



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

ថ្ងៃ ខែ ឆ្នាំ (Date): 25-Mar-2016, 13:23

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

15 March 2016

Trial Day 383

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SON Arun
KONG Sam Onn
Anta GUISSSE

Trial Chamber Greffiers/Legal Officers:
Evelyn CAMPOS SANCHEZ
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Lawyers for the Civil Parties:
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Marie GUIRAUD
PICH Ang
LOR Chunthy
TY Srinna
VEN Pov

For the Office of the Co-Prosecutors:
William SMITH
SREA Rattanak

For Court Management Section:
UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. HINTON (2-TCE-88)	English
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
The President (NIL Nonn)	Khmer
Mr. SMITH	English

1

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

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

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

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

8 THE GREFFIER:

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

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

14 The expert who is to continue his testimony today -- that is, Mr.
15 Hinton, is present in the courtroom.

16 Thank you.

17 [09.04.32]

18 MR. PRESIDENT:

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

20 The Chamber has received a waiver from Nuon Chea, dated 15 March
21 2016, which states that, due to his health -- that is, headache,
22 back pain, he cannot sit or concentrate for long. And in order to
23 effectively participate in future hearings, he requests to waive
24 his right to be present at the 15 March 2016 hearing.

25 [09.05.05]

2

1 Having seen the medical report of Nuon Chea by the duty doctor
2 for the accused at ECCC dated 15 March 2016, which notes that
3 Nuon Chea has a severe back pain when he moves and when he sits
4 for long and recommends that the Chamber shall grant him his
5 request so that he can follow the proceedings remotely from the
6 holding cell downstairs. Based on the above information and
7 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
8 grants Nuon Chea his request to follow today's proceedings
9 remotely from the holding cell downstairs via an audio-visual
10 means.

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

14 And I'd like to hand the floor now to the International Deputy
15 Co-Prosecutor to continue putting further questions to the
16 expert.

17 You may proceed.

18 [09.06.14]

19 QUESTIONING BY MR. SMITH RESUMES:

20 Good morning, Mr. President. Good morning, Your Honours. Good
21 morning, counsel.

22 Q. Good morning, Professor.

23 Professor, yesterday, we discussed a number of the causes for the
24 mass killings in Democratic Kampuchea, both large scale universal
25 factors and some local customs and practices that made the mass

3

1 killing more likely. Today, I'd like to move to the third part of
2 the questions, and that's looking at, specifically, the treatment
3 of the Vietnamese in Democratic Kampuchea and the opinions and
4 facts you have in relation -- in relation to that.

5 So perhaps if I can start with my first question and ask you,
6 historically, before the civil war in Cambodia between the Lon
7 Nol forces and the Khmer Rouge forces, how were the Vietnamese
8 portrayed historically in Cambodia?

9 [09.07.42]

10 MR. HINTON:

11 A. Thank you, Mr. Deputy Co-Prosecutor.

12 So in terms of the historical relationship, again, views,
13 distinctions between us and them, between, for example, Khmer
14 ethnic group and the Vietnamese ethnic group, that changes
15 through time depending on the historical context. But you can
16 find long-standing strands of anti-Vietnamese sentiment that go
17 back in time.

18 It's linked to a historical situation with different periods in
19 history. For example, the Vietnam came in, took Cambodian
20 territory, you know, the danger of Cambodia disappearing right
21 before the French came in.

22 You know, there are legends such as the legend of the master's
23 tea that's cited in the Black Paper -- DK Black Paper book that
24 sort of condenses part of the fear of the Vietnamese and also
25 anger and vitriol towards the Vietnamese, but that's very much

4

1 where people are buried. Anyways, they boiled tea on top of the
2 heads of Khmer, but that very much sort of symbolically condenses
3 the notion of threat, the perceived threat against the
4 Vietnamese.

5 [09.08.52]

6 So you have the strand that goes far back and worked into the
7 future -- into the present during the Lon Nol regime. You know, I
8 don't have the demographic analysis. I believe it was 400,000
9 ethnic Vietnamese are thought to have been in Cambodia in 1970.
10 Under the Khmer Republic --

11 Q. Thank you, Professor. If I can just stop you there.

12 Just before we move to the period of civil war and the
13 perceptions and treatment of Vietnamese in Cambodia there, you
14 talked about the contrast between, historically, how Vietnamese
15 were viewed in contrast to Khmer or other Cambodians.

16 Can you tell us how Khmer -- ethnic Khmer were viewed
17 historically? And I'm sort of referring back to the ideas in your
18 book at page 215 where you talk about the Angkor civilization and
19 the decline of Angkor and how that related to the characters of
20 how Khmer were perceived in contrast to how Vietnamese were
21 perceived.

22 And if I can ask you to speak a little more slowly, too, please.

23 [09.10.28]

24 MR. PRESIDENT:

25 Mr. Expert, please hold on.

1 And Counsel Koppe, you have the floor.

2 MR. KOPPE:

3 Thank you, Mr. President. Good morning, Your Honours, counsel,
4 Mr. Hinton.

5 I have an objection which is, at the same time, an observation.

6 The previous question, but also now, the International

7 Co-Prosecutor refers to "the Vietnamese".

8 Does he mean Vietnamese people living in Cambodia between

9 '70-'75, between '75-79? Does he mean the Vietnamese living as
10 citizens in North and South Vietnam and later unified Vietnam, or
11 does he refer to Vietnam as a country with its foreign policy
12 toward DK, toward Laos, toward other countries?

13 [09.11.32]

14 Because one of the big problems, I believe, is that there's a
15 continuous mixing up of Vietnamese citizens and Vietnamese
16 foreign policy, so I think, especially in light of the testimony
17 of an expert, it should be very clear as to what the Prosecution
18 is referring to. Is it Vietnam with its foreign policy,
19 especially toward DK as a country, is it Vietnamese as such, or
20 is it Vietnamese more particularly living in DK or the Khmer
21 Republic?

22 [09.12.11]

23 MR. SMITH:

24 Thank you, Your Honour. I will direct the expert to Vietnamese
25 generally, the Vietnamese race generally.

6

1 I mean, the Defence, you know, obviously -- obviously, we don't
2 want to have unclear testimony, but the Defence can
3 cross-examine. And also, Your Honours, quite lengthy objections
4 really does eat into our questioning time. I think the objection
5 could be made quite briefly. It does add up.

6 But I understand the general point of counsel, so to create some
7 extra clarity, I'll rephrase the question.

8 How were the Vietnamese as a race generally --

9 MR. PRESIDENT:

10 The objection by Counsel Koppe is overruled. There is sufficient
11 ground for the Deputy Co-Prosecutor to put question to the
12 expert, and if you need clarification on this matter, Counsel,
13 you will have the opportunity to put questions to the expert.
14 And that is the practice, that we leave the floor last to the
15 defence teams to first hear the questions and responses from the
16 Co-Prosecutors and the experts and then you can put clarification
17 when your turn arrives.

18 And Deputy Co-Prosecutor, you may continue.

19 [09.13.48]

20 BY MR. SMITH:

21 Thank you, Mr. President.

22 Q. I think you understood all of that. How were the Vietnamese
23 generally as a race viewed historically?

24 And this is in contrast to the Khmer as a race.

25 [09.14.17]

7

1 MR. HINTON:

2 A. Thank you, Mr. Deputy Co-Prosecutor.

3 The -- yes, a number of interesting and important questions have
4 been raised. You know, the use of the word "race" in general
5 under the UN Genocide Convention, it's a somewhat problematic
6 category. You know, "seed" is sometimes the word in Khmer that's
7 used.

8 Anyways, maybe that's a different issue, but I think, more
9 broadly, it opens up questions of what is a national group,
10 which, again, is something that deserves due consideration as
11 another category within the UN Genocide Convention. I can put
12 that aside, but I think it's important to take up again.

13 In terms of your specific question, when the French came in,
14 Angkorian civilization had largely been forgotten and was
15 reconstructed by French archaeologists, ethnographers and others,
16 and it became tied up to a sense of Khmer nationalism, the
17 construction of an ancient past, the civilization that went
18 through decline. And this has become a motif, historically, as
19 sort of the attempt to rise back up to achieve and aspire to the
20 greatest of the Angkorian period.

21 Within this, one strand -- so that, again, begins to build the
22 Khmer nationalist theme, some notion of there being an essential
23 pure Khmer goodness to which others are opposed.

24 [09.15.50]

25 And if we go back to the notion of the crystallization of

1 difference again, people are aware of differences between self
2 and other, between different groups, and they become -- these
3 differences become accentuated at different moments in time.

4 I guess you don't want to move into the Khmer Republic regime,
5 but suffice it to say that within this category of Khmer purity,
6 the purity of the Khmer group, other groups were opposed,
7 especially the Vietnamese, on this ethnic boundary, ethnic
8 distinction.

9 And as is illustrated by the story of the master's tea that's in
10 the "Black Paper", you know, there's the notion of stereotypes,
11 of the Vietnamese as thieving, covetous of Khmer territory,
12 people who use trickery, people who are bad. And of course,
13 there's the term that's frequently invoked, which is the term
14 "Yuon" which is used, and also sometimes is used by people in
15 colloquial speech, but often is used and almost somewhat spat out
16 as the only way to say it, with emotion, of the hatred of "the
17 Yuon". And that term itself is one that signals this hatred of
18 the Vietnamese other.

19 [09.17.13]

20 Q. So perhaps to conclude, historically, prior to 1970, Cambodian
21 governments historically have viewed Vietnamese as an ethnic
22 group or as a race or Vietnamese generally in a -- in a demeaning
23 -- a demeaning way. Is that correct?

24 A. Yes, that's correct, with the caveat that, again,
25 historically, through time, this notion has mobilized in

1 different ways to fit the historical situation.

2 Q. Thank you.

3 And if we can briefly deal with the Khmer Republic period, the
4 Lon Nol period, the civil war between 1970 and 1975.

5 And if you can briefly give a summary of how the Lon Nol
6 government viewed and treated Vietnamese living in Cambodia,
7 Vietnamese troops in Cambodia and what was the general attitude
8 and treatment of those categories, two categories of people.

9 [09.18.55]

10 A. Again, with this mobilization at this point in time under the
11 Khmer Republic, Buddhism was a very key context. In other words,
12 they were the non-believers. But again, you got the rhetoric of
13 the evil outside invader, someone who is subverting the country.
14 There was very vehement rhetoric.

15 And again, in terms of the demographics, I believe -- I don't
16 have the demographic report in front of me -- something --
17 estimate is maybe there were 400,000 ethnic Vietnamese in
18 Cambodia, and perhaps half of them were expelled or killed. I
19 think it would be quite possible that you could argue that
20 genocide was committed against them even during the Khmer
21 Republic era.

22 Q. And in your book at page 217, you refer to the killing of
23 Vietnamese troops and Vietnamese civilians by the Lon Nol forces.
24 Is that correct? Is that your -- what your research has shown
25 you?

10

1 A. Yes, that's correct.

2 [09.20.08]

3 Q. And perhaps just to finish in relation to how the Lon Nol
4 government and forces viewed and treated the Vietnamese, during
5 that war, troops and civilians, can you describe how that
6 sentiment was communicated by the government, apart from through
7 military action, but through propaganda, etc.?

8 A. Yes, you know, I wouldn't want to, without doing further
9 research, to specify that because it's an area that's somewhat
10 under-explored, but I do know from talking to people, from the
11 existing secondary sources, but beyond sort of propaganda
12 broadcast calls, what's been written is that it's pretty clear
13 that it was omnipresent. But I wouldn't want to give an opinion
14 on that.

15 Q. Perhaps, then, if we can switch to the view you put forward --
16 and this is at page 218 of your book -- in relation to how the
17 Khmer Rouge -- Khmer Rouge forces, CPK forces, how they viewed
18 the Vietnamese and treated them in Cambodia, civilians --
19 Vietnamese civilians, Vietnamese troops; if you can give us a
20 short summary of your position on that from your research.

21 [09.21.48]

22 A. So again, it's -- you know, it's -- I'm sure we're going into
23 more detail about it. The demographic data is very revealing in
24 this regard that, after an initial period of expulsions that took
25 part -- that took place immediately after the beginning of DK,

11

1 people weren't sure -- maybe there were 200,000 ethnic Vietnamese
2 or so, roughly, left in Cambodia, maybe 150,000 or more left the
3 country, were expelled. Some were thought to have been killed.
4 But by and large, with the demographic estimates, you know, it's
5 thought that perhaps there were then, after this period of
6 expulsions, 20,000 ethnic Vietnamese left in the country. And by
7 the end of DK, virtually all of them are thought to have been
8 killed.

9 [09.22.42]

10 Q. Thank you.

11 Perhaps if I can stop you there. And I'd like to read to you a
12 short passage. It's at Tab 7.1 in your folder. There's an excerpt
13 from the April 1976 "Revolutionary Flag", and it's E3/759;
14 English, 00517853 to 54; and Khmer, 0062749; and in French,
15 00499717.

16 And it's at Tab 7.1, and it's from the Revolutionary Flag. And
17 I'll read it:

18 "However, our revolution, in particular on the 17th of April
19 1975, sorted this issue out cleanly and sorted it out entirely.
20 We assume that we sorted it out permanently. For thousands of
21 years, we were unable to resolve this issue and did not resolve
22 it. The exploiting classes did not only not sort this out, they
23 sold whole sections of land to these foreigners. Now, we have
24 sorted out this issue. Our revolutionary workers, our
25 revolutionary peasants, our people, our revolutionary army sorted

12

1 this out completely and permanently. The dimensions of this
2 victory are huge, very profound, very magnificent. Sorting this
3 out was not easy; however, it was done by going along with the
4 imperialists and by following proper methods following our
5 revolutionary principles. That is, the great typhoon of the
6 national movement and the great typhoon of our democratic
7 revolution swept hundreds of thousands of these foreigners clean
8 and expelled them from our country, got them permanently out of
9 our territory. This is the great pride and full satisfaction of
10 our entire people, our entire army, and our entire party."

11 [09.24.58]

12 In light of what you said in relation to the expulsion of
13 Vietnamese at the beginning of the Democratic Kampuchea period,
14 in light of this statement in the "Revolutionary Flag", who are
15 -- are you able to give an opinion on who is being referred to
16 when it states, "We've swept hundreds and thousands of these
17 foreigners, cleaned and expelled them out of our country"?

18 A. It would seem to refer to ethnic Vietnamese in Cambodia.

19 Q. (Microphone not activated)

20 JUDGE FENZ:

21 Prosecutor.

22 [09.26.07]

23 BY MR. SMITH:

24 Q. From your research, do you have an opinion whether those
25 hundreds and thousands of people that were expelled were, in

13

1 fact, ethnic Vietnamese civilians living in Cambodia for years
2 beforehand, or some of them, were the troops that stayed on?
3 Can you give us an understanding of who that group was likely to
4 be?

5 MR. HINTON:

6 A. Given the broader context to make a supposition about it, it
7 would seem to refer to ethnic Vietnamese who were living in
8 Cambodia at the time the DK regime took power.

9 Q. And what does that passage, in your opinion, tell you? Do you
10 have an opinion on any effect that type of passage might have on
11 CPK cadre reading it and teaching the contents of the
12 "Revolutionary Flag" in relation to how the CPK leadership viewed
13 Vietnamese civilians generally in Cambodia?

14 A. And again, what year was the ---

15 [09.27.32]

16 Q. The "Revolutionary Flag" was April 1976.

17 A. I think it's also important, both with ethnic Vietnamese and
18 ethnic Cham, to also sort of look at the historical flow because
19 I think, as I talked about with the notion of cumulative
20 radicalization, there are also differences in the flow depending
21 on the degree of threat that was felt by the DK regime.
22 So in 1976, actually, the rhetoric became much stronger as
23 tensions and open conflict with Vietnam escalated into 1978, but
24 I think it seems pretty clear that they're talking about a
25 purification.

14

1 Again, the distinction between the Chams, as I said yesterday, to
2 me, is that they were not in the same way perceived as an
3 immediate threat where you have this threat of long-standing
4 animosity and vitriol towards ethnic Vietnamese in Cambodia that
5 was mobilized almost from the start. Certainly it was there
6 during the Lon Nol regime and continued with the DK regime,
7 whereas with ethnic Chams, it seems to be that, while people were
8 aware of the difference, it began to crystallize after the
9 rebellions.

10 [09.28.42]

11 So again, you know, I want to make the distinction between those
12 two threads and also note, with cumulative radicalization, that
13 there's not always a plan to kill everybody right at the
14 beginning from the start, but it's something that comes in based
15 on historical factors like rebellions, like escalating war if we
16 talk about the conflict with Vietnam.

17 Q. Thank you.

18 And I think some of the questions I will have to follow will
19 start to address that, that -- perhaps that escalation of tension
20 or threat.

21 You've told us yesterday that your book is maybe primarily made
22 up of three types of sources, perhaps academic sources on some
23 historical aspects of the Khmer Rouge period, some interviews
24 that you conducted with people living in Democratic Kampuchea,
25 former cadre, other civilians living, and also your study and

15

1 review of the primary original documentation, or some of it, that
2 was produced by the Communist Party of Kampuchea through
3 "Revolutionary Flags" and other documents.

4 Is that correct, they're the three types of sources, apart from,
5 perhaps, your anthropological ethnographic and comparative
6 background?

7 [09.30.32]

8 A. Yes, the -- so the sources, again, that I drew upon, I
9 continue to draw upon, are the existing scholarship, work done by
10 historians like David Chandler and Ben Kiernan, certainly, but I
11 also have a great deal of primary data and relationship, for
12 example, to Region 41 of the Central Zone Kampong Siem district.
13 I write about in my book how, in 1977, again, as the Southwest
14 cadre came in that someone working at a district office said
15 there were orders to kill ethnic Vietnamese.

16 So I have that body of primary data. I've also studied, you know,
17 issues of "Revolutionary Flags", FBIS broadcasts on radio, as
18 well as documentation, for example, in interrogators' notebooks
19 from S-21, which frequently referred to the term "Yuon" and the
20 threat posed by, "the Vietnamese" -- the word "Yuon". And so a
21 number -- a number of different sources.

22 [09.31.34]

23 Q. Thank you.

24 And I think from your book, there's another source, and that's in
25 relation to the reading of S-21 confessions.

16

1 Would it be fair to say that the main information that you
2 produce in the book in relation to the reasons why the purges
3 happened, which you talk about in your book, the various purges
4 during Democratic Kampuchea, the reasons are very much coming
5 from information contained in confessions, but the facts of the
6 purges, the fact that purges, in fact, took place, that came from
7 witnesses you spoke to and other material.

8 Do you understand my point?

9 [09.32.34]

10 A. So yes. So in terms in particular, I was concerned with
11 tracing the network of Koy Thuon, which reached, when he --

12 Q. Perhaps -- sorry. I don't want to stop you, but perhaps can
13 you answer without sort of going into the discussion of the
14 reasons themselves?

15 So if I make the question simpler, why particular people were
16 arrested in these purges; that information is largely coming from
17 the confessions as opposed to the fact that people were purged.

18 A. So with regard to the Central Zone, Region 41, Kampong Siem, I
19 talked to people there on the ground and traced that out with my
20 primary sources and then connected it to confessions and
21 different documentation from the Tuol Sleng archive, DC-Cam
22 archive and, in addition, relied upon the work of senior scholars
23 like David Chandler, especially, in tracing things out.

24 [09.33.58]

25 Q. And so would it be fair to say that a significant part or a

17

1 substantial part of your explanation, your book about why purges
2 happened and why particular people were arrested and taken to
3 security centres -- a significant or a substantial part came from
4 confessions and some information came from other places.

5 A. It's hard to generalize in that fashion. It sort of depends on
6 the topic at hand.

7 I should note that all scholars rely upon a pool of scholarship
8 that's been built over time, so if you look at David Chandler's
9 work, he refers to other scholars extensively as well as drawing
10 upon his own primary sources, so it's -- almost everybody works
11 in this manner.

12 Q. Okay. And this may come up in the questioning on a
13 case-by-case basis, so perhaps we'll deal with it that way.
14 So you talked just a moment ago about the interviews you had with
15 people from the Kampong Siem district there. And you talked about
16 your review of propaganda in coming to your conclusions in this
17 book as well as looking at other academics' research. What I
18 would like to do is just put this next discussion in some context
19 and then I would like to ask you some questions about it.

20 [09.35.34]

21 In your book, you state at English, 00431661, page 219, and
22 that's E3/3346, that, after the approximately 150,000 remaining
23 ethnic Vietnamese were expelled from DK in September 1975, that
24 there were about "10,000 or more ethnic Vietnamese in Cambodia --
25 many because they wanted to remain with Khmer spouses. And then,

18

1 by mid-1977, when the purges were fully under way (producing
2 confessions that 'proved' the treachery of the Vietnamese) and
3 the military conflict with Vietnam was escalating, the Party
4 Centre had launched a campaign to eradicate the remaining
5 Vietnamese."

6 So I'm quoting from your book there, and I think you briefly
7 paraphrased that position earlier today.

8 What I would like to do now is discuss with you the interviews
9 you had with people in Kampong Siem in relation to the fate and
10 the treatment of the Vietnamese in that area.

11 So if we can go to that area, and then I'd like to move to
12 looking at some of the propaganda and, based on your comparative
13 studies, try to understand a little more of what that would mean
14 to your average Khmer Rouge cadre.

15 [09.37.14]

16 So my first question is, in your book at English, 00431596 at
17 page 154, you state that Teap, a former cadre who worked at the
18 sub-district office in Kampong Siem district, told you that the
19 sub-district office received a letter at that office from
20 Grandmother Yut's district headquarters in mid-1977. Teap stated
21 -- quote: "The letter instructed us to smash internal enemies,
22 Chams, Vietnamese, capitalists, former Lon Nol workers,
23 intellectuals and CIA agents."

24 My first question is: Do you know Grandmother Yut's full name?

25 MR. PRESIDENT:

1 Mr. Expert, please hold on.

2 And Counsel Koppe, you have the floor.

3 [09.38.26]

4 MR. KOPPE:

5 Thank you, Mr. President.

6 I think we're moving into a peculiar situation because we believe
7 we have identified Teap being the primary source of -- it seems
8 of the expert. We have, I believe, two redacted and two
9 non-redacted WRIs of this person. So I think it should be clear
10 to all parties whether Teap is, in fact, the person that we think
11 Teap is. Otherwise, we're introducing evidence which we should be
12 able to verify.

13 So I think before we ask any -- before the expert answers any
14 questions in relation to what Teap has told him, either with
15 closed doors, in closed session, or not, we should be able to
16 identify that Teap is, indeed, the person or acknowledge that
17 Teap is the person we think has been interviewed four times by
18 the investigators.

19 [09.39.38]

20 MR. SMITH:

21 Your Honours, only the witness would be able to confirm that, and
22 obviously, we haven't had a chance to speak to the witness before
23 he's testified. I would submit that if counsel would like to
24 conduct some questions on who Teap is in relation to those
25 particular interviews, that he should, during his own

20

1 cross-examination, Your Honours. Otherwise, my time will be taken
2 up asking questions on his behalf.

3 He's got every opportunity to do that, and there's no necessity
4 for that to be done now.

5 JUDGE FENZ:

6 I've only heard an observation, no objection. If this is true,
7 please move ahead.

8 BY MR. SMITH:

9 Q. Do you know who -- do you know Grandma -- Grandmother Yut's
10 full name?

11 MR. HINTON:

12 A. At the time, everyone referred to her as Yeay Yut, Grandmother
13 Yut, so people did not refer to her full name. But it seems quite
14 clear that I believe it's Prak Yut is the person who testified. I
15 can't believe -- remember if it's 2012, maybe early 2012, late --
16 so it seems clear because she says that she was the head of
17 Kampong Siem district. Her name is Yut. It seems crystal clear.

18 [09.41.12]

19 Q. Okay. Thank you.

20 And you've talked about this woman, that she'd come from the
21 Southwest Zone with an accompanying purge in the Central Zone. I
22 think you mentioned that yesterday; is that correct?

23 You're not in control of the button.

24 A. That is correct.

25 Q. But I'd like to -- I'd like to talk about your conversation

1 that you had with Teap, the former Khmer Rouge cadre.

2 Now, I think you stated he worked at the sub-district office in
3 Krala, and that's how he was -- he became aware of this letter.

4 Is that correct?

5 A. That's correct. Under a relative of Grandmother Yut's, whose
6 name was Rom.

7 [09.42.02]

8 Q. And did he have a copy of the letter when he spoke to you? Did
9 he say that he knew where a copy of that letter or the original
10 letter was when you spoke to him?

11 Was there any discussion about what's happened to the letter?

12 A. No, there wasn't. And I should just note that, in doing
13 research, even at this time, I would say that whatever documents
14 might have existed were deteriorated, were eaten by insects. Over
15 and over again, I heard that about the documentation.

16 Q. So he said that the letter instructed us to "smash the
17 internal enemies, Chams, Vietnamese, capitalists, Lon Nol
18 intellectuals, CIA agents".

19 Did he provide any further information as to whether the arrests
20 of those different groups was, in fact, carried out in that -- in
21 that sub-district?

22 [09.43.15]

23 A. Yes, it was -- especially with the Cham in this district,
24 there does not appear to have been a large ethnic Vietnamese
25 population. In my interviews with villagers, ethnic Vietnamese

1 were saying, "Oh, there was maybe one in our village, and that
2 person was taken away" versus the Cham families that were much
3 larger numbers.

4 Anyways, so he did say that they were rounded up, sometimes told
5 they were going to the rubber plantation, and executed. And the
6 data on the ground with the villagers extensively refers to the
7 killing of Chams. And sprinkled in there, they would say, "Oh,
8 there was one Vietnamese family and a few people", but, again,
9 nobody would say there were, you know, 50 Vietnamese -- ethnic
10 Vietnamese families.

11 So the numbers of ethnic Vietnamese appeared to have been much
12 lower than the number of ethnic Cham because there was a -- it
13 was much closer to areas where ethnic Cham were concentrated.

14 [09.44.08]

15 Q. And -- so you've mentioned that Teap provided you some
16 information about the carrying out or -- sorry. We have an
17 objection.

18 MR. KOPPE:

19 Yes, I have an objection, to be very clear, Mr. President.

20 As I said, we know quite certain who Teap was or who Teap is.

21 Teap gave four WRIs. The Prosecution never called him or never
22 asked the Trial Chamber to summons him as a witness. The Trial
23 Chamber didn't think this person was very relevant.

24 Now we're introducing magical Teap, who knows all kinds of things
25 about the treatment of targeted groups in Kampong Siem.

1 I think, for transparency reasons, it's very important that we
2 determine whether Teap is, indeed, the person that gave four
3 statements to the investigators in Case 003 and 004.

4 [09.45.08]

5 MR. SMITH:

6 Your Honours, if counsel would like to do that, that can happen.
7 It's not going to affect this -- the questioning of this witness
8 right now. That's his -- we haven't had a chance to speak to this
9 witness to be able to determine whether we're talking about
10 exactly the same person.

11 Your Honours has given us a certain number of -- amount of time
12 to question the witness. I think the parties should be able to
13 use it in the way they think is most beneficial for the task they
14 have.

15 These are all relevant questions, but counsel can ask those
16 questions in his examination.

17 I'm not saying they're not relevant, but I shouldn't have to
18 answer -- ask questions on behalf of other counsel.

19 (Judges deliberate)

20 [09.49.57]

21 JUDGE FENZ:

22 To shorten this, Professor, I don't want you to answer to my
23 question now verbally, but if you know the answer, please take a
24 piece of paper and write the name on it.

25 Do you know who Teap is?

1 First, answer yes or no, for the record.

2 MR. HINTON:

3 I know him because I met him.

4 JUDGE FENZ:

5 And now please, somebody, provide a piece of paper to the
6 professor and if you would write name down, and we will circulate
7 it to the parties.

8 [09.50.46]

9 MR. HINTON:

10 A. It's not possible for me to do that here now for a couple of
11 reasons, you know, besides the general human subjects protocols
12 that I have to follow as part of my research, I don't know his
13 name offhand because, as part of your research protocols, you use
14 a pseudonym for people when you refer to them. I can't recall his
15 name.

16 I have that information, you know, back with my research
17 materials, but I couldn't possibly know for sure if that was his
18 name because I converted his name and began to think -- sorry,
19 and began to think of him as Teap. And that was -- so it's not
20 possible for me to provide an answer to that question at this
21 moment in time.

22 [09.51.25]

23 JUDGE FENZ:

24 Which is an answer for the record.

25 MR. KOPPE:

1 Would it be helpful to the Chamber if we give the four E3 numbers
2 of the WRIs that we believe are the interviews of the same person
3 that the expert is referring to so that -- of course, we will not
4 have full certainty, but at least you will be able to verify
5 whether our assumptions are right.

6 I'm not saying 100 per cent certainty that this is the same
7 person, but we believe it is. And if we give you the four E3
8 numbers, then you could have a look at it as well.

9 JUDGE FENZ:

10 Preferably I'll try something else.

11 Professor, would you be able, for instance, tomorrow or the day
12 after tomorrow after you look into your papers to answer the
13 question I asked?

14 [09.52.25]

15 MR. HINTON:

16 A. Yes, thank you, Your Honour.

17 The answer would be for me to answer a question like that, there
18 would be several different paths.

19 One would be I would need to check with my university about human
20 subjects protocols. The second thing is I don't have my research
21 materials with me here. They're stored away at home, including
22 the code sheet where there's an elaborate process, so there's no
23 possible way for me to do it in the next day or two.

24 The other thing is for me to go try and find him and ask him in
25 person if it's okay for me to reveal his name, but I don't think

1 there's time for that, either.

2 JUDGE FENZ:

3 So even if you were shown the name, you couldn't answer for the
4 reasons you just mentioned.

5 I think that clarifies the record to the degree possible. Let's
6 move on.

7 [09.53.16]

8 BY MR. SMITH:

9 Thank you, Mr. President, Your Honours.

10 Q. Just for the record -- well, no. Perhaps we will move on. I
11 agree.

12 Professor, you stated in your book that Teap also told you, and
13 this is -- this is at English, 00431661, at page 219 -- that he
14 also told you during political training sessions and meetings,
15 cadres would, and I quote: "always talk about CIA and KGB
16 'enemies'. Later on, though, they stopped talking as much about
17 the CIA and Lon Nol regime and began speaking about the 'arms and
18 legs of the Yuon' and 'Yuon strings'. If the person was ethnic
19 Vietnamese, it was certain that they wouldn't survive. Once they
20 were discovered, that was it."

21 Is that an accurate statement of what Teap told you?

22 MR. HINTON:

23 A. Yes, it is.

24 [09.55.11]

25 Q. And did he elaborate on that point why it was a certain -- a

1 certainty that an ethnic Vietnamese would not survive?

2 A. I would have to return to the transcript of interview. My
3 recollection is because I was interviewing him about a number of
4 different topics, probably we didn't dwell upon this.

5 There was no intent for me to prove genocide against ethnic Cham
6 at that time. I was doing research in general. So this came up
7 during discussions, but I would need to follow up.

8 Q. So this conversation was a taped conversation with this former
9 cadre.

10 A. It was taped.

11 Q. And was it also transcribed as well in full?

12 A. It was transcribed into Khmer and then Khmer and English
13 together, I think. I'd have to check again.

14 [09.56.20]

15 Q. And you have copies of those tapes and transcripts?

16 A. So it's -- again, it's been 20 years. I would have to go back.
17 But I'm virtually certain that I taped it, and I would have had
18 it transcribed.

19 Q. So from your interview with Teap and also your study of, you
20 know, original documents produced by the CPK, what -- or did he
21 explain what the term "arms and legs of the Yuon" or "Yuon
22 strings" meant?

23 Did you have any sense from him or from your look at the
24 propaganda of what that meant, what types of people would be
25 included in those two expressions?

1 A. I think in this passage he's referring to two things. One are
2 people who are associated with -- with Vietnam, sort of internal
3 enemies burrowing from within, people who are tainted by the
4 association who then, you know, as the phrase went, Khmer bodies,
5 but Vietnamese minds, that sort of implication. But he also is
6 very directly referring to ethnic Vietnamese as well.

7 [09.57.45]

8 Q. And you also state on the same page of your book that several
9 former cadres who worked in Region 41 described how Vietnamese
10 were singled out for execution in the area.

11 Do you see that passage? It's on page 219.

12 So my question is, in addition to Teap, how many other former
13 cadres in that area talked to you about the singling out of
14 Vietnamese for execution?

15 MR. PRESIDENT:

16 Mr. Expert, please hold on.

17 And Counsel Koppe, you have the floor.

18 [09.58.45]

19 MR. KOPPE:

20 Yes, Mr. President. I'll continue annoying everybody in this
21 courtroom, but we believe that Teap wasn't a cadre at all. I know
22 this is what the expert says. But the question is Teap and other
23 cadres. We believe Teap wasn't a cadre and had no position
24 whatsoever.

25 BY MR. SMITH:

1 Well, perhaps the witness can clarify.

2 Q. So I think in your book, you said Teap was a former cadre, but
3 can you be more specific? What role did Teap have, whether you've
4 -- exactly whether he was a cadre or had some other role in the
5 Khmer Rouge?

6 [09.59.32]

7 MR. HINTON:

8 A. I would need to go back to the original transcripts to know
9 for sure. My recollection is that Kama Kbal (phonetic) would have
10 been -- he would have been referred to colloquially as someone --
11 again, they're sort of the terms that villagers use to describe
12 people and that people talked about in general, which was a
13 cadre. So my recollection is this term was used, but I would have
14 to go back and confirm.

15 Again, in terms of this passage, are you referring to several
16 Banyan villagers confirmed that all the Vietnamese living in the
17 villages were killed? Was that the passage you were referring to,
18 or a different one?

19 [10.00.08]

20 Q. No. The passage I'm referring to is that you mentioned several
21 former cadres who worked in Region 41, described how Vietnamese
22 were singled out for execution in the area.

23 So my question is: In addition to Teap, who you said worked at
24 the sub-district office, how many other former cadres or how many
25 former cadres told you about the execution of Vietnamese in that

1 area, approximately?

2 A. I believe, and again, I'd have to check, one person who worked
3 at the district office and a couple of people who were village
4 heads. But again, I would need to check my records.

5 Q. And just on that -- on that point, and this is where, in your
6 book, you say that several Banyan villagers confirmed that all of
7 the Vietnamese living in their villages in Region 41 had been
8 killed.

9 Are they the village heads that you just referred to?

10 A. So no. The villagers, again, are from Banyan village, who
11 were, for the most part, Old People, Base People. And again, when
12 I went through and did this survey and people talked about the
13 number of families who were killed and they would mention, again,
14 large numbers of Cham families because, again, in this district,
15 there were lots of Cham, but they would also mention if there
16 were ethnic Vietnamese, oh, yes, and there were three ethnic
17 Vietnamese.

18 They took them, but there weren't that many ethnic Vietnamese
19 living in this area in contrast to the large number of Chams that
20 were residing in this area at the time.

21 [10.02.05]

22 Q. And when you say "this area", are you referring to the Banyan
23 village, the Krala commune or the Kampong Siem district?

24 A. You know, they were scattered about because, again, they
25 weren't allowed to return to Banyan village because it had become

1 the security centre, so most of them -- many of them were in
2 Krala and Ou Svay were the two where most of them seemed to have
3 gone, but they went to all sorts of different districts within,
4 you know, Region 41 and different communes within Kampong Siem.
5 Q. And just say briefly in relation to the village heads that
6 spoke to you about the arrest and executions of Vietnamese and
7 the Banyan villagers and Teap and the other Khmer Rouge cadre or
8 -- Khmer Rouge cadre, all of those people, together, about how
9 many villages within Kampong Siem district or Krala commune were
10 Vietnamese arrested or executed and taken from?
11 Do you have an approximate number, just from your recollection,
12 of how many different villages?
13 [10.03.46]
14 A. That's very difficult to remember from 20 years ago without
15 going back and looking.
16 I mean, I -- you know, I have from the village, right, where
17 there were 500 people, about 100 households living in Banyan
18 village. Anyway, so I went through there, but I talked to people
19 far and wide. But I'd have to consult records.
20 I wouldn't want to give an official number without checking.
21 Q. But in total, how many witnesses did you speak to that
22 referred to the arrest and execution of Vietnamese, in total,
23 that whole group?
24 A. It's very difficult to remember. Maybe -- as I was going
25 through, talking to the different household heads, maybe half a

1 dozen to a dozen, somewhere in there, in the village itself. I
2 can't be sure. More -- far more mentioned the Chams, but I don't
3 -- but again, it's because there were far fewer ethnic
4 Vietnamese, so if there are no ethnic Vietnamese living in the
5 area -- anyways, people would not mention it.

6 [10.05.06]

7 Q. Thank you.

8 And so I would like to put to you an account from another
9 witness, and this witness has given a statement to the ECCC
10 investigators. And this witness also worked at Krala commune,
11 like Teap, during this period. And this witness was working for
12 the newly arrived Southwest cadres after May 1977. And this
13 witness states, in answer to the question, and this is at
14 E3/96666 (phonetic); English, ERN 01072507; Khmer, 00993574 to
15 75. And unfortunately, the French is not translated.

16 [10.06.07]

17 And the question is, "You said that the previous leaders" -- this
18 is the question from the investigator:

19 "You said that the previous leaders in the commune were arrested
20 upon the arrival of Ta Loeung and were replaced by people who
21 came with Ta Loeung. Did you witness that?"

22 Answer: "I saw the people under arrest. I saw them being escorted
23 in a line along the path nearby my house. The heads of the people
24 who were arrested were covered with plastic bags, and their heads
25 were tied -- hands, sorry, were tied behind their backs. They

1 escorted those arrestees during the day. They escorted those
2 people to an undisclosed place. The person who was responsible
3 for the arrests was Hin, and he was killed in 1979. There was an
4 incident in the village. At that time, there were Cham and
5 Vietnamese families who had managed to hide their ethnic identity
6 until the arrival of Loeung. Once Loeung arrived, he ordered the
7 arrests of those Cham and Vietnamese people."

8 [10.07.25]

9 "Hin was not a Southwest Zone cadre; he was a chairman of Andoung
10 Pou village, but he was a person whom Ta Loeung trusted. Hin
11 dared not make the decision to make the arrests himself; the
12 order came from Ta Loeung."

13 Question: "To the best of your knowledge, was it Ta Loeung alone,
14 or were there any other people who were involved in the
15 decision-making for the arrests of those Cham and Vietnamese
16 people?"

17 Answer: "I do not know it well. I just know that Ta Loeung was at
18 commune level, while Yeay Yut was at district level. I did not
19 know how the arrests were coordinated."

20 And Professor, my question to you is: In your interviews with
21 former cadres and villagers from the Kampong Siem area, were you
22 told that the Vietnamese and Cham living there hid their ethnic
23 identifies to avoid being killed, or is that not information that
24 you received?

25 [10.08.44]

34

1 A. I don't think it's directly information that I received, but I
2 should note that I think often people would know who the Cham
3 were. Again, if you talk about dress, it didn't seem to be an
4 issue. It seemed to be people would know the Cham, "Oh, the Cham
5 lived right next door to me". It seemed to be a clear distinction
6 that was made with regard to the Cham.

7 With regard to ethnic Vietnamese, I don't recall the same sort of
8 -- anyways, distinction.

9 So I guess the answer is no directly to your question because
10 people wouldn't have had the opportunity to observe in that
11 manner, but I think the construction of difference, looking at
12 the way people dress, speaks, so on and so forth, it was
13 self-evident, at least in the case, especially, of the Cham.

14 [10.09.30]

15 Q. And the only reason why these portions of statements are being
16 put to you is they are from people that were working in the Krala
17 commune at the same time to see whether it refreshes your memory.
18 The next -- well, I would like to quote to you another portion of
19 the same --- of the same statement. And it's English, 01072509;
20 Khmer, 00993577. And unfortunately, the French is -- it's not
21 translated into French yet. The question put to this witness is:
22 "You told us earlier that they arrested the Cham and the
23 Vietnamese. Do you know who ordered the arrests and do you know
24 who took these -- where they took these people to?

25 Answer: "I do not know who made the decision to arrest the Cham

1 and the Vietnamese, but I know that those people were arrested
2 and taken to be killed at Phnom Pros-Phnom Srei mountains. I
3 learned about this because my mobile unit was later assigned to
4 collect ash from the kiln to be used as fertilizer in the rice
5 fields. When we collected the ash to be thrown into the rice
6 fields, we saw the remains of some skulls and hand and leg bones
7 which had not been fully burnt."

8 [10.11.03]

9 My question to you is: Professor, did you receive any information
10 from those that you interviewed in relation to -- sorry.

11 Did you receive any information from the people that spoke to you
12 about where the Cham and Vietnamese were taken, and particularly
13 whether or not Cham and Vietnamese were taken to Phnom Pros-Phnom
14 Srei, the execution security centre that you talk about
15 yesterday?

16 A. So again, I would need to double check the transcripts from --
17 but Khel is the person who worked there, and I do not believe
18 that he mentioned ethnic Cham and Vietnamese as being brought to
19 Wat Phnom Pros-Phnom Srei. Instead, I think in the book it's
20 listed that there were New People, different groups that were
21 suspect class enemies that were rounded up and taken there.
22 And I believe that the rubber plantation -- that the people
23 locally would have been executed at nearby sites, so a lot of the
24 people were trucked into Wat Phnom Pros-Phnom Srei were trucked
25 in from a little bit further away.

1 [10.12.30]

2 And at the time, this area was sealed off, so people wouldn't
3 enter into it, though some of the people said they took their
4 cows and witnessed from afar executions taking place.

5 But in the second phase, the head of security, Phal, would take
6 people from the East Zone.

7 MR. SMITH:

8 Thank you very much.

9 MR. PRESIDENT:

10 Thank you. And thank you, Mr. Expert.

11 It is now convenient for our short break. We'll take a break now
12 and resume at 10.30.

13 Court officer, please assist the expert during the break time and
14 invite him back into the courtroom at 10.30.

15 The Court is now in recess.

16 (Court recesses from 1013H to 1032H)

17 MR. PRESIDENT:

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

19 Before giving the floor to the Co-Prosecutors, the Chamber would
20 like to remind the Co-Prosecutors and Lead Co-Lawyers that you
21 two have two more sessions to put questions to this <expert>.

22 So, <Mr. Deputy Co-Prosecutor,> you have the floor now.

23 MR. SMITH:

24 Thank you, Your Honour. That's in line with our calculation as
25 well.

37

1 Your Honour, before I begin, I think probably just to clarify one
2 point, in relation to defence counsel's statement that the person
3 that we're talking about, Teap, could be or is the person
4 contained that's given four statements to the OCIJ and we didn't
5 ask this Chamber to have him called as a witness, the first point
6 is, Your Honour, we did ask this Chamber to call him as a
7 witness, so that's wrong.

8 [10.34.32]

9 And the second point is the Prosecution are not a hundred per
10 cent sure whether it's the same person or not because we haven't
11 had a chance to speak to this witness, of course.
12 For clarification, certainly the E3 numbers of another witness,
13 perhaps, or the same witness -- we don't know -- that worked at
14 Krala sub-district -- at the commune, the sub-district commune,
15 the E3 numbers of three of the statements we have are E3/9667,
16 E3/9453, and E3/9548. And of course, we have no objections if the
17 expert, after the break and before the questioning by the
18 Defence, would like to review those statements to see if it
19 refreshes his memory, that is, in fact, whether is or is not the
20 person that he spoke to. But -- so it's not true. We did actually
21 ask for this witness to be called.
22 But I mean, I'm talking about the one in the OCIJ.
23 But perhaps -- I'm just wondering whether -- if I could ask you
24 to not have a big objection because I only have 40 minutes left.
25 I was just wondering if we could --

1 [10.35.55]

2 MR. KOPPE:

3 Now you know how it feels being stopped all the time from
4 questioning.

5 I just want to make a very quick remark, Mr. President. These
6 are, indeed, the same WRIs that we had in mind as reflecting the
7 interviews of a person that we believe is, indeed, Teap.

8 So Prosecution and the Defence are on the same ground, well, in
9 the sense that, of course, we don't know definitely, but we have
10 reason to believe it might be the same person.

11 And I will get back to the point that this witness wasn't asked
12 to be summoned by the Prosecution.

13 [10.36.40]

14 BY MR. SMITH:

15 Thank you, Mr. President.

16 Q. Professor, I just have a few more questions before I hand the
17 floor to my colleague, the civil party Co-Lawyers.

18 And I think the first question -- and if it can be a "yes" or
19 "no" answer, that would be helpful. Yesterday, you said that the
20 Phnom Pros-Phnom Srei security centre was in operation before the
21 purge of the Kampong Siem district, and then it was suspended for
22 a while. And then it commenced in operation again, bringing
23 people to be killed. And you've mentioned the various groups.
24 Is that correct, it was in operation both before the purge and
25 after the purge?

1 MR. HINTON:

2 A. That's more or less correct. After Reap set off some
3 explosives, there was a transition period.

4 [10.37.48]

5 Q. Okay. If I -- perhaps if we can continue in relation to the
6 fate of the Vietnamese and Chams and others in Kampong Siem
7 district.

8 And I'd like to put another statement to you from a witness who
9 lived in Tuol Beng village in Krala commune, the commune where
10 you say Teap worked, and regarding the Vietnamese and Cham
11 residents.

12 And this is E3/9656; English, 01034899; Khmer, 00987139 to 40;
13 and French, not translated as of yet. And this is the statement
14 that this witness, this resident from Tuol Beng village, gave.
15 The question is: "During the Khmer Rouge regime, did you ever
16 know of the arrests of people?"

17 Answer: "I used to see the arrests of about 30 ethnic Cham each
18 time until no ethnic Cham remained around the end of 1977. They
19 were walked from Kampong Siem district office towards Tuol Beng.
20 I saw the security guards arresting them at around 7 p.m. They
21 were tied from one to another, and sometimes they were even
22 beaten with whips from behind. I also saw the security guards
23 from Tuol Beng security office capturing Khmer people by tying
24 their hand slightly behind their back. At the end of the Khmer
25 Rouge regime, five or six people were arrested at the dining

1 shelter in Tuol Beng village for having had the Vietnamese wives.

2 They were taken to be killed at Tuol Beng security office."

3 [10.40.16]

4 My question is quite a focused one. In your interviews in the
5 Kampong Siem area, did you receive any similar information that
6 husbands of -- or wives or even children of ethnic Vietnamese
7 were arrested and killed during that period in the Kampong Siem
8 area?

9 If you did not, just say so.

10 A. Yes. So among the cases, people would speak about it as they
11 would take a Cham family or an ethnic Vietnamese family. And so
12 when there was a reference to ethnic Vietnamese, I think in
13 virtually every case, it was they would take the family.

14 [10.41.05]

15 Q. And perhaps further, dealing with this topic further
16 concerning the fate of -- I'm particularly focusing it now on
17 Vietnamese in mixed marriages, ethnic Vietnamese in mixed
18 marriages.

19 I'd like to read you an excerpt from a report from the Angk Ta
20 Saom commune sent to the Tram Kak district office in the
21 Southwest Zone, dated the 22nd of April 1977. So we're in a
22 completely different zone now. And it's at your Tab 22.
23 And Your Honour, it's E3/2435; English, 00322141; Khmer, 00271001
24 to 02; and French, 00612225. And this is what it says:
25 "Letter of request for opinion addressed to the respected and

41

1 beloved district Angkar concerning the registration in the list
2 of the Kampuchea Krom people. I would like to report as follows:
3 "There are husbands living in our Cambodian country who got
4 married to wives from 'Yuon' country (Vietnam); but some others
5 are 'Yuon' (Vietnamese) husbands who got married to our Cambodian
6 wives. Now after we registered them in the list, they always come
7 and request (for authorization) to go to 'Yuon' (Vietnam). If the
8 Angkar (Organization) allows them, then they would go.

9 "If all of them were 'Yuon' (Vietnamese), we would send one of
10 the families to the Angkar (Organization). If it was like this,
11 what would the Angkar decide then? Please inform us.

12 The 26 of April 1977."

13 [10.43.28]

14 In analyzing this report, again, based on your experience looking
15 at documentation and how it relates to the manufacturing of
16 difference, in light of the time period, April 1977, are you able
17 to interpret this request in the framework of the CPK
18 manufacturing difference between different groups in Cambodia?
19 And -- or if you can't, if you can just comment on the
20 significance of this report in any way in relation to the
21 treatment of the Vietnamese.

22 A. Well, again, from this excerpt, not knowing more background
23 about it, but just reading it as presented here, it would seem to
24 fit into the process of manufacturing difference, both in the
25 sense that people are seeking to sort out and find a group that's

1 been targeted.

2 As I mentioned before, often, when you have the crystallization
3 of difference and the assertion of centralized categories of
4 difference of the other, there is a grey zone where it's
5 difficult to absolutely determine who's one of us and who's one
6 of them. And you get situations that seems to be going on in this
7 message where there's ask -- they're asking for clarification
8 about a slightly ambiguous situation. So it seems it fits very
9 well with the framework.

10 And as I mentioned before, you, even in Nazi Germany, had racial
11 courts that sat and tried to determine whether a person was a
12 Jew, for example.

13 [10.45.20]

14 Q. Thank you.

15 And if we can just move to a few more of the propaganda documents
16 produced by the Communist Party of Kampuchea. And I'd like to
17 read you an extract from Phnom Penh domestic broadcast, and it's
18 Khieu Samphan's speech at the anniversary meeting on the 15th of
19 April 1977. It's your Tab 10. It's E3/200; English, 00004165;
20 Khmer, 00292804 to 05; and French, 0061216; and he states:
21 "We must wipe out the enemy in our capacity as masters of the
22 situation following the lines of domestic policy, foreign policy
23 and military policy of our revolutionary organization. Everything
24 must be done neatly and thoroughly. We must not become
25 absent-minded, careless or forgetful because of past victories.

1 On the contrary, we must further steel ourselves to remain alert,
2 constantly maintain the spirit of revolutionary vigilance and
3 continue to fight and suppress all stripes of enemy at all
4 times."

5 [10.46.59]

6 Based on your review of the propaganda, do you have an opinion
7 about who he is referring to when he states, "suppress all
8 stripes of enemy" in the context of the processes you talked
9 about yesterday in terms of manufacturing difference?

10 A. With regard to this statement, it -- I would not think that
11 it's possible to interpret that he's referring specifically to
12 ethnic Cham or Vietnamese, though it's possible. It seems like a
13 general incitement message that's referring to enemies of various
14 kinds that could encompass those groups, but there's nothing
15 that's directly specifying that.

16 The "all stripes" rhetoric was applied to people linked to
17 Vietnam as well, but I would think it would have to be more
18 specific.

19 [10.48.04]

20 Q. And I think that's the point of the next one or two questions.
21 Looking at the propaganda, the "Revolutionary Flags", the
22 speeches throughout the period, have you seen this very large
23 term or broad term about who the enemy is? And here I'm referring
24 to "suppress all stripes of enemy".

25 Have you seen that almost broad, ambiguous categorization of who

1 the enemy was in other speeches, in other "Revolutionary Flags"?

2 [10.48.45]

3 A. I believe that's a fairly frequent reference, if my memory
4 serves me correctly.

5 Again, after DK, one of the central metaphors of the DK regime
6 was the notion of battle, of still being at war, everything being
7 mobilized like a war. And so this very much fits in with that.

8 There was both the war that was going to take place to conquer,
9 in some sense, the elements to farm, to build the country, but
10 also against enemies who are threatening to subvert the
11 Revolution.

12 So the -- there was this dual mobilization language that was
13 used.

14 This seems to be referring to the second against enemies of all
15 stripes, which is a broad umbrella, but in terms of linking it
16 directly to ethnic Vietnamese or ethnic Cham, I wouldn't say that
17 we can necessarily interpret that unless there's a broader -- but
18 it does fit with general incitement.

19 [10.49.38]

20 Q. And in the context of your evidence in relation to building
21 revolutionary conscience, self-criticism sessions,
22 autobiographies, the propaganda that was produced, my question
23 is: The use of this broad language, does that increase or
24 decrease or not have an effect on the likelihood of particular
25 target groups being killed or not?

1 If it doesn't just say so.

2 A. Yes, it would increase the likelihood. It would be, as well,
3 an authorization and a moral legitimation of doing so, though not
4 one, as I said before, that's explicit.

5 It's general incitement. It doesn't seem to be explicit in the
6 sense of being targeted at ethnic Chams or ethnic Vietnamese.

7 [10.50.52]

8 Q. And I have three more documents I would like to put to you in
9 the similar vein.

10 And I'd like to look at the language directed towards the
11 Vietnamese in a speech by Pol Pot as republished in the April
12 1978 edition of the "Revolutionary Flag". It's Tab 17.1; E3/4604;
13 English, 00519834; Khmer, 00064713; and French, 00520344. This
14 has been heard a lot in this case. I'd like your opinion on it,
15 please -- quote:

16 "When any country commits aggression against Kampuchea, we will
17 use this slogan and we will fight them and win. Up until today,
18 we have implemented one against 30, meaning we lose one, the
19 'Yuon' lose 30, so then our losses are 30 times fewer than that
20 of the 'Yuon'. We make the calculation again for one Kampuchean
21 troop, the 'Yuon' must have 30. For 10 Kampuchean troops, how
22 many must the 'Yuon' have? They must have 300. For 100 Kampuchea
23 troops, the 'Yuon' must have 3,000. For one million Kampuchea
24 troops, the 'Yuon' have to have 30 million."

25 [10.52.34]

1 "So then, when we have one million and they need 30 million, when
2 we have two million and they need 60 million, so when we have two
3 million, we already have more than we need to fight them because
4 they only have 50 million. We don't need to use eight million. We
5 can use force of only two million to fight and smash the 'Yuon',
6 and still have six million left.

7 "Sorting out the attack line like this, we can seize victory. If
8 we do not resolve this problem, there will be complications in
9 terms of views, ambiguities in terms of views and the attack will
10 be ineffective."

11 My question to you is similar to the last one. And based on your
12 studies, your comparative studies of countries involved with mass
13 killing and based on the propaganda produced by the CPK and --
14 would this CPK principle that's publicized of killing 30
15 Vietnamese for every one Cambodian killed have been likely to
16 have had any effect in either discouraging or encouraging the
17 killing of Vietnamese civilians in Democratic Kampuchea?
18 And if you feel that it would have no effect, I would like you to
19 say that as well.

20 [10.54.22]

21 MR. PRESIDENT:

22 Please hold on, Mr. Expert.

23 You have the floor now, Anta Guisse.

24 MS. GUISSÉ:

25 Yes, Mr. President. Thank you.

1 Well, I <don't> find <it> necessarily practical <with regards to>
2 the expert to <put forward to him> an excerpt of a document
3 without speaking about the context because here, the
4 Co-Prosecutor is putting the question in terms of civilian
5 Vietnamese, whereas Pol Pot's discourse is not set in its
6 context. So putting the question like that while directing the
7 expert without allowing him to understand the context at large of
8 the speech and making him say that it speaks about the civilians
9 as well whereas, concretely speaking, this speech is directly
10 linked to the armed conflict, I believe, is not a proper way of
11 putting <> question<s>. So therefore, I object to the way that
12 this question has been put because it may lead the expert astray
13 because here, we're speaking about an excerpt that <is> taken out
14 of its context.

15 [10.55.40]

16 MR. SMITH:

17 Your Honour, I can't -- I'm not going to read the whole document,
18 but I think the expert is fully aware of the context of this
19 excerpt. And we're not saying that it's not dealing with a
20 military situation.

21 What we are saying and what we're putting forward is whether or
22 not this type of language in terms of the principle -- whether or
23 not it would have an effect on CPK cadre and others in how they
24 treat Vietnamese civilians.

25 We're not mischaracterizing the document. We're asking this

1 expert, who's well aware of the context of the document, whether
2 or not it has any effect to encourage or discourage the killing
3 of Vietnamese civilians.

4 It's not misleading. He's well aware. And he's studied the use of
5 propaganda, and I think he's in a position to be able to answer
6 this question.

7 [10.56.47]

8 MR. PRESIDENT:

9 The objection is overruled. The Chamber needs to hear the
10 response from the expert in relation to the question lastly put
11 by the Co-Prosecutor.

12 Mr. Expert, you are instructed to give your response to the last
13 question put by Co-Prosecutor.

14 MR. HINTON:

15 A. Thank you, Mr. President.

16 Mr. Deputy Co-Prosecutor, so briefly, the quick answer is yes, I
17 think this is language that borders on genocidal incitement, but
18 I think it's important to recognize as well that the word --
19 again, this word -- I don't really like to use it in Court, but
20 it's the word, "Yuon", again, is being used. And I think it's
21 being used both against people from the country of Vietnam, but
22 as well against people who are identified as ethnic Vietnamese
23 and potentially those, as I said before, from, for example, the
24 East Zone who are said to have, you know, in common phrase, "the
25 Vietnamese head but Khmer bodies".

1 [10.57.56]

2 And the issue of the East Zone and whether it might be classified
3 as a national group or somehow fall within this is something that
4 maybe perhaps is raised by statements like this as well.

5 BY MR. SMITH:

6 Q. Thank you, Professor.

7 I would like to refer to an excerpt from the same speech, and I
8 think this is a document that you were provided with a week ago.

9 And it's at your Tab 17.2, and it's Pol Pot's speech, "Third
10 Anniversary", in April 1978, and it was reproduced in the
11 "Revolutionary Flag".

12 And the excerpt is E3/4604, at English, 00519836; Khmer,
13 00064717; and French, 00520348. And this is what he said --
14 quote:

15 [10.59.06]

16 "Originally, did the 'Yuon' ever fight us and win? The 'Yuon'
17 have wanted to make Kampuchea their subject since 1930. In 1970,
18 they could take Kampuchea. They could not take it. In 1975, they
19 were able to take Kampuchea? They could not. And now, how about
20 the 'Yuon'? There are no 'Yuon' in Kampuchean territory.
21 Formerly, there were nearly one million of them. Now there is not
22 one seed of them to be found.

23 "So then, our view is do not give up in advance. Look at the
24 history. Can the 'Yuon' swallow up Kampuchea or not? They
25 cannot."

50

1 My question is similar to the previous two. In your opinion, this
2 statement that there is not one seed of them to be found in
3 reference to the "Yuon" and "do not give up in advance", would
4 this type of statement have the likelihood to encourage or
5 discourage the killing of Vietnamese civilians in Democratic
6 Kampuchea?

7 If it doesn't, just say so.

8 [11.00.45]

9 MR. HINTON:

10 A. Again, very clearly it does so. And you know, I should add
11 that it's also referring to the successful completion of a
12 genocide that's taken place, so if you look at the numbers, the
13 demographic reports that all of ethnic Vietnamese perished during
14 this period, it's what might be called a successful genocide in
15 the sense that virtually every ethnic Vietnamese disappeared from
16 Cambodia, as is being said in the statement.

17 And the -- I also might add the word "seed", although -- anyways,
18 is a sort of metaphor for the destruction of what might be called
19 a race, so that's a root metaphor.

20 Q. The last document is -- I'll refer to "Revolutionary Flag",
21 dated May to June 1978, your Tab 18.2. And it's E3/727; English,
22 00185333; Khmer, 00064567; and French, 00524460.

23 And I'm quoting from the "Revolutionary Flag" in May to June
24 1978.

25 [11.02.08]

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1 "To sum things up, on the other side in the contradiction with us
2 are the CIA, the 'Yuon' and the KGB. And among these, the 'Yuon'
3 are the most noxious and acute. Proceeding from such analysis of
4 this acute life and death contradiction, what are our attack
5 measures?

6 "1. Our sharpest attack is on the aggressive territory-swallowing
7 'Yuon'.

8 "2. At the same time, we attack the CIA and KGB. We attack
9 simultaneous, but we pay most attention to attacking the 'Yuon'
10 because they are the most noxious and acute."

11 Now, I'm referring -- directing my question here towards ethnic
12 civilian Vietnamese living in Cambodia, if there were any at the
13 time.

14 We have an objection.

15 [11.03.19]

16 MR. KOPPE:

17 The question is relating, apparently, to Vietnamese civilians,
18 whereas the excerpt that has just been read talks about
19 land-swallowing 'Yuon'. I mean, it is very, very clear that that
20 refers to Vietnam and Vietnam's foreign policy, not to Vietnamese
21 people living in Cambodia between '70 and '79.

22 So it's very misleading to make a combination between, on the one
23 hand, Vietnam, land-swallowing "Yuon" and Vietnamese civilians.

24 The two have nothing to do with each other.

25 MR. SMITH:

1 Your Honour, there's nothing misleading about the question. I am
2 not arguing or putting a leading question saying that every time
3 "Yuong" is mentioned in this excerpt it's referring to an ethnic
4 -- a civilian Vietnamese. I'm not doing that.
5 What I'm asking the expert to do -- and this is why we have
6 experts on language and propaganda. What I'm asking the expert to
7 do is to see what effects, what spillover effects or however he
8 interprets this language has on ethnic civilians in -- living in
9 Cambodia. And this was the exact basis why the last objection was
10 overruled.
11 So I would ask -- we're not misleading the witness, to be clear.
12 We're asking whether it has any effect on ethnic civilians. I'm
13 not saying necessarily that everyone that's mentioned here is an
14 ethnic civilian.
15 [11.05.08]
16 MR. PRESIDENT:
17 Please, you can proceed. There is no clear ground for that
18 objection. He only made an observation.
19 Mr. Expert, you are instructed to give your response.
20 And Deputy Co-Prosecutor, please, reformulate your question. Make
21 sure that the expert understands your question so that he can
22 provide the answer.
23 BY MR. SMITH:
24 Thank you. And I just realized I was saying ethnic civilian.
25 Ethnic Vietnamese civilian is what I was referring to.

1 Q. Professor, so the question is, like the others, the use of
2 such language as acute "life-and-death contradiction and "Yuon"
3 are the most noxious and acute, would that language, in your
4 opinion, have any effect in either discouraging or encouraging
5 the killing of Vietnamese civilians in Democratic Kampuchea?

6 [11.06.12]

7 MR. HINTON:

8 A. I think perhaps the way to reformulate this is to think again
9 about the crystallization of difference, as I said before, and
10 the fact that the word "Yuon" is being used. And the word "Yuon"
11 can be used to refer to potentially at least three different
12 groups, one being Vietnam, one being ethnic Vietnamese and the
13 third potentially, at this time, being people associated with the
14 East Zone, which is why I also made the statement that, as a
15 national group, it's possible that the killing -- not just the
16 purges, but the killing of large civilian populations there might
17 also fall within the rubric of genocide of a national group. So I
18 think there are three different modalities.

19 I think it's correct that, absolutely, the conflict with Vietnam
20 is increasing and this is the language that's used, but it also
21 -- that term itself sharpens if there were any ethnic Vietnamese
22 left in Cambodia at that time -- I don't know. The Trial Chamber
23 will have to determine that based on all the interviews and
24 investigations that have taken place.

25 [11.07.20]

1 No, I don't -- the sequence is not clear from the scholarship
2 that existed beforehand because so many -- unfortunately,
3 everyone was killed.

4 But the third part of it is, those associated with "Yuon" who
5 were called "Yuon" who might be those with Vietnamese heads, but
6 Khmer minds -- I mean Vietnamese minds, Khmer bodies.

7 Q. Thank you. I have two last questions for you.

8 The first one is, in your opinion, based on interviews you have
9 had, the propaganda you have reviewed and the research you have
10 done, were Vietnamese civilians living in Cambodia targeted for
11 killing during the DK regime?

12 A. Yes, the case seems strong and compelling.

13 [11.08.20]

14 Q. And the second question is: Who -- in terms of entity or body,
15 who was leading that campaign? Where was that coming from, in
16 general?

17 A. The standing -- the CPK Standing Committee would be the apex
18 of control in terms of disseminating the Party line propaganda,
19 ideology and giving orders that would go down and run throughout
20 the country. And also mobilizing the army, of course.

21 MR. SMITH:

22 Thank you, Professor.

23 I have no further questions, Your Honour.

24 MR. PRESIDENT:

25 Thank you.

55

1 Now the Chamber gives the floor to the Lead Co-Lawyer for civil
2 party to put questions to the expert. And the Chamber also would
3 like to inform the expert that the Chamber will give the floor to
4 the Lead Co-Lawyer for civil party, but you can just simply use
5 the word "lawyer for civil party" in your response to the
6 question.

7 So Lead Co-Lawyer for civil party, you may now proceed.

8 [11.10.02]

9 QUESTIONING BY MS. GUIRAUD:

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

11 Q. Good morning, expert. My name is Marie Guiraud, and I
12 represent the consolidated group of civil parties in this trial.
13 I have a number of questions to put to you. I will focus on the
14 impact of the policies and crimes of which this Chamber is seized
15 in this trial. And I would like to start with the impact of
16 policies on Buddhism and Buddhists, and also the impact of
17 policies on families and individuals during the Democratic
18 Kampuchea regime.

19 [11.10.52]

20 In all my questions, I will try to give a summary in French of
21 what I've understood <from> your book. And I will mention the
22 page <number> concerned to avoid quoting long passages in English
23 that have not been translated. And I hope that the parties will
24 not be lost in this approach I am adopting, which is more
25 convenient for translation purposes.

1 I would like to start my questions on Buddhism.

2 In your book, "Why Did They Kill?", it is stated that Buddhism
3 was one of the three pillars of traditional Cambodian society and
4 <was the locus of> social, moral and educational <activity> in
5 everyday life.

6 I would like you to explain to the Chamber the significance of
7 Buddhism in Cambodian society before the advent of Democratic
8 Kampuchea, focusing on the three elements you mentioned, its
9 social, moral and educational role.

10 [11.12.20]

11 MR. HINTON:

12 A. Thank you, Ms. Civil Party Co-Lawyer.

13 Prior to Democratic Kampuchea, Buddhism, as is well known, was an
14 absolute central pillar to everyday Cambodian life, both in the
15 cities and in the countryside, especially in the countryside
16 because people lived in proximity to pagodas. Much of the life
17 revolved around the pagoda.

18 In terms -- in addition to social, moral and education, I would
19 add ritual as well because there were constant rituals that would
20 take place at the pagoda.

21 Many people, young people who were unable to go to schools for
22 one reason or another, might go and become educated at the
23 pagoda, which is a reason that when the Khmer Rouge came to
24 power, again, they were able to play upon Buddhist language to
25 mobilize people because some people they were recruiting had been

1 at the pagodas.

2 [11.13.26]

3 You had the teaching of basic precepts of morality, if you like,
4 the five moral precepts; including the first precept, which
5 forbids killing of other -- life, human life, were learned and
6 talked about at the pagoda. It provided a very explicit moral way
7 to lead lives through mindfulness, through adhering, trying to
8 avoid desire and attachments. And so it was absolutely central
9 and fundamental.

10 But it was, again, both in the morality -- the moral norms that
11 were taught as well as everyday life, going to the pagoda or
12 having monks come for different ceremonies.

13 And why I think that's also important in terms of Democratic
14 Kampuchea is because, obviously, the clear part of destroying the
15 pagodas, damaging them, using them as detention centres.
16 Sometimes people were tortured in pagodas.

17 [11.14.24]

18 Buddha statues were destroyed. So you had the crushing of
19 something that was absolutely central to Cambodian ways of life,
20 but the after effect, I think, is not talked about as much, which
21 is that when people, for example, died, it was very difficult to
22 perform ceremonies for the souls of the dead, which is why,
23 often, the souls remained and came back and potentially haunted
24 people, you know.

25 So if you go to Tuol Sleng, which first -- you know, excuse me,

1 to S-21, which condenses it, if you talk to people nearby, they
2 think they see wandering ghosts, the spirits of the dead.

3 We've had many of the civil parties in Case 001, and I'm not sure
4 of Case 002 -- I assume so -- have actually gone to Tuol Sleng
5 museum and performed ceremonies for the ghosts of the dead, but
6 the guess wander.

7 [11.15.21]

8 I remember times in Court during Case 001, one gentleman brought
9 in a photo and said, "Spirit of the dead. My brother is here in
10 this photo with me right now". And I think it's easy in a setting
11 like this to forget for people who are from outside of Cambodia
12 that the spirits of the dead, the disturbed souls are here, I
13 mean, literally here in this courtroom with us in some sense,
14 potentially. And so it continues.

15 When does a genocide end? Well, in a sense, it goes on and on and
16 on, and the reverberations continue.

17 But I think, you know, we can't -- besides talking about the
18 destruction of Buddhism and all of the things it did in terms of
19 Cambodian society and morality, so on and so forth, the effects
20 it's had, the effect it has had on the victims has been enormous.

21 [11.16.08]

22 And there -- another dimension of it you might add as well is
23 that, in terms of conceptions of healing and dealing with events
24 that are traumatic and upsetting, Buddhism provides rituals and
25 ways of dealing with this. And again, for people living at the

1 time, this was taken away from them, which accentuated and
2 increased their suffering all the more.

3 So I think, as you said, you know, this was a pillar of life, and
4 when it was destroyed, it was, you know, a devastating thing, but
5 there are ways that people don't talk about that are important to
6 recognize in terms of everyday lived experience that continue
7 into the present.

8 [11.16.51]

9 Q. Thank you.

10 You speak precisely of <these> system<s> of protection in your
11 book, and the manner in which Buddhism is one of the protection
12 mechanisms for <Cambodians>. To sum up your arguments, if I've
13 properly understood them, you say that Cambodians tend to see the
14 world as a dangerous place and to seek protections that go from
15 the supernatural to the political.

16 And in your book, you<> focus on three forms of protection: the
17 "neakta"; the <land> spirits, <of which I will speak later on;>
18 Buddhism; and individuals who have power and offer you
19 protection.

20 You have somewhat mentioned this problem in your previous answer,
21 but I would like to know whether the disappearance of Buddhism
22 during Democratic Kampuchea had weakened that system of
23 protection, and in what way did it weaken the people and what was
24 the impact of the destruction of this system of protection
25 offered by Buddhism?

1 [11.18.26]

2 A. Thank you, Ms. Civil Party Co-Lawyer.

3 The -- you know, this issue, there's been a great deal of focus
4 on the history of Democratic Kampuchea, the history of Cambodia.

5 There has not nearly been enough attention paid, for example, in
6 the scholarly literature to the everyday lived experience, doing
7 this systematically.

8 There are accounts that you get and I'm sure in testimony that's
9 been provided here about this, but, really, we need more study of
10 this topic.

11 But you know, based, again, on my research, my conversations,
12 transcripts I've read, it's clear that people felt that they had
13 lost a central part of their way of dealing with the world. In
14 Cambodia, the notion of balance is extremely important. A
15 Buddhist valance of this would be the idea of equanimity, the
16 middle path, not being disturbed by affect.

17 And again, when you take away Buddhism, it's a complete
18 disruption. It's taking people out of balance. And there are
19 different -- I mean, I don't know, but I would guess that when
20 this court was constructed, there were rituals that were
21 performed; there was a protective barrier that was created. I
22 don't know; I would guess that's true.

23 [11.19.46]

24 So, again, it's not just Buddhism they're -- they're into; it's
25 animistic; there are multiple levels. They come from different

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1 traditions in Cambodia which is, of course, Buddhism's one,
2 Animism's one; they're also Indic traditions, Hindu traditions
3 that are still there, as well as, of course, you know, Cham
4 traditions, so on and so forth. So those are, in some sense, all
5 operating.

6 So, here, at the Court, we have the Lord of the Iron Staff, who
7 sits nearby, the "neakta", an animistic spirit. We have an image
8 of an Angkorian king, yes, but it's an image that Cambodians,
9 I've spoken to, interpret it as a Buddhist deity; some people say
10 it's a Theravada.

11 I've heard -- talked to other people who think it may come from
12 an image that you find at pagodas where you actually see the
13 Buddha at the moment of enlightenment sitting next to two
14 attendants.

15 So again, we traverse this landscape; in one sense,
16 (unintelligible) is all around us, but the notion of Buddhism is
17 everywhere.

18 [11.20.48]

19 So going back again to, sort of, the question you asked, all of
20 these ideas, these norms were disrupted; people were thrown out
21 of balance and it increased their suffering all the more and I
22 think, especially, not being able to perform rituals for the dead
23 was of profound significance, in addition to the ability of
24 people to cope with their own suffering.

25 Q. Thank you. In your book, you explain that, at a point in time,

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1 Angkar supplanted Buddhism as a new religion; can you tell the
2 Chamber whether that analogy allowed for <an easier> acceptance
3 of Angkar and the policies of Democratic Kampuchea by the people
4 and if so, to what extent?

5 [11.21.46]

6 A. Thank you, Ms. Civil Party Co-Lawyer. Yes, the term "Angkar"
7 is what anthropologist Victor Turner, being one of them, would
8 call a multivalent symbol. It's a word that is diffuse, but yet
9 embodies a number of different connotations, you know, as does
10 perhaps the emblem of the Court as well. As I said, it may
11 resonate and suggest Buddhism, as well as Angkar, as well as law.
12 Angkar seemed to be the same thing. So you have directives above
13 in the way it's used in the senior leadership. I believe there's
14 been a directive about the use of Angkar explicitly entered into
15 the record, I think during the Duch trial. I believe so. And so
16 you see that there is sort of a directive about it.

17 [11.22.39]

18 But you also have colloquial uses of it and as you go to the
19 different -- you move out to the countryside and the way the
20 people understand it, Angkar, I think for some people, suggested
21 almost a deity, a mysterious presence.
22 And Angkar, itself, could take on functions like Angkar as a
23 parent. And so Angkar, itself, on the local level and again, this
24 is moving from the top level; you can have these different
25 valences so it's not a direct thing, but became almost like a

1 Buddhist entity. And you have "angk" (phonetic), as well as the
2 word, that's also a word that's used to refer to monks so it's
3 kind of a loaded term.

4 [11.23.14]

5 So, again, I -- there's no one singular meaning of the term
6 "Angkar"; it's a symbol that's loaded with many different
7 meanings and because of that -- the potency of that symbol, it
8 was something that was interpreted, taken.

9 And again, it's one way people tried to cope with their life, how
10 you understand your suffering at the time? Angkar is mentioned so
11 for some people it became almost like Buddha or a god, not Buddha
12 in the sense of the Buddha, but as a deity or some sort of entity
13 that's responsible for what's going on in their lives.

14 [11.23.44]

15 And there's also the way in which Angkar was a way to displace
16 blame so that when people were taking away people to kill, they
17 say, "You're going to go see Angkar" and that was a way, of
18 course, of displacing responsibility, so it was also mobilized in
19 that way as well. And so Angkar was feared in many different ways
20 because Angkar could kill in that sense.

21 Q. Thank you. In your book, to elaborate a bit more on the
22 discussion, you say that some models of Democratic Kampuchea
23 played into themes -- Buddhist themes. They used those Buddhist
24 themes in spite of the fact that Democratic Kampuchea had
25 prohibited Buddhism; can you briefly explain the Buddhist <>

1 themes that were used by Democratic Kampuchea to consolidate its
2 doctrine?

3 [11.24.50]

4 A. Yes, this is a -- an interesting thing; it's a big, big topic.
5 It could take up a lot of time to discuss and I will keep it
6 short.

7 So I think I mentioned yesterday with Grandmother Yut, the
8 example that when her husband was taken away to be shot -- to be
9 killed, the idea was that she was willing to renounce even her
10 husband to -- for the Party to show her loyalty -- to prove her
11 loyalty.

12 In the same way, in Buddhist, you have renunciation that is a
13 common term as well. You have notions of attachment, you know,
14 the -- I think it would be possible to argue that the notion of
15 the -- the term for the DK Party line, in some sense, is like the
16 middle path, as well, and so I think there are a number of these
17 different valences that existed to give credit to the -- to the
18 leadership in the sense that they were very effective ideologues,
19 in this sense, and they were very explicit about trying to draw
20 upon local understandings to increase the potency of their -- of
21 their revolutionary message, as well as drawing upon things like
22 I've mentioned before; the Dam Pheng story, so telling stories
23 about people who embody the ideals. But I guess you don't want me
24 to go into a great deal of detail, but so yes, they did this
25 extensively. But they would not say, "We're using Buddhist

1 terms"; they would simply use the terms and recast them in terms
2 of their ideology.

3 [11.26.31]

4 Q. It is very clear. Thank you. You have talked about the impact
5 of the prohibition of Buddhism during Democratic Kampuchea. Your
6 research and interviews, did they enable you to assess the impact
7 of Democratic Kampuchea on Buddhism after the fall of Democratic
8 Kampuchea; for instance, for how long after that was it possible
9 to re-establish religious orders in order to re-implant Buddhism
10 in Cambodian society?

11 [11.27.21]

12 A. Again, in sort of answering that, the long-term during the PRK
13 period, as well, Buddhism was allowed, but it was much more
14 subdued, so it wasn't allowed to flourish, so to speak. So the
15 long-term answer to that question is more complicated because
16 it's really after the PRK, the soft period, when you began to get
17 into UNTAC that you began to have this massive rebuilding of
18 Buddhism even as it began to emerge during the PRK period.
19 But more specifically, I mean, it seems quite clear that due to
20 Marxist-Leninist ideology, which views religion as the opiate of
21 the masses, there's an explicit attempt to destroy -- banish
22 Buddhism, as a practice, including the disrobing of the monks.
23 Again, you think of terms like "national group", "the destruction
24 of cultural institutions." Again, in terms of the word
25 "genocide", some people have argued that the national group,

1 itself, in the sense that you have these cultural traditions and
2 if those traditions are being destroyed, right, is it an attack
3 on the national group? So some people have made discussions about
4 this within the legal -- UN definition as one of the four
5 protected groups.

6 [11.28.44]

7 Q. Thank you. I would like to put a series of questions to you on
8 the impact of policies implemented in Democratic Kampuchea on the
9 family and the individual, but I'd like to start by revisiting
10 the issue of the need for protection, which you talk about in
11 your book; the need for protection that is directed at three
12 kinds of <entities; the> "neakta" that you speak of abundantly in
13 your book; Buddhism; and persons who are influential <due> to
14 patronage. Can you explain to the Chamber what the "neakta" are
15 and what <they represent> in Cambodian society and the manner in
16 which the presence or the absence of the "neakta" had an impact
17 during the Democratic Kampuchea regime?

18 [11.29.51]

19 A. Thank you, Ms. Civil Party Co-Lawyer. Yes, the "neakta" are a
20 part of everyday life in Cambodia, again, as the pagoda is. As I
21 mentioned before, the Lord of Iron Staff resides in this compound
22 as part of this Court and it is a "neakta" that's presence; who's
23 here, a potent center to whom offerings are made, to whom people,
24 such as myself, swore an oath before as part of the cultural
25 tradition.

1 These "neakta" are everywhere; they're even on the grounds of
2 pagodas where you begin to get a mixing of animistic spirits and
3 Buddhism. So the origins of the "neakta" are, sort of, diffuse;
4 people have studied it. But, for example, you know, one origin
5 story is that they come from some sort of ancestor of the village
6 who died and become -- and comes to inhabit it. So
7 (unintelligible) and -- I can't remember -- Ta Phan (phonetic) --
8 I can't remember -- and Banyan -- I'd have to check my records;
9 it's been some while ago -- were two of the "neakta" who were
10 local there and to whom people would make offerings at different
11 time.

12 [11.30.52]

13 There were also "neakta" that resided outside of the boundary of
14 the village; sometimes, they were more fearsome. But the ones
15 that are closer to the village function almost as an analogy to
16 the patrons in the sense that you make offerings to them and in
17 return you get protection. If you don't, you know, sometimes --
18 well, I've heard of stories -- well, I don't want to jump into
19 the Khmer Rouge period, but it's an absolutely central part of
20 life. It's more protection, so people -- some people have asked
21 what happened to the "neakta" and some people would say the Khmer
22 -- the Khmer Rouge were so fearsome that they -- even they were
23 scared of the "neakta" and fled into the forest as well.

24 [11.31.29]

25 So they remained there or something; they were part of people's

1 understandings, but the -- in a sense, that sort of central part
2 of everyday life protection that was there was shattered for
3 them.

4 MR. PRESIDENT:

5 Thank you, Professor. And now it is a convenient time for lunch
6 break and the Chamber will take a break from now until 1.30.

7 Court officer, please assist the expert in the waiting room
8 during the break time and please invite him back into the
9 courtroom at 1.30.

10 Security personnel are instructed to bring Khieu Samphan <> back
11 to the waiting room and please bring <him> back to the courtroom
12 by 1.30.

13 The Court is now in recess.

14 (Court recesses from 1132H to 1333H)

15 MR. PRESIDENT:

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

17 And I would like to give the floor to the Lead Co-Lawyers for
18 civil party to put more questions to the expert. You may now
19 proceed.

20 [13.34.29]

21 BY MS. GUIRAUD:

22 Thank you, Mr. President. Good afternoon to all of you. Good
23 afternoon to you, Mr. Hinton.

24 Q. And we broke off before the lunch break on the issue <> of the
25 "neakta" and the protection systems that were set up through the

1 "neakta" through Buddhist creed, and the dependency links with
2 influential people that you describe as being patronage, and I
3 wanted to know if this patronage system -- if this dependency
4 system with influential people offering you protection was
5 something that was in effect in the villages before the <Khmer
6 Rouge> period.

7 MR. HINTON:

8 A. Thank you, Madam Civil Party Co-Lead Lawyer. The quick answer
9 is yes, before, during, and after, though, as I've stressed
10 before, things do change over time depending on the historical
11 moment. But the sort of centralized, personalized relationship,
12 that structure which is found in different parts of the world
13 that's always localized in different ways, was definitely
14 operative in Cambodia then, as it is now today.

15 [13.36.05]

16 Q. And to which extent <> did the DK policies have an impact on
17 this patronage system as existed before these policies came into
18 effect?

19 A. Thank you. Yes, the -- I guess there are two -- two sides to
20 it. On the one hand, the existing structures -- patronage system
21 relations -- and again, when we talk about relationships of
22 dependency, right, different strings we're talking about in
23 multiple senses, so we can talk about it on the village level,
24 right, relationship to the spirits that exist, as well as to
25 benefactors to patrons in different context. So you had a -- as

1 the Khmer Rouge completely revamped society in accordance with
2 their new vision, they -- and they -- I'm -- quite consciously
3 undermined these links which could be a threat to the new
4 society.

5 [13.37.13]

6 On the other hand, in their place, a new system of dependency,
7 even though it wasn't supposed to exist because of the stress on
8 equality, egalitarianism, and the new regime, these -- these
9 links continued to persist including, for example, in Kampong
10 Siem district when Grandmother Yut arrived, she brought her
11 relatives including Rom and that gave her a base of strength,
12 people to rely upon. So you can see there, you had these networks
13 and again if we go back to the discussion yesterday of "the
14 strings of traitors" mentioned, at length, at S-21 over and over
15 again, these were imagined networks and I don't want to say real
16 because, of course, we're talking about confessions, just
17 structurally networks of -- so it very much played upon this
18 existing idea of relationship strings.

19 [13.38.07]

20 Q. Thank you. In your book, and I'm referring here to page 265,
21 which was not translated, you explain that life in locations
22 where the cadres had <local> connections <> was better,
23 especially for the Base People, which might have led the leaders
24 of DK to replace the local cadres so that these cadres no longer
25 developed any personal links with the local people. So can you

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1 explain this process, a little bit, this process that you
2 describe in your book?

3 [13.38.56]

4 A. Yes, thank you. So, the question -- with regard to that
5 question there are a -- a couple of different layers to it. So
6 you had within different sectors of DK existing "strings" that
7 existed and we talked about Koy Thuon, who was in the Northern
8 Zone before, who had an extensive patronage network, so all of
9 the different zones had these networks, relationships of
10 personalized dependency, which were a threat -- perceived threat
11 by the DK regime and got caught up as there was the perception
12 that there were threats to the regime and these massive purges.
13 So as the purges took place, they would, as I mentioned before
14 with Rom, they -- with Grandmother Yut where she came in and,
15 systematically, they replaced everyone there. Ta An (phonetic)
16 was her superior though, again, at times, the DK regime would put
17 different factions in the same area so that one faction did not
18 get too much power. And so this was another dynamic that existed
19 with regard to, I've heard, and again in Region 41, they would
20 rotate the people who did the killing, at times, there's no --
21 it's not systematic, that the people who were doing the killing
22 in the sub-district level would be rotated periodically in order
23 that they didn't come to know people so much.

24 [13.40.22]

25 So there were a number of different systems, but again, the

1 notion that, you know, as you saw when a second cadre, a villager
2 came in in Vong's village and took the 30 names, right, which he
3 was listed on and didn't do anything about it; you can see how
4 those relationships could play a part.

5 And there are other factors where cadre could sometimes protect
6 someone, so if there might be someone with a stigmatized
7 background, the local authorities would have some ability to
8 protect them, a tiny bit, and this occurred in other context such
9 as Nazi Germany and different place as well.

10 Q. Thank you. <This will be my last question> about this issue.
11 You speak <in your book> about the general weakening of the
12 protection systems that have been set up. Do you believe that
13 this weakening of the protection system, that went from <the
14 supernatural to the political,> had an impact on the propensity
15 of certain cadres to actually take action or on the capacity of
16 some of them to resist the policies that were set up by the DK
17 regime?

18 [13.41.57]

19 A. Yes, so, again, the dynamics vary temporally and spatially, so
20 there can be variation in it, but certainly this dynamic of
21 perceived relationships of dependency, patronage, network,
22 strings -- there were many different terms for it -- continued to
23 inform action in DK.

24 You can have it where, for example, the Khmer Republic officials,
25 in a sense, were people who had a different linkage, right; there

1 were all sorts of networks that were viewed as threatening to the
2 DK regime. So in one sense, that broad targeting of those groups,
3 even as it's also linked to class issues, so on and so forth,
4 that's one sweep in which this is operative so you're trying to
5 "clean up these links."

6 But it also filters all the way down to the local countryside, so
7 if you had different villages where you had a village head who
8 was in an area when the Khmer Rouge came in, that person might be
9 toppled or might be target and killed; it really depends on the
10 -- on the time and the place. So these links continued to inform
11 action in a variety of different ways.

12 [13.43.13]

13 Q. Thank you. I have a few questions to put to you about the role
14 of the family. You say, in your book, that the home or the
15 household, in fact, in -- as you say, in your book, is the main
16 social unit in Cambodia and you describe the impact that the
17 policies of DK had on the <family>. And you explain, in
18 particular, that the CPK would try to destroy the social and
19 economic functions of the <> family.

20 And my first question is why -- why was it important for the CPK
21 to destroy this <> entity, the household, the family?

22 A. Yes, I think, once again, as with Buddhism, as well as village
23 life, in a sense, these were potential threats to the new regime.
24 They were also alternative sources of loyalty, but part of what
25 the DK regime wanted to do, if we go back to, for example,

1 Angkar, was to take different attachments -- emotional
2 attachments that existed and transfer them from those other
3 sources to the regime, often embodied through the notion of
4 Angkar.

5 [13.44.35]

6 So Angkar would marry couples. Children would -- you know,
7 different songs that exist -- revolutionary songs speak about
8 Angkar, how you should have gratitude towards Angkar. So again,
9 in the sort of quasi -- quasi-religious, quasi-spiritual sense of
10 Angkar as being the parent, as being the sort of divine being
11 that existed, that people began to forge new relationships with.
12 And so it took on many of the notions of personalized dependency,
13 of gratitude that existed before, that were given to parents and
14 families, that were given to monks, so on and so forth. Those
15 began to be mobilized and re-attached to the regime and this was
16 all part of a broader project of establishing a new society with
17 proper revolutionaries and the young, again, were looked, as
18 we've heard before, as blank pieces of paper upon which anything
19 could be inscribed; it goes back to Mao, but it was also used and
20 spoken about during the -- during the DK regime.

21 [13.45.34]

22 And the last thing I should also just mention that -- and again,
23 disbanding the family, having people work in sexually-segregated
24 work teams, having children sometimes being kept apart from their
25 parents, and the disbanding of the family, those were all

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1 systematic ways to mobilize and -- and take this attachment and
2 redirect it towards Angkar. Many people speak about hating to eat
3 communally and they very much missed eating together in the
4 family unit when they -- so this is mentioned over and over
5 again, it was the source of, I think, great suffering and upset
6 to many people, as was, of course, being -- having their family
7 splintered, being under threat, having spies creep around at
8 night underneath the houses and listen and you began to have this
9 generalized atmosphere of distrust that also crept in and could
10 also splinter a family.

11 And I guess, I -- I return to Grandmother Yut being willing to
12 kill her husband or being okay with the order to have him killed
13 as an example of that, where -- that's the fragmentation, once
14 again, of that relationship between a parent and child, but it
15 also, as I said before, was linked to the mobilization of
16 relationships of personalized dependency, whether it's from
17 family, a former teacher, a former patron and so on and so forth.

18 [13.47.00]

19 Q. Thank you. In your book, you speak about, on page 130, the
20 situation and the role of children and you speak about the
21 indoctrination sessions that children had to undergo, which you
22 just spoke about a little bit<>. So can you tell us a few words
23 about how the <CPK> would perceive children and the role that
24 children played in the revolutionary process?

25 [13.47.37]

1 A. Yes, thank you. The -- so again, part of it links to what I --
2 how I was responding before, but I think also, this issue speaks
3 back to the notion of revolutionary consciousness and you have
4 different groups. Each individual has a set of tendencies, sort
5 of an essence, whether it's class-based, what have you, and needs
6 to struggle to purify themselves.

7 Children, since they hadn't grown up in what was formerly a
8 capitalist society, were viewed as being more pure, having less
9 regressive tendencies, being able to fashion and forge and
10 sharpen a pure revolutionary consciousness and so that -- for
11 that very reason, the state wanted to take the children, make
12 them children of Angkar and they, even more than the people with
13 these regressive tendencies, would be able to lead society to
14 this -- to a beautiful, better future.

15 Q. Thank you. In your research and -- and your interviews, did
16 they allow you to assess the impact of this indoctrination on the
17 children -- impact during the DK regime and impact in the
18 long-term -- after the fall of the regime?

19 [13.49.03]

20 A. I'm -- Thank you, Madam Civil Party Co-Lawyer. I'm not sure by
21 assess, in terms of the translation, if assessment, by that, you
22 meant an instrument of assessment or my own personal assessment.
23 In terms of, yes, my own assessment, there were often bonds
24 between families that were shattered or forged, in different
25 cases, due to the DK regime. You have marriages that were done by

1 Angkar, where people were brought together with little choice, as
2 one example, and afterwards, many of those families had to find a
3 way to continue to live together as opposed to divorcing and the
4 potential stigma that comes with that.

5 People had children. Some people I've met have never -- never
6 told their children that they were married during this period, so
7 you have arranged marriages is one legacy of it.

8 Other people have talked about a generalized distrust that
9 continued, in some sense, in the family somewhat thereafter. But
10 on the other hand, there's also resilience with people, and
11 afterwards people began to rebuild their lives and as they did
12 so, I think into today, many people remember the past. They still
13 suffer from the past, but they're -- they have a resiliency and
14 they built their lives and they're moving forward even so. Yes,
15 so.

16 [13.50.34]

17 Q. Thank you. In your book, in the introduction, you explain that
18 the New People and the Base People were affected in a completely
19 different way by the DK policies. So can you tell us <> a bit
20 more about the main impacts of the DK policies on both of these
21 groups and how both of these groups were impacted in a different
22 way?

23 A. Yes, the groups were impacted in different ways. The New
24 People were stigmatized in general. They were viewed as having a
25 less-sharp revolutionary consciousness having been suspect

1 because of the environment -- the capitalist environment, an
2 environment of privatism in which they'd grown up, coming from
3 the cities, which were the enemy of the Khmer Rouge for all those
4 different reasons. So they were stigmatized.
5 [13.51.38]
6 I should note that it would be inaccurate, though, to say -- and
7 I'm not suggesting you imply this, but I think it's important
8 because sometimes people don't talk about the Base People this
9 way, but Base People also suffered a great deal. They died --
10 anyway, so the Base People suffered, though, I think it's clear,
11 for example, in the -- in the demographics -- the number of
12 people killed, for example -- that New People suffered more.
13 But the Base People -- and I should note that the people of
14 Banyan were Base People, for the most part, and as I recount in
15 the book, they suffered in different ways as well.
16 So I think there was -- you know, everybody suffered, but there
17 were certain groups that suffered more and certain groups that
18 were explicitly targeted for destruction.
19 Q. Thank you. I don't know how my question was translated, but I
20 was not trying to suggest that one group had suffered more than
21 another. I simply wanted you to explain to the Chamber or
22 describe to the Chamber the specific impacts of the DK policies
23 on two categories; the New People and the Base People. But maybe
24 to focus on the Base People, can you explain what was the impact
25 of the DK policies on the Base People and in particular, what was

1 the impact of collectivization on the day-to-day life of the
2 people in the villages that had not yet been liberated; that is
3 to say, people who were still among the Base People?

4 [13.53.24]

5 A. One thing that's somewhat difficult with categories is they
6 imply a homogenous group and when you use these terms, it's
7 difficult because people have different histories within it and
8 maybe if we can think -- again, this is somewhat off the cuff,
9 but a variation within the group of Base People, that maybe
10 within that there were a group that passionately believed in what
11 the Khmer Rouge government was doing and that had strong loyalty.
12 There maybe have been another group that wasn't really -- didn't
13 swing one way or the other that strongly, and maybe yet another
14 group that really didn't like what was going on.

15 [13.54.06]

16 And I'm sure, again, if we bring in temporal variation that the
17 numbers of people in those categories most likely would change
18 and I would guess that if you went from the war in 1975 and you
19 moved forward towards 1979 that more and more people among the
20 Base People and, obviously, among the New People would have
21 fallen into that last category of really not liking what was
22 going on, seeing death all around them, being afraid of purges,
23 trying to adapt to a new way of life that some were open to
24 initially.

25 But really, as conditions became hard, people starved, weren't

1 able to eat with their families; I think more and more people
2 became disillusioned. And I also think there was a problem
3 because as the purges got underway, the cadre, who had been
4 trained and were able to sort of promote CPK -- CPK beliefs, the
5 Party line, again, they were being killed and so you had people,
6 who weren't as well trained and able to transmit messages, carry
7 out orders and I think that was generally a problem that the --
8 the regime had over time.

9 So again, if we think about it, you know, as -- as Base People as
10 a category that has different sub-groupings and also look at it,
11 as well, as something that changes over time, we can get a sense
12 for it and again, if we mapped it out, the upset, I think,
13 increases with everyone over time.

14 [13.55.36]

15 Q. Thank you. In your book, you speak about the change of status
16 and about how the Base People, who were <> poor, rural people,
17 suddenly took control over the rich people from the cities. So
18 what was the impact of this reversal <of status> during the DK
19 period and did this reversal leave any traces in Cambodian
20 society after the DK period?

21 A. Thank you, yes, in terms of the reversals, there clearly was a
22 massive reversal that was talked about explicitly; it was
23 recognized on the local ground by people. There are different
24 sayings about it, but it also set up a situation in which there
25 could be localized instances where people took revenge upon

1 people who were higher status or with whom they had a grudge, so
2 the mobilization of affect, again, has different levels.
3 [13.56.43]
4 So I tell a story about a teacher; there was a -- well, it goes
5 back to Rom and there was a family that had lived in the area
6 that had gone to Kampong Cham City, came back, was labelled New
7 People, but they had a protector in the current and one of the --
8 one of the cadre, who protected them, then he was purged. Yeay
9 Yut and Rom's forces came in and eventually Rom became upset
10 about what had happened, a different incident involving a scarf.
11 But the father in the family -- so she -- one thing was in terms
12 of Tuol Beng, where before you mentioned the killing that took
13 place there; her sister was taken and killed there. But their
14 father of this family, as I tell in the book, had a student, who
15 he beat and who had a grudge, and the student became a member of
16 the local militia and exacted what was widely perceived as a
17 grudge killing. So I think this is, again, and other people could
18 say, "Well, this person was associated with old regime." So you
19 had targeting that took place on the local level based on these
20 reversals where people couldn't do anything and had resentment
21 and they became -- got into a position of power and they were
22 then able to act upon that and target people.
23 [13.57.54]
24 So within everything else, if you think about the waves of
25 killing, you have incitement from above; you have orders that

1 come from above; you also have people on the local level that
2 take matters into their own hands, as well. So you have killings
3 that, by and large, are being directed from an ideology and a
4 structure of power, but you also have, on the local level,
5 instances where violence has taken place based on things like,
6 begrudgment -- grudges from before and that's enabled by this
7 reversal of status to go back to the way you framed the question
8 initially.

9 Q. Thank you. And the interpreters are asking me to ask you to
10 speak more slowly please.

11 I have a few short questions to put to you and then I will give
12 the floor to Lor Chunthy, my colleague.

13 You are speaking about the egalitarian society and I wanted to
14 know if your research and your interviews allowed you to draw
15 conclusions on equality -- on the real level of equality or not
16 between men and women under the DK regime and if there is
17 anything remaining today in Cambodian society of this claimed
18 equality between men and women?

19 [13.59.32]

20 A. Thank you. Again, the questions open up more and more sorts of
21 issues, so I apologize for going on a little too long.

22 I think briefly the answer would be that although, for example,
23 in Cambodia women have power within the household and, for
24 example, in terms of running finances. So there are ways in which
25 women have been historically empowered and you find this in

1 Southeast Asia in general. But I think that when the Khmer Rouge
2 came in, in one sense they undermined the basis of gender power
3 through their policies but they also empowered women through
4 their ideology.

5 I mean I think women have much more of an opportunity to advance
6 although they didn't really go to the very top echelons of the DK
7 government. But the very fact, if we go back to Region 41, Yeay
8 Yut comes in, Rom comes in. A number of female cadres came in
9 when the southwest cadres arrived in this area. So they were in
10 positions of power. Even as we say that, we might note that there
11 was also an attempt to sort of erase the differentiation between
12 men and women, so women would cut their hair very short. People
13 would dress in a similar way.

14 [14.00.44]

15 So, the sort of gender differentiation in some sense began to
16 level out as well and in a way you can almost look at it as if
17 there was a sort of unisex being that was being created, a pure
18 revolutionary that could be male or female but that was
19 insignificant to the very fact of being a pure revolutionary.

20 So the answer is complicated, but I think it's necessary to
21 recognize that there was an intent to bring equality even if
22 there were many inequalities that came with the Khmer Rouge
23 ideology and that women in some domains were empowered even as
24 they were disempowered in others.

25 Q. Thank you. I have one last question. After the family, I would

1 like to put a last question on the individual. On page 189 of
2 your book, you explain the fact that the individual was
3 subordinate to society. You've already talked about that and you
4 state that there was a tendency to abandon the pronoun "k'nhom",
5 that is, "I" in favour of "us" or "we". What can you say as
6 regards that trend? Did it have an impact on Cambodian society at
7 the end of Democratic Kampuchea?

8 [14.02.29]

9 A. Thank you, Madam Civil Party Co-Lawyer. Yes, the -- that's an
10 interesting change that came up and it's in documents the I-we,
11 that would be spoken with. On the one hand I think it signifies
12 the importance of the collective over the individual.

13 So you speak about "we" as opposed to -- and there was a term,
14 for example, the garden of individual that was used. So you talk
15 about the collective garden versus the garden of the individual,
16 this emphasis on the group as more important and taking
17 precedence over the individual. So I think that change reflected
18 that.

19 The flip side was, again, in terms of individuality which was
20 reviewed, privatism which was reviewed as regressive qualities,
21 the sort of individual distinctiveness was muted and many people
22 as well did not appreciate it.

23 In terms of dress everybody was dressing the same more or less,
24 but the clothes, right; attire, people look the same, people cut
25 their hair the same. And again, it comes back to almost the sort

1 of uniform generic subject and I go back to the national emblem
2 that is sort of epitomizing that.

3 [14.03.39]

4 And I think Rithy Panh in his film, "The Missing Picture", as
5 well, portrays this through figurines, the bleaching of colour
6 through an artist in an artistic manner. He represents this as
7 well. And he talks about the national emblem but I think, again,
8 this attempt to erase difference, to have a uniform subject, man
9 -- men and women still exist but it's really a uniform
10 revolutionary person that's created in the end.

11 Q. <Regarding> this specific issue on the pronoun, the
12 abandonment of the "I" in favour of the "us" or "we", did the
13 research you did in '94, <'95, or '92,> when you arrived in
14 Cambodia, did you observe that the use of "we" persisted in the
15 villages <or not at all>?
16 This is a very open question. Did the use of "we" or "us"
17 continue to exist in the 1990s when you started your research <in
18 Banyan>?

19 [14.05.03]

20 A. Thank you for the question. The quick answer is I have heard
21 it used before but by that time people were using "I".

22 MS. GUIRAUD:

23 Thank you, Expert, for your answers. Mr. President, I am done and
24 I would like to give the floor to my colleague, Mr. Lor Chunthy,
25 who has a few questions to put to the expert. Thank you.

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 QUESTIONING BY MR. LOR CHUNTHY:

4 Thank you, Mr. President. Good afternoon, Your Honours, and my
5 respects to the monks who sit in the public gallery. And my name
6 is Lor Chunthy, I am representing the civil parties. And Mr.
7 Expert, good afternoon, and we are very much interested in your
8 testimony regarding Buddhism. And I have some questions to put to
9 you.

10 [14.06.27]

11 Q. My first question is in relation to your statement that you
12 said a concept from Buddhism was used in the implementation of
13 the ideology of the Democratic Kampuchea in order to persuade
14 those Cambodian people to lose track of their conscience. Can you
15 provide a little bit further elaboration on this matter?

16 MR. HINTON:

17 A. Yes, thank you, Mr. Civil Party Co-Lawyer. Yes, I think this
18 is a very important point that you highlight again. It gets back
19 to many of the sort of fundamental issues of how you motivate
20 people to join a revolutionary movement or a genocidal movement,
21 any type of movement of change. But in this particular context,
22 one in which you had people living in the countryside who were
23 the main audience for the Khmer Rouge, who they want to mobilize
24 and they had to play upon their sense of understanding. People,
25 because they lived near the pagoda many had been educated in the

1 pagoda, they were familiar with Buddhist terms.

2 [14.07.46]

3 So in order to bring people in to recruit them, to couch things
4 in a framework that had resonance for them, they took terms from
5 Buddhism and they linked those to their ideology whether it's,
6 the way, right, the Party line, the way as the Buddhist way,
7 right, the path towards enlightenment. So you have the DK Party
8 line that has the same sort of term. If you follow the line you
9 will lead to the better society in the same way that by following
10 the way, the Buddhist way, you will be led toward Nirvana. So
11 that was one example.

12 Another one was the renunciation idea that I mentioned before,
13 but there are many examples in my book.

14 Q. Thank you. I'd like you to provide some important concepts in
15 relation to the way the Buddhist practice. For example, on the
16 Buddhist holiday, that is, Cambodian people who were Buddhists
17 practice the five ways of practice of Buddhism. That is not to
18 steal, not to kill animals, <> not to involve with other people's
19 wives, <> not to lie to other people and the last point, that is,
20 not to involve with drugs or alcoholic substances.

21 [14.09.45]

22 So through your research, did you come across the point that
23 maybe the Democratic Kampuchea actually used part of these five
24 practices in their ideology?

25 A. Thank you, Mr. Civil Party Co-Lawyer. That's a very good point

1 and you remind me to make one clarification that my argument is
2 not that the Khmer Rouge were Buddhists or that their ideology
3 was Buddhist but that they drew upon Buddhism.
4 You know, you pointed out another example, the five moral
5 precepts. I think the thing that the analog with Khmer Rouge
6 ideology was the sort of moral precepts that revolutionaries
7 needed to follow. So there is a list of things that each
8 revolutionary -- qualities; acts they need to do that weren't the
9 same as those five, but it was the idea of having moral precepts
10 that needed to be followed.
11 [14.10.48]
12 Another example, as I sort of think about it, is the notion of
13 mindfulness as a meditation to focus your consciousness. That as
14 well was something that emerged with Khmer Rouge ideology, the
15 idea that you needed to be mindful and focus on the DK Party line
16 in everything you did. And so that was another example.
17 So there -- and attachments as well in terms of cutting yourself
18 off from attachments, that was yet another way in terms of
19 desires and attachments. The notion that you need to cut yourself
20 off from attachments was taken and revamped but linked, for
21 example, to your attachments to your family members. So you
22 needed to be able to cut those off.
23 So there are many, as you were pointing out, many different
24 complicated ways that they sought to do this. And thank you for
25 leading me to that clarification.

1 [14.11.43]

2 Q. Thank you. Still on this topic I have another question to put
3 to you. In relation to using the words or the precepts from
4 Buddhism, did the Khmer Rouge actually link the wording from
5 Buddhism to the so-called criticism and self-criticism meetings?

6 A. You know, I believe that they did but I would need to go back
7 and review and refresh to make sure that the analogy in terms of
8 self-criticism but there was like good qualities and bad
9 qualities. There were things like that but I would like to go
10 back and review the language before making a determination.

11 [14.12.46]

12 Q. Thank you. Because in Buddhism, the monks themselves actually
13 express their shortcomings or lack of equality if they have one,
14 and as you are an expert in anthropology, can you tell the Court
15 whether anthropology is also related to the study of an ideology
16 that would lead to people to engage <> in bad behaviour? Did you
17 come across such a linkage in your study or as an expert in
18 anthropology?

19 A. Yes, thank you, Mr. Civil Party Co-Lawyer, and thank you again
20 for your insight again into the practices and with the monks. I
21 appreciate that. It's always good to learn insights from others
22 and I appreciate your mentioning that. So thank you.

23 With regards to ideology, ideology is a word that we use to talk
24 about regimes that tend to have a more uniform set of ideas that
25 are imposed on others. But I think it's important to step back

1 and know as well that, for example, the Khmer Rouge would talk
2 about capitalist ideology. So the word ideology can be used in
3 different ways.

4 In the end I think its structures, ways of thinking that exist in
5 all societies if we talk about ideology as it's commonly talked
6 about, and often it's linked to authoritarian regimes as having
7 sort of a more singular message that they impose upon people.

8 [14.14.38]

9 But again, to invoke a term that I mentioned yesterday from the
10 French social philosopher, Louis Althusser, who talks about the
11 repressive state apparatus and ideological state apparatus, but
12 he is speaking about communism -- about capitalism, although the
13 terms could just as easily be talked about in terms of the DK
14 regime.

15 So again, ideology as a term in a way it's deployed to
16 characterize movements and I think about it more as ways of
17 thinking and what motivates people to do the things they do.

18 But you raise a complicated question about what is ideology. We
19 could go into more detail if you want but it's a big -- it's a
20 big question.

21 Q. What I want you to explain to the Court is that in order to
22 form such an attractive ideology, what would be the starting
23 point and how much time would it need, and whether you can see a
24 competitive view between the ideology of the DK regime in terms
25 of ideologies in other countries <in which it has led to the

1 destruction of the human race>?

2 [14.16.10]

3 A. So if we speak of the -- if I understand through the
4 translation the question of the parallels between the DK regime
5 and other forms of ideology that might exist in other countries
6 upon whom they drew. So, one stream might have been Maoism,
7 Marxist-Leninism, French Stalinist ideology, North Korean models.
8 I think the Khmer Rouge movement was quite eclectic even if at
9 root, as they say in the statutes, it's a Marxist-Leninist
10 movement and that's sort of the bottom line.

11 But there were these other influences and parallels with other
12 places that were important as you point out.

13 Q. Thank you. And this is maybe my last question. Through your
14 research and study of the Democratic Kampuchea regime, what is
15 the most important criteria that would lead people to or lead
16 them to discriminate <> people unconsciously, that is, without
17 thinking, just acted naturally and without being aware that that
18 was wrong.

19 A. Do you mean in general in society or during DK in particular?

20 Q. I refer to the DK period in particular.

21 [14.18.00]

22 A. Thank you, Mr. Civil Party Co-Lawyer. Once again you have
23 touched upon a deep, deep point. On the one hand, you know as I
24 said, it's hard to focus on one factor because there are many
25 things involved. And I have spoken before about the need to look

1 at a process but, having said that maybe another way to reframe
2 the question, and this is something in my second book on Duch
3 that I sort of take up, you know, for me the lesson of that trial
4 is the danger of what I call -- and I apologize to the
5 translators because I am sure this may not be easy to translate
6 -- but what I refer to as effacing conviction. And by this what I
7 mean is that we all believe and have investments in things. We
8 all have belief.

9 When we have belief in something, even if it's a very passionate
10 belief, the danger is that if we have beliefs that lead us to not
11 see another person and the humanity of the other person, we have
12 efface or erase their humanity.

13 [14.19.15]

14 So to me it suggests, and again I talk about this in the book
15 that's forthcoming, about the importance of another French word,
16 effacement, which is to recognize the humanity of another being
17 so we all -- having conviction is part of what makes us human.
18 Having conviction also has a potential danger in that it can lead
19 us to do things that harm other individual beings. So in our
20 conviction it is absolutely imperative to recognize the humanity
21 of another person and to have a face in conviction as opposed to
22 effacing conviction.

23 So another book that's how I conclude is with this point, having
24 said that you have the larger, broader processes that are
25 involved but if I had to crystallize it down as I think you are

1 saying, sort of the lesson that I got out of much of my studies
2 is the dangers of effacing conviction.

3 MR. LOR CHUNTHY:

4 Thank you, Mr. Expert. And Mr. President, I am done.

5 MR. PRESIDENT:

6 Thank you. And I think Judge Lavergne would like to put some
7 questions to the expert.

8 You may take the floor, Judge Lavergne.

9 [14.20.35]

10 QUESTIONING BY JUDGE LAVERGNE:

11 Yes, thank you, Mr. President.

12 Q. Mr. Expert, I would like to put a few follow-up questions to
13 you, inter alia, in relation to what you said yesterday and today
14 regarding the idea of fashioning a revolutionary consciousness.
15 Did I properly understand what you said yesterday if I were to
16 say that in the Khmer Rouge ideology it was possible for everyone
17 to be re-educated in order to be refashioned and made to suit
18 that ideology <with a view to> forging <> revolutionary
19 consciousness. Was this a basic principle that was <open to
20 anyone>?

21 [14.21.32]

22 MR. HINTON:

23 A. Thank you, Your Honour. So the quick answer would be yes, I
24 think. In abstract, as a principle, the answer is yes. But I
25 think it's important to look at temporality as well and maybe

1 think of it as what is the greater or lesser likelihood of a
2 group being able to do this?

3 And as the DK regime proceeded, I think the likelihood of certain
4 groups being able to do so diminish. But again this goes back to
5 this idea that I mentioned before of cumulative radicalization,
6 where if initially there was a notion that maybe former Khmer
7 Republic officials needed to be eliminated and maybe in part
8 because of the patronage connections, also because they are
9 unlikely to be able to sharpen their consciousness so to speak.

10 In the countryside, in many areas the attacks on people weren't
11 taking place but over time as the regime felt threatened, the
12 likelihood of certain groups being able to reform their
13 consciousness, as we say, seems to have diminished and certain
14 groups seem to have been stigmatized implicit to the point of
15 saying that it's not possible.

16 [14.22.47]

17 So if we go back to Muslim Chams, the likelihood of them being
18 able to fashion their consciousness over time was viewed to have
19 diminished especially after the rebellions that took place. And
20 at that point they seem to have been targeted because they were
21 Chams and Chams as a group seemed unlikely to be able to reform
22 their consciousness.

23 I mentioned before with regard to ethnic Vietnamese, I think that
24 that term there is more of a streak of racism that's there from
25 the very beginning that is a current that is running. And I think

1 that especially after tensions -- though there is a temporal
2 aspect in the sense there's tensions with Vietnam -- increased,
3 the likelihood that some of those ethnic Vietnamese could reform
4 their consciousness decreased. Though, I expect that the sort of
5 pre-existing animus that existed towards ethnic Vietnamese had
6 its own sort of strong current that led toward their targeting
7 and elimination.

8 [14.23.42]

9 But certainly, this thing goes to other groups such as, nobody
10 talks about -- well, the notion of ethnic Chinese who, as the
11 demographic reports say, died at perhaps 50 percent, seems to me
12 another group that was targeted in part because they came from
13 the cities and they were associated with capitalism. But as a
14 group, there is a suggestion that they were being explicitly
15 targeted because the likelihood, again, of their being able to
16 sharpen their consciousness was diminished.
17 If we move to 1978, if we go to the East Zone when the purges
18 began, and these purges were distinct because, well, many people
19 died everywhere but when we got to the East Zone we had
20 large-scale purges that went beyond the sort of purges that had
21 been take elsewhere and large numbers of the population began to
22 be targeted.
23 And it's possible, again, so the likelihood of this group being
24 able to sharpen their consciousness, so to speak, seems to have
25 been much diminished. I think you could argue that the East Zone,

1 the people who were targeted were part of a national group with
2 that part going back to the U.N. Genocide Convention. The term
3 national group is one that is somewhat hard to define. It's
4 debated. But I think within the terms of the convention that's a
5 possibility to look at the purge of the East Zone group and the
6 people who were targeted as well as genocide.

7 So the question you raise the answer is, yes, if you look at
8 ideological pronouncements, but over time it changes. In
9 different groups the likelihood increases or diminishes.

10 [14.25.24]

11 Q. I would like us to briefly revisit what you said regarding the
12 Cham. <You said t>here was <an evolution> and as time went on the
13 group of Cham per se was viewed as being unable to be
14 refashioned, to fit into the revolutionary mould. And you have
15 stated that it was because of the rebellion, but is it possible
16 that other factors were taken into account, for instance,
17 religion, since the <majority of> Cham <were of> the Islamic
18 religion<. Was the Islamic religion> one of the factors taken
19 into account that didn't allow for this revolutionary
20 consciousness refashioning?

21 [14.26.26]

22 A. Thank you, Your Honour. Yes, I did not mean to imply that it
23 was solely because of the rebellions that they were targeted. If
24 we return to the notion of the crystallization of difference,
25 people are clearly, in Cambodia, aware of the differences between

1 -- identify differences of Cham and ethnic Khmer. So that
2 awareness pre-existed DK.
3 When you had the rebellions those differences became more
4 accentuated, I guess, as well with a question that was asked by
5 the civil party co-lead lawyer, as well it sort of plays into
6 this, about men and women, the same thing.
7 The idea is you have a uniform revolutionary person with a pure
8 consciousness. That vision does not afford -- is not as open to a
9 notion of ethnic difference. And I think as well if you look at
10 policies, for example, in former Soviet states as well, the
11 different republics, you had this playing out. The former
12 Yugoslavia is a dynamic as well. But you had people, if you can't
13 fashion yourself into the proper revolutionary being for whatever
14 reason you become suspect you become a target. And groups that
15 are identified who have practices that are reviewed as privatism,
16 as regressive, as not conforming to that uniformity that's being
17 sought then become targets.
18 [14.27.53]
19 So absolutely religion and religious practices play into it
20 because those don't accord with revolutionary ideals.
21 But again -- so there were things that were taking place before
22 1975, but I think the rebellions themselves contributed to this
23 process of cumulative radicalization by which they increasingly
24 became targeted and then, as I've talked about, as the one
25 example linked to my research, that shows in Kampong Siem

1 district where all the Cham were taken away, by that time they
2 had become targets. And there were orders that came down
3 targeting them.

4 So the answer, it's a long response to a question to say, yes,
5 religion is absolutely important, as are the rebellions. They
6 come together as a number of factors that lead to them to be
7 viewed as a counterrevolutionary suspect group.

8 [14.28.59]

9 Q. So if <> religion is important it is because it allows for the
10 identification of the Cham as persons who are possibly against
11 the revolution. Did I properly understand that as the thrust of
12 your answer, or there are other factors that should be taken into
13 account?

14 A. Yes. Thank you, Your Honour. The Chams would qualify as a
15 religious group. If we're trying to define them, as well as being
16 an ethnic group I think. The U.N. Genocide Convention as I am
17 sure you are aware in different cases, sometimes because these
18 categories are translated categories, they are categories that
19 emerged through a discussion prior to the passing of the
20 Convention, were never fully defined. And so if you go to
21 different localities, if you do Hutu and Tutsi, for example,
22 sometimes it's hard to pin down exactly what a group is.
23 But I think the Chams themselves clearly fall within religious as
24 a categorization and were targeted in part because of their
25 religious beliefs which didn't accord with DK ideology, the

1 notion of the uniform citizen, the pure revolutionary that needed
2 to be forged, and were targeted because of that, because of their
3 customs, because they rebelled, because they had a different
4 language, because they dressed differently, a number of those
5 other categories that anthropologists call ethnic markers as
6 well.

7 [14.30.35]

8 Q. Well, if I understood properly what you said, you said that
9 the <> situation for the Vietnamese was a bit different because
10 there was a much more <> racist approach towards the Vietnamese.
11 So can we say that as of the start the Vietnamese were considered
12 as being impossible to re-educate? Is this something that you saw
13 in your research?

14 A. Thank you, Your Honour. Yes, that was -- that's what I would
15 argue is that, you know as I said before, even going back to the
16 Khmer Republic and the attacks there, that was one instantiation
17 of a longstanding tradition that's existed where at times ethnic
18 Vietnamese would be targeted.

19 So that's a stream that existed. Maybe we call it racist. Even
20 the term race is hard to define in Khmer but a racist streak
21 where certainly they were stigmatized. There were a whole set of
22 associations, of stereotypic associations with ethnic Vietnamese
23 and you also, in parallel with that, had the deteriorated
24 relationships that were going on with Vietnam.

25 [14.31.56]

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1 So the beginning of -- if you look at the animosity towards
2 ethnic Vietnamese that seems to have been much more pronounced at
3 the beginning of DK and came on somewhat later with ethnic Cham.
4 So if you had to map it out, the trajectories would be slightly
5 different even if you end up with the same thing which is the
6 mass elimination of members of both groups in disproportionately
7 high numbers in terms of the demographics.

8 But again, ethnic Vietnamese the figures appear to be 100
9 percent. Chams, well, I won't get into the debate about numbers
10 but there is a significant number and a higher number that may
11 range from, I think, it's 36 or 37 percent to much higher
12 depending on if Mr. Osman's figures are correct, but I know you
13 will be debating that in the future.

14 [14.32.51]

15 Q. I have a last question to put to you linked to what you said
16 concerning the dehumanization. The title of your book is "Why Did
17 They Kill?" and it's true that when we read your book we
18 sometimes -- we see that you describe scenes that are
19 particularly awful. I'm thinking about cannibalism, for example,
20 where you speak about people eating livers of people who were
21 killed or eating gallbladders. This is something that's hard to
22 understand and this is something that's not necessarily
23 <specific> to the DK period, but what can you tell us regarding
24 this and what can you tell us in particular vis-à-vis the DK
25 context? What can you tell us about this phenomena which seem to

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1 be extreme examples of dehumanization?

2 [14.33.57]

3 A. Thank you, Your Honour. That's a very good question, one that
4 we haven't really touched upon. There are a couple of different
5 dimensions to it. As an anthropologist part of what I seek to
6 convey is the experience, the lived experience of the people with
7 whom I was -- did interviews and with whom I spoke and the
8 consumption of human liver and gallbladder was something that
9 appeared in conversations regularly with specific examples
10 provided.

11 So in one sense that topic speaks to the experience of people and
12 it's a question that people ponder; why do people do this? And I
13 believe in Court here you have had examples of it as well.

14 The second inner-linked issue, as an anthropologist, is that
15 there is a tendency to look, you know, popularly in the media and
16 elsewhere but also our popular ways of understanding violence, to
17 say, "Oh, someone commits this horrible act. Therefore, they are
18 a savage. They are a barbarian."

19 That form of discourse dehumanizes as well by casting the person
20 who is doing those acts in a reductive essentialized manner. The
21 title of my forthcoming book is "Man or Monster" which isn't to
22 pose the question an either-or, but it's to raise the question of
23 how we look at perpetrators as well and the fact by trying to
24 cast them in a reductive manner, we reduce their humanity.

25 So it's important to recognize, for example, with the lead --

1 from the leadership of the CPK down to the local level where
2 people were involve in the actual physical killings that these
3 are all human beings and we need to recognize their humanity as
4 people and not to diminish them, to dismiss them as savage,
5 barbaric.

6 [14.35.48]

7 And as the sort of third dimension of this, in explanations of
8 violence you tend to have a series of reductive explanations of
9 violence. For example, immediately after, sort of during and
10 after the Holocaust you had the portrayal of the Nazis as
11 sadists. So the notion was it was sort of a Freudian framework
12 that talked about them as being sadistic killers. That's a word
13 that appears again and again.
14 So ultimately if you look at that explanation it seems to suggest
15 that there is a sadistic tendency in a person that leads them to
16 do what they do, as opposed to looking at the broader historical
17 social context that led them to carry out a behaviour.

18 [14.36.30]

19 Another common one is that there is somehow a sort of cultural
20 proclivity -- okay, you know but this is in some sense important
21 to lay out because it's a common perception. So people talk about
22 a biological proclivity, a cultural proclivity to carry out acts
23 of violence.

24 And all these reduced explanations -- and again with the Duch
25 trial, to go back to this one thing, the headlines read "Man or

1 Monster".

2 So these aren't things that happened in the past. These are
3 things that are active and I assume if I looked at the papers
4 with the defendants in this case as well that there would be sort
5 of dehumanizing reductive ways of characterizing them and it's
6 important for all of us to look at the humanity of people who
7 participate in these projects.

8 And so that's a long answer to why I go into detail about this
9 one case to talk about the moral and the structures of meaning
10 that informed action in this case. We always need to be attuned
11 to that. Again, it goes back to this notion of a face in
12 conviction as opposed to effacing conviction.

13 Q. When we look at what happened and what you described, can we
14 say that the executioners went beyond <> what was asked <of>
15 them, and if that was the case, why?

16 [14.38.13]

17 A. Yes, thank you. This is, in terms of connecting down to the
18 local level, how do we understand it?

19 So the quick answer is yes, they go beyond because all human
20 beings and what they do create meaning. They draw upon the
21 structures of understanding that they have to carry out acts.
22 This goes back to what anthropology is and culture as the schemes
23 that lead us to think and act in different sorts of ways. And so
24 again, for me as an anthropologist what's of interest is to try
25 and understand how an act like human liver eating can take place.

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1 The type of research is talking to the people to find out the
2 local understanding of this act and then I present those.
3 So the quick answer is, yes, they exceed orders but again you
4 have to -- one has to keep in mind that there is a broader
5 dissemination of an ideology and there are orders that go down
6 targeting certain groups. So it's not as if those actions are
7 completely disentangled from the larger ideology and structure,
8 command structure that exists. They can be linked even as the
9 people on the ground understand them as opposed to simply saying
10 they follow orders to understand the meaning of what they do.

11 [14.39.40]

12 JUDGE LAVERGNE:

13 Thank you very much, Mr. Hinton. I have no further questions to
14 put to you.

15 MR. PRESIDENT:

16 Thank you, Professor. It is now a convenient time for a short
17 break. The Chamber will take a break from now until 3 o'clock.
18 Court officer, please assist the expert at the waiting room
19 reserved for him and please invite him back to the courtroom at 3
20 o'clock.

21 The Court is now in recess.

22 (Court recesses from 1440H to 1501H)

23 MR. PRESIDENT:

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

25 And the Chamber would like now to hand the floor to the

1 co-defence teams to put the questions to the expert.

2 First, I would like to hand the floor to the defence team for

3 Nuon Chea. You may proceed, Counsel.

4 [15.02.46]

5 QUESTIONING BY MR. KOPPE:

6 Thank you, Mr. President. Good afternoon, Mr. Hinton.

7 Q. I have quite a few follow-up questions in relation especially

8 to some questions posed by the Prosecution yesterday. And I would

9 like to start first with asking you some questions about your

10 methodology and the sources that you have used both for your book

11 and also for today's testimony.

12 I believe you agreed with the summary of the Prosecution as to

13 what are the most, the three most important sources for your book

14 and your knowledge. I believe, if I summarize it correctly, it is

15 on the one hand the existing scholarship that you've used writing

16 your book and giving testimony today.

17 The second one -- the second source would be the interviews that

18 you had with people in Region 41 who lived at the time in Region

19 41, which I believe you call your primary data.

20 And thirdly, your study and review of original DK documents.

21 Would you agree with that summary? I believe -- I think you did

22 it already but again I would like to ask whether that is mainly

23 your three sources.

24 MR. HINTON:

25 A. Yes, thank you, Mr. Defence Lawyer. I would add that those are

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1 sources. The first source would be my interviews as well as
2 participant observation which is another distinct methodology for
3 data collections and not just interviews but ethnographic data
4 collection as well as different documentation related to the DK
5 regime and scholarly sources as well.

6 Q. Let me start by going to the existing scholarship as part of
7 your work. Would it be fair to say that you have relied mostly or
8 at least predominantly on the works of David Chandler and Ben
9 Kiernan?

10 [15.05.54]

11 A. Thank you, Mr. Defence Lawyer. Yes, I would say if I had to
12 rank it, David Chandler would be the number one person but as
13 well Ben Kiernan. He has the most data, for example, on ethnic
14 Vietnamese in the Cham populations. He has studied them more
15 extensively than David Chandler.

16 But other scholars as well, but certainly those, David Chandler
17 especially in terms of the dynamics of the purges so on and so
18 forth has been -- he has done pioneering work.

19 Q. I believe at some point in your book and I think you might
20 have said that already also in your testimony yesterday that Ben
21 Kiernan was, "quite supportive" of your work. Is that correct?

22 [15.06.49]

23 A. Thank you, Mr. Defence Lawyer. I don't think I said that. I
24 think David Chandler has been supportive to me as well as many
25 other people. Ben Kiernan over time has also been supportive but

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1 the person I have had far more interactions with, David Chandler,
2 historically May Ebihara, they were the two sort of senior
3 scholars in Khmer studies.

4 So I don't believe I said that yesterday, but I could be
5 mistaken. But for the record David Chandler, I would say, is the
6 one who historically has been very supportive of me and many
7 others which isn't to say that Ben Kiernan has not. I just
8 haven't interacted as much with him.

9 Q. Maybe I was mistaken. Maybe I just had it from your book where
10 you say in your foreword that, "Ben Kiernan has also been very
11 supportive of my work and generous with his time".

12 So it's something you said in your foreword; correct?

13 A. Thank you, Mr. Defence Lawyer. So I think -- no doubt, I think
14 many people, Ben Kiernan among them, I'm sure I thanked, although
15 I can't remember because I haven't read my foreword in quite some
16 time, that I probably thanked David Chandler as well.

17 But anyway, just for the point of clarification, historically in
18 terms of my interactions I have interacted much more with David
19 Chandler and sort of seen him in person as the senior historian
20 in Khmer studies. I have seen Ben Kiernan at different times. I
21 have gone to Yale for example and given talks before I have had
22 interactions. He has been supportive as well.

23 [15.08.28]

24 But I think predominantly David Chandler is the one I've
25 interacted with much more and who is a stronger influence on my

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1 work which isn't to diminish the work of Ben Kiernan but just to
2 say that in terms of tracing out purges and different things he
3 has been definitely a -- I think a mentor to many people; David
4 Chandler that is.

5 Q. Indeed. Are there any points or paragraphs in your book -- I
6 especially think of the chapter dealing with the purges, S-21,
7 etc. -- are there any points that you differ from either Chandler
8 or Kiernan or anybody else's view on what happened in DK?

9 [15.09.36]

10 A. Thank you, Mr. Defence Co-Lawyer. I think that there
11 definitely is somewhat of a consensus about the course of the
12 purges, which areas and zones were targeted.
13 I think the description of the networks and the labelling of
14 different networks is something where there is variation. I know
15 Elizabeth Becker and many different people, and how you
16 understand the groupings that are taking place and I think there
17 are some variation within that but, by and large, in terms of the
18 course of the purges, I think that Ben Kiernan and David
19 Chandler, there is many scholars, there is an agreement that is
20 supported by documentation about that course.
21 How you label them again, I think, is something where there is
22 more of an interpretive, like what is the nature of the groupings
23 when people are being purged?
24 Q. But taking it broader not only in terms of purges or
25 functioning of S-21, for instance, but generally speaking

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1 ideology of CPK structure of the CPK, etc., taking it very
2 broadly, are there any substantial points that you differ from
3 either Chandler or Kiernan's view as to what happened between '75
4 and '79?

5 [15.11.03]

6 A. Thank you, Mr. Defence Co-Lawyer. If I -- I mean, I would have
7 to guess which aspect are you referring to the characterization
8 of genocide, the degree of Marxist-Leninism, the sort of emphasis
9 on revolutionary consciousness versus racism? Those are within
10 the literature and I know documents have been introduced into
11 Court that speaks to these issues. Were you thinking, just for
12 point of clarity, of one of those in particular?

13 Q. Not necessarily. Any point, be it factual, be it interpreting,
14 that you really do not have the same views as either Kiernan or
15 Chandler.

16 MR. PRESIDENT:

17 Mr. Expert, please hold on. And International Co-Prosecutor, you
18 have the floor.

19 [15.12.09]

20 MR. SMITH:

21 Just a brief objection. What happened in Democratic Kampuchea was
22 many, many things over the years and so to ask this expert
23 whether or not he differs with any of these other scholars on any
24 particular point or on all of the whole period that's impossible
25 to answer.

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1 So all I would ask is that maybe counsel be more specific with
2 the question because to agree with what happened in three years
3 and eight months, every fact in every book, it's impossible.

4 BY MR. KOPPE:

5 I did it on purpose, Mr. President, to just give as broad a
6 scheme as possible, but I am happy to limit my subjects.

7 Q. The treatment of the Vietnamese, the position of the CPK
8 versus Vietnam, the reason for the "purges", anything, any
9 substantial point that you from a scholarly view dissent or
10 disagree with either Kiernan or Chandler?

11 MR. SMITH:

12 Mr. President, it's still far too broad. I think Counsel needs to
13 put a specific fact or theme. Everyone has different views so I
14 think it's unfair to the witness to have a wholesale agreement or
15 disagreement.

16 [15.13.54]

17 JUDGE FENZ:

18 Counsel, you said you do it on purpose, so what's the purpose for
19 this kind of extremely wide question?

20 MR. KOPPE:

21 Well, I believe the expert should be able to identify points that
22 he has a controversy with or disagreeing with, with the works
23 from Chandler and Kiernan. So I don't think it's overly broad. If
24 there isn't anything then I am sure Mr. Hinton will be able to
25 tell us, and if there are very specific points then I think he

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1 should be able to tell us.

2 But I am happy to rephrase. I am trying to get from a different
3 angle to my point.

4 Q. You just used the word consensus within the scholarly
5 community, the academic community. Have you ever heard of a
6 notion called the "standard total academic view"?

7 [15.15.11]

8 MR. HINTON:

9 A. Of course, yes.

10 Q. Can you explain what your understanding of this notion of
11 "standard total academic view" is?

12 A. The standard total view, again; not just academic, I think it
13 would be -- tie into popular accounts as well -- would be that
14 there was a great deal, much more variation that existed. As
15 well, in terms of the centralization of control was more
16 diminished. This was an early view by Michael Vickery.
17 People, I think, appreciate the point that there was variation
18 across zones, variation across time and place and I think that's
19 a very important point. And so I think that point of his argument
20 is well taken.

21 The notion that the -- there was about the degree of
22 centralization of control, I think, is one that is not a dominant
23 view at this point.

24 So if you are -- in terms of consensus being everybody 100
25 percent thinks the same way, of course there are nuances and

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1 differences but I think most people would agree with that point
2 that there -- you know there was temporal and spatial variation
3 that existed. The causes of that variation and the effects of
4 that variation, people would then disagree upon -- in
5 relationship to the degree of central control.

6 [15.17.02]

7 Q. Again, my question has been objected to a few times already
8 but let me return to my original question. Is there anything that
9 you see differently on the matter of purges, for instance, and
10 differently than Chandler or Kiernan?

11 MR. SMITH:

12 Your Honour, I would object. I think if Counsel would like to put
13 something specific to this witness to see whether he disagrees or
14 agrees with it that's fair. This is unfair because, I mean, I
15 have got Ben Kiernan's book in front of me and there is a lot of
16 information about the purges. How does he know which bit he's
17 agreeing to or not agreeing to?

18 [15.17.57]

19 MR. KOPPE:

20 I'm noting the third objection, Mr. President, in 15 minutes,
21 something the Prosecution was complaining about in relation to
22 his questioning. But I think I have made it concrete, purges,
23 reason -- purges, reasons of people being arrested and sent to
24 S-21.

25 Q. Let me focus on reasons for purges. Is that a subject that you

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1 hold a different view than Chandler or Kiernan?

2 MR. SMITH:

3 Your Honour, I'm not trying to be objectionable but when Counsel
4 says, "Do you have a different view in relation to reasons for
5 purges?" which purges, which times, what reasons, which part of
6 the country? It's unfair to this witness to commit to something
7 so broad.

8 (Judges deliberate)

9 [15.19.40]

10 MR. PRESIDENT:

11 The objection by the International Deputy Co-Prosecutor is
12 overruled.

13 And, Mr. Expert, if you still recall the last question put to you
14 by the defence counsel for Nuon Chea, you may respond.

15 MR. HINTON:

16 Thank you, Mr. Defence Co-Lawyer. So, again, with my work differs
17 from other scholars by being informed by an anthropological
18 approach, looking at the cultural dimensions, the cultural
19 meanings, of the purges.

20 [15.20.19]

21 And certainly in that emphasis I differentiate myself from those
22 scholars, but I would note that in terms of the -- what I said
23 was the course, the temporal courses of purges, I think that
24 there's fairly standard agreement about that in terms of the
25 specific dynamics of what was motivating and driving them. You

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1 know, as I mentioned before, if you talk about the degree of
2 racism, for example, and then Kiernan's work as a driver of CPK
3 policy, there's somewhat of a difference from the work of David
4 Chandler.

5 So I would say they have many points of agreement. There are also
6 some disagreements that emerge, but I don't see it as a massive
7 amount of disagreement.

8 In terms of a driver of -- if you're trying to get to the use of
9 the word genocide, there's somewhat of a difference of opinion
10 between the two of them.

11 BY MR. KOPPE:

12 Q. I wasn't talking about the differences between them, but when
13 I was reading your book, especially the chapter on the purges,
14 S-21 etc., my sensation or understanding was that most of the
15 times I was reading either Chandler or Kiernan's views, and that
16 I have not noticed or seen any new or original vision on the
17 events relating to S-21, relating to purges etc.

18 It's a little bit harsh maybe to say, but would that be fair or
19 unfair if I say that?

20 [15.22.18]

21 MR. HINTON:

22 A. I'll leave you to make your own assessment, fair and unfair.
23 As you said before, I'm just an anthropologist, but having said
24 that I should note that the anthropological approach is distinct
25 in terms of going back to the ideology of genocide that I laid

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1 out with process of genocidal priming, genocidal activation,
2 manufacturing difference, looking at revolutionary consciousness
3 and (unintelligible) of revolutionary consciousness.

4 I hope those might be small minor contributions, but if your
5 interpretation is that they're not, certainly I respect your
6 judgement even if I hope that others might disagree with it.

7 [15.22.57]

8 Q. I might get back to that a bit later tomorrow, Mr. Hinton. Let
9 me now turn to that second source, your interviews and the
10 participating observation.

11 Is it correct when I say that you, when talking to certain
12 individuals in '94, '95, that you were talking -- or you have
13 been talking in total to about 10 to 15 individuals in that
14 village that you call Banyan?

15 A. Thank you, Mr. Co-Defence Lawyer. That's not correct. I spoke
16 to many people in the village, over a 100 people. Many people,
17 both -- I formally interviewed many people, but I also in terms
18 of participant observation and casual conversations interviewed
19 many more.

20 Q. I'm basing that number upon a count of people that you refer
21 to in your book. Is there a reason that you do not list all 100
22 of them but limited yourself to, I believe, around 15
23 individuals?

24 A. Thank you, Mr. Co-Defence Lawyer. Perhaps you could refer to a
25 specific page number and that would help clarify things.

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1 Q. I will get back to that. What were your mechanisms to ensure
2 that the people that you did talk to, leave aside the exact
3 number, were somehow not only representative of the village that
4 they were living in but also representative of the sub-district,
5 of the district, of the province and, as a matter of fact, of the
6 country? What mechanisms did you apply to ensure that?

7 [15.25.28]

8 A. Thank you, Mr. Co-Defence Lawyer. Again, as an anthropologist
9 my goal was try to understand the cultural dimensions of what was
10 taking place as opposed to trying to get, for example, a survey
11 to hand out to people. They're very different ways of trying to
12 get information.

13 My goal was to understand the experience of people from this
14 village and then link it as well because I did interviews in
15 Kampong Cham city as well, so that I went outside of the village.
16 But to the larger, eventually to the larger events that were
17 taking place, to understand the lived experience of the people in
18 the village in relationship to the broader events. So in terms of
19 a representative sample, my concern was to understand the
20 experience in the village.

21 So it's a different disciplinary concern. That's a standard
22 approach in anthropology.

23 [15.26.20]

24 Q. I fully understand. However, answering questions I believe
25 from the civil party Co-Lawyers, you said, and I quote:

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1 "Everybody suffered, meaning everybody in -- who lived in the DK
2 regime. All Vietnamese were killed."
3 You're speaking about the Khmer Rouge ideology, so I understand
4 the methodology used in relation to the people that you spoke to
5 in the village. However, today and yesterday you do not seem to
6 shy away from sweeping claims as to what happened to all the
7 people in the DK or what was the Khmer Rouge ideology. What's the
8 basis for the generalization that I believe that I see in your
9 testimony -- or hear in your testimony?

10 A. Thank you, Mr. Co-Defence Lawyer. So with regard to ethnic
11 Vietnamese, I think the demographic data is suggestive; that, as
12 I said before, I have drawn upon data in the village where I
13 work, but I link into the scholarship that's been done by other
14 figures, especially in that regard by Ben Kiernan, with regard to
15 the Cham, Ben Kiernan and Ysa Osman.

16 With regard to everyday experience as well, I did my field work
17 in Cambodia from 1994 to 1995 for my dissertation, but I've
18 returned to Cambodia many times since then. I've interviewed many
19 people since then. I followed the proceedings in the Court and
20 wrote about the Duch Trial, so I have travelled to other areas of
21 Cambodia.

22 [15.28.27]

23 So my knowledge, read many memoirs, so my knowledge as well as my
24 understanding of the scholarly literature is much broader. And
25 what I would add is I think with the important caveat that you

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1 mentioned with Michael Vickery, that there is spatial and
2 temporal variation, so even in his account he can talk about an
3 area having relatively things being okay but then it changes over
4 time. It's a point that he also makes.

5 [15.28.55]

6 But I think, by and large, with a group if we go back to the
7 question about the different groups of Base People, and there's a
8 cohort of people that are more supportive initially, right. The
9 people that may be in the middle and maybe people against them
10 and those divisions change through time.

11 And I think, as opposed to saying -- everybody actually tried to
12 specify that there was variation and there was variation that
13 took place temporally. So perhaps in passing, I may have said
14 that, but I know that I also specified it's important to pay
15 attention to temporal variation.

16 Q. I understand what you're saying, but for the Defence it's
17 important to be able to establish exactly what your sources are
18 for sometimes, we believe, quite far-reaching claims.

19 Returning to the example of "all Vietnamese were killed", you're
20 saying, "this is partly my conversations with villagers and
21 partly Kiernan saying that all or most of the Vietnamese were
22 killed". Is that correct? Is that how it would work?

23 A. Thank you, Mr. Co-Defence Lawyer. So in terms of those who
24 studied the killings of ethnic Vietnamese, Ben Kiernan has done
25 the most work, certainly. We have demographic data that has been

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1 given as well, but I think, by and large, from this Trial we will
2 learn more and have much more definitive information based on the
3 information that I have from secondary sources from the village
4 where I worked. And as we saw from documents presented in Court
5 by the OCP today, there's a substantial body of evidence that,
6 looking at it, seems clear that there was a genocide that was
7 committed against ethnic Vietnamese.

8 [15.31.08]

9 Having said that, the number of interviews and information that's
10 emerging in this Court, well, I would guess that it will support
11 that conclusion. We will find out when the verdict is rendered.

12 Q. Well, let's stay for a while at the killing of all the
13 Vietnamese as you just described, partially based on what you say
14 are -- were your conversations and mostly based on what Kiernan
15 has written. Are you aware of any academic or scholarly
16 controversies when it comes to the academic work of Ben Kiernan?

17 A. Thank you, Mr. Co-Defence Lawyer. It would be good if you
18 could be more specific since you seem to be thinking about one
19 thing. I should note that the other cluster of information that I
20 drew upon in making those conclusions is DK ideology, radio
21 broadcasts, so on and so forth, was another important factor,
22 ranging from broadcasts to, for example, the executioner
23 notebooks at S-21.

24 [15.32.40]

25 Q. I'll get back to the Vietnamese more specifically, but I'm

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1 still talking methodology.

2 So now, returning to my original question, I'll be more specific.

3 Do you know anything about sometimes fierce criticism that an

4 American scholar had on Kiernan, two actually, Morris and Steve

5 Heder? Do you know their positions toward the academic work of

6 Kiernan?

7 A. Thank you, Mr. Co-Defence Lawyer. I am aware I would not

8 characterize it as fierce, but I think there's, as I alluded to

9 before, there's a disagreement about whether the DK regime was

10 racist or was driven by Marxist-Leninism first and foremost in a

11 stream into which different groups are targeted.

12 So to provide one small example -- and Steve Heder's argument in

13 the "Review" which is, I would say, critical, but I think they

14 also have points of agreement but I think about racism they

15 disagree.

16 In Steve Heder's view, the targeting of ethnic Chinese would

17 classify as genocide. And so even though he disagrees about

18 racism, he actually specifically points out that the 50 percent

19 death toll that took place with ethnic Chinese should be

20 considered genocide.

21 So they disagree, but in that regard he actually picks up on an

22 element in Ben Kiernan's work that Ben Kiernan doesn't

23 accentuate.

24 Q. Maybe my question wasn't very clear and so I will rephrase. My

25 question was more about the controversy between, on the one hand,

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1 Morris and Heder which seemed to focus on the question whether
2 Kiernan is indeed academically objective in his works, in his
3 books.

4 Do you know anything about that?

5 [15.34.55]

6 A. Thank you, Mr. Co-Defence Lawyer. I think, again, to be
7 specific and clear it would be good if you could read a passage
8 that you're thinking of because I know the article I believe that
9 you're talking about, but it's difficult with a general question.
10 If you could present specifics, it would be easier to sort of get
11 into the detail, otherwise I'm guessing about which part --

12 Q. Well, let --

13 A. -- you're trying to refer to.

14 Q. Let me be more concrete. Do you know anything about the
15 problems that Kiernan encountered when he -- when his program
16 became part of DC-Cam, when Yale and his person became connected
17 to DC-Cam and the questions that Morris raised about whether
18 Kiernan, considering his political background, could be, in fact,
19 an objective person involved in DC-Cam, you being yourself an
20 advisor to DC-Cam?

21 A. Thank you, Mr. Co-Defence Lawyer. I should note I became an
22 academic advisor to DC-Cam after that, so I was actually not
23 around when this dispute took place.

24 Again, it would be helpful to refer to specific text in trying to
25 make a determination about issues like this. If I -- I believe I

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1 know what you're talking about is when Stephen Morris critiqued
2 Ben Kiernan for his earlier views about the Khmer Rouge. Is that
3 what you're talking about?

4 Again, you know, having specifics would help.

5 [15.36.48]

6 Q. Well, I think Kiernan himself in his book "The Pol Pot
7 Regime", says that at one point-in-time how he, presumably by
8 former KR members, Khmer Rouge members, has been called a
9 "Violent odious hireling of the Vietnamese". In other words, that
10 he was a pro-Hanoi communist and that Marxist-Leninism in his
11 views might have endangered his objectivity.

12 A. Thank you, Mr. Co-Defence Lawyer. Yes, I'm aware of that and
13 that's a thread that emerges as well in the Steve Heder article I
14 believe that you're referring to, though it's mentioned I think
15 there.

16 [15.37.47]

17 As I said, a number of issues to me in the heart of that article
18 while saying -- to questioning why there seems to be a
19 diminishment possibly of the PRK regime, of the responsibility of
20 the officials that went there, a diversion from that, to me the
21 point that I take out of that is that there's a difference about
22 the degree to which Marxist-Leninism itself was responsible for
23 the genocide that took place, as opposed to a strand of
24 pre-existing racism. To me, most of the article plays out along
25 those lines.

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1 But, again, it would be helpful to have references to specific
2 page numbers, like when the OCP provided the documentation to
3 actually see the text. It's easier to refer to it as opposed to
4 trying to remember. Also, I should note that in terms of the
5 documentation I was given to review, it was -- could have been
6 10,000 to 15,000 pages so I'm trying to -- I'm happy if my memory
7 is refreshed and something's presented to comment upon it,
8 otherwise I want to be accurate. So if you could present the
9 documents, I think that would helpful.

10 JUDGE FENZ:

11 It would also make the record clearer.

12 [15.39.00]

13 MR. KOPPE:

14 It was -- yes, it was just some generic -- general questions.

15 I'll get back to you on that, Mr. Hinton.

16 Q. Now, let me return to where I was and I was talking about your
17 interviews that you took in Region 41. You talked a bit about
18 representativeness. Did you have any mechanisms to test the
19 voracity of the things that people told you; the reliability of
20 what, for instance, Teap told you? Did you have anything, any
21 methodology to make sure that what you were told was, in fact,
22 what they really knew or experienced?

23 MR. HINTON:

24 A. Thank you, Mr. Co-Defence Lawyer. And that's an interesting
25 question as well. I think the sort of quick answer is, at that

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1 time I tried to work through triangulation in the sense that if
2 someone said something I tried to triangulate with other people
3 who can confirm, in one way or the other, about the historical
4 events.

5 [15.40.20]

6 So my concern was to represent the experience of the people in
7 this district. As I said before, at that time in Cambodia, for
8 example in this village, there was no electricity, there were no
9 cell phones, you had to go by moped to people's houses to try and
10 arrange an appointment. The system of communication was
11 completely different.

12 Now looking at things from the perspective of this Court which
13 has gotten -- all sorts of amazing resources have been put into
14 the record, it's completely different and perhaps it's hard to
15 imagine when you have a case file with hundreds of thousands of
16 pages of documentation, the difference. So at the time, certainly
17 I didn't have this documentation that was available so I had to
18 work this method of triangulation.

19 I guess what I found interesting in some of the records that I
20 read related to Kampong Siem is that Grandmother Yut and people
21 talked about appeared, testified in Court and said things that
22 confirmed what I had heard before.

23 In the meantime, we've had other things entered into the record
24 from this individual who -- I haven't seen all of the different
25 transcripts -- but who you think is Teap and, again, I couldn't

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1 even tell you because I'd have to go back and check my original
2 coding key. But, again, once again, it's confirmed what I heard.

3 [15.41.39]

4 So in a nice way, and I say this is the story of the people in
5 the village at the time. I did the best I could in 1994-1995,
6 when I was doing this, but I guess I've been struck by the fact
7 that so much of what the Court has found and the transcripts that
8 were introduced confirm what I was told when I tried to do the
9 triangulation with.

10 So at the time I did the best I could using this method of
11 triangulation. To think that a system like this Court existed in
12 terms of massive quantities of information, that just didn't
13 exist at the time. Like the interview with Lor was something.
14 Finding him was very difficult, involved moped rides out into the
15 countryside.

16 [15.42.16]

17 But again -- so the fact that Grandmother Yut is there. She
18 confirmed events in a way that's similar to what I heard. And the
19 transcripts that came out about the targeting of the Chams
20 confirms what I heard. The discussion of events relating to Rom
21 confirmed what I heard. The discussion of the events at Wat Phnom
22 Pros-Phnom Srei confirm what I heard.

23 So by and large, as a graduate student, anthropology graduate
24 student, I did the best I could and it seems to be by and large
25 confirmed by documentation that's emerged at this Court, in

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1 particular with relationship mentioned by several different
2 people about the destruction of the Cham in Kampong Siem at that
3 time.

4 Q. I'm not sure if I know which documents you are referring to
5 when you are talking about confirmation. However, setting that
6 aside, let me just focus on one very small example. It's not
7 terribly relevant maybe, but the Teap that you spoke to, for
8 instance, told you that Grandmother Yut killed her husband. Can
9 you tell us how you went about to verify this claim Teap made
10 about Yut's husband?

11 [15.43.54]

12 A. Thank you, Mr. Defence Co-Lawyer. So again, as I said, I
13 presented the experience of people, the stories that they told
14 and as best I could I tried to triangulate, but in terms of
15 finding other cadre working there it's very difficult and people
16 often didn't want to be identified as such, but I managed to
17 track a number of local-level cadre.

18 But as I mentioned before, Grandmother Yut does not acknowledge
19 that she shot her husband but there is acknowledgement that she
20 was fine. She didn't shed a tear when he was taken away. So the
21 fact that I think the point that emerges out of that, what is the
22 truth? Is she going to say that in a public forum? I don't know.
23 But the fact is her husband was taken away. She resolved not to
24 do anything about it and was viewed as renouncing even her
25 husband for the revolution.

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1 So in that sense, I leave it to the Court if they're going to
2 pursue this, to try and resolve what happened, but the accounts
3 by and large converge very much.

4 [15.44.59]

5 Q. Is Teap -- let me re-phrase. Was Teap, in your observation, a
6 CPK cadre, was he a member of the CPK?

7 A. He was referred to as a cadre in common speech by people who
8 knew him. The definition of what a cadre is, there's a colloquial
9 one versus something -- a cadre as espoused by the CPK statutes.
10 So I think it's important to differentiate that locally people
11 viewed those who worked in the office as in a centre of power and
12 as cadre and that's the way they were spoken about.

13 And I think it would be difficult to determine because there's no
14 documentation about whether or not he was, for example, a member
15 of the party, what his status was. That documentation, as far as
16 I know, doesn't exist.

17 Q. Did he acknowledge himself that he was a CPK member?

18 A. Thank you, Mr. Co-Defence Lawyer. I would have to check the
19 transcript. I don't remember that, him saying that, but I would
20 need to check the transcript to be sure.

21 [15.46.34]

22 Q. Did you at one point-in-time ever speak to someone who did
23 acknowledge that either he or she was a CPK cadre, a CPK member,
24 or had a high-ranking function, let's say, as of sub-district
25 chief or district chief? Did you ever speak to anybody who would

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1 fit those two descriptions?

2 A. Thank you, Mr. Co-Defence Lawyer. So I've spoken -- at the
3 time I was doing my field work, as you know from the history,
4 civil war was still going on, fighting was there. There were
5 active Khmer Rouge in the area where I was doing research. It was
6 very different in terms of the security situation. People did not
7 readily admit that they were Khmer Rouge so it was actually a
8 degree of trust to get people to talk.

9 [15.47.37]

10 And, as well, in terms of speaking to high-ranking members of the
11 CPK, I welcomed such conversation but at the time I was doing
12 this research they weren't available in the way they are now
13 where some live in Phnom Penh.

14 Anyways, it was a completely different situation. So the answer
15 is no, with the explanation of to think -- to understand how I
16 found the people I did and that it was difficult to find people
17 at the time I did. You really have to look at the historical
18 context.

19 Q. So would it then be fair for me to say that when you speak
20 about "the" Khmer Rouge ideology or "a" Khmer Rouge policy to
21 target the Cham or to kill all the Vietnamese, is predominantly
22 or even almost exclusively based on either the secondary sources
23 that you read or contemporaneous documents and not so much on
24 interviews that you yourself had with cadre, people who could
25 know?

1 [15.48.51]

2 A. Thank you, Mr. Co-Defence Lawyer. So, again, the sources of
3 information in terms of the Cham, they're the broader ideological
4 pronouncements on things like FBIS radio broadcasts. You have
5 different documentation, some of which the Office of the
6 Co-Prosecutors raised and put before us before. But, in
7 particular, in talking about Region 41, Kampong Siem District,
8 Khum Krala and Ou Svay and others in Kampong Siem, as I said, I
9 went through and I talked to the villagers. I went to every
10 household in the village and I talked to people to get a history
11 of what happened, speak to the family about their way of life,
12 their farming, find about their life into the present through the
13 PRK period into the UNTAC period.

14 And in doing that, as I mentioned before, I would talk -- the
15 people who would mention the number of deaths and they would
16 mention explicitly over and over again that the Chams were taken,
17 and many of them would say, "All the Chams were taken".

18 [15.50.04]

19 So the information comes from speaking to people who were
20 scattered throughout the area, concentrated into commune phums.
21 At the time they talked about this, at the time I did not go in
22 seeking to find out about the genocide against ethnic -- against
23 Chams, but it emerged in the discussions and people noted upon
24 it. It's something they experienced.

25 And as I say, there's also other documentation. There's a PRK

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1 document that emerged that's in the Ten Eyck (phonetic) volume
2 that talks about the destruction of the Chams of Kampong Siem
3 District. I interviewed Teap, as you know, who saw the record of
4 it. So, again, there are a number of different sources that led
5 to that conclusion.

6 Q. I will tell you what my problem is. You are here because you
7 are primarily an anthropologist. You spoke to people, you did
8 participating observation. At the same time, excuse the
9 phraseology, but you make very sweeping generalizing statements
10 about Khmer Rouge ideology, about Khmer Rouge policy, about
11 infrastructure etc. I'm just trying to find out exactly what the
12 sources are for these sometimes very sweeping statements.
13 For instance, the racism against the Vietnamese, where does that
14 come from? Does it come from you speaking to some villagers in
15 one particular district or is it coming from your understanding
16 of Chandler and Kiernan on the one hand and contemporaneous
17 documents on the other hand?

18 In other words, I'm trying to get transparency as to the sources
19 for these sometimes quite sweeping claims or generalizations.

20 [15.52.28]

21 MR. PRESIDENT:

22 Mr. Expert, please hold on, and Deputy Co-Prosecutor, you have
23 the floor.

24 MR. SMITH:

25 Your Honour, I think the question should be more specific. Which

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1 generalizations does he say are sweeping? And also I think the
2 question is mis-framed. He's been invited here as a scholar of
3 genocide studies as well as an anthropologist. So I don't think
4 the question is accurate or specific enough in relation to what
5 Counsel says is a sweeping claim.

6 [15.53.12]

7 JUDGE FENZ:

8 It would appear that in the end Counsel himself has realized that
9 he has to be more concrete by, for instance, managing -- sorry --
10 mentioning as an example what are the sources for what you said
11 about racism. I think this is perhaps easier to answer for
12 Professor Hinton than channel "sweeping", to use your word,
13 questions on sources for his work. So perhaps that's the way
14 forward?

15 BY MR. KOPPE:

16 No problem. I'll be happy to limit.

17 Q. "Khmer Rouge ideology was racist when it came to their views
18 of the Vietnamese, Vietnam."

19 That is a very sweeping statement, and my question is what are
20 your sources for that? Is that your conversation with the
21 villagers or is that based upon your understanding of
22 contemporaneous document or your understanding of the secondary
23 literature?

24 [15.54.30]

25 MR. HINTON:

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1 A. Thank you, Mr. Co-Defence Lawyer. I think that this issue is
2 discussed in my book. There are footnotes in my book, so you
3 actually have a trail of footnotes that you can follow.
4 More broadly, I should note the book was also a merge from --
5 part of it from my research in 1994 to 1995, but since that time
6 I've continued to do research over time and, in addition, I don't
7 think that those documents we've seen earlier introduced by the
8 Office of the Co-Prosecutors put forth or not rare instances of
9 the use of the word "Yuong", for example.
10 The word "Yuong" is used all over the place in CPK propaganda.
11 It's not at all unusual. That term has a valence of animus and
12 often racism against Vietnamese. In my book I provide an example
13 of one of my informants who was a highly intelligent person I
14 spoke with at length. He was not from Banyan, he was from Kampong
15 Cham City, who suddenly began talking about the "Yuong", going on
16 and on and on about it.
17 [15.55.47]
18 There's a larger body of scholarship. I refer you to an article
19 by Penny Edwards that occurred -- that is in the volume edited by
20 Judy Ledgerwood and Steve Heder, that refers to the UNTAC period
21 and as well talks about animus, the use of the word "Yuong", these
22 long-standing tropes of the Vietnamese as thieving, perfidious,
23 evil others who are trying to betray Cambodians, steal from them,
24 to take their land.
25 This, again, this has a long genealogy. It also existed, though

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1 it had a Buddhist valence during the Lon Nol regime. So, again, I
2 -- when I say I guess the notion of sweeping claims, I agree it's
3 always good to interrogate notions that are made and that's
4 certainly your job, and I would be doing the same thing if I were
5 you.

6 But I think the scholarly consensus -- and by that I also step
7 out of the domain of scholars, this small group of scholars who
8 work on Cambodia, to talk about comparative genocide scholars in
9 general.

10 You brought in Bill Schabas who disagrees as well, and I think
11 his view should be taken into consideration even though I don't
12 think he was accurate. He doesn't have enough knowledge to make
13 broad claims, but there are a number of other people in the field
14 of genocide studies who characterize this as a genocide and what
15 occurred with ethnic Chams, ethnic Vietnamese as genocide.

16 [15.57.14]

17 So it's a big -- in one sense it's a sweeping, but I think also
18 it's one -- there's a wide -- large number of people who agree
19 about it. And I think there's a lot of evidence that supports
20 that claim.

21 But, again, it's your job to contest that and I respect that and
22 I guess the Trial Chamber will decide for themselves based on the
23 evidence you bring forth and what the Prosecution brings forth,
24 and I look forward to their conclusions.

25 [15.57.42]

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1 Q. That was a very long answer, Mr. Hinton. Obviously, I'm not
2 here to give evidence myself, but I spoke to many Cambodians who
3 without I believe any racist undertone use the word "Yuon" to
4 describe Vietnamese.

5 But are you saying that the mere word "Yuon" or the use of the
6 word "Yuon" means that you are racist and therefore inclined to,
7 at one point-in-time, commit genocide against a group of
8 Vietnamese?

9 A. Thank you, Mr. Co-Defence Lawyer. And you make a very good
10 point that we should sort of consider words and the way they're
11 deployed and, again, the word "Yuon" is deployed in different
12 ways.

13 Some people do use it in sort of a colloquial term. I mean if --
14 you could do other language equivalents where people take words
15 that have often racist connotations and unknowingly use them, or
16 words that stereotype other groups and use those words in a
17 non-thinking, matter-of-fact manner.

18 But -- and there's scholarship, I pointed you already towards one
19 article, but there's a large scholarship that supports the view
20 that there is, when people use the word "Yuon", often a racist
21 undertone. And, as I said before, sometimes people even almost
22 spit out the word.

23 [15.59.17]

24 It's not to say by any means that all Cambodians go round calling
25 ethnic Vietnamese, "Yuon", just like with racist discourses in

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1 the United States, not everyone's sharing them but it's a
2 sub-component that exists. There are ideas that exist about this
3 and during this process I talk about in terms of manufacturing
4 difference with the crystallization of difference you have these
5 discourses of hate that become mobilized and you get views of the
6 "other" who become stigmatized and it becomes incorporated into
7 this process.

8 In terms of the use of the word "Yuon" in CPK discourses, if we
9 go back and look at different transcripts, there are things like,
10 "land-swallowing 'Yuon'". In other words, it's not as if the word
11 "Yuon" is decontextualized and used alone in a statement to say
12 something to effect, in 1930 the "Yuon" formed an Indo-Chinese
13 communist --

14 Q. Excuse me for interrupting you, but if -- let me give you one
15 example.

16 If the late King Father Sihanouk while addressing the Security
17 Council in 1979, January, talks about the "land swallowing
18 Vietnamese", is he in your opinion therefore racist when it comes
19 to his view on Vietnamese?

20 A. Thank you, Mr. Co-Defence Lawyer. Out of respect for the late
21 King, I don't necessarily want to address that directly and I'd
22 also think that you would need to introduce the specific context
23 in which it was said, the specific statement.

24 But speaking more generally because it's a word that is used by
25 many people, when people use the word "Yuon" and refer to the

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1 Vietnamese with a series of negative attributions, that
2 discourse, I think, is racist and stigmatizes a group.
3 Again, what is stigma? It's where you have an essentialized
4 understanding of another human being and you attribute singular
5 negative qualities to them. And I think it's clear from existing
6 evidence, including evidence that we've gone over earlier, that
7 those negative attributions were given to people called "Yuong" in
8 Khmer Rouge discourse, including the document "The Black Paper"
9 that -- actually, I guess we haven't really talked about it but
10 goes back and traces this long genealogy, uses the word "Yuong".
11 So I think, again, in my opinion, it's clear that the word
12 "Yuong", given the context, if you look at the context and the way
13 it's used, has racist overtones. And I think other scholars
14 supported that.
15 [16.02.15]
16 Again, if you want one article I cite that's gotten into it by a
17 distinguished scholar, Penny Edwards, who's looked at French
18 colonialism in Cambodia. She goes into some detail about this,
19 looking at one mobilization of it during the UNTAC period.
20 You can open the newspapers and look at events during -- often
21 during elections, especially after the UNTAC period. There often
22 were attacks on ethnic Vietnamese that were taking place at those
23 times, both during the UNTAC period and afterwards. It's a --
24 politics before mobilize based on pre-existing animus that exist
25 with ethnic Vietnamese in Cambodia.

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1 [16.02.56]

2 There's widespread evidence that this is the case, but to say
3 every time it's used does it mean that there's this animus? I
4 think you're correct to say sometimes some people do it but,
5 again, I think it's the use of a word that has a negative valence
6 that people use somewhat in ignorance at the time.

7 MR. KOPPE:

8 It's almost four -- it's actually four o'clock, Mr. President. I
9 would like to request Mr. Hinton to have a look at that speech
10 that late King Father Sihanouk gave in January '79. I believe
11 it's a part of his binder. I would like to revisit that tomorrow.

12 [16.03.42]

13 MR. SMITH:

14 Your Honour, if we could just have the document number?

15 MR. KOPPE:

16 E3/7335.

17 MR. PRESIDENT:

18 Thank you, Defence Counsel and thank you, Mr. Expert.
19 The Chamber will adjourn the hearing today and resume tomorrow,
20 that is 16 March 2016, commencing from nine o'clock in the
21 morning. Tomorrow the Chamber will hear the testimony of the
22 expert Hinton.

23 And, Mr. Hinton, the hearing of your testimony as an expert is
24 not yet concluded. You are invited to return to the courtroom
25 tomorrow morning.

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1 Court officer, please assist in the transportation arrangements
2 for the expert to return to his accommodation and invite him back
3 into the courtroom tomorrow at 9 o'clock in the morning.

4 Security personnel, you are instructed to take Khieu Samphan and
5 Nuon Chea to the detention facility and have them returned to the
6 courtroom before 9.00 tomorrow.

7 The Court is now adjourned.

8 (Court adjourns at 1605H)

9 (Judges exit courtroom)

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