course, in '75 to '78.

22 MR. KOUMJIAN:

23 Thank you, Mr. President.

24 MR. PRESIDENT:

25 Thank you. Thank you, Mr. Expert.

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1 It is now convenient time for the adjournment. The Chamber will
2 resume its hearing tomorrow, 20 October 2016 at 9 a.m.

3 Tomorrow, the Chamber continues to hear the testimony of Mr.
4 Expert Stephen Morris.

5 [16.01.00]

6 Thank you, Mr. Stephen Morris, the hearing of your testimony as
7 an expert has not yet concluded. You are; therefore, invited to
8 come back tomorrow at 9 a.m.

9 Court Officer, in collaboration with WESU, please make necessary
10 transport arrangement to send the Expert Morris to where he is
11 staying and invite him back to the courtroom tomorrow at 9 a.m.

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

15 The Court is now adjourned.

16 (Court adjourns at 1601H)

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