



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

29 July 2016
Trial Day 432

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

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KHIEU Samphan

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UCH Arun

I N D E X

Mr. Henri LOCARD (2-TCE-90)

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Questioning by Mr. PICH Ang..... page 124

List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|-----------------------------|----------|
| Mr. DE WILDE D'ESTMAEL | French |
| Judge FENZ | English |
| The GREFFIER | Khmer |
| Ms. GUISSSE | French |
| Mr. KOPPE | English |
| Mr. Henri LOCARD (2-TCE-90) | English |
| The President (NIL Nonn) | Khmer |
| Mr. PICH Ang | Khmer |

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

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 testimony of the expert

6 witness, Mr. Henri Locard.

7 Ms. Se Kolvuthy, please report the attendance of the parties and

8 other individuals to today's proceedings.

9 THE GREFFIER:

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

11 are present.

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

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

14 been delivered to the greffier.

15 The expert who is to continue his testimony today, that is, Mr.

16 Henri Locard, is present in the courtroom. Thank you.

17 [09.01.41]

18 MR. PRESIDENT:

19 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the

20 request by Nuon Chea.

21 The Chamber has received a waiver from Nuon Chea, dated 29 July

22 2016, which states that, due to his health, that is, headache,

23 back pain, he cannot sit or concentrate for long and in order to

24 effectively participate in future hearings, he requests to waive

25 his rights to be present at the 29 July 2016 hearing.

2

1 Having seen the medical report of Nuon Chea by the duty doctor
2 for the accused at ECCC, dated 29 July 2016, which notes that
3 Nuon Chea has back pain and feels dizzy when he sits for long and
4 recommends that the Chamber shall grant him his request so that
5 he can follow the proceedings remotely from the holding cell
6 downstairs. Based on the above information and pursuant to Rule
7 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his
8 request to follow today's proceedings remotely from the holding
9 cell downstairs via an audio-visual means.

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

13 [09.03.13]

14 And before I hand the floor to the Co-Prosecutors to put
15 questions to the expert, the Chamber wishes to issue an oral
16 ruling on Internal Rules 87.3 and 4 request.

17 On 28 July 2016, Defence Counsel for Khieu Samphan requested the
18 admission of the 2013 version of the book by Henri Locard,
19 "Pourquoi les Khmer Rouges?", as they intend to use this version
20 as well as the 2016 version of the same book in the course of
21 questioning expert Henri Locard.

22 On the same day, the Chamber heard submissions by the parties,
23 and the other parties do not object to the request. The Chamber,
24 noting the requirements of Internal Rules 87.3 and 4, decides to
25 grant the Khieu Samphan defence request.

1 The Chamber now hands the floor to the Co-Prosecutors to put
2 questions to expert Henri Locard.

3 [09.04.33]

4 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

5 Thank you, Mr. President. Good morning to you, to Your Honours,
6 the Judges, to all the parties.

7 Good morning, <Witness>. I will have several questions to ask you
8 today, and I will ask you, as the Judges did yesterday, to please
9 respond very precisely to the questions, attempting to limit
10 digressions. If I need additional details, I will ask
11 complementary questions.

12 Q. I would like to begin this morning with questions concerning
13 the "Petit livre rouge de Pol Pot", "Pol Pot's Little Red Book",
14 E3/2812. I would like to note that there is only a partial
15 translation in Khmer.

16 First of all, you spoke yesterday of Cambodia as being a country
17 which has essentially an oral culture, at least during the era of
18 Democratic Kampuchea.

19 At this time, were there many local level Khmer Rouge cadres who
20 only had a low level of formal education? What do you know about
21 this?

22 MR. LOCARD:

23 A. Good morning. Thank you for your question.

24 I don't think that I can enlighten the Court very well on this
25 type of question. <Most of the> witnesses I spoke with were,

4

1 first and foremost, victims. That's the first point. And second,
2 nevertheless, among the many people that I did interview, there
3 were several people that had been part of the revolution. I'm
4 thinking about a photographer from Prey Veng province. And
5 <during> Heng Samrin's regime, along with other people, he held
6 some responsibility. And so these people were relatively
7 educated.

8 [09.07.00]

9 I rarely spoke with an illiterate Khmer Rouge. It did happen,
10 <two or three times>, but most of <those> people really didn't
11 want to talk very much, so I don't have very much light to shed
12 on this question.

13 Q. In the context of this essentially oral culture, what was the
14 meaning or sense of the dictums, <slogans, proverbs,> etc.? What
15 role did they play in disseminating throughout Cambodia the
16 ideology of the Khmer Rouge regime?

17 A. Well, there, as in all Communist countries, there was a use of
18 hundreds, even thousands, of slogans. I was told there are
19 thousands and thousands of them in China. I don't think anyone
20 has ever made a collection of them. I believe that I'm the only
21 one who collected slogans from a Communist regime, so given the
22 importance, yes, indeed, the thoughts therein were really reduced
23 to almost zero as far as <the overall> intellectual level. So
24 they were very simplistic sayings along the lines of, "A society
25 is divided into the good and the bad, the proletariat and the

1 capitalists, the enemies and the friends".

2 [09.08.36]

3 It was a very simplistic ideology, and it was mostly, aimed at
4 youth. It was a means of bringing the great ideas of the
5 revolution to the younger generation. Following the Maoist model
6 -- when Mao had declared that the young people were a blank page
7 on which the fundamental ideals of the revolution could be
8 written -- the Khmer Rouge, who were in a hurry and didn't have a
9 lot of hope of converting the older and more educated classes,
10 they focused a lot on the revolutionary youth.

11 There was even a society for young revolutionaries.

12 There was a certain form of education of the young people in many
13 communes. There were classes. They were taught to count, to read
14 and to write. They also learned revolutionary songs and slogans.

15 [09.09.50]

16 The slogans and the revolutionary songs were, therefore, the main
17 means, the main resource used in educating the youth. In all of
18 the solemn meetings and <revolutionary holiday> meetings, slogans
19 were also used and announced.

20 Q. Were these slogans usually brief, and do we have a lot of
21 imagery? Did this make them more understandable?

22 A. There again, it's a bit difficult to respond. In our society,
23 we are more accustomed to media specialists using slogans, or
24 this could even be politicians now in electoral campaigns. Now,
25 you're asking me a very general question; are they effective or

6

1 not. I think that <a psychologist,> someone more trained in
2 politics, would be more apt, more able to respond to this
3 question.

4 [09.11.07]

5 But I think that in the Khmer Rouge society, to the contrary of
6 ours, the population had access to no other type of media, no
7 books, no television, no radio except the radio of Democratic
8 Kampuchea, and then, once again, most of the population did not
9 listen to the <radio>. It was only the cadres who listened to it.
10 So in the absence of any other type of information, it is
11 possible that slogans, and especially among the youth, had a
12 significant impact.

13 Q. I will begin by one slogan which is well known in -- it's
14 number 220 in the French version of your book, and English,
15 because it's <an expanded> edition, I believe, it's number 258.

16 I would propose to not give the ERN numbers each time, Mr.
17 President. The numbers in each of these versions should suffice.
18 But I do also have the ERNs if that is necessary.

19 So, this slogan is as follows --, "No gain in keeping <you>, no
20 loss in weeding <you> out".

21 Could you tell us, according to your expertise, what is the
22 meaning of this? <According to your research and what people were
23 able to tell you.>

24 A. <This slogan was one of the ones that I highlighted. There are
25 about 30, 40 of them which were

7

1 known> throughout the country and were repeated <everywhere. I

2 think that in his three testimonies, Duch -->

3 [09.13.06]

4 JUDGE FENZ:

5 We have a problem in the translators' booth with the change of

6 languages. We only heard the French now, so I don't know --

7 THE INTERPRETER:

8 Is the interpretation coming through?

9 JUDGE FENZ:

10 I heard, on the English channel, the French.

11 THE INTERPRETER:

12 Is the English working now?

13 JUDGE FENZ:

14 Now it is.

15 [09.13.36]

16 MR. DE WILD D'ESTMAEL:

17 Your Honour, should I also repeat the question, or is it just the

18 answer that was not heard?

19 JUDGE FENZ:

20 The question is okay; it was the answer.

21 MR. LOCARD:

22 Yes. So this slogan is among the 30, 40, 50 slogans which I

23 underlined because those were repeated throughout the country,

24 that everyone was familiar with. Moreover, Duch <often> cited it

25 in his testimony. It is quite probable that it was used in the

1 interrogations in the prisons <all over> the country. It was a
2 bit of a death sentence that was announced to the detainees. <It
3 was a threat, especially to> people who had a true opposition to
4 the regime.

5 [09.14.40]

6 BY MR. DE WILDE D'ESTMAEL:

7 Q. There is the word in the slogan "weeding out" and you said in
8 your book as a comment to that, so E3/2812 -- <in French> it is
9 <on page> 175, 176, <ERN> 00395157 <to> 58. And <in English> it
10 was <on page 00394841 and you said the following, and I quote>:
11 "The metaphor of the second verb implies the image of <weeding> a
12 field <> before planting the good seeds and, therefore, the new
13 society should be a clean place and all of the survivors of the
14 regime have heard this repeated. So these are words that we could
15 effectively hear to support the accusation of a deliberate will
16 for extermination which was organized quite coldly in the Centre
17 and applied to vast social categories."

18 This is something you wrote in the nineties, and I'm wondering if
19 you still maintain this assertion or if <now, after all the
20 research you've carried out since,> you would like to add some
21 amendments or nuances.

22 [09.16.19]

23 MR. LOCARD:

24 A. No, not at all. I would write exactly the same thing today,
25 especially because I know even more things now, about China,

1 where the opposition there was not systematically executed, those
2 people were held in re-education camps<. You can cite the example
3 of> Zhang Chunqiao<, the> head of the Gang of Four, also known as
4 the Cobras, <who> was arrested shortly after the death of Mao
5 Zedong, and he was thrown in prison. He was in there for some
6 <10>, 15 years. He survived. He returned to civilian life, and he
7 even organized a human rights defence group in his older years,
8 so you see the difference between that and Cambodia is absolutely
9 monumental.

10 Q. Does this slogan reflect the perception that the regime had of
11 human beings, and in particular of enemies?

12 A. Yes, there is a body of literature on enemies. In the first
13 and second versions of my book, "Pourquoi les Khmer Rouges?",
14 there is a very large paragraph where I cite the <collection>
15 that Stephen Heder made, how the enemies were called worms and
16 all sorts of other imagery was used. They were human waste. They
17 were people who no longer had human nature, who were no longer
18 part of the human race.

19 [09.18.04]

20 Q. So, now I'll move to the next slogan, <217> in the French
21 version and 255 in the English version.

22 So it says, "<Better> arrest someone by mistake. Never release
23 him by mistake." End quote.

24 So we are here before a Court, and this maxim for lawyers,
25 obviously, has a particular meaning. Could you elaborate on what

10

1 the meaning of this slogan could be in the context of the regime
2 of Democratic Kampuchea?

3 So I will repeat the slogan, "<Better> arrest someone by mistake.
4 Never release him by mistake."

5 A. As you have just emphasized, this is exactly the opposite of
6 the legal principles which prevail in any democratic society
7 because, usually, we say the opposite. I don't know if I say it
8 in the English or the French version, but I believe that I read
9 that this idea, which <took root> in the brains of the Khmer
10 Rouge, wasn't only a Khmer Rouge saying, but that it was inspired
11 by the Vietminh. I don't know where I indicated, but I believe
12 that in the Vietminh phraseology there is an absolutely identical
13 idea; and this is the type of statement that was made and
14 declared in prisons.

15 [09.19.58]

16 These were recommendations that could be given to guards or
17 directors of prisons, "Be very careful. When you release someone,
18 you cannot make a mistake. On the other hand, if you imprison
19 someone who is innocent, that's not a big deal because the goals
20 of the revolution are so noble that the end justifies the means",
21 so that is what is meant there, "the end justifies the means".

22 Q. More generally, concerning the treatment of people who were
23 arrested and imprisoned in detention centres, did these people
24 benefit from <even the slightest> guarantee that they would
25 receive a normal judicial process? And I'm thinking about, for

11

1 example, the assistance of a lawyer, the ability to contest the
2 charges, to remain silent, to present their case before a Judge
3 or <have the right to appeal>.

4 A. Of course, you are asking me a question that you, yourself,
5 know the answer to. None of these legal safeguards that we have
6 in the democratic world existed under the Khmer Rouge.

7 I'm sorry. I've lost my train of thought.

8 [09.21.42]

9 Q. That's not a problem. I'll ask the next question.

10 Why do you think that the Khmer Rouge <leaders> built such a
11 system <that maximized arrests and arbitrary executions, because>
12 there were no legal guarantees? Why <did> they build such a
13 system?

14 A. I guess I wanted to say that it's so far out of the scope of
15 the judicial systems that we have in the rest of the world.

16 There, the judicial system <was so> completely abolished <that>

17 Ieng Sary, when he was interviewed abroad, <was able to say,> "We
18 have no prisons in Democratic Kampuchea". Yes, literally

19 speaking, that's true. There <were> no prisons as we know them in
20 a normal or a democratic country. So how can this be justified?

21 [09.22.39]

22 Because the Khmer Rouge were people who were in very much of a
23 hurry, and I think by the brutality of the regime is due to two
24 causes in particular.

25 In the history of the Cold War or in the history of the

12

1 development of Communist regimes, they were the last in line, so
2 it's the last and very tragic chapter in the book of the Cold
3 War. And they were trying to catch up with the others who had
4 started 40, 50, 60, 70 years before. For the Soviets, it was
5 almost 70 years before, so they needed to rush through all the
6 phases of development. That was the first thing.
7 And second, to the contrary of most of the countries which became
8 Communist, there wasn't a Communist minority as there was in the
9 Soviet Union or even Vietnam. The true Communists in Cambodia
10 never represented more than one percent of the population.
11 So in order to see that they were obeyed, the only method they
12 had at their disposal was the most extreme violence and terror.
13 They were such a minority that they could only develop their
14 policy by using terror.
15 So on the one hand, they were very hurried and, on the other
16 hand, they were a very small minority. And finally, they were so
17 full of this <grandiosity,> nationalism, chauvinism; of the
18 greatness <of Khmer culture, and in particular, the greatness of
19 monuments to Angkor, that they followed the ideology of> the very
20 small council, <the tiny> Soviet that was running the country,
21 <that> they thought that they were going to launch the global
22 revolution. <That they> were going to be model of the global
23 revolution, that <the Mecca of the global revolution would move>
24 from Moscow to Beijing, and from Beijing to Phnom Penh.
25 [09.24.48]

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 Q. Still on the issue of justice or the presumption of innocence,
2 or here it is more so the presumption of guilt, did the
3 interrogators have the latitude or the right when they were
4 interrogating prisoners to question the validity of the opinion
5 of Angkar, who had accused these people?

6 Could they say in their interrogation, as a result of it, this
7 person didn't do anything, for example?

8 A. Well, the light is back -- effectively, as I believe I
9 emphasized yesterday in all of the provincial prisons, there were
10 <people who were released>. They were much more at the beginning
11 than at the end, but, indeed, a certain number of those who had
12 been accused, most of the time they were proletarians who were
13 simple workers or simple peasants. They could plead their
14 innocence.

15 [09.26.10]

16 And at that time, they went and checked them out in their native
17 village where they came from, and if it turned out to be the
18 truth, then they could be released. So, these interrogations, in
19 certain cases, did lead to freeing them.

20 But we need to know that it's almost impossible to speak in
21 generalities for the regime because it was completely chaotic. It
22 was total chaos. So, there could be one thing that happened in
23 one people's commune in one place, and the one next door was
24 completely different. So it's very, very difficult, and we must
25 be very cautious <when> generalizing.

14

1 But you see Moeung Sonn, which was the first witness who gave me
2 testimony, said that he was among a group of about 50 people that
3 were released, so sometimes it was a significant number of
4 people.

5 [09.27.14]

6 Q. And who had the power in Democratic Kampuchea to decide on the
7 release or the execution of a person in a security centre? Was it
8 the interrogator; was it the director of the prison? Was it even
9 higher that that decision was taken? Were you able to find that
10 out?

11 A. So you're asking me a very difficult question.

12 Obviously, Duch kept saying that it wasn't he who took the
13 decisions, that he was simply obeying Son Sen or Nuon Chea.
14 I believe that <I remember>, in reviewing the Krang Ta Chan
15 archives, there were always annotations, and approvals for
16 release or execution had to be requested from a superior
17 authority, someone higher up. So, I'm sure that it wasn't the
18 interrogator, and perhaps not even the director of the prison who
19 was able to take that decision, and that it had to be, perhaps,
20 the political commissioner of the district because most of the
21 prisons were at the district level and that perhaps that was the
22 person who had to take the decision. But here, I don't have any
23 specific information because I didn't interview <any district
24 commissioners> who could have told me how that happened, exactly.

25 [09.28.50]

15

1 Q. Two things, again, on the release.

2 When you spoke of the release, you said that the proletarian
3 <prisoners>, the simple peasants -- were these people who were
4 released, were they accused of minor offences and were there also
5 releases of people who were part of the New People? <You talked
6 about peasants and the proletariat.>

7 Could the New People also be released? And also, as I had said,
8 were these releases only of people who had been accused of minor
9 offences?

10 A. Yes, there you have a very good example. We can go back to
11 Moeung Sonn and his wife, Phally.

12 They were considered completely to be New People because they
13 were residents of Kampong Som, and he worked for the oil
14 refinery. He was educated. He had been to do an internship in
15 France, so he could have been classified as educated and, indeed,
16 he was released.

17 [09.30.04]

18 As for the accusation of the offence, we heard a lot of cases of,
19 "We <imprisoned> you for having stolen a banana or a grain of
20 rice", so the general rule that we hear <in all the speeches is
21 that when there were these minor offences, when> one fell asleep
22 in working hours or some other minor offence, generally, <they
23 had to confess or engage in> self-criticisms <during the
24 education or the re-education sessions during> the evening. <They
25 would receive a warning. And if the offence was repeated several

16

1 times,> at that point, one could be imprisoned.

2 But once again, there were no rights and there was no rule. There
3 was no law, so it was complete chaos and it was possible, even
4 for a very serious offence or <an offence that was> considered to
5 be very serious among the Khmer Rouge, such as a rape or having
6 unauthorized sexual relations -- it wasn't necessarily automatic
7 that you would be put to death. You could be released, even at
8 such an occasion.

9 So it's impossible to respond clearly to your question because
10 there was no clear rule.

11 [09.31.24]

12 Q. All right, then. The people that you said were released, are
13 you including there, people who were released from prison to work
14 or to perform all sorts of tasks in the prison, or are you <only>
15 talking about people who were truly freed and could go back home
16 to their cooperatives, their communes, their people's communes or
17 the collective entities that you spoke of yesterday?

18 Yesterday, you also said that some of these people were not
19 directly released, but were then released to go into re-education
20 camps, so I wanted to know what you meant by the people who were
21 released. In the eyes of the regime, who was released and who was
22 not released?

23 A. First of all, we have to make the distinction between complete
24 liberation and those who were kept <the way Van Nath was kept at>
25 S-21 to work in the prison. Yes, I do not consider those persons

17

1 as liberated. That was, by the way, the case with Moeung Sonn,
2 <in his second> prison, <Kaoh Khyang> , who became a man who did
3 everything, repairing <the motors of> boats <that had been sunk,
4 etc.> He was not released. He was kept in prison <along the Thai
5 border>.

6 [09.32.51]

7 <In the same vein,> we have Vann Nath. He was not liberated.

8 So there were two kinds of liberations <as you just mentioned>.

9 They were either sent for re-education or were returned to the
10 <people's> communes.

11 <But you were often not sent> back to your commune of origin.

12 <You> were sent to <other> communes because it was essential that
13 the prisons should remain secret. Secrecy was absolute in
14 Democratic Kampuchea, so when people were sent to the <people's
15 communes>, they were told not to talk about what they had <seen>
16 when they were at Santebal.

17 [09.33.38]

18 Q. I would like <to confront you with> a testimony regarding

19 S-21. The situation is very different, that is, that of Prak

20 Khan. He was an interrogator at S-21, and this is what he stated

21 in his testimony on the 27th of April 2016 before this Chamber.

22 It is document E1/423.1, E1/423.1, at 14.30.56 <pm>. The question
23 that was put to him was as follows:

24 "Enemies entered S-21 on the basis of a decision to arrest them.

25 Did Duch told you -- tell you that it was possible for Angkar to

1 have erred in arresting people?"

2 And his answer was as follows: "I never heard of any <potential>

3 errors committed during arrests. Such a term was never used.

4 Anyone who was arrested and brought to S-21 was considered as the

5 enemy." End of quote.

6 And it corroborates what Duch said, that there were no

7 liberations at S-21.

8 Are you surprised to hear an interrogator from S-21 say that

9 everyone who entered S-21 was considered as the enemy, even

10 before they were interrogated?

11 A. Yes. Like you, I was, for a very long time, persuaded that

12 that was the case. And I'm not sure at all that Duch is telling

13 the truth.

14 That said, we should bear in mind that S-21 was, nevertheless --

15 if it wasn't a pyramid, it was a prison for special prisoners. It

16 had authority nationwide, contrary to the others.

17 Secondly, apart from the situation at the beginning of S-21, it

18 was the prison for military and civilian cadres. Thirdly, the

19 prisoners had been sent there apparently in any case, according

20 to what Duch said, by the leadership of the country, that is,

21 Office 870.

22 [09.36.14]

23 So it was, therefore, an absolute <dogma> in the country; that

24 Pol Pot and Nuon Chea were always right, and it was absolutely

25 out of the question to challenge their decisions and their

1 ideologies.

2 On the other hand, as I stated yesterday, I found two or three

3 other prisons in the provinces that were reserved for <Khmer

4 Rouge> cadres. I'm thinking of <the Ou Reang Ov prison, I have

5 more details in my file on that prison,> which was reserved

6 solely for the Khmer Rouge. <Especially soldiers> and I was told

7 that all who went there were executed. No one was released. So

8 the prison <disappeared>. We could still see the mass pits and

9 Hun Sen's regime had the memorial, and I photographed it.

10 The Heng Samrin regime thought that it was an important place and

11 that it was important to erect a monument there since perhaps a

12 certain number of leaders of the future regime and persons who

13 were acquaintances of the <future> regime were executed there.

14 <But I can guarantee you,> all <prisoners> were executed there.

15 So it is not impossible that Prak Khan and Duch told the truth

16 given the specificity of <the S-21> prison.

17 [09.38.05]

18 Q. The third slogan is number 42 in French and 50 in English, and

19 it's still in your book, E3/2812.

20 And the slogan is as follows: "When you pull out weeds, you must

21 pull out all the roots." So here again, we are using the word "to

22 pull out". We referred to it earlier.

23 Can you tell us what situation this slogan applied to under the

24 Democratic Kampuchea regime?

25 A. As was the case with the previous slogan which you requested

20

1 me to comment on, this was a <dogma> that appeared to be
2 disseminated among Asian communists. They had the same slogan in
3 Mao's China, so it is well known that under the Mao regime in
4 China, when a man was arrested, his wife was arrested as well,
5 and perhaps their children. They had problems. Were they
6 systematically killed? Perhaps not, but they were, nevertheless,
7 harassed.

8 [09.39.26]

9 We also know that, in Communist Vietnam, if you were the child of
10 an opponent to the regime, it was difficult for you to be
11 admitted <to the> university and so on and so forth. So <some>
12 repression was extended to the entire family. As was the case
13 everywhere, the Khmer Rouge took up ideas that existed in other
14 Communist countries, and <pushed them to the extreme of> their
15 logic, <and then even further.> That is to say that they
16 <systematically> -- in June, you interviewed Duch at length on
17 this subject regarding the extermination of children at S-21, but
18 quite obviously, this was practised in all prisons.

19 We have again the case of Moeung Sonn. When he was arrested, they
20 claimed that it was for him to go and work at the oil refinery in
21 Kampong Som. He had four children. So he took the <two youngest>
22 children -- and his wife was pregnant. They took them. They
23 imprisoned them.

24 The children were not killed, but they died of hunger. And Mrs.
25 Phally had her baby, but the child died of hunger <three weeks>

21

1 later because the mother didn't have any milk.

2 So these are examples that show that not only the parents were
3 arrested, but also the children were arrested.

4 [09.41.02]

5 Q. What justifications were advanced by the Khmer Rouge leaders
6 to justify the fact that the spouse and the children <of a person
7 who committed an offense> were also arrested? What was the <end>
8 purpose for arresting both the husband and wife and children?

9 The children and the wives who <in some cases> didn't commit any
10 errors, why did they have to suffer the same fate as their father
11 <or husband>? <Were their arrests particularly significant>?

12 A. Mr. Prosecutor, I know here again you know the answer. The
13 Khmer Rouge were convinced, Nuon Chea in particular, was
14 convinced that the most absolute priority was to protect the two
15 or three leaders of the country for as long as the two or three
16 main leaders, <the trinity> of the country, that is, those at the
17 apex of the country, Pol Pot, Nuon Chea and Khieu Samphan; <their
18 lives> had to be protected <at all costs,> to make sure that the
19 revolution would last forever, 1,000 years --10,000 years, as
20 Nuon Chea had said.

21 So they had to execute the children of traitors because they were
22 convinced that the children would take revenge some day in
23 future, so they had to absolutely protect the leadership and the
24 revolution.

25 [09.42.45]

1 Q. In your research on security centres, were you able to find
2 out whether the children as well as the spouses of male prisoners
3 were systematically registered?

4 A. Yes. In this case, I think the situation was very much same as
5 at S-21 in the case of Moeung Sonn and Phally. Indeed, in the
6 autobiography, there's a drawing of the prison.

7 The children and the wives were not <set up in a camp, meaning,
8 they were not restrained,> shackled. Most prisoners, we have many
9 witnesses<, including Ung Loung,> who <- Rithy Phan is making a
10 film about --> many children <who> survived whose -- children
11 whose parents were imprisoned. The children were never shackled.
12 And sometimes -- and most of the time, they were executed.

13 [09.43.54]

14 Seng Theary, this is another example, who wrote <her> memoir;
15 <she> was in Svay Rieng and Prey Veng <provinces>. <She>
16 survived.

17 The children were not killed immediately, in some cases, as was
18 the case in S-21. Some of them survived. They gave them little
19 jobs to do or to carry excrement and so on and so forth.

20 Imagine the situation in Siem Reap prison. Imagine the fate of
21 those children. Their case was abominable, and you feel like
22 crying when you look at what happened to them.

23 Q. My question was whether there were registered -- were their
24 names registered on lists?

25 A. Yes. As a matter of fact, I do not think so. When I looked at

1 my article on Krang Ta Chan last night, since I interviewed
2 people regarding Krang Ta Chan, I recall that there were between
3 six and 10 adolescents who were age under 18, so they can be
4 considered as children. So out of the 477 prisoners from Krang Ta
5 Chan, only six or seven were registered in the archives of the
6 prison, and they were also executed, I believe.

7 [09.45.37]

8 Q. I would like to focus again on the point because <yesterday>
9 you said there was a large difference between the number of men
10 and women who had been arrested and sent to detention centres.
11 There is an apparent contradiction in the slogan because you said
12 that they arrested wives and children as well. How do you,
13 therefore, explain the fact that there were less women in the
14 security centres per se?

15 A. As a matter of fact, you are right. If the wives and children
16 had to be automatically arrested, then you <would> have the same
17 number of men and women<, and four times as many children>. You
18 could have asked the question to Duch because the situation was
19 the same at S-21.

20 [09.46.40]

21 <But fortunately> when men were arrested, the women were not
22 automatically arrested. <That was the case for soldiers, too.>The
23 Tribunal focused <a lot> on the issue of the extermination of
24 members of the Republican Army. They started with the
25 high-ranking officers and then the intermediate officers came

1 next, and then they exterminated the soldiers. <Reviewing my
2 notes, I noted that> in 1977 and '78<, in the East Zone, they>
3 continued tracking down former soldiers of the Republic, and
4 sometimes -- and I saw this in Pursat province. And once all the
5 men had been exterminated, they then turned to the women <who had
6 survived>.

7 I think it's extremely important to realize that at least <90>
8 per cent of prisoners in all prisons in Cambodia were men, and
9 that is why, at the end of the regime, there were so many widows
10 in the new regime. And women became <heads of households>, and
11 life for these women was extremely hard.

12 Q. <Without systematically imprisoning all the wives of male
13 prisoners, were> women who were identified subject <to any
14 particular surveillance>?

15 A. I am the son of a police officer and grandson of a police
16 officer, but <my research did not go that far.>

17 [09.48.41]

18 Q. <Speaking of the police>, the next slogan is number 87 in
19 French and number 99 in English. And the slogan reads as follows:
20 "Angkar has pineapples eyes."

21 Can you tell us whether that slogan was well known, and did many
22 people talk to you about this slogan across the country when you
23 met with them?

24 A. Of course, your question also contains an answer. That slogan
25 was so well known that it was used in literature on Democratic

1 Kampuchea <everywhere>. <I actually wanted to use it as my book's
2 title. >It was a possibility.

3 I recall that it gave rise to counter-slogans. It was <so
4 ridiculous that you got> counter-slogans: "Angkar has the
5 pineapple's eyes, but it's incapable of seeing the misery of the
6 people."

7 So there were counter-slogans like this one, and there were all
8 kinds of counter-slogans. The Cambodians are so fond of humour
9 and laughing that, <even> under Democratic Kampuchea, they
10 <covertly made> a mockery of the leaders all the time.

11 [09.50.34]

12 Q. What state of mind did this slogan conjure up in the minds of
13 the masses?

14 MR. PRESIDENT:

15 Deputy Co-Prosecutor, please repeat your last question, and
16 please leave sufficient pause between question and answer
17 sessions so that the interpreter can properly do their job.

18 BY MR. DE WILDE D'ESTMAEL:

19 Court's indulgence, Mr. President.

20 Q. What state of mind was the slogan supposed to conjure up in
21 the minds of the ordinary members of the population who heard it?

22 MR. LOCARD:

23 A. Obviously, it was meant to terrorize the people or to cause
24 terror. There are <two> ways of terrorizing the people<,
25 obviously by> using words, and also using the Kalashnikov, that

1 is, weapons. So <those were the two> means used by the Khmer
2 Rouge <leadership to control the people.>

3 Q. The next slogan is <less well known, it is> number 76 in
4 French and 88 in English, and it talks specifically about race
5 and states as follows: "Do you love your social class? Do you
6 love your race? Do you love Angkar?"

7 Perhaps you are able to give us a general explanation of this
8 slogan, but I would like you to explain to us particularly what
9 "social class" meant here, that is, under Democratic Kampuchea.
10 Do you have many explanations and if yes, which ones?

11 [09.52.46]

12 A. Here, you are putting your finger on a very fundamental
13 problem. Here, I see that the word "race" <here> is "puch sah" in
14 Khmer<, "puch sah"> in Khmer.

15 Usually, it was also used in French and English translations --
16 they always used the word "cheat". However "cheat" means two
17 things. It can mean the nation, "chun cheat" <, "cheat" "the
18 nation">, but it also pertains to race. It's also translated as
19 "race".

20 So observers and historians who want to give us the impression
21 that the Khmer Rouge were racist, that they were essentially
22 racist, I do not believe that is the case personally, they
23 systematically translate "cheat" by race instead of translating
24 it by nation.

25 They were nationalists. They were very chauvinistic<, xenophobic,

1 we can all agree, but> whether they were racist or not is subject
2 to debate.

3 [09.54.13]

4 There was no word for proletariat in Khmer, so they had two
5 translations: "kamakor-kaksekor" -- that is, they <made a
6 compound out of> "workers" and "peasants". <It's interesting,
7 they put "workers" before "peasants".> So they used the term
8 "kamakor-kaksekor". <Or> you had the learned translation in Pali,
9 "vanna a-tum", which means <someone with no social class.> That
10 was the case and those who speak Khmer can correct me.

11 In any case, it is interesting to note here that they didn't use
12 the word "cheat" but they use "puch <sah"> and we have to look up
13 the <exact> meaning of this term in dictionaries. I believe it is
14 a learned word. It is a word of Pali <Sanskrit> origin and it is
15 possible that ordinary people didn't know its meaning because
16 there were many learned words used by the Khmer Rouge like "chaka
17 pwat" <or> "muonithi niyum", which were not part of the language
18 used by the Cambodians. If you ask Cambodians what "chaka pwat"
19 means, <today> most of the people wouldn't know what it means.

20 [09.55.40]

21 Q. You talked of a notion of race or nation under Democratic
22 Kampuchea in terms of the Khmer nation or Khmer race. Did they
23 talk of <a> Cambodian nation or Cambodian race?

24 A. Here again you are putting a question that is very difficult
25 for me to answer. I know the word "cheat" is well known; "chun

1 cheat" which means the ethnic minorities. "Cheat cheat cheat" is
2 <part of the> language used daily by everyone. The word "cheat"
3 was used. The Khmer Rouge were very chauvinistic and they had
4 this word readily at hand.

5 As for "puch sah" I <do not> think it <would> have been quite
6 common. You'll have to ask Khieu Samphan because he should be
7 able to answer <these> questions regarding Khmer language usage.
8 I cannot answer it.

9 [09.56.45]

10 Q. Another question regarding race and ethnicity: During
11 Democratic Kampuchea, <did> ethnic minorities, have the right to
12 speak their own languages or <did> they all <have> to speak
13 Khmer?

14 A. This is an interesting question, and I thank you for it. I
15 should <probably> be able to answer it.

16 It's thanks to long conversations with Phy Phuon and following my
17 visits to Ratanakiri.

18 The first time I went there was in 1964. That is more than <50>
19 years ago so I know the history of that region. It is certain
20 that ethnic minorities: Jarai, Tumpoun, <Kloeung, Phnong, Krung,>
21 and the others<, as you can imagine,> were -- were the favourite
22 children of the regime. When <Ben Kiernan writes> that 40 per
23 cent of these people were exterminated, I think it is quite
24 speculative<, and makes no sense. First of all,> Ben Kiernan
25 never went to Ratanakiri or Mondolkiri. <Serious researchers like

1 Sara Colm> assess the extermination rate in Ratanakiri to be
2 between five and seven per cent. That is a lot less than the rest
3 of the population.

4 So if we have some members of the ethnic minorities who were
5 imprisoned in Tuol Sleng<, at> S-21, I think these are very
6 small numbers.

7 <They placed> them at the very summit of the society. <In large
8 part, it was (unintelligible) in the world.

9 [09.58.33]

10 Why was that the case <for the Khmer Rouge>? <It explains why>
11 people were sent<, displaced> to the forest. They were able to
12 <figure things out, to> do everything on the spot. They were
13 autonomous. They had not used money, and so on and so forth.
14 And I learned in my conversations, particularly with Phy Phuon,
15 that the first book by Pol Pot was a small book on the way of
16 life of <ethnic minorities> in Ratanakiri. That book has
17 disappeared and <I do not know how many pages it had>. All the
18 Khmers from the plains who arrived in Ratanakiri had to read that
19 small book and they asked them: "Look at the way of life of the
20 <ethnic minorities>. It's <an ideal way of life,> extraordinary.
21 You have to <turn> back history up to the primitive period and
22 skip the capitalist and feudal stages and leap <from primitive
23 communism> to modern communism." <This is to simplify,
24 caricaturize it.>

25 [09.59.43]

1 As regards to the language, since <that is your> question, <it is
2 very paradoxical, because while> the reasoning of Pol Pot and the
3 other leaders was sophistry because they said one thing and meant
4 another. So they said the way of life of these people is ideal
5 but they <practiced, if not a> genocide or at least the <ethnic
6 cleansing> of ethnic minorities. <So it means that, ethnic
7 minorities> had to abandon all their <beliefs, holidays,>
8 ceremonies and ways of life and merge with the popular communes
9 with Khmer Kandal, with Laotians and so on and so forth. And, in
10 particular, they had to learn the language of the Cambodians <on
11 the fly>.

12 And there was a <man named Tiv Ol, you should know of him, a>
13 Khmer professor who taught Khmer to ethnic minorities and Phyl
14 Phouon <didn't> know how to write his language, Jarai, which was
15 transcribed in Vietnam but he learned Khmer and mastered it so he
16 could read and write Khmer, and so on and so forth.

17 But in the popular communes, people were not <generally>
18 authorized to use minority languages. But when I <re-read> my
19 notes on Ratanakiri, I find that in some places they had brought
20 together some villages of ethnic minorities without adding the
21 Khmers from the plains or people from Laos and they authorized
22 them to use their languages. Well, <in general>, the Khmer Rouge
23 practised ethnocide while placing them at the summit of the
24 society -- they practised the genocide of ethnic minorities.

25 [10.01.23]

31

1 Q. So when I spoke of ethnic minorities I didn't only want to
2 refer to the mountain people of the northeast but also the Cham
3 and the Vietnamese, so a very brief response.

4 Were the Cham and the Vietnamese who were living in Cambodia and
5 who stayed after the deportations, <were> these people, <like>
6 the hill tribes, <forced> to only speak Khmer or did they have
7 the right to speak their own language?

8 A. Here again, I don't have any primary sources, <this is not a
9 question I asked the people I interviewed>; however, it is well
10 known that any language except Khmer was forbidden under
11 Democratic Kampuchea and, in particular, since the entire
12 educated class had been educated in the French language, many
13 Cambodians spoke French very easily and even sometimes spoke it
14 at home. The family of Nhiek Tioulong, for example, spoke French
15 at home.

16 [10.02.58]

17 It's not typical but many educated Cambodians knew French and it
18 was extremely important to hide the fact that one knew the French
19 language. And Pin Yathay explains this to us because that meant
20 that <you> were capitalist. <It meant you> were bourgeois and
21 therefore needed to be eliminated. So it's possible that people
22 could have been arrested because they were heard using the French
23 language.

24 However, for Cham and the Vietnamese language, I don't have any
25 information on that.

1 [10.03.37]

2 Q. Thank you.

3 The next slogan is 77 in French and 89 in English. It says,
4 "Angkar is the mother and father of all young children as well as
5 all adolescent boys and girls".

6 Could you explain us -- to us the concept of society that
7 underlies this slogan and particularly the new concept of family?

8 A. Yes. There again, the Khmer Rouge leaders followed the Maoist
9 doctrine which said that children were a blank page on which we
10 can write whatever we want. Everyone knows that children were
11 considered from birth as not being the children of their mother
12 and father but the children of the revolution, the children of
13 the revolutionary organization Angkar.

14 [10.04.50]

15 From the age of six or seven, <they were placed in "mondol
16 komar",> they were removed from their mother and father and given
17 to other women and even the smallest children, the babies and
18 infants, had to be left by their mothers who -- mothers had to go
19 and work and it was the older generation, grandparents who would
20 take care of them. So they were put in the <"mondol komar"> after
21 and when they got to 11 or 12 years, they were put into "kang
22 chalat".

23 So the Khmer Rouge didn't eliminate the family. It was more like
24 they exploded it. <The mother and father often worked on
25 different fields, they were often not all together. In general,>

1 the Khmer Rouge regime felt that children were their property and
2 it was up to them to educate them for the revolution.

3 [10.05.50]

4 Q. As the children of Angkar, did Angkar ask children to keep
5 tabs on their own parents and even perhaps denounce them, speak
6 of what were considered <offences> at the time?

7 A. Yes, I do think they have a slogan that addresses this, "If
8 you want to know something I ask -- I don't remember. But if you
9 want to really know, ask children." And this meant that children
10 were meant to spy on their own parents and to bring in
11 information.

12 <Speaking of children, on> page 266 of the English version, there
13 is a quote about the children by Mr. Khieu Samphan or the
14 children of Khieu Samphan, because they were particularly kind
15 and docile and they were very supportive of the revolution.

16 [10.07.01]

17 Q. I will come back to that citation later.

18 But perhaps one last <slogan>, Mr. President, before the break.

19 It is number 80 in the French version and 92 in the English
20 version. And it says, "<Reasoning is useless,> for the Angkar's
21 motives are perfectly pure."

22 So could you explain to us what is the philosophy or the concept
23 of society hiding behind this slogan, and also could you come
24 back to the concept of purity and the importance of this concept
25 in the Khmer Rouge ideology?

1 A. Yes. Once again this is another slogan which illustrates the
2 maxim "the end justifies the means". Because we want what is best
3 for humanity or the Khmer Rouge society, all methods are good. So
4 here we have Khmer "borisot". "Borisot" means chastity, purity of
5 a young girl, that kind of thing. But that's not what the word
6 meant when pronounced by the Khmer Rouge.

7 The idea of purity is repeated again in all of the literature of
8 the Party as in the book translated by David Chandler, and this
9 was ideological purity. And this meant that all traitors needed
10 to be removed from society.

11 [10.08.46]

12 All people who weren't true believers -- as Duch repeated the
13 idea, he said, "I was a true believer of the Party. There wasn't
14 anyone who believed in it more than I did."

15 So anyone who wasn't so fervent in their faith in the revolution
16 was considered to be impure and <were to be> "boh somat", <swept>
17 away, <cleaned> from the society, that's what needed to be done
18 to those people. So "borisot" <was> a very important concept in
19 the ideology of the Khmer Rouge.

20 [10.09.22]

21 Q. And you made a comment in your work on the slogan <on page>
22 00395067 in the French version, and then in the English version
23 00394740. You said the following:

24 "With the reign of Angkar, it's better to not get lost in
25 reasoning that's too subtle. It's <best> not <to> think at all,

35

1 the people can refer to the Party with total trust.

2 The key word in this slogan is 'borisot', or pure. One of the
3 main ideas of the Cambodian revolutionaries was this notion of
4 purity; first of all sexual purity and then further you say
5 racial purity, ideological purity above all.

6 "Let us recall that the main obsession of Khieu Samphan, the head
7 of state of the regime, was to cleanse Cambodian society. It's an
8 obsession which became an obsession of all leaders and it even
9 became what we can call a mark of collective paranoia." End
10 quote.

11 Could you explain to us this analysis and specifically the fact
12 that, as you say, Khieu Samphan had an obsession to cleanse
13 Cambodian society? Where did this obsession come from and what
14 were your sources to affirm this?

15 A. This edition appeared in 1996, and up to now I have said that
16 I maintain the same opinion exactly <as> I had written at that
17 time.

18 At this time, I regret a bit having written the words "racial
19 purity". <We just spoke about that a bit.> I would not write that
20 today. I do not think that it was a specific preoccupation of the
21 Khmer Rouge or <communist> revolutionaries in East Asia as it was
22 with the Nazis. I don't think that.

23 [10.11.55]

24 However, I do think that the idea of cleansing the society <came
25 from the mouth of> Khieu Samphan spoke about that -- it's a

1 personal source. In the 1960s, as you know, I was a professor at
2 the Descartes Institute <I became close friends with> an Indian
3 from Pondichéry, Jacqueline Felix (phonetic). Jacqueline Felix
4 (phonetic) was a teacher <but> she <had done> her first year of
5 studying law at the University of Phnom Penh and Khieu Samphan
6 was her professor.

7 And this professor turned towards her and said, "But you, you are
8 French" and she was an Indian from Pondichéry and -- she was very
9 beautiful, as an aside. So <being> from Pondichéry, she was <of
10 course> quite dark but she was always dressed in a sari. And
11 Khieu Samphan turned towards her -- and this is second-hand
12 information -- Khieu Samphan can contradict me -- but he turned
13 towards her and said, "But what are you doing here? You're
14 French" because those from Pondichéry were often in the
15 administration and <she> had French nationality. And <he> said,
16 "Why are you enrolled in higher education in Cambodia? Why are
17 you not in France?" first.

18 [10.13.22]

19 And second, during these classes he <didn't hold back from
20 criticizing> the corruption of the Sihanouk regime, which is well
21 known. Khieu Samphan was very bold at this time and in his
22 newspaper "The Observer" he often criticized the Sihanouk regime.
23 This led to, in fact, this publication being banned.
24 But during these courses, he said, "This Sihanouk society needs
25 to be cleansed. It needs to be torched because it is a corrupt

1 society." <That was the word he used.>

2 So I would invite Khieu Samphan to contradict me, to say that, "I
3 never said that to my students." It's possible. I am transmitting
4 words that were conveyed to me. It's a personal source. Perhaps I
5 shouldn't have written it because it was second-hand information.

6 [10.14.28]

7 MR. PRESIDENT:

8 Thank you. It is now convenient for a short break.

9 We will take a break now and resume at 25 to 11.00.

10 Court officer, please assist the expert during the break time and
11 invite him back into the courtroom at 25 to 11.00.

12 The Court is now in recess.

13 (Court recesses from 1014H to 1034H)

14 MR. PRESIDENT:

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

16 The floor is given back to the Co-Prosecutor to resume
17 questioning the expert. You may now proceed.

18 [10.35.02]

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President

21 Q. I still have a few slogans I would like you to decipher this
22 morning before we change to another line of questioning.

23 The next slogan is number 148 in French and 169 in English and it
24 states the following: "A hand for production; a hand for striking
25 the enemy."

1 Did this slogan apply to all types of the enemy, that is, the
2 external enemy and the internal enemy?

3 MR. LOCARD:

4 A. Thank you, prosecutor, for this question. I didn't ask myself
5 that question because I thought they were referring mainly to the
6 internal enemy because here -- because it <probably> applied
7 generally to the population in its entirety, <probably,> rather
8 than soldiers.

9 It marks the two main axes of the policies of Democratic
10 Kampuchea, that is, to triple production, <one hectare, three
11 tons>. And on the other hand, it was a question of denouncing the
12 enemy and in the case of soldiers was a question of arresting
13 them and subsequently executing them. And if it was a simple
14 member of the population, they had to report to Angkar that there
15 was a traitor <among them> .

16 [10.37.09]

17 Q. The next slogan is number 159 in French and 197 in English and
18 it states the following: "We have to smash the Vietnamese enemies
19 who guzzle territory."

20 In <the context of> 1977 and 1978, in particular, we will find
21 that is applicable.

22 Did they have to apply this slogan to all Vietnamese whether or
23 not they were <still> residing in Cambodia or in Vietnam, or
24 whether we are talking of the hinterland of Vietnam, at the
25 borders, or Vietnamese who were moving about on Cambodian

1 territorial waters? Did this slogan target all Vietnamese or a
2 specific group of Vietnamese?
3 A. They are talking of categories that are clearly identified.
4 Obviously, the Vietnamese who <guzzle> up territory, this
5 pertains to Vietnamese from abroad, those attacking.
6 And we should bear in mind that practically throughout the
7 regime, from the 17th of April 1975, there were skirmishes along
8 the border and it was said that it was Khmer <Rouge> who attacked
9 <and destroyed Vietnamese villages, according to interviews I
10 conducted in Ratanakiri,> and in reading the literature I also
11 found that there were Vietnamese <who left Cambodia, or who>
12 refused to leave Cambodia. So there were problems on both sides
13 of the border involving both attackers and those attacked.
14 So in the case of this slogan, I find that they are referring
15 mainly to combatants from abroad and when we talk of swallowing
16 territory, this is a problem that <has> existed for <decades if
17 not> centuries among Cambodians.
18 I also noted that <ethnic minorities in the Annamite mountain
19 range, from the centre of Vietnam also referred to the>
20 Vietnamese as people who swallow <up> territory, <because they
21 took the territory surrounding the Dalat and the entire Annamite
22 mountain range>. So this was indeed the imperialism of the
23 Vietnamese -- <by> the Vietnamese within the country. <However,
24 they were very few of them in numbers, as they had been
25 expelled. Most of them> were married to Cambodians <and were not

1 accused of guzzling up territory>.

2 [10.40.14]

3 Q. I will return to this issue of Vietnamese within the country.

4 The next slogan <seems to apply> to Cambodians<, it is very well

5 known,> and it is number 163 in French and 202 in English, and I

6 quote: "A Vietnamese head, a Khmer body." End of quote.

7 In what particular context did they use this slogan and what

8 category of persons among Cambodians was targeted?

9 A. Yes, it is well-known that following the bloody attacks that

10 occurred in 1976 and 1977 involving <surprise attacks by special

11 troops specially formed> along the Vietnamese border <by the

12 Democratic Kampuchea leadership> and in the face of the

13 Vietnamese threat, it was a threat to control the Cambodian

14 revolution. There <were two> tactics -- <obviously> diplomacy and

15 discussions, and then attacks and terror. <Strong methods.

16 Unfortunately for Cambodia, they used the strong method.>

17 [10.41.53]

18 <The leadership decided to train> special troops along the border

19 that would make incursions <about ten kilometres> into <the

20 country> and kill anyone <in "their" path.>

21 Following that, the Vietnamese did not succeed in changing the

22 <leadership> of Democratic Kampuchea, so they used another tactic

23 in the autumn of 1977. They invaded the country but on a large

24 scale, and it was said at length that it was Svay Rieng and Prey

25 Veng. But I found that they invaded the country; in any case up

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1 to Mondolkiri and right up to Kaoh Nheaek. That was <about> 50
2 kilometres from the border.

3 So there was an initial <grand> invasion of the country by the
4 Vietnamese army to give a lesson to the leadership of the country
5 to say, "<Stop invading our country>. We are the ones who are
6 stronger." So they withdrew in early January 1978.

7 And at that time, Pol Pot and the Khmer Rouge leadership
8 proclaimed that it was a big victory. On the 6th of January, was
9 a symbolic <date, for the major> victory of the Cambodian army
10 against the Vietnamese army. <But the Vietnamese army hadn't been
11 defeated, they had retreated and they thought that this lesson
12 was enough>.

13 [10.43.21]

14 And since the troops from the East, <from "Bophea">, which at the
15 time were led by Son Sen, had allowed the Vietnamese to penetrate
16 far into <Democratic Kampuchea> territory, <that is up to> Takeo
17 province, that was only 50 kilometres away from the border, the
18 Vietnamese penetrated <almost at the halfway point,> and went
19 very deep into Democratic Kampuchea.

20 So it was considered that all troops that were stationed in the
21 East of the country were considered traitors since they had
22 allowed the Vietnamese to make incursions deep into Cambodia. And
23 that is the root of the slogan that they were Cambodians with a
24 Vietnamese <way of thinking, a Vietnamese brain>. So, Cambodians
25 were targeted.

1 [10.44.18]

2 <Massive numbers of Vietnamese were killed because of this
3 slogan.> I crosschecked this <in my notes>. Contrary to previous
4 purges, which involved mainly the prisons, in this case we are
5 talking of absolute massacres <of everyone> and we know the case
6 of So Phim which is very well known.

7 So here we are talking of massacres of large numbers of civilians
8 and the "kamaphibal" of the East Zone and soldiers of the East
9 Zone.

10 And we know that some of them were sent to S-21 and they were
11 immediately executed. <As far as> the civilian population on the
12 border, they were transferred to Pursat, <Battambang, etc>. And
13 it was in the name of this slogan that all these bloody massacres
14 were carried out.

15 Q. Just a follow-up question to understand their reasoning; we
16 had the penetration of Vietnamese forces deep into Cambodian
17 territory, you have the forces of the East led by Son Sen, you
18 said. Some of the troops came as far as <near> Takeo province.
19 Why <were> Son Sen and Ta Mok not <worried about this slogan? Why
20 did this slogan not apply to them:> "A Vietnamese head and a
21 Khmer body"?

22 Please start again because your mic was not on.

23 [10.46.07]

24 A. I'm sorry.

25 Son Sen was in charge of the Cambodian army <as a whole>. Ta Mok

1 was only responsible for the Southwest Zone<, not the entire
2 army,> and it was So Phim, So Phim who was in charge of the East
3 Zone and it was So Phim who was accused of <having> a Vietnamese
4 head and a Khmer body.

5 Was he executed<, did he commit suicide>? There are two versions
6 of what happened. <We are not sure, but in any case he wanted to
7 dispute that. In Akreiy Ksatr, just> on the other side of Phnom
8 Penh of the <Mekong>, he was there and he wanted to explain the
9 situation to Pol Pot, that is, <say that> they had done
10 everything to fight against the Vietnamese<, I imagine>. And at
11 <one> point in time, it was thought that the traitorous troops
12 were Ta Mok's troops, <the "Nieredei">; and that there was going
13 to be a battle between <the "Bophea" and the "Nieredei">. <That
14 battle actually never took place, because the "Nieredei" --
15 excuse me -- the "Bophea"> were executed.

16 And that explains the fall of So Phim and all his supporters. We
17 should bear in mind that So Phim was someone who was very close
18 to Pol Pot. He was a former Viet Minh Khmer. I heard this from
19 Saloth Ban< -- or So Hong>, Pol Pot's nephew, that So Phim, like
20 Ros Nhim, <was a woodworker, a carpenter, and> had helped build
21 Pol Pot's house in Phnom Penh. So they were very close.

22 [10.47.54]

23 Q. I will return to that later.

24 Did So Phim remain loyal to Pol Pot and also to Nuon Chea up to
25 the end of his life?

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1 A. You have to read his confession. It was one of the confessions
2 I did not read. I believe that Vorn Vet and others, as well as
3 the others, <and Khoy Thuon, of course, they> didn't conspire
4 against the regime. <They were> loyal to Pol Pot.

5 We should bear in mind that Duch very well explained this. <In
6 the leadership, you> had the intellectuals and the heads of
7 regions. It was always the civilians who had the upper hand. So
8 we should bear in mind that all the <heads of regiments> were
9 purged except one<, Ta Mok>.

10 [10.49.06]

11 Q. To wrap up with slogans, I will read this slogan concerning
12 <the> Buddhist clergy and it is slogans 175, 176 and 178 in
13 French -- and in English it's 185, 186 and 188.

14 And we are still talking of your little -- the little red
15 book.<I'll read all three at once>

16 The first is as follows, "The monks are parasites."

17 The second, "The monks are intestinal worms gnawing into
18 society."

19 And the third, "You bow before Buddha. You bow before cement."

20 Why were monks considered as intestinal parasites at this time?

21 A. <Very briefly, the Khmer Rouge did not innovate at all. That
22 is not at all specific to the Democratic Kampuchea revolution.

23 That is from Marx, so that is -->

24 [10.50.12]

25 JUDGE FENZ:

1 Just a second, please.

2 MR. PRESIDENT:

3 Please hold on. There seems to be a technical problem with the
4 interpretation. <>

5 JUDGE FENZ:

6 Mr. Prosecutor, could you repeat the question, please?

7 BY MR. DE WILDE D'ESTMAEL:

8 Of course, Honourable Judge. I hope you can hear me now.

9 Q. Mr. Expert, can you therefore explain to us why the monks were
10 considered as parasites and intestinal worms? I would like you to
11 be very brief in your answer.

12 [10.51.06]

13 MR. LOCARD:

14 A. This was not a specificity of Democratic Kampuchea. It is part
15 of the doctrine, that is, the fundamental beliefs of Marxist and
16 Leninism. It's Marx himself who declared that religion was the
17 opium of the people. So it's a transcription in Cambodian
18 rhetoric of the Marxist dogma that religion was the <opium> of
19 the people.

20 Bowing before cement, as it said in this slogan, I believe I
21 explained in my notes on this slogan. The Sangkum period was <a
22 frantic> period <of pagoda construction. It was the period when
23 old wooden pagodas were destroyed, along with> beautiful
24 paintings dating back to the 19th and <early> 20th centuries <to
25 build cement pagodas. They did the same thing with the Buddhas,

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1 they were no longer made of wood or bronze, of noble materials,
2 or stone, but they were almost all made out of cement. So they
3 were bowing before cement.>

4 [10.52.21]

5 Q. Another slogan or series of slogans has to do with sick
6 <people, or more specifically, people who pretended to be sick>.
7 We have in French 190-91 and 197 and in English 216, 217 and 223.
8 I will read all three of them as well.

9 And I quote: "The sick are victims of their imagination."

10 Secondly, "We must destroy all imaginary sick people and throw
11 them out of society."

12 And the third, "The sick do not need to eat because disease
13 deprives one of appetite and <diet> will cure them." End of
14 quote.

15 What is the origin of this <suspicion of false illnesses, among
16 workers who worked in cooperatives, to use the term you don't
17 like, or> on the major worksites?

18 [10.53.41]

19 A. My answer is contrary to the previous one, the anti-religious
20 position was fundamental among Communists. However, attacking the
21 sick was very specific to the <Khmer Rouge> revolution. I do not
22 know of any other Communist revolution in which the sick were
23 targeted. This was a very cruel fact.

24 <The first> slogan <is very ambiguous, and> we can translate it
25 in two ways. "chheu sate arom"- "arom" is mentality. It could

1 mean as I <wrote> here that you are an imaginary patient. You
2 only pretend to be sick. You are not really sick.
3 It could also mean that you have a bad ideology. And that is what
4 I found out subsequently. <The advantage of slogans is they are
5 like> poetry. It is polysemy. It can mean many things.
6 <To answer specifically and briefly, they> targeted, the sick,
7 already <we saw the example> in the first book of Moeung Sonn,
8 one of his nephews <or brothers in law>, fell <over and> and died
9 <at the worksite>. <And my last slogan, you have to fight --> to
10 work relentlessly <at the worksite until you die.>
11 <They so wanted to jump forward, to make> a super leap forward
12 <in production, that they didn't want to waste time with people
13 who were exhausted or sick. They had to keep working anyway.>
14 That is something that is very specific to the DK revolution.
15 [10.55.30]
16 Q. We have the last slogan. It says that the sick don't need to
17 eat because disease deprives them of appetite and <diet> would
18 cure them.
19 Was it not absurd to think that the sick who had already been
20 malnourished <or weakened> could be cured by <even less food>?
21 Was that not <another> absurd <feature of this regime>?
22 A. I am not very sure of that. Quite obviously, if it is someone
23 who is very sick because he has been suffering from lack of
24 food<, of course this is particularly criminal. But for someone
25 who is not particularly underfed, diet, along with rest and

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1 sleep, is recognized by physicians as a rather classic
2 prescription to treat patients.> But in the case of the Khmer
3 Rouge, it is criminal because those people were sick because they
4 were not properly fed<, and as a result they were unable to
5 resist infections>.

6 [10.56.48]

7 Q, Let me end with this slogan. It's the last slogan and it is
8 slogan number 210 in French and in English 245. And it concerns
9 the enemy.

10 I would like you to explain the meaning of this slogan, and I
11 quote: "Whoever protests is an enemy and whoever opposes is a
12 corpse." End of quote.

13 A. If this slogan was indeed uttered, the question is whether it
14 was invented by the <leadership> or was it a small local
15 apparatchik who imagined it. You can note the alliteration
16 between "khmaoch" and "kmang" "K mang" is the enemy and "khmaoch"
17 is <a ghost, or> corpse. That was absolutely abominable and it
18 <obviously> sums up the entire <policy of repression> of the
19 country. <We'll kill you over the slightest repression (sic).>

20 Q. Is this a slogan you heard several times in the country? Was
21 it common? Do you recall whether it was only one person or a
22 handful of persons who spoke to you about it?

23 [10.58.20]

24 A. Sometimes I <noted> the origin of the slogans. <But again, as>
25 you know, I collected these slogans for fun <and never planned on

1 publishing it. So> I <absolutely> cannot answer this question.

2 But from a rhetorical standpoint, it is excellent. It is brief.

3 It includes poetic elements, alliteration, and it says a lot of

4 things in four words. So it's a good slogan.

5 Q. I will move to another line of questioning. It appears that in

6 your books, you devoted several pages to the totalitarian state,

7 and <what you call the totalitarian> state, of Democratic

8 Kampuchea. Can you explain to us specifically what are the

9 elements that constitute, to your mind, the totalitarian nature

10 of the Democratic Kampuchea regime?

11 A. This is a very broad question, and a scholar can give a series

12 of lectures on this<, I'm sure that in political institutes,>

13 they talk a lot <about totalitarianism, particularly comparing

14 the Nazi and Communist> forms of totalitarianism.

15 <I would like to make a simple distinction, by> John Stuart

16 Mill<, who> wrote his book On Liberty around 1860 and he made a

17 distinction between the private and the public spheres. And I

18 find this discussion extremely interesting. <There is what> comes

19 under the sphere of state and administration on the one hand, and

20 we have what comes under the domain of the private sector and

21 family.

22 [11.00.35]

23 Under Democratic Kampuchea, one of the major characteristics of

24 the totalitarian state is that the state invaded everything. We

25 no longer have a private domain. This means that everything is

1 politicized since everything belongs to the state. Even a simple
2 <blade of> wheat, even a banana is a property of <the> state. If
3 you touch a banana or an <ear> of rice, without the permission of
4 the state, you become a criminal and you are liable for
5 punishment. And it <went> very far, because even sexual life
6 <was> included, <it went further than any other country> -- and
7 for me <that is why it is> very interesting to study Democratic
8 Kampuchea.

9 And I crave the indulgence of my Cambodian friends. It became a
10 kind of laboratory, <of> the ideal totalitarian regime. Because
11 if we understand clearly how the Democratic Kampuchea functioned;
12 <we know> it was a totalitarian state in which a handful of
13 individuals and in this case, it is not one man; it is not
14 Stalin, nor Mao, nor Kim Il-sung, nor <even> Ho Chi Minh, but a
15 group of people. It's an <Angkar>. It is a <real> Soviet.

16 [11.02.10]

17 And I believe I read that Pol Pot never took any decision without
18 seeking the opinion of Nuon Chea. <Nuon Chea should have become
19 the secretary of the Party> after Tou Samouth's death. For
20 personal reasons, I don't think he was a very good orator, he
21 looked very stern as you must have seen here in this courtroom.
22 He didn't have the charming smile of Pol Pot, who was a lot
23 better in terms of communication.

24 I believe Nuon Chea was the shadow of Pol Pot <the whole time>.

25 He set to music the ideas that both of them came up with<, and I

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1 think Khieu Samphan played an important role here, because
2 during> the <re-education> sessions, <they were the keynote
3 speakers.> Pol Pot would speak for days. <Then Nuon Chea would
4 follow. Then it was Khieu Samphan. And Khieu Samphan, when>
5 those who <returning> from abroad arrived at the technology
6 <institute>, during <re-education> sessions organized for them,
7 the main speaker was Khieu Samphan. These personalities
8 monopolized thought. They even nationalized thought. No one was
9 allowed to have an individual <thought>. They had to <hand over
10 their entire personalities> to Angkar. <You had to turn over to
11 them not only all of your belongings, your children, but even the
12 way you thought.> I don't think any society in the world went
13 that far.

14 Q. I will come back to totalitarianism, but first, you've cited
15 what you said you read somewhere in <your book> "Pourquoi les
16 Khmers rouges," <"Why the Khmer Rouge">, E3/10640 in the chapter
17 "Angkar", page <94> and <95> in the French. This is ERN 01303581
18 to 582 (sic). You said this about Pol Pot.

19 MR. PRESIDENT:

20 Deputy Co-Prosecutor, please repeat the ERN again and do it
21 slower this time.

22 [11.05.00]

23 MR. DE WILDE D'ESTMAEL:

24 Yes, the ERNs in French -- I don't think there is a translation
25 of these pages -- 01303581 to 82 (sic). And in particular, <on>

52

1 the second page of this excerpt, you say this:

2 "The two people [so Pol Pot and Nuon Chea] function as the two
3 halves of the same brain, as Nuon Chea explained to Sambath Thet,
4 who, during the 2000s, became his confidante."

5 And then you quote, "I was not" -- this is Nuon Chea: "I was not
6 the right hand or the left hand of Pol Pot. We were equal. Pol
7 Pot did not serve me and I did not serve him. We both served the
8 path laid out by the Party." End quote.

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. Is it this passage or other sources of information which lead
11 you to say that Pol Pot took all decisions with Nuon Chea?

12 [11.06.28]

13 MR. LOCARD:

14 A. Yes, absolutely. That is absolutely the source. Moreover, in
15 this book, I marked a certain number of pages and I'm very glad
16 that you have quoted them. <I strongly believe> that these words
17 are very true to reality.

18 We also have the testimony of Duch and I think that there Duch
19 <is telling> the truth. When he says the two uncles, Om Pi; when
20 he says Angkar, Angkar could also refer to Pol Pot or Nuon Chea
21 equally.

22 And I think that we have multiple amounts of evidence. We have
23 the statements that I have here in my notes that Nuon Chea,
24 himself, said in 1967 at -- to the <Communist Party> of Denmark
25 and I think that we have certain <quotes> that we could refer to

1 there, which show that Nuon Chea was really in command, that <the
2 absolute principle was secrecy, and that as long as the
3 leadership remained a secret, it> was impregnable and would
4 survive.

5 And Nuon Chea played out that secrecy to a <remarkable degree>.
6 He didn't have to go into the forest and flee like the others; he
7 had a cover. He was a businessman. I think that he sold
8 construction material, so he was able to stay in Phnom Penh until
9 1970 until Sihanouk fell. So he really succeeded in escaping
10 Sihanouk's police.

11 [11.08.28]

12 He succeeded in remaining in the shadow throughout almost the
13 entire regime because it was the Vietnamese who said it was <the>
14 Pol Pot-Ieng Sary <clique>. <There was never a Pol Pot-Ieng Sary
15 clique.> Why did the Vietnamese say that it was the Pol Pot-Ieng
16 Sary clique? That is simply because Ieng Sary was seen the man of
17 Beijing, which he really was, because he was in Beijing from 1971
18 to 1975 and who was monitoring Sihanouk and making sure that
19 Sihanouk was not trying to negotiate with the Republic and he
20 followed <Sihanouk> all the time and prevented him from
21 negotiating with Long Boret and Sirik Matak and the others who
22 were leading the Republic.

23 And then, well, he was also part Chinese himself. Following the
24 regime, he was given a passport. He was called Su Hao. It's
25 almost the same name as the Chinese ambassador. He was dressed as

1 a Chinese man, so he really was the man of Beijing. And also he
2 was the man who brought the millions of dollars that came from
3 China to Democratic Kampuchea. They came in through Ieng Sary.
4 [11.09.59]
5 <This was an era of rupture, between the> pro-Chinese and the
6 pro-Soviet, the Vietnamese had become anti-Chinese, anti-Maoist
7 and they had signed a particular agreement with the Soviet Union,
8 so Ieng Sary was the "bête noire" of the Vietnamese and so he --
9 they declared that it was Pol Pot-Ieng Sary.
10 But the other two leaders, <especially> Nuon Chea and Son Sen,
11 could have become friends of the Vietnamese, so they knew very
12 well that Number Two was not Ieng Sary; they knew that it was
13 Nuon Chea, but they hoped to, perhaps, with the People's Republic
14 of Kampuchea, to win over Nuon Chea and that's why they didn't
15 call him up before the courts because they didn't have a great
16 leader. They found Heng Samrin who was quite a secondary
17 character. They should have put one of the primary people in this
18 new regime, but Le Duan, who was the prime minister of
19 <Communist> Vietnam, was considered to be a friend of Nuon Chea.
20 Nuon Chea was also trained by the Vietnamese. He spoke
21 Vietnamese. He's the one who was always leading the negotiations
22 between Democratic Kampuchea and Vietnam and Duch even said to us
23 here that it was Heng Samrin who accompanied Nuon Chea in these
24 negotiations to Vietnam<, so he was> seen as a friend of the
25 Vietnamese.

1 [11.11.42]

2 Q. Thank you. I will now go back to totalitarianism. You spoke
3 about the complete invasion of the state in private life and
4 everything had become political and there was complete control on
5 individuals; was this complete control of people under Democratic
6 Kampuchea, was this announced on behalf of the people by the
7 leaders?

8 A. Quite clearly, this was the rhetoric of all communist
9 countries. Lenin and Stalin, neither of them came from the
10 people, but they put forth that this is the difference between
11 Marxism and Leninism. Lenin said -- Marx said, "It's the
12 Proletariat that's going to come to power." But who's going to
13 bring them to power; who's going to lead them? <I believe> Marx
14 didn't say much on that point, but Lenin proclaimed that "We are
15 the ones; the semi-intellectuals or failed intellectuals, or
16 intellectuals who will be the incarnation of the Proletariat with
17 a capital 'P'."

18 [11.12.59]

19 And Pol Pot <created a whole new biography> in Yugoslavia<,
20 claiming> that he came from the rubber plantations. He was never
21 a worker. He never did anything with his hands. He was a son of
22 pretty well off peasants and he had a very privileged life
23 because he was raised in and around the Royal Palace; he was
24 educated in the best schools of the country. He was absolutely
25 not of proletariat origin, but like Lenin, he said that given

1 that they had <purified> their minds, that they were the true
2 Proletarians and so the revolution took place on behalf of the
3 Proletariat, but it was, of course, complete fiction. Mao
4 Tse-toung, he was also not <exactly> from the Proletariat.

5 Q. Did this totalitarianism that you are talking about, was it
6 set up from one day to the next, or did it happen progressively?
7 Did those who fell victim to it, were they at different times,
8 whether they were the <Old People> or the New People?

9 [11.14.16]

10 A. Yes, totalitarianism was set up <as we know> when the civil
11 war started in the areas controlled by the revolutionaries.
12 Progressively, the first freedom that was removed was freedom of
13 movement; people were no longer allowed to move around or travel.
14 Second, the mass displacements of the population began to take
15 place in 1970-71; for example, the population of Kratie was
16 evacuated. <They> said that the Americans bombed Kratie<. When I
17 was in Kratie, I expected to find carnage,> but they said, "No,
18 no, there were a few people killed, <the city was empty>."
19 Also <the city Angk Ta Saom> was evacuated; the city of Oudong
20 was completely evacuated and I think that Phy Phouon explained to
21 this Court that it was in order to protect the population. There
22 was the city of Kampong Cham, which was partially evacuated and
23 then the people who lived there were allowed to come back.
24 So the first entry into the totalitarian world <was that> they
25 were forbidden to move, and then deportations and third, there

1 were teams of "kong samaki" organized. Those are solidarity
2 teams. Well, that's not too horrible. They weren't working the
3 land either. They only controlled the agricultural areas <during
4 the civil war>; the <Khmer Rouge> didn't control any <cities>
5 except Kratie, which was evacuated. <They did not control any
6 cities.>

7 [11.16.06]

8 So in the countryside, these solidarity <groups> were organized.
9 Communal eating had not yet been organized; perhaps it had
10 started in a few places, but what they eliminated, which is quite
11 horrible, was money.

12 Why did they do away with money? Because money is a tool of
13 <extraordinary> freedom; behind that piece of paper, you can buy
14 anything and any service. So if you don't have this paper, you've
15 lost all of your freedom and you are completely dependent on the
16 local apparatchik who will distribute to you food, clothing, etc.
17 So that's how that was progressively established.

18 And then clearly, there were evacuations; the evacuations of all
19 of the cities and towns, so that was the very brutal entry into
20 the totalitarian world. All freedoms were lost; all property was
21 lost.

22 [11.17.17]

23 Q. Just one final point on that; when was collectivization
24 completely realized and what were the effects of this
25 collectivization, including the collectivization of meals, etc.?

1 A. So once again, I'll come back to Moeung Sonn and his wife
2 Phally; it's like a school initiation into incarceration and
3 totalitarianism.
4 Throughout the entire year of 1975, so from April through the end
5 of the year; this three-quarters-of-a-year period, they were
6 emerging from a horrible civil war, from bombings, hundreds of
7 thousands of refugees, and it's clear that many of the fields had
8 not been cultivated, therefore, <it is clear that the> rice,
9 quite contrary <to what> the Khmer Rouge said, <they had not
10 planned for the evacuations>; they didn't have any rice reserves
11 <anywhere>.
12 [11.18.32]
13 <Without a doubt, this was the period under> Democratic Kampuchea
14 where they had the least to eat, but <at the same time, that was
15 the year> when nobody died of hunger. Why? Because people had the
16 right to forage for food, to go out and seek food, and in
17 Cambodia, which is a tropical country, as you know, we find frogs
18 everywhere; you can find fish everywhere; there are wild
19 vegetables everywhere. So we don't eat very well; it's not nearly
20 as good as before, but we survive.
21 And no one died of hunger in 1975. When there was very little
22 food, indeed, no one died of hunger and people <were told, "work,
23 work, work,> everyone's going to plant rice; we're even going to
24 <clear new> lands<, we'll plant rice everywhere>. And this time,
25 there are no capitalists. Everything you plant is for you. You

1 will have 100 per cent of the fruits of your labour; that's
2 marvellous!"

3 But at the time of the harvest which was in December, as you
4 know, December until the beginning of January, at the time of the
5 harvest, people were told, "Oh, no, you're not taking this rice
6 home; we're going to put it in special granaries of the peoples'
7 communes or collectives." And these were forced labour camps, <in
8 the penal colonies, I don't know what these peoples' communes
9 were called --> "we're going to put them in granaries and
10 starting in January, we're going to be eating together."

11 [11.20.10]

12 So this is the theory. Now, did this happen at the same time
13 everywhere? I don't know, but it was more or less at this time
14 when the totalitarian regime was fully established. So all of any
15 types of cooking instruments were collected; everyone only kept
16 one spoon, and so we went from not eating very well to complete
17 famine.

18 And so for the next three years, there were wonderful rice
19 harvests. Everyone I've talked to said, "We never produced so
20 much rice in Cambodia as we did then." So why did people die of
21 hunger? Because the totalitarian state took the rice from the
22 population. It's not impossible that 75 per cent of the harvest
23 <was> taken.

24 <That is, our> President François Hollande, <was criticized for
25 wanting to tax> the richest people up to 75 per cent <--

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1 obviously> that wasn't done, <but I believe that the Khmer Rouge
2 taxed the people the most out of all the regimes that have
3 existed worldwide. That is to say, they took up to> 75 per cent
4 of what they produced.

5 [11.21.32]

6 Q. Given the establishment of this totalitarianism, was there --
7 was there also a process of dehumanization of the Cambodian
8 population under this regime?

9 A. Yes, quite clearly there was a dehumanization because of the
10 fact that no one was master of anything anymore. One was no
11 longer master of the choice of one's spouse or one's sentimental
12 life, one's family life; most of all, you had no control over
13 your <timetable>, what you were going to spend your time doing.
14 You had to obey the "chlop", the local Khmer Rouge.
15 There was a gong which was sounded very early in the morning at
16 dawn; everyone had to get up at the same time and go to work at
17 the same time, usually without eating because the first meal was
18 only at mid-morning and we did not choose, in any case, the type
19 of work we would do. So this was <the complete takeover, the>
20 complete militarization of the entire peasant population. A
21 peasant by definition is a free man. Every morning, especially in
22 Cambodia, he says, "What am I going to do today?" He has complete
23 freedom in his use of time.

24 [11.23.12]

25 But this, as one says, it was a reduction to complete slavery, so

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1 in everything that you do and this went so far as an enslavement
2 of thoughts and beliefs, so <yes> there was a complete
3 dehumanization and people were completely miserable; they fully
4 suffered.

5 It wasn't 1 or 2 per cent of people who were in the opposition as
6 Pol Pot said in his famous speech of 1977 that there were 1 or 2
7 per cent of the population that we can't convince; it was quite
8 the opposite. There were probably only a couple of soldiers who
9 were pleased to have some power and to have all the fruits of
10 power, so they ate well. They didn't have a lot of freedom, but
11 at least they had power; they had the power of life or death over
12 the population. But they represented not more than 1 to 2 per
13 cent of the population; <98> or <99> percent of the population
14 were completely dehumanized and extremely unhappy.

15 [11.24.24]

16 Q. When an individual did not accept to disappear in the
17 collective or to fold, what happened to him under this regime?

18 A. So, as everyone knows, if one wasn't happy, one had to close
19 one's eyes, block one's ears, and close one's mouth. It means to
20 keep the lowest profile possible and to work as a beast of burden
21 and especially to hide one's thoughts, to hide where one come --
22 came from.

23 There are a certain number of people who succeeded this quite
24 well and they were able to survive; however, if there was the
25 slightest doubt about you or if you spoke your thoughts or if

1 they knew where you came from, this was very dangerous and it was
2 a cause to be arrested. Many <tried> to flee; there were tens of
3 thousands who were able to get to the Thai or Vietnamese border,
4 but for all those that made it, it is clear that many more died
5 trying to do so because the borders were heavily monitored and
6 the crime of fleeing <meant> immediate execution.

7 [11.25.58]

8 Q. Another concept that you spoke much about in the context of
9 this totalitarian state was the organization of the Party,
10 Angkar; can you tell us why this term was used and what benefit
11 could the leadership of Democratic Kampuchea take from using this
12 anonymous name, Angkar?

13 A. There are many books on the subject of the history of <the
14 Communist Party> in Kampuchea. We know that the origin of that
15 was first Ho Chi Minh's creation of the Indochinese Communist
16 Party. Khamboly Dy of DC-Cam, in his book, said that without the
17 Indochinese Communist Party and the Vietnamese Communist Party,
18 there would have been no Kampuchean Communist Party.
19 And then in <'51>, it was decided, perhaps in Moscow, that it was
20 better to divide the Indochinese Communist Party, which
21 <contained> almost only Vietnamese; there were no Cambodians or
22 Laotians practically and so they divided it into <three parts>,
23 the <Laotian,> Vietnamese, and the Cambodian <Communist Parties>.
24 <They called it the Workers' Party, I can't remember, but it
25 wasn't that name.>

1 So the CPK, the Communist Party of Kampuchea, tried to change its
2 name so the militants were a bit lost, so they wanted to call it
3 simply The Organization, Angkar. Angkar means organization, which
4 is still used in everyday language today; it has not become a
5 taboo word in the Cambodian language. Angkar, it means the
6 organization, society.

7 [11.27.59]

8 So the second question, contained therein, is why did the leaders
9 stay hidden in the shadows? Why did they not say as Lenin or Mao
10 or Kim Il-sung, Ho Chi Minh, "We are great patriots; we are the
11 great leaders; we are the big brothers of the country"? I think
12 there we need to turn back towards Nuon Chea. For him, the
13 absolute obsession was secrecy and dogma was if we didn't know
14 the leaders, the leaders were totally protected. If they were
15 known, that could be dangerous, and the entire revolution would
16 collapse.

17 It was a very good tactic in the civil war. It was a great
18 success for them. You can imagine Pol Pot, when he went from
19 Ratanakiri to Stueng Chinit, just after the fall of Sihanouk in
20 1970, in May; he left in May, June, July. I have a full
21 description of this long walk through my interview with Phy Phoun
22 because he accompanied him. He arrived at Stueng Chinit <where>
23 Koy Thuon had prepared a secret base just <alongside the
24 riverside of Stueng Chinit,> between Kampong Thom and Kampong
25 Cham, in the forest.

1 [11.29.40]

2 They stayed there throughout almost the entire regime <until> the
3 beginning of '75; Pol Pot -- also with Khieu Samphan. They moved
4 closer and closer to Phnom Penh in order to carry out the seizure
5 of Phnom Penh, but they stayed there in '71, '72', '73, '74;
6 three or four years, they stayed there. They held a great Party
7 Congress there in '71.

8 And the Americans were bombing, bombing, bombing, theoretically,
9 all over the country, but they never succeeded in bombing the
10 leadership of the Khmer Rouge. If they had bombed this site, then
11 there wouldn't have been a Khmer Rouge. The American <bombing
12 should have - their intelligence was> very poorly informed and
13 I'll be concluding here because I can't speak of it for too long.
14 So this tactic of secrecy worked very well during the civil war,
15 but when they came to power, it turned out to be quite tragic
16 because Angkar which was supposed to be the symbol of love and
17 affection; it became, instead, a symbol of terror and suffering.
18 So it was a poor tactic and the Chinese should have said that to
19 them; that's why Pol Pot, at the end of 1977, came out of the
20 shadows.

21 [11.31.04]

22 Q. Perhaps just one more question before the lunch break. You
23 already spoke of the fact that religions were eliminated. You
24 said several times in your works that Angkar had, in some way,
25 taken the place of God. What made you say that Angkar, for the

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1 Cambodians of that era, could play the role of God?

2 A. Well, at least in all of the Christian religions, God is
3 someone who incarnates the good, love, etc.; he is also eternal
4 and invisible. And Angkar had the same meaning for Cambodians
5 under Democratic Kampuchea. It was the power; a power which could
6 be very good, which could bring happiness, development, wealth to
7 everyone, who loved everyone. He was the father of all Cambodians
8 etc. But no one could see him and know who he was. Nuon Chea,
9 through to the end of the regime practically, remained in the
10 shadows. He was only known by the leadership and the people who
11 went to the training sessions in Phnom Penh.

12 [11.32.33]

13 Pol Pot, he came out of the shadows in September 1977, as we have
14 said, but most Cambodians did not listen to the radio and most
15 Cambodians did not even know the name, Pol Pot. Ninety per cent
16 of Cambodians on the 7th of January 1979 did not even know the
17 name, Pol Pot; they only knew Angkar. So this remained a
18 completely mysterious identity for the great majority of the
19 population.

20 So why on this religious side? Because in the Party -- and I
21 think that I have written this -- in particular, in the taking of
22 power on the 17th of April or when celebrating the creation of
23 the popular army or the Party holiday at the end of September
24 beginning of October, there were rituals and they were similar to
25 religious holidays or feasts, celebrations. So there was Angkar;

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

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1 Angkar who was God and his saints <or "deboda"> were those who
2 had died for the country, so the soldiers who had died for the
3 country.

4 [11.33.58]

5 <I saw the description of the catafalques, that is,> there was
6 this image of having a stage and putting a symbol representing
7 those who had died for the country as saints, the images of those
8 who had given up their life for the <revolution>. So there was a
9 celebration; the celebration of <their God, so> Angkar, the
10 <Party> leaders <and> the saints who had died for the country.
11 There were songs. There were slogans, as they were, and
12 religions. There were speeches made, as sermons, and these <were>
13 Buddhist types of sermons; Philip Short mentioned that these
14 songs and speeches, Ian Harris also mentioned that they were like
15 these Buddhist sermons<, as did many other people.> But they
16 spoke for hours and hours on end, <borrowing from Buddhist monks'
17 rhetoric, >so they did have a religious side. There could only be
18 one religion and that is the religion of the Party with a capital
19 "P" and to the exclusion of all other religions.

20 [11.35.08]

21 MR. PRESIDENT:

22 Thank you and thank you, Mr. Expert.

23 It is now convenient time for our lunch break. We take a break
24 now and resumed at 1.30 this afternoon.

25 Court officer, please assist the expert during the break time and

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1 invite him back into the courtroom at 1.30 this afternoon.
2 Security personnel, you are instructed to take Khieu Samphan to
3 the waiting room downstairs and have him returned to attend the
4 proceedings this afternoon before 1.30.

5 The Court stands in recess.

6 (Court recesses from 1135H to 1330H)

7 MR. PRESIDENT:

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

9 Before giving the floor to the Deputy International Co-Prosecutor
10 to resume questioning the expert witness, the Chamber wishes to
11 hear oral submissions concerning the request -- 87.4 request of
12 the defence team for Mr. Nuon Chea. This morning, the defence
13 team for Mr. Nuon Chea sent an email to the Chamber and <the>
14 parties to request permission to make oral submissions during
15 today's hearing in order to seek the admission into evidence of
16 the table of contents of Mr. Locard's PhD <thesis>: "Aspects of
17 extermination and ideology under Democratic Kampuchea" from 17
18 April 1975 to 7 January 1979 and an article he authored that is
19 available only <in> English with ERN 01307962 through 71 so that
20 they can use these documents during the examination of the
21 expert.

22 First, the floor is given to the defence team for Mr. Nuon Chea
23 to make oral submission in relation to the request.

24 [13.32.27]

25 MR. KOPPE:

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1 Yes, thank you, Mr. President. Very, very briefly, these are two
2 small documents that were provided to the parties three days ago.
3 The first is a four-page document that seems to be in French,
4 "Table des matières", content of the doctorate thesis. It was
5 provided, I believe, by Mr. Locard to the Chamber. Monday I might
6 have some questions, specifically on the last page, so that's --
7 I would like -- that's why we would like to have it admitted into
8 evidence.

9 And the second document is, indeed, a small paper drafted by Mr.
10 Locard called "Characteristics of Repression in DK as Compared to
11 Other Communist States." It's a 10-page document which was placed
12 by the greffier on this shared-materials drive. So these two
13 documents provided to the parties a few days ago, we would like
14 to have admitted into evidence.

15 [13.33.58]

16 MR. PRESIDENT:

17 Thank you. And now the floor is given to the Co-Prosecutor to
18 respond to the request by the defence team for Mr. Nuon Chea.

19 MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President. We have no particular comments to make.
21 We will submit ourselves to the wisdom of the Chamber on this
22 point. Thank you.

23 MR. PRESIDENT:

24 What about Lead Co-Lawyers for civil parties?

25 MR. PICH ANG:

1 Mr. President, Lead Co-Lawyers for civil parties have no
2 objection to the request made by the defence team.

3 MR. PRESIDENT:

4 And the defence team for Mr. Khieu Samphan, do you have any
5 observations or response to make?

6 [13.34.48]

7 MS. GUISSÉ:

8 Thank you, Mr. President. Yes, we support the request made by
9 Nuon Chea's team.

10 MR. PRESIDENT:

11 Thank you for the comments or observations made by all parties.

12 The Chamber will issue its ruling as soon as possible and in
13 particular, before the examination of the expert by the defence
14 team for Mr. Nuon Chea.

15 And the floor is now given to the Deputy International

16 Co-Prosecutor to resume the questioning the witness. You may now
17 proceed.

18 [13.35.38]

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President.

21 Q. Mr. Expert, I would like to talk for a few moments about the
22 people's communes, what we are calling co-operatives in this
23 Chamber.

24 I would like to read an excerpt from your book, "Pourquoi les
25 Khmers rouges; E3/10640 <(sic)>, under the chapter title, "The

1 Government of Democratic Kampuchea." In French, it is page 136,
2 ERN 01303602, and you're talking about the 1977 purges and you
3 say the following:

4 "Beginning in 1977, after the great purges that <they had to
5 carry out even> within the ranks of the Party, <Pol Pot> and his
6 group <felt that no other members,> other than poor peasants,
7 should be incorporated into the Party, <especially> not any
8 educated persons or petit bourgeois. This explains why following
9 the purges, the local chiefs, promulgated in <peoples' communes>,
10 were often the most cruel and the most illiterate. For the
11 leaders, <they were> clean and pure elements, which means they
12 were able to be completely manipulated by their superiors." End
13 quote.

14 [13.37.31]

15 So I have a question about this term "illiterate" and the
16 appointment of these illiterates within the <leadership of>
17 people's communes.

18 Do you think that it is not perhaps dangerous or even
19 irresponsible to place so much responsibility on the shoulders of
20 those who are so uneducated, who are not able to undertake
21 reasonable or well thought out decisions even?

22 MR. LOCARD:

23 A. Yes, indeed, this was the problem throughout the regime. The
24 leadership made absolutely absurd decisions that often led to
25 conclusions contrary to the desired wish or goal. Indeed, I

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1 believe I read in Thet Sambath's book, in particular, that Nuon
2 Chea and the leadership often had a tendency to rely on
3 assassinations and executions and to rely on these for the -- to
4 put the responsibility for this on the local parties saying, "<At
5 the top, we> didn't want all of these <arrests>. We didn't want
6 all these <executions>."

7 But I would respond to this, perhaps, but, in fact, what happened
8 it was that you wanted to appoint the people that you considered
9 to be the true proletariat, which are most often most peasant and
10 sometimes workers and often, were barely able to read or write.

11 [13.39.39]

12 So how do we know this? First, one source is still Philip Short
13 who emphasizes this. I think he discusses this issue and he even
14 asks the question: "After all the purges -- so in the second part
15 of the regime -- had we not arrived at a point where the number
16 of Party members who were already <very low in numbers> compared
17 to other <Communist countries,> became < even smaller>?" <I also
18 know - I can't remember the number of popular communes, but it
19 was over a thousand in any case - at> the beginning, there were
20 not enough <Communist> Party members to make them all heads of
21 the people's communes, so the Party already did not have enough
22 cadres at the beginning. So perhaps they took <maybe> demobilized
23 soldiers and put them in those positions. Who knows what they
24 did. However, it's true that it was an absurd decision.

25 [13.40.53]

1 So the source for this, on the one hand, there's Philip Short,
2 but we also have my own investigations where I heard from <all
3 sides> that the Khmer Rouge leaders basically could barely read
4 or write. <Especially those> who wanted to flee, they created
5 fake laissez-passers and many of the Khmer Rouge leaders let them
6 go because they couldn't understand <them>. They couldn't read
7 them; they couldn't understand them <and thought they were real
8 laissez-passers, they couldn't read or even identify it,> and I
9 think that this was a real problem and it was a real situation.
10 Now, was there logic in it? There was no logic in it at all.
11 Pol Pot, in particular, wanted the population to double in 15
12 years. So, first, you need at least a generation, 30 years, in
13 order for the population to double, so mathematically, it wasn't
14 possible and second, we can't starve a population and execute a
15 large number of people and at the same time, hope that the
16 population grows exponentially. The policies of Democratic
17 Kampuchea are full of contradictions.

18 [13.42.20]

19 Q. Otherwise saying concerning these cadres, was it important for
20 the Communist Party of Kampuchea, in its own view, to have loyal
21 cadres; those who were loyal to the Party, more so than competent
22 cadres?

23 A. Clearly, the people were judged on their <docility and> level
24 of obedience to the Parties and how they carried out those
25 orders; that's what was important.

1 Q. Earlier, you mentioned the orders to obtain 3 tonnes of rice
2 per hectare; was there an undifferentiated obligation for all
3 co-operatives or popular people's communes <in the country> in
4 order to have the same yield or was there a differentiation
5 according to the regions, soil quality, etc.?

6 A. Yes. According to what we know, clearly this "moha lot phloh,
7 moha ahcha" policy was to be applied throughout the territory
8 regardless of the fertility of the land. So it is quite clear
9 that, once again, this is a completely absurd order because the
10 fertility throughout Cambodia varies incredibly.

11 [13.44.07]

12 There are riverside territories<, the "chamkar,"> that can be
13 very, very rich and then Banteay Meanchey and Battambang, there
14 are also very fertile soils. The red earth of Ratanakiri or
15 Mondolkiri can also be quite rich; however, all together,
16 especially in the provinces of Kampong Speu or Kampong Thom,
17 where there is quite poor soil or it's too sandy or porous, the
18 yields cannot be very high unless, of course, you have a lot of
19 water. But again, in order to have several yields, there needs to
20 be water all year round and there also needs to be very rich
21 earth.

22 [13.44.59]

23 If you go to Indonesia or Bali, the earth is very rich, so it is
24 possible to have several harvests. For most of the country, this
25 was a completely unrealistic goal and that was the cause of the

1 famine because locally, we could not go from one tonne to three
2 tonnes <overnight>, which would have been necessary, and we also
3 couldn't admit that the policy had failed because there was quite
4 a bit of rice delivered to the <state>; <this meant that there
5 was nothing left for the people to eat>. So this <slogan> was at
6 the origin of the famine.

7 Q. Over time, was this goal of three tonnes per hectare
8 increased; were there even goals for the following years of four
9 or five tonnes? Had you heard this type of thing from the Khmer
10 Rouge leaders regarding the Party's plans?

11 [13.46.14]

12 A. Yes, obviously, there was the plan established in '76, the
13 famous four-year plan from '76 to '80 which envisaged even higher
14 yields. As you know, this plan was translated by David Chandler's
15 team. It was a very interesting document to read and I think that
16 I refer to it and quoted even several times in my book. But as we
17 say, those were unrealistic plans; it was a Utopia. Clearly, it
18 didn't always correspond to the real situation, but what did
19 correspond to reality, and as I said this morning, was that
20 effectively, there was a lot of rice produced; more rice was
21 produced than in the <Republic or even> Sangkum era. Of course,
22 they didn't triple production, but it did increase significantly.
23 So the next question is: What happened to this rice? In reviewing
24 my notes in recent days, I saw that in certain communes of the
25 Eastern Region, 30 per cent of the harvest was hidden in the

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1 forest automatically, so the Khmer Rouge still had the habits
2 that they had accumulated in earlier years where they kept
3 reserves of food <hidden, and I think there is quite a bit of
4 evidence of that. When> they were chased out of power, in <the
5 Cardamom forests or in the> Battambang <region> and other
6 regions, they found <the rice reserves they had expected>. So
7 most of the rice left -- and I think I said this morning <that it
8 was> 75 per cent, but <it could be huge proportions that left and
9 were> stored <generally> in cities and <provincial capitals,> and
10 particularly, in Phnom Penh.

11 [13.48.25]

12 <You also have Khieu Samphan here, and one of his tasks, one of
13 his missions> was to <monitor> the reserves <and hangars> in
14 Phnom Penh. <Thanks to Father Ponchaud we know that >all along
15 Tonle Sap, there were hangars of <sugar,> corn, rice, other
16 things. <What happened to all of it?> You'll need to ask that
17 question to Khieu Samphan, who is present here, who can answer
18 you much better than I can.

19 Q. Concerning Khieu Samphan, this morning, you spoke of a speech
20 where he talked about children. I'd like to quote it here. You
21 spoke of it in your book, "Pourquoi les Khmers rouges," E3/10640
22 <(sic)> on page 176 in French. The ERN is 01303622. This is a
23 speech from 17 April 1977. I think we can also find it in FBIS
24 documents.

25 [13.49.43]

1 This is what you <quoted> from Khieu Samphan's speech:

2 "Our children do not play with toy cars or toy boats or toy guns
3 which were imported at considerable cost in the past. Our
4 children are happy to be chasing birds in the harvest, to take
5 care of the cattle, the buffalo, to collect compost, and to help
6 in building dams and dykes and to dig reservoirs and ditches. Our
7 children have made much progress. They are very disciplined. They
8 are alert. They are good with their hands, but they are not
9 arrogant. They are not bad. They love to work and they love
10 production." End quote.

11 Once again, we see here a leader who speaks on behalf of other
12 people and the fact that the children were happy; is this
13 something that <came out in your> interviews, <that> the children
14 were happy to work for Angkar?

15 [13.50.55]

16 A. I'm sorry, I didn't note the page in the French edition
17 because I noted it in the English, but in the French, what page
18 was it; can you tell me, please?

19 Q. We only have the French edition; it's page 176 of the new
20 edition from July 2016, the book, "Pourquoi les Khmers rouges",
21 not "Pol Pot's Little Red Book."

22 A. Yes, it's actually quoted in the "Little Red Book" too. I
23 don't have the French <quote>, but the English <one>. The
24 beginning of this quote is interesting and it corresponds with
25 Cambodian tradition. In the countryside, children are indeed

1 asked to chase the birds away from the rice fields and to take
2 care of livestock. So here we are out to chase the sparrows from
3 the harvest fields, to take care of livestock, buffalo, so that's
4 where we can stop. <Traditionally, we> can also add <finding>
5 frogs, to <foraging> for wild vegetables; those are the customary
6 tasks of children in the countryside.

7 [13.52.52]

8 But after -- <collecting> natural fertilizers, that's something
9 completely new. And even worse, <helping> to build dams and
10 embankments, the dykes; that's very, very difficult work and it's
11 completely adult work. So I can consider that to be completely
12 monstrous. <Digging> reservoirs and canals and then we say, "The
13 children -- our children have made great progress. They're very
14 disciplined, alert, but they're not arrogant. They're not bad."
15 Not arrogant, that means they close their mouths and as do beasts
16 of burden, they simply obey Angkar, so they've been transformed
17 into <beasts of burden>. This is abominable.

18 Work is banned for children in all the International Treaties and
19 here they say that the children are very happy. They were quite
20 content and above all, their mentality had changed, that they're
21 disciplined and that they love to carry out manual work and
22 chores. This is <obviously> completely Utopian; it's false. And
23 for me, this is one of the worst crimes of this regime, what I'd
24 call it. They completely abolished <childhood>. Children were no
25 longer free. They couldn't have fun. They couldn't play. They

1 couldn't create anything. They couldn't imagine. They weren't
2 allowed to play. They were indoctrinated. They <must have> had to
3 go through horrible childhoods. <Certainly in this courtroom
4 there are> people who were children under the Khmer Rouge, they
5 can tell you what they felt at that time. Now, the children of
6 the cadres, they had much gentler <lives, of course>.

7 [13.55.15]

8 Q. And you did interview hundreds; even yesterday, you said
9 thousands of witnesses, so I imagine that many of them were still
10 children or adolescents at the time of the regime. Did they talk
11 to you about the physical or psychological effects of the tasks
12 that were assigned to them and the roles given to them under the
13 Khmer Rouge, what effects <that> had on them; is that something
14 that came out of your interviews with the <general> population
15 here in Cambodia?

16 A. My research was essentially focused on prisons. I tried to
17 always put things in their context, so of course, I was
18 interested in the environment. But the psychological effects on
19 those who had been children who had broken childhoods, which is a
20 title of <a testimony> submitted to the Supreme Court, "Broken
21 Childhoods"; I did not carry out research on that, but I can see
22 that the society they were living in, given the violence and the
23 number of divorces and the domestic violence that exists, I think
24 and I've <personally> known quite a few Cambodians who are now
25 adults and who suffered a great deal.

1 Everyone says that if the first years of your life are unhappy,
2 then your life is broken for the rest of your life, your entire
3 life.

4 [13.50.15]

5 Q. The last question on the co-operatives or people's communes,
6 according to your research and studies because you've gone almost
7 everywhere in your research, did you have a way of functioning
8 that was similar throughout the country or did you function
9 differently in one region or another? Were there points in common
10 of the living conditions and the working conditions of people in
11 the people's communes under the regime Democratic Kampuchea?

12 A. Yes and no. No, at the level of overall organization; that was
13 identical everywhere. Orders were followed everywhere, so it was
14 necessary to work very long hours. I think certain witnesses,
15 perhaps, had a tendency to exaggerate the number of hours because
16 <during> a certain period during the monsoon, for example, or
17 when they were finishing up a worksite where they were completing
18 a dam, that could have been 12, 13, 14, 16 hours, but I don't
19 think that was all the time because otherwise, everyone would
20 have died. It's not possible. But <certainly> they did work for
21 more than 8 hours <per week (sic)>.

22 [13.58.43]

23 There were exceptions in <certain regions. Reviewing my notes on>
24 the Eastern region where there were a lot of rubber plantations;
25 <on> the rubber plantations, life was almost normal. What I mean

1 by that is people worked a normal number of hours. The production
2 of "crepe" in a Chup factory went on as normal<, with Cambodian
3 technicians. Sometimes the Chinese butted in>. The "crepe" was
4 put onto Chinese <trucks or on> boats on the Mekong, all of it
5 was sent by train to Kampong Som and all of it left for China, so
6 I think there were 12,000 hectares of Chup and 8,000 <used> under
7 the Khmer Rouge. All of the major plantations functioned almost
8 normally. People were fed, more or less, normally. So that's an
9 area where life was more or less normal.

10 In my <document> on the "Khmer Rouge Gulag", I also note Kampong
11 Som and that's not a people's commune; that's a port, and life
12 there was also almost normal. We sent all of the Chinese experts
13 there <for a tour>. They had the right to go and spend a little
14 time by the sea. They had a little visit there. The beaches that
15 everyone here knows were normal, so it was possible to go and
16 swim. The technicians that worked at the port had completely
17 acceptable living conditions except that, from time to time, they
18 could be arrested and sent to prison, but more or less, everyday
19 life was pretty much normal.

20 [14.00.42]

21 Now, concerning the people's communes, the agricultural communes,
22 the rules were exactly the same; however, the severity of the
23 leadership varied greatly from one commune to another which is to
24 say that the rules were applied a lot more strictly in certain
25 areas than in others.

1 Within one sector, people said that the Eastern sector was much
2 less harsh than others; I don't think so. Perhaps, in certain
3 areas, but overall, people also suffered from great hunger in the
4 Eastern region. People were arrested to a great degree. <There
5 were many prisons there>.

6 [14.01.25]

7 <Some> of the largest prisons <were> in the Eastern Zone, but the
8 cruelty, the severity of the leadership of the people's communes;
9 that varied. In Battambang, in <one> particular <commune>,
10 everyone could be dying of hunger in horrible conditions and in a
11 people's commune, just next door, the leader of the people's
12 commune could have been more humane and more generous. He could
13 have given more to eat to his people.

14 <There was a Frenchman, a young Frenchman - Samanos Ma (phonetic)
15 -- Samonos Sas (phonetic) - Sar Somanos a name like that, I
16 forgot. He> was an adolescent at the Khmer Rouge era and he <
17 saved himself by> fleeing from a people's commune where his
18 parents had <disappeared>, and there was nothing to eat, <by
19 going> to a different one <where they were fed better>. And he
20 passed through, if you want, the links in the chain because he
21 was still a child.

22 But when applying the overall directives then, there were
23 differences except that the leaders of the people's communes who
24 were too kind were often the ones that were accused of being
25 traitors <and led to slaughter>.

1 [14.02.40]

2 Q. Now, I'd like to turn to Nuon Chea's role.

3 Did you ever have the opportunity of meeting him, of questioning
4 him personally?

5 A. No. Nuon Chea, as you know, did not wish to be interviewed by
6 anyone.

7 It was extremely difficult for Thet Sambath. Well, Thet Sambath
8 is an exception he was Khmer, first of all. And he introduced
9 himself as -- well, it took him months and months and months to
10 gain Nuon Chea's trust.

11 So practically, no one interviewed Nuon Chea, not even Philip
12 Short. So since he had studied, however, secondary studies as
13 well as his university studies in Thailand, Nuon Chea spoke
14 perfect Thai or speaks <fluent> Thai and I know that he was
15 interviewed in -- by certain people in Thailand.

16 [14.04.05]

17 But, as I said, I interviewed for a full day Khieu Samphan, who
18 received me very pleasantly. I saw that he was living in a very
19 humble house, however. He was part of the few Khmer Rouge leaders
20 who did not take advantage of the regime to become richer. So
21 what he told me is pretty much the same thing he said to Philip
22 Short.

23 I remember, however, that he told me that the cities were
24 evacuated because it was necessary to act fast in reaching
25 communism <so> the Vietnamese <didn't catch up>. That is what

1 <struck> me the most. Otherwise, I was received very pleasantly.
2 And Khieu Samphan is, of course, very comfortable with French, as
3 you know. <He's a total francophone>.

4 [14.04.54]

5 Q. I will get back to that. But now, regarding Nuon Chea, which
6 elements of his past, whether in Thailand <as a student>, or in
7 Cambodia or when he was trained in Vietnam, what are the
8 important elements in his life that you remember that might have
9 contributed to his <leadership or> vision of how to exercise
10 power, such as he exercised power later on under the DK regime?
11 Are there elements in his personal history that allow you to say
12 that he acted in such and such a way because of what he might
13 have experienced in Thailand or in Vietnam?

14 A. Well, that is the question, indeed. You certainly have seen
15 the documentary produced by a Japanese person. I forgot <his>
16 name but he was the first person to identify Nuon Chea's personal
17 history in Thailand and the different names he used.

18 [14.06.20]

19 <He> is somebody who knows how to hide very well, Nuon Chea. It
20 was impossible to <track> him down in Thailand for years, but
21 five to six years <ago, six, seven years ago>, a Japanese
22 researcher found everything, all of the different names that
23 <Nuon Chea had used in Thailand.> And in a very interesting way,
24 we see that he was just simply a very good student and that among
25 the leaders he had the highest level of education, because he

1 almost had a law degree and compared to Pol Pot -- whose only
2 degree was a carpenter's degree and maybe <a membership card for>
3 the French Communist party -- well, Nuon Chea was extraordinary.
4 So Nuon Chea -- on top of that, <he had studied> at Thammasat
5 University, which was a modern university in Thailand, we would
6 say left wing today compared to Chulalongkorn, which was the
7 traditional university in Thailand, which was the university
8 where there were many, many modern ideas and for promoting the
9 independence of the colonized countries, etc.

10 [14.07.41]

11 <We do not even believe that he joined the Party, but simply the
12 Communist Youth.> Well, this Japanese person in his study saw
13 that nothing in Nuon Chea's history in Thailand would lead us to
14 believe that he became the Nuon Chea that we know today.
15 Well, however, quite quickly -- well, what's surprising, however,
16 in his history -- well, his experience in Thailand was very
17 successful, I believe. Not only <did he study> but he found a
18 little job first at the Ministry of Finance and then at the end
19 he ended up at the Ministry of Foreign Affairs. So for an
20 ambitious young man, even if he was at the bottom of the social
21 scale, he had Thai citizenship, he was considered like a Thai
22 citizen because he was in Battambang when all of the northwest of
23 Cambodia became Thai <again>. So all the people from <Battambang
24 automatically> became Thai, so why not? Why not become minister
25 of foreign affairs in Thailand? Why not, he might have said to

1 himself. Well, no. I'm joking of course.

2 [14.09.03]

3 But in any case, <it was the beginning of a very honourable
4 career. And he was just one or two courses short of finishing his
5 degree.>

6 And well, <he didn't.>

7 We were <in the post->Second World War <period,> in the heart of
8 the Cold War, fighting for independence and he wanted -- this
9 young man who had integrated himself very well in Thailand, he
10 wanted to take part in the struggle for the independence of
11 Cambodia and there, as everyone knows, he joined the Indochinese
12 Communist Party and, of course, any new recruit, especially an
13 intellectual, especially someone who had been well educated, who
14 was bilingual, Khmer and Thai and, on top of that, he had a few
15 notions of French, however; nonetheless, which he acquired in
16 primary school or in high school, so <he was> brilliant.

17 [14.10.03]

18 And of course such a person would interest the Viet Minh and they
19 sent him to be trained in Vietnam where he stayed for two and a
20 half years, <I believe,> quite a long time. And there he learned
21 Vietnamese too.

22 So he was very, very bright, we can say, because being bilingual,
23 well, I can be bilingual more or less but I have a lot of
24 admiration however for people who are able to have a third
25 language and with a bit of French on top of that.

1 So his knowledge of Vietnamese allowed him to build tight links
2 with the Vietnamese leaders, in particular with Le Duan, and to
3 gain the trust of the Vietnamese leaders. So he was considered as
4 the godchild of Viet <Minh>.

5 [14.10.53]

6 And the other enigma <of> Nuon Chea; he was always going to the
7 pagoda when he was in Thailand, the Marble pagoda <I don't know
8 what it was called>. And so he spent three, five to six, seven
9 years, I don't remember exactly, in a pagoda. So, we could
10 imagine that he would have become very much influenced by
11 Buddhist culture.

12 And even now in his old age, Stephen Heder, who <was sent by the
13 Court> to check out Nuon Chea's house, reported that in his house
14 we would essentially find books on Buddhism. So now Nuon Chea, as
15 an old man, is returning to his first loves and returning to
16 Buddhism and to books written in Thai apparently. So it's a
17 mystery.

18 There is a question, however. If back then the monks were, as the
19 monks are today in Thailand; that is to say, living a luxury life
20 with nice cars and mobile phones and nice watches, etc., whereas
21 monks are supposed to be, as you know, poor not touch money,
22 there are also sexual issues according to the papers, they say.
23 Well, if this kind of situation existed back then in the forties
24 when Nuon Chea was there, he might have said to himself, well,
25 Buddhist rules, giving up yourself, giving up money, giving up

1 wellbeing, giving up the family, all that are not really being
2 followed in the pagodas. I'm going to follow them in society.
3 That's maybe -- it's an idea I have. I'm not sure.

4 [14.12.56]

5 Q. Where and how was he initiated to <the policy of> resorting to
6 armed violence?

7 A. Well, by the Viet Minh, of course. All of the guerilla
8 techniques, <fighting techniques,> the guerrilla warfare in
9 relation to traditional warfare and what we do with political
10 prisoners, all of this, what do we do with POWs, how do we chain
11 them up, how do we question them, all of that he learned from the
12 Viet Minh, and there are many, many testimonies of French people
13 who <were> prisoners, Viet Minh prisoners, and they were treated
14 in a terrible way. They were chained up and tortured. They
15 suffered hunger and many died.

16 So he learned all of these techniques, of course, and real
17 communism, <from> the Viet Minh of course.

18 [14.13.56]

19 And very quickly, the Communist Party of Cambodia said that "We
20 choose the legal and illegal way". The legal way was the
21 Pracheachon Party, and the illegal way was resorting to violence,
22 and they chose violence very early. But I think that it was under
23 the auspices of the Vietnamese Communist Party.

24 Q. You spoke earlier about the fact that Pol Pot and Nuon Chea
25 would take decisions. In your book you <speak of> a two-headed

1 hydra. <What were the fields Nuon Chea was directly in charge of,
2 and not Pol Pot?>

3 So what were the areas that Nuon Chea was in charge of in
4 particular and that he would follow under the DK regime?
5 [14.14.57]

6 A. Well, there are a certain number of things that are known and
7 others that are maybe less well known and maybe not as clear.
8 The first thing was that he was in charge of education, training
9 cadres and of what we call <and what they still call "the
10 organization"> on one side and on the other side, as of January
11 '76 and of the new constitution and of the creation of the
12 <so-called> National Assembly, he became the President of the
13 National Assembly.

14 So if you look at his official duties, maybe there wasn't much.
15 But this is where my discussions with Suong Sikooun were very
16 useful and also with Phy Phuon and Saloth Ban and with the Khmer
17 Rouge.

18 We describe DK with our very specific ideas of what an
19 administration <and a> government should look like. One is a
20 minister of that, a minister of education and not minister of war
21 at the same time or minister of national defence. That was not at
22 all what happened in DK.

23 [14.16.11]

24 It was total improvisation. It was chaos. This is why it was
25 strictly impossible.

1 But, as Duch explained in June before this Tribunal, <and I think
2 he was right,> it was impossible to know who was number one, two,
3 three, four, five, six, seven, eight; nobody knew. It would
4 change all the time. It was like a moving target; that is to say,
5 a target that would just change places.

6 Officially, Nuon Chea did not have an important role to play in
7 the DK government. But in reality, in the facts, in the facts
8 themselves he was always residing in K-3 with Pol Pot as of 1975.
9 He was always next to Pol Pot and they would eat their meals
10 together. This is what <-- I can't remember who said it, I read
11 it recently, that> Pol Pot and Nuon Chea always ate together to
12 avoid using up gasoline and often Khieu Samphan would join them.

13 [14.17.33]

14 So they were the ones who would decide in reality, altogether, no
15 matter their official duties on paper. Responsibilities were just
16 listed on paper.

17 But <in reality, as> Suong Sikoeun explained to me, at the
18 Ministry of Foreign Affairs, he was apparently in charge of
19 propaganda or of radio broadcasts but, in reality, there were
20 urgent tasks that had to be done and everyone <multitasked>.
21 Everybody did what had to be done. They would always work by
22 improvising and on <the fly>. They did things that <had> to be
23 done, <whenever they> had to be done.

24 [14.18.07]

25 Q. In your book, "Why the Khmer Rouge?", E3/10640 at the chapter

1 "Angkar" on page 105 you said the following:

2 "Nuon Chea was, with Pol Pot, the leading speaker of the regime.
3 He was especially in charge of security of the revolutionary
4 state, in charge of spotting enemies and their ploys."

5 So I would like to know, in relation to his role with regard to
6 state security, what were your sources to determine this? Were
7 your meetings with <cadres,> Phy Phuon, Suong Sikoeun, Saloth Ban
8 -- provide any elements to answer this question on top of outside
9 sources that you might have used?

10 A. Well, my two main sources, or three sources I should say;
11 first, Duch, then Thiounn Sambath (phonetic), and, <third>, Nuon
12 Chea himself. Nuon Chea himself, and in his interview with the
13 Danish Communist Party in 1978, and I have it here, and I am sure
14 the Tribunal has the transcript of this interview -- it is Nuon
15 Chea himself who says that chasing the enemy is the main task of
16 the Party. It is Nuon Chea himself who describes his task, his
17 role.

18 Does the Tribunal have the transcript of this speech or
19 interview?

20 [14.20.09]

21 <It was given to me by> Laura Summers, a British lady who was an
22 expert -- who is an expert who studied Democratic Kampuchea quite
23 a bit and this was published in the Journal of Communist Studies,
24 March 1987, the Journal of Communist Studies. And here you have
25 in this journal, there is an article by Laura Summers, and

1 afterwards in an interview of Nuon Chea. You probably have it on
2 your case file, I'm sure. So it's not necessary for me to quote
3 it. You must have this document. I'm sure.

4 [14.21.14]

5 Q. If you have the quote <available>, please proceed and quote
6 and then we will check the availability of this document later
7 on.

8 A. I apologize. It's in English so the interpreters should be
9 warned. I am going to quote in English. "Vietnamese also tried to
10 infiltrate our Party. We are not worried about the external
11 military aggression. We worry most about the enemy inside."

12 Question: "Why is illegal work still the fundamental or basic
13 work? In this period after liberation it is secret work that is
14 fundamental. We no longer use the terms legal or illegal. We use
15 the terms secret and open.

16 "Secret work is fundamental in all that we do. For example, the
17 elections of comrades to leading work are secret. The places
18 where our leaders live are secret. We keep meeting times and
19 places secret and so on.

20 "On the one hand, this is a matter of genuine principle and on
21 the other it is a matter to defend ourselves from the danger of
22 enemy infiltration. As long as there is class struggle or
23 imperialism--"

24 [14.22.50]

25 This is the last sentence; it's very important:

1 "As long as there is class struggle or imperialism, secret work
2 will remain fundamental. Only through secrecy can we be master of
3 the situation and win our victory over the enemy who cannot find
4 out who is who."

5 Q. On top of the roles you already spoke about in terms of
6 education, security, president of the national assembly, was Nuon
7 Chea also tasked with officially replacing Pol Pot when Pol Pot
8 was absent or sick?

9 A. Yes. Well, of course there is an important source here that
10 specifies Nuon Chea's real role. We were told that officially it
11 was at the end of 1976 or the beginning of 1977 when Pol Pot
12 couldn't exercise his post and therefore it was Nuon Chea who
13 automatically took on the role of prime minister.

14 But in fact, there was a permanent rotation. They would somehow
15 manage to never be together so that when Pol Pot was at a meeting
16 or travelling to China or at Angkor to receive someone, Nuon Chea
17 would hold the power in Phnom Penh.

18 [14.24.47]

19 For example, when Zhang Chunqiao, the leader of the Gang of the
20 Four, <who> I brought up already, came in January 1976, on the
21 photos we see Pol Pot and a certain number of people but Nuon
22 Chea is not there in the same way when Ne Win came, the first
23 head of state to come visit Cambodia. Khieu Samphan <was there,
24 but --> Pol Pot <was not>, however, but there is Khieu Samphan as
25 the head of state, but we don't see Nuon Chea, either.

1 [14.25.26]

2 And so when Sihanouk made his famous trip to the maquis in
3 <1973>, you <have to look at the photos> again regarding that,
4 but as far as I remember, the entire Khmer Rouge leadership was
5 there except for Nuon Chea. Nuon Chea, therefore, had to hold the
6 reins of power while Pol Pot and the three ghosts; Khieu Samphan,
7 Hu Nim and Hou Youn, would receive the former King, Prince
8 Norodom Sihanouk. So basically speaking he was the viceroy.
9 Duch, in fact, came up with this wonderful expression,
10 <"uparaj">, the future king, the <viceroy>. Nuon Chea was the
11 <"uparaj">.

12 Q. I would like -- I'd like to quote a last thing concerning Nuon
13 Chea regarding the last days of the regime before the Vietnamese
14 arrived. And this is an excerpt of your book, "Why the Khmer
15 Rouge?" on page 240 in French, and that is to say, ERN 01303654,
16 and you said the following:

17 "The last days of the regime, that is to say the first days of
18 January 1979 were the most deadly. Order was then given by the
19 top leader of the purification of society -- Nuon Chea -- to
20 exterminate all of the unfortunate prisoners all over Cambodia in
21 order for the Vietnamese not to witness the <crimes> of Angkar.
22 The result was followed loyally by the very zealous Duch at S-21.
23 "Close to Pursat about 1,000 prisoners <in a row> were therefore
24 exterminated between 7.00 in the evening and 5 o'clock in the
25 morning and that job had to be absolutely finished before dawn."

1 End of quote.

2 And in the footnotes you mention a person as a source who was
3 born in 1956 and who was interviewed in Pursat on 30 July 1991.
4 So now, regarding this kind of massacre at the last minute before
5 the Vietnamese arrived in the security centres, is this something
6 that was reported to you often or only regarding S-21 and Pursat?

7 [14.28.36]

8 A. Well, I believe that this directive was general. Pursat that
9 was -- the first time I went to Tonle Sap, that was 25 years
10 <ago,> in 1991 and when I arrived there, and I remember this very
11 clearly<, 25 years later> -- I met someone who witnessed -- who
12 had lived through this massacre, who had witnessed this massacre
13 and he was in charge of the movie theatre in Pursat city and he
14 gave me all of these details, these very specific details on this
15 order to execute<, to massacre> all of these prisoners. It was a
16 <continuous> slaughter that lasted the entire night.

17 [14.29.36]

18 And then, of course, there <were> Duch's revelations at S-21 but
19 that we learned much later, 10 years later.

20 And it's true that <my last questions on> the prisons <were
21 always about how long they were open> when they were opened --
22 when they <were closed>. And I asked the same questions
23 <everywhere, over and over> again and I noticed that everywhere
24 the same orders had been given. <But> as <with> all orders from
25 Angkar it didn't mean that they were <necessarily all> followed

1 literally. <Though> in certain places like in Pursat, indeed
2 <they executed --> there was a big prison. It was the main prison
3 in the province.

4 <Though> indeed, all of the prisoners remaining were executed in
5 Pursat, in other places sometimes the prisoners were released and
6 sometimes the guards just fled.

7 [14.30.40]

8 Also, sometimes the guards would flee and let the prisoners stay
9 there shackled and the <people> freed them. But I noted, however,
10 that this general order, and this is of course also confirmed by
11 the fact that Nuon Chea criticized Duch later on when they met in
12 the 1980s, <for> not <destroying> the archives. So he said that
13 not only should <you> have liquidated all prisoners but you
14 should have also destroyed the archives, which he <was not asked
15 to do, and he> did not have the time to do, of course. Thank God.

16 Q. So when you say that the order was given by the one who was
17 the most responsible for the purification of society, Nuon Chea,
18 to exterminate all the <unfortunate> prisoners throughout the
19 territory, what are your sources apart from what Duch himself
20 regarding S-21?

21 [14.31.41]

22 A. My other source is Nuon Chea himself.

23 If you will allow me to quote, in the same article, page 31,
24 there are three or four lines on the need for the purges in order
25 to preserve the leadership of the Party. I'm sorry. I'll be going

1 to English now.

2 "The leadership apparatus must be defended at any price. If we
3 lose members but retain the leadership, we could continue to win
4 victories."

5 So that's the absolute principle, the revolution is eternal,
6 never-ending -- I'm sorry. I'm changing language again -- because
7 if the leadership is preserved, then the revolution is preserved.

8 "Defending the leadership of the Party is strategic. As long as
9 the leadership is here, is there, the Party will not die."

10 [14.32.48]

11 And this is the last, the next very important sentence: "There
12 can be no comparison between losing two or three leading cadres
13 and 200 or 300 members. Rather, the latter than the former."

14 So if we understand this correctly, we can lose 200 or 300
15 cadres. That's not a problem but if we lose these two or three
16 leaders of the revolution, it's the end of everything.

17 "That has been demonstrated by the experience of the Communist
18 Party of Indonesia, the leadership were 90 per cent destroyed,
19 etc., etc., etc."

20 So they were very, very impressed, overwhelmed by the purges of
21 the Communist Party of <Indonesia, which occurred just prior to
22 the Democratic Kampuchea regime.>

23 [14.33.53]

24 Q. So I will move forward a little bit <to> the role of Khieu
25 Samphan. You said that you spent one day interrogating him on

1 page 274 in the French version of "Pourquoi les Khmer Rouges?"
2 Could you tell us in what context you were able to meet him? Did
3 you take notes? Were you able to record the interview? Were you
4 able to write anything, an article perhaps based on this
5 interview or is there no written trace of the content of this
6 interview?

7 A. Yes. I am a bit embarrassed by this question because in order
8 to prepare for my testimony I searched and searched and searched
9 in my many, many notebooks. I also have documents that are in
10 France. So I did not find <anything> in the documents that I have
11 here, any notes from this interview.

12 [14.35.05]

13 What I do remember is that we talked a lot about his training,
14 his life in France, his adolescence, etc.

15 And I had also already interviewed Ieng Sary, who spoke very
16 freely about his childhood, how he changed his age, in order to
17 get into the Sisowath School, etc. <he changed his name, his
18 age>; about <studying> in France. But we didn't have time to get
19 to Democratic Kampuchea. The interview was interrupted.

20 Concerning Khieu Samphan, there was Suong Sikoeun, who introduced
21 me to him and, as I said earlier, I was received with open arms.
22 Perhaps I have a whole file on him, but I have just very banal,
23 basic impressions that remain in my memory. I retained this idea
24 that we evacuated Phnom Penh. We evacuated the cities because we
25 were in a very heated race with Vietnam.

1 And this appeared to me to be an interesting argument and it
2 stayed with me.

3 [14.36.18]

4 Q. You spoke of his good reputation under the Sangkum regime of
5 Sihanouk. His stature or reputation as an intellectual, which
6 wasn't corrupted, how did that <benefit> the Khmer Rouge
7 <revolutionary movement>?

8 A. Clearly, he was very polite, very charming, very cultivated.
9 Khieu Samphan was a very important asset for the path to power
10 for the regime because the majority of people not knowing Pol
11 Pot, Nuon Chea, Ta Mok; obviously So Phim, Koy Thuon and all of
12 these others and Son Sen neither who were effectively leading the
13 revolution and the civil war.

14 And he was able to fool even Sihanouk himself because when
15 Sihanouk was dealing with the Khmer Rouge, he saw that there was
16 Ieng Sary. He wasn't very fond of him.

17 But he thought that the important person in Democratic Kampuchea
18 in the civil war was Khieu Samphan, Hou Youn and Hu Nim.

19 [14.38.03]

20 We must not forget that Hou Youn was a very charismatic person.
21 He was very successful among the peasant population. He was a
22 partisan of the cooperatives, not the people's communes but true
23 cooperatives and the will of those in the cooperative to work
24 together.

25 So those are the people that Sihanouk met when he came to Phnom

1 Kulen and Angkor Wat in March 1976 (sic).

2 So this key figure was Khieu Samphan and when he decided to form
3 the FUNK <and the GRUNK> and that he understood that <the head of
4 the movement was Khieu Samphan.>

5 Q. I'm sorry. You said March 1976?

6 A. Seventy-three. Excuse me, '73.

7 [14.39.14]

8 Q. Do you have information <obtained> specifically during your
9 interviews with the former Khmer Rouge cadres who worked for the
10 Ministry of Foreign Affairs concerning dealings that Khieu
11 Samphan cultivated with the communist movement or the
12 <clandestine> communist party, <from the moment> when he returned
13 to France <in 1959> until he went to the maquis in 1967?

14 A. Well, there that's a very sensitive question that everyone
15 asks. When they ask it of Khieu Samphan<, he absolutely denies
16 having had any ties of any sort, while> he was a <minister,
17 secretary> of state, a deputy, with the clandestine communist
18 party.

19 <Personally, like many people, we> have a lot of trouble
20 believing that because we have at least two clues that show us
21 that he did absolutely have ties with these people.

22 [14.40.28]

23 The first clue is that he was a president or director of the
24 Marxist-Leninist circle in Paris. He took over from Ieng Sary
25 when <he returned> to France and this Marxist-Leninist circle was

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1 a breeding ground. I explained it very well in my book and Suong
2 Sikoeun explains it also in his autobiography. It was a miniature
3 communist party because he cultivated this cult of secrecy. It
4 functioned only in small cells and the people didn't know the
5 names of the other.

6 There was a promise to not reveal the existence of this
7 Marxist-Leninist circle. So there were already <features of what
8 would become, or what was the Communist Party of Kampuchea>. So
9 it would surprise me very much that from the time he went to
10 Paris or even before perhaps that he didn't have any contact with
11 Pol Pot and all of those other people.

12 [14.41.52]

13 Second, when he had to <suddenly> go to the maquis in 1967
14 because he was on the list of the 34 suspects -- and when one was
15 on the list of suspects under Sihanouk, that was very serious,
16 that could lead to an arrest and a disappearance. So it wasn't
17 simply that one would be imprisoned for a month or a bit of risky
18 treatment. It could be much more serious than that. So it's quite
19 curious that he tells us that <there were people who exfiltrated
20 him>, but he doesn't tell us how <he had contact with the people
21 who exfiltrated him, and who, in the interest of security, did
22 not send him toward Ratanakiri, while> everyone was turning
23 towards Ratanakiri because Pol Pot was setting up his base there.
24 I don't remember anymore what month <Khieu Samphan> left Phnom
25 Penh. It <was not> July. I'm not sure. But I know that Pol Pot

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1 established his base there towards the end of '67 rather than the
2 beginning. He explained it very well to Philip Short. They
3 <deliberately> decided to move towards the south because there
4 were no police <checkpoints>. If he had gone towards Kampong
5 Cham, there would have been police <checkpoints> and that would
6 have been even more dangerous.

7 [14.43.07]

8 But I find it very difficult to believe that he was not in
9 communication. Again, Saloth Ban is someone we could ask about
10 that because Saloth Ban or So Hong were adolescents at that time.
11 Until '63 they lived with Pol Pot. He was received there as a
12 son, and he was an adolescent who was bringing messages on a
13 bicycle between Nuon Chea and Pol Pot<, in any case>.

14 Did he also bring messages to Khieu Samphan? Those are questions
15 to be asked of Khieu Samphan himself. Maybe he'd say no. For me
16 that remains up to this time a mystery.

17 [14.43.55]

18 MR. PRESIDENT:

19 Thank you, Mr. Expert.

20 It is now a convenient time for a short break. We will take a
21 break now and resume at five past 3.00.

22 Court officer, please assist the expert during the break time and
23 invite him back into the courtroom at five past 3.00.

24 The Court is now in recess.

25 (Court recesses from 1444H to 1503H)

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1 MR. PRESIDENT:

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

3 Again, the floor is given to the International Deputy

4 Co-Prosecutor to put further questions to the expert.

5 [15.04.22]

6 BY MR. DE WILDE D'ESTMAEL:

7 Thank you very much, Mr. President.

8 Q. I will continue with regard to Khieu Samphan's role.

9 You said in your book "Why the Khmer Rouge?" E3/10640 in the
10 chapter titled "The Angkar" on page 107 that Khieu Samphan as the
11 secretary of the Standing Committee of the Party, also called
12 Office 870, was at the heart of the power.

13 And in the same excerpt you also speak about the fact that he had
14 a role to play in economic <affairs> and also in the drafting of
15 the constitution and <he had> ties with Sihanouk.

16 So how did you come to the conclusion that Khieu Samphan played
17 this role of secretary of Office 870?

18 [15.05.32]

19 MR. LOCARD:

20 A. Indeed, I know that this is a subject of controversy and I
21 believe also of denial from Khieu Samphan himself.

22 After the arrest of Duch (sic), if I remember correctly, the
23 secretary -- but I think that this kind of question is not very
24 important because it is necessary, as I said, an hour ago, to
25 understand that the regime was constant improvisation.

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1 The small group running Democratic Kampuchea had no experience,
2 whether administrative or whether governmental or in any regard
3 whatsoever, and no experience in the field of administration,
4 <or> even administering a private company. So they didn't have --
5 they said themselves that they didn't have enough experience <and
6 made mistakes> -- but they were improvising. So such and such's
7 role was not clearly defined.

8 [15.07.01]

9 All I know is that what we know is that Khieu Samphan was still
10 there at K-3 within the Party leadership; and this until the very
11 end. If he was only marginal, why didn't he leave the Party in
12 1979?

13 Why did he become the head of the resistance or the nominal head
14 of the resistance?

15 Why did he only join the current government in 1998 and in the
16 company of Nuon Chea, if he was so marginal?

17 So my answer is, first of all, is that <we know> he was always at
18 the heart of power; and two, the specific role of each person
19 wasn't clearly defined because <we must remember> they did not
20 function at all like a normal government as we know it now <in
21 the rest of the world>.

22 [15.08.06]

23 Q. I'll have further questions regarding this but I must move
24 ahead because I am running out of time.

25 In your book "Why the Khmer Rouge?", you used excerpts of

1 speeches made by Khieu Samphan during the successive
2 anniversaries of the 17 April 1975 victory. And I would like to
3 quote a specific speech, the speech of April 1977.
4 For the record, I will say that this speech is also at <E3/286>;
5 it's a FBIS document; in English, 00168205 ERN; and part of this
6 document is illegible so maybe the best source for us is E3/200
7 and E3/201.

8 This is another transcript of the speech made by the BBC <in>
9 French, ERN 00612166; English, S00004165; and Khmer, it must be
10 at pages 00292805 to 806.

11 In your book it's on pages 107 and 108, and you quote Khieu
12 Samphan, and I quote:

13 "We must pursue a task and defend our Democratic Kampuchea,
14 protecting <our> government made up of workers and peasants,
15 proletarians, and preserving the fruits of our Kampuchean
16 revolution by resolutely smashing all categories of enemies, by
17 preventing them from committing any kind of act of aggression,
18 <of interference,> or of subversion against us. In order to show
19 that we are on top of the situation, we must annihilate the enemy
20 while following <the> domestic, foreign and military policy of
21 our revolutionary organization. Everything must be completed
22 cleanly and all the way to the end." End of quote.

23 [15.11.06]

24 The French translation of document E3/200 is slightly different
25 because it's based on the BBC transcript but there are two terms,

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1 however, that catch my attention. Maybe you will be able to
2 interpret these terms. It's the term "smashing resolutely all
3 categories of enemies" and "annihilating the enemy".

4 So what meaning was given under the DK regime to these words in
5 this speech made by Khieu Samphan?

6 A. It's the same speech as the one in which he mentioned children
7 earlier. And it's a very important speech because it was made
8 during the most important festivity of the country. We should not
9 forget that DK had suppressed 9 January -- correction, 9 November
10 1953 which was the day of independence because they said that, at
11 that time, Cambodia was not fully independent. Cambodia became
12 fully independent, according to them, on 17 April. That was the
13 day of real independence for them. So this speech was made in a
14 particularly ceremonious context.

15 [15.12.51]

16 Was it Khieu Samphan who wrote this speech alone? I don't know.

17 Suong Sikoeun just told me that he was reading out a speech that
18 was written by Pol Pot. Maybe, but he said it anyway, so
19 therefore he is the owner, he is the author of what is being said
20 here.

21 Previously, he said that we had many hardships, but that we were
22 able to vanquish the enemies. So are we speaking about outside
23 enemies or are we speaking about inside enemies? That's the first
24 question.

25 Of course, these are two different categories and he says that

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1 "It is our firm conviction that <this> is based on practical and
2 clear evidence", that is to say that these enemies can no longer
3 harm us. <Concrete and practical> evidence.

4 [15.13.43]

5 It was wonderful to hear these words from someone who told us
6 later when the regime fell that he was not aware that so many
7 people had been slaughtered. A wonderful paradox, and he's
8 telling us the contrary. He's telling us that here he had
9 concrete and practical evidence. These are very powerful words.
10 Now, when he speaks to us later on in what you quoted<, he
11 mentions> attacks, here we're speaking about attacks from outside
12 enemies, of course, but when he speaks about subversion <against
13 us>, here we're speaking, of course, about enemies from within.
14 So therefore, we have to annihilate them, and in the vocabulary
15 of DK, that meant exterminate them, clearly.

16 [15.14.32]

17 So what really horrifies me<, what is really chilling> are not
18 the words that you mentioned but the last words of the speech,
19 "Everything must be thoroughly and cleanly accomplished".
20 "Thoroughly and completely"; what does this mean? This means that
21 anyone who was suspected of being an enemy had to be
22 <eliminated>. That is to say, at night, in the dark, in secret,
23 far from everybody, and we had to also therefore make sure that
24 <the enemy is> dead. So these two qualifiers are really
25 terrifying, thoroughly and completely terrifying.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 [15.15.21]

2 Q. According to your research, owing to his role as President of
3 Democratic Kampuchea, that is to say somebody who had economic
4 responsibilities as well as - as you wrote, responsibilities at
5 Office 870, was Khieu Samphan aware, or was he perfectly informed
6 of the great policies developed by the DK regime, whether it be
7 in terms of security, collectivization, major works, or relations
8 with foreign countries, or was he completely ignorant of all of
9 that?

10 A. This is a question that can only be answered with an obvious
11 answer. Unless <his excellency> Khieu Samphan was completely
12 blind and unless his ears were plugged and his mouth was shut all
13 the time, this would have been impossible. What was he doing
14 there?

15 If he wanted to not be aware <at all> what was going on, well
16 then he should have asked to be sent to the countryside. This is
17 completely impossible.

18 [15.17.01]

19 Q. Let me turn to another topic. I'm going to try to move ahead
20 now a little bit.

21 We're going to speak now about the policies vis-à-vis the enemies
22 from within as well as from the outside.

23 What was the importance of hunting down enemies among the tasks
24 of the Khmer Rouge cadres who were posted in what we call zones
25 or what you call major regions? Was that a big part of their work

1 or did this aspect of their work grow over time or, on the
2 contrary, diminish?

3 [15.17.47]

4 A. While we already spoke about this issue, at the beginning of
5 your questioning you were speaking about the central slogans,
6 hunting down the enemies, one hand holding the rifle, one hand
7 holding a hoe. There were two major <tenets of> DK policy. The
8 first produce, produce, producing always more and the second
9 chasing down the enemy, finding the enemy, ferreting the enemy
10 and so that we are sure that the revolution remains pure and
11 reaches its objectives.

12 It's true that the more the regime would grow, the more it became
13 clear that the revolution was far from reaching its objectives.
14 Instead of questioning themselves and asking <themselves if the
15 major tenets of the revolution or the> policies of the Party were
16 erroneous <or a serious mistake>, they preferred turning against
17 the victims of their policies. That is to say, if you could not
18 produce what was required, it was because there were people
19 sabotaging they would believe, or people who <were> lazy, or
20 <traitors> who were hiding within all of the people's communes.
21 So, paranoia, that is to say, the belief in collusion just kept
22 on growing as the regime was moving ahead and as the jails were
23 filling up to such an extent that it was impossible to question
24 everyone. We saw this at S-21 because towards the end, people
25 were executed directly at Choeung Ek <and there was no time to

1 even interrogate them>, but this was a widespread phenomenon
2 <throughout the regime>, however.

3 So, the second major instruction, hunting down the enemy, almost
4 took precedence over production.

5 [15.20.05]

6 Q. You distinguished in your book, I believe, three kinds of
7 enemies: enemies from the past, enemies from the present, and
8 enemies from the future.

9 Now, regarding enemies from the past, what fate was meted out to
10 the high-ranking officers of the Lon Nol <army> -- officers of
11 the Khmer Republic, as well as to the high-ranking civil
12 <servants and dignitaries> after the capture of Phnom Penh and
13 the other cities on 17 April 1975?

14 A. There is a lot of testimony about this and I regret that the
15 Tribunal focused on Tuol Po Chrey, one of the massacres that was,
16 in fact, of high-ranking officers. That was the least important
17 whereas the Tribunal could have focused on Phnom Penh or on
18 Battambang, of course. But the Tribunal opted for Tuol Po Chrey.

19 [15.21.06]

20 When I was in Cambodia in the 1960s, I was housed by Colonel Srey
21 Meas and his wife and his four children, and I <found out> when I
22 returned to Cambodia in 1989 that Colonel Srey Meas, who had
23 become general, had been immediately executed with his wife and
24 children at the very beginning of the regime. I learnt that
25 through his cousins who were living in the house where I had

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1 stayed. So this is an example that touches me personally.
2 The most typical example of what happened <was> in Battambang. In
3 Battambang, you must understand that the entire West region is
4 considered the area that was dominated by the Khmer Rouge, but
5 that was at the very end <of Democratic Kampuchea -- and today
6 --> but it was the only area in Cambodia that remained <entirely>
7 under the control of the republic, in fact.

8 So repression in the Northwest of the country was particularly
9 bloody because the entire population in certain districts were
10 only 17 April People, the "Dop Pram Pi Mesa"<, only "Pracheachon
11 Thmei">, only New People. There were no Old People.

12 [15.22.28]

13 In Battambang, the army was divided, the Republican Army was
14 divided into three, the high-ranking officers who were asked to
15 put on their uniforms, to go to Phnom Penh immediately and
16 welcome Sihanouk at Pochentong Airport. The junior officers were
17 grouped together and sent to Thma Koul where they were all
18 executed. Regarding the rank-and-file and their families, they
19 were sent to the South to Phnum Sampov and then <to> what was
20 going to become Kamping Puoy and they started this enormous work
21 camp<, the construction of> Kamping Puoy, which <-- as you may
22 know, many people were forced to go there --> is one of the most
23 surprising achievements of the regime. But many, many died or
24 others joined the people's communes.

25 [15.23.39]

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1 Now, regarding the high-ranking officers, when they arrived at
2 Moung in Moung district, which is immediately to the east of
3 Battambang, they told them to turn towards Phnom <Thippadei>.
4 Phnom <Thippadei> is a place where there were pagodas and where
5 there was a train station, Moung district train station about 10
6 to 20 kilometres from the national road. After having <travelled>
7 one or two kilometres, the trucks <were> stopped, the officers
8 were asked to step down, and they were all machine-gunned.
9 This massacre at Phnom <Thippadei> is one of the best known <of
10 the republican army,> and I regret that it was not chosen by the
11 Tribunal. On top of that, I found witnesses who pretended to be
12 dead and who did not die, and they let the bodies lie there for a
13 long time in order to terrorize the population too.

14 [15.24.58]

15 Q. After the first days following the capture of Phnom Penh,
16 during the regime, was there another wave of arrests of former
17 servicemen from the Lon Nol army, whether it be high-ranking
18 officers, junior officers or simple rank-and-file? And if that is
19 the case, were their families also tracked-down too?

20 A. The massacre of the Republican Army was continuous. It
21 occurred especially at the beginning of the regime when the
22 prisons were open. As you know, there were prisons that already
23 existed during the civil war in the zones that were controlled by
24 the Khmer Rouge. But during 1975, the network of prisons <was>
25 set-up, the prisons were either located in former pagodas or

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1 schools or they were prisons that were built right then, that is
2 to say, long <rectangular> houses that were quite narrow as we
3 can see in Kampong Chhnang province. <There were many throughout
4 the country.>

5 [15.26.41]

6 So these arrests took place during 1975 but especially at the
7 end. So the first prisoners<, when Moeung Sonn and Phally were
8 arrested, so> in December 1975, and among these prisoners there
9 were administrative officials of the republic and also those who
10 had not been killed at the beginning of the regime, and also
11 soldiers from the Republican Army.

12 As far as the women are concerned, that happened later. I
13 remember in Pursat province, for example, it was only in 1978,
14 the last year that they went to look for the wives of soldiers
15 who had been executed in '76 or '77. But the total purge, or the
16 quasi-total purge of the Republican Army, took place during the
17 entire regime.

18 You must understand that there was chaos and anarchy, therefore
19 some soldiers managed to hide and so they didn't kill each and
20 every soldier of the Republican Army. There were many, many
21 soldiers that represented hundreds of thousands of people, many
22 more than the Khmer Rouge.

23 [15.28.05]

24 Q. You spoke yesterday about the archives that were found
25 regarding Krang Ta Chan in Tram Kak district. <Do you> remember

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1 having seen documents that might have included lists of soldiers
2 or officers of the Lon Nol army in this district or in this
3 particular security centre, Krang Ta Chan?

4 A. Yes, I believe the Tribunal has my article on Tram Kak
5 district. There were 477 prisoners. We have information on 477
6 prisoners and I believe <I remember, I looked again last night,>
7 that there were not many, many Lon Nol soldiers among them.
8 The archives that we have, you must understand, are very partial.
9 They date from the end of the regime only '77, '78, so at that
10 point in time, there were not many Lon Nol soldiers left to
11 execute.

12 However, the <biggest> category among the 477 prisoners were
13 people who had fled the regime who represented about a quarter of
14 the prisoners, they were trying to flee to Vietnam.

15 [15.29.30]

16 Q. I would like to read out an excerpt of your analysis regarding
17 Tram Kak district, and it's document E3/8299 under heading 2
18 "Krang Ta Chan Archives" on page 3 in French, on page 00217693 in
19 English. Unfortunately, I do not have the Khmer ERN.

20 This is what you say regarding the Krang Ta Chan archives and
21 what you found there.

22 "There are two kinds of documents, mainly reports that were
23 written locally and accompanied the captives to Krang Ta Chan,
24 and summaries of interrogation at the execution centre. Apart
25 from those, there are six lists totalling 186 people. There is no

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1 indication about what happened to those people. The list bearing
2 37 names is all made up of ex-military personnel <with some
3 information>, and this list is dated 27 April 1977, or about the
4 time there seems to have been one more general directive to track
5 down every remaining ex-Lon Nol soldier." End of quote.

6 [15.31.12]

7 Does this refresh your memory regarding the fact that there were
8 also documents dating back to 1977 and, in particular, lists of
9 former Lon Nol soldiers? And this is not necessarily a document
10 from Krang Ta Chan but rather from the administrative structures
11 of <Tram Kak>.

12 A. Yes, indeed <my memory failed me, thank you. So, 37 out of 477
13 is> quite <a> small proportion<, three or four times smaller
14 than> people who <were> trying to flee.

15 Throughout the entire length of the regime, <as I said earlier,>
16 they were hunting for the Republican soldiers on the one hand.
17 However, what's of interest in what you just said -- and this is
18 a question that we're all still wondering about for S-21 -- and
19 that is a concern that <for> prisoners who arrived at Krang Ta
20 Chan or S-21, was there already a file on them, a biography which
21 had been established and <either> written by previous
22 interrogators or, for the New People in particular, <did> each of
23 them <have> to write their own autobiography?

24 [15.32.35]

25 So what I understood is that this was a regime with this oral

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1 tradition <which> was extremely bureaucratic, so there was a lot
2 of paper and I don't know <how> the "kamaphibal" or the leaders
3 who were illiterate or who could barely read and write could
4 function in a country which <had so much red tape.>

5 What I understood is that especially the 17 April People, the New
6 People were supposed to write their autobiographies. Those need
7 to be written <at> the people's communes.

8 When there was an arrest, they were never brought <straight> to
9 the prison, first they went to the local police where they were
10 interrogated for two or three days, chained up<, tied up,> and
11 sometimes under threat of torture or being beaten.

12 [15.33.34]

13 So there was a file which followed you, and then you were sent
14 with your file to the prison. So the prisoners arrived usually
15 already with a file. <Duch wasn't that clear in this regard,>
16 something I didn't understand very well is if this happened at
17 S-21, but I know that in the provincial prisons the victims
18 arrived with a file already. There were documents accompanying
19 the prisoners.

20 This is what we found in the archives of Krang Ta Chan there were
21 <documents, and then> summaries of interrogations in school
22 notebooks.

23 MR. DE WILDE D'ESTMAEL:

24 With the permission of the Chamber, I would like to provide a
25 document to you, E3/2048, E3/2048. This is a series of

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1 documents<, of reports from the Tram Kak archives> concerning
2 arrests of Lon Nol soldiers in 1977.

3 Mr. President, do I have the authorization to provide this
4 document to the expert?

5 [15.34.43]

6 MR. PRESIDENT:

7 Please proceed.

8 Court officer, please receive the physical copy of the document
9 and present it to the expert.

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. So this is a document of several pages. We've only selected
12 three in French. <It is pages 2 to 4>, the ERN 00311659 (sic) to
13 61; in Khmer, 00079089 until 91; and in English 00376562 (sic)
14 until 64.

15 So those are three successive messages: the first is <from
16 someone named> Moeun of Cheang Tong commune who <issued> a report
17 in 1977 in the Tram Kak district, and this is what he says, and I
18 am quoting:

19 [15.35.56]

20 "Concerning the situation of the enemies who are located in my
21 base after having received the successive recommendations of
22 Angkar concerning vigilance when encountering enemies and the
23 sweeping away of <enemy> officers, we have <monitored,>
24 examined<, and identified> the following persons."

25 And here he refers to two people, <including> a former

1 lieutenant.

2 I will read rapidly the two other documents -- <excerpts> of
3 these other two documents. <The next one is a> message <from>
4 Chun, C-H-U-N, and I think in another translation we talk about
5 Phan, P-H-A-N, in any case they're from the Popel commune. This
6 is 06 May 1977, and here is what is said, "To Angkar", from the
7 "District", <on point two,> and I quote:

8 "106 families of soldiers of the former regime, or 393 people,
9 were smashed by Angkar and are dead.

10 <Point> 3. "631 families of former regime soldiers <remain>, or
11 896 people.

12 There are 1,513 people in total and I would like to draw the
13 attention of the Party to the fact that <there is a> certain
14 number of families that we have not yet reviewed to know whether
15 or not they were affiliated with the military of the former
16 regime."

17 [15.37.49]

18 And, finally, the third document. It comes from a <person named>
19 Khit, the leader of the Ta Phem P-H-E-M commune and it comes from
20 exactly the same period, the 28th April '77. And at the beginning
21 of this document, it says the following:

22 "After having received the recommendations of the Party, I
23 examined and cleansed the <enemy officers>. I went on-site to
24 thoroughly examine the status of the people and I found that
25 there were still six people who had been officers in the previous

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1 regime."

2 And he cites and the names the rank they <were> usually --

3 lieutenants or sub-lieutenants.

4 <Witness>, would you have an analysis or <a> comment regarding

5 these three documents which come from the same period in the Tram

6 Kak district and which talk about the recommendations of the

7 Party to cleanse the former soldiers of Lon Nol?

8 [15.39.01]

9 MR. LOCARD:

10 A. Well, these documents, I don't know if I have them or if I

11 have photocopied them. I don't recall anything <like> that.

12 They seem to me to be very important and interesting documents in

13 the context of the Court's research on the extermination of the

14 Republican Army.

15 But this shows you very well how the regime functioned. It shows

16 first that these soldiers who were playing the role of police,

17 they <were> not the ones who <made> the arrest or who decided

18 upon the arrests, <it was> civilians. So the people <who signed>

19 here, the commune of Cheang Tong<, Mr. Moeun,> and also Mr. <Chun

20 - it's "Chhoun" (phonetic) in Khmer, not "Chun"> they should be

21 leaders of cooperatives, so they are "kamaphibal", so they are

22 basically civilians.

23 [15.40.08]

24 So these civilians -- they are members of the Party, and they

25 receive the orders of the Party to hunt down, track down and

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1 identify the enemies. They are informed: "Be careful you must
2 really identify all of those who were in the Lon Nol army", and
3 that could mean everyone because there were also forced
4 recruitments of almost the entire population.
5 So this is an extremely broad scope. Effectively, that shows us
6 very well how this machine meant to exterminate. It came as a
7 directive from the Centre, it chose the categories that were most
8 targeted. A good civil servant was supposed to produce rice and
9 produce enemies. So he produces his enemies and these poor
10 unfortunate people even if they were just for several weeks or
11 months soldiers and they are completely something else in
12 civilian life, they are nevertheless classified as persons who
13 need to be exterminated and they're sent to Krang Ta Chan.
14 That's all I can say, but I don't think that there were that many
15 soldiers remaining at the time.

16 [15.41.32]

17 Q. I will conclude soon, so I will soon give the floor to the
18 civil parties.

19 So concerning the security centres or prisons, this is what you
20 said in your book "Pourquoi les Khmers rouges", E3/10640, from
21 pages 231 to 232 in French. It's under the title "Centralized
22 Incarceration Regime":

23 "Quite to the contrary of my expectations and having read
24 thoroughly the analyses on the great regional variations on the
25 repression under Democratic Kampuchea, I was stunned to find a

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1 great similarity in the number and methods of extermination
2 throughout the entire country, except in the zones very much on
3 the periphery, especially in the Northeast, the cradle of the
4 revolution. I found a closely inter-linked prison at work on
5 three levels which followed the length of the chain throughout
6 the country." End of quote.

7 You talk about a great similarity in the number and methods of
8 extermination. What were the common characteristics concerning
9 the security centres in terms of organization, whether they had
10 interrogations or not, conditions of their detention, and the use
11 of torture or the non-use of torture?

12 [15.43.15]

13 A. It's very simple for me. Everything was the same. Almost all
14 arrests were carried out after night fell. People were taken away
15 during the night.

16 Second, they were taken to the local police station not directly
17 to the district prison, generally speaking.

18 And then the first question that were asked of everyone was, "Why
19 are you here"? There was never any type of accusation, that just
20 did not exist.

21 And then you were automatically treated as if you were guilty
22 because the people that you spoke of here, Mr. Moeun, Mr. Chun
23 and Mr. Khit, couldn't have made a mistake, they were Party
24 members. And therefore they knew the truth with a capital "T" and
25 if you were a suspect, then you were indeed a suspect.

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1 And then after one, two or three days, you were brought, usually
2 with a group of people in any kind of transportation that was
3 possible; this could be walking, it could have been on a
4 motorcycle, it could have been in a cart, it could have been on a
5 truck. But you were brought to prison and there, most of the
6 time, you arrived at night also.

7 [15.44.51]

8 You were immediately put on the "khnoh", so these bars of iron,
9 you were attached to them. You didn't see anything at all because
10 it was completely dark, everything was black, so you woke up in
11 the morning you could have been four or five people, you could
12 have been up to 20. So that means in order to release any person
13 you had to pull the entire bar out.

14 So in the pagodas or the classrooms, there were holes to enable
15 the bars to slide and the rings to attach and, most of the time,
16 attached two legs. It could be just one, but usually it was the
17 two legs that were attached. And in the most horrible of the
18 prisons, <sometimes> you had your hands tied behind your back and
19 you were on the floor. <There was no mat.> It could be on
20 <tiles>, it could have been on cement, <it could be on the earth
21 if you were in a hut,> but there was nothing. There was no <mat>,
22 there was nothing placed on the floor; you were just on the
23 ground.

24 [15.46.04]

25 Sometimes <they would leave you - so in the morning, they would

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1 come give out> the "baba reav", which was a very <clear,> suspect
2 kind of food, was given to you but that's all that you could eat.
3 <They would interrogate you after a day or two, after letting you
4 languish> perhaps for a couple of days but then very soon you
5 were interrogated. <Interrogations did not last as long as they
6 did> at S-21, <interrogations here> could last three, four, or
7 five days.
8 <You> could die while being interrogated, and everywhere there
9 was torture or at least threats of torture.
10 So there was variation between one prison and another. It also
11 <varied, in that some> people said, "Oh, be careful, if we arrest
12 you, you have to say yes, yes, all the time. If you say yes,
13 you'll have more luck, you'll be better off. So say yes, yes,
14 yes, even if you haven't committed a crime. <Did you do this and
15 that? Yes, yes, yes>", but if you said no, then it was more
16 dangerous.
17 I could continue until 4 o'clock here to tell you about the
18 methods of execution et cetera, but it was the same everywhere.
19 [15.47.15]
20 Q. And the very last quotation. What you said in "The Khmer Rouge
21 Gulag", your article -- it seems I forgot to note the E3 number.
22 I can give it to you in a bit. It's on page 00796291 in French;
23 in English, 00394614; and in Khmer, 00822607 to 08. And I will
24 simply read one or two sentences. You said the following:
25 "For the Khmer Rouge leadership, human life had no more value

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1 than the smallest atom floating in space between the stars. As
2 those <deluded> gurus at the head of a cult, they had this
3 millennium fervour. They had lost all sense of reality, even
4 humanity." End quote.

5 If they had lost all sense of reality and humanity, was this
6 because reality had been very well hidden from them or was it
7 because they <did not want to> see this reality?

8 [15.48.38]

9 A. Well, as far as I'm concerned, I think that the sentence I
10 wrote there I would write it again today. I think that in one
11 sense it corresponds to reality. Concerning the philosophical
12 question of why, it's very difficult for me to explain why or to
13 answer that. Maybe I can just say what Nuon Chea said was that
14 it's better to kill 200 or 300 cadres whether or not they're
15 guilty, even if we're mistaken, it's much better to kill 200 or
16 300 cadres than the two or three leaders of the country. So,
17 this, very clearly means that human life no longer has any value.
18 Had they become crazy? Had they gone mad? I think the Defence
19 could have pleaded this, but I think they haven't done so for the
20 time being.

21 They refused to be examined by psychiatrists, quite to the
22 contrary of Duch; that's too bad. After having interviewed Pol
23 Pot <in his famous interview, Nate Thayer> said, "In my country
24 we say that these people are deranged".

25 Yes, it's true that they were completely disconnected from

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1 reality. They were cut in two pieces, if you will. They were
2 schizophrenic. In their daily life with their families, their
3 wives, their children, they were model fathers and husbands. In
4 the case of -- this is true for Khieu Samphan, this is true for
5 Duch, this -- Khieu Samphan had four children, a wife. He was a
6 model family man. So was Pol Pot. So schizophrenic, I don't know.

7 [15.50.50]

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, that concludes my questioning.

10 E3/2811 is the E3 number I did not have before.

11 Thank you. I will leave the floor to the civil party lawyers.

12 MR. PRESIDENT:

13 You may now proceed, lawyer for civil parties.

14 QUESTIONING BY MR. PICH ANG:

15 Good afternoon, Mr. President, Your Honours, every parties,
16 everyone in and around the courtroom.

17 Q. Good afternoon, Mr. Expert. I have a series of questions to
18 put to you since I do not have much time.

19 My first set of questions <is> about the death of people during
20 the Khmer Rouge <era> and this question is often asked by the
21 people in the general public.

22 Could you explain why <so> many people died in the Khmer Rouge
23 <era>?

24 [15.52.19]

25 MR. LOCARD:

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1 A. In English because more people understand English or you
2 prefer me to understand -- reply in French. Perhaps I can reply
3 in French for you. Perhaps that would be better for you if I
4 respond in French.

5 Q. You may select either one of the languages, however, I am
6 listening to you in Khmer.

7 A. Perhaps I'm going to use the English language because I think
8 in this Court more people understand English than the French.
9 You're raising, you know, a fundamental and philosophical
10 question and this is, of course, the question that the civil
11 parties, which I see behind you, are all asking themselves. Why
12 did they, the Khmer Rouge, kill so many people?

13 [15.53.27]

14 Well, this is the object of the whole of my book. Basically, to
15 answer simply, because there was a big gap between the utopia and
16 reality. The utopia was wonderful. Your leaders, like Khieu
17 Samphan present here and Nuon Chea, wanted to make you all very
18 happy, prosperous, and rich. They thought that communism -- or
19 the communist paradise was the answer, but the paradise turned
20 into a hell simply because all their policies were the wrong
21 policies.

22 The very beginning when they decided to use the legal means and
23 the illegal means or to use the peaceful means or the violent
24 means, in particular for the fight for independence because the
25 movement started before the fight for independence.

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1 Every Cambodian, by the time of the Second World War, were in
2 favour of independence, all of them, including Prince Sisowath
3 Monireth, and this is why he was not chosen as your next king.
4 But they disagreed about the methods. Are we going to use
5 negotiations, peaceful means with the French, or are we going to
6 use violence? Now, the Khmer Issarak, the Khmer Issarak choose
7 violence. The Democratic Party chose diplomacy and negotiations.

8 [15.55.08]

9 So the first disastrous choice, of course, of the Issarak and the
10 communists, the Indo-Chinese Party, was to choose to gain
11 independence through violence and initiate the civil war. So once
12 you set violence at the beginning, it's very difficult to stop,
13 to stop it.

14 The other reason was that the members of the communist party
15 <were> extremely few and I explained that before. So they could
16 not operate by consensus, they had to operate by violence and
17 terror.

18 And the last thing was, they were in a hurry. There was a mad
19 hurry. They were convinced that Cambodian civilization was
20 unique, was very special. We had built <Angkor> and we could do
21 anything. So we can go faster. We were not going to follow the
22 different stages like all other communist regimes, gradually go
23 from capitalism to socialism, from socialism to communism. We go
24 straight to communism and to complete communism, absolute
25 communism. More communistic than any other regime. So in spite of

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1 the fact that the intentions were good, the methods were a
2 disaster, all a disaster.

3 [15.56.31]

4 And I think they were also very power hungry. They liked power,
5 and there is no greater power for a human being than power of
6 life and death over another person, and I'm afraid that many men,
7 and particularly men and not women, are so hungry for power that
8 they are prepared to do anything for that.

9 Q. The other question may be a little bit complicated. Have you
10 made an analysis about the Democratic Kampuchea, particularly
11 about the consideration of humanity? Did <the> Khmer Rouge regime
12 consider humanity in leading the country?

13 [15.57.37]

14 A. Yes. I think it's a mistake to lump together all the Khmer
15 Rouge as being cruel and inhuman. Many young people who joined
16 the revolutionary movement were very idealistic. Suong Sikoeun
17 was an example of that. The young people of his generation were
18 very idealistic and they were very politicized contrary to the
19 youth today. He joined the movement, "Chalona" -- he said
20 "Chalona", the movement, the movement for independence from the
21 age of 16. That is very young and idealistic.
22 But once they had joined this movement that had chosen violence
23 and the weapons and war and civil war, they got -- it was a
24 snare, "a piège", as Laurence Picq has said. You know, once you
25 were taken into the movement, it was like a whirlwind from which

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1 you could not get out.

2 But it is true that throughout the regime, you have examples of
3 Khmer Rouge soldiers or Khmer Rouge "kamaphibal" who were kind
4 and saved the lives of some people, gave more food to people.

5 They were not all cruel animals.

6 So it's difficult to lump them together because there were traces
7 of humanity in quite a few of them.

8 [15.59.43]

9 MR. PICH ANG:

10 Mr. President, I may need another 10 minutes to conclude my
11 questioning. Do you want me to finish it up for now or you want
12 me to defer to Monday?

13 MR. PRESIDENT:

14 I will -- I think we cannot delay our proceedings today because
15 it is Friday. Usually a Friday, <we finish at 4> o'clock and now
16 it is <after> 4 o'clock.

17 It is now time for the adjournment.

18 The Chamber will resume its hearing on Monday, the 1st August
19 2016, at 9 a.m., and the Chamber will continue hearing the expert
20 witness, Henri Locard.

21 And you may proceed, Anta Guisse.

22 [16.00.40]

23 MS. GUISSSE:

24 Thank you, Mr. President. A few moments of your time only.

25 I simply wanted to know if<, since we have done this before with

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1 expert witnesses, if> the documents that we have listed for the
2 expert have been forwarded to him and, if that is not the case, I
3 would like at least to provide a few documents that he might
4 review this weekend, so it would be easier for him when -- I see
5 from the Chamber that, a priori, the documents were not forwarded
6 to the expert, so may I -- we don't know, in fact.

7 JUDGE FENZ:

8 Just take it from the reaction of the legal officer that that has
9 indeed not happened.

10 MS. GUISSÉ:

11 Okay, so therefore--

12 MR. PRESIDENT:

13 Thank you very much, Counsel, for your observations and
14 consideration.

15 In order to allow for enough time for the expert to view the
16 document, the court officer is instructed to get the document
17 from counsel and provide it to the expert so that he can read and
18 provide his responses or observations on that document on Monday.

19 [16.02.23]

20 MS. GUISSÉ:

21 I'd like also to let you know that this is not the totality of
22 the documents <listed> here, but at least articles and documents
23 from the time that the expert might not have been apprised of
24 before and now he will <have> time to go over this.

25 MR. PRESIDENT:

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1 Thank you.

2 Thank you, Mr. Henri Locard. The hearing of your testimony as
3 <an> expert witness has not come to an end yet. You are therefore
4 invited to come and testify on Monday next week.

5 Court officer, please work with the WESU to send <the> expert to
6 the place where he is staying at the moment and please invite him
7 into the courtroom on Monday next week.

8 Security personnel are instructed to bring Mr. Nuon Chea and
9 Khieu Samphan back to the ECCC detention facility and have them
10 returned into the courtroom on Monday, 1st August 2016, before 9
11 a.m.

12 The Court is now adjourned.

13 (Court adjourns at 1603H)

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Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.