



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
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20 October 2016
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ថ្ងៃ ខែ ឆ្នាំ (Date): 19-Apr-2018, 09:59
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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Ms. PREAP Sokhoeurn (2-TCCP-1064)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Mr. LOR Chunthy	Khmer
Mr. MORRIS (2-TCE-98)	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Ms. PREAP Sokhoeurn (2-TCCP-1064)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining testimony of
6 the expert, <Mr. Morris> and we also have a reserve civil party,
7 namely, 2-TCCP-1064.

8 Ms. Se Kolvuthy, please report the attendance of the parties and
9 other individuals to today's proceedings.

10 [09.01.20]

11 THE GREFFIER:

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

14 THE INTERPRETER:

15 There is interference on the channel.

16 (Short pause)

17 [09.02.10]

18 THE GREFFIER:

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

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

24 The <> expert who is to conclude his testimony today, that is,

25 Mr. Stephen Morris, is present in the courtroom.

2

1 We also have a reserve civil party, that is, 2-TCCP-1064.

2 Thank you.

3 [09.02.50]

4 MR. PRESIDENT:

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

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

12 Having seen the medical report of Nuon Chea by the duty doctor
13 for the accused at the ECCC, dated 20 October 2016, which noted
14 that Nuon Chea has a constant lower back pain and it becomes
15 severe when he sits for long and recommends that the Chamber
16 shall grant him his request so that he can follow the proceedings
17 remotely from the holding cell downstairs.

18 [09.03.54]

19 Based on the above information and pursuant to Rule 81.5 of the
20 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
21 follow today's proceedings remotely from the holding cell
22 downstairs via an audio-visual means.

23 The Chamber instructs the AV Unit personnel to link the
24 proceedings to the room downstairs so that Nuon Chea can follow.

25 That applies for the whole day.

1 Again, the floor is given to the International Co-Prosecutor to
2 continue putting further questions to the expert.

3 [09.04.30]

4 QUESTIONING BY MR. KOUMJIAN RESUMES:

5 Good morning, Your Honours, counsel and civil parties, and Mr.
6 Expert.

7 Q. Professor, just a reminder to wait for the microphone light,
8 and I will also try to pause and turn off my microphone.

9 I think when we finished yesterday, we had talked about the
10 various relations between the Soviet Union, China, Vietnam and
11 how those affected Cambodia. I'd now like to ask you about
12 China's reaction to the December 25th, 1978 Cambodian invasion of
13 -- excuse me, Vietnamese invasion of Cambodia where they captured
14 Phnom Penh on the 7th of January '79.

15 How did China react to that?

16 MR. MORRIS:

17 A. China reacted very angrily to that and sent troops to the
18 border and began its own war, little war, against Vietnam.

19 [09.05.50]

20 Q. And when you say their own "little war", can you briefly
21 describe what happened in that conflict?

22 A. Basically, fighting took place on the Vietnamese -- the
23 northern Vietnamese region near the Chinese border, and China
24 sent large numbers of troops and artillery in order to prevent
25 Vietnam from sending all of its troops into Cambodia.

4

1 Q. If you can, if you think this is appropriate, can you compare
2 that Chinese military action entering Vietnam to the two
3 Vietnamese incursions, the '77 -- late '77 incursion where they
4 then withdrew at the end of the year or early '78, and the
5 invasion at the end of 1978 where they ended up occupying
6 Cambodia?

7 How does -- how would you compare the Chinese military action to
8 those two? Is it similar to one or the other?

9 A. Well, it was a little bit more than the first incursion, but a
10 bit less than the second invasion and occupation because it
11 didn't involve the invasion and occupation of all of Vietnam,
12 only northern provinces.

13 [09.07.33]

14 Q. Would you say that China's -- part of its intent was to simply
15 teach Vietnam a lesson that -- and remind them that it had a
16 neighbour that was more powerful on its border?

17 A. If I recall correctly, teaching Vietnam a lesson was, in fact,
18 the terminology used by Deng Xiaoping to describe their behaviour
19 towards -- or their intention towards Vietnam. It wasn't to
20 occupy or control Vietnam, but to punish Vietnam for sending
21 troops into Cambodia and to make sure that it could constrain the
22 dispatch of further Vietnamese troops into Cambodia.

23 Q. Thank you.

24 Now I'd like to turn to a few points from your thesis that I
25 think we can go through quite quickly.

5

1 So your thesis is E3/10699, and the first point that I wish to
2 make appears on 01335193 of the thesis where you write the
3 following:

4 "Between January and April 1978, Hanoi had gradually shifted its
5 appellation from 'the Kampuchean authorities' to 'the Phnom Penh
6 authorities'. By June, it had become the Pol Pot-Ieng Sary
7 clique."

8 [09.09.16]

9 I'd like you to comment on that, but first, keeping in mind
10 something that was quoted yesterday. I'll just repeat it. This is
11 written by Dmitry Mosyakov, E3/9644. The Khmer ERN is 01120075;
12 in French, 01125304; and in English, 01085974 to 5.

13 If you recall, we talked about yesterday how he wrote that Le
14 Duan, the leader of the Vietnamese Communists, in a conversation
15 with the Soviet ambassador, called a politician of pro-Vietnam
16 orientation as the occupant of the second-most important post in
17 the Party, and he was speaking of Nuon Chea.

18 So given that Nuon Chea was considered by the Vietnamese the
19 second-most important person in the Party, do you have any
20 explanation of why they used this term "Pol Pot-Ieng Sary clique"
21 so consistently.

22 [09.10.47]

23 A. Pol Pot and Ieng Sary were brothers-in-law. They were married
24 to sisters and, therefore, I believe that the Vietnamese regarded
25 them as being closer than they might actually have been in terms

6

1 of the power hierarchy.

2 Moreover, the Vietnamese didn't know Pol Pot or Ieng Sary from
3 their Indochinese Communist Party training days; in other words,
4 that they were not part of the Cambodian leadership that was
5 trained in Hanoi at any time. And therefore, because of that,
6 they misattributed power to Ieng Sary.

7 Ieng Sary was not the second-most powerful person in the
8 Cambodian Communist Party. I would regard him as much lower down.
9 And Mr. Nuon Chea is more likely deserving of the position of the
10 second most powerful.

11 So it was a case of misunderstanding by the Vietnamese of where
12 power lay in the camp in Cambodia.

13 [09.12.08]

14 Q. Thank you.

15 And so just to be clear so you didn't misunderstand me, the
16 Mosyakov quote that I just gave, he refers to Nuon Chea as the
17 occupant of the second-most important post in the Party.

18 And I read to you, of course, several other quotations from your
19 own book and others about the Vietnamese considering Nuon Chea of
20 being sympathetic to them and "our man", pro-Vietnam orientation.

21 So another question I have for you is, after the invasion in
22 early '79, I'm sure you were aware that the Vietnamese held
23 trials in absentia here in Phnom Penh where they put on trial in
24 absentia Pol Pot and Ieng Sary.

25 If they knew Nuon Chea was number two in the regime, why didn't

7

1 they name him?

2 A. I'm not sure that they knew that Nuon Chea was number two in
3 the regime in terms of actual power. And as I said, they
4 misunderstood the relative power of Ieng Sary. Not that he was
5 not powerful, but that he was not as powerful as Nuon Chea.

6 [09.13.35]

7 Q. Well, let me ask you to consider the following hypothesis.

8 At that time, the Khmer Rouge were still a military force. If the
9 Vietnamese continued to believe that their man, the person
10 sympathetic to them, was Nuon Chea, the last thing they would
11 want to do is to cut off the possibility that he would defect
12 and/or break off with a group of Khmer Rouge that they could
13 negotiate with.

14 Can you respond to that?

15 The microphone wasn't on, but I understood the witness to ask me
16 to repeat or rephrase the question. I'll try to do that.

17 I want to put the following hypothesis to you for your reaction.

18 At that time in 1979, the Khmer Rouge was still a military force
19 fighting the Vietnamese, and if the Vietnamese had hopes, which
20 would seem to be very reasonable, that some of the -- that the
21 Khmer Rouge Party could break up, that some of the more moderate
22 factions might seek an accommodation or even defect to the
23 Vietnamese side. And they believed that Nuon Chea was their man,
24 a person of pro-Vietnam orientation, sympathetic to their cause,
25 they would not have wanted to put him on trial, condemn him to

8

1 life or death and cut off that possibility that he would be
2 someone they could deal with and separate him from Pol Pot.

3 [09.15.27]

4 A. Well, I think that's a reasonable hypothesis, it seems to me.

5 I think that what they thought of Nuon Chea by 1979 is something

6 I can't comment on because I don't have any evidence of what they
7 thought in 1979.

8 As you know, the quotes that I have provided came from earlier
9 years, before the invasion. And whether they still thought of
10 Nuon Chea in those terms after the invasion, I do not know. So
11 that would be one possible alternative explanation of why they
12 did what they did.

13 But still, I would emphasize the Vietnamese ignorance of the real
14 nature of the leadership of Democratic Kampuchea led them to
15 think that there was something called the "Pol Pot-Ieng Sary
16 genocidal clique".

17 [09.16.32]

18 Q. Thank you.

19 Now, another small point in relation to the popularity of the --
20 what Sihanouk called The Khmer Rouge - "The Communist movement in
21 Vietnam prior to the Lon Nol coup and their alliance with Prince
22 Sihanouk".

23 How did they do, or did any party that represented their views
24 do, in the 1955 elections?

25 A. I don't recall them doing exceptionally well in the 1955

1 elections. I don't believe that they were popular.

2 Q. Thank you.

3 So I'm going to just read a quote from your thesis. I believe I
4 have it.

5 And this is from the same document, your thesis, at ERN 01335066.

6 You wrote that: "Pracheachon fared badly. The pro-Hanoi party won
7 only 29,509 votes, which was 4 per cent of the total."

8 First of all, who was the Pracheachon Party?

9 A. Party -- sorry. This was the front party for the pro -- people
10 of pro-Vietnamese Communist orientation.

11 [09.18.32]

12 Q. And were those the people that became what Sihanouk called the
13 Khmer Rouge?

14 A. At that time, what Sihanouk called the Khmer Rouge hadn't been
15 formed.

16 Q. Yes. My question is: did these -- members of this party
17 eventually join that movement?

18 A. Yes.

19 Q. Now, during the defence examination you were asked about the
20 Democratic Kampuchea's relationship with Thailand and whether
21 they had reasonable diplomatic relations with their neighbours on
22 the western border.

23 I'd like to draw your attention to a couple documents we have on
24 the case file.

25 [09.19.38]

10

1 First, Your Honours, E3/8177.

2 And Professor, this is a "New York Times" article from the 23rd
3 of December 1977.

4 The ERNs are, in English, 001665991 (sic); in Khmer, 00631175 to
5 77; and in French, the ERN is 00597761 and 62. And it's reporting
6 on a visit of the Thai Prime Minister to the border. The article
7 says -- quote:

8 "Prime Minister Kriangsak Chamanan, accompanied by senior Thai
9 military officers, left today for a two-day visit to the
10 Cambodian frontier, amid mounting concern over intensified border
11 skirmishes.

12 "So far this year, 173 Thais, including 117 civilians, have been
13 reported killed by Cambodian raids, road mines and ambushes, and
14 272 people, including 107 civilians, have been reported wounded.
15 In addition, 48 civilians have been carried into Cambodia, where,
16 according to well-placed Thai military sources, most have been
17 killed after being interrogated."

18 [09.21.42]

19 Skipping down a few paragraphs:

20 "Thai officials are mystified at Cambodia's intensification of
21 the attacks across the Thai border at a time when intelligence
22 reports that are considered reliable indicate major fighting is
23 also taking place on Cambodia's eastern border with Vietnam."

24 And before I get your comments on this, I'd like you to consider
25 one other document, and this is an article -- short article from

11

1 the "Los Angeles Times", dated 29th of August 1977.

2 Your Honours, the document number is E3/8272. The ERNs are, in
3 English, 0166112; in Khmer, 00834835; and in French, 00822432.

4 The article reads that -- quote:

5 "Cambodia said Sunday its army had clashed with foreign troops in
6 four regions, apparently confirming recent reports of border
7 skirmishes with Vietnam, Laos and Thailand.

8 "Radio Phnom Penh, monitored here--"

9 [09.23.20]

10 And the article by-line is Bangkok:

11 "--praised government soldiers for their 'heroic defence' against
12 foreign troops in the north, northwest, east and northeast. It
13 did not identify the foreign forces, but Thai Prime Minister
14 Thanin Kraivichien said earlier this month that Cambodia was
15 behaving like a 'bull in a china shop' on its borders with Laos,
16 Vietnam and Thailand."

17 So sir, considering that the Radio Phnom Penh confirmed border
18 skirmishes in the northwest -- its northwestern and northern
19 borders and the statements of the Thai Prime Minister, do you
20 have any further comments on the question counsel originally
21 asked you about how reasonable DK was in its relations with its
22 western neighbours, the Thais?

23 [09.24.30]

24 A. Yes, I regard the behaviour of the DK leadership as
25 fundamentally irrational and the comment by the Thai official

12

1 that it was behaving like a "bull in a china shop" is perhaps
2 apt. I believe that Pol Pot was trying to demonstrate his
3 potency, so to speak, to all his neighbours in the false belief
4 that his revolution, being the purest Communist revolution so
5 far, was able to intimidate all rival powers.

6 I believe that it was irrational because the forces aligned
7 against Cambodia, against the Democratic Kampuchea regime were
8 far, far more powerful. And whatever the nature of the dispute,
9 even granted -- even if one was, for the sake of argument, to say
10 that Cambodia had a case against Vietnam, it still made no sense
11 for Cambodia to be fighting with Thailand or Laos.

12 It indicated the disconnect from reality of the leaders of
13 Democratic Kampuchea.

14 [09.26.16]

15 Q. Thank you.

16 Now I'd like to ask you about a couple of telegrams. I think you
17 were asked by the Defence whether you had read contemporaneous DK
18 documents, and you indicated that was not part of your research,
19 so I would like you to consider these.

20 First, Your Honours, E3/243. It's a telegram numbered 15. It's
21 dated the 19th of January 1978 from Chhon, which we believe is
22 the alias for So Phim, to Brother Pol, with copies to Uncle Nuon,
23 Brother Van, Brother Vorn and Office. And I'm only quoting from
24 the first paragraph. It's a one-page document, so I'm not giving
25 the ERNs.

1 The document -- the telegram indicated -- again, this is from the
2 East Zone:

3 "We launched guerrilla attack in their territory, two kilometres
4 from our border.

5 "Result: We smashed 30 military houses and burned down several
6 civilian houses. We smashed two enemy motorboats. Their people in
7 the motorboats were all destroyed.

8 "In total, we smashed 30 enemies on 18 January. Also on 18
9 January, at 3 a.m., we continued firing Rocket 107 into Hok Ngi
10 market. We could not grasp the results, however, we saw it was on
11 fire."

12 So again, this is a telegram dated 19 January 1978, which would
13 have been shortly after the Vietnamese withdrawal from their
14 first attempt to teach a lesson to Vietnam in that '77 incursion.
15 [09.28.27]

16 The second telegram is dated the 8th of April 1978.

17 Your Honours, this is E3/1076. Again, it's a one-page document.

18 There's a handwritten note indicating it's copied to Van, who we
19 understand is the alias of Ieng Sary, and the first paragraph,
20 paragraph labelled number 1, reports -- quote:

21 "We attacked and entered the Dong Thap population centre and the
22 market south of Trapeang Pream and Tan Chau; we killed and
23 wounded many hundreds of them and burned hundreds of houses.

24 "We continue to fire 107 mms and DK 75s into Tan Chau."

25 So the question I had asked you yesterday, you'd indicated that

14

1 Cambodian attacks into Vietnam continued after the Vietnamese
2 withdrew in early 1978.

3 Would these documents seem to confirm your position?

4 A. Yes.

5 [09.29.57]

6 Q. And do they provide you any evidence of whether the attacks
7 into Vietnam were local initiatives or things done under the
8 direction and with reporting to the Centre?

9 A. At this stage of the conflict, I find it very hard to believe
10 that these actions were taking place without reporting to the
11 Centre, without the knowledge of the Centre, and without the
12 approval of the Centre. They must have been part of a general
13 strategy.

14 Q. Thank you very much.

15 Before I move into my final topics, I just want to ask you a
16 couple quick questions about your own positions on issues.

17 You testified to the Defence that -- you criticized Ben Kiernan
18 for coming late to recognize and speak against the atrocities of
19 the Khmer Rouge regime. Were there others that you also feel had
20 the -- you have the same position about, that they failed to
21 recognize early the atrocities of the Khmer Rouge?

22 [09.31.22]

23 A. Yes. Gareth Porter and George Hildebrand wrote a book called
24 "Cambodia: Starvation or Revolution" published in 1976 which was
25 very favourable towards the Democratic Kampuchea experiment and

15

1 denied any -- the reports of atrocities.

2 Gareth Porter subsequently denied these reports of atrocities in
3 Democratic Kampuchea in hearings of the House of Representatives
4 Foreign Relations Subcommittee on Asia and the Pacific, I believe
5 in April 1977. So these were two.

6 There was also people like Malcolm Caldwell, who was killed in
7 Phnom Penh in 1978.

8 I think also Richard Dudman, who accompanied Elizabeth Becker,
9 was also slow to recognize what had gone on and, in fact, for a
10 long time after his visit, continued to suggest that things
11 weren't as bad as people thought.

12 [09.32.34]

13 There are a large number of people on the far left of politics
14 who -- amongst whom I -- that category I include both Gareth
15 Porter and Ben Kiernan, who only came to a different conclusion
16 about Democratic Kampuchea after Vietnam announced its hostility
17 toward the government of Democratic Kampuchea.

18 Q. And what about Sydney Schanberg, the "New York Times"
19 reporter?

20 A. Sidney Schanberg was late to -- from the point of view of a
21 reporter who was in Cambodia during the war, during the '70 to
22 '75 war, was late to understand what the Khmer Rouge was all
23 about, but he did report with reasonable accuracy, I believe,
24 what happened with the evacuation of Phnom Penh and shortly
25 thereafter.

16

1 [09.33.42]

2 Q. And sir, lest anyone think that your testimony here is somehow
3 biased in favour of Vietnam over Cambodia, can you briefly
4 explain, did you take any public stand during what, in the United
5 States, is called the Vietnam War -- in Vietnam, you said it was
6 called the "American War" -- on U.S. and Australian involvement
7 in that war, and can you explain your position?

8 A. Yes, I was a supporter of the United States and Australian
9 intervention in Vietnam publicly, and I believe that conflict was
10 strategically sound despite the fact this is not a popular
11 opinion, even today, that there was strategic interests at stake
12 at the time of the intervention. And the fact that things have
13 changed today has nothing to do with what the situation was back
14 in the early 1960s.

15 Q. Thank you.

16 Now I'd like to switch the topic to Khmer Rouge and DK actions
17 against the Vietnamese.

18 And first I'd like to quote from Nayan Chanda's book. That's
19 E3/2376 at English, 00192271; French, 00236981; Khmer, 00191401
20 to 2.

21 I'm sure you've read Mr. Chanda's book, but you may not -- may or
22 may not recall this. On that page, he talks about an interview he
23 had personally in 1981 with a man named Ros Saroeun, a garage
24 mechanic. And he says that Ros Saroeun told him -- quote:

25 [09.36.06]

1 "It was early 1977 in Oudong. While waiting for the Khmer Rouge
2 district chief to arrive at his office to instruct him about cars
3 to be repaired, craning his neck -- Saroeun, craning his neck,
4 noticed a letter on the desk marked 'Directive from 870' dated
5 April 1st 1977."

6 And Chanda says that Ros Saroeun told him:

7 "The chilling message of the directive was clear: all ethnic
8 Vietnamese in the district, and all Khmers who spoke Vietnamese
9 or had Vietnamese friends, should be handed over to the state
10 security service."

11 Before I get your comment on that, I'd also like to read to you
12 the transcript of testimony in this Court earlier this year, the
13 2nd of February 2016. And this is transcript E1/386.1. The
14 dialogue I'm about to read is found at 15.57.30.

15 [09.37.25]

16 Meas Voeun, the witness, was asked: Did you hear that there was a
17 plan to eliminate the Vietnamese who were living in Cambodia
18 between 1975 and 1979?"

19 And I should indicate to you that Meas Voeun was a commander, I
20 believe a division commander, in the Khmer Rouge.

21 He answered: "Yes, I heard about that. I heard about the
22 Vietnamese living in Kampuchea."

23 He said: "Initially, from -- starting from 1970, they were
24 peacefully sent back to their country by the
25 government, and that continued until 1975. But then for us, later

18

1 on we were instructed that Vietnamese had to be smashed because
2 they did not return to their country. There were then clashes
3 along the border due to this issue. That's what I heard."

4 Sir, my question, first, to you is, do you have any --

5 [09.38.38]

6 MR. PRESIDENT:

7 Please hold on.

8 You may now proceed, Koppe. So you want first, or Anta Guisse
9 want to speak first?

10 MR. KOPPE:

11 Yes, Mr. President. I think we rose almost simultaneously.
12 I'm not sure I have -- my objection is the same, but whatever
13 happened to asking an open question first instead of extremely
14 leading the expert into answering the way that the prosecutor
15 would like him to answer?

16 MS. GUISSSE:

17 Furthermore, Mr. President, I would like to add that I do
18 remember very well because I cross-examined that witness, and I
19 also recall that the following day, during my cross-examination
20 and <even> responding to these same statements by Vincent De
21 Wilde, the Co-Prosecutor at the time, the witness changed his
22 statement. For the purpose of completeness, since we are giving
23 the expert documents that he doesn't know, we should perhaps give
24 him the transcript of the entire testimony of that witness <on
25 this point>.

1 [09.39.51]

2 <And then, the following day - and> I'm saying this offhandedly<,
3 my team is currently searching for that reference -- >I recall
4 that the following day, the position of the witness was
5 different, so I think for the purpose of clarity, it is important
6 to <note that>.

7 MR. KOUMJIAN:

8 Your Honour, I believe this statement of Meas Voeun is absolutely
9 clear, but if counsel wants to put other parts of his testimony
10 to the witness, of course, she has the opportunity to do so.

11 As for the first objection, this is an expert witness. I haven't
12 even asked a question yet for it to be leading, but an expert
13 witness is entitled to give an opinion based upon information
14 that's placed before him, just as counsel placed information
15 before him, read documents, etc., to him.

16 I'm doing the exact same thing. I think counsel fundamentally
17 misunderstands the role of an expert and what leading questions
18 mean.

19 [09.40.56]

20 MS. GUISSSE:

21 Since I have found the reference, I can give it to the Chamber.
22 It is the same witness at the hearing of the 3rd of February.

23 MR. KOUMJIAN:

24 Your Honour, counsel has a chance to deal with this during her
25 examination. Why is she now arguing the case?

20

1 This isn't an objection. This is her presenting her case.

2 MR. KOPPE:

3 This is what the Prosecution is doing all the time with us and
4 always gets away with it, and I ask the expert first open
5 questions and then I confront him with documents.

6 JUDGE FENZ:

7 May I --

8 [09.41.39]

9 MR. PRESIDENT:

10 You may resume your questioning, Mr. International Co-Prosecutor.

11 BY MR. KOUMJIAN:

12 Thank you.

13 Q. The question that I'm asking, which I think, by the way, when
14 counsel hears it will understand is no way included in the
15 information I read -- the answer's not included.

16 Based on your research, this evidence of Democratic Kampuchea
17 targeting the civilian Vietnamese, ethnic Vietnamese population
18 and those in any way connected to Vietnam within Cambodia, did
19 that information reach the Vietnamese authorities?

20 MR. MORRIS:

21 A. I do not know.

22 [09.42.35]

23 Q. Do you recall if there were any press reports about Vietnamese
24 being targeted that you can recall during that time period?

25 A. No, I don't recall press reports from that time. I'm not

1 saying that there weren't press reports. I just don't recall
2 them.

3 Q. Thank you very much.

4 Now I'd like to read a couple more things to you. One of them is
5 from your own book at page 104, and the ERN is 01001771.

6 And you were talking then about what the Khmer Rouge was saying
7 about having defeated the Vietnamese '77 incursion. You said --
8 quote:

9 "The claim of having achieved only one-thirtieth of the losses of
10 the Vietnamese was pure fiction. But according to the logic of
11 the now official formula, Democratic Kampuchea's prospects were
12 bright in any future armed conflict with Vietnam."

13 [09.43.57]

14 You then have a quote, which your footnote indicates you're
15 citing Phnom Penh Radio of 10 May 1978. You quote the radio
16 broadcast as saying:

17 "Using these figures, one Kampuchean soldier is equal to 30
18 Vietnamese soldiers. If we have 2 (sic) million troops, there
19 should be 60 million Vietnamese. For this reason, 2 (sic) million
20 troops should be more than enough to fight the Vietnamese because
21 Vietnam has only 50 million inhabitants. We do not need 8 million
22 people. We need only 2 million troops to crush the 50 million
23 Vietnamese, and we still would have 6 million people left."

24 And another document I'd bring to your attention, which I think
25 is consistent with what you've quoted. This is E3/4640. It's the

1 April 1978 edition of "Revolutionary Flag" magazine, a DK
2 contemporaneous document. ERNs are in English, 00519833; and on
3 to the next page, Khmer, 00064713; and in French, 00520344. You
4 said that -- excuse me.

5 [09.45.32]

6 The document, the April 1978 "Revolutionary Flag", published a
7 speech of Pol Pot on the occasion of the third anniversary of the
8 17 April victory. It quotes the speech as saying:

9 "There may be some views that the Yuon are very large. The Yuon
10 have a population of 50 million and Kampuchea has only 8 million,
11 so how can we win? That would be hard, as they have nearly 1
12 million troops. Our troops number less than 100,000. So how can 8
13 million fight 50 million aggressors?"

14 He goes on to say: "The Party made the determination to fight and
15 smash large numbers of the enemy life forces and to protect our
16 forces to the maximum. This is our slogan. Looking at the
17 numbers, one of must fight 30 'Yuon'. If we can implement this
18 slogan, we win. So when we have 2 million, we already have more
19 than we need to fight them because they only have 50 million. We
20 don't need to use 8 million. We can use a force of only 2 million
21 to fight and smash the 'Yuon' and still have 6 million left."

22 So first I'd like you to comment upon these various
23 pronouncements of the DK regime about sacrificing apparently 2
24 million Cambodians to kill all 50 million Vietnamese. Your
25 comment.

1 [09.47.25]

2 A. I think that the calculation that was being used was based on
3 a fiction about relative casualties of each side during the
4 conflict, a fantasy. I think it was totally unrealistic.

5 I think it reflects a detachment from reality although there is
6 -- there are some analogies to Chairman Mao's comments about
7 nuclear war and how, if there was a nuclear war, that the Chinese
8 would still come out in front because they have so many more
9 people.

10 But the kind of callousness about losses, that's what I'm
11 referring to.

12 And I think that there is nothing in these statements which
13 relates to the reality of the situation on the ground.

14 [09.48.25]

15 Q. Thank you.

16 And one short question related to the quote I just read where
17 they talked about smashing the "Yuon".

18 I noticed in your thesis -- again, that's E3/10699 -- at page
19 01335066, you wrote the following:

20 "The radical Cambodian students also criticized the use by other
21 Cambodians of the common pejorative term 'Yuon' to refer to the
22 Vietnamese."

23 Is it correct that your research showed you that the radical
24 leftist Cambodians criticized people using that word "Yuon" as
25 being a pejorative term?

24

1 A. Yes, that was true. That was a reference to one source of mine
2 who was a fellow student of some of the Khmer Rouge leaders in
3 France during the 1950s, as I recall, or late forties. And that
4 at that time, Cambodian Communist students, the radical left
5 students, were sympathetic to Vietnam, or at least in alignment
6 with Vietnam. They did not hold Vietnam to be an enemy at that
7 time and, therefore, wished to avoid the pejorative "Yvon".

8 [09.49.55]

9 Q. I'd like to ask you about another portion of your book, and
10 this is on ERN 01001707. It's again on the same topic of
11 Cambodia's relation to Vietnam.

12 And here, you wrote about what Sihanouk had written in his own
13 book about this. You say:

14 "Sihanouk recognized that many Cambodians hated the Vietnamese so
15 much that they dreamed of reconquering some lost territories, but
16 he took a different approach. 'In my relations with Vietnam, I
17 have always adopted a realist attitude. Heaven has made it our
18 neighbour for eternity, and it was numbering in the 1960s in the
19 north and south nearly 50 million inhabitants, about 50 times
20 more than Cambodia then. Red or blue, it was a very dangerous
21 neighbour, to be handled with care'."

22 Again, can you contrast Sihanouk's handling of Vietnam with the
23 DK regime?

24 [09.51.13]

25 A. Yes. I think that Sihanouk was very prudent in his attitude

25

1 towards Vietnam, as that quote indicates, that he was worried
2 about Vietnam but, on the other hand, felt that it had to be
3 treated very carefully so as not to provoke it into conflict with
4 Cambodia.

5 The DK, on the other hand, was mesmerized by its successes, so to
6 speak, and particularly its victory in 1975, and it believed
7 because of its -- partly because of that and its ideological
8 orientation, a belief that it was the purest of Communist
9 revolutions hitherto, that the normal processes of prudence in
10 international politics did not apply to Cambodia because the
11 Cambodian Communists were superior.

12 Their revolution was superior to that of the Vietnamese and
13 anybody else and, therefore, they were able to do -- achieve
14 successes that other people would not consider practical.

15 So in other words, what I'm suggesting is that the leadership of
16 Democratic Kampuchea because, for ideological reasons and a false
17 sense of their own strength, did not share the prudent foreign
18 policy of the late King Father Sihanouk.

19 [09.53.00]

20 Q. Thank you, Professor.

21 And my final question, over the last three days we've discussed
22 the DK's policy towards Vietnam and actions towards Vietnamese
23 civilians in Cambodia and in Vietnam.

24 In your expert opinion, what effect did those DK policies have on
25 the Cambodian nation, on the people maintaining its independence

1 as a free and sovereign country?

2 A. I believe that these policies and attitudes contributed to the
3 Vietnamese invasion and occupation of the country. As I've
4 pointed out in my book, the Vietnamese had always wanted to have
5 a controlling interest in the affairs of Cambodia, but they were
6 thwarted by historical events from 1975 onwards. But what Pol
7 Pot's policies did with regard to Vietnam was to give Vietnam a
8 licence to intervene or the apparent licence to intervene in
9 Cambodia and eliminate Cambodia's independence.

10 [09.54.30]

11 MR. KOUMJIAN:

12 Professor, thank you.

13 Mr. President, I have no further questions. I turn it over to my
14 colleagues for the civil parties.

15 MR. PRESIDENT:

16 You may now proceed, Lead Co-Lawyers for civil parties.

17 QUESTIONING BY MS. GUIRAUD:

18 Thank you, Mr. President. Good morning, everyone.

19 Q. Good morning, Mr. Expert. My name is Marie Guiraud. I
20 represent the consolidated group of victims who joined this trial
21 as civil parties, and I'm representing them alongside my
22 colleague, <Ang Pich>.

23 A lot of things have been said during these three days of
24 testimony. I'll have a few <clarifications and> follow-up
25 questions for you. Do not hesitate to tell me that you have the

1 impression that you have perfectly and clearly answered the
2 questions that I wish to put to you this morning.

3 [09.55.34]

4 I would have a series of questions on <the> political culture of
5 Marxist and Leninist regimes, and you've told us over the past
6 few days that paranoia was a central element. And then, I will
7 have a second series of questions on what you called yesterday
8 "hyper Maoism" and the impact that such hyper Maoism had on
9 Cambodians during the DK regime.

10 For a start, as regards the dimension of the political culture of
11 Marxist and Leninist regimes which integrate some paranoid
12 tendencies, did I properly understand from your testimony
13 yesterday that you considered that the CPK was not the exception
14 and it had, <at the heart of> its own political culture, paranoid
15 tendencies?

16 MR. MORRIS:

17 A. Yes, you understood correctly. There were profound paranoid
18 tendencies in the DK political culture.

19 [09.57.00]

20 Q. Thank you.

21 In your book, you explain that that culture stemmed partly from
22 the personality of the leaders and you talk of the personalities,
23 notably, of Stalin and Hitler on page 13 of your book, 01001682,
24 and you draw some similarities between Mao and Pol Pot. And you
25 explain on the following page in your book that, for these

1 paranoid type personalities, there <are> some <delusions> of
2 persecution <on the one hand> and <delusions> of grandeur, on the
3 other.

4 Can you explain to the Chamber this double dimension of the
5 paranoid tendencies of those leaders, persecution on the one hand
6 and the <delusion> of grandeur on the other hand?

7 A. Yes. All these totalitarian dictators, people who have
8 absolute power, have a tremendous sense of delirium about their
9 own greatness, and they create personality cults -- which was
10 only starting in Democratic Kampuchea towards the end of the
11 regime. But they create personality cults such as we saw with
12 Stalin and Mao generating the idea that they're kind of gods.

13 [09.58.51]

14 You see this in North Korea as well, which is a close ally of --
15 was a close ally of Democratic Kampuchea.

16 And on the other side, there is a sense of anxiety and paranoia
17 because of the fact that the revolutionary leader is alienated
18 from his own society. He's apart from, he's carrying out
19 tremendous crimes against his own people, although he doesn't
20 regard them, necessarily, as crimes, but he knows that there are
21 terrible things being done to the population. And he rightly
22 feels that there is resentment and hatred towards him from the
23 victims.

24 And I believe that this, in part, explains the sense of paranoia,
25 but also, I would also point out that these movements, the

1 movements in which the dictator -- from which the dictator
2 emerges are conspiratorial movements in themselves. They come out
3 of conspiratorial political environment, and conspiratorial
4 political environment creates a paranoid political culture, a
5 belief that we are plotting against them, therefore, they will be
6 plotting against us. And there are always others plotting.
7 This kind of conspiratorial mentality is inherent in the
8 revolutionary movement, and it's brought out more intensely with
9 the dictator who was carrying out these terrible crimes.

10 [10.00.32]

11 Q. Thank you.

12 I believe that you have summed up what you have explained in your
13 book when you were saying <in the conclusion of your work> -- on
14 page 239, 01001912, that Marxist-Leninists reject the role of
15 accidents in history but have a tendency of perceiving history as
16 a conspiracy.

17 Is that finally what <happened> in DK?

18 A. Yes, I think that that is exactly what was happening in DK.

19 There was a conspiracy on the part of the Communist Party of
20 Kampuchea against the state when they were out of power and
21 against the general population when they were in power. And I
22 think that Democratic Kampuchea projected this concept of
23 conspiracy to its broader international environment considering
24 that there were enemies everywhere around.

25 [10.01.50]

1 The concept of the enemy is really central to these kinds of
2 regimes, Stalin, Mao, Kim Il-sung, Kim Jong-un, Pol Pot. It's
3 very, very central to their way of thinking about the world, and
4 they react in an aggressive way, as we see with North Korea
5 today, a small, tiny country which is provoking the rest of the
6 world.

7 Q. Thank you.

8 So you developed this idea of a paranoid tendency in the
9 <political> culture of these regimes, and you speak about pseudo
10 communities. And I'm going to quote an excerpt from your book in
11 English, and this is to warn the interpreters, so that you may
12 explain to us what you mean by this. And you say, therefore, in
13 English:

14 [10.02.53]

15 "Another important aspect of the paranoid thought process is
16 construction of the paranoid pseudo-community. As the paranoid
17 individual's delusions evolve, they become systematized. The
18 ideas of persecution by separate individuals or groups become
19 organized in such a way that the person eventually feels that all
20 the persecutors are actually unified in a single group plotting
21 against the individual."

22 And you say a bit further down:

23 "We should recall how each such regime's internal political
24 dissidents, and even the non-dissident 'enemy' social classes
25 targeted by the regime, are always falsely perceived as agents of

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1 hostile foreign powers."

2 So can you please provide us more detail about this construction
3 of a system through which all enemies become <lumped together,
4 as> agents of foreign hostile powers and congregate as such?

5 [10.04.34]

6 A. Yes. Just as Stalin created a construct whereby his left wing
7 opponents, his Communist rivals, were in alignment with foreign
8 powers of non-Marxist orientation like the British, the French,
9 the Chinese or the Americans, so Pol Pot constructed a paranoid
10 pseudo-community whereby it was the enemies within who were
11 aligned with either the CIA or the KGB, which as I have testified
12 previously, were not in any alliance relationship at all but, on
13 the contrary, were in a very conflicted adversarial relationship.
14 But the paranoid dictator puts together these two rival enemies
15 as plotting together against him and his regime.

16 This is -- this is an explanation for the very -- some of the
17 very bizarre speeches which we have heard about in this -- in
18 this hearing.

19 [10.05.59]

20 Q. Thank you.

21 You have just spoken about Pol Pot and his regime. You often
22 speak about Pol Pot's character as well. And did your research
23 allow you to think about the role of Angkar as an entity in
24 relation to Pol Pot?

25 Who, finally speaking, was the paranoid entity, and how do you

1 perceive Pol Pot's interaction with <his inner circle>?

2 A. Could you restate that question? I'm sorry.

3 Q. You often speak about Pol Pot, whom you describe as having
4 paranoid tendencies.

5 And did your research allow you to extend this idea to other
6 members of Democratic Kampuchea? Do you think that Pol Pot's
7 character as such was a determining factor?

8 A. I think the movement -- the political movement to the
9 Communist Party of Kampuchea was itself, being a conspiratorial
10 organization, affected by this paranoid political culture. My
11 argument is that the dictator who dominates the political elite
12 tends to be even more so, tends to be more extreme than his
13 colleagues, but there is a degree of paranoia within the ruling
14 circles of the revolutionary party because of the nature of the
15 party as a conspiratorial organization.

16 [10.08.16]

17 Q. You used the <term> "fantastic plot" <yesterday>, when you
18 were speaking about this phenomenon of creating
19 pseudo-communities <where> enemies who, a priori, come from
20 various <diverging> points and <are bunched> together <by the
21 regime>, so can you please expand on this notion of "fantastic
22 plot"?

23 A. Well, these plots are created out of nothing, really. I mean,
24 the idea that there is this conspiracy of disparate forces
25 internationally against the regime is pure fantasy.

1 Now, this is not to say that there may not have been plots
2 against the regime. I'm not saying that. But the construction of
3 the nature of the plot is fantastic. It's unbelievable.

4 When I talk about this paranoid pseudo-community of the KGB and
5 the CIA working together to overthrow Democratic Kampuchea, this
6 is what is fantastic.

7 [10.09.40]

8 Q. Thank you.

9 Now I would like to quote an excerpt from a statement by Nuon
10 Chea, which Nuon Chea stated here before the Court on the 31st of
11 October 2013. And he speaks to the Cambodian people in order to
12 provide his version of the events of what happened in Democratic
13 Kampuchea, and he says on the 31st of October 2013, transcript
14 E1/237.1 at 10.36.43 in the morning, and I will quote in French.
15 Nuon Chea therefore is addressing himself to the Chamber, and
16 he's answering questions.

17 "In order to answer the questions that were put to me by the
18 Chamber and by the members of the public, the strategic events
19 that occurred during the DK period were caused by the following
20 reasons.

21 "First, the CPK decided, by mistake, to recruit certain cadres
22 which betrayed it and who did not understand the Party <line>.
23 And in the case of some of them, they remained in Phnom Penh and
24 worked in Phnom Penh without travelling to the cooperatives on a
25 regular basis."

1 [10.11.14]

2 "Second, some zone leaders and autonomous sector leaders and
3 certain cadres were agents, infiltrated by the Vietnamese and the
4 Americans, and they betrayed the revolution. Their activities
5 <had the aim of> destroying the CPK's movement and Cambodia's
6 population and the country. They did not follow the policies of
7 the CPK, nor its instructions.

8 "They killed and mistreated the population by starving them and
9 by forcing them to work in an arbitrary way. This they would hide
10 in their reports that they would create and that they sent to the
11 Central Committee of the Party. And they resorted to all kinds of
12 methods to instigate the population to turn against the
13 revolution, and this weakened the revolution and exposed us to
14 invasion by the enemy.

15 "The zone leaders in the East Zone deprived the population of
16 food and secretly exported rice to Vietnam. It was they who made
17 sure that the outside skin would be crispy whereas the inside
18 remained raw."

19 [10.12.42]

20 So I'm going to stop here. So this is what Nuon Chea tells us,
21 and that is the defence line that he follows in this case.
22 So do you see in this a continuation of what you described, that
23 is to say, this way of <grouping> enemies <together> and
24 perceiving history as a major conspiracy? Do you see continuity
25 between the CPK's policy and the way that Nuon Chea is defending

1 himself in this case before the Court?

2 A. Yes, I see some examples here, although I think that what Nuon
3 Chea is saying is to post blame to the elements who turned out to
4 be aligning themselves later with the Vietnamese.

5 I understand -- I'm not an expert on the relative conditions of
6 the various regions of Kampuchea under the Democratic Kampuchea
7 regime, but I was told once by a person who has been a witness
8 before this Tribunal, Mr. Steven Heder, that the people in the
9 Eastern Zone actually ate better than the rest of -- than some
10 other regions.

11 I don't believe that problems of starvation and disease, which
12 were the major killer of Cambodian people under the Democratic
13 regime -- Democratic Kampuchea regime -- I don't believe that
14 starvation and disease were a product of the peculiar policies of
15 the Eastern Zone.

16 [10.14.37]

17 I believe that that was a central policy of the depopulation of
18 the cities, the abolition of money, the creation of huge communes
19 and extensive hard labour, gruelling, gruelling labour
20 conditions, lack of medicine. All of these factors were a result
21 of a central policy rather than the peculiar situation in the
22 Eastern Zone.

23 I think that, therefore, Nuon Chea is trying to take the blame
24 away from the central command of Democratic Kampuchea in order to
25 explain the terrible things that happened.

1 Q. Now, regarding --

2 MR. PRESIDENT:

3 Counsel, it is now time for a short break.

4 It is now appropriate for a short break. We'll take a break now
5 and resume at 25 to 11.00.

6 Court officer, please assist the expert at the waiting room
7 reserved for experts and witnesses during the break time and
8 invite him back into the courtroom at 25 to 11.00

9 The Court stands in recess.

10 (Court recesses from 1016H to 1036H)

11 MR. PRESIDENT:

12 Please be seated.

13 The Court is now back in session and the floor is given to Lead
14 Co-Lawyers for civil parties to put question to the expert. You
15 may now proceed.

16 BY MS. GUIRAUD:

17 Thank you, Mr. President.

18 Q. I have about 15 minutes left so, Expert, in order to return to
19 Nuon Chea's statement in 2013 before this Court and the fact
20 that, today, he still believes that the agents infiltrated by the
21 Vietnamese and the Americans are responsible for what happened
22 during the DK regime and betrayed the revolution, well, I would
23 like to get your feedback on this.

24 [10.37.36]

25 You studied the political culture of these Marxist-Leninist

1 regimes, so is there an intrinsic incapacity in these regimes to
2 question themselves and to say that maybe they went down the
3 wrong path, and <do they systematically turn> to the enemy to
4 explain <their own> failures?

5 MR. MORRIS:

6 A. Yes, that's true. I'd like to -- I'd like to point out that
7 Nuon Chea has used the example of the Americans sending agents to
8 penetrate the Party. As somebody who is sympathetic to the United
9 States that one wishes that the Americans had such a capacity.

10 [10.38.28]

11 During the entire Vietnam War, they never once penetrated very
12 high in the top leadership of the Vietnamese Communist Party.
13 Despite the fact that they had 20 years to prepare themselves and
14 to carry out such penetrations, they were never able to penetrate
15 the Vietnamese Communist Party in spite of the fact that they had
16 very active Vietnamese allies working with them.

17 How could they possibly have penetrated Kampuchea when they had
18 such a limited involvement in Cambodia during -- even during the
19 war? They had no resources.

20 The Americans are simply incapable of doing such a thing. Even if
21 they would love to do it, they do not have the capacity. They
22 have not shown the capacity to penetrate the revolutionary
23 states.

24 But I think that, you know, the explanation, as you say, of what
25 went wrong in Democratic Kampuchea is to -- is to blame foreign

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1 enemies influencing local cadres, and this seems to me to be an
2 -- does reflect an inability to question one's own judgments.
3 There is -- despite talk about criticism and self-criticism in
4 the Maoist ideology, there's very little capacity of the top
5 leader to criticize himself.

6 [10.40.09]

7 Q. Thank you.

8 During the hearings, we referred to So Phim. You talk about him
9 in your book, referring to a detail which, if I'm not mistaken,
10 has not yet been dealt with in these hearings on pages 109 and
11 110 of your book. The ERNs are 01001776 and 1777.

12 You refer to efforts made by Le Duan to find <"their man", in a
13 way.> The name of So Phim is referred to<, and you also point
14 out> in your book, the fact that <Le Duan> said <that> the
15 Communist Party of Vietnam had tried to contact So Phim, whereas
16 that person had already died three months before.

17 And I understand from this that <your premise was that this
18 showed that> there <was> no <pre-existing> contact between So
19 Phim and Vietnam prior to his suicide.

20 Can you explain to the Chamber this event, which you refer to in
21 your book?

22 [10.41.29]

23 A. Yes. Well, I mean, I brought this up as an example of the
24 inability of the Vietnamese to know what was actually going on in
25 Cambodia if they had tried to contact So Phim long after he had

1 died. You know, as with the case of the judgment of Nuon Chea as
2 being "our man" and "my personal friend", I think it reflects a
3 lack of competence in what was going on in Democratic Kampuchea.,
4 you know, rather than a regime which knew everything that was
5 going on and was very capable.

6 Q. Thank you.

7 We've talked about <coups and> conspiracies during these three
8 days of hearings. I would like you, once more, to react to
9 statements made by Nuon Chea through his counsel in submissions
10 made which were received from <all of> the parties in this trial.
11 And I would like you to react <to> Nuon Chea's theory regarding
12 crimes of political persecution which are <intrinsic to the
13 purges>.

14 And we have, in this trial, crimes of political persecution
15 related to three security centres, and I'll read out to you what
16 Nuon Chea thinks about these crimes.

17 [10.43.08]

18 <In a submission -- >this is E395/2, <ERN 01251288,> paragraph
19 27. And as regards these alleged <potential crimes of political
20 persecution>, Nuon Chea's <statement indicates> as follows
21 regarding attempted <coups>:

22 "This would demonstrate that a substantial number of people were
23 not at all persecuted on the basis of real or perceived political
24 beliefs but, instead, because of legitimate suspicions of their
25 involvement in the grave crime of treason, including, through

40

1 preparatory acts, attempts at rebellion and acts of sabotage.

2 "It is the Defence position that such evidence would, at least
3 partially, absolve Nuon Chea of responsibility for this charge."

4 [10.44.26]

5 I would like to read out to you a second <excerpt> of this
6 <submission> filed by the Nuon Chea defence team, still E395/2,
7 in which the lawyers present their Defence strategy for Nuon
8 Chea. And this is what they state in English:

9 "It is the Defence case that it was the leaders of the treasonous
10 rebellion who were responsible for death and other criminal acts
11 in areas under their control."

12 Same question as the one I asked before. This strategy of defence
13 that hasn't <budged an inch> after <nearly> 40 years, what <does
14 that> say regarding the capacity of the leaders of Democratic
15 Kampuchea to question themselves?

16 MR. PRESIDENT:

17 Mr. Expert, please hold on.

18 You may now proceed, Koppe.

19 [10.45.46]

20 MR. KOPPE:

21 Yes. Thank you, Mr. President.

22 Very interesting questions, and I think it's the first time ever
23 within this courtroom a Defence position is being put before a
24 witness or an expert. I'm not sure if that's entirely appropriate
25 to do so. However, I'm still thinking of how to respond to this.

41

1 But what is more important, and that is actually my observation
2 leading to an objection, is that these conclusions are based on,
3 we believe, a wealth of evidence suggesting various coup d'état
4 attempts coming from witnesses testifying in this courtroom,
5 coming from contemporaneous documents, coming from the work of
6 filmmaker Robert Lemkin.

7 It would be only fair to confront the expert with the underlying
8 sources rather than the conclusions that we made on the basis of
9 these sources.

10 [10.47.14]

11 BY MS. GUIRAUD:

12 I will withdraw my question, Mr. President. I think the objection
13 is perhaps as interesting as the question I put to the expert<,
14 if I may>.

15 Q. I have five minutes to put questions to you regarding what you
16 referred to yourself as hyper-Maoism. And in your book on page
17 17, 01001686, you appear to link this concept of hyper-Maoism
18 with the <desire> of the CPK to go further and to do better than
19 the Chinese, and a feeling <and> sense of inferiority on the part
20 of the Cambodians.

21 If I understood your thesis correctly, can you explain to the
22 Chamber what you understand by this link you established between
23 this feeling of inferiority and the need to always go further and
24 <faster>?

25 MR. MORRIS:

42

1 A. Yes. That's why I -- that's what I attributed to what I call
2 hyper Maoism, which was an extreme form of Maoism concentrated
3 and accelerated in its pace into a very small -- short period of
4 time.

5 I think that the Cambodians have always suffered from their
6 relationship with Vietnam and the sense that the Vietnamese
7 looked down upon them. I think that they certainly deferred to
8 Mao Zedong and to Kim Il-sung of North Korea, but they believed
9 that they had to prove themselves as authentic and, in fact,
10 great Communists by doing what Mao had done, but much quicker and
11 a much more concentrated way.

12 [10.49.36]

13 Cambodia also is -- suffers from the fact that it's a small
14 country, and most small countries feel some sense of inferiority
15 with regard to bigger countries with whom they are in some kind
16 of competitive relationship.

17 But amongst, shall we say, ideological movements, there is always
18 this sense of trying to be purer than the other, to prove one's
19 moral purity. And I think that that is -- goes a long way to
20 explaining what happened in Democratic Kampuchea.

21 I use the word "moral" in their own terms, not in -- necessarily
22 in my terms.

23 [10.50.27]

24 Q. Thank you, and this will be my last question.

25 Do you see a link between the speed with which the revolutionary

1 project was carried out in Democratic Kampuchea and the alleged
2 crimes, <of which> this Chamber <is seized> in this trial?

3 A. Yes, I agree. I think that there is a relationship. The
4 attempt to eliminate all distinct social classes, ethnic groups,
5 social strata, the elimination of difference in society, cultural
6 difference, political difference, economic difference, the
7 elimination of that and to create a kind of monolithic society is
8 -- goes a long way to explaining why things were done the way
9 they did.

10 For example, there's very little -- when I say hyper Maoism,
11 there was very little example -- few examples of re-education.
12 The concept of re-education in the Chinese, which is ideological
13 remoulding, in Democratic Kampuchea, it was more the enemy is
14 caught, they are not forgivable, and that they have to be
15 eliminated, "smashed", to use their words, "smashed" immediately.
16 And this is all part of the rush to create the Communist utopia.

17 [10.52.15]

18 MS. GUIRAUD:

19 Thank you, Mr. Expert, for your answers.

20 Thank you, Mr. President. I am done.

21 MR. PRESIDENT:

22 Thank you.

23 And now the Chamber gives the floor to the defence team for Mr.
24 Khieu Samphan to put questions to the expert. You may now
25 proceed.

1 QUESTIONING BY MS. GUISSÉ:

2 Thank you, Mr. President. Good morning, everyone.

3 [10.52.41]

4 Q. Good morning, Mr. Morris. My name is Anta Guisse, and I'm
5 International Counsel for Mr. Khieu Samphan together with my
6 colleague, Kong Sam Onn. I will put some supplementary questions.

7 <Many of these issues have already been addressed,> and I will
8 ask you to make some clarifications. I will also look at a few
9 documents with you.

10 First of all, I would like us to revisit your research on the
11 Soviet archives. In relation to your book,
12 is it correct to say that the most important points, the most
13 important sources that you used in writing your book are the
14 Soviet archives?

15 MR. MORRIS:

16 A. Yes, that is correct.

17 Q. As part of the Soviet archives, you explained that you were
18 very fortunate to have access to a whole hodgepodge of documents,
19 and you had <an> index that enabled you to find the documents
20 that were relevant to you. I don't know whether, among those
21 documents, were documents dealing with or referring to direct
22 discussions between the members of the <Russian diplomacy or>
23 other persons, that is, direct discussions with officials of
24 Democratic Kampuchea?

25 [10.54.27]

1 A. You're asking me if I had found evidence of documents or
2 discussions between officials of which country and Democratic
3 Kampuchea?

4 Q. You explained that you found in those archives diplomatic
5 reports of the Soviet Union at the time.

6 My question is whether, in those reports, you found any details
7 regarding discussions, <who were> the speakers <from both the>
8 Russian <side> and <from> Democratic Kampuchea?

9 Did you have any direct <elements> <or were these always> reports
10 <issued by> Vietnam <or> other persons?

11 A. I have no record of discussions between officials of the
12 former Soviet Union and Democratic Kampuchea; only conversations
13 between officials of the former Soviet Union and the leadership
14 of Vietnam.

15 [10.55.42]

16 Q. So if I understand you correctly, when you used those archives
17 to establish the <possible> positions of Democratic Kampuchea<,
18 it's> what Vietnam said regarding the position of Democratic
19 Kampuchea to the Soviet authorities; is that correct?

20 A. Yes. I was only using those documents with regard to what the
21 Vietnamese perceived to be the situation in Kampuchea, not
22 necessarily the reality, as I've pointed out in some of my other
23 testimony. I don't believe that the Vietnamese fully understood
24 the situation inside Democratic Kampuchea, nor did they fully
25 understand the real attitudes of the leadership of Democratic

1 Kampuchea.

2 Q. And I'll put the same question to you regarding the period
3 prior to Democratic Kampuchea since there were obvious relations
4 between Vietnam and those who were going to be the leaders of
5 Democratic Kampuchea.

6 During that period as well, was the situation the same, that is
7 to say, that the Soviet Union had information only with regard to
8 what Vietnam said about <these> revolutionary leaders during the
9 period from 1970 to 1975?

10 [10.57.38]

11 A. Yes. The Soviets only had information from the Vietnamese side
12 about what was happening in Kampuchea from '70 to '75.

13 However, I should point out that I used captured documents from
14 the war -- from the war time to try and understand what was
15 happening inside Cambodia between 1970 and '75, documents which
16 were captured by the United States, not documents that are found
17 in the Soviet archives.

18 Q. I will revisit that period, that is, the period prior to 1975.
19 But as a follow-up to a remark you made yesterday in answer to a
20 question put to you by my colleague Koppe on the issue of the
21 criticisms made by Chandler of your book, you stated <that> as
22 many critics of your book and many historians, and I <am quoting
23 you> -- it was yesterday slightly before 14.19 -- you state the
24 following:

25 "Like many historians who criticize my book, their criticisms did

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1 not have to do with history, but <with> political science, which
2 I find <rather ironic> and irrational <at the heart of it. My
3 argument that irrationality was at the heart of the conflict in
4 Indochina,> as opposed to the solidity and the <veracity> of my
5 factual findings." End of quote.

6 [10.59.22]

7 I would like to use your statement to now quote a passage from
8 Chandler's criticism of your book, and this is what he says,
9 inter alia. And it is document E3/10703, and the ERN in English
10 is 01335287, and the ERN is only in English.

11 So, he gives two examples on pages 68 and 72 of your book, and
12 you understand what he's referring to. And let me point out I
13 will be quoting in English:

14 "On page 68 and elsewhere, Morris lambasted the Khmer Rouge for
15 their 'unrealistic' and 'irrational' foreign relations, but
16 failed to suggest what a sensible policy toward Vietnam might
17 have been aside for succumbing to Vietnamese patronage and
18 demands. Vietnam itself, in any case, soon embark on a similar
19 'irrational' policy toward China, drawing less on
20 Marxist-Leninist quarrels or paranoia, as Morris seems to
21 suggest, than on perceptions of threats to sovereignty based in
22 part on historical cultural considerations."

23 [11.00.58]

24 "On page 72, Morris claims that there is 'little independent
25 evidence' that the Thai and Vietnamese were attacking Cambodia in

1 '76. In fact, the mass of Khmer Rouge documents that deal with
2 national defence have surfaced in Phnom Penh since Morris
3 completed his research.

4 "These materials suggest that from '70 (sic) onward, frequent
5 skirmishes along Cambodia's borders initiated by Thai, Vietnamese
6 and Khmer forces and probably springing from trigger happiness in
7 many cases helped to intensify Pol Pot's belief that Cambodia was
8 surrounded by enemies." End of quote.

9 [11.02.02]

10 This long excerpt from Chandler in his review about your book
11 <was> to <indicate> more specifically that his critique of your
12 book is not so much this in-depth analysis of the Soviet archives
13 but, rather, the fact that since <it is> your essential source --
14 <in the view of some people, by not incorporating>
15 contemporaneous elements on <behalf of the> DK<, that you may be
16 missing information to have> a more complete and nuanced vision
17 of the situation.

18 So would you like to react to Chandler's critique in this regard,
19 and don't you see an issue here? <It has to do with when you
20 wrote your book, but> there hasn't been an update <with> other
21 elements that might have been found later on?

22 My colleague tells me that I made a mistake in the quote by
23 quoting the date of 1970 instead of 1976, so I was, indeed,
24 speaking about 1976 here, if there was a bit of confusion here.

25 A. Yes. Well, I want to apologize for not having read documents

1 which surfaced after my book was completed. I'm sorry that I did
2 not have the opportunity to read these documents before I
3 completed my book.

4 [11.03.58]

5 I would like very much to see these documents and to evaluate
6 them and to try and determine whether they reflected the reality
7 of the situation on the ground in Cambodia, Thailand and Vietnam.
8 So that would be my response to Mr. Chandler's comment.

9 One has to be careful, of course, in using documents. It depends
10 what these documents are, and I don't know the answer to that
11 question. You may well know what kinds of documents they were.
12 You're in a better position than I am.

13 Q. I understand, of course, that in the short amount of time
14 allotted to you that we will <not> be able to <look at> all of
15 the documents that we have, but I just wanted to understand your
16 reaction, and you answered. And I take note of this.

17 Another point that I would like to develop with you and which
18 appears to me to be interesting with relation to your expertise,
19 you spoke at length about Marxist-Leninist regimes, you spoke at
20 length about paranoia. And I would like to specifically ask you
21 if this paranoia was not <also> inherent to this particular
22 period, which was the Cold War.

23 [11.05.42]

24 So my first question is, therefore, during the Cold War, whether
25 it be the way information was obtained as well as <within> the

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1 strategic alliances that were developed, wasn't this a very
2 special period, whether it be for Vietnam or the Soviet Union,
3 but also for Cambodia?

4 [11.06.20]

5 A. Yes, it was a special period, but not everybody behaved --
6 reacted to it in a paranoid way. And I've attempted to explain
7 why the claims of conspiracy were not credible in the previous
8 discussion with the civil party, that is, the conspiracies which
9 were attributed to enemies of the regime involved collaboration
10 between countries and institutions which had no close
11 relationship; on the contrary, were adversarial, the KGB and the
12 CIA. And that is why I have come to the conclusion that a lot of
13 these reports of conspiracies represented paranoia.
14 It's simply not credible that the KGB and the CIA were
15 collaborating on behalf of the Soviet Union and the United States
16 to overthrow the government of Democratic Kampuchea.

17 [11.07.42]

18 Q. Now, regarding this issue of this specific period and the
19 treatment of information, I put a question to you earlier about
20 the sources of the Soviet Union <in terms of information> with
21 regard to Democratic Kampuchea and <prior to that, on> the
22 revolutionary movement, and you told me that the sources had
23 essentially <came> from Vietnam. And you also said that you had
24 worked with Mr. Dmitry Mosyakov. So I wanted you to look at an
25 excerpt of a document that he wrote, and this is document

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1 E3/9644. And it begins at ERN French, 01125311; English,
2 01085983; Khmer, 01120084.

3 So this will give time to the parties to find this except, but
4 before, I'll put a preliminary question to you.

5 So in the archives that you looked at, do you remember elements
6 or specific conversations in the reports that you saw linked or
7 describing a desire by the Soviet Union to meet the leaders of
8 the Khmer Rouge movement?

9 A. No, I did not.

10 [11.09.50]

11 Q. Well, in this document which I'm going to quote from right
12 now, Mr. Mosyakov speaks about a conversation that took place in
13 April 1974 between the Soviet ambassador and Pham Van Dong. And
14 -- I'm sorry. I'm at the wrong page.

15 Between the Soviet ambassador, I mean, and Hoang Van Tien, the
16 Vice Minister of Foreign Affairs of the Democratic Republic of
17 Vietnam in April 1974 during which the ambassador asked to meet
18 Khieu Samphan, whom he believed was the leader of the Khmer Rouge
19 movement.

20 And in the excerpt that I mentioned previously, this is what is
21 stated. So this is a little bit before the <excerpt> I referred
22 to just a few minutes ago.

23 So it is explained here that Khieu Samphan is not the most senior
24 <person>, and the Soviet leaders did not know this. And this is
25 what was said about Vietnam:

1 [11.11.16]

2 "So the relations between Moscow and the Khmer Rouge could not
3 develop unless the main leaders among the Khmer Rouge movement
4 would participate in the process. However, the Vietnamese were
5 doing their best to prevent any direct contact between Moscow and
6 the authorities of the Communist Party of Kampuchea because they
7 wanted to prevent someone else to monopolize relations with the
8 Khmer Rouge which the Vietnamese enjoyed.

9 Since they were aware that Moscow would obviously have doubts
10 about Hanoi's real intention to contribute to <establishing>
11 relations between the Communist Party of Soviet Union and the
12 Communist Party of Kampuchea, the Vietnamese authorities kept on
13 saying that the Vietnamese Workers Party was making all efforts
14 possible to contribute to the development of relations between
15 the Soviet and Cambodian comrades."

16 [11.12.16]

17 And then the author quotes the report of this meeting.

18 So does this refresh your memory, and do you remember having read
19 <this statement> either in the Soviet archives or elsewhere?

20 MR. KOUMJIAN:

21 Just very quickly, unless I missed it, I don't think counsel gave
22 the date of this, which was April 1974. So it wasn't DK
23 authorities, but just so the expert's aware.

24 BY MS. GUISSÉ:

25 Q. Yes. In any case, in French I said it was April 1974, yes.

1 So my question is, does this excerpt refresh your memory, and --
2 well, that's my first question.

3 MR. MORRIS:

4 A. Unfortunately, it does not refresh my memory. I had not seen
5 that document. I'm not aware of that document. And Mr. Mosyakov
6 was doing some of his own work in the archives at the same time
7 as he was helping me, and I regret that he didn't show me this
8 document.

9 [11.13.36]

10 Q. So my question in relation to my previous questions relative
11 to how information was managed during the Cold War and regarding
12 the alliances that were developed, <who had access to whom, >so
13 this is an illustration<, if you will,> of Vietnam's diplomacy.
14 So wasn't it inherent to the Cold War period? And, in particular,
15 in relation to what was described concerning the way of managing
16 diplomacy on the Vietnamese side -- wasn't it their strategy to
17 hide information based on some kind of agenda that they had?

18 A. Yes, I think that's a fair comment.

19 Q. So in relation with this period again, we all know -- and this
20 is part of the elements that were discussed here -- that there
21 were border conflicts aside from other <discussions there may
22 have been> between Vietnam and Democratic Kampuchea, so in your
23 book, you spoke about the turbulent past between Vietnam and
24 Cambodia and the neighbouring countries.

25 So my specific question now is, did you conduct any research with

1 regard to the border issues and with regard to the Brevie Line in
2 particular, or this is something that you did not concern
3 yourself with at all <in your research>?

4 [11.15.25]

5 A. No, this is not something that I concerned myself with.

6 Q. Generally speaking -- so here I will be speaking about
7 Cambodia's issues with Vietnam or with Thailand.

8 These border issues, generally speaking, <were not> at the heart
9 of your research. Because earlier, you were questioned about
10 certain number of telegrams regarding the border issues with
11 Thailand<, and telegrams from Democratic Kampuchea>.

12 And so you can now confirm that these issues with Thailand were
13 also not part of your research.

14 A. No. Maybe I mis-expressed myself. It's not that they were not
15 part of my research, they were not the primary focus. I didn't
16 focus as much on these issues as some people might have. It's not
17 -- but it's not correct to say that they were not part of my
18 research.

19 [11.16.52]

20 Q. So now regarding these border issues, <just to be clear:> Did
21 you, for example, in your research, study <what> Thailand's
22 position, Cambodia's position and Vietnam's position <were> with
23 regard to how the area was mapped out, which was inherited from
24 the colonial period?

25 So that is my specific question with regard to the border

1 conflicts and with regard to the discussions that took place
2 concerning these <issues>.

3 A. Look, I read about these issues, but in terms of what my focus
4 was, it wasn't my focus because I thought that the border issues
5 were a reflection of more profound political problems, the border
6 issues were not the cause of what happened, that they were a
7 symptom of what happened or of deeper causes.

8 But I'm certainly well aware of the problems that Cambodia has
9 with its border with Vietnam and the problems of mapping out
10 borders and so on.

11 [11.18.25]

12 Q. I do not know if you're familiar with the report that was
13 produced on 20 August 1975 by Australia's embassy in Hanoi, but
14 apparently these issues of Vietnam's influence over Cambodia was
15 something that was noted by numerous observers. And I'm referring
16 to document E3/9723; ERN English, 01186945; Khmer, 01310869; and
17 there is no French version.

18 So I would like to focus on paragraph 14, so this is a memo that
19 was addressed by the Australian embassy to the Minister of
20 Foreign Affairs. And it sums up the issues that came up in the
21 following way, and this is in paragraph 14, <I will quote in
22 English>:

23 "Beyond this, there are the suspected Vietnamese aspirations to
24 form an 'Indochinese Federation', which are believed to be
25 unacceptable to the Cambodians. Moreno says he believes the

1 Vietnamese will make no strong moves towards such a scheme until
2 their application for United Nations and Non-Aligned Group
3 membership are out of the way. (Loche also says these are the
4 Vietnamese priorities.) But, in saying this, he implicitly admits
5 that these Vietnamese ambitions do exist, and time is unlikely to
6 make them more palatable to the Cambodians." End of quote.

7 [11.20.30]

8 So my question is the following. So in your research, were you
9 able to note that this concern and this observation made by the
10 Australian Ambassador <at the time> is something that was taken
11 up by other Embassies, and is this something that was mentioned
12 as well in the Soviet archives that you consulted?

13 A. I think there was a discussion earlier yesterday about -- from
14 my -- an excerpt from my book where I quote the Soviet
15 authorities talking about an Indochinese federation in 1973, but
16 apart from that, I did not find any information about the
17 Indochinese federation from other Embassies or other countries.

18 [11.21.54]

19 Q. Now, returning to parts of your book, you explained in your
20 book the different steps in Vietnam's behaviour in its management
21 of its conflict with Democratic Kampuchea. In particular, you
22 spoke about the issue of the <evolution> of language when you
23 were speaking to the Co-Prosecutor. He quoted <an excerpt
24 covering from> Democratic Kampuchea <to the Phnom Penh
25 authorities and> the Pol Pot-Ieng Sary clique. And we called this

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1 propaganda today -- people today might call this aspects of
2 language, but -- so my question is, was this something that was
3 frequent during the Cold War and in Communist countries?
4 Was this usage of different forms of language common when
5 alliances between countries<evolved and the politics of their
6 relations evolved>?

7 A. Yes, it was. You will find, for example, the Soviet Union
8 using different descriptions of the government of Yugoslavia
9 before and after Tito's split with the Soviet Union in 1948.
10 So yes, this use of language is very important to indicate
11 attitude.

12 [11.23.40]

13 Q. In your book, and this is at page 105 of document E3/7338,
14 English ERN at the end of page 01001772, and you speak about the
15 beginning of 1978, and I will quote in English:

16 "Within the first four months of '78, the Vietnamese had created
17 a secret network of camps for the purpose of building a
18 liberation army of Cambodians from among refugees and other
19 civilians brought from Cambodia to Vietnam."

20 And you say as well, and this time it's on page 109, ERN 01001776
21 -- and here you speak about the meeting in September 1978 between
22 Le Duan and the Russian Ambassador, and you say the following --
23 so the ERN is, indeed, 01001776, and I will quote in English
24 again:

25 [11.25.00]

1 "Le Duan also spoke of the efforts that Vietnam had undertaken in
2 promoting Cambodian resistance. He claimed that there were nine
3 battalions of Khmer trained by the Vietnamese operating at that
4 time. There were also to be 20 leaders of provincial district
5 coming out against the Phnom Penh regime and sympathizing with
6 Vietnam." End of quote.

7 So my question is -- well, of course we understand that this is
8 the result of a discussion that took place between Le Duan and
9 the Russian ambassador, so my question is: in your research, did
10 you obtain any details about this issue of nine battalions and of
11 the 20 provincial district leaders who joined the Vietnamese
12 cause?

13 A. No, I don't have any more details. Had I had more details, I
14 would certainly have included them, if not in the text, at least
15 in a footnote.

16 Q. You also spoke about this rapprochement that took place
17 between Vietnam and the Soviet Union in your book after Vietnam's
18 first courting of China. This rapprochement that you said was
19 perceived in a very negative way by China that believed that it
20 was the Vietnamese being ungrateful.

21 And you said in your book that discussions that then led to a
22 friendship treaty between Moscow and Hanoi took place in 1978.
23 And you say the following, and I will quote again in English. So
24 this is at ERN 01001775:

25 [11.27.38]

1 "Though not openly discussed, one purpose of the meeting was for
2 the Vietnamese to ensure Soviet political and military backing in
3 any future escalation, or at least to provide a Soviet insurance
4 policy against possible Chinese military retaliation. The Soviets
5 had no intention of going to war with China over Vietnam and
6 Cambodia, but naturally did not reveal that view. But a Treaty of
7 Friendship and Cooperation would be publicly signed in Moscow in
8 November." End of quote.

9 So this desire to come closer to the Soviet Union, which was a
10 giant against a Chinese giant back then, reveals some kind of
11 strategic calculation on the part of Vietnam.

12 So with regard to this desire to come closer to the Soviet Union,
13 in your research, did you obtain any elements on the diplomatic
14 offensive that Vietnam carried out when it was considering
15 invading Cambodia, and what were the possible diplomatic
16 alliances that took place then, that is to say, at the end of
17 1977 and <during> 1978?

18 [11.29.38]

19 A. I'm not -- I did not go into the diplomatic offensive, but I
20 believe that the Vietnamese regarded the best prospects for
21 achieving their objectives in Cambodia to be having the support
22 of the Soviet bloc, that is, the nations which are under the
23 influence or control of the Soviet Union, in eastern Europe in
24 particular.

25 I am not familiar with -- I'm familiar with the Vietnamese

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1 propaganda campaign during this time, but not of diplomatic
2 efforts with non-bloc countries. I think that, however, the
3 Vietnamese did try to -- in their propaganda to influence the
4 international public opinion against the authorities in
5 Democratic Kampuchea.

6 MS. GUISSÉ:

7 Mr. President, I see the time now is 11.30. Can we go on break
8 now?

9 I will move on <to> other documents when we resume.

10 [11.30.55]

11 MR. PRESIDENT:

12 Counsel Anta Guisse, you know how much time do you <need>?

13 MS. GUISSÉ:

14 I believe I will need all the time allotted to me. <According to
15 my calculations> I have 25 more minutes left.

16 I know that we do these kinds of calculations, <and it's never
17 the same as the Chamber's calculations, but> according to my
18 calculations, I <still have> 25 minutes, and no less, Mr.
19 President.

20 (Judges deliberate)

21 [11.31.40]

22 MR. PRESIDENT:

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

24 It is now time for our lunch break. And we'll take a break now
25 and resume at 1.30 this afternoon to continue our proceedings.

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1 Court officer, please assist the expert at the waiting room
2 reserved for experts and witnesses during the break time and
3 invite him back into the courtroom at 1.30.

4 Security personnel, you are instructed to take Khieu Samphan to
5 the waiting room downstairs and have him returned to attend the
6 proceedings this afternoon before 1.30.

7 The Court is now in recess.

8 (Court recesses from 1132H to 1331H)

9 MR. PRESIDENT:

10 Please be seated.

11 The Court is now in session and the Chamber gives the floor to
12 the defence team for Mr. Khieu Samphan to resume the questioning.

13 You may now proceed.

14 [13.31.42]

15 BY MS. GUISSÉ:

16 Thank you, Mr. President.

17 Q. Good afternoon, Mr. Morris. Before we went on break, we were
18 talking on the issue of the offensive which I called the
19 Vietnamese diplomatic offensive.

20 I would like to follow up on a point regarding Non-Aligned
21 countries. I quoted to you, this morning, a report by the
22 Australian embassy saying that for Vietnam, it was important to
23 be recognized by the United Nations and within the framework of
24 Non-Aligned countries; can you briefly explain why it was
25 important -- with regard to the Cold War -- <and> what were the

1 stakes for Vietnam to be a member of the Non-Aligned countries?

2 MR. MORRIS:

3 A. Well, diplomatically, it was important for Vietnam because in
4 the competition for international legitimacy for what their plans
5 were for Cambodia, it would be helpful to have the Non-Aligned
6 Movement on its side.

7 [13.33.12]

8 Q. Another point regarding Vietnam's diplomatic relations, what
9 were relations with Eastern Germany?

10 A. I assume you're talking about in the 19 -- late-1970s. Well,
11 in any case, the relations with East Germany, certainly, were
12 very close.

13 Q. As regards what you refer to as "Vietnam's propaganda"; as
14 part of its preparation for that offensive and its invasion of
15 Cambodia, we have on record a report that specifically is on
16 discussions regarding relations between Vietnam and <DK> and it
17 is document E3/1773. And this document is from the Ministry of
18 Foreign Affairs of the Democratic Republic of Germany; GDA in
19 English, and there are several reports dated early January 1978
20 and I would like to read out an extract to you with a view to
21 find out whether it would elicit any reaction from you regarding
22 the dissemination of a <Vietnamese> report at the time.

23 [13.35.13]

24 The report that's of interest to me, the ERN in English< - and
25 it's only available in English -- >is 01246920 and this report is

1 dated the 2nd of January 1978. There may be an error; it is the
2 1st of February 1978. In any case, this is what is stated in the
3 document and it is in English:

4 "Between 4 and 11 January, [I suppose it is the Socialist
5 Republic of Vietnam, so] SRV representative in socialist brother
6 countries, developing countries, and capitalist industrial
7 nations disseminated the declaration of the SRV government of 31
8 December '77 (reproduced verbatim in the 11-1-'78 issue of
9 "Horizons"). Socialist brother countries expressed support for
10 the position of SRV.

11 "The People's Republic of China supports the DK position inasmuch
12 it published primarily the slander directed at the SRV in the DK
13 government declaration of 31 December '77. The SRV officially
14 conveyed to the People's Republic of China its displeasure at the
15 reporting and requested that the record on development in the
16 conflict be set straight.

17 "At the beginning of the conflict, the DPRK [Democratic People's
18 Republic of Korea] favoured the DK declaration in its published
19 material. The SRV Ambassador objected to the inaccurate
20 reporting." End of quote.

21 [13.37.41]

22 I will also read out to you a second passage - my apologies to
23 the French <booth> -- the ERN is 01246922, and it's still with
24 regard to the German memo and it <reads>: "And the <USSR, the GDR
25 and> the CSSR [Czechoslovak Socialist Republic] have supported

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1 the SRV's position in brother organizations' publications." End
2 of quote.

3 First of all, it's interesting to know whether you know that
4 document and if you do not know that document, do you think it
5 corresponds to what you saw during your research as regards the
6 <different> statements that were disseminated by Vietnam to
7 present its own version of events?

8 A. I am not familiar with that document, but I am aware that not
9 only China, but also Democratic People's Republic of Korea, North
10 Korea, was aligned with Democratic Kampuchea at this time and so
11 they were taking the side of Democratic Kampuchea in the conflict
12 with Vietnam.

13 Q. In this document, we have a description of the fact that these
14 statements of the 31st of December 1977 were massively
15 disseminated by Vietnam; not only within the Non-Aligned Movement
16 and countries that sided with it, but also to other countries and
17 is this something that you found in your research <or> which you
18 found in the Soviet archives which you had to consult?

19 [13.40.28]

20 A. I didn't find information pertaining to this in the Soviet
21 archives, but I was aware of the propaganda campaign that Vietnam
22 was launching; in fact, both side were launching, Vietnam and
23 Democratic Kampuchea, to try and win international support for
24 their positions.

25 Q. As regards Vietnam's diplomatic position vis-à-vis that of

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1 Cambodia, I understand by this <that> it was <a special
2 relationships>. Would you say that it was easier for Vietnam to
3 approach the <other> Non-Aligned countries <seeing how> it was
4 more accustomed to do so and it was more experienced to do so as
5 regards the diplomatic management of its position in relation to
6 Cambodia or you have another position as regards to that?

7 [13.41.39]

8 A. It was probably easier for Vietnam to approach the Non-Aligned
9 community because Vietnam had a wider variety of diplomatic
10 relations and a history of diplomatic relations than Democratic
11 Kampuchea. Democratic Kampuchea restricted itself to, as I
12 recall, some eight countries with which it had diplomatic ties;
13 the two close ones were, of course, People's Republic of China
14 and the Democratic People's Republic of Korea. But there were
15 other countries; I think Egypt was one, and several other
16 countries which maintained some kind of diplomatic relations with
17 Democratic Kampuchea, but Vietnam had far more extensive
18 diplomatic relations and hence, would have found it easier to
19 have an impact.

20 Q. Another point, can you tell the Chamber whether you knew the
21 conditions that were set for both sides to initiate negotiations
22 while engaging in diplomatic war and the war on the field? Both
23 countries said they were willing to negotiate under certain
24 conditions at any point in time; do you know the conditions that
25 were laid down by either party?

1 A. I've actually forgotten what the conditions were laid down at
2 that time.

3 [13.43.29]

4 Q. In the same document -- I beg your pardon -- the ERN is
5 01246921. I don't think that's what it is. I will find the
6 document and we'll move to another line of questioning in the
7 meantime.

8 You referred to Vietnam's willingness -- that was an answer to
9 questions put to you by the Co-Prosecutor -- its willingness to
10 negotiate and at least that is what I understood and I stand
11 corrected if I was wrong. You said that, in your opinion, it was
12 Democratic Kampuchea that systematically refused to negotiate.
13 Did I properly understand your position; did you mean something
14 else?

15 A. I think that Vietnam was certainly willing to negotiate in
16 1977; it changed its mind at the end of 1977. The conditions laid
17 down by both sides, as I have a vague memory of that, were
18 conditions which the other side might find difficult to comply
19 with. So I think that my view is that there was a battle for the
20 hearts and minds of various foreign countries by both sides in
21 their diplomatic stance towards each other.

22 [13.45.20]

23 Q. You refer to this document in answer to questions put to you
24 by my colleague of the Nuon Chea team and I believe the
25 Co-Prosecutors, as well. That is the report of Douglas Pike

1 before Congress, document E3/2370, and that document sums up the
2 position of both sides and this is what is said in French, <ERN>
3 00344745; and the ERN in English, 00187393. And this is what is
4 stated in the document: "The Vietnamese state and say so
5 peremptorily that they will not evacuate their forces before
6 negotiations start. The Cambodians refused to start negotiations
7 so long as the Vietnamese forces haven't left the country. This
8 situation can be circumvented; Vietnam can withdraw its forces
9 insisting on the fact that it had never invaded Cambodia and the
10 Cambodians can assert that they had driven out the Vietnamese
11 without that being the case and that they would, therefore, be in
12 a position to negotiate, but not easily." End of quote.

13 [13.46.54]

14 MR. PRESIDENT:

15 The expert, please hold on. You may now proceed, International
16 Co-Prosecutor.

17 MR. KOUMJIAN:

18 I just think it's important to clarify that the questions that
19 were asked by me yesterday and this morning dealt with Vietnamese
20 willingness to negotiate before the late-1998 (sic) invasion and
21 this is clearly discussing negotiations after the invasion.

22 BY MS. GUISSÉ:

23 There are no problems with that. I believe that on each occasion,
24 I specified the dates of the documents and I think, therefore,
25 that the expert knows what I'm referring to and he did point out

1 that the position of Vietnam had changed and so there shouldn't
2 be any problem.

3 [13.47.51]

4 Q. On this particular issue regarding Vietnam's position in early
5 1978, I have another document and then I'll put my question in
6 broader terms and it is an extract of the book by Nayan Chanda,
7 "Brother Enemy", E3/2376; ERN in French, 00237080; in Khmer,
8 00191550; ERN in English, 001922401(sic); and this is what Nayan
9 Chanda states:

10 "On the 5 of February 1978, Radio Hanoi made public a draft plan
11 to resolve the Cambodian problem in three points: Withdrawal by 5
12 kilometres of the <armed> forces <stationed there>, signing of a
13 treaty of non-aggression, international monitoring of the border.
14 We knew, according to a Vietnamese official who admitted before
15 me, that the Khmer Rouge would never accept such a position, but
16 at least the responsibility of the rejection of that project
17 would be their responsibility. The matter is subject to a major
18 media war. <Countries from the Soviet bloc will champion> the
19 Vietnamese plan, judged by them as being reasonable. Phnom Penh,
20 as envisaged, rejected it with scorn and <dismissed it as a>
21 manoeuvre of intimidation <combined with an attempt at> trying to
22 influence public international opinion." End of quote.

23 [13.49.55]

24 So when you relate the documents from East Germany; Douglas
25 Pike's report, the extract from Nayan Chanda's book; do you think

1 this corresponds to what you saw in your research; notably, that
2 in early 1978, the Vietnamese, in any case, according to Nayan
3 Chanda, laid down conditions for negotiations that were not
4 acceptable to the Cambodians because their decision was taken as
5 of that date to invade Cambodia; in any case, to have recourse to
6 a final solution to the problem which involved invading the
7 country?

8 MR. MORRIS:

9 A. I think that, as I said before, by the beginning of 1978, both
10 sides were fairly well entrenched in their positions and were
11 conducting negotiate -- or diplomatic positions that would affect
12 the opinion of the rest of the world.

13 With regard to Vietnam's intentions at that time, I'm not sure
14 that Vietnam had decided in early 1978, definitely, to invade. I
15 think that they first were hoping for an insurrection to
16 overthrow the regime and when that didn't pan out, when that
17 didn't show any effectiveness, then they decided that they would
18 have to invade. So there was certainly a decision made by the
19 Vietnamese sometime in 1978 to overthrow the regime of Democratic
20 Kampuchea, but why -- by what method; it changed. And for the
21 Vietnamese to be sure that they could invade, they needed to know
22 that they could be protected against Chinese retaliation and
23 therefore, they had to secure a relationship with the Soviet
24 Union which would protect them against an all-out invasion by
25 China of Vietnam. So I think that everything was not perfectly

1 set up at the beginning of 1978; it evolved throughout 1978.

2 [13.52.49]

3 Q. And for the purposes of completion, in the interests of the
4 Chamber and parties, the document I was looking for <in relation
5 to DK>, Document E3/1773; ERN in English, 01246919; and in Khmer,
6 01320160 and it continues on the following page; and this is what
7 is stated in English:

8 "The following four conditions were reiterated in a letter from
9 the DK leadership to the government of SRV: 'an end to aggression
10 on land and at sea; an end to interference in the internal
11 affairs of Democratic Kampuchea and to attempts to topple the
12 government; relinquishment of the idea of establishing an
13 Indochina Federation; and respect for the right to
14 self-determination.'" End of quote.

15 These were the conditions that were laid down.

16 [13.54.14]

17 Since I have very little time left, I would like to end on the
18 subject of paranoia. You stated that the position consistent in
19 overthrowing the government forcibly on the side of Vietnam was a
20 strategy that can be understood, but that nevertheless, the
21 willingness to remain on Cambodian territory after the victory of
22 the Vietnamese forces and their Cambodian allies, was a decision
23 stemming from paranoia also on the part of Vietnam.

24 I'm trying to sum up what you said and please correct me if I'm
25 summing up what you said wrongly; you said it was the result of

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1 the Vietnamese paranoia vis-à-vis China and you used that term
2 profusely saying that it was a component of Marxist-Leninist
3 regimes and totalitarian regimes in general.

4 My question to you, therefore, is as follows: Do you use that
5 term exclusively for such regimes within the framework of the
6 Cold War or from <the opposite> ideological standpoint, <wasn't
7 there at some point or another a bout of paranoia>? <Without
8 going into its ramifications, was that notion of paranoia <during
9 the Cold War> not valid for both camps?

10 [13.56.07]

11 A. When you speak of both camps, to whom are you referring?

12 Q. It is true that I ought to be more specific; I'm talking of
13 the socialist-communist camp on the one hand and the Western
14 camp, so to speak, on the other.

15 A. No, I don't think that paranoia was frequently a
16 characteristic of Western policy towards the socialist countries.

17 I think that there were real concerns about behaviour of certain
18 socialist countries; most notably, the Soviet Union, in various
19 parts of the world, especially after 1975 after the collapse of
20 the American position in Indochina that the Soviet Union became
21 an aggressive power and I don't think that was paranoia.

22 In fact, there were many efforts prior to that or even during
23 that time to try and negotiate differences with the Soviet Union
24 and the assumption was always that they were reasonable people on
25 the other side with whom one could negotiate. So I don't think

1 that the Western powers were permeated by paranoia and the
2 manifestations of the paranoia which is aggressiveness towards
3 various segments of the population, as well as various foreign
4 states was not characteristic. I'm thinking, you know, there were
5 no S-21s, you know, in the United States or in Britain or in
6 France.

7 [13.57.55]

8 So I would say that, of course, at some points, in the -- within
9 the West, there were people who were paranoid; yes, there were
10 people and some governments tended a little more in that
11 direction, but nothing on the scale of what we're talking about
12 with regard to some of the revolutionary states.

13 And I think that -- I tried to lay out in my book examples of
14 where there was terrible misjudgment of the objective situation
15 that we understood because of this paranoid outlook; a refusal to
16 believe that some things happen accidentally, for example, and also
17 this whole idea that if there is a threat, there must be some
18 kind of conspiratorial involvement.

19 [13.58.56]

20 I tried to make it clear in my book that, for example, the
21 Vietnamese wrongly saw the Chinese as pushing Democratic
22 Kampuchea in the direction it was heading in its foreign policy
23 and that's -- that was not -- there is no evidence of that. I
24 think Democratic Kampuchea conducted its foreign policy for its
25 own reasons without Chinese prodding and in fact, during 1978,

1 the Chinese tried to restrain Democratic Kampuchea in its
2 behaviour -- foreign policy behaviour because it feared what
3 actually eventually would happen, that is, the Vietnamese would
4 invade.

5 I think the Vietnamese all -- you know, the Vietnamese
6 misperceived Democratic Kampuchea and I think Democratic
7 Kampuchea misperceived Vietnam to some extent, even though, as
8 I've also made the point, Vietnam had imperial ambitions with
9 regard to Cambodia; they had been thwarted, in part, by Pol Pot
10 and I think that with the elimination of the Khmer Viet Minh
11 during the early seventies, and I think that Vietnam was
12 constrained by its fear of Chinese retaliation, which was a
13 rational fear.

14 So, you know, was there paranoia in the world? Yes, there's
15 paranoia all over the world, but not on the scale of
16 revolutionary states amongst the leadership.

17 [14.00.45]

18 Q. And because I don't have much time left, one last example;
19 would you use the same idea of paranoia to refer to Indonesia?

20 A. Well, that was as a result of the -- you are referring to what
21 happened in the mid-1960s presumably; is that what you're
22 referring to? Yes, okay.

23 Well, yes, there was actually a conspiracy against Indonesia from
24 the Communist Party of Indonesia; a conspiracy to try and seize
25 power, but in responding to it; the regime went completely out of

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1 control in terms of its -- the thrust of its killing of --
2 especially of ethnic Chinese. So yes, the paranoia did exist in
3 Indonesia. I'm not -- I was not arguing that paranoia is the
4 exclusive characteristic of revolutionary states; I'm only
5 stating that it's inherent in them.

6 [14.02.00]

7 Q. The last point <concerning the impossibility of questioning>
8 -- I know <that I'm pushing it>, Mr. President, I promise this is
9 my last question.

10 Regarding the <difficulty for certain states to put into
11 question> political choices or beliefs or choices that <they may
12 have> made, do you think that that's something that's inherent in
13 Marxist-Leninist regimes? I'm thinking about, for example, <the>
14 difficulty in recognizing colonial massacres by France, at one
15 time, about the choice of using the <atomic bomb> in Hiroshima
16 and Nagasaki, by United States. <Or agent orange in Vietnam.>
17 When one <is a state that> has made a drastic choice <based on>
18 one's <own fervent> ideology, isn't it challenging to recognize
19 one's errors or that one's choices have caused thousands or even
20 <millions of> deaths, even if that was not the intention at the
21 beginning?

22 [14.03.28]

23 A. You're asking me is it reasonable to recognize that one's
24 actions can cause enormous suffering even if it wasn't the
25 intention to do so; is that your question? That various

1 governments have -- non-revolutionary states have carried out
2 actions which have caused a lot of suffering which was -- even if
3 it was not the intention; is that your question?

4 Q. It's more or less that. My question, in fact, was regardless
5 of the ideology of the people who have been in power and taken
6 decisions at some point in time; decisions which caused enormous
7 suffering against a population, is it not always difficult for
8 these powers or former powers <or authorities> to recognize their
9 share in responsibility, or to recognize that that choice led to
10 disaster? And that's why I noted the examples of other countries
11 <besides those you had already mentioned>.

12 A. Yes, it is often difficult for governments to recognize that
13 their policies can lead to disasters, various countries.

14 MS. GUISSÉ:

15 Mr. President, I think I've pressed my luck and I'll stop here.

16 [14.05.10]

17 MR. PRESIDENT:

18 Thank you, Counsel.

19 And the hearing of testimony of the expert, Stephen Morris, is
20 now concluded and Mr. Professor, the Chamber is grateful of your
21 testimony since you travelled a very long distance from overseas
22 to testified before this Court with effort and patience <in the
23 last three days>. Your testimony may contribute to the
24 ascertainment of the truth in this case.

25 You're no longer required to be present in the courtroom and for

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1 that reason, you may return to your residence. And the Chamber
2 wishes you all the very best and success in your future endeavour
3 and bon voyage.

4 Court officer, please work with WESU to make necessary transport
5 arrangement for the professor to his accommodation. And
6 Professor, you are now excused.

7 (Witness exits the courtroom)

8 [14.06.38]

9 MR. PRESIDENT:

10 And Court officer, please usher the civil party into the
11 courtroom.

12 (The civil party enters the courtroom)

13 [14.08.15]

14 QUESTIONING BY THE PRESIDENT:

15 Q. Good afternoon, Madam Civil Party. What is your name?

16 MS. PREAP SOKHOEURN:

17 A. Good afternoon, Your Honour. My name is Preap Sokhoeurn.

18 Q. Thank you. And when were you born?

19 A. In my identity card, it states that I was born on 12 October
20 1951; however, my real birth was the Year of Monkey.

21 [14.09.03]

22 Q. And where were you born?

23 A. I was born in Andoung Ta Pech village, Thma Pun commune, Prey
24 Chhor district, Kampong Cham province.

25 Q. Where is your current address?

1 And please observe the microphone before you respond.

2 A. I am residing in Andoung Ta Pech village, Thma Pun commune,
3 Prey Chhor district, Kampong Cham province; that is my same
4 native village.

5 Q. What is your current occupation?

6 And again, please observe the microphone.

7 A. At present, I'm a rice farmer and I am also a member of the
8 commune council.

9 Q. What are the names of your parents?

10 A. My father is Preap Long and my mother is Pech Yun.

11 [14.10.10]

12 Q. Are you married? If so, what is your husband's name?

13 And again, please observe the microphone.

14 A. I got married to a man arranged by my parents and his name is
15 Em Kim Ien.

16 Q. How many children do you have?

17 A. We have two children; both are daughters.

18 Q. Madam Preap Sokhoeurn, toward the end of your testimony, you
19 will be given an opportunity to make your statement of harm and
20 suffering, that is, harms inflicted upon you during the
21 Democratic Kampuchea period, if you wish to do so.

22 And Madam Preap Sokhoeurn, have you been interviewed by
23 investigators from the Office of the Co-Investigating Judges; if
24 so, how many time, when, and where?

25 A. Initially, I was interviewed at ADHOC and -- I apologize --

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1 before that I was interviewed and I was invited and interviewed
2 by Chhang Youk, and later on, I lodged my complaint with ADHOC
3 and subsequently, I met on several occasions <at the court> with
4 my lawyer.

5 [14.12.00]

6 Q. Have you been interviewed by OCIJ investigators? And again,
7 Madam Civil Party, please observe the microphone. You can speak a
8 bit further from the microphone; that is okay for you.

9 A. I came here once, but it was at the other building.

10 Q. And before you appear before us, have you read or reviewed the
11 written record of your interview you provided to the OCIJ
12 investigators in order to refresh your memory?

13 A. Yes, I have read and reviewed the record. I also read it when
14 I was at home and I reviewed it again when I'm here.

15 Q. And to your best knowledge and recollection, can you tell the
16 Chamber whether the written record of your interview with the
17 investigators, that you have read to refresh your memory, is
18 consistent with the interview you provided previously?

19 A. Regarding the date of my wedding, I could not recall exactly,
20 so it was an estimate only.

21 [14.13.02]

22 Q. Thank you. And pursuant to Rule 91bis of the ECCC Internal
23 Rules, the Chamber hands the floor first to the Lead Co-Lawyers
24 for civil parties before other parties and the combined time for
25 the Lead Co-Lawyers and the Co-Prosecutors is two sessions and

1 you can have the floor now.

2 MR. PICH ANG:

3 Good afternoon, Mr. President, Judges. We seek your permission to
4 grant the floor to Counsel Lor Chunthy to put questions to civil
5 party, Preap Sokhoeurn.

6 MR. PRESIDENT:

7 Yes, he may proceed.

8 QUESTIONING BY MR. LOR CHUNTHY:

9 Thank you, Mr. President, and good afternoon, Mr. President. Good
10 afternoon, the Judges and the parties. My name is Lor Chunthy. I
11 am a civil party lawyer. I'm from Legal Aid of Cambodia and I
12 have some questions to put to Madam Preap Sokhoeurn, that is, in
13 regards to her experience through Democratic Kampuchea from 17
14 April 1975 to 6 January 1979.

15 [14.15.33]

16 Q. And Madam Civil Party, to start with, allow me to seek
17 clarification from you. You made mention to the President in
18 relation to your dates of birth. The date of birth in your
19 identity card and your year of birth that you just told the
20 President, can you tell the Chamber what is the reason for you to
21 use that date of birth on your identity card?

22 MS. PREAP SOKHOEURN:

23 A. Allow me to respond. When I made my identity card, I told the
24 officer that I was born in the Year of Monkey, but I cannot
25 recall the month. And then he asked me to try to recall the month

1 that I was born and <I told him the season I was born in;> as a
2 result, that was the date that he put on the identity card and
3 for that reason, I used that as my official date of birth.

4 [14.17.15]

5 Q. Does it mean that the date of birth on the identity card and
6 your actual age is different; is that correct?

7 A. If I count my age base on the date of birth in the identity
8 card, that is 12 October 1951; that is, I am older than my actual
9 age because, actually, I was born in the Year of Monkey.

10 Q. How old are you, then, this year?

11 A. Currently, I am 62 years old <based on the traditional
12 calculation.>.

13 Q. Allow me to ask some questions regarding your background.

14 A little bit before 1975, what did you do or what did you join
15 in?

16 A. Before 1975, in the cooperative, I was assigned to be in an
17 art performance group and later on, I was assigned to carry food
18 supplies for the battlefield in Kampong Cham and by '75, when
19 Phnom Penh was liberated, we were gathered and sent to live in
20 the unions to engage in the cotton plantation.

21 [14.19.40]

22 Q. When you went to work at the cotton plantation, can you tell
23 the Chamber its location?

24 A. The union that was established in 1975, it was at Andoung Ta
25 Loeng <village> in Thma Pun commune.

1 Q. And in which province?

2 A. That is in Kampong Cham province.

3 Q. What were you assigned to do in that particular location?

4 A. Allow me to respond. Initially, I was sent to live in that
5 union and <> we were still allowed to live in different groups
6 and we were given two cans of rice a day and that we were
7 assigned to clear forest so that we could plant cotton trees.

8 [14.21.24]

9 Q. And when were you organized or arranged to get married?

10 A. Regarding the marriage, I cannot recall it clearly because
11 there was nothing for me to refer to in terms of the date.

12 However, at that time, a cotton fruits were ripe and one day, I
13 was sent to clear the forest and while I was there in the late --
14 in the afternoon, a messenger came to call me. And Comrade Li
15 asked me whether I respected the Angkar's order or not and I said
16 that I lived under the leadership of Angkar, so that I respected
17 Angkar's orders all the time and I also said if Angkar instructed
18 me to go into a crab hole, <if Angkar could do that,> I would do
19 that <too>.

20 Q. After you were asked those questions, what happened next?

21 A. After I was asked those questions, I was not instructed that I
22 should prepare myself for the marriage; they did not tell me
23 that, and I did not know the reason why I was asked those
24 questions.

25 So the next morning, at 6 o'clock, I went back to the plantation

1 and a little bit before noon time, a messenger called me that why
2 I went to the plantation and not to go to Comrade Sal's office
3 and I said that I was not told about that. Then the messenger
4 called me to return, then I walked with the messenger, and I went
5 to my sleeping quarter. Then Comrade Li came to me and asked me
6 why I did not go and pick up clothes to go to attend the event
7 and I said, "I did not know anything about the event." Then I was
8 given a pant and a shirt and a scarf.

9 [14.24.12]

10 Q. When you were called from the plantation, how many people
11 actually were called to attend that wedding?

12 A. On the day that I was called from the plantation, I was the
13 only one <because I was not told about it beforehand>. That is
14 what happened in my unit and I could not say about other units
15 because in the units when people were older or reach a certain
16 age, then they were called to get married and that happened to me
17 in my case.

18 So I was given a set of clothes, then I went to the venue. I saw
19 some women there; <I knew some of them.> Some were weeping, so I
20 wept as well. And as I said, after the marriage, I did not find
21 any happiness at all and there was only sadness.

22 [14.25.17]

23 Q. Did they tell you as to whom you would be married to; for
24 example, the name or where he came from?

25 A. When I was called to get married, I was not told that I would

1 get married to this man or that man or where he came from and
2 only when we were called to attend the meeting, they educated us
3 about the targets of Angkar and the women were instructed to sit
4 in a row, while the men <> were instructed to sit in a separate
5 row. <And they put tables in the middle and each table was
6 reserved for two couples.>

7 Q. During the time that you get married, how many couples got
8 married at that time and who were the dignitaries or who actually
9 organized the wedding?

10 A. There were representatives from the big units who were there
11 with the chief of the union and the chief of the union was the
12 top person who chaired the wedding.

13 Then they announced the <couples'> names; if there was our name,
14 and then the name of the man; it means that we had to stand up
15 and <go to the table>.

16 At the time, I was known as Phoas (phonetic) and the man who <>
17 became my husband named Keo. So when the name Keo and Phoas
18 (phonetic) were called, then, although we did not know each other
19 before; we had to remember the names; <> for example, when the
20 man stood up first, we had to stand up as well.

21 [14.27.27]

22 Q. Did they not prepare <a place where> the men <and women> sit
23 facing one another <?> <Did a couple have to be called first
24 before they had to sit facing each other?>

25 A. The men were sitting on <> one side and <women> were sitting

1 on the other side and in between, there was a long table and
2 across it, there were Angkar representatives.

3 <I was sitting with the other women there.> And we did not know
4 that we would get married at that time. We were weeping; we
5 wanted to have the present of our parents.

6 And the table there was like the <long> table use in <a> class
7 <room>. <One table was for two couples.> Then when the names
8 <were> called; for example, Keo and <Phoas> (phonetic) and then
9 another set of names, <for example, Run (phonetic), female, and
10 Chheang (phonetic), male,> were called, then we would stand up
11 and <> go to sit at that table. <Women would sit in the middle
12 and men would sit on the side.>

13 Q. Do you recall whether during the marriage ceremony, you were
14 required to make a commitment?

15 A. During my marriage, we were not allowed to make a commitment;
16 however, there was a woman representing the women and then there
17 was a man representing the men and the representatives spoke
18 about the Party's directions and we only sat there listening to
19 them.

20 [14.29.27]

21 Q. Did I hear you that there were participants; does that mean
22 that your parents and relatives were allowed to attend your
23 marriage?

24 A. During the wedding, none of my parents or relatives attended
25 the meeting; there were only representatives of big units, that

1 is, our representatives and the representatives from the men's
2 unit were there.

3 And the representatives spoke on our behalf in term of our
4 commitment while we were sitting and listening to them. <For us
5 who did not like it would just keep weeping.>

6 Q. After the conclusion of the wedding ceremony, what were you
7 told to do?

8 A. <> After the wedding ceremony, <> they actually made a long
9 building and the building was partitioned into separate rooms and
10 we were instructed to live in <there, one room for each couple>
11 and <there were 15 rooms there.> We were not allowed to sleep
12 elsewhere and all the married couples had to sleep in that long
13 building <which was quite distant from where the male unit and
14 female unit were>.

15 [14.31.22]

16 Q. Were you instructed to consummate your marriage or were you
17 under surveillance?

18 A. After we got marriage, we were <constantly> under
19 surveillance, <they looked inside> the window, <they stood>
20 outside and we were told to stay together and consummate our
21 marriage. They conducted surveillance the whole night. When we
22 walked outside the room, <> we saw them there and if I <often>
23 went outside <>, I would be asked <> where I was going. <At that
24 time, I did not have any feelings toward my partner.> I <lied to>
25 them that I went out to <relieve myself>. <I actually went

1 outside to pass the time so that I did not have to be near with
2 the man.>

3 Q. How long did you stay together?

4 A. After the marriage, we were allowed to stay together for three
5 nights and we then were allowed to see each other once a month.

6 [14.33.00]

7 Q. During the three day, did you consummate your marriage? I mean
8 did you have sexual intercourse with your husband?

9 A. I did not have any feeling to have sexual intercourse with the
10 man whom I did not love. When he was sleeping, I would sit up and
11 if he sat up, I would <go outside because I was afraid he would
12 force himself on me>. <When I was at the union, I usually went
13 outside. I rarely slept near him.>

14 One day, I was very exhausted and tired and I lied myself on the
15 floor <and I felt asleep>. He, on that night, put one of his
16 hands on my body and I <bit> his hand <> and I told him <not to
17 put his hand on my body because> I was committed not to allow any
18 <man> to touch my body <as my father used to tell me that as a
19 woman, I should not allow any man to touch my arms or legs. I
20 listened to my father, I did not know the marriage was a
21 tradition so I did not acknowledge him as my husband at the time.
22 So I had to react to him. I had to bite him.>

23 Q. Until when could you <> get along with your husband? <What
24 happened to you at that time?>

25 [14.35.06]

1 A. In fact, <when I was at the union,> I never had any sexual
2 intercourse with my husband because <> I could evade from one
3 location to another and when my husband <got the mark>, in fact,
4 sometime <he> was asked by his colleagues why he got scar on his
5 hand. <It looked like a bite mark. He said it was a burn mark,
6 but no one would believe him. Then he was asked why he looked so
7 upset. Maybe he told them the reason.>

8 One day, there was an oxcart coming to <get> me <to the man
9 place>; that happened at 10 p.m., and during the night, I
10 protested that I would not go alone. <> During that period, if
11 someone was taken by the oxcart, they would disappear. I
12 protested at the time. Seeing my protest, they allowed to have
13 Socheat in my company. We were together on the <oxcart> until <1
14 a.m. to> reach Prey Totueng.

15 Then we were told to stay overnight in a house of <a> villager
16 and the day after, I was told to go to <a> house which was in
17 charge of making palm sugar. <My husband was also assigned there
18 to help making the palm sugar. We were allowed to meet each other
19 there. But at the time, he did not arrive there yet.> There were
20 Ta Horn (phonetic) and Yeay Kim (phonetic), <an old couple there
21 who made the palm sugar,> and they said that comrade, <in this
22 period,> after the marriage, you <had> to have sexual
23 intercourse; otherwise, you would be killed <if you opposed
24 Angkar>. They repeatedly said that to me.

25 In the evening, they asked my husband to ride me to <chief's

1 place, but we did not meet the chief, Thol (phonetic), at that
2 time> and on that day, I was put in a house on the other side of
3 the road and I told <> that grandma not to <> leave me alone
4 <there because I could not sleep there alone>. She was sitting
5 together with me and chit-chatted with me.
6 [14.37.33]
7 And a little bit later, <she left after> my husband climbed up
8 the <stairs>. On that night, my husband was trying to convince me
9 <and touch me>, but I did not allow him to touch my body. <But
10 if I tried to jump from the back door, he said if> I jumped,
11 <there would be someone there to catch me.> And I could see there
12 was a person around the house. <On the second and third night --
13 I never came down during the daytime. I was rather embarrassed.>
14 And there was one day, at night, I went to take a bath and there
15 was a youth coming and seeing me taking the water. <He asked what
16 I was doing. I said I needed water to take a bath> and I was
17 offered to help to bring the water for me. And a little bit
18 later, I <went> up into the house and then my husband <begged> me
19 to sleep <since I became emaciated from sleep deprivation. He
20 said why I stayed away from him since he is my husband. He
21 consoled me> and I slept very tightly on that night and when I
22 woke up, I saw his hands on my body. <I tried to resist him. At
23 that time,> he tore my clothes, my shirt, my trousers, and took
24 off my bra and then he raped me. I shouted. I was shouting at the
25 time and he asked me not to shout because he said that he and I

1 became husband and wife already. That was the first day that he
2 raped me.

3 [14.39.18]

4 Q. So you mean that from that time, <you continued to live> with
5 him <afterward>; is that correct?

6 A. After I was raped, I returned to live in the <> union and <he
7 was at that place;> we separated from one another after that day.

8 Q. What happened next; did you observe that you had any symptom
9 in relation to your health?

10 A. I was in the union and my union, later on, was dismantled.

11 Seeing that my husband asked the permission to have me live

12 together with him <since we already slept with each other>, I was
13 convinced and I went to live with him at <a cooperative in> Ta

14 Poy <village, Tang> Krang <commune>, Batheay district. <> I lived

15 there with him and one month later, I became sick. And perhaps

16 <because I did not have enough food to eat and> I had the morning
17 <sickness as well>, but I did not know about that.

18 And I was then sent to the hospital, the hospital in the commune

19 at Chea Lea <mountain> and currently, it is on the opposite side

20 of the road <to Chea Lea mountain>. <Since I did not get better,

21 I was sent to Batheay.> After staying in the hospital for a few

22 days, I became <worse, there was no> medicines, <there only

23 people dying> and I did not have enough <food to eat or> water to

24 drink. <I asked to go to the sector. So I was sent from Thnal

25 Kaeng to Sector 41 at Prey Chhor district,> the hospital in the

1 sector in Kampong Cham.

2 [14.42.00]

3 Q. When did you know that you were pregnant?

4 A. After I was sent to the hospital in the sector, I was
5 diagnosed that I was pregnant, so <I knew that when> I was put in
6 that sector's hospital.

7 Q. <> Did they <tell> you <to look after your health> after they
8 learned that you were pregnant or <were> you allowed to go to
9 work as normal?

10 A. I was then discharged of the hospital. I stayed in the
11 hospital for a period of half a month and I was told by my mother
12 not to go to live at Thnal Kaeng. My mother asked to stay with
13 me, although she was transferred to a new cooperative.

14 In fact, my mother was told <by her unit chief> to go and ask
15 permission <letter> from the village so that she could stay with
16 me. She then decided to go on a bicycle to go <to Tang Krang
17 commune, Batheay district, at Thnal Kaeng,> and ask for the
18 permission. After she got the permission letter, she gave to the
19 unit chief in that cooperative and then she was allowed to stay
20 with me in the cooperative.

21 [14.43.55]

22 Q. You said you were pregnant and what about your husband; <>
23 where was he sent to or did they allow him to stay with you?

24 A. We did not live together during the period. When I was in the
25 cooperative, my husband was assigned to raise ducks. <That place

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1 was also called "Sangkat".> For me, I was put in my cooperative
2 in charge of cooking rice with the banana stump <and corns> for
3 people to eat. Although we were put in the cooperative, but we
4 did not live together and stay together; we worked and lived in
5 different places.

6 MR. PRESIDENT:

7 It is now time for break. The Chamber will take a break from now
8 until 3 p.m.

9 Court officer, please find a waiting room for the civil party
10 during the break time and please invite her back into the
11 courtroom at 3 p.m.

12 The Court is now in recess.

13 (Court recesses from 1445H to 1501H)

14 MR. PRESIDENT:

15 Please be seated.

16 The Court is now back in session. Again, the floor is given to
17 the lawyer for civil parties to put further question to the civil
18 party.

19 BY MR. LOR CHUNTHY:

20 Thank you, Mr. President. Allow me to resume my questioning.

21 Madam Civil Party, before the break, we talked about your
22 marriage and about your consummation of that marriage and let me
23 go back a little bit.

24 Q. Before the marriage, were <you> told <> that you would be
25 matched to this particular man or not?

1 MS. PREAP SOKHOEURN:

2 A. We were not told; for example, that I would get married to
3 that man. I was told to attend that wedding marriage and when I
4 was there, I did not look at his face; however, I look at his
5 legs and I noticed that he was handicapped and I felt upset about
6 that and I wept.

7 Q. Was he handicapped on one of his legs?

8 [15.03.32]

9 MR. PRESIDENT:

10 Civil Party, please observe the microphone.

11 MS. PREAP SOKHOEURN:

12 On the day that <I> got married, I noticed that he was
13 handicapped in one of his legs and after the marriage, I noticed
14 that he also had a very poor eyesight on one of his eyes and <>
15 three <of his> fingers were crooked, and I became even more upset
16 after that.

17 [15.04.09]

18 BY MR. LOR CHUNTHY:

19 Q. Did they instruct you that you had to marry that man or that
20 there would be a consequence if you did not or, alternatively,
21 can you tell the Chamber whether you dare to refuse to that
22 marriage?

23 MS. PREAP SOKHOEURN:

24 A. Under the regime, nobody dared to oppose the Angkar or the
25 Party whether we could or could not go along with one another, we

1 could not show it in public. We had to keep it to ourself. <If we
2 expressed ourselves, we would end up dead.> It was not like <when
3 our parents arranged marriage for us and> when we disliked one
4 another, we could divorce <>, no, <> that was not possible and if
5 we did not obey the disciplines or orders, then we would be
6 killed like animals.

7 Q. That is exactly the point. Who actually <told you that>, was
8 it your unit chief or was it somebody else?

9 A. After I got married, there were rumours that says that if I
10 did not obey the Angkar disciplines, that I would be sent to
11 sleep in that <Sop's> place<>. However, I did not show my feeling
12 at all and <I pretended to get along with my husband.> I told
13 everybody that I slept with my husband every <night, where else
14 would I go? I did not even sleep at my place. Then they asked
15 around and they were told that when my husband came, I never
16 stayed at my place. I stayed with him.> And at the unions, they
17 believed what I said.

18 [15.06.30]

19 Q. Were you scared?

20 A. After I got married, I was scared. I was thinking every
21 moment, I could not sleep well, I could not eat well and I had to
22 endure hard labour, and that is in addition to insufficient food.
23 And the only thing that I was thinking is that I would die one
24 day and that if I did not go along well with him <and Angkar knew
25 about it>, Angkar would send me to be killed, <but> I tried

1 <behave myself> not to allow any of my peer to know my true
2 feeling.

3 Although we did not go well together, I pretended that we got
4 <along> well together and he came to visit me <once> every month.

5 I almost forgot his face when he returned for his next visit.

6 And one day when my husband came to visit me, somebody said why I
7 did not go to receive him, but because I forgot his face already
8 and because at that time he was amongst many other men who came
9 to visit their wives. And then I was asked to take my husband to
10 my place and at the time there was the unit chief there and my
11 husband followed unit chief then I knew that he was my husband.

12 [15.08.15]

13 Q. You said that after the marriage you were sent to sleep in a
14 long house. Was that house prepared exclusively for the newly
15 married couples?

16 A. They built that long house and that was exclusively for the
17 use of the newly married couples, and those who married at a
18 union, they were allowed to stay there for three days <per month>
19 as well. <And that also applied for those who had their spouses
20 lived far away.> And some couples understood that that was the
21 time that they would go to stay or to meet each other there, then
22 they would go to that house. <For us who did not get along, when
23 he came, I did not want to go.>

24 And, of course, we were being monitored by Angkar. We were
25 threatened and <insulted,> we were scared. And for me, I was

1 constantly threatened and I always wept when my husband came to
2 visit me, and at that house where I slept, there was no <>
3 mosquito net, <> no blanket, no pillows, <there were only old
4 mats to sleep on> and we had to endure all that thing. Some
5 people brought along their sleeping materials, but for me I did
6 not have anything. It's like when I went to sleep in a hut at the
7 farm.

8 [15.10.15]

9 Q. So you were allowed to meet once every month. Whose idea was
10 it to make such an arrangement?

11 A. After we got married, Comrade Sau convened a meeting and we
12 were told that for the newly married people you could not sleep
13 together, stay together every time, and that there would be an
14 arrangement for us to meet, that is, we could meet three nights
15 per month and if we did more than that we would be disciplined.
16 And that also happened to other couples who got married later on.
17 As in my case, after the marriage, my husband went to his place
18 while I stayed at the union and when he was allowed to come, then
19 he had to see Comrade Sau first and Comrade Sau would relay that
20 information to me and that I would go and see him.

21 [15.11.22]

22 Q. You just stated that you were forced and that you were raped
23 by your husband. Can you tell the Chamber what he did and what he
24 said so that you would consent to the sexual intercourse?

25 A. I was forced to have sex with him. That day I was sleepy

1 because on the first night <> I didn't dare to sleep and on that
2 day I slept and when I woke up he hugged me and <when I tried to
3 resist and attempted to run,> he took off my clothes. In fact, <>
4 he tore away my underpants. He ripped my shirt although I tried
5 to protest it. He said that we were husband and wife and if I
6 <resisted>, then Angkar would kill us both. <He also threatened
7 me.>

8 I cried and I said my father would not allow any man to do that
9 to me because I was a woman and <> that he was a man, but he says
10 that that was Angkar's instructions and that he had to follow
11 that instruction. I kept weeping that night, throughout the whole
12 night.

13 [15.12.50]

14 Q. Did your husband tell you that he was forced to act or to do
15 that to you?

16 A. I did not know whether Angkar instructed him to do that <or
17 not,> the only thing I knew <was> that he, himself, did that to
18 me for his own purpose, <but when I cried and started to scream>
19 and he said that what he did was following Angkar's instructions
20 otherwise we both would be killed. So I did not know whether
21 Angkar instructed him to do or whether he did it on his own
22 initiative.

23 Q. How did you feel at the time?

24 A. I hurt physically and morally. <First,> it was the pain that
25 he inflicted upon me physically, and <second,> morally I was hurt

1 <I did not intend to have a husband and wife relationship at all>
2 and there was nothing I <could> do besides weeping and I
3 regretted for what happened and that I betrayed my father's
4 words. So all these things added together caused me a worried and
5 I could not sleep and I could not eat and I became pale.

6 [15.15.38]

7 Q. Now, I move to another topic, that is, when you became
8 pregnant. You say your husband was sent elsewhere while you were
9 pregnant. Can you tell the Chamber where he worked and what kind
10 of work he did?

11 A. My husband came from Thnal Kaeng and to live in Thma Pun, so
12 he sought permissions to live in <a cooperative in> Thma Pun
13 <commune>. Later on he was separated to go and raise the ducks at
14 "Sangkat". And when there were many ducks that he raised and he
15 was sent to Prey Chhor. That's where there was a handicraft where
16 they produced scarves and where they made hoes and axes <for
17 famers to farm for the cooperative>. And, again there, he was
18 instructed to raise ducks again. When he came to visit me, he
19 told me that <it was said during meetings that> it was useless to
20 keep the handicapped people and he was worried that he would not
21 live to see our child born.

22 [15.17.10]

23 And <one day, it was> before I delivered my baby, he told me to
24 go and run and live in the forest and I told him it means that if
25 he went, if he fled to the forest, then I would be killed as

1 well.

2 I told him about that while I was weeping and I told him if he
3 fled to the forest, then he should kill me first <so it would
4 seem to others that we had a fight. And then he could live and I
5 would die>. And he said that he could not do that, <he was
6 weeping as well,> and he said that <so just let it be,> if he
7 could live, he would look after me but if he was taken away and
8 killed, that would be the end of our life together. And that, it
9 was like the last words that he told, and when he returned to
10 Prey Totueng, he disappeared.

11 [15.18.04]

12 And about 10 days after, my father went to ask about him at the
13 "sangkat" of his whereabouts because I was about to deliver my
14 baby. That is when my father spoke to Comrade Kob (phonetic) and
15 Comrade Kob (phonetic) lied to my father that he would deliver
16 the message. So my father returned to me and when I delivered my
17 baby, there was no proper light. He had to burn some <scrap> wood
18 to warm me and my baby. My feeling was so unsettling at the time,
19 but I said to myself that I could not die because if I <were to>
20 die, it means my baby would die. So I had to live to look after
21 my baby.

22 And about a month after <> I delivered my baby, <I was not called
23 to work yet, and> Comrade Yen came to my house to search for
24 something and then Yen looked at my baby and said if Angkar
25 requested my child to be smashed, <> would I <give it to them?>.

1 I wept and I said Comrade Yen, look at my baby, look at the black
2 eyes. <I told him> if <he> were to <take my baby away to be
3 killed, he should kill me first because then my baby would die as
4 well since there would not be anything for it to be fed>. <Then
5 Yen left.> A few days later, there were two men, <Yauy (phonetic)
6 and Yaun (phonetic),> who came to my house, <they stood at the
7 stairs unrolling hammock string,> and I was so shocked upon
8 seeing them <>. And after that, I became sick <>.

9 So throughout my pregnancy and delivery, I was so mistreated by
10 these people at the cooperative, <the leaders and the regime>.

11 [15.20.05]

12 Q. At the time you delivered your baby, did you receive medical
13 support?

14 A. As for women who delivered their babies at the time, it was
15 like an adventure since there was no professional midwife. For
16 me, myself, there was a neighbour who was pretty young but who
17 had some experience in baby delivery, so I was assisted by that
18 neighbour.

19 And it was lucky that I could deliver my baby, and my father made
20 some herbal medicine for me to drink so that all the blood would
21 flush out from my body. There was <no medicines,> nor proper
22 midwives, as I said, during the time. Everything was done
23 according to nature.

24 [15.21.44]

25 Q. Were you afraid, that is, during your pregnancy and until the

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1 time that you delivered your baby?

2 A. During the time, I did not feel the warmth; I only felt the
3 terror and fear. <> When I slept at night, I only wished that the
4 morning would come soon. <During the daytime, I only wished the
5 night would come soon.> At the time, there was nothing besides
6 the killings. We could <see and> hear about the killing almost on
7 a daily basis and <> we were instilled with such a constant fear.
8 They spoke about the tendency or implication, as in my case my
9 husband disappeared and I was implicated. For that reason, I
10 lived in fear with my baby. Even at present when I think of it, I
11 still feel the fear.

12 [15.23.05]

13 Q. Let me go back a little bit. After you got married, was there
14 <> another wedding event, or was yours <>the only marriage event
15 that you knew of?

16 A. There was a series of wedding events. There <three> events
17 that took place prior to my event, and after that, there was
18 another set of marriage although I cannot recall the exact month.
19 It happened a few months after. So older people in the unit would
20 be gathered to get married, although I did not know exactly how
21 many couples got married during those <other> events. And during
22 my events, there were 15 couples.

23 MR. LOR CHUNTHY:

24 Thank you, Mr. President. I do not have any further question. I'd
25 like to cede the floor to Lead Co-Lawyer, Pich Ang.

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1 [15.24.32]

2 QUESTIONING BY MR. PICH ANG:

3 Thank you, Mr. President. And I'd like to ask additional
4 questions to Madam Civil Party. I only have some questions.

5 Q. Good afternoon, Madam Civil Party. My name is Pich Ang and I
6 have some questions to put to you.

7 When you decided to get married, can you tell the Chamber whether
8 you were scared to get married at that moment and, if so, why?

9 [15.25.20]

10 MS. PREAP SOKHOEURN:

11 A. Allow me to respond to that question. At that time I was not
12 told that I would marry this man or that man, so for that reason
13 I did not feel that I wanted to get married at all. But I was
14 scared. I was scared of the killing, of the threat that I
15 received. I was afraid that if I <did> not obey Angkar
16 instructions then I would be killed, so I went to that location
17 in tears. As for the attire, we did not have any proper dress for
18 the wedding.

19 Q. Madam Civil Party, you say that you were scared. The question
20 is why were you scared?

21 A. I was scared because I was threatened that I would be either
22 killed or put in a prison. They don't use the word "imprisoned"
23 but they said I would be sent to <Sop security> office and I was
24 afraid to die; that's one thing.

25 The other thing is that I would be detained in that office. I

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1 would be deprived of food, <I would be assigned to work> and that
2 I would be chained or shackled in that office. And because of
3 such fear, I had to force myself to live with my husband <without
4 consummating the marriage> for that period of four months.

5 [15.27.07]

6 Q. Did you witness any event or any couple or anyone who refused
7 to get married and what happened to that person, if you recall
8 it?

9 A. At that time, I knew that some people who got married did not
10 go along together because they had their fiancé at the village.
11 And the women did not agree to go along with the man <she was
12 arranged to be married to> and, later on, <she> disappeared from
13 the union.

14 Q. If that is the case, do you recall the <> name <of> the person
15 who <refused to get married and then> disappeared?

16 A. The name was Proeung, Comrade Proeung.

17 Q. In your response to Counsel Lor Chunthy regarding the times
18 that you went to live with your husband, you were raped by him
19 and that you were told that he did it according to Angkar's
20 instructions.

21 Later on, after he raped you, did he commit such act again? That
22 is, he raped you subsequently?

23 [15.27.53]

24 MR. KONG SAM ONN:

25 Mr. President.

1 MR. PRESIDENT:

2 Yes, Counsel Kong Sam Onn, you have the floor.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. From what I have heard from the civil
5 party, she actually said that she did not know whether the rape
6 was actually Angkar's instructions and the mis-categorization by
7 Lead Co-Lawyer is not appropriate.

8 [15.29.38]

9 MR. PICH ANG:

10 Mr. President, based on what I understood and also based on her
11 response in 43 in document E3/9820, she said her husband said he
12 did it according to Ankgar's instructions, but the question is
13 she was not sure whether <there was someone instructed> him to
14 tell her <the words or not>. And, of course, she said that her
15 husband told <her> those words and for that reason I'd like to
16 ask for clarification from Madam Civil Party so we are clear
17 about it.

18 [15.30.23]

19 BY MR. PICH ANG:

20 Q. Madam Civil Party, when your husband raped you, did he provide
21 any explanation? Did he use the words that I just quoted?

22 MS. PREAP SOKHOEURN:

23 A. Initially when he raped me, that is, after I fell asleep, he
24 hugged me. And after I woke up, <resisted him,> he tightened his
25 hug, I <wept and started to scream> and I told him not to do that

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1 and that I did not want him to do that. And he said that if I did
2 not allow him to do that, how could he achieve Angkar's or
3 Party's instructions, and if he did not do that, we all <> would
4 be killed or would die.

5 And for that reason, he forced me, he threatened me, and although
6 I shouted he said that I should not do that. <He said I was
7 embarrassing us by screaming.> I tried to get away from his grip
8 but, in the end, because I was weak and I was a woman, I became
9 fatigued and I succumbed to his threat, and he raped me. And that
10 was the words that he said, but I did not know whether or whom
11 Angkar ordered him to do that to me.

12 [15.32.17]

13 Q. Thank you, Madam Civil Party. I would like to put a follow-up
14 question.

15 Was there any time that you participated in a meeting <> where a
16 cadre or cadres told you <> about the reasons that Angkar
17 arranged the marriage for all of you?

18 A. On the wedding day, I heard the Party's leader that Angkar
19 wanted to increase the force, so marriage would have to be
20 arranged so that children could be produced and the population
21 could be increased.

22 So after the wedding we were required to <love each other,>
23 produce the children for the Party and live together.

24 During the time, I did not know about how to produce the children
25 and I kept weeping. My mother told me that child was delivered

1 through <calves> and I did not understand the meaning of the
2 explanation by my mother. <I was wondering how I could produce
3 children when my calves were not that big. So I kept weeping.
4 Later on, when I lived with him, he tried to convince me, but I
5 did not listen.>

6 Angkar needed to have more forces. <He used the words "producing
7 more forces" to tell me as an example, but> I did not really
8 understand. <So> I did not <consent> to <living> with my husband
9 <>.

10 [15.34.06]

11 Q. Madam Civil Party, my international colleague did not really
12 understand what you said. So why Angkar wanted you to produce the
13 children? What were the purposes?

14 A. Angkar said that Angkar wanted us to produce the children to
15 engage in the revolution, and we were required to produce
16 children to build the country.

17 Q. Who said that <during your wedding>? Could you tell the
18 Chamber his or her position and function?

19 A. <Comrade> Sau, the chief of the union, did mention about that
20 <during the wedding>, and <> that chief told us to produce
21 children so that more forces could be used to engage in the
22 revolution <of the great leap forward> during the time. I,
23 myself, did not really understand his or her statement.

24 Again, Comrade Sau did say that Angkar wanted more forces to
25 engage in the revolution and to build the country, and the

1 wedding was meant to produce more children in order <for the>
2 Party <to> have more members.

3 [15.36.18]

4 Q. After that meeting where you heard about the statement, was
5 there any time that you could hear about the same statement in
6 other locations?

7 A. I heard about it in a meeting and I heard from other as well
8 who were married. Those married people said that the Party needed
9 more forces. Meetings usually were convened and I learnt from the
10 married people that more forces were needed by the Angkar, that
11 is why marriages were arranged for us to produce more children.

12 Q. What was your husband's name and could you describe the
13 Chamber his physical feature?

14 A. My husband's name <> was Keo. He was referred to by Keo. <I
15 saw him clearly later on that> he was a handicapped person as a
16 result of war. He had been engaged in the battlefield so he
17 became handicapped in his <three> fingers. And if he closed one
18 of his eyes, he could not see. And he was handicapped as well in
19 his ankle, one of his ankles, so he was a really, really
20 handicapped person and he could not do hard labour.

21 [15.38.07]

22 Q. Were you told the reason for you to marry a handicapped man?

23 A. I was not told about the reasons on the wedding day, but I
24 heard the rumour from one another that the handicapped men would
25 be organized to marry the women in the union. I heard from other

1 <women> and I did not receive the direct information from the
2 chief or from the leaders.

3 It was just a rumour at the time <> and I did not pay attention
4 to it. I was not interested in marrying anyone at the time.

5 [15.39.06]

6 Q. Did you hear that the handicapped men would get married to <>
7 women <as an incentive> because they had engaged in war?

8 A. I heard from others that handicapped men were allowed to marry
9 <> women <as an incentive> because they had engage in the
10 battlefields and had liberated the country. So those handicapped
11 men would be allowed to marry to beautiful women. That is what I
12 heard.

13 Q. Who said that, Madam Civil Party, do you know his or her name?

14 A. I did not hear from the unit chief at the time, I heard from
15 other women. The rumour was from those women that the handicapped
16 men would marry the beautiful women in the union <>.

17 I did not pay attention to that statement, I was only focused on
18 my work day and night; I was not interested in the wedding. I did
19 not realize that I would <be> married a handicapped man.

20 [15.40.48]

21 Q. I would like to backtrack a little bit about the consummation
22 of your marriage <later on>. Did you consummate the marriage
23 willingly? Did you agree <> to consummate your marriage with your
24 husband with your own will? After the rape, I mean. <And why?>

25 A. After I was raped, he continued to console me that I had lost

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1 my virginity already. He <> explained that to me that I did not
2 have any virginity to return <> for anyone <else>. I was
3 disappointed from that time onward, and I bore the situation.
4 [15.41.55]

5 Q. Thank you, Madam Civil Party, I would like to put a few more
6 questions to you.

7 You did make mention about losing your virginity, so how did you
8 feel after you were explained that you had lost your virginity?
9 Did you feel regret?

10 A. Regarding losing my virginity, <> I have felt regret from the
11 time onward. As a woman, <> I usually <respected the tradition
12 and> adhere to the advice of my parents that I should only give
13 my virginity to the man <only when my parents were present, but
14 at the time, my parents were not there> . I <still> feel regret
15 <today>. I should not have lost my virginity without the presence
16 of my parents in the wedding day according to Cambodian tradition
17 and customs.

18 During the wedding day, the people who were present on the day
19 were only the unit chief and other <couples, there were no
20 guests>.

21 [15.43.36]

22 Q. <I want to put additional questions to you regarding the other
23 couples.> You stated that there were three <> weddings <before
24 yours. You were in the fourth one, and there was another one
25 after yours> and could you tell the Chamber how many couples were

1 required to get married <> in each <wedding and where?>

2 <MR. PRESIDENT:>

3 <Madam Civil Party, Please hold on.>

4 A. There were 50 couples <initially>, and on that day, I was
5 standing and looking at the wedding arrangement. <I did not get
6 to listen to any announcement because I was not allowed to join
7 the event.> After <people went to sit down at> the wedding
8 ceremony, I left that <place>.

9 And, later on, <I only heard about it, I did not go there because
10 I was not allowed to go near the place. So I heard about it later
11 on that> 30 or 40 couples were <> arranged <> to get married. I
12 did go to observe the wedding celebration and, later on, the
13 marriage was arranged for me. That was <> the time that I
14 experienced in my life the marriage.

15 And, later on, I learned <that a> marriage <was> arranged <>
16 widow <men and> women, 12 couples. The information was learned by
17 me as well. And on that wedding day, the wedding of the widow
18 women <and some young ones>, I was not allowed to go and see that
19 celebration.

20 [15.45.25]

21 Q. In your statement, you said that you got married together with
22 other <> 12 couples. <And you said that there were 15 couples who
23 were arranged to be married at the same time with you.> You can
24 refer to your statement, E3/9820, <question and answer 25>. How
25 many couples were there on the day of your marriage?

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1 A. There were 15 couples <>including my couple. I did not know <>
2 which couple or which number <I was>. <I did not count because I
3 felt afraid at that time.> I was matched to a man and I was told
4 that there were 15 couples on that day. In the statement, I made
5 mention that 12 couples got married later on after my wedding.

6 MR. PRESIDENT:

7 Lawyer for Civil Parties, <> did you have a discussion <> with
8 the Co-Prosecutor about the allocation of time between you two?

9 [15.46.51]

10 BY MR. PICH ANG:

11 Mr. President, the Co-Prosecutor allows us to use <as much> time
12 <to finish our questioning, we will leave them some time>. And
13 Mr. President, I do not have many more questions to put to the
14 civil party.

15 Q. Madam Civil Party, I would like to continue my question.

16 You stated that your husband was taken away and killed and did
17 anyone <want to> harm your child after the child was born?

18 MS. PREAP SOKHOEURN:

19 A. After my husband had been arrested, <about> 10 days later, I
20 delivered the baby. And one month later, perhaps -- and at the
21 time I was not yet told to go to work -- <> Yen went up to my
22 house to see if I had kept papayas and other fruits in the house
23 <because there were those trees around my house>. And after
24 seeing that I had no papayas and other fruits, <Yen> came and
25 looked at the baby and told me that the baby <of a traitor>

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1 should be taken away and killed.

2 [15.48.28]

3 <> He asked me why I wanted t

4 o keep the baby. I replied at the time that, "The baby did not

5 know anything. The baby did not know about the policy of the

6 Party. <Why would you want to kill my child? If you> want to kill

7 the baby, <you> should kill me first because if <I die, so does

8 my baby. Don't let me live in pain." I was weeping as I was

9 saying that at that time.> Then, after hearing that, Yen left my

10 house.

11 Q. How did you feel? Were you afraid after hearing that?

12 A. I felt so terrified after hearing that. I was weeping and I

13 felt that I could not breathe at the time because I had just

14 delivered the baby. My father was there and he told me to be

15 strong because life <was> not permanent; that is what he told me.

16 But I still continued weeping although <> he consoled me.

17 [15.50.02]

18 Q. <During your wedding,> you were told that the marriage was

19 meant to produce children so that the population could be

20 increased <to serve Angkar>. And you have now just mentioned that

21 the baby was wanted for execution because the baby was considered

22 the child of the enemy.

23 What is your understanding after you were explained that the

24 policy of Angkar was to produce more baby, more children <while

25 later on they asked you for your child to be killed>?

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1 MR. PRESIDENT:

2 Please hold on, Madam Civil Party. You may now have the floor,
3 Anta Guisse.

4 MS. GUISSÉ:

5 Thank you, Mr. President. I intervene now; I could have done so
6 earlier <because> I have heard things said by my colleague on
7 several occasions and it did not square with what the civil party
8 said. <At one point, they added that - or maybe> I lost
9 something in the interpretation. They said they wanted to kill
10 the baby because of this was a child of an enemy. I didn't hear
11 the civil party say so. <So I object to this question.>

12 [15.51.15]

13 BY MR. PICH ANG:

14 Madam Civil Party did say that.

15 Q. Madam Civil Party, again, could you clarify for the Chamber
16 what was the person who came to your house saying <regarding> the
17 baby?

18 MS. PREAP SOKHOEURN:

19 A. Let me clarify for the Court. After I delivered the baby, Yen
20 went up into my house and said that the child belonged to the
21 father who was <a traitor> and I protested <while in tears> at
22 the time that my baby was <innocent> and did not know what the
23 policy of the Angkar <was>.

24 [15.52.25]

25 Q. I would like to move to my last set of questions.

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1 You got married in Khmer Rouge time and your husband died in the
2 regime. Did someone discriminate against you because you married
3 a man in the Khmer Rouge <regime> and your husband had been
4 killed?

5 A. After my husband had been arrested and killed, I was linked to
6 him. <They said I was a wife of a traitor.> I was under
7 surveillance; I was threatened at all times. I could not live
8 with happy life.

9 Sometimes they said <people who> betrayed Angkar <> should not be
10 kept <alive>. This is the words that they used to insult me. The
11 unit chief, the chief of cooperative, insulted me by using that
12 word. I felt disappointed in my mind, <but I did not dare say
13 anything back>.

14 I was very afraid that I would be taken away and killed because
15 killing and execution was <at its peak> during the time. <Even
16 innocent people were taken away to be killed if they were needed
17 for execution.> I was so afraid that I would die and I would
18 leave my baby and child behind. I was criticized that I was
19 linked to the traitorous network because my husband, my elder
20 brother and sister betrayed the regime. <They used the word
21 "betray" when they took them away to be killed.>

22 [15.54.27]

23 MR. PICH ANG:

24 Mr. President, I am done now and I would like to give the floor
25 to the Co-Prosecutor.

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1 MR. PRESIDENT:

2 It is now time for the Co-Prosecutors to put question to the
3 civil party. You may now proceed.

4 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

5 Thank you, Mr. President. <Good afternoon> tour Honours and all
6 the parties, there are five minutes left today <and>
7 approximately 25 to 30 minutes on Monday.

8 Q. I have a few questions for you, Madam Civil Party, before we
9 adjourn today. I would like us to talk about the period following
10 your delivery.

11 After the delivery, did you <have to> start working and, if yes,
12 how long after the delivery of the baby?

13 MS. PREAP SOKHOEURN:

14 A. Two months after delivery, I was instructed to cut palm leaves
15 <and carried them, the palm leaves were already tied in separate
16 bunches, I was assigned to carry them> so that palm leaves could
17 be used to roof the <dining hall>. And I was doing that job
18 <during the postnatal period> until I <got sick and> could not
19 walk.

20 [15.55.55]

21 Q. I understand that the work was quite tedious, the work you
22 were asked to do at the time, isn't it?

23 A. It was a <very heavy> work for <> women who had just delivered
24 <a> baby. <Normally, if it required two people to carry it, it
25 was considered heavy work. This kind of work was for men. But>

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1 during the time, <that task> was assigned to us, no matter we
2 were men or women; they did not feel pity on us.

3 I was <carrying it> with Yeay Yun (phonetic). Yeay Yun (phonetic)
4 was <an> elder woman and I was young but I had just delivered a
5 baby. <We> had to <make three trips to> carry <> palm leaves
6 <from one palm tree. The leaves were tied very tight in big
7 bunches. So> it was really hard work for me.

8 Q. Did you have enough milk to feed your baby with in spite of
9 the difficult <living conditions,> the tediousness of the work
10 you had to do, and the lack of rest?

11 A. I felt sick because of that hard work and <> I could not
12 produce the breast milk for my child. <So my child> became very
13 thin <like it was deprived of food> and I went out to seek gruel
14 to feed my child. And my child at the time became <thin and> pale
15 as well <>. <I can barely talk about my child. It's overwhelming
16 for me.>

17 [15.58.10]

18 Q. Prior to January 1979, after your day's work, were you able to
19 go back to your baby on each occasion or you were separated from
20 your baby?

21 MR. PRESIDENT:

22 Please observe the microphone, Madam Civil Party.

23 MS. PREAP SOKHOEURN:

24 A. On 1 January 1979, which is the liberation day (sic), I could
25 <live together with> my <younger> siblings, <my child> and <my

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1 mother>. We did not have enough food to eat, but we could still
2 find food to eat <by ourselves>.

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. I'd like us to go back to what you said earlier, that is, to
5 say that after your marriage you lived with your husband in
6 different places and you were authorized to get together three
7 days or three nights a month.

8 Why did the regime, as you said, aim to increase the population
9 and number of children <yet> they authorized couples to get
10 together only three nights a month?

11 [15.59.55]

12 MS. PREAP SOKHOEURN:

13 A. I <could> not know the policy of the Party. I do not know
14 whether it was true. I do not know the policy of the Party.

15 Q. This will be my last question now. I will quote to you what
16 you said in an interview you gave to DC-Cam, and it is document
17 E3/10710, last page in all three languages. And it is the
18 conclusions you drew as regards the regime. I am quoting in
19 English because the translation is better.

20 "The period of three years, eight months and 20 days was a
21 waterfall of tears. Husbands did not meet their wives. Children
22 did not meet their mothers. They were not allowed to know each
23 other. They cut off all sentiment. They did not allow us to meet
24 and know each other." End of quote.

25 [16.01.16]

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1 From what you were able to observe at the time, why were the
2 children not allowed to meet and to get to know their mothers?
3 Why were the husbands not allowed to know their wives? Why
4 <couldn't> develop feelings one another?

5 A. It is still a question in my mind. <During the regime,>
6 children of six or seven years old were separated from parents
7 and put <them> in a <child> unit and they were also required to
8 work.

9 And, as for the teenagers, they were put in <youth section called
10 militia unit at> a different location, separated <> from the unit
11 of the parents. They stayed and ate separately.

12 It is still a question in my mind about the purpose of the
13 regime. During the time, I lived under the leadership of them.
14 <They never told me what Angkar wanted.> I didn't know, and I
15 still do not know the purpose of Angkar.

16 They said they wanted to build the country, but what for? They
17 did not allow people to eat. People lived <and worked the field,>
18 but they could <> eat <only watery gruel> although there was
19 abundance of rice. <If people were given rice, the> rice was
20 cooked together with <cassava,> maize and banana <>. As for
21 gruel, gruel was cooked with maize.

22 I did not really know about the purpose of Angkar and the policy
23 of Angkar.

24 [16.03.30]

25 Q. Just one last follow-up question with regard to that. Children

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1 under the Democratic Kampuchea regime, were they meant to prefer
2 Angkar or could they prefer their parents?

3 A. Children were required to respect Angkar. In my opinion, <>
4 children <were> required to love Angkar more than the parents.
5 <They were not allowed to know their parents. Children could be
6 ordered to kill their own mothers.>

7 MR. PRESIDENT:

8 Thank you. It is now time for the adjournment and the Chamber
9 will resume its hearing on Monday <the 24th October 2016> at 9
10 a.m.

11 And next week on Monday, the Chamber will continue hearing the
12 testimony of <the Civil Party,> Preap Sokhoeurn and then proceed
13 to hear the sufferings and victim impact statements of civil
14 party on the Regulation of Marriage. Please be informed and
15 please be on time.

16 [16.05.06]

17 The Chamber is grateful to you, Madam Preap Sokhoeurn. The
18 hearing of your suffering has not come to an end yet. You are
19 invited to come here once again on Monday at 9 a.m.

20 Court officers, please work with WESU to send Madam Civil Party
21 back to the place where she is staying at the moment and please
22 invite her to come and continue to provide testimony or
23 sufferings on Monday.

24 Security personnel are instructed to bring Nuon Chea and Khieu
25 Samphan back to the ECCC's detention facility and have them

1 returned on Monday before 9 a.m.

2 The Court is now adjourned.

3 (Court adjourns at 1605H)

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