



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

ORIGINAL/ORIGINAL

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

1 August 2016

Trial Day 433

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

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KHIEU Samphan

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INDEX

Mr. Henri LOCARD (2-TCE-90)

Questioning by Mr. PICH Ang resumes page 3

Questioning by Mr. KOPPE page 12

Questioning by Ms. GUISSÉ..... page 70

DRAFT
CONFIDENTIAL

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 Mr. Expert

6 Witness, Henri Locard.

7 Ms. Chea Sivhoang, please report the attendance of the parties

8 and 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 witness who is to continue his testimony today, that is, Mr.

16 Henri Locard, is present in the courtroom.

17 Thank you.

18 [09.02.18]

19 MR. PRESIDENT:

20 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the

21 request by Nuon Chea.

22 The Chamber has received a waiver from Nuon Chea, dated 1st

23 August 2016, which states that due to his health, that is,

24 headache, back pain, he cannot sit or concentrate for long and in

25 order to effectively participate in future hearings, he requests

1 to waive his rights to be present at the 1st August 2016 hearing.
2 He advises that his counsel advised him about the consequence of
3 this waiver, that in no way it can be construed as a waiver of
4 his right to be tried fairly or to challenge evidence presented
5 to or admitted by this Court at any time during this trial.
6 Having seen the medical report of Nuon Chea by the duty doctor
7 for the accused at ECCC, dated 1st August 2016, which notes that
8 Nuon Chea has a severe back pain and it becomes severe and feels
9 dizzy when he sits for long and when he moves and recommends that
10 the Chamber shall grant him his request so that he can follow the
11 proceedings remotely from the holding cell downstairs, based on
12 the above information and pursuant to Rule 81.5 of the ECCC
13 Internal Rules, the Chamber grants Nuon Chea his request to
14 follow today's proceedings remotely from the holding cell
15 downstairs via an audio-visual means.
16 The Chamber instructs the AV Unit personnel to link the
17 proceedings to the room downstairs so that Nuon Chea can follow.
18 That applies for the whole day.
19 [09.04.07]
20 And before I hand the floor to the Lead Co-Lawyers for civil
21 parties to put further questions to the expert, the Chamber
22 issues an oral ruling on Internal Rules 87.3 and 87.4 requests
23 made during the trial hearings by the defence counsel for Nuon
24 Chea.
25 On 29 July 2016, Defence Counsel for Nuon Chea requested the

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1 admission of the table of contents of Mr. Locard's PhD thesis,
2 entitled "Aspects de l'extermination dans le Kampuchéa
3 démocratique et de l'idéologie khmère rouge (<17 April> 1975 to
4 <7 January> 1979)", ERN 01307958 to 01307961; and of his article
5 entitled, "Report by Henri Locard" -- rather, his article
6 entitled, "Characteristics of repression in Democratic
7 Kampuchea", ERN 01307962 to 01307971.

8 [09.05.37]

9 Both documents were provided to the Chamber by Mr. Locard and
10 were made available through the shared material drive on 26 July
11 2016.

12 The Chamber heard submissions by the parties on 29 July 2016, and
13 the other parties do not object to the request. The Chamber,
14 noting the requirements of Internal Rules 87.3 and 87.4, grants
15 request by the Defence Counsel for Nuon Chea.

16 The table of contents of Mr. Locard's Doctoral thesis should be
17 classified as document E3/10641, while the article will be
18 classified as E3/10642.

19 I'd like now to hand the floor to the Lead Co-Lawyers for civil
20 parties to conclude their questioning of the expert.

21 QUESTIONING BY MR. PICH ANG RESUMES:

22 Thank you, Mr. President. Good morning, Your Honours. Good
23 morning, everyone in the courtroom. And good morning, Mr. Expert.
24 I have some questions to put to you.

25 Q. Since you have conducted your research of a number of security

4

1 centres throughout Cambodia, can you tell the Chamber how those
2 security centres were organized between '75 to '79? Were they
3 organized based on the administrative level at commune, district,
4 <> or <provincial> levels?

5 [09.08.02]

6 MR. LOCARD:

7 A. Yes. As I explain in many documents that I have published, as
8 I have read myself, the prison system is essentially based on the
9 district. The district was the fundamental administrative
10 division in Democratic Kampuchea. It included a number of a
11 "sahakar", or people's communes, which tended over the regime to
12 become larger and larger, that is, including more and more
13 villages.

14 At -- as the evidence that was presented in this Court last week
15 and documents that were handed to me concerning Tram Kak
16 district, we know that it was the duty of the three officials who
17 managed the "sahakar", the people's communes, to identify the
18 enemies, the "kmang".

19 [09.09.13]

20 They were, therefore, arrested by the "chlop", or by the local
21 militia. They were taken to the local police station, local
22 police station at the "sahakar" level. And based on these
23 interrogations, they were -- some could have been released, but
24 mostly, they were sent to the district prison.

25 So the core institution of the prison system was certainly, no

1 doubt, the district.

2 Q. Regarding the security centre establishment, were those
3 security centres established based on a decision and, if so, from
4 which level the decision -- the decision was made?

5 A. Which level, exactly, it's hard to say. I think this Court, in
6 the past eight years, has found out or found more and more
7 evidence that the security was one of the first duties of the
8 entire state or revolutionary state or Party state, and therefore
9 directives were given at the top of the chain of command to
10 identify all along the administrative divisions of the -- of
11 Cambodia or Kampuchea, "Kampuchea Prachea Thipakdei", to identify
12 the enemies of the revolution. So this was, of course, initiated
13 by the Centre and down all the chains of command, that is,
14 "phumipheak", "damban", "srok" and "sahakar".

15 Q. And during the operation of those security centres, did those
16 security centres communicate with the upper echelon?

17 [09.12.10]

18 A. Yes. As we have seen in the case of Tram Kak, I think that the
19 right to smash or annihilate or "komtech" the enemies was
20 delegated from the Centre to, as it has been explained at length
21 in this Tribunal, to the regions. The "dambans", I'm not so sure
22 that it played a vital role, but certainly to the district and,
23 therefore, it is the -- at the district level that the decision
24 to execute or to free or to send to re-education camps were made.
25 And I think we have written evidence of that in the archive of

1 Krang Ta Chan.

2 Q. Thank you.

3 Regarding individuals who were sent to security centres, all
4 those prisoners who were sent, can you tell the Chamber what
5 kinds of people or prisoners who were sent to those security
6 centres?

7 [09.13.42]

8 A. Again, as it has been, I think, repeated a number of times
9 over this long trial and from what I found as early as 1989, when
10 I first met Moeung Sonn in Lyon and his wife, Phally. Moeung
11 Sonn, as I explained -- in his book, in his memoirs and as I
12 explained in my writings and as I explained also at that Tribunal
13 already, when he was -- when he arrived at Ta Ney at the night,
14 in the morning he looked around him, when he was in his "khnoh",
15 and he recognized some of the officials from Kampong Som, from
16 Sihanoukville. He recognized also a couple, I think, of ex-monks.
17 In other words, it was, I called in my slogans, the elite of the
18 past. A Communist revolution is about changing the elite,
19 smashing, destroying or sending into exile or putting in prison
20 or whatever the old elite and replacing it by the new elite. So
21 that was the situation in '75, '76, essentially.
22 Then, when he was arrested, he, that is, Moeung Sonn, when he was
23 arrested the second time at the end of 1977, at Koh Kchong -- Koh
24 Kchlong (phonetic), he was very surprised to see around him, in
25 his "khnoh" again, that this time, there was quite a few Khmer

1 Rouge "kamaphibal", including some of the people he had met
2 earlier at Ta Ney, soldiers, and the rest being either
3 "Pracheachon Thmei" or "Pracheachon Chas". In other words, it was
4 all social classes and, in particular, a significant percent of
5 Khmer Rouge themselves.

6 [09.16.04]

7 And I think that I already said at that Tribunal, that it seems
8 to me that internal purges were getting out of control and, as
9 the months went by, "Angkar Loeu", the superior organization,
10 decided -- were more and more suspicious of its own rank and
11 file, and processed them through the prison system from S-21 down
12 to the smallest district prison.

13 Q. You have just stated that people who were suspected were sent
14 to those security centres. Why were they subject to being sent to
15 those security centres?

16 A. Yes. It's a bit of a mystery why were majority of the people
17 not summarily executed. It seems that it was a waste of time, a
18 lot of manpower, energy and resources for a regime which was --
19 which had an obsession of the "Super Great Leap Forward", in
20 other words, bring prosperity and abundance as soon as possible
21 and faster than any other countries in the world.

22 [09.17.45]

23 Well, the reason was that individuals no longer existed under
24 Democratic Kampuchea. The individual, as I explained in the last
25 chapter of my collection of slogans, had to merge into the

1 collective. Everything was collective and every individual was
2 just one small atom of a big machine, which was Angkar.
3 Therefore, when somebody looked suspicious, looked that he was
4 not very fond of the regime or had been trying to run away or had
5 done something illegal, according to revolutionary morality, he
6 could not have acted alone. Individual decisions were unheard of.
7 Therefore, he necessarily must have been part of a plot of a
8 network of people who were conspiring against the revolution.
9 Therefore, before he was killed, it was essential that he
10 confessed and that he gave out names and names of all his
11 network. And this was the process in S-21, "sor mphey mouy". This
12 is the same process at the district level.
13 So killing people outright was vital information lost for the
14 safety, the security of the revolution.

15 [09.19.35]

16 Q. Probably you had done your research on the status of prisoners
17 in security centres.

18 Yesterday (sic), you spoke about the food regime they received,
19 and I'd like to ask you about their living conditions in those
20 security centres. Can you describe to the Chamber about their
21 living conditions?

22 A. Yes. By and large, it seems to me, after listening to all the
23 details about S-21, that the living conditions in the provincial
24 prisons were even worse than at S-21, worse insofar as, usually,
25 inmates were not allowed to wash. Of course, it's extremely

1 difficult to generalize on Democratic Kampuchea, as I keep
2 telling that it was chaos. Some places were organized such a way,
3 others differently.

4 So you do see sometimes certain prisoners in certain district
5 prisons who were allowed to wash in a small river or, eventually,
6 have a small shower, but by and large, they were not washed,
7 while at S-21, a hose, water was thrown all over the prisoners,
8 so at least they could have a little bit of a shower, one.

9 [09.21.12]

10 The dirt, the filth, the insects was an absolute nightmare for
11 virtually all the prisoners in the provincial prisons.

12 As to the food, the food was very simple. It was the same diet
13 throughout Cambodia, "baba reav mouy thngai pi dang", clear rice
14 soup twice -- twice a day, and a very small amount, such a small
15 amount that, usually, after three or four weeks, the people could
16 not survive. So, that was a completely famine diet.

17 This, apparently, was not the -- really not quite as bad at S-21
18 because some -- some prisoners did survive up to three, four,
19 five and even six months. So -- and I think Duch said -- I think
20 the diet was a bit more substantial at S-21.

21 So from my evidence, from my research, I can say that the living
22 conditions -- and of course, there was no medical care whatsoever
23 in all the provincial prisons. So I think the living conditions
24 could have been even worse than at S-21.

25 [09.22.39]

10

1 Q. I only have a few more questions to put to you. I'd like to
2 ask you about the way they were accommodated for their arrest.
3 <Were> there any security centres throughout Cambodia that
4 provided sleeping facilities, namely, mosquito nets or mats or
5 <beds>, to detainees?

6 A. Nothing of the sort. They were usually on -- sleeping directly
7 on cement or on tiles or even on the earth, as was the case in Ta
8 Ney prison, Moeung Sonn's prison, where in the case that the
9 prison was purpose built oblong huts. So -- and of course, no
10 pillows, no mosquito net, and they had -- they were bitten by
11 insects, particularly as they were sweating and they were dirty.
12 So the poor, poor people were living in the most unhygienic
13 imaginable circumstances, provided also that you had to take into
14 account that they could not relieve themselves -- go out to
15 relieve themselves, so they had, you know, tins that were passing
16 around all that sort of thing.

17 [09.24.30]

18 Q. What about medical treatment? Were they provided with medical
19 treatment?

20 A. I've never seen, as I just said, any example of any medical
21 treatment in the provincial prisons.

22 Now, the inmates were kept quite -- much shorter time than in
23 S-21. The average, as I think I wrote, is something like three
24 weeks. And I have to add, too, that the diet or the "baba" was so
25 -- "reav" that is -- so light, that you could only survive three,

11

1 four weeks, a month, maximum. And lots of people died of famine
2 in their "khnoh" at night, the dead bodies were just removed and
3 collected in the morning.

4 Q. This is my last question. Prisoners who were sent to be
5 detained at security centres, based on your research, can you
6 tell the Chamber if you know the percentage of those prisoners
7 who died while they were being detained in those security
8 centres?

9 [09.26.10]

10 A. The percentage who died. Well, you could die in three ways.
11 You died of famine, of hunger, in your "khnoh", as I just
12 mentioned. Secondly, you died under interrogation, and you have
13 examples of ex-Khmer Rouge interrogators or -- who said this
14 person died -- he was hit so badly that he died or tortured so
15 badly that he died.

16 And you remember Duch was very careful to insist that the
17 prisoner should never be tortured to death because, again, that
18 was not for humanitarian reasons, but because that was
19 information lost.

20 And the third, of course, was that he was -- they were executed
21 almost invariably at night. If you had to do these executions
22 neatly and thoroughly, as it has been explained here, it had to
23 be done secretly.

24 [09.27.19]

25 Very few, as I said, managed to flee and escape. Very, very few.

12

1 But as to the percentage of prisoners who were, in fact,
2 released, as I said earlier, they were more numerous in the early
3 stages of the revolutionary regime and fewer in the last stages
4 of the regime.

5 But I think that in every local prison, there has been some, not
6 very many -- not more than three, four, five per cent --
7 released.

8 Q. Thank you, Mr. Expert, for responding to my questions. And
9 thank you, Mr. President. I do not have any further questions for
10 the expert.

11 MR. PRESIDENT:

12 I would like to inquire with Judges of the Bench if you have
13 questions to put to the expert.

14 It seems none. For that reason, I'd like to hand the floor to the
15 defence teams, first to the defence team for Nuon Chea.

16 You may proceed, Counsel.

17 [09.28.44]

18 QUESTIONING BY MR. KOPPE:

19 Thank you, Mr. President. Good morning, Your Honours. Good
20 morning, counsel. Good morning, Mr. Locard.

21 Just for the record, Mr. President, I'm starting at 9.30, so that
22 would potentially mean that we would go half hour into tomorrow,
23 just so that that is noted.

24 Q. Mr. Locard, I would like to revisit with you the topic of your
25 expertise and the methodology that you used in your research. Let

13

1 me try to narrow down what your actual expertise is.

2 Do you agree with me that you are not an expert in psychiatry or
3 psychology?

4 MR. LOCARD:

5 A. Yes, absolutely.

6 [09.29.58]

7 Q. So when you're saying Nuon Chea is either schizophrenic, power
8 hungry or suffers from paranoia, that is just your personal
9 opinion; correct?

10 A. Not quite, because I'm merely repeating what I read from
11 recognized academics. As to psychiatrist, yes, there is a French
12 psychiatrist who wrote the biography of Robespierre -- sorry, his
13 name escapes me for the time being. But he wrote a remarkable
14 Robespierre, and he's using -- he's a psychiatrist himself and
15 was the head of a psychiatry department in a big hospital in
16 Paris, and he was using that kind of term.

17 So I -- in that case, I'm merely repeating the diagnosis of other
18 people, that is, either academics or psychiatrists.

19 Q. Do you agree with me that you are also not an expert in the
20 field of demographics, demographic studies?

21 A. Sorry. I finish answering my -- the preceding question.

22 I mentioned the Dr. Jean Artarit, you pronounce "Jean" in
23 English, A-r-t-a-r-i-t. Jean Artarit, and I refer to you to his
24 famous Robespierre, who was very much admired by the Khmer Rouge
25 leadership.

14

1 As to I not being a demographer, yes, I agree. I merely use the
2 work of other people and, in particular, Marek Sliwinski, his
3 book, "The Khmer Rouge Genocide". I'm merely repeating the
4 findings, first, of Sliwinski and, second, of the Court itself
5 for the first trial.

6 [09.32.45]

7 Q. Do you also agree with me that you are not an expert in
8 agricultural science, agriculture? Is that a fair thing to say?

9 A. Absolutely, although I've done a lot of gardening and raising
10 a lot of poultry myself. But I'm certainly not an expert in
11 agriculture.

12 Q. So when you say that a policy of three tonnes of hectare was a
13 completely unrealistic goal of DK or the CPK, that is just your
14 personal opinion; correct?

15 A. No, it's not a -- it's not at all a personal opinion. This is
16 the opinion of every single individual who has written about
17 Democratic Kampuchea.

18 Q. Do you agree with me that you are also not a political
19 scientist or an expert in political science?

20 [09.33.56]

21 A. Yes, and no. Yes, insofar that I was not trained in political
22 science. Yes, insofar as I have no degree to produce in political
23 science. No, insofar as I have taught about -- I was, as you
24 know, a specialist of British civilization and I've taught
25 British history for many decades. And I've taught specifically on

15

1 the British political system which, personally, I very much
2 admire.

3 When I started my research on Democratic Kampuchea, 1989, so
4 that's more than 25 years ago, I read -- I must say that I read
5 all the most important books about totalitarianism. I also taught
6 at the Institute of Political Studies in Lyon, specifically, a
7 course on Democratic Kampuchea, and it was basically around their
8 notion of totalitarianism and crime against humanity.

9 So you can -- I can claim that although I have no degrees to
10 produce, I've got some ideas and some practice. And you learn as
11 you practise, as the Khmer Rouge said, and there is some trust in
12 that.

13 Q. Mr. Locard, have you ever heard of something called peer
14 review?

15 MR. PRESIDENT:

16 Counsel, please repeat your question again.

17 BY MR. KOPPE:

18 Certainly.

19 Q. Mr. Locard, have you ever heard of something called peer
20 review?

21 [09.36.12]

22 MR. LOCARD:

23 A. Yes. I'm not sure the translator understood you, so you could
24 give, perhaps, an equivalent, review of other academics, yes. Of
25 course I know about that, and I had peer review continuously,

16

1 particularly when I took my PhD, which was, in French, "sur
2 travaux". It was about the books I had written and the articles
3 that I had written, and my research was continuously reviewed by
4 other people and, no later than Saturday, I had a French academic
5 who came to my house and absolutely wants me to write another
6 book.

7 So I think that some, particularly the Khmer Rouge slogans, have
8 been very much appreciated. And although my second edition was
9 published more than 10 years ago, it's still found in the book
10 shops. And I had some people who told me some -- I got a message
11 saying that it was one of the most interesting books on
12 Democratic Kampuchea.

13 So I've been reviewed by -- by the readers, by journalists, by
14 academics throughout my 25, 26 years of Khmer studies.

15 [09.37.45]

16 Q. I will come to your PhD thesis and your book on sayings in DK,
17 but have you ever produced a peer reviewed academic article on
18 either Communism or totalitarianism or Communist ideology?

19 A. Yes, quite a few. Continuously, when books on Democratic
20 Kampuchea came out, I published a book from Francis -- François
21 Bizot, "Le Portail", which I liked very much. I did a review, and
22 François Bizot was grateful to me because he thought that what I
23 was saying was to the point.

24 When Philip Short produced "Pol Pot, The History of a Nightmare",
25 I produced a review.

1 I don't know. I'm --

2 Q. I'm not sure if we understand each other. I mean peer reviewed
3 articles in academic journals on Communism or totalitarianism.

4 Have you produced any?

5 [09.39.06]

6 A. Yes, but it was mainly in French. One -- I have produced
7 several articles, at least three, that was published in the
8 academic magazine, "Communisme", or "Communism".

9 The first one was "The Khmer Rouge Gulag", which has been
10 published in French, but not in English. There's no English
11 version.

12 I published also a long, more than 50 pages, review of the Duch
13 trial. And it is also -- when "The Black Book of Communism" by
14 Stéphane Courtois came out, it gave rise in France to a big
15 controversy, so I published my own view about "The Black Book of
16 Communism", and that review was published also in "Communism".

17 [09.40.11]

18 One of my articles was published in the "International European
19 Review", which was a paper of a conference that I had attended at
20 Leeds in the early 2000s. And the subject was on genocide, so
21 that was in English.

22 Yes, I could have had more publications, certainly.

23 Q. Is there any specific reason that some of these publications I
24 cannot find on your CV, which I believe you made in June 2016?

25 A. When you give a biography, you write your -- of course, your

1 academic career, your publications, or give the main -- main
2 publications. I'm not in a position to tell you the name and the
3 date and the places of all the articles that I've been published
4 -- I've been publishing.

5 I know that people like David Chandler have published 10 times
6 more articles than me and books and so on, but for an average --
7 I'm an average academic. For average academic, I think that I've
8 published at least an average number of articles.

9 Q. We'll certainly get back to that in our closing submissions,
10 Mr. Locard.

11 Let me go to your main expertise that you seem to indicate. On
12 the first trial day, 11.15 in the morning, you said, quote and
13 quote, "I'm just a simple historian."

14 Now, when you went to Cambodia in the period '92 - '94 when you
15 interviewed people for your later works, were you then a
16 historian or were you more someone who was the teacher in English
17 or with an expertise in English language?

18 [09.43.06]

19 A. Well, of course, English, but in an English department at the
20 time, you not just taught the English language. You taught how to
21 do translations, you taught linguistics, you taught mainly
22 literature and history.

23 So when I was a member of the English department of the
24 university Lumière-Lyon-II, my area of expertise was mainly
25 history.

1 Now, when I went to Cambodia -- you are confusing the dates. It
2 is not '92 to '94, but just the academic year '93, '94. As at
3 that time I had, I think 1993, published the autobiography of
4 Moeung Sonn with a well-known publisher, Fayard, and very well --
5 I think a really well-published book with annotations, maps and
6 with evidence clearly organized. This showed that I was moving
7 from British studies to Cambodian studies. And my boss, which, in
8 France, is the Ministry of Education, gave me something which is
9 quite exceptional in France, that is, one sabbatical year.

10 [09.44.35]

11 Sabbatical years are common in Britain, virtually non-existence
12 in French universities. But they considered that what I'd done so
13 far was sufficient for the French government to continue to give
14 me a full salary and without any teaching obligations in Lyon.
15 This is why I was able to come to this country, spent more than
16 something like 14 months from July '93 to September '94, a time
17 which perhaps I should not have done. I taught one course in the
18 history department instead of having concentration on two things,
19 that is, carrying on my field research and, two, preparing my
20 collection of slogans. But I think I've been quite active, and
21 that's just how it is.

22 [09.45.45]

23 So I think my, what do you call, changing subjects is very
24 unusual in the French-speaking world, but quite common in the
25 English-speaking world. It is not because you specialized in a

1 particular century or in a specific subject that you cannot, in
2 your -- in the career of 40 years, and for me it has been 50
3 years -- you are not allowed to move from one to the other.
4 So, I have been an Anglicist, perhaps, for 25 years, and Cambodia
5 specialist now for 25 years, and I think there is nothing wrong
6 with that. And I always found that was immensely useful to be
7 able to control both expertise, that is, English and history.
8 [09.46.54]

9 Q. Mr. Locard, could I kindly request you to be a bit shorter in
10 your answers because I don't have that much time allocated today.
11 But to summarize, do you agree with me that when you did your
12 main research in '93, you were not an academically-trained
13 historian? You were not an historian in the academic sense;
14 correct?

15 A. Yes, and no. Yes -- no because I have no degree or paper to
16 produce bona fide historian, no, because I've done history from
17 primary school. In year one at university, I'd done a lot of
18 history as a secondary subject. And when I taught from 1967, in
19 the university in Lyon, I taught virtually nothing but British
20 history from the 19th century and the 20th century.

21 Q. In your testimony last week, you said that -- on the first
22 day, 15.27, you did your research informally. On that same day,
23 at 11.04, you said you wrote down the slogans for fun. Answering
24 a question, I believe, from Judge Lavergne, you said, "I was not
25 very professional."

1 You didn't tape any of your interviews. You speak only a little
2 bit Khmer. All these circumstances, were these factors that
3 somehow troubled the people who were evaluating whether you
4 should get a PhD; yes or no?

5 [09.49.18]

6 A. Not in the least. And when I sat for the defence of my PhD in
7 the year 2000, I had a vast public, and some people said, "That
8 is one of the most interesting defence that I attended".

9 [09.49.37]

10 Q. But surely academics should be in a position to verify the
11 research that you had done. And how did they, in fact, verify
12 that you spoke to all these people, that you understood them
13 well, that the interpreters were doing their job properly?
14 How did they verify all that?

15 A. Well, they must have because there were four members in the
16 board of examiners. One of them was Khmer, specifically to verify
17 that the translations of the slogans from Khmer into French were
18 all right, and if they hadn't been satisfied -- and they gave me
19 the best -- the best -- what is called -- for my PhD with the
20 félicitations du jury ---

21 [09.50.49]

22 THE INTERPRETER:

23 Honours, that is.

24 MR. LOCARD:

25 That's right. Thank you.

1 The best honours you could have. And if they hadn't been
2 satisfied, they would not have granted me the PhD title.

3 BY MR. KOPPE:

4 Q. But tell me a bit more in detail. Did you provide them with
5 your notes? Were they able to read your notes, to verify your
6 notes to somehow verify that these were, indeed, the people that
7 you spoke to?

8 MR. LOCARD:

9 A. I'm sorry, Mr. Lawyer. I think you make this Court for the
10 people who are listening to me behind me waste their time by
11 useless totally -- asking me totally useless questions.

12 You said earlier that your time is limited, so if your time is
13 limited, please ask me relevant questions.

14 [09.51.52]

15 Q. I believe it's very relevant, Mr. Witness. I will explain you
16 why. We have to establish whether you have expertise, yes or no.
17 But let me ask a last question on this subject. Did you tell the
18 five members of that jury, academic jury, that your research had,
19 "not been very professional", that you wrote down the slogans
20 just for fun and that you did it informally? Did they know that
21 at the time as well?

22 A. The question is irrelevant; therefore, I will not answer it.

23 Q. With all due respect, Mr. President, I do find that question
24 relevant. I want to make sure that Mr. Locard got his PhD in a
25 proper academic way and how we should evaluate his expertise --

1 his academic background, rather.

2 [09.53.04]

3 MR. PRESIDENT:

4 Mr. Expert, please give your response to the question.

5 MR. LOCARD:

6 Well, if my collection of slogans were unacademic, stupid, again,
7 for fun, how is it that the Silkworm Books in Chiang Mai, a
8 number of years later asked me for publishing a second edition,
9 which was corrected, enlarged and printed that book at its own
10 expenses and not mine and sold quite a few copies, and how is it
11 that this book, as far as I know, is still for same at Monument
12 Books here in Phnom Penh?

13 BY MR. KOPPE:

14 Q. That is, indeed, a very good question, Mr. Locard. Let me move
15 on.

16 Did you try to somehow, corroborate the interviews that you did
17 with official -- or rather, contemporaneous DK documents? In
18 other words, when you wrote your book on the slogans, did you
19 study "Revolutionary Flags", minutes of meetings, telegrams, any
20 other historical contemporaneous documents? Did you do that?

21 [09.55.01]

22 MR. LOCARD:

23 A. Yes, I did, but my main primary sources, as you can see in my
24 notes of "Pol Pot's Little Red Book", the English edition, were
25 Foreign Broadcast Information Service, to which I was introduced

1 during my research Fellowship at the Australian Defence Force
2 Academy in Canberra. So, my main sources are the Khmer Rouge
3 themselves. These are mainly extracts from (unidentifiable). The
4 Khmer Rouge radio was entirely written by Khmer Rouge officials
5 and reports about meetings, about foreign visits, about the
6 achievements of the regime, official speeches, which I quoted
7 from Pol Pot, from Khieu Samphan, from Nuon Chea and so on. This
8 was the mine, very rich mine, from which I based my comments on
9 the slogans.

10 [09.56.15]

11 Q. Let me ask it differently. Is it correct that when I go
12 through your footnotes in your book on the slogans, I cannot find
13 any reference to either "Revolutionary Flags", minutes of the
14 meeting of the Standing Committee or minutes of meetings of
15 division commanders with Son Sen, telegrams, etc.? Is that
16 correct?

17 A. Possibly because, basically, my research has been from the
18 field work, that is, from the Democratic Kampuchea regime, live
19 from people in the "sahakar". So what I was interested in was to
20 be, to some extent, the mouthpiece of the people on the one hand
21 and understand how they understood the regime, how they lived the
22 regime and how they could understand and what was the propaganda
23 that was inflicted on them.

24 So my main sources are not the official sources of Democratic
25 Kampuchea, but the people who lived under that regime.

1 [09.57.44]

2 Q. I'm not saying there's anything wrong with recording oral --
3 traditional oral history, but I'm a bit puzzled as to why you
4 didn't search for corroboration in what is arguably the most
5 important -- are the most important publications in DK, the
6 "Revolutionary Flags"?

7 Let me give one example, maybe, to make it more concrete. You've
8 talked about a slogan, "No gain in keeping, no loss in weeding
9 out". That is something that can nowhere be found in any
10 "Revolutionary Flag", any DK contemporaneous document.
11 Why is it that you are not searching for corroboration if you
12 pretend, as an academic, to give a full picture of the Khmer
13 Rouge ideology?

14 [09.58.50]

15 A. I look for corroboration not at the top, not from the mouth of
16 the leaders. I look for corroboration at the grass root, that is,
17 regionally and locally, on the one hand.

18 On the other hand, I think that in the vast literature on
19 Democratic Kampuchea, that particular slogan was quoted
20 extensively, so it was certainly found -- one of my main sources,
21 which I think other academics have not sufficiently used, is
22 people's testimonies. And I think I already said last week in
23 this Court that I have virtually read all testimonies that have
24 been printed and last one could have brought here was published
25 this year in France, and I read it in the summer.

1 So that was -- and in all those testimonies, you find slogans,
2 and you'll find that type of slogans. And that's -- for me,
3 that's sufficient.

4 Q. It is my understanding that this particular saying is also an
5 often-used Chinese proverb in daily life. Let me follow up by
6 quoting what you said yourself on the second day of your
7 testimony last Friday at 10.58. In response to a certain slogan,
8 you said, and I quote, "If this slogan was indeed uttered, the
9 question is whether it was invented by the revolution or was it a
10 small apparatchik who imagined it." End of quote.

11 So having your own quote in the back of your mind, again, why was
12 it that you didn't try to find corroboration in official
13 publications?

14 [10.01.10]

15 A. Let me return the question to you. You're lucky enough to
16 defend a character who was an extremely important personality
17 under Democratic Kampuchea, Nuon Chea. And as some of these words
18 I mentioned used in the slogans are quite learned words in Pali
19 and Sanskrit, only quite highly-educated people could have
20 conceived them. So, why don't you ask your own -- your client if
21 he or people around him, like Tiv Ol or whoever, Khieu Samphan,
22 perhaps, have authored these slogans and -- or not at all?

23 I don't know. I think that the two people who are standing trial
24 here, Khieu Samphan and Nuon Chea, know much better. But you will
25 advise them to stick to their right to keeping silence, so in

1 that respect, we cannot move on and, as historians, we still are
2 in the dark and depend on hypothesis.

3 Some of them might be right; some of them might be wrong. They
4 know.

5 [10.02.32]

6 Q. It was a very simple question, but I'll move on, Mr. Locard.
7 Before I go to your individual sources, whether they were mostly
8 victims or whether they were also cadres among them, let me ask
9 you first, do you know what "confirmation bias" means?

10 A. No, I don't. Can you --

11 MR. PRESIDENT:

12 Counsel, please repeat your last question.

13 BY MR. KOPPE:

14 Q. Yes. That is a bit of a complicated term. "Confirmation bias".

15 Let me give a definition while we're at it.

16 Freely, I would say it's the tendency to interpret new
17 information so, that it comes -- becomes compatible with existing
18 theories, beliefs and convictions. In other words, we filter out
19 any new information that contradicts existing views. That is,
20 very briefly, what confirmation bias is.

21 And I'm asking you this question because on the first day of your
22 testimony at 11 o'clock, 11.00, answering a question why you had
23 done your research, you said, and I quote: "To understand why
24 there has been this catastrophic regime." End of quote.

25 In other words -- let me be concrete in my question. Knowing now

1 what confirmation bias is, did you have this bias before you
2 started your research?

3 [10.04.37]

4 MR. LOCARD:

5 A. Well, I don't know about Holland from where you come, but I
6 can tell you that in France, we are taught from early childhood
7 to exercise our critical thinking and put into question
8 everything that we're told in books and particularly by
9 politicians. We always --- we never stop criticizing and
10 criticizing and criticizing.

11 So when I hear, for instance, that the Khmer Rouge destroyed
12 everything, no longer last Saturday, this Frenchman who
13 interviewed me, yes, "How much destruction was there in Phnom
14 Penh?", I said -- I answered, "Oh, very little. Hardly anything
15 was destroyed in Phnom Penh under Democratic Kampuchea."
16 Oh, and he was very -- very surprised because the standard view
17 is that the Khmer Rouge destroyed everything.

18 [10.05.35]

19 And I'm sorry; I've always -- this is -- this is my training.
20 I've always doubted -- before any fact is established, you have
21 to have very concrete evidence, and at least from three different
22 quarters.

23 So to come back to Phnom Penh, I said yes, the Khmer Rouge
24 destroyed absolutely the Catholic cathedral. There was a block of
25 flats, where you have the huge towers now that was destroyed. You

1 have the national bank, which we don't even know exactly the
2 circumstances of destruction of the national bank. But that was
3 all.

4 All the pagodas of Phnom Penh have survived. All of the pagodas
5 of Siem Reap have survived. And the Khmer Rouge destroyed far
6 fewer pagodas that is being repeated again and again.

7 It has been repeated by the Democratic -- the People's Republic
8 of Kampuchea that thousands and thousands and thousands monks
9 were killed. No. Comparatively few monks were killed. They were
10 all defrocked, but the majority of the monks were not killed.

11 Oh, the country was an agricultural revolution and there was no
12 agricultural revolution, there was no industry. No. The Khmer
13 Rouge revived absolutely every industrial complex and created new
14 ones. Their obsession was super greatly to be into industry.

15 [10.07.14]

16 You had the big rubber factory of Takhmau which was in full
17 operation under the Khmer Rouge, and shut down by the Vietnamese
18 occupation and never reopened.

19 So precisely, I think the Khmer Rouge have committed enough
20 crimes and I'm always very angry or -- when I hear that they
21 inflicted crimes that they did not commit.

22 Q. I appreciate your very general answer, but can you explain to
23 the Chamber what you did concretely in terms of your
24 investigation, your research that would exclude the possibility
25 of a confirmation bias appearing?

1 What did you do to make sure that the evidence that was provided
2 to you was sufficiently corroborated or could not somehow be
3 falsified through other means?

4 [10.08.20]

5 A. Well, I'll give you another example, which was rape. Now, I
6 think this Tribunal has listed rape as one of the crimes, which
7 are addressed by this Tribunal.

8 In the first place, I was -- I thought it was a bit strange
9 because as rule number 6 of the code of ethics of the Party was
10 strictly not to do anything wrong with a woman, I thought that
11 rapes were more strictly controlled in that regime than at other
12 -- in other period of Cambodian history, including our present
13 time.

14 Then I realized, looking through my notes, research notes, that
15 in quite a number of areas the 10 percent of the victims of the
16 prison systems, basically, which were -- 90 percent were men and
17 10 percent, in many cases, before executions -- and I found
18 evidence of that in the east region and some in Kralanh, some in
19 Battambang, that systematically the women, before they were
20 executed by their torturers, were raped, and raped collectively.
21 So my bias -- I had a bias that rape was exceptional in
22 Democratic Kampuchea, and I think that I was wrong. And
23 unfortunately, it was quite common, so it is the opposite of what
24 I said earlier, an area of crime that was not common in
25 Democratic Kampuchea was more common than I thought.

1 [10.10.08]

2 To show that my field research, I'm prepared -- I hope I don't
3 have too many pre-conceived ideas and that I'm prepared to change
4 my conclusions if new evidence is shown. And in that case, new
5 evidence has been shown and in 2010, in particular, when I did
6 some research with Luc Benaïche in Battambang in one of the
7 prisons, systematically all the women prisoners were raped before
8 execution.

9 So the leadership decided that the killers would no longer be
10 men, but women, so they asked the head of the "kang chalat" to
11 execute the women.

12 [10.10.53]

13 Q. Thank you.

14 I'm on my last question or maybe one more, if you allow me, Mr.
15 President.

16 Did you have a research protocol somehow that included avoiding
17 this confirmation bias? That was my question.

18 And let me give you a very concrete example from your own work so
19 that you understand what I'm -- what I mean. I refer to E3/2071;
20 English, ERN 00087312; Khmer, 00233398; and French, 00282785
21 (sic). This is about a prison in Tram Kang. You refer to a
22 certain person called Ouk Keila. Ouk Keila tells a horrific story
23 about rape, the example that you mentioned, and then you say the
24 following, and I quote you:

25 "This narrative of Ouk Keila proves to be both vague, horrendous

1 and probably largely imagined or from details collected from
2 hearsay after the fall of the revolutionary regime. Ouk Keila is
3 a strong supporter and beneficiary of the PRK regime and wished
4 to impress a naive and inexperienced researcher." End of
5 quote.

6 Now this, I believe only example, is possibly a mechanism to
7 avoid confirmation bias. Do you remember why, in this particular
8 case, you wrote this down?

9 [10.12.51]

10 A. Can you give me the date? Was it not the early nineties; 1991?

11 Q. Interviewed on the 11 July 1991.

12 A. Well, this was the first year in which I launched into this
13 adventure. Normally, I was doing the work of an anthropologist
14 and, I of course, I was not an anthropologist. In other words, I
15 was improvising, learning as you go, and I was -- it was
16 pre-Paris Accord because that was in the summer -- the Paris
17 Accord were in October -- in which the country was still
18 dominated by the CPP and the -- there was -- I had limited
19 freedom of movement and I was sometimes confronted by researchers
20 or -- sorry, witnesses who had been manipulated by the long
21 period, 1979 - 1991, of a pro-Vietnamese regime.

22 [10.14.14]

23 I remember in particular that was, I think, in Svay Rieng
24 district, and I mention that in my notes, the lady who started
25 talking about her suffering under the Khmer Rouge and obviously

1 she'd been manipulated, so I immediately stopped the interview.

2 I was also told by my colleague, Iv Chan, whom I mentioned, that
3 at the tribunal, the trial -- the first trial against the clique,
4 Pol Pot, Ieng Sary, one of the witnesses, a lady, explained the
5 suffering of her husband at that tribunal and I was told Iv Chan,
6 "Oh, this lady never got married"; in other words, the
7 testimony's invented.

8 So I was a bit suspicious and careful because in those years, you
9 had to go to the Department of Information and Culture first,
10 when you arrived in a district and ask about the investigation
11 that had been made of the local prisons and if they could provide
12 witnesses.

13 Now, some -- some of the witnesses -- I'm not sure that I'm being
14 heard. Yes.

15 Some of the witnesses obviously were genuine and had not been
16 trained by the PRK regime. Some of them I had my doubts, so I
17 expressed my doubts. And gradually, over the years, I was freer
18 with my movement and, therefore, I did not depend so much on the
19 local authorities.

20 [10.16.06]

21 Q. And my last question before the break, Mr. President.

22 I hear what you say, Mr. Locard, but how are we in a position to
23 verify the accuracy or even the probative value of your sources?
24 How can we do that?

25 A. Well, simply what every lawyer or every historian does, by

1 corroborating, comparing with other sources. That's all.

2 MR. PRESIDENT:

3 Thank you, Counsel, and thank you, Mr. Expert. It is now
4 convenient for a short break.

5 We'll take a break now and resume at 20 to 11.00.

6 Court officer, please assist the expert during the break time and
7 invite him back into the courtroom at 20 to 11.00.

8 The Court is now in recess.

9 (Court recesses from 1017H to 1040H)

10 MR. PRESIDENT:

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

12 And the floor is given back to the defence team for Mr. Nuon
13 Chea, to resume the questioning to the expert. You may now
14 proceed.

15 BY MR. KOPPE:

16 Thank you, Mr. President.

17 Q. Mr. Locard, on the second day of your testimony at 9.07, you
18 said that the witnesses that you spoke to were, "first and
19 foremost victims".

20 Are you in a position, roughly, approximately, to say how many --
21 what was the percent of people that were, "victims" and how many
22 people were CPK cadres or other cadres? Can you give a rough
23 approximate?

24 [10.42.22]

25 MR. LOCARD:

1 A. I'm sorry, Mr. Lawyer. I don't think I can answer precisely
2 that question.

3 Obviously, most of -- as I was researching the darker side of
4 Democratic Kampuchea, that is, the prison system, detention
5 centres, obviously, I was really addressing myself to the
6 victims, but it so happened that quite -- I also was lucky enough
7 to find another of -- a number of ex-Khmer Rouge. But you have to
8 know that the borderline between victims and perpetrators in that
9 regime was very, very narrow. And as I said several times at this
10 Tribunal, the perpetrators were themselves victims very often,
11 and it is not impossible that, among the group of "kamaphibal"
12 and military -- sorry, civilians or military Khmer Rouge, we had
13 the largest number of victims. If they were not victims
14 themselves, some of their close relatives were victims.
15 So first of all, of course, most of my interviewees were victims,
16 but more or less everyone in that regime was in some ways
17 victims. And I know many or I know a few ex-Khmer Rouge whose
18 life was completely destroyed by that experience.

19 [10.44.07]

20 Q. Let me see if I can try it differently.

21 I calculated the number of people that you interviewed, roughly,
22 about 366 people we identified in your publications. Can you tell
23 us how many were cadres? Was it one, five or 10?
24 How many people were cadres and had knowledge of the inside
25 functioning of security centres?

1 A. Well, let me thank you first, Mr. Lawyer, because I never made
2 the count, so I think that's useful, 366. Well, since -- when I
3 continued the research with Luc Benaiche in around 2010, I have a
4 few more which I did not give to the Tribunal.

5 Of course, it was -- I was very much -- very keen to find as many
6 of the perpetrators as possible. Unfortunately, it's -- I have
7 the impression that -- no. Unfortunately, it's only on very rare
8 occasions that perpetrators would speak.

9 [10.45.41]

10 Since I published my slogans, I think I have been, like Philip
11 Short, one of the researchers who thought that perpetrators were
12 also human beings and that they had bright sides or good sides of
13 them and I've always treated them as human beings, and I have
14 interviewed quite a few since.

15 So yes, but on the other hand, on the number of occasions I was
16 given the name of an ex-Khmer Rouge, either "kamaphibal" or
17 soldiers, and that person tended to disappear or run away, not
18 wanting to speak to me.

19 So I would have liked to interview more Khmer Rouge cadres but
20 that was, of course, very difficult.

21 [10.46.42]

22 Q. Before I move to cadres, how did you make sure that the people
23 that you did speak to, whom you call victims, were somehow a
24 representative sample of the people that had lived in Democratic
25 Kampuchea?

1 A. No, they were not necessarily representative of the people who
2 had lived under Democratic Kampuchea. My focus was the Khmer
3 Rouge prisons, so I was looking for three types of witnesses.
4 First, of course, the victims, people who had been prisoners
5 themselves, but as you know, there were few because the majority
6 were killed.

7 The second one was the people who lived around the prison so that
8 they'd give me some information about the movement in and out of
9 the prisoners and the buildings, the setting up and so on. And
10 the third, of course, were the "kamaphibal" or the "yothea"
11 themselves. Right.

12 So that does not necessarily cover a whole sample of the
13 Cambodian population.

14 Q. Let me maybe follow up on what you said. How do you know that
15 most were killed? What is your evidence for that, most prisoners
16 were killed?

17 Do you have specific data as to show us, or is it just based on
18 whatever the people told you when you interviewed them?

19 [10.48.28]

20 A. Yes. As to counting the numbers -- well, let me just say as to
21 judging the reliability of the witness, I think that's one of the
22 bases of interviewing people. You ask questions for which you
23 have already the answer, you know the answer, to check that the
24 people are telling the truth. That's in passing, so I always did
25 that.

1 The other thing is the numbers. Now, this is where I would
2 disagree, to a large extent, with the research of DC-Cam that has
3 in -- they have tended to inflate the numbers of the victims,
4 because then their main sources were the authority of the
5 People's Republic of Kampuchea, which tended to -- has tended to
6 inflate the numbers by basically one-third, saying three million
7 victims instead of around two.

8 [10.49.28]

9 Also, as the years go by, the witnesses through either, memory
10 selects, as the years go by, people tend to make the experience
11 more and more dramatic and, consciously or unconsciously, they
12 tend to make it even more terrible and make the number of victims
13 even larger. That's another thing.

14 So my methods of trying to assess numbers was to try and, first
15 of all, have the duration of the existence of the detention
16 centre, had it been open before '75 or after '75, has it been in
17 existence for six months, one year, two years, three years, four
18 years and even more like Krang Ta Chan. First, duration of the
19 existence of the institution.

20 The second thing is, what is the rate of arrest, the number of
21 people who are brought, if not every day, at least every week and
22 so on. This I could know from the people living around the
23 prisons have some sort of idea. So, I would multiply the number
24 of people per week or -- with the duration of the institution, so
25 that gave me very, very approximate figures of the people who

1 were brought to that prison.

2 And as to the number of people who were actually killed there, I
3 tried to assess more or less the number of people who were freed
4 or run away or were liberated. And this, of course, I could know
5 because some of my witnesses, like Moeung Sonn, were freed or
6 some witness could have escaped. So, I thought that there was a
7 huge difference between the people who were brought in and the
8 people whose life was saved.

9 [10.51.34]

10 And if you go around the country, the people who were processed
11 through the prison system are very far between. In other words,
12 they're very few because the vast majority of the people never
13 came out alive from those institutions.

14 Q. Like I said before the break, Mr. Locard, we're trying to see
15 if we can somehow verify what you are saying, and my question was
16 very simple. What is your -- what are your sources to say that
17 the majority or the vast majority of prisoners was killed?

18 So far, I've heard anecdotal evidence, if I can call it like
19 this. We have established that you visited less than a quarter of
20 the district prisons. There are no archives of any other prisons
21 other than Krang Ta Chan and S-21. How are you even in a position
22 to come with such wide and broad-ranging statements?

23 [10.52.52]

24 A. All right. You worked out that I interviewed 366 people. Now
25 you come out with another figure, a quarter of the prisons, I

1 visited a quarter of the prisons.

2 Now, if a single individual has visited a quarter of the prisons,
3 that's already a lot, so that's a significant sample of those
4 institutions.

5 I would have thought that perhaps it was a bit more, but that
6 needs to be checked.

7 Q. Well, you say less than a quarter, actually, in your own work
8 at E3/2811, so yourself -- you, yourself, say less than a quarter
9 of the district prisons you visited.

10 A. Well, I never made a count, and I think I perhaps
11 under-estimated. I've only gone through it in the past few weeks,
12 the whole of the "bophea" region, east region, and it seems to me
13 that I really covered many, many of these prisons.

14 [10.54.04]

15 Well, this is not really the main problem. The main problem is
16 that each of the, you say, 50 or some 50 prisons that
17 investigated corroborates -- they corroborate each other. And
18 also, the entire literature on Democratic Kampuchea did say that
19 many people were exterminated or died under this regime.
20 Now, the big question is whether some are really executed or were
21 they processed through the prison system. We have -- we have
22 doubts about that, and whether you can give really accurate
23 figures. How do you divide these two million people? What is the
24 percentage of people died of famine and disease? How many people
25 were summarily executed? How many people died in the prison

1 system?

2 [10.55.18]

3 We can only make suppositions, and I -- when Marek Sliwinski
4 came, I think, with -- I'm not a demographer. He came with a
5 number of figures. Even in the way that the people were executed,
6 I really much wonder how he could find this out since most
7 executions were a secret in the night and in the dark of, if not
8 forests, at least wooded or uninhabited areas.

9 So these are -- I don't have the answer, and I don't think
10 anybody has.

11 Q. For the record, Mr. President, less than a quarter, I can --
12 you can find, as I said, in E3/2811, English, ERN 00394583;
13 Khmer, 00822562; and French, 00796261.

14 Mr. Locard, you said on the first trial day at 11.35 that your
15 sources were to, "a large extent, mainly from my interviews". You
16 also said at 13.58 on the first trial day that -- the first day
17 of your testimony that, "I didn't go through the archives of
18 DC-Cam/S-21 to find slogans."

19 You were asked a few questions already about DC-Cam. You just
20 now, answering my question, said that DC-Cam is inflating
21 numbers.

22 It's -- is it fair to say that the relation between you and
23 DC-Cam is not the best of relations?

24 [10.57.37]

25 A. Now, as to my collection of slogans, it is deliberate that I

1 wanted the -- to collect the slogans as they were uttered in the
2 "sahakar", at the grass root in the people's communes, not the
3 slogans that you could find uttered on the radio. We don't quite
4 know because FBIS or the BBC, hasn't recorded them apart from a
5 few for public occasions, so you find virtually no slogans in
6 FBIS.

7 I did not go through the Khmer Rouge literature, that is, the
8 "Revolutionary Flag" and youth magazine. I did not go through the
9 archives of S-21. I did not go through the archives of DC-Cam
10 because what I wanted to collect is exclusively the -- the
11 slogans that the people who were mostly adolescents where the
12 memory is most alive -- adolescents or young men or young women
13 at the time of Democratic Kampuchea and what they remembered 10,
14 15 years later.

15 So the -- at the grass root. This is why, as I said, I think, at
16 that tribunal I did not include the slogans that were on the wall
17 at S-21. They didn't sound genuine to me and they were not there
18 anyway. So it is exclusively at the grass root.

19 [10.59.23]

20 Q. Following up something that you said on the first day at 11.25
21 in relation to DC-Cam, you said that DC-Cam rejected your offer
22 of services because, "I was a Frenchman". And a bit later on, you
23 said that DC-Cam is not very open to the public.

24 Can you tell us why you think that DC-Cam is not or seems not to
25 be keen in working with you? Why is your nationality an obstacle?

1 A. Well, I think that in DC-Cam there's not much interest in the
2 French language. As far as I know, they don't have sources in
3 French and the head does not speak or read French. That's all.

4 Q. And DC-Cam is not very open to the public? What's your source
5 for that earlier testimony?

6 A. I'm not here to make the trial of DC-Cam. I'm here to be part
7 of the trial of Democratic Kampuchea regime and its leaders.

8 [11.01.06]

9 Q. I'll move on, Mr. Locard.

10 You talked also in an article that you wrote for, I believe, the
11 Phnom Penh Post, but you also said it here, that you considered
12 Philip Short -- Philip Short's book, "by far the best general
13 book on Democratic Kampuchea". You said that at 11.19 and at
14 11.32, on the first day, you said:

15 "Philip Short interviewed far more Khmer Rouge officials,
16 intellectuals, upper apparatchiks than anyone else."

17 Can you elaborate a bit on this?

18 A. Yes. I have the greatest admiration for Philip Short. He is
19 not an academic. He is, by profession, a BBC representative who
20 happened to have much of his career in Paris and which enabled
21 him to write an excellent biography on François Mitterrand, our
22 ex-President.

23 [11.02.23]

24 He was also, later moved to Beijing and was BBC representative in
25 Beijing, and this enabled him to write an excellent biography of

1 Mao Zedong. And this is where he got interested in the Khmer
2 Rouge because when Pol Pot visited Beijing, he happened to be
3 there, so he was very puzzled by this strange little country
4 which seemed to be such an ardent worshipper of Mao, so that
5 puzzled him. And this is why I think, in early 2000, when he more
6 or less retired from the BBC, had more time, and he came to this
7 country and we met. And he has been -- moved from specialist of
8 France, specialist of China and then specialist of Cambodia,
9 Democratic Kampuchea very fast.

10 He's a very bright person, very quick learner. He had excellent
11 methodology. He enrolled excellent interpreters, and he went to
12 Amleang, where I'd never set foot. He found out about M-13, which
13 I did not. In other words, he'd been much more competent and much
14 more active than me.

15 And although he was a newcomer to Khmer studies, he's -- he was
16 the "Great Leap Forward". In other words, his own "Great Leap
17 Forward" and I think that, in comparison to David Chandler, not
18 only he's an excellent writer, but he's also got information, as
19 they say in English, straight from the horse's mouth, that is,
20 directly from the people involved in that regime and from the top
21 people.

22 [11.04.23]

23 He interviewed people, which even this Tribunal, I'm -- has not
24 -- I'm thinking of Thiounn Prasith, for instance, which even this
25 Tribunal has not interviewed.

1 So, I think that almost everybody has spoken to him. Perhaps not
2 Saloth Ban, So Hong. And I think the only one who spoke to me and
3 not to -- to Philip Short.

4 He's been kind enough to pass on to me his interview with Khieu
5 Samphan, which is very interesting, very professional. And I
6 learned a lot from this interview. And it shows how -- what a
7 better researcher he was than me because he recorded, he made
8 summaries of all these.

9 He's an enormous worker, and I think a very efficient researcher
10 and a very efficient writer.

11 [11.05.25]

12 Q. That might all certainly be true, but my question is, Philip
13 Short interviewed far more Khmer Rouge officials than others.
14 Where is that based upon? Who was it that he interviewed that
15 other people also didn't interview?

16 A. Well, I'll give you just one simple example. I came into the
17 Khmer studies, I think the first conference I took part in was in
18 Paris --

19 Q. I will interrupt you. I do apologize. But can you just please
20 answer the question?

21 A. Yes.

22 Q. Which persons did he interview that other people didn't also
23 interview?

24 A. Other people, I mainly have in mind David Chandler, David
25 Chandler, who wrote the first biography of Pol Pot. And when I

1 was at that conference -- I went to Paris several times in the
2 early nineties, and I met Chandler. He was running a seminar in
3 Paris, and I attended some of his seminars wanting to improve or
4 was a newcomer into Khmer studies, and he was working on his
5 biography of Pol Pot.

6 So I asked him, "Did you interview Pol Pot?" And he looked at me
7 in horror, almost, "Interviewing Pol Pot. Unthinkable." It was
8 unthinkable because Americans tend to think, you know, the
9 world's divided into goodies and baddies, so you interview the
10 good people, but not the bad people.

11 It could have -- but anyway, at the same time, Nate Thayer, you
12 know, the American journalist, was able to interview Pol Pot.

13 [11.07.05]

14 So, I think my first priority if I had written a biography of Pol
15 Pot was to interview Pol Pot himself. This was not the attitude
16 of David Chandler, who interviewed lots of high-powered
17 Cambodians abroad, who looked at all the archival -- relevant
18 archives, but did not interview --

19 Q. Mr. Locard --

20 A. Yes.

21 Q. -- please answer the question.

22 A. I'm answering the question.

23 [11.07.29]

24 Q. No, just the names. That's all. I don't need all your
25 anecdotes, please.

1 Which names can you give me that David -- that Philip Short
2 interviewed that other people didn't interview? Just names.
3 That's all I need.

4 A. Well, you have Phy Phuon, Suong Sikoeun, Khieu Samphan. I
5 don't think he interviewed Nuon Chea because Nuon Chea didn't
6 want to be interviewed with anybody. I gave you already Thiounn
7 Prasith. Thiounn Mumm, but Thiounn Mumm was also interviewed by
8 David Chandler, I think. I'm not quite sure.
9 But I mean, Long Visalo. Lots and lots and lots of people
10 involved, directly or indirectly, into the Khmer Rouge regime
11 which David Chandler had not interviewed. And this was why his
12 book was, I thought, much more readable, much more informative
13 and more interesting.

14 Q. You agree with me that you, yourself, have interviewed Phy
15 Phuon and Khieu Samphan, and that this Court also examined Phy
16 Phuon. Having said that, why is that there are no notes from your
17 interview with Khieu Samphan?

18 [11.08.55]

19 A. This question is repetitive. I already answered that question.

20 Q. Do you have notes of your interview with Ieng Sary?

21 A. Certainly, yes, but the interview with Ieng Sary was very
22 short. It was in Pailin, and he was surrounded by other people.
23 And he gave me, I don't know, half an hour or something like
24 that, and he said he was too busy and he was (inaudible) away.
25 So I only -- very specifically, only started with his childhood

1 and explained mainly that he had changed his date of birth
2 considerably, making himself at least four or five years younger,
3 to be able to enter Lycée Sisowath.

4 Q. If it was not a very serious interview of 30 minutes, why did
5 you put that on your documents "realisés pour la soutenance"?

6 [11.10.00]

7 THE INTERPRETER:

8 Documents used to defend his thesis.

9 MR. LOCARD:

10 You say that this is not very serious. He was very serious, but
11 it was quite short, and at that time, not so many people had
12 interviewed Ieng Sary because Ieng Sary didn't very willingly
13 give many interviews.

14 BY MR. KOPPE:

15 Q. Oh, I believe Steve Heder extensively interviewed Ieng Sary
16 and you, yourself, on the second day, said that you had no time
17 to talk about DK with Ieng Sary. Correct?

18 MR. LOCARD:

19 A. Yes, as he was running away from me or just say no, his -- "I
20 give you this so many minutes. That's enough." We had no time to
21 go into -- because ex-Khmer Rouge are very happy to speak about
22 their childhood, education, years in France, Lycée Sisowath, but
23 when it comes to the civil war and the Khmer Rouge regime, it's
24 much more difficult to -- I had this problem with Thiounn Mumm.

25 [11.11.14]

1 Q. Let me move on. You said you spoke to Phy Phuon. At the first
2 day, at 11.17, you said, Phy Phuon has been a very useful to you.
3 Are you in a position to say what he has said more to you than
4 already in this courtroom, in other words, what is new?

5 A. Well, you will know it, I hope, quite shortly, because I have
6 at this time so many recorded tapes, so many written notes,
7 enough for a book. He has repeated to me what he has said in this
8 -- in this Court. In this Court, I think he was interviewed for
9 three, four days, or perhaps two or three days, but quite
10 extensively.

11 He is one of Khmer Rouge -- ex-Khmer Rouge apparatchik or
12 whatever. He's military in the security services who spoke quite
13 frankly, and I think the Court appreciated his testimony.

14 [11.12.25]

15 He has, of course, spoken to me much more extensively about his
16 childhood, how he entered into the revolution, how the
17 revolutionary movement started. We have all the details.

18 It was Ieng Sary who arrived first, before Saloth Sar, who was
19 called Ta Pot at the time.

20 He explained to me what he called the long march, 1970, so when
21 Pol Pot and his whole group -- that lasted several months from
22 Ratanakiri to Stueng Chinit. He gave me details about the civil
23 war, the coming of Phnom Penh, the seizure of Phnom Penh. His
24 duty move to being in charge of the security in the Ministry of
25 Foreign Affairs.

1 He gave me details about how he accompanied Sihanouk during, at
2 that time in particular, memorable journey to Kampong Som, his
3 witnessing of the new railway line that was being built and so on
4 and so on and so on.

5 Q. But my question was, what did he tell you that he didn't tell
6 in this courtroom.

7 [11.13.47]

8 A. In this courtroom, Phy Phuon has spent maximum of three days.

9 I don't know exactly. I don't remember. You can tell me.

10 With me, he has -- this is over a period of months and months,
11 and I had interviewed him before he testified in that Tribunal,
12 taken notes. I interviewed him systematically in the past, but he
13 died just a year ago in -- and we were to go with him to -- back
14 to his home village. We were going to Preah Vihear, and it was a
15 big shock to everybody that he died so suddenly. But the whole
16 previous 18 months, I'd been working with him.

17 Q. Let me go back to Philip Short and, through him, to the
18 subject of security centres in general.

19 You being a great admirer of Philip Short's work, do you agree
20 with him that S-21 should be compared to the French security
21 centres in Algeria in the fifties?

22 [11.15.17]

23 A. Yes. Well, this is precisely one of the comparisons that I
24 put, you know, in my copy -- I don't have it here -- a question
25 mark.

1 I was -- well, first of all, I do not know a lot because of the
2 time of the war, the Algerian war, I was quite young. I was still
3 at upper secondary, and I'm not really a specialist over the
4 Algerian period, one.

5 Two, I am not absolutely convinced that the comparison is
6 relevant.

7 Q. But surely -- you're making quite far-reaching arguments about
8 the specific character of the DK security centre system. What
9 have you done in order to compare the security system within DK
10 with other countries or even within Cambodia itself?

11 Did you, for instance, do research as to how many prisons and
12 where existed in the period before 1975?

13 A. Yes, precisely. This has been the subject of the research of
14 Luc Benaïche. He is a PHD student from ex-University of
15 Aix-en-Provence in France, and he has been starting from the
16 Colonial period.

17 [11.16.57]

18 Now, it's very well known that it is the French who, by
19 establishing the justice system, created a prison -- one prison
20 per district -- no, sorry, one prison per province. That is very
21 well known.

22 We have even the -- thanks to the work of Luc Benaïche, the
23 research about the origin of the "khnoh". Apparently, "khnoh
24 chheu", that is, the "seps" in French, I've forgot the English,
25 existed in Cambodia in pre-Colonial days.

1 THE INTERPRETER:

2 Wooden shackles.

3 MR. LOCARD:

4 Wooden?

5 [11.17.41]

6 THE INTERPRETER:

7 Shackles.

8 [11.17.44]

9 MR. LOCARD:

10 Thank you. Wooden shackles existed before the Khmer Rouge. I

11 think that the idea of -- and chains existed in the Colonial

12 period, but the prisoners were chained only at night, and during

13 the day, they were submitted to hard labour so they would not be

14 left to be in chain all the time.

15 Now, the French had control over their prisons, but prior to the

16 prisons, Luc Benaiche tells me, there were some Cambodian prisons

17 or detention centres with -- precisely wooden shackles with the

18 French. It was a protectorate, in other words, there's two-pile

19 administration. There was the French control administration and

20 the Cambodian administration.

21 So, it is not impossible that, in the Khmer prisons, there was

22 shackled prisoners, there was torture and that sort of thing.

23 [11.18.46]

24 Now, as I think it was mainly from the Viet Minh that the Khmer

25 Rouge learned how to chain and interrogate the victims. We have a

1 number of testimonies from French people who themselves were
2 French soldiers after the defeat of the French troops in 1954.

3 Q. I do apologize again, Mr. Locard, but I have to interrupt you
4 because of the time.

5 My question is related to the period just before DK, the period
6 of the Khmer Republic.

7 This morning, answering questions from the Lead Co-Lawyers, you
8 talked about living conditions in provincial prisons and you
9 talked about, I wrote down, dirt, filth, insects, no pillows, no
10 medical treatment, etc.

11 How does that compare to the detention situation in Khmer
12 Republic prisons? Did you do any research on that?

13 [11.20.03]

14 A. Well, precisely on that subject, it's a great pity that the
15 Tribunal did not interrogate or interview Duch more about his
16 experience in the Sangkum regime -- in the Sangkum period --
17 prison. I think he was imprisoned almost two years. I think it
18 was in Prey Sar. And he was freed early in the republican regime.
19 So I think that Duch had the experience of the Sangkum period
20 regime and even the beginning of the Lon Nol regime and from --
21 because I've attended most of the Duch trial and I've looked at
22 many things, I'm not sure that he has been interviewed on that
23 matter.

24 Q. But my question was did you, yourself, do any research into
25 conditions in provisional -- provincial prisons before 1975, so

1 as to enable you to make comparisons?

2 In other words, didn't DK cadres just continue practices that
3 were common and widespread already before 1975?

4 [11.21.23]

5 A. Right. Well, you can get information from not your specific
6 client, but from Khieu Samphan. I think he was in prison at least
7 one month at some stage, so he might answer better.

8 No, I did not make any specific research on the prisons pre-Khmer
9 Rouge, but my compatriot, Luc Benaiche, did, and -- on the one
10 hand.

11 But what -- I did -- so I did not compare with pre, but I
12 compared them with the prisons in the Soviet Union and the gulag
13 in the Soviet Union and in China. And I don't think that in any
14 <of> these countries the physical conditions of the prison were
15 similar to such an extent that they were so tragic.

16 In Vietnam, the Vietnamese had much more the habit of their
17 victims, to put them in dark cells, in the dark--

18 Q. I'm --

19 A. --and I don't think that the Khmer Rouge did that.

20 [11.22.37]

21 Q. I'm really not interested in that. My question was, pre-'75,
22 no research. Post-'79, any research? No, I presume.

23 A. Post-'79 is not the object of this trial.

24 Q. That was not my question. My question is whether you are in a
25 position to make any useful comparisons in relation to provincial

1 prison system, so that means did you research pre-'75 and did you
2 research post-'79 to make useful comparisons?

3 A. The comparison is going to be -- this is not my area of
4 research, it's going to be Luc Benaiche. As to post-'79, I did
5 not do it, and this is not the object of this Tribunal, nor of my
6 research.

7 Q. Let me be now specific as to what you researched in relation
8 to Krang Ta Chan, and please correct me if I'm wrong.

9 I read your summary in this respect, that is, E3/8299; and on
10 English, page 00217717; Khmer, 00739069; French, 00743775; I read
11 that it is three people in total that you interviewed in relation
12 to Krang Ta Chan, one person called Hou Kel, one person called
13 Keou Maou, one person called Saut Saing.

14 Now, I believe that the latter two are well known to the Chamber
15 and the parties. Only Hou Kel, I believe, is someone that we
16 might not know. Who was Hou Kel; do you remember?

17 [11.25.54]

18 A. I cannot remember the hundreds and hundreds of pages of notes
19 that I've given to the Tribunal. My paper on Krang Ta Chan I've
20 got here in my -- I can get it out.

21 Q. I can assist you. He was --

22 A. Right.

23 Q. -- according to you, a low level cadre, chief of a village --
24 no, chief of a village two kilometres away from Krang Ta Chan. A
25 low level cadre is my addition.

1 Is that correct, Hou Kel, chief of a small village two kilometres
2 away from Krang Ta Chan?

3 A. That's very likely. Why should I say that I wrote something
4 which is untrue? And I was quite happy -- I must say that the
5 Tribunal has found far more witnesses than me. Of course, they
6 had many more facilities and finance and time than myself, so
7 this is quite normal that they found about Krang Ta Chan far more
8 things than myself.

9 [11.26.01]

10 Q. Do you agree with me that the majority of the people that you
11 spoke to is not discussing Krang Ta Chan, but other security
12 centres in the area outside of the scope of this trial?

13 A. Yes, but I was happy last week to find out that the four
14 prisons that had been selected by the Tribunal, I do happen to
15 have investigated them and know something about those.
16 So, out of the prisons selected by the Tribunal, I knew something
17 100 percent of them.

18 Q. And finally, would you agree with me that possibly only this
19 person named Hou Kel is potential evidence that you might provide
20 to the Chamber and the parties and that all the rest of the
21 evidence in relation to Krang Ta Chan is already in the
22 possession of this Tribunal?

23 [11.27.14]

24 A. Certainly, yes. I -- my only origin, I suppose, research will
25 be my research on the archives themselves, but you have to look

1 at the chronology. My investigation was before the Tribunal in
2 time.

3 Q. You mentioned the archives. Do you know whether there is any
4 alleged document belonging to Krang Ta Chan that you have and
5 that the Chamber and the parties do not have?

6 A. The documents from Krang Ta Chan that I was handed out by
7 Madam Guisse, I think, last Friday, I have not checked whether I
8 have the same at home because I have a collection of photocopies
9 I have not checked. And I have no idea whether my collection is
10 complete, and I think that this -- this Court is not quite sure
11 where the originals are, whether they are in DC-Cam, in S-21 or
12 somewhere else. But apparently, the originals -- the whereabouts
13 of the originals seem to be a problem.

14 [11.28.35]

15 Q. In that same E3/8299, discussing Krang Ta Chan, you also
16 mention certain things coming from the mouth of a person called
17 Pen Sovann.

18 Did you, yourself, speak to Pen Sovann and, if yes, do you have
19 any notes of your conversation with him?

20 A. Yes, certainly. Yes. I interviewed Pen Sovann shortly after
21 his return to Cambodia, although, as I said in my paper, he was
22 originally from a village very close to Ta Mok and very close to
23 Krang Ta Chan, he chose to live in Takeo City and I interviewed
24 him in Takeo City. I seem to remember that it might have been in
25 French. I'm not sure. But I have -- I do have notes somewhere

1 about this interview and that interview is very interesting and I
2 was happy to talk to that man.

3 Q. Do you -- are you willing to provide if requested, the Chamber
4 and the parties, a copy of your notes of that interview?

5 A. I read through my Krang Ta Chan paper which I prepared for a
6 conference organized by David Chandler on the occasion of his
7 retirement December 1996. I think that I summarized already in
8 that paper the most interesting pieces of information that Pen
9 Sovann gave me, but I can go back to my notes and see if I missed
10 any important points.

11 [11.30.22]

12 MR. KOPPE:

13 Mr. President, I am mindful of the clock. Maybe this is a moment
14 to break.

15 MR. PRESIDENT:

16 Thank you, Counsel.

17 It is now appropriate for a lunch break. We will take a break now
18 and resume at 1.30 this afternoon.

19 Court officer, please assist the witness at the waiting room
20 reserved for witnesses and civil parties during the break time
21 and invite him back into the courtroom at 1:30 this afternoon.

22 Security personnel, you are instructed to take Khieu Samphan to
23 the waiting room downstairs and have him return to attend the
24 proceedings this afternoon before 1.30.

25 The Court stands in recess.

1 (Court recesses from 1131H to 1331H)

2 MR. PRESIDENT:

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

4 And the floor is given to Koppe to resume the questioning to the
5 expert. You may now proceed.

6 BY MR. KOPPE:

7 Thank you, Mr. President. Good afternoon, Your Honours, counsel.

8 Good afternoon, Mr. Locard.

9 Q. I have 30 more minutes so I have to skip a few subjects. I
10 have two remaining topics that I would like to ask you about. The
11 first topic is in relation to something you said on the first day
12 of your evidence at 13.38.

13 You said, and I quote: "I approached DK from the history of the
14 Cold War so I have read everything I could read on these
15 Communist countries particularly on China." And a bit further you
16 said that the DK was modelled on China.

17 Does this also mean that you would consider yourself in a
18 position to say whether you can put the alleged mass atrocities
19 in DK, that you have talked about extensively, in perspective of
20 mass atrocities committed in Western states or states supported
21 by the West in the Cold War?

22 [13.33.40]

23 MR. LOCARD:

24 A. Thank you for this question.

25 I thought that we were going to ask or we are going to talk about

1 Mao's China, but apparently we are going to speak about
2 atrocities during 1975 and 1979, committed in the West by Western
3 countries. On that subject I know nothing and I have not studied
4 that.

5 Q. Well, I was triggered very specifically from your words
6 approaching DK from the history of the Cold War. That would
7 assume or that would possibly imply that you also have acquired
8 knowledge of mass atrocities committed in Western countries or
9 countries supported by the West in the framework of that Cold
10 War.

11 [13.34.52]

12 A. No, I have not and I don't really know what you're talking
13 about.

14 Q. Let me ask you very concretely where I am going to or telling
15 you where I am going to. That is -- that's about mass atrocities
16 in a country which is -- which was extremely relevant to CPK
17 policy, especially the policy of secrecy that you also spoke
18 about. That's -- these are the mass atrocities committed in 1965,
19 in Indonesia. Do you know anything about that?

20 A. I have never specifically studied that. I know that from
21 indirect sources, from secondary sources, but indeed the Khmer
22 Rouge were very much aware of the massacres committed in
23 Indonesia covering hundreds of thousands of the victims, mostly
24 among the Chinese community in Indonesia which were accused
25 massively of having been members of the Communist Party. I just

61

1 read about it like you, like everybody.

2 And I also read that -- I think Nuon Chea was particularly aware
3 that the Communist Party could be destroyed mainly if the leaders
4 were arrested and destroyed. So that is why he was so keen to
5 protect the leadership.

6 But that's barely the West. This belongs to, I think, the Cold
7 War, the non-allied countries, the seat of the Bandung
8 Conference, which was 1955, 10 years before. So that's not really
9 atrocities committed in the West.

10 [13.37.00]

11 Q. But to finish the subject, you are not in a position, you feel
12 yourself, to make any comparisons in terms of scale and -- etc.,
13 between mass atrocities in the DK and Indonesia; is that correct?

14 A. Not at all. No, I have not studied really in detail what
15 happened in Indonesia, 1965.

16 Q. Then let me move to my second and last subject.

17 In your -- sorry. In your book on the sayings of Angkar, E3/2812,
18 at English, ERN 00394647; Khmer, 00810749 -- sorry, 4 -- so it's
19 00810744; and French, 00394994; you say the slogans -- these
20 slogans "strikingly expressed DK policies." End of quote. Can you
21 elaborate on that?

22 [13.38.42]

23 A. Yes. They constitute a summary of what were the main policies
24 of the -- of Democratic Kampuchea. I classified my typology was
25 expressed by various -- I classified them in various chapters.

1 The first ones were the slogans in praise of the regime. And I
2 remember that Sihanouk in his memoirs insisted on the fact that
3 the Khmer Rouge, he listened to the radio, were particularly
4 self-congratulatory, that they were convinced that they invented
5 a new way of managing a country which was going to be followed by
6 the rest of the world. Cambodia would be in the forefront of the
7 struggle, I wouldn't say for the revolution but for prosperity.
8 That's one.

9 The second one is the slogans around which are inspired to a
10 larger stand by Mao's own little red book and that is again, as I
11 said earlier, the first public lecture that I gave on the
12 subject, Khmer Rouge slogans and Mao's little red book. And on
13 that occasion I realized that Mao's little red book which were in
14 the mid-sixties, late-sixties, hundreds, millions of people
15 throughout the world, not only inspired the Khmer Rouge but were
16 quite holly -- hollow sorry, hollow represented philosophically.
17 Really, they do nothing.

18 [13.40.33]

19 The next one was Angkar, how the country was managed, what was --
20 Angkar was the source of all power but also all affection and was
21 the equivalent of power. So, I collected all the slogans around
22 the insightfulness, how clever Angkar was and how well-governed
23 Cambodia was.

24 And then the next was, I think, the hunt for enemies. That
25 enabled me to understand how enemies were classified, identified;

1 what happened to them, how they were tortured and so on.

2 The next one -- perhaps you want me to stop.

3 [13.41.22]

4 Q. Yes. I apologize for interrupting you but my question, I want
5 you if possible to confirm that if that's still the case. You
6 confirm that you can say that the slogan strikingly expressed DK
7 policies without having extensively studied the content of the
8 "Revolutionary Flags" or the "Revolutionary Youth"; is that
9 correct?

10 A. Why should primary sources, "Revolutionary Flag" and
11 "Revolutionary Youth" should be -- why should they be the only
12 source of information about DK policies?

13 I had studied and read extensively reports about the Khmer Rouge
14 radio on one hand and when you do research in any field, you use
15 other people's research too. So you use secondary sources as well
16 and then you, through your own enlightenment or cleverness, you
17 analyze the similar sources differently or you find new sources.
18 And I just build on the work of my predecessors who were mainly
19 David Chandler, "The Tragedy of Cambodian History".

20 [13.42.54]

21 Q. But let me illustrate my point on one concrete example. I
22 already mentioned the Chinese proverb "No gain", etc. But let me
23 refer to now something which is very, very much related to
24 Democratic Kampuchea. That is New People or 17 April people.
25 Extensively in chapter 5 of your book, you talk about the New

1 People or the 17 April people specifically saying; in English 209
2 and in French 170 --that is your book E3/2812. In that saying
3 209, it says,

4 "The 17 April people are parasitic plants. The idea of parasites
5 or germs belongs to a Maoist or Stalinist vocabulary and refers
6 to social, political or ideological groups that must be closely
7 watched and eventually eliminated.

8 [13.44.14]

9 Now, let's first start with the words "17 April people". That
10 word is nowhere to be found either in "Revolutionary Flags",
11 "Revolutionary Youths" or FBIS reports. Is that something that
12 you can confirm or these publications always referred to New
13 People rather than 17 April people?

14 Let me start with that. Is that something that you can confirm?

15 A. Well, I'm sorry, "neak dop pram pi mesa" in Khmer, meaning
16 17th of -- 17th of April people was the most common appellation
17 or the most common way of naming the New People. "Dop pram pi
18 mesa", "dop pram pi mesa", I heard that throughout the country.
19 Perhaps -- again, my research is based on what the people were
20 saying, what the people had -- how the people had understood the
21 regime and it is not based on academic research, on book
22 research. It's based on grassroots research like an
23 anthropologist or whatever; one.

24 [13.45.36]

25 Q. So just to interrupt you, it doesn't concern you that the

1 words 17 April people cannot be found in any official
2 publication?

3 A. I couldn't -- this was not the -- my choice of sources. My
4 choice of sources were the memory, the brain of the people.

5 Q. And the microphone wasn't on but I heard you say, "I couldn't
6 care less"; correct?

7 A. Yes. Yes, yes.

8 Q. But let me now go to the content of that saying, the 17 April
9 people are parasitic plants or the New People.
10 You said you have studied extensively Maoist ideology. Isn't it
11 true the mere fact that the CPK used the words people,
12 "Pracheachon"; New, "Thmei"; "Pracheachon Thmei", isn't that
13 indicative of the fact that New People per definition could never
14 be seen as enemies as such because the Chinese word for people
15 was used?

16 [13.47.10]

17 A. I am not quite sure that I really understand your question.
18 What I know is that in the -- in DK policies, most of their
19 policies they borrowed from radical Chinese policies, that is,
20 the super -- the "Great Leap Forward" and the so-called "cultural
21 revolution", but they added their own contribution.
22 And the idea of -- divided the country into two castes. They
23 abolished classes but they created castes. The difference between
24 a caste and a class is that there is social mobility. In your
25 life or through generations you can change class but in -- and

1 caste, the idea of caste comes from India as you know. You are
2 born in a certain caste and you cannot change caste.

3 [13.48.04]

4 And it was a little bit like this when you are a New -- New
5 Person or "dop pram pi mesa", you could officially -- in their
6 literature they say by education, by taking a revolutionary frame
7 of mind, you could gradually become Old People or revolutionary
8 people. In theory this is the case and even by the end of the
9 regime, it had been decreed that the distinction was no longer
10 valid. This distinction is of course quite outrageous. It
11 entailed marriages, for instance. You could only marry within
12 your own caste. Revolutionary people marry revolutionary people
13 and non-revolutionary marry non-revolutionary.
14 This is something very specific to Democratic Kampuchea and
15 really very against equality, basic equality. Liberty, equality,
16 fraternity, what we believe in France is completely flouted by
17 this idea of separating the 18th -- 17th of April people.

18 [13.49.17]

19 On the other hand, they were also -- the Old People were also
20 called the 18th of March people. Why 18th of March, which was the
21 time when Sihanouk was -- lost power in 1970, so the people who
22 immediately joined the revolution were the Old People on the 18th
23 of March 1970. So, you had this opposition 17th of April, the
24 17th of April and 18th of March.

25 Q. I think you misunderstood what I am trying to say. As you know

1 in China, China's formerly called The People's Republic of China.

2 If you refer to a group as "people" then per definition you do

3 not consider them to be enemies because people in Communist

4 ideology especially from a Maoist perspective, is what the

5 revolution is all about.

6 So as long as you call people "people", be it New People, be it

7 Old People, they are still people and that is what the revolution

8 is about. So that is what I am putting to you.

9 [13.50.36]

10 A. Well, that's your interpretation. It's not specifically mine

11 and I don't think it's the interpretation of most historians.

12 Q. Well, let me put to you then what Pol Pot himself said when

13 Vice Premier Chen Yonggui from China, visited the 1st of January

14 dam. That is in response to you saying that Angkar -- Angkar,

15 sorry, is God. I am referring to E3/1783, English, ERN 00498181;

16 French, 00606766; Khmer, 00659261.

17 A story is being told about how the Buddhist monks used to say

18 that only God can use -- can dam the Chinit River and then it

19 says: "Now a dam is there and many old people have come to see

20 it. As Secretary Pol Pot puts it well -- put it well, 'The people

21 themselves are gods.'" End of quote.

22 So here you have Pol Pot in the words of the Chinese delegation

23 say that the people are god, hence also the New People.

24 A. Yes, that's interesting what you said. This is part of the

25 rhetoric and of Angkar or the leaders of Democratic Kampuchea.

1 Just as Nuon Chea said, instead of making prayers, the farmers
2 always making prayers at the beginning or before, at the end of
3 the dry season for the rain to come, and Nuon Chea said, "Rather
4 than making prayers for the rain to come, it's much better to
5 build canals and dams so that the population has by their own
6 exertions, their own work, an abundance of water for having
7 several crops."

8 So there is nothing objectionable about that; no problem.

9 [13.53.05]

10 Q. Let me move on; still talking about enemies. On the second day
11 of your evidence at 9.18 in the morning you said that during DK
12 enemies were called worms. You referred to 17 April people being
13 called parasitic plants and in your article, "The Khmer Rouge
14 Goulag", E3/2811; English, ERN 00394609; Khmer, 00822600; French,
15 00792 -- 00796286; you refer to enemies and to a speech of Pol
16 Pot about him using the word microbes. And you say, and I quote:
17 "Although great victories are always gained over these microbes,
18 they kept proliferating like a cancer and the 1 or 2 percent
19 reactionary elements never seemed to have ever been entirely
20 wiped out in spite of a continuous wave of ferocious repression."

21 Do you remember writing about the "microbes" speech, so to say?

22 [13.54.47]

23 A. Yes, of course, and even that in my last book, "Pourquoi les
24 Khmer Rouges?", "Why the Khmer Rouges?", I have a whole page
25 about the various expressions, images; comparisons that were used

1 to designate people for elimination. These terms I took from the
2 writings of Steve Heder and I have half a page of terms of abuse
3 against this -- the enemies in general. And I have another half a
4 page about how to eliminate them; sweep them clean and so on. So,
5 I'm not the only one to comment on that. I think everybody has.
6 And if you want the full list I don't -- again, I brought many
7 books but I don't have again, "Pourquoi les Khmer Rouges?" I
8 don't have it here. I cannot give you the exact page of reference
9 but it's in -- it's in both editions of my books and it's a very
10 impressive collection.

11 [13.56.04]

12 Q. So did the use of words like microbes or viruses or cancer or
13 parasite, is that something which you would consider slogans,
14 quote/unquote, that strikingly express the DK policies?

15 A. Yes, of course. Before eliminating the people they had to be
16 excluded from mankind, basically. They were monsters. They were
17 insects. They were "chhloeung", that is, bloodsuckers and so on
18 and so on and so on.

19 Q. Well, let me read to you something and then I would like to
20 ask your reaction. It's a citation: "We will continue to cleanse
21 the virus from all state institutions because this virus has
22 spread. Unfortunately, like a cancer, this virus -- this virus
23 has enveloped the state." End of this quote.

24 Do you know who uttered this particular quote?

25 A. Sorry. I cannot recollect.

1 Q. But does it sound like a slogan strikingly expressed during

2 DK?

3 [13.58.00]

4 JUDGE FENZ:

5 While the witness is thinking, reference please.

6 BY MR. KOPPE:

7 Right now -- after this question I will give that quote, the
8 source.

9 Q. So does this quote, this slogan, strikingly express DK
10 policies?

11 MR. LOCARD:

12 A. Well, this quote is definitely not a slogan but a part, I
13 suppose, of a speech or recommendation probably on the part of
14 some person in a position of power.

15 Q. Well, that is indeed correct. It was a quote from two weeks
16 ago, President Erdogan while addressing the opposition in Turkey.
17 Thank you.

18 MR. PRESIDENT:

19 The Chamber now hands the floor to the defence team for Khieu
20 Samphan to put questions to the expert.

21 [13.59.20]

22 QUESTIONING BY MS. GUISSÉ:

23 Thank you, Mr. President. Good afternoon, everyone. Good
24 afternoon, Mr. Locard. My name is Anta Guisse. I am a co-lawyer
25 in the defence of Mr. Khieu Samphan and I will be following on

1 what my co-counsel has said. Since we both speak French, we both
2 need to remember to leave a space for interpretation. So I will
3 also try to follow that advice.

4 Q. I would like to come back very briefly to the choice that you
5 indicated that you made to carry out your research primarily
6 through what the people understood about the policies of
7 Democratic Kampuchea, specifically through slogans.

8 And we, as the team of Nuon Chea, have looked through <your work,
9 like> "Pol Pot's Little Red Book", "Why the Khmer Rouge?" and
10 other articles, to see what the contemporary sources that you
11 used were and, indeed, there was <very little of the
12 "Revolutionary Flag", there was> only one for "Why the Khmer
13 Rouge?" and I would like to have some additional information on
14 some of the works that you mentioned.

15 [14.00.53]

16 First, in "Why the Khmer Rouge?" in your end notes you cite a
17 book that you call the "black book" and you put Pol Pot as an
18 author. I would like to know if this is the black book as we know
19 it in this case file; that is, Document E3/23 which is the black
20 book, "<Facts and Evidence of the> Acts of Aggression <and
21 Annexation> of Vietnam against DK."

22 Perhaps if the Court Officer could give the first page of this to
23 Mr. Locard so that he can verify that this is indeed on this work
24 that he drew from. Thank you.

25 MR. PRESIDENT:

1 Yes. You may proceed.

2 BY MS. GUISSÉ:

3 Q. It's the first page of this work, but are we in agreement that
4 this is the book that you worked on which a priori gives what we
5 heard in this Chamber from the Ministry of Foreign Affairs?

6 [14.02.20]

7 MR. LOCARD:

8 A. Yes, of course. This is the document I talked about. I do have
9 the complete photocopy of it in my notes here in Cambodia. It's
10 not the same edition as this one. I can see that <there> is
11 another edition in France. <It isn't really a book>. It's a long
12 article, but it was published and we can say that Pol Pot is the
13 author.

14 Q. And a clarification, you spoke for a long time of the FBIS,
15 which we have used extensively before this Chamber. And my first
16 question on these radio programs which were broadcast and which
17 were heard abroad, do you agree with me when I say that these
18 radio programs were essentially propaganda programs or speeches
19 which were used for ceremonies <domestically> and also <abroad>
20 for those who followed the radio programs of Democratic Kampuchea
21 abroad?

22 [14.03.49]

23 A. Quite clearly, these radio programs were purely propaganda
24 aimed at those overseas and at Party cadres. The population as a
25 whole from time to time during meetings were broadcast sections

1 of these programs but most of the time the population did not
2 even hear the radio programs of the regime. Some people in the
3 Ministry of the Interior or the Propaganda and Information
4 Ministry <who were supposed to be in charge, I know that> Suong
5 Sikoeun, worked on this type of program and this led to a large
6 body of work for translation because the original was in Khmer
7 and translations needed to be made into French and English. I
8 think that's all.

9 But this provided a lot of work for the Ministry of Foreign
10 Affairs and the Ministry of Culture but the population itself
11 heard very little of these radio programs.

12 Q. So regarding the total amount of documentation from that
13 period that you used, essentially this was witness statements on
14 the issue of slogans and then <as far as> documents from that
15 period, it was essentially propaganda<, that is, what> Democratic
16 Kampuchea broadcast abroad. And <do> you agree with me in that
17 context that you haven't worked a great deal on the more secret
18 documents that were more directly related to the work behind the
19 scenes, and that that is not your area of expertise in the
20 context of your research?

21 [14.05.51]

22 A. Yes, that is quite precise and correct, even more so because
23 the other people who worked on Democratic Kampuchea, and I am
24 thinking of David Chandler and Steve Heder, had used all of these
25 sources. And in particular, David Chandler published a book, "Pol

1 Pot Plans the Future" and therein we have a certain number of
2 essential documents explaining the policies of Democratic
3 Kampuchea in his English version.

4 So those are primary sources. It's a quite significant volume,
5 and there was also a second volume in that work <in this
6 collection>. So <I was able to use> their translations to
7 English. My concern was always to make an original work and not
8 necessarily to duplicate the work that had been done before my
9 work.

10 [14.06.49]

11 Q. We'll come back to the work that was done by other authors
12 who, more particularly, took interest in the documents of
13 archives from within the DK's interior. We will come back a bit
14 later to that.

15 But for the time being, I would like to ask a few complimentary
16 questions on the archives of the security centre on which you did
17 work. Did I understand your testimony correctly, insofar as the
18 paper archives are concerned, only that you were able to study
19 <were> those of Krang Ta Chan as you obtained them through your
20 friend who was a researcher in DC-Cam?

21 A. Yes, indeed, to repeat the work that had been done extremely
22 well by very many researchers, and I'm thinking particularly of
23 David Chandler who wrote a whole book on S-21, why would I have
24 reviewed or duplicated the work of David Chandler? <When I did
25 this comprehensive study> of 30 or 40 pages, if I remember

1 correctly, <a summary of my study of the Krang Ta Chan archives>
2 with the assistance of a Cambodians, I think I was the first one
3 to carry out this work.

4 Q. I wasn't particularly making reference to S-21 but more
5 talking about other archives, just to say that the only archives
6 available on security centres throughout Cambodia that you had
7 access to were Krang Ta Chan. That is to say, you didn't have
8 access to paper archives of other security centres?

9 [14.08.47]

10 A. I also did go to S-21. I made a certain number of photocopies
11 on the people that interested me; first of all, foreigners, two
12 Americans. I also looked at the archives of Ta Ya <(phonetic)>
13 because he came from the northeast of Ratanakiri. So I
14 photocopied several archives of the people that I knew.
15 I looked for <Chau Seng's> archives but it's only recently that I
16 learned that Chau Seng had his confession classified under
17 another name and I was, moreover, a bit disappointed by his
18 confession because it's quite short and he says that he was a spy
19 for the <SDECE>, the French <intelligence> services. <So I didn't
20 learn much from reading Chau Seng's confession.>

21 [14.09.46]

22 Q. So I am going to do what the other parties did because we have
23 limited time. I am trying to ask a very specific question. So my
24 question was not to ask if you had consulted archives at S-21. It
25 was to say outside of the Krang Ta Chan archives that you

1 consulted <on other security centres>, and outside of S-21 --

2 <can we agree that you only consulted archives at Krang Ta Chan?>

3 A. I spent the entire 1990s in searching for these archives and I
4 never found any others.

5 Q. You spoke of the difficulty of obtaining archives,
6 specifically because a certain number of them had been destroyed
7 by the power that took control after the fall of Democratic
8 Kampuchea.

9 So my question is that I would like to know when you make
10 generalizations -- for example in the context of your questioning
11 by the Co-Prosecutor, you said that the overall functioning --
12 and I understand that this applies to the entire territory --
13 that the functioning of the questioning in the security centres
14 was one person who carried out the interrogation, one person who
15 took notes and perhaps one person who undertook torture or
16 beatings.

17 So my question is as follows. Are these conclusions that you draw
18 from the use of the archives at Krang Ta Chan and perhaps S-21,
19 or are these conclusions that you have drawn from other sources
20 and if it's from other sources, which ones?

21 [14.11.41]

22 A. Yes, if we look at the written archives that we have, we do
23 not have a great deal of information on what you have just
24 described. So this is clearly from witness statements of victims
25 and interrogators that I was able to find out how all this

1 occurred and Moeung Sonn and his wife, Moeung Phally, were the
2 ones who gave me the key which opened up this mysterious world to
3 me, <that> barely anyone knew <about>.

4 And it was in this way that in '89 and '90, I was informed. And
5 in 1990, I was in England <for the summer, so I was not here,
6 but> as of '91, I came here and I went for the <first> time to
7 Tonle Sap and I went to several provinces. And my <horror> --
8 when I <discovered that> what I had considered to be exceptional
9 in the Prey Nob district, was <unfortunately> the norm in all of
10 the districts and the provinces that I visited.

11 [14.13.01]

12 Q. Responding to my colleague from the Co-Lead Lawyers of the
13 civil parties, when you spoke of these security centres you said
14 that they were primarily attached to districts. That's what I
15 understood from your testimony.

16 Can you indicate if you carried out specific research on the
17 authorities of these districts? What were their names and how did
18 they operate in Democratic Kampuchea?

19 A. Indeed, in my notes and more so in the notebooks than in the
20 summaries that I gave to the Court, there are many names, Ta such
21 and such, Ta such and such, sometimes there were <even> numbers,
22 given that these were revolutionary names. So <they did not
23 necessarily correspond with peoples'> names <from the civil
24 registry,> but I was not a court researcher. I was an independent
25 researcher and I wanted to carry out an investigation on the

1 prisons behind S-21 and, in general, in the people's communes,
2 which <were> already a site of imprisonment. So I did not go and
3 seek out who the people, individual people, were.

4 [14.14.30]

5 Sometimes I did discover people who still have political
6 responsibility <today>. At this time I think there is no point in
7 naming them because they have already been named several times by
8 you or by other defence lawyers.

9 However, we do need to nevertheless keep in mind, and this is
10 something that I have emphasized many times, that the repression
11 was first and foremost carried out <on> the Khmer Rouge
12 themselves and so more than 30 years afterwards from '79 or, I
13 don't know, maybe 35 years after, it would be very difficult to
14 find the leaders of the prisons or the leaders of the district
15 who are still alive.

16 So first and foremost, because there were <internal purges,>
17 those within the regime who were <in charge of districts or
18 prisons> were then purged by the Khmer Rouge, so <years have gone
19 by and> at this point I think there are only very, very few and
20 perhaps almost none of these people left.

21 [14.15.58]

22 Q. On the 28th of July <2015 (sic)>, a bit after <14.04.51> in
23 Thursday's hearing, you said the following, "There are of course
24 some criminals who were arrested and placed in detention at Krang
25 Ta Chan, Khmer Rouge cadres who had accused too many people." End

1 quote.

2 I would like to know what leads you to say this, and do you
3 remember which Khmer Rouge cadres had accused too many people?

4 A. Yes. This is part of my summary. I don't know how many there
5 were. There were two or three people but I remember one in
6 particular. I think this was <maybe in '78,> in '77 or '78 so in
7 the final stage of the regime and this was in "Nieredei" province
8 in the southwest.

9 So it is quite clear that when the purges took place they began
10 with Koy Thuon and the north centre and then they were spread to
11 the northwest, and then the west and then the east and the
12 northeast, first of all, it had been proclaimed that the
13 authorities who had been purged had killed too many people and
14 were criminals and that they would be replaced by new ones who
15 were essentially the "Nieredei", the people from the southwest,
16 Ta Mok's people, and that they <would be kinder>.

17 [14.17.51]

18 In re-reading all of my notes from "Bophea", I understood that in
19 many places there had been proclamations that everything was
20 going to go better, that there would be fewer purges; that people
21 would be eating better, etc. But people were very quickly
22 disappointed because in reality the "Nieredei" were just as
23 cruel, if not more so, than the preceding group which had been
24 purged.

25 Q. And do you remember the particular names of the cadres who

1 were arrested and accused of undertaking particular cruelty?

2 [14.18.42]

3 A. Yes. It is in my article on Krang Ta Chan. They are identified
4 by name in English and in Khmer along with their age, their
5 origin, where they came from. We don't have the time now because
6 the time is passing quickly but you can refer exactly to this. I
7 don't remember if it was one, two or three people among the
8 prisoners in Krang Ta Chan. There were one or two or three
9 criminals, what we would call criminals.

10 Q. And your sources on this item were documentary sources, so
11 <reports,> interrogations, or things that could have been
12 obtained as a result of torture or were these other testimonies?

13 A. No. According to my memory, these were from the archives of
14 Krang Ta Chan so obviously before a court this doesn't have a
15 value of proof because they were obtained under torture or threat
16 of torture, or perhaps not. Maybe that depends if these were
17 summaries of interrogations or if they were the biographies that
18 accompanied them. I believe that they were the biographical
19 notices that accompany the prisoners.

20 Q. And specifically on these biographical notices, how did you
21 know that they had arrived with the prisoners to the detention
22 centre?

23 A. Well, now this is something you should ask of Ben Kiernan
24 because he is the one who found these archives. But, clearly, we
25 can make a strong supposition that since he found them at Krang

1 Ta Chan they were there. They hadn't been added by I don't know
2 who, some manipulator of the regime of the People's Republic of
3 Kampuchea.

4 [14.21.07]

5 Q. In fact, I am making a distinction between the notes from the
6 interrogations and the biographical notices because you yourself
7 made a difference in saying that there were some that would have
8 been written at Krang Ta Chan on site and that there were others
9 that would have arrived with the prisoners when they arrived at
10 the detention centre. So I am asking about how you could tell
11 what the difference was and how you could know that the
12 biographical information was not written at Krang Ta Chan on
13 site.

14 [14.21.47]

15 A. Well, these notices were found at Krang Ta Chan. They were
16 also collected by Ben Kiernan but, above all, I knew this because
17 throughout the country the people who arrived at a prison had a
18 file with them, they did not arrive empty handed. Well, they had
19 their hands tied behind their back because once again <contrary
20 to Cambodian tradition,> the Democratic Kampuchea regime was not
21 just one of oral traditions but also written, and <everything was
22 written down.>

23 And I think that Duch was asked these questions, and I don't know
24 if his responses were all very clear when he was asked if there
25 were files or biographical notes on people who were sent to S-21,

1 or if they had to do that at the time when they took the
2 photograph to ask their identity, etc.

3 It was not very clear for me at what happened at S-21. Perhaps it
4 was for the Court.

5 But, quite to the contrary, for the provincial prisons, it is
6 absolutely certain that the prisoners arrived with a file for two
7 reasons. First, at the beginning most prisoners were the 17 April
8 people; the New People, as you prefer to call them. And
9 practically every member of these New People was asked to write
10 his own autobiography.

11 Also, each member of the Party was asked to write out their own
12 autobiography and to repeat this exercise one or two years later.
13 Perhaps the Old People were more successful in escaping this
14 practice, but the people who were part of the New People in the
15 people's communes already had a file on them.

16 So if they were arrested they were always interrogated at the
17 local police station. This was then added to the file that
18 already existed. So they were definitely accompanied by a file.

19 [14.23.58]

20 Q. I am sorry. I really want to be focussing on this. I want to
21 be sure that I understand. The fact that these prisoners arrived
22 with already established biographies, did you read this
23 somewhere? Did someone tell you this? You are giving me a
24 description but I don't understand what the source of your
25 statement is.

1 A. My source is the many witness statements where I was told, "I
2 was arrested. I was taken to the police station. I was
3 interrogated and there was someone who took notes somewhere."
4 Now, it's very difficult to generalize on Democratic Kampuchea
5 because, once again, it was complete anarchy and chaos.

6 [14.24.50]

7 Perhaps there were certain instances such as Moeung Sonn. He was
8 arrested at his home one evening after night had fallen and he
9 thought he was <being taken> to Kampong Som at Sihanoukville and
10 then the car turned to the north <and took him to Ta Ney>. So he
11 didn't go to a police station. But I think that on Moeung Sonn
12 <they already had> information. They already had information and
13 when they brought him to Ta Ney there were already papers <on>
14 him because he was required to have written his autobiography.

15 Q. Speaking of Krang Ta Chan's archives specifically, you said
16 that you only had access to photocopies. I heard your explanation
17 and that you had to ask Ben Kiernan because we would need to ask
18 Ben Kiernan because he is the one that would have seen these
19 archives first even before DC-Cam.

20 What I would like to know is do you remember, when you consulted
21 these documents, do you remember having seen figures on the total
22 number of prisoners in Krang Ta Chan?

23 [14.26.15]

24 A. I did not go through the entire archives file again that I
25 have on Krang Ta Chan before coming. You gave me a lot of

1 documents to read and I worked very hard, <Counsel>, over the
2 weekend, <I read everything you asked me to,> but you didn't ask
3 me to re-read the archives of Krang Ta Chan again.
4 My memory is that, indeed, there were lists but I don't remember.
5 There were lists of detainees, <columns,> but were there total
6 numbers? I don't remember.
7 I am the one who came up with the total of the names that were
8 mentioned and I think I came up with 477, if I remember
9 correctly. So that's a bit under 500 people which is very far
10 from being the total number of people who passed through Krang Ta
11 Chan.
12 [14.27.23]
13 MS. GUISSÉ:
14 With your permission, Mr. President, I would like to give
15 document E3/2107 to the witness. This is a handwritten message,
16 <for> which <we had to make a request, but which> mentions a
17 certain number of people and I would like to know if you remember
18 having seen this document. So it's E3/2107, ERN in Khmer
19 00068049, in French 00655725 and in English 00290205, if we could
20 provide this to the witness?
21 MR. PRESIDENT:
22 Yes, you may proceed.
23 MS. GUISSÉ:
24 And while this document is being provided to Mr. Locard, I would
25 like to specify that in the English version there is a <note> --

1 I would read it to you in English. There is a <note from> the
2 translation team that says that the handwritten message appears
3 on <a separate> page and <it says exactly the following on the
4 ERN I just cited:>

5 "<Separate page.> Scribbled note not in the handwriting of the
6 rest of the document." End quote.

7 So I know that it's not necessarily easy to remember all of the
8 documents that you consulted on Krang Ta Chan. However, do you
9 remember having seen or having had access to this note, to this
10 page, this separate page of the document with its particular
11 writing mentioning the figure 15,000 enemies?

12 [14.29.40]

13 MR. LOCARD:

14 A. Yes. In fact there is this figure of 15,000 here<, in Arabic
15 figures>.

16 Q. In fact it wasn't my question for you to confirm <what is
17 written>, but did you have access to this document? Had you seen
18 it?

19 A. I don't remember at all. I have no idea. If it would be
20 useful, the fact that I can go to S-21 or DC-Cam with my
21 collection of <photocopies> and see if my copy is complete --
22 this document in Khmer doesn't mean anything to me because I
23 would have certainly tried to understand it, to decode it. We can
24 see very well this is from, <103 from the region - no,> I think,
25 it's 803.

1 Q. It is written 105.

2 A. <Sorry, "805 - region "105".> No, that doesn't mean anything
3 to me.

4 [14.30.48]

5 Q. Well, if that doesn't mean anything to you, I won't pose
6 additional questions on the subject. But this does allow me to go
7 back to the issue of the difficulty of having access to archives
8 and the destruction of archives and the propaganda that could
9 have taken place regarding figures or the type of documents used
10 by investigators just after the fall of Democratic Kampuchea.
11 So, you heard several witnesses when you were just beginning your
12 research, and you wrote a report, specifically E3/2071, "Research
13 notes on Democratic Kampuchea networks, Northwest Region" and, as
14 my co-counsel noted earlier, you noted many times in this
15 document and specifically on the Khmer page 00233387, and that
16 continues on the next page; in French, 00292779; and in English,
17 0087306.

18 And you make comments according to the information provided and
19 you say it is the usual propaganda of the PRK and do <the
20 witnesses> feel the need to repeat it, or do they really believe
21 it?

22 [14.32.47]

23 And another comment that you mention in another report or, no,
24 the same report on another page in French, 00292788; 00087316, in
25 English; and the ERN in Khmer, 00233403. You mention a figure,

1 which is given to you and you say, "During the Heng Samrin period
2 the number of people executed at that site would be 50,000." And
3 then you have a comment made, "The estimate of DC-Cam is roughly
4 20,000 to 25,000." End quote.

5 I will bring out another passage in another report later but,
6 generally speaking, how did this happen for you when you were
7 working on documents or information when you talk about figures?
8 How <did> you take these figures into account and <how and> what
9 <did you compare them with>?

10 [14.34.22]

11 A. Yes. The figures that were given by the <Democratic (sic)>
12 Kampuchea People's Republic were <often> extravagant to such an
13 extent that even DC-Cam<, who were far less prudent than I,>
14 found that they had exaggerated, most probably.
15 We heard Kar Savuth before this Chamber, the lawyer, Duch's
16 lawyer, who said they executed <over> 100,000 people and <I can
17 assure you> that was a figment of his imagination and it has
18 nothing to do with reality. The largest number of executions was
19 at Kralanh <in Siem Reap province, or> in <Serei Saophoan>, where
20 indeed the entire population <was> considered<, just like the
21 entire west of the country, > as the New People, <so, the
22 repression had perhaps been bloodier>.

23 So, when we look at these remarks, <I think> they dated back to
24 the early 1990s. <You didn't give me the dates, because> I
25 <always> noted the dates of <my> interviews and I believe that

1 <it was> at the beginning of my research. <I trained a bit
2 under> Jean-Luc Domenach, a specialist on China, <he was on my
3 dissertation jury, and> he had always recommended <me to be very
4 careful with any figures I put forward, I have a tendency to - On
5 the other hand,> I know how memory <works,> with time <figures
6 seem to grow, I have always had a tendency to underestimate>.
7 So, when I was asked to give a high or a low hypothesis, I would
8 rather choose the low hypothesis because I thought they were more
9 close to the reality.
10 [14.36.30]
11 But I think as I explained, we had a lot <of indications> that
12 enabled us to assess the size of these places where people were
13 executed<, interrogated,> and tortured. <Perhaps I did not say so
14 the first time, but> we looked at the location, the number of
15 prisoners that could be held <there, and then the movements, as>
16 I mentioned earlier, the number of people <that could have been
17 brought in> each day and each week and each month.
18 I also looked at the duration of the existence of such and such
19 an institution, bearing in mind the fact that I never took
20 figures given by the People's Republic of Kampuchea <at face
21 value>.
22 I must tell you that after the establishment of a multi-party
23 system and a new constitution, the authorities were less
24 concerned about Democratic Kampuchea particularly after the
25 return of King Sihanouk. <Then I had less and less to do with the

1 authorities.>

2 [14.37.48]

3 MS. GUISSÉ:

4 Mr. President, I would prefer that we take the break now.

5 MR. PRESIDENT:

6 Thank you.

7 Thank you, Mr. Expert.

8 It is now time for a break and the Chamber will take the break

9 from now until 3 p.m.

10 Court officer, please assist the expert in the waiting room

11 during the break time and invite him back into the courtroom at 3

12 p.m.

13 The Court is now in recess.

14 (Court recesses from 1438H to 1459H)

15 MR. PRESIDENT:

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

17 The floor is given to the defence team for Mr. Khieu Samphan to

18 put questions to the expert. You may now proceed.

19 [15.00.06]

20 BY MS. GUISSÉ:

21 Thank you, Mr. President.

22 Q. To conclude with the reports that you wrote, you made a

23 particular report on Kampong Cham, document E3/2649, and

24 particularly you talk about a prison that we spoke about in this

25 Chamber, Wat Au Trakuon and the ERN <00614111>, in <French>;

1 00208395, in <English>; and in Khmer, 00660598.

2 Here is what you say, again on figures: "When I asked if the
3 figures provided by DC-Cam were reliable (<32,690> victims and
4 <467> ditches), he responded that the exact number was 39,007
5 plus one, because he was a witness of the last person executed.
6 So the total was 39,008 persons. He does not know why so many
7 people were killed."

8 [15.01.40]

9 And your comment is the following:

10 "Of course these are extravagant figures by the PRK prescribed by
11 the authorities at the beginning of the regime. They never could
12 have been so precise because we knew that all of the archives had
13 been lost or destroyed, principally by ignorance or negligence
14 because it appears that the authorities were not at all
15 responsible for their disappearance. Typically of DC-Cam's
16 research -- <their> young, inexperienced researchers simply noted
17 the figures that were provided by the People's Republic of
18 Kampuchea and <may have> never carried out independent
19 investigation." End quote.

20 My first question is I would like to know, did you ask particular
21 questions on the archives of Wat Au Trakuon and did these
22 archives that you speak about now, were they destroyed by
23 ignorance and negligence?

24 [15.03.00]

25 MR. LOCARD:

1 A. I believe I have already answered this type of question when I
2 said that there were floods of archives all over the territory
3 and after January 7, 1979, the people were simply focusing on
4 surviving, finding food, finding members of their families,
5 <rebuilding,> getting back to their homes, etc. You can imagine
6 quite well this apocalyptic atmosphere with the sheets of paper
7 that could have been flying around right and left. They weren't
8 anyone's priority. That's the first point.

9 And the second, it is possible that in certain places, they were
10 systematically destroyed because the theory at the time of the
11 People's Republic of Democratic (sic) Kampuchea was that under
12 Democratic Kampuchea there was one prison that they built at Tuol
13 Sleng that was called "Sor mphey muoy". There was only one
14 prison. Why? Because <the abominable> Duch and the abominable Pol
15 Pot and the abominable Ieng Sary were all around this prison. So
16 there were bad Khmer Rouge and there were the good Khmer Rouge
17 <with ties to> the People's Republic of Democratic (sic)
18 Kampuchea <regime>.

19 [15.04.27]

20 So it was not in the interests of this new regime to say that
21 S-21 wasn't the only prison, but that in fact there were prisons
22 everywhere. There is no country that has only one prison. But
23 there were no archives.

24 So very quickly, you asked me on Krang Ta Chan, who were the
25 people who were effectively the criminals? I found them quickly

1 during the break, three people on pages 16 and 17. There were two
2 rapists. They had raped very young girls of five and 14 years of
3 age and the other of 13 and 10 year old. And there was one former
4 head of a prison.

5 So that's pages 16 and 17 of my report. So indeed, prison leaders
6 "prothean kuk" in Khmer. They could <have been> purged during the
7 last phase of the Party, of the regime.

8 [15.05.33]

9 Q. One final question on the topic of documents and figures
10 provided after the fall of the regime. We have in the case file
11 three statements by people of DC-Cam or others who worked on
12 reports relating to execution sites, E3/10616, E3/10617 and
13 E3/10618, with names that I cannot cite in the hearing.
14 But in the statement E3/10616, in answer 28, that I will cite in
15 English because the document only exists in English, the
16 Co-Investigating Judge researcher asks the witness who worked on
17 the DC-Cam reports, he asks him: "From where did you obtain the
18 documents about the name of the sites?"

19 Answer 28: "The official from the Office of Propaganda and
20 Culture gave them to us."

21 Question: "Do you remember who gave those documents to you?"

22 Answer 29: "Mr. Hab Soeurn, the head of the district office, and
23 Mr. Thlang Thong, an official from the district cultural office
24 provided the documents and took us to the crime sites. The
25 reports they provided were true although we did not go to the

1 some of the sites." End of quote.

2 [15.07.33]

3 So my question is to confirm. You said that when you yourself
4 were carrying out research, you were accompanied by someone or
5 your movements were restricted. Were these officials of the
6 office of propaganda and culture who wanted to make sure which
7 documents you would have access to and who accompanied you to the
8 sites?

9 A. First, I thank you for this quotation in English. What I said
10 was a hypothesis and a strong suspicion. This confirms my
11 hypothesis, so I thank you for that.

12 Concerning my own relations with the local authorities, I would
13 like to say that my research at the beginning of the 1990s, was
14 carried out with official permission <from> Mr. Khieu Kanharith,
15 who at this time was already the Minister of Information. He was
16 a French speaker and a lover of French culture and he encouraged
17 me in this work. This enabled me to have a letter of introduction
18 each time that <I> arrived in a province or a district. It gave
19 me a status not completely of an independent researcher. I was
20 working with the blessing of the authorities of a regime, which
21 was rapidly changing at the time of the Paris negotiations and
22 the UNTAC, the UN organization.

23 So it's quite clear that I, as DC-Cam, went to the information on
24 culture office. So, this was very dependent on the place and I
25 think that this is in the documents that you gave to me, the

1 excerpt of last book <by> Craig Etcheson "After the Killing
2 Fields" -- these were among the non-identified documents that you
3 gave to me -- and I think that the province of Svay Rieng carried
4 out quite comprehensive work. The information on culture services
5 carried out this work on these sites of crimes.
6 The Khmer Rouge had quite a full table of all the Khmer Rouge
7 prisons and I was able to meet very nice people because they
8 didn't have very significant political functions and they didn't
9 have political or financial responsibility in these districts.
10 So, this was an important source, but it depended of course on
11 which places they were.
12 [15.10.44]
13 Q. I'm sorry, but I <must> ask you -- if possible, to make short
14 responses because I have very limited time, <and it's becoming>
15 increasingly challenging. So I don't have the time to go back
16 through all of these passages, but I go back to E3/10617, answer
17 10, E3/10618, answer 3 in a similar way as the one that I just
18 quoted, referred to the fact that the document provided by DC-Cam
19 came from the Ministry of <Propaganda and> Information or by the
20 authorities.
21 I now come back to an important point of my questioning, which is
22 what you wrote about Khieu Samphan. These statements that you
23 were able to make throughout the years in your various articles
24 and books and I would also like to ask you your sources.
25 The first passage, the first question, you confirmed it, but you

1 don't remember having taken notes during a brief interview with
2 Mr. Khieu Samphan in Pailin, on the introduction of Suong
3 Sikoeun, if I understood correctly.

4 Do we agree that in the context of your research, you did not
5 carry out particular research on the period before Democratic
6 Kampuchea, which is before 1975?

7 [15.12.33]

8 A. The pre-1975 period, if you saw my last book, "Why the Khmer
9 Rouge", there are several chapters on the history of democracy in
10 Cambodia, on what happened during the Paris years for many of the
11 Cambodians. I analyze the thesis of Khieu Samphan, and I drew the
12 conclusion that he was a partisan of a mixed economy as in France
13 and it was absolutely not the White Paper or the economic program
14 or the political program of Democratic Kampuchea.

15 I also rely on the work of many other people, including Sasha
16 Sher, the French student who also wrote his thesis, and an
17 extremely interesting study on intellectuals, Cambodian
18 intellectuals, who joined the Khmer Rouge and who had been
19 students in Paris, France.

20 Effectively, I don't have anything very original to add, but I
21 did write a summary based on all of this work in the first
22 chapter of "Why the Khmer Rouge".

23 [15.13.57]

24 Q. Before coming to this book, I would like to come back to
25 E3/2812, "Pol Pot's Little Red Book", 00395113, is the ERN in

1 French; in English it is 00394791. You see the relevant passage
2 that I will read. Everything concerns <prisons like> Tuol Sleng,
3 and you say the following:

4 "One of the essential tasks of all authorities at all levels was
5 therefore to discover all of the members of the opposition,
6 <destroy any family solidarity> as well <and nip any temptation
7 to rebel in the bud. This mission was almost philosophical
8 because it boiled down to making the> distinction between the
9 true and the false and it was <debated> at the very top levels of
10 Angkar<, and the subject of very specific guidelines>. We can,
11 moreover, say that this was the only branch of government under
12 the responsibility of Khieu Samphan with his many jailers and
13 interrogators, not even to mention the great amount of papers
14 which functioned at a very effective level." End quote.

15 You do not cite any particular sources for this passage, but what
16 enables you to state -- <I know it was in 1996, perhaps things
17 have changed,> but you say that this branch of government was in
18 charge of the interrogators and jailers and, according to you, it
19 was the only branch of government under the responsibility of
20 Khieu Samphan?

21 [15.16.08]

22 A. In fact, there is an error in this <pre-emptive and> general
23 description. If I said it was Khieu Samphan that's an error, it
24 was the Khmer Rouge leadership in general. Khieu Samphan was not
25 directly among these many attributions and the fact that he was

1 always at the centre of power he, however, did not have the
2 specific leadership of the repression. Except that, I saw in
3 Philip Short in particular, that he discussed with Nuon Chea <or>
4 with Pol Pot spoke of the possible need to arrest such-and-such a
5 person, but it is certain that if I put the exclusive name of
6 Khieu Samphan, I'm sorry, that is an error.
7 However, the general statement that this was the only branch of
8 government of Democratic Kampuchea which was effective, that I'm
9 not the only one to have said. I believe I read it in David
10 Chandler first.
11 Nothing worked under Democratic Kampuchea, nothing. We can say
12 that not education, not health care, perhaps rice production,
13 yes, but certainly not the way in which people were fed. There
14 was famine<, it reigned> everywhere --
15 [15.17.36]
16 Q. Excuse me, I'm sorry but I have a very short amount of time
17 and so I want to focus on the part that concerns Mr. Khieu
18 Samphan and I haven't finished with the quotations that I want to
19 read in this area.
20 You said in responding to the question by the Co-Prosecutor on
21 Thursday, you spoke of the sources of the passage that I will
22 recall in E3/2812 still, under Slogan 92, in English<, and Slogan
23 80 in French> at 00395067; and you said that:
24 "Khieu Samphan, the Head of State of the regime, <was obsessed
25 with cleansing> the entire society which <would become the

1 obsession of the entire leadership, and> could be called the mark
2 of <collective> paranoia." End quote.

3 So when the Co-Prosecutor asked questions of you on <the origin
4 of> this word "obsession" that you used, I believe I understand
5 that you then referred him to the witness statement of Jacqueline
6 Felix (phonetic), the witness that you knew who had taken a
7 course from Mr. Khieu Samphan. So when you talk about this
8 obsession, you talk about the pre-1975 period <and this person
9 would be your source.>

10 So, do I understand correctly that it's on the basis on this
11 witness statement that you wrote this passage since, once again,
12 you put the quotes around "cleanse"?

13 [15.19.43]

14 A. Yes, indeed, it was to cleanse and <wiping away,> even
15 stronger, but if we want to state something and reaffirm it, we
16 have to have more than one source, of course. So, it's not my
17 only source. My other source is <well-known to everyone. During
18 the Sangkum era,> Khieu Samphan was known as Mr. Clean, that is
19 to say, he had refused to engage in <or be dragged into> any type
20 of corruption. It was very symbolic. He had become Mr. Clean to
21 such an extent that they say he refused to use cars and he only
22 moved around on his bicycle. And in his interview with Philip
23 Short, he said: "This isn't exactly correct, I didn't only move
24 around in -- on my bicycle, I also had a car, but it was an old
25 car." So, he was Mr. Clean.

1 [15.20.51]

2 Q. And if I understand correctly, it is based on these elements
3 that you use the term "obsession". Is that correct?

4 A. <Linked to the word in Khmer> "boh sam at" (phonetic) and
5 "borisot", "borisot", "borisot" of purity, cleanliness from all
6 <points of view. It> was an obsession. I think that Nuon Chea as
7 one of the ideologists or the theoreticians of the regime, that
8 he shared this idea with <the leadership of> the regime. It was
9 necessary to make sure that society was clean or cleansed.

10 Q. In the first edition, so, 2013 version of "Why the Khmer
11 Rouge?", I noted there was not yet an E3 number for this first
12 edition, so just so that the parties and the Chamber know I will
13 always be referring to the 2013 version when I refer to this
14 document.

15 You say -- and this is a passage that refers back to the part
16 that I just cited on <your> book on slogans -- you say about
17 Khieu Samphan:

18 "We found the person that during his economic classes at the
19 Phnom Penh University was often very aggressive towards his
20 European or foreign students recalling that he was only there for
21 the Khmer students. Society needed to be cleansed or <wiped of>
22 all <foreign and corrupt elements>."

23 [15.22.47]

24 And in Footnote 96, after this, you refer to E3/2812, "Pol Pot's
25 Little Red Book". Still responding to the Co-Prosecutor and

100

1 speaking about the anecdote conveyed --

2 MR. PRESIDENT:

3 Please hold on, and International Deputy Co-Prosecutor, you have
4 the floor.

5 MR. DE WILDE D'ESTMAEL:

6 Thank you. Good afternoon to everyone. I think that it would be
7 useful to at least have the page number because we have a <quote,
8 a> footnote but we don't have a page number, so it's a bit
9 difficult to follow you in this context. So, I would thank you
10 for this effort to systematically, especially in the 2013
11 edition, to give the page number.

12 [15.23.39]

13 MS. GUISSSE:

14 Yes, it is page 105. I'm sorry, that was something that I had
15 forgotten myself to do.

16 So in this excerpt, which I understand referred to the anecdote,
17 Jacqueline Felix (phonetic), and you mentioned her in Thursday's
18 hearing, my question is which other incidents are you referring
19 to when you say that he often was aggressive towards his European
20 or foreign students?

21 In this edition, we have the impression that it is something that
22 recurred and that he had displayed aggressive behaviour at
23 several points and here, before the Chamber, you say he asked
24 this young woman why she was <not> in France and why she was in a
25 Khmer university.

101

1 So where do you draw this general conclusion about the nature of
2 the frequent aggression towards European or foreign students?

3 [15.24.53]

4 A. First, I've already been asked about this and I've already
5 answered so it is repetitive, and you say you only have this
6 short period of time, first.

7 Second, I didn't only say that it was only one source, Jacqueline
8 Felix (phonetic). Obviously, I did not attend those courses. At
9 that time, I was a professor at the Descartes Lycee.

10 Q. You indicated too, in this hearing, that you held the belief
11 that Khieu Samphan had been linked for a long time before he left
12 to the jungle, that he had been receiving threats from the
13 Sihanouk regime <with> the heads of the communist party.

14 What evidence led you to believe that he had been threatened for
15 a long time <regarding his ties to the CPK> and you said that --
16 your evidence was that he was able to make connections with the
17 people in that leadership in order to flee.

18 <Outside of these beliefs and conclusions, do> you have any
19 specific witness statements or specific <material> evidence which
20 mention these <alleged> previous ties that you mention?

21 [15.26.30]

22 A. Yes. You said that you would be questioning me on the
23 differences between the first and second edition of "Why the
24 Khmer Rouge?". I spent a great deal of time this Sunday
25 re-reading "Why the Khmer Rouge?".

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 It's true that it's a bit long, I could have made it a bit
2 shorter, but in effect, I did find two mentions.
3 I didn't note the exact pages of the fact that -- my source in
4 this case was So Hong or Saloth Ban. Shortly before the
5 disappearance of his uncle, Saloth Sar, into the jungle in 1963,
6 Khieu Samphan came back to France (sic) in <1959>. So between
7 <1959> and 1963, Khieu Samphan, Pol Pot, Nuon Chea, Son Sen, all
8 of these future very important persons in the Khmer Rouge regime
9 were all in Phnom Penh and the role and the cover of Saloth Sar
10 was that he taught in two private high schools as everyone knows.
11 And since '62, he was the Secretary of the Communist Party of
12 Kampuchea, which was a clandestine party. So, the party had
13 chosen secrecy and the visible face was <the> "Pracheachon"
14 <Party, which> disappeared, I believe, after the second elections
15 of some of the Sangkum.
16 [15.28.20]
17 So I don't know, I wrote it in my book. In the second edition,
18 because you asked me what difference there was between the first
19 and second editions, I had long interviews with So Hong between
20 the first and second editions and he <told> me that <during that
21 time period he spent> several <very happy> years <living with his
22 uncle Saloth Sar and his aunt Khieu Ponnary, who, unfortunately>
23 was not able to have children <due to a gynaecological surgery.
24 So he found a home where he> was very welcome. Saloth Sar helped
25 <him with his homework, he did much better in his studies, and

103

1 they asked him> to carry out in secret these messages <on his
2 bicycle, obviously he was an adolescent, so no one paid much
3 attention to him - especially> to Khieu Samphan and Nuon Chea.
4 [15.29.19]

5 Q. And this was in '53. Is that what you said?

6 A. No. In '53, Pol Pot was coming back from France and Khieu
7 Samphan was in France from '54 to '59, something like this. No,
8 it was between '59 and 1963.

9 Q. Do you have notes of this interview with Saloth Ban, that if
10 we made a request to the Chamber you could provide those?

11 A. Yes, I do have those recordings.

12 Q. I don't know if I should make my oral pleading now on this
13 particular point? We would like to have access to this interview
14 of Mr. Locard with Saloth Ban.

15 JUDGE FENZ:

16 May I make a suggestion, can we have perhaps at the end, so we
17 know where to find it, from all the relevant parties whatever
18 additional documents concerning Locard they want to request
19 because then it's all in one place if you want to do it orally?
20 Do you understand what I'm saying? Not somewhere -- now, in the
21 middle of the testimony, but everybody at one point.

22 [15.30.40]

23 BY MS. GUISSÉ:

24 No problem. I'll do it subsequently.

25 Q. Do you recall referring to the three ghosts and the fact that

1 you thought that they'd died at <one> point? We're talking <about
2 the three ghosts,> Khieu Samphan, <Hu Nim and Hou Youn --> and
3 you stated that during the period prior to the coup d'état of
4 1970, it was these three figures who could appear as the leaders
5 of the clandestine movement.

6 My question to you is whether you recall whether between 1970 and
7 1975 there were any developments as to who could be the leader of
8 the clandestine movement and, if yes, what are your sources?

9 [15.32.06]

10 MR. LOCARD:

11 A. I personally do not agree with the first part of your
12 question. There was no coup d'état against Sihanouk. He was
13 overthrown on the 18th of March 1970, in a lawful manner by the
14 National Assembly and the Supreme Council <of the throne, which
15 met in a congress, and you might say> it was an overwhelming
16 majority. And this <was in line with the> last article of the
17 constitution of 1947 <of which the last articles date back to
18 1960>.

19 That is the first point. Of course, at that time Sihanouk, in
20 particular, did not know the identity and the nature of the
21 leaders of the revolutionary movement since the violent
22 revolution <had started in> in January 1968 at the behest of Nuon
23 Chea <in the west of the country, and> in April-May 1968, at the
24 behest of Pol Pot, who at the time was in Ratanakiri. <These
25 people were> practically unknown at the time, unknown not only to

1 Sihanouk but to the public and journalists and so on and so
2 forth.

3 So, it was <this> trio of <admirable> politicians were at the
4 head of that clandestine movement. They were trained in France.
5 They were PhD holders and they were good and popular Secretaries
6 of State.

7 [15.33.57]

8 Q. Did your research enable you to determine whether at the level
9 of the <Western> intelligence services, whether <in general> they
10 refer to the existence of Pol Pot prior to the <revelations to
11 the world in 1977>? Do you have such information?

12 A. Pol Pot was, of course, very well-known and very popular in
13 the revolutionary movement.

14 Q. Excuse me. My question is this and it is very specific. Do you
15 have any information and is this something you researched, even
16 though it may not have been known abroad, do you know whether
17 Western intelligence services knew of the existence of Pol Pot
18 before 1977?

19 A. I know nothing about it. I <was not working for> the French<,
20 British> or American secret services.

21 [15.35.19]

22 Q. When I ask questions on secret services, I am not saying that
23 you are part of <the> secret services, I am asking you to tell
24 the Chamber whether in the course of your research you came
25 across such information.

106

1 I say so because Steve Heder <testified> in the first trial on
2 that hearing of 17 July 2013, document <E1/225.1>, he was present
3 in Cambodia before <17 April 1975> He was a journalist, and he
4 <states, a little> before 09.42.12:

5 "But as I said in a previous testimony it appeared to be accepted
6 that the three ghosts were not the three leaders at the summit.
7 Secondly, that people like Saloth Sar, Nuon Chea, <Ta Mok,> Vorn
8 Vet, Koy Thuon, all these people were probably part of the upper
9 echelon and increasingly I heard that in the U.S. Intelligence
10 circles at the embassy was said that the Khmer Rouge was not
11 under Vietnamese control." End of quote.

12 So, my question to you is this -- and you have already said that
13 you didn't know that the intelligence services could know what
14 the situation was before <17 April 1975>. This testimony is from
15 the first trial. My specific question as regards the drafting of
16 "Why the Khmer Rouge" is as follows. Did you do any research on
17 hearings of the First Trial segment <002/01> and the Judgement in
18 that trial?

19 <Or did you not go> into the details of the hearings apart from
20 focusing on certain persons like Duch?

21 [15.37.29]

22 A. Indeed, before 1975, before the fall of Phnom Penh, American
23 services were, of course, aware of the situation. We have the
24 famous report of Quinn which -- this person <later> became the
25 <American> Ambassador <> -- and explained in detail <that> in the

1 regions controlled by the Khmer Rouge that the <collectivisation,
2 regimentation, repression had already taken root,> and they must
3 have had information as well on the leaders.

4 Q. Excuse me, you are taking me backwards. My question was on
5 western intelligence services and you said that you were not
6 aware of that. And I read out to you an excerpt of Heder's
7 testimony and the information he provided.
8 My question was different. It was as follows. As part of your
9 work on the Khmer Rouge, did you particularly study the
10 transcripts and Judgment in Case 002/01 <and the Judgement that
11 followed>? And I want you to focus on that question and provide a
12 specific answer to that question.

13 [15.38.55]

14 A. Yes, of course. I read in detail the Judgment in Case 002/01.
15 The first -- and the Judgment in the First Part of the second
16 trial, I followed in particular Steve Heder's testimony and, of
17 course, people were informed of the nature of the Khmer Rouge
18 leadership before 1975. But the people in their entirety were
19 certainly not informed, neither were most of the journalists.

20 Q. Another point on which I would like us to focus on as part of
21 the first edition, that is the 2013 edition of "Why the Khmer
22 Rouge?", on pages 85 and 86, this is what you state:

23 "Respectable personalities who were well known like Khieu
24 Samphan, Hu Nim, Hou Youn or Thiounn Mumm, who had studied in
25 Paris and graduated there <were highlighted>, whereas in the

1 shadows <were> Saloth Sar, Nuon Chea and Son Sen who had all the
2 powers and took all the key decisions." End of quote.

3 So in this first edition, you state that they put to the fore
4 Khieu Samphan inter alia and he was not one of those in the
5 shadows.

6 [15.40.38]

7 In the second edition, E3/10640, the same paragraph is repeated
8 but differently and it's on page 92 in French:

9 "They put to the fore respectable and known personalities like
10 Khieu Samphan, Hu Nim, Hou Youn, Thiounn Mumm, who had studied
11 and graduated in Paris, whereas in the shadow <were> Saloth Sar,
12 Nuon Chea, Khieu Samphan and Son Sen who had all the powers and
13 took all the key decisions." End of quote.

14 So, between the first and second editions, you add that Khieu
15 Samphan was in the shadows and, at the same time, you said that
16 he was one of those who were advanced. Can you explain the
17 difference, why this difference, and what do you understand by
18 what you stated?

19 [15.41.49]

20 A. Here again, perhaps between 2013 and 2016, I had interviewed
21 <So Hong>, Saloth Ban and Phy Phuon at length, and it was Phy
22 Phuon who gave me a lot of information on the civil war in
23 <Stueng> Chinit and, particularly, how the leadership of the
24 movement gradually went closer and closer to Phnom Penh,
25 travelling on the Tonle Sap and getting closer and closer.

109

1 At the time, I learnt that at the time of the capture of Phnom
2 Penh, Khieu Samphan was already in charge of economic affairs
3 because that was his field. He was in charge of the distribution
4 of <everything>. He was the one who supervised the distribution
5 of ammunition.

6 And I find that role nevertheless very important, and it reveals
7 that he played a more significant role than the other <two>
8 members of the group of three ghosts, Hou Youn and Hu Nim. Hou
9 Youn <certainly> never participated in violent fighting.

10 [15.43.26]

11 Q. When you said he was in charge of distribution of ammunition,
12 are you talking of <Phy Phuon> and <Saloth Ban> -- who <both also
13 testified before this Chamber> regarding the period prior to the
14 fall of Phnom Penh?

15 I'm taking my cue from what you have stated, <in one hearing,>
16 Saloth Ban talks not about the distribution of ammunition but the
17 assistance provided by Khieu Samphan; because he could read and
18 write he could draw-up lists which is different from what you are
19 saying. You are saying that Saloth Ban provided other information
20 as part of the interviews you had with him which was recorded, or
21 are you relying on hearings in Case 002/01 <that you had access
22 to>?

23 [15.44.21]

24 A. For these two figures -- particularly in the case of Phy
25 Phuon, who has a very good memory and remembers everything -- <he

110

1 didn't go to school, so he remembered everything,> he remembered
2 the names of persons, the names of places with precision. It is
3 quite obvious that I read very carefully his entire testimony. I
4 have already told you that I interviewed him for months and
5 months<, over years, because I gave him an initial interview much
6 earlier,> and these interviews lasted longer than the trial
7 sessions, so I obtained more information.

8 As for Saloth Ban, he was someone who had just traditional
9 education, he was brought up in Phnom Penh by <three> uncles who
10 were at the top of the social hierarchy in Phnom Penh. His
11 education was a lot more classical.

12 Q. Excuse me, please <get to the point of your answer?>. It's
13 difficult for me to follow.

14 A. What I wanted to say, I was coming to the fact that Saloth Ban
15 told me a lot more things than he told the Chamber here. He kept
16 saying that he didn't recall. <Perhaps the Court only half
17 believed him. But it's true that he had a lot less memories> than
18 Phy Phuon.

19 Q. When you say that Khieu Samphan had more power than Hou Youn
20 and Hu Nim during that period and that he was in charge of
21 ammunition, who provided you with that information, Saloth Ban of
22 Phy Phuon?

23 A. I <think it> was Phy Phuon. He showed that he was all with
24 those who led the civil war.

25 Q. And is this something that is in your notes and recordings of

111

1 interviews with Phy Phuon?

2 [15.46.35]

3 A. Yes, <it is in> recordings of Phy Phuon.

4 Q. And this "participation", which I put in <quotation marks>,
5 this distribution of ammunition, which enables you to say in the
6 second edition that Nuon Chea, Khieu Samphan and Son Sen had all
7 the powers and took all key decisions, is that the basis for your
8 assertion?

9 A. Of course. It was a time of war. The victory was at the end of
10 the barrel, so in the <last weeks,> in the months of January
11 <and> April, Khieu Samphan was there. There are photographs of
12 him, and Pol Pot was the leader. He was the leader of the army,
13 somewhat like Hitler, who was ready to send the troops to attack
14 the USSR. He was the one issuing orders to his generals.

15 [15.47.51]

16 Q. Here you are talking of Pol Pot and you're talking of the
17 presence of Khieu Samphan with Pol Pot at the time. What makes
18 you say that he participated in all decisions and that he was not
19 only the person at the front but that he was also someone in the
20 shadows?

21 This is contradictory in light of what you say in the first
22 edition. Can you tell us what is the source of your information,
23 and you're talking of all decisions? What decisions are you
24 referring to?

25 A. We're talking of the same thing. Khieu Samphan says and

112

1 asserts through his lawyers that all he did was to <attend>. He
2 was in the shadows, he was like a <guardian angel>. He was always
3 present with the leadership and that he never took part in any
4 decision-making. These are your conclusions, allow me to express
5 another opinion <that's all>.

6 Q. You have the right to make all the conclusions you want to
7 make, but we are in a trial and I would like to know on what you
8 are relying.

9 I would like to talk about a second edition, document E3/10640.
10 You assert -- and this is one of the things you add to the
11 edition of 2013, the ERN in French and it is only in French
12 01303587; and this is what you state regarding Khieu Samphan:
13 "As Secretary of the Standing Committee of the Party, also
14 referred to as Office 870, he was at the very heart of power."
15 End of quote.

16 What is your basis for saying that he was Secretary of the
17 Standing Committee of the Party?

18 [15.50.19]

19 A. Here again after Doeun and Pang's arrests, it is stated in
20 <David> Chandler's book and Philip Short's book that it is Khieu
21 Samphan who played a role.

22 But I believe I have repeated several times before this Tribunal
23 that the functions were not held in a normal regime, it was an
24 exceptional regime.

25 <It was war communism, people> didn't have employment contracts,

113

1 no salary, no duties and responsibilities written in
2 black-and-white on paper, so you can't prove anything, for
3 instance, to say who was at what level in the hierarchy and
4 <exactly> how they functioned.

5 [15.51.18]

6 Specifically, we know a number of things on Khieu Samphan, that
7 he was in charge of the economy and so on and so forth, but I am
8 relying simply on the facts that he was present <at K-3>
9 throughout the regime.

10 Q. So, this is your basis for asserting that he was Secretary of
11 Office 870. You stated that you read very carefully the judgement
12 and that you followed the proceedings. We agree that when you
13 conduct research, research changes with time and you obtain
14 information as you go along.

15 You also stated that as part of your research, you did not focus
16 on all documents, telegrams, the committees or the minutes of the
17 Standing Committee and so on and so forth.

18 Do you agree with me that the conclusions that you have drawn are
19 based on elements that you did not necessarily see or study with
20 attention?

21 A. I didn't have any access to all the documents you refer to.

22 Secondly, I did not carry out any original research, I relied on
23 the work of others. In particular, when I say that Khieu Samphan
24 was the Secretary of the Politburo, it was never referred to as
25 "The Politburo" as is the case in all communist countries. I saw

114

1 it in documents, and I have no new information to provide on
2 this.

3 [15.53.08]

4 Q. I say this because I want to draw the Chamber and the parties'
5 attention to the fact that, paragraph <399 of the Judgement>
6 shows that the Chamber <may have reached different conclusions,
7 and which evolved along with> other elements, and I would like to
8 draw your attention to that. Still, as regards this second
9 edition, you refer to; and the ERN I gave 0103580 (sic), you
10 refer to power as a "two-headed hydra", whereas in the first
11 edition, that paragraph where you talk of "two-headed hydra", you
12 only talk of Nuon Chea and Pol Pot.

13 And in the second edition, you write that Khieu Samphan --
14 bearing in mind that in the first edition as well, it is <under
15 the paragraph titled, "Second Fiddles" -- that you mentioned
16 Khieu Samphan>, and in the second edition, <he is added to the>
17 "two-headed hydra". So it should rather be a three-headed hydra
18 and not a two-headed hydra if you want to be logical.

19 So my question to you is as follows. Is it the Judgement in Case
20 <002/01> that has changed the configuration of this publication
21 and <made you change the way you referred> to Khieu Samphan,
22 <from part of the "Second Fiddles" to member of the> "two-headed
23 hydra", <of which we don't know which head he is>? Can you
24 explain this to the Chamber?

25 [15.55.01]

115

1 A. I do not believe that <I wrote that> a two-headed hydra <would
2 have three heads, that would be absurd>, but when we look at Phy
3 Phuon's testimony, in particular Ong Thong Hoeung's testimony;
4 when you look at <Long Visalo's> testimony, reported by Philip
5 Short; it appears that as regards the major re-education sessions
6 <or> at Party congresses, the keynote speaker was Pol Pot. He
7 held his listeners in awe and for several days he could speak to
8 the participants<, with interruptions> functioning somewhat like
9 this Tribunal.
10 In the second part -- well, bear in mind that people were
11 fascinated. He had his broad smile whenever he spoke and he could
12 crack jokes and make people feel at ease.
13 And then you have Nuon Chea who would speak as, you know Nuon
14 Chea as you've observed during these proceedings, he looked very
15 austere and stern. He didn't crack any jokes --
16 [15.56.39]
17 Q. I'm sorry, I have to interrupt you. It is 3.55 and I have to
18 focus on the questions<, I only have a half an hour to finish my
19 examination tomorrow>.
20 You've talked of <the people who were at the heart of this new
21 configuration>, that Khieu Samphan would go from the "second
22 knife" to <become part of the> "two-headed hydra". <You cited Ong
23 Thong Hoeung, who also testified before this Chamber, and I
24 wanted to go back to his testimony> of 14th of August <2012>,
25 document E1/107.1, <14.33.22 and 14.34.12>. This is the only

116

1 time Khieu Samphan's statements before intellectuals is referred
2 to, or his presence before intellectuals. This is what Ong Thong
3 (sic) said.

4 "His name was not on the lists of those who have been chosen to
5 listen to his speech, but my friend, yes. And he <stated> that
6 Khieu Samphan attended the meeting with others and that he was
7 not received as a dignitary or they hadn't reserved any seat for
8 him. So those who came from abroad raised questions because he
9 was Head of State. So how come no-one had come to welcome him, so
10 the participants at the meeting asked questions and that is what
11 I am writing about in this passage."

12 [15.58.27]

13 Let us press on because Ong Thong (sic) wrote a book and this is
14 what he states, and it is a continuation of the interrogation
15 slightly before <14.37.10>:

16 "Khieu Samphan, whose influence was very significant in <their>
17 political commitments, <was like a straw man, a puppet in Pol
18 Pot's hands." End of quote.>

19 <Then this question was raised, to Ong Thong Hoeung:>

20 "Are these statements that were reported to you by persons who
21 attended this speech at the <opening of the> Technical
22 Institute?"

23 Answer: "Yes, that is correct." End of quote.

24 So this testimony given by Ong Thong <Hoeung> before this Chamber
25 doesn't explain what you claim, that he was a great orator, that

117

1 after Pol Pot he was the greatest orator. Do you have different
2 sources or, here again, you are relying on recordings or notes
3 taken during your interviews with Ong Thong Hoeung on the
4 subject?

5 A. In fact, I know Ong Thong Hoeung very well. It was Steve Heder
6 who gave me his <unfinished> typed testimony in London. I was
7 very interested, I found it fascinating. It answered questions on
8 a very important part of Democratic Kampuchea. I asked him to
9 complete his book, which he wrote for his children, so he
10 completed that work, and I <was the one who> found a publisher
11 for that book.

12 I have another passage in - "I Believed in the Khmer Rouge" in
13 which he said that he, himself, at the very beginning of his stay
14 in Cambodia, he attended a study session with Khieu Samphan, in
15 which he explained that all these people were <returning> from
16 abroad were called intellectuals. There were diplomats, there
17 were students doing internships, there were soldiers doing
18 internships <in the USA,> and so on and so forth. These are
19 returnees in English.

20 [16.01.13]

21 And they had to or give up <not only> their material belongings<,
22 but> their families as well<, and in the end, themselves>. I
23 didn't bring Philip Short's book. In Philip Short's book, it's
24 someone <named Long Visalo> who <held a position> in the current
25 regime <and who is still alive>, it's more eloquent as regards

118

1 Khieu Samphan's speech.

2 He says you have to give up your personality and hand your
3 personality to Angkar. This was the message given by Khieu
4 Samphan during that period.

5 Let me point out that, in August 1976, at the <5th> Conference of
6 Non-Aligned Countries in Colombo, <he was> the person who
7 represented the country and <vehemently> defended the country<,
8 and he> defended the <good deeds of the country, the war
9 communism that we discussed earlier.>

10 It was not Ieng Sary, who was the one who was Head of State in
11 August 1976, and he was the one who represented Democratic
12 Kampuchea at the Colombo Conference.

13 BY. MS. GUISSÉ:

14 Mr. President, as regards this last point, I know we are coming
15 to the end of this hearing. You are talking of public speeches
16 made by Khieu Samphan. I tendered this into evidence and it has
17 been discussed by this Chamber. There's nothing new.

18 Q. My question is whether it is on the basis of all this
19 information and the role he played abroad representing Democratic
20 Kampuchea, is that what makes you draw these conclusions? It is
21 not something that you studied yourself as part of documents on
22 Democratic Kampuchea that make you draw these conclusions. Is
23 that not the case?

24 [16.03.30]

25 MR. LOCARD:

1 A. I'm using the work of others, <particularly> Raoul Jennar, who
2 has written an entire book on Khieu Samphan, in which he is
3 extremely severe and he explains using documents to support what
4 he says; to what extent Khieu Samphan was involved in the
5 leadership of Democratic Kampuchea.

6 MS. GUISSÉ:

7 Mr. President, for lack of time I will stop here and I'll
8 continue tomorrow morning.

9 [16.04.06]

10 MR. PRESIDENT:

11 Thank you, Counsel.

12 It is now appropriate for today's adjournment. The Chamber will
13 adjourn now and resume tomorrow, Tuesday, 2nd August 2016,
14 commencing at 9 a.m.

15 Tomorrow, the Chamber continues to hear the remaining testimony
16 of Henri Locard and begins hearing testimony of Witness
17 2-TCW-976.

18 And, Mr. Henri Locard, the hearing of your testimony as a witness
19 is not yet concluded and you are invited to return tomorrow.

20 Court Officer, please work with WESU to make transportation
21 arrangement for the witness to go to his accommodation and invite
22 him back into courtroom tomorrow.

23 Security personnel, you are instructed to take the two accused,

24 Nuon Chea and Khieu Samphan, back to the detention facility and

25 have them returned to attend the proceedings tomorrow before nine

1 o'clock.

2 The Court is now adjourned.

3 (Court adjourns at 1605H)

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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.