



Philip Short Begins Testifying as Expert Witness

By Mary Kozlovski¹

After several earlier delays, British author and journalist Philip Short, 68, began his testimony as an expert witness² in Case 002 at the Extraordinary Chambers in the Courts of Cambodia (ECCC) on Monday, May 6, 2013. Mr. Short's well-known biography *Pol Pot: History of a Nightmare*³ contains excerpts from interviews he conducted with Khmer Rouge officials, including Case 002 accused Khieu Samphan and Ieng Sary, who died in March this year at the age of 87. Mr. Short currently lives in France.

Attending the hearing in the morning were 360 villagers from Kampong Cham province's Stung Trang district, and 100 villagers from Kampong Chhnang province's Kampong Tralach district visited in the afternoon. Additionally, 80 civil parties from Kampong Cham and Battambang provinces attended the tribunal. Khieu Samphan was present in the courtroom all day, while his co-defendant Nuon Chea observed proceedings remotely from a holding cell due to his health concerns.

Trial Chamber Leads Questioning of Expert Witness Philip Short

After Mr. Short took an oath, Trial Chamber President Nil Nonn inquired about his background. Mr. Short told the chamber that he was educated at a public school in Britain and then at Cambridge University, where he studied natural sciences and English literature. He worked for

¹ Cambodia Tribunal Monitor's daily blog posts on the ECCC are written according to the personal observations of the writer and do not constitute a transcript of the proceedings. Official court transcripts for the ECCC's hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

² For more information on expert witnesses at the ECCC, see ECCC Internal Rule 31. The ECCC Internal Rules can be accessed at <http://www.eccc.gov.kh/en/document/legal/internal-rules-rev8>.

³ There are several editions of Mr. Short's biography of Pol Pot, which was also published with the title *Pol Pot: Anatomy of a Nightmare*. According to Mr. Short, the book was published in Britain and the U.S. in 2004, and later published in other languages.

many years as a foreign correspondent for the British Broadcasting Corporation (BBC), during which time he also wrote a number of books – biography and history – since the late 1960s. Mr. Short referred to himself as both a journalist and a historian and biographer and confirmed that he was a visiting professor of comparative politics at the University of Iowa from 1997-1998. The expert witness said he began writing his first biography in 1968 and it was published in 1974.

Philip Short Pressed about Interviews with Khmer Rouge Officials

Mr. Short stated that when he was a foreign correspondent in Beijing in the 1970s, he came to know Pich Chheang, the Democratic Kampuchea (DK) ambassador, and grew interested in the DK regime. In their first and only official visit abroad, which he followed, Pol Pot, Ieng Sary, Vorn Vet, and Thiounn Thioeunn⁴ travelled to Beijing in September 1977, Mr. Short said. However, he was unable to obtain a visa to enter DK from the ambassador. Mr. Short told the chamber he began studying DK history seriously when he decided to write a biography of Pol Pot, after he wrote a biography of former Chinese leader Mao Tse Tung. He described the process of writing and researching his biographies as taking five or six years. Mr. Short testified that he never interviewed Pol Pot, who died before he began working on the book in 1999,⁵ or spoken to him during his 1977 visit to Beijing.

In response to inquiries about his interviews with Khmer Rouge officials from Trial Chamber Judge Silvia Cartwright, Mr. Short confirmed that he had never interviewed Nuon Chea. He recalled visiting Pailin five or six times over a period of about 18 months, sending word each time to Khieu Samphan that he wished to meet him; Khieu Samphan replied the sixth time and Mr. Short explained that he wished to interview him for a book about DK. Mr. Short described meeting Khieu Samphan about five or six times, conducting interviews in which they discussed at length his years as a student in Paris, his observations of Cambodia after he returned in the 1960s, *L'Observateur*⁶ – the journal he put out – his school days with Pol Pot, and the DK period, to a certain extent. “This is a general remark about the former leaders,” the expert witness commented. “Mr. Khieu Samphan – it was also true of Mr. Ieng Sary – they were happy to talk at length about their younger years but more reticent about the DK period.”

Mr. Short confirmed he had read Khieu Samphan’s monograph *Cambodia’s Recent History and the Reasons behind the Decisions I Made*, which, according to Judge Cartwright, appeared to have been published in late 2003 – but replied that he did not feel he had learned more from it than in his interviews with Khieu Samphan. “What I learnt from that monograph and, indeed, from some of the sections of my interview with Khieu Samphan, was more the way he wished to treat that period, than necessarily factual information about the period itself,” he said.⁷

Following a minor confusion over page numbers, Judge Cartwright pressed Mr. Short for details about Pol Pot’s assault on Phnom Penh in 1973, as described in his book. Mr. Short testified that

⁴ The spelling of this person’s name was not clear from Mr. Short’s testimony.

⁵ Pol Pot, aka Saloth Sar, died in 1998.

⁶ *L'Observateur* was published in Cambodia.

⁷ Judge Cartwright mentioned another book by Khieu Samphan entitled *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, but Mr. Short said he could not specifically recall the text.

the unsuccessful assault occurred during the rainy season and made little military sense, but the decision was made because Pol Pot and the Khmer Rouge wished to show they could capture Phnom Penh before the U.S. bombing ended – ultimately in August 1973 – and thereby defeat the U.S. The expert witness said the Khmer Rouge received arms supplies from Vietnam and China but also procured many from Lon Nol forces and corrupt officials in the Lon Nol government.

After confirming to Judge Cartwright that Vietnam continued supplying arms in 1973 after an interruption, Mr. Short stated that Vietnam faced a *“fait accompli,”* as they would have preferred the Khmer Rouge to be a subsidiary ally but the movement had grown too powerful by late 1972 and early 1973 and occupied “sufficiently large areas of Cambodian territory”. “Either they [the Vietnamese] continue to try to force the Khmer Rouge to heed Hanoi’s will or they had to start treating them as allies who would eventually win victory in Cambodia, more or less no matter what the Vietnamese did,” he said, adding that the arms supplies therefore resumed.

Judge Seeks Sources for Excerpts of Philip Short’s Book

When asked for his source of statements in his book that the Khmer Rouge controlled more than two-thirds of Cambodia’s territory and almost half of its population by late 1973, Mr. Short responded that the information came from U.S. archival material, which included the estimates. Judge Cartwright sought Mr. Short’s source for an excerpt stating that Pol Pot moved about 30 kilometers northwest of Phnom Penh on the Udong-Pursat road after the aforementioned unsuccessful assault on the capital. The expert witness replied that some of the information came from Son Sen’s brother Ny Kan⁸ and some from his own travels in the area, when he spoke to villagers who lived there at the time and recalled Pol Pot and other leaders.

Again, Judge Cartwright probed the origin of Mr. Short’s list of three decisions made by Pol Pot while he resided northwest of Phnom Penh, including imposing a siege of Phnom Penh, tightening security around the city, and developing methods of controlling enemies such as building prisons, reeducation, and killings. Mr. Short replied that the information about tightening security came from a Khmer Rouge cadre named Kong Duong whom he met in Pailin and who described his experiences of going from Phnom Penh into the Khmer Rouge special zone. He was fortunate to have lived, Mr. Short added, because somebody recognized and vouched for him while the guide he travelled with was killed. “There was immense suspicion of anybody coming from Phnom Penh,” the witness said.

Mr. Short described a Lon Nol-era police report detailing the journey of French journalist Serge Thion – who knew some of the Khmer Rouge when they were students in Paris – into the area before the strengthening of security, which meant that Lon Nol spies were operating in the special zone. Mr. Short continued that some of the other material came from confessions originating from Tuol Sleng, or S-21, but he could not recall the precise sources of all information. “The point about a book like this is that it is really a mosaic of tiny grains of information that you try to put together, and if you ask me now, I’m not always able to tell you exactly where it came from,” he added.

⁸ Son Sen was in charge of defense under the Khmer Rouge. Ny Kan testified in Case 002 at the ECCC in May 2012. Cambodia Tribunal Monitor’s detailed accounts of his testimony can be accessed at: <http://www.cambodiatribunal.org/blog/archive/201205>.

Moving on, Judge Cartwright inquired about Mr. Short's source of estimates of people moved from Kratie in the second half of 1973, the Khmer Rouge driving 15,000 city dwellers out of Kampong Cham to liberated zones, 20,000 people from Udong being resettled in cooperatives after an attack, and 40,000 people who fled from the northern zone to Kampong Thom. The expert witness responded that there was documentary material about Udong but the information came from an interview with Phy Phuon⁹ in Malai, who described it as a "trial run" to prove that an urban population could be evacuated and put into cooperatives without major problems. Mr. Short said he was fairly certain the number of people who moved from the north to Kampong Thom was an estimate from the US, who had informants telling them about Khmer Rouge zones particularly after 1973, and who flew over the Cambodian-Vietnamese border areas. Mr. Short said that though the intelligence was not always accurate, it had some credibility because it was not intended for public consumption.

Finally, the judge queried the source of a reference in Mr. Short's book to a Central Committee meeting in September 1973 convened by Pol Pot.¹⁰ The expert witness replied that there were scattered references to the meeting in confessions in the DC-Cam¹¹ archives, and he received the information in interviews, particularly with Phy Phuon who was present at most of the meetings between 1973 and 1975.

Judge Cartwright noted that Mr. Short wrote about decisions made at the aforementioned meeting, including that traders would be sent to work in the fields so that the Communist Party of Kampuchea (CPK) could control distribution of goods and prevent capitalism, that Phnom Penh and other Cambodian towns be evacuated once they were liberated, and that the killing of a committee member named Praseth was authorized. When asked to comment on the decisions, Mr. Short testified that the decision to execute Praseth from the southwest was a "tipping point," akin to one in Chinese communist history in 1930 when four provincial leaders wished to follow different policies than those of the party leadership and the party judged them to be "objectively counter-revolutionary," deciding to eliminate them. The expert witness told the court that there were parallels between the Chinese communist movement in the 1930s and DK in the 1970s. He commented:

In both cases a communist party, which was under great pressure, which had very few experienced cadres, reacted by starting to kill its own when placed in a situation of pressure. So for me, the killing of Praseth in 1973 was really the beginning of the internal purges, which went on to devour the CPK.



⁹ Phy Phuon, also known as Rocheom Ton, testified in Case 002 at the ECCC in July and August 2012. Cambodia Tribunal Monitor's detailed accounts of his testimony can be accessed at: <http://www.cambodiatribunal.org/blog/archive/201207> and <http://www.cambodiatribunal.org/blog/archive/201208>.

¹⁰ Mr. Short later told the court that he was "puzzled" by this reference to a 1973 Central Committee meeting because he seemed to have the crucial meeting dated at September 1974.

¹¹ DC-Cam refers to the Documentation Center of Cambodia, a Phnom Penh-based NGO that is a sponsor of the Cambodia Tribunal Monitor. Its director, Youk Chhang, serves as co-managing editor.

Questioning Turns to Evacuation of Urban Areas

Noting the increase in Phnom Penh's population in the year before April 1975, Judge Cartwright inquired if a large number of the capital's population at that point were peasants as well as people from cities such as Udong, which had been evacuated. Mr. Short stated that the majority of people living in Phnom Penh in early 1975 were peasants who had fled the U.S. bombing in the countryside and the internal war, which influenced their positions later. He described how in an early 1975 broadcast, Hu Yun said that if people chose to join Lon Nol's people in Phnom Penh, then the Khmer Rouge would regard them as having made that choice, but those who chose to join the revolution would be welcomed. "It's a very oversimplified distinction but it did lead to the categorization of new people, who were treated less well later because they had taken refuge with Lon Nol, as against the old people who had stayed with the Khmer Rouge and supported the revolution," Mr. Short added. The expert witness said that if one estimated 3 million people in Phnom Penh in the spring of 1975, some 600,000 were genuine city dwellers and the remainder came from the countryside. He elaborated:

It is true that once peace had been restored a lot of those people in from the countryside, even if they had discredited themselves with the Khmer Rouge by choosing to be in Phnom Penh, they were not unhappy to go back to their villages, so the evacuation affected the two different groups very differently. For the city people it was incomprehensible, the beginning of everything in their world crashing around their feet, for the peasants the great majority, it was going home.

Mr. Short testified that people initially shared a similar fate in the sense that they were all evacuated with few belongings – more specifically affecting city dwellers who had greater possessions – but city dwellers were more likely to be educated and therefore suspect. The expert witness stated that to many poor villagers in Cambodia, there was little difference between the rich and the educated, both of whom looked down on the poor. "Those who were seen as rich and educated always had a much harder time than the new people who were poor, and when I say a harder time, in many cases they were simply killed," he said.

When asked for his opinion on Khmer Rouge soldiers telling inhabitants that they had to leave for two or three days because the U.S. was going to bomb Phnom Penh, Mr. Short replied that the explanation was "knowingly false"; there was never any possibility of such bombing and people were told this to persuade them to leave and take few belongings. Judge Cartwright quoted from a CPK statement to the Communist Workers Party of Denmark in July 1978, cited in Mr. Short's book, in which Nuon Chea – described as CPK deputy secretary – stated that the U.S. planned to seize power from the party six months after liberation, jointly with the KGB and Vietnam. "There was to be a combined struggle from inside and outside, but we smashed the plan," Nuon Chea was quoted as saying in part. "Immediately after liberation we evacuated the cities." In response to this passage, Mr. Short said that one of the effects of evacuating cities, in particular Phnom Penh, was to destroy networks reporting to Western intelligence agencies. He expanded:

This idea of a combined struggle, that plays into the explanation, the narrative that the Khmer Rouge leadership built for itself to explain, or to justify, the purges carried on within the party. But those purges started later, they weren't six months after liberation. They really developed later on.

Khieu Samphan's Published Writing Examined

After quoting from passages in Khieu Samphan's monograph in which he describes his ignorance of the decision to evacuate Phnom Penh and his astonishment at reports that people were leaving the city in large numbers and banknotes were being thrown out of windows "like confetti," Judge Cartwright sought Mr. Short's comments.

The expert witness asserted that Khieu Samphan had been consistent in his account of events. "Whether one should take that as the version which Khieu Samphan wishes to have remembered, or whether one should take it as strict historical fact, is a different issue," he said. Mr. Short recalled that Khieu Samphan told him, as in the monograph, that he was at Pol Pot's headquarters west of Phnom Penh and with him on April 17, 1975. He stated that Khieu Samphan went to Phnom Penh after April 17, but he would be "surprised" if Khieu Samphan was surprised by reports of the evacuation.

Again, Judge Cartwright quoted Khieu Samphan's monograph as saying that he was surprised to learn during his talks with CPK officials after April 1975 that "superior level cooperatives had been used in liberated regions since 1973." When asked for his observations, Mr. Short stated that Khieu Samphan was with the upper leadership and it was difficult to imagine that he was unaware of activities in Khmer Rouge areas, though he could not be sure. Judge Cartwright then cited a passage from the monograph in which Khieu Samphan describes Pol Pot as saying that emptying the cities was "part of a collectivization policy," which permitted the CPK to control the rice supply and thereby confront the Vietnamese military. Mr. Short concurred that a spin-off from the collectivization policy was that the CPK controlled rice supplies and the Vietnamese could therefore only obtain rice from them. He elaborated:

It wasn't the fundamental reason for collectivization, which was ideological. It was communal ownership as against individual ownership. It was communism as against capitalism. It was equality for all citizens – one may put that in inverted commas – as against differences in living standards, in levels of wealth. The evacuation of Phnom Penh was ... justified because it was part of the collectivization policy. I think that is stretching it. The reasons for the evacuation of the cities were fundamentally different.

Judge Cartwright queried the source of comments from Pol Pot, cited by Mr. Short, telling Westerners that the evacuation was not pre-planned and made because of an imminent food shortage and a U.S. plan to attack the country. Mr. Short responded that Pol Pot was talking to a Western delegation at the time and he would seek the proper reference.¹² He testified that while food was not available in large quantities in Phnom Penh and an airlift had ended, there were enough reserves to feed the city for some days and the Khmer Rouge could have requested food to be sent in from elsewhere. He stated that a static population was easier to feed than millions of people moving in different directions, with no medical facilities or food provided to them.

Judge Cartwright quoted from a passage in Khieu Samphan's book *Considerations on the History of Cambodia from the Early Stage to the Period of Democratic Kampuchea*, in which he writes that people in the city and the country did not have enough to eat and quotes Pol Pot as saying that evacuating the city would allow them to avoid the dangers of famine and rebellion. Mr. Short testified that if city people were scattered in the countryside and their networks

¹² Mr. Short later told the court these were comments made to Yugoslav journalists in late 1977 or early 1978.

broken, they were easier to control and their potential resistance to Khmer Rouge policies was greatly diminished. Rebellion was a key reason for the evacuation of the cities, he said, adding that he found the threat of famine “wholly unconvincing.”

When asked whether the Khmer Rouge explored the possibility of food aid, Mr. Short responded that limited quantities of rice came from China but for the CPK leadership, self-sufficiency was a “point of honor” and they were against going to foreign countries for assistance when they had just secured a great victory. This had an “internal logic,” Mr. Short said, though it offered little to people who were hungry and suffering. “They wished to make a very different kind of country, a country which in their view would be egalitarian, pure, ‘wonderful,’” he testified. “The intentions were good, but there was no concern for the suffering along the way.”

Citing an excerpt from Mr. Short’s book, Judge Cartwright queried the importance of disabling spy networks as a reason for evacuation of cities. The expert witness replied that if one ranks the ideological imperative to equalize the city and countryside by eliminating the “turpitude and filth” of cities first, dismantling intelligence networks was probably second or third in significance. Mr. Short told the court:

I thought and still think it’s important to emphasize that the goal of the Khmer Rouge was not to destroy a large part of the Cambodian population. They didn’t set out to kill everybody. They set out to change the country, in other words to transmute, and Pol Pot was very proud of the fact that they had done something by evacuating the cities in particular which had been done nowhere else. ... For the Khmer Rouge, for the leadership, the fact that they had done something, that they had taken a radical step to transform Cambodian society which no other communist party was capable of taking, or had taken, was important.

Mr. Short told the court that he had arrived at the “median figure” of 20,000 lives lost during the evacuation, adding that various writers had made other estimates. He noted that though he was not present, he had concluded based on testimonies that richer city dwellers began by driving cars, but some had to abandon them quite quickly, and troops from different zones varied in their treatment of evacuees. Possessions were abandoned along the way, Mr. Short testified, and though Cambodian currency was initially used, the Khmer Rouge eventually made it clear that money had no value. Storekeepers began accepting valuables instead of money for goods, he said. The Khmer Rouge technique of taking biographies was gleaned from the Vietnamese communists – who learned it from the Chinese communists – and was initially used to establish the backgrounds of urban evacuees, Mr. Short added.

Furthermore, Mr. Short stated that people assumed technicians and skilled people who were taken away and never heard from had been killed but this was a reflection of views people developed about the Khmer Rouge regime. In fact, he told the court, skilled workers were put to work in factories in Phnom Penh that resumed production and other sorts of workers were assigned to their various industries. When asked about the fate of military officials and civil servants of the Lon Nol regime, Mr. Short affirmed that on the whole, such people were executed though some survived. “One of the characteristics of the regime was that treatment was not completely uniform, it depended on the zone or very often, at a much lower level, the Khmer Rouge cadres responsible,” he said, adding that he was not familiar with Tuol Po Chrey in Pursat province. In the early stages the regime attempted to reeducate other professionals such as architects, doctors, engineers, lawyers and teachers, who were treated harshly, Mr. Short stated.

He told the court that many died but those who survived could become part of the “new people” and live in the countryside, reforming through agricultural labor. The expert witness continued that in perhaps early 1977, Son Sen attempted to start reeducation courses but they were discontinued, and thereafter if a person committed “misdeeds,” it cost them their life.

In response to query from Judge Cartwright, Mr. Short testified that the Cambodian elite was surprised at the evacuation because they believed an arrangement would be possible under the Khmer Rouge and did not believe reports that it was a radical regime that would not compromise. Furthermore, he said that Prince Norodom Sihanouk’s support of the Khmer Rouge and the movement against Lon Nol reconciled many Cambodians to it, while Khieu Samphan’s reputation was another key element. Mr. Short said he did not feel that it made sense that Khieu Samphan had “remonstrated” with Pol Pot about the evacuation because he did not believe anyone was in a position to do so. Senior official Hu Yun, who was with Pol Pot in Paris, objected that the Standing Committee was wrong about the evacuation and was killed some months later in “strange circumstances,” Mr. Short testified. He continued:

When it comes to things like the evacuation, and indeed many Khmer Rouge policies – this is not to justify people’s silence – but with respect, the court needs to be aware that we are not talking about a democratic state where people could object and say, “I disagree.” We’re talking about an extremely rigid regime where if Khieu Samphan or anybody else had said, “I object,” their neck would have been on the line.

Khieu Samphan’s Role in the CPK

Judge Cartwright cited a passage in Khieu Samphan’s monograph in which he described accepting a CPK proposal to hide in the countryside when Sihanouk suspected him of involvement in the Samlaut rebellion. In response to a string of questions about Khieu Samphan’s role and influence in the CPK, Mr. Short recalled that Khieu Samphan told him he was not a CPK member at that time – though he was French communist party member as a student – but was in close touch with the Phnom Penh organization.



*Khieu Samphan (left) meets with villagers before the Democratic Kampuchea period.
(Source: Documentation Center of Cambodia Archives)*

The expert witness told the court that Khieu Samphan and Hu Yun left Phnom Penh simultaneously and spent a considerable time isolated in a remote village. Mr. Short recalled Khieu Samphan telling him that while Hu Yun struggled with the isolation, Khieu Samphan was disciplined and did as he was told. “I do think that was an honest characterization of his personality,” Mr. Short added. “That is to say, throughout the Khmer Rouge period, the evacuation and everything else, he basically did what he was told.” Mr. Short stated that between 1970 and 1975, Khieu Samphan was an “extremely useful figurehead” for the CPK with the title of commander in chief of the Khmer Rouge armies, and became an associate member of the Central Committee around 1973 or 1974. “He was nowhere near the standing committee; he was nowhere near a key decision-making role,” Mr. Short said, adding that Khieu Samphan later won Pol Pot’s trust because he could be relied upon to do what he was told.

At this point, Judge Cartwright noted that Khieu Samphan told the court’s co-investigating judges in 2007 that his responsibilities with the Khmer Rouge between 1970 and 1975 were to liaise with Sihanouk – presented as the leader of the resistance – while his own title was deputy chairman of the National United Front of Kampuchea (FUNK) and commander in chief of the People’s Liberation of Kampuchea. “I was considered as the leader of the Khmer Rouge since then, but that was not the real situation of my position,” Khieu Samphan said in the statement. “The real leader was Pol Pot, the political and ideological, but not the military leader.”

Mr. Short testified that while Khieu Samphan had a title, he grew from being a journalist who believed in equality to slowly becoming a kind of “amanuensis”¹³ for Pol Pot and his protégé. “Much later in his career, Pol Pot would have liked to see him as a successor,” Mr. Short said. “It didn’t happen for all kinds of reasons, partly because he was perhaps a better follower than a leader, but up to 1975 and, indeed, really up to 1976, when he became head of state, his role should not be exaggerated.”

When asked if he could shed light on Khieu Samphan’s time in the jungle between 1966 and 1975, Mr. Short replied that he believed Khieu Samphan spent at least a year essentially isolated in a small village before moving after the Samlaut uprising in 1967 to Oral Mountain,¹⁴ and then to the northeast near Kampong Cham where Pol Pot’s headquarters were based in the early 1970s. He added that Khieu Samphan was gradually taken into the leaders’ confidence and stayed close to Pol Pot up until the capture of Phnom Penh. The expert witness recalled that Khieu Samphan’s doctoral thesis prefigured parts of the economic and social policy eventually implemented by the Khmer Rouge – autarky; strict egalitarianism – and nothing Khieu Samphan told him suggested an interest in military matters. Mr. Short testified that Khieu Samphan was an intellectual more interested in ideology and transforming society, with a rigid outlook on “making everybody exactly equal,” and he believed this was the basis of his commitment to the revolution.

Mr. Short told the court the foundations of Khieu Samphan’s reputation prefigured his period with the Khmer Rouge. He described how Khieu Samphan’s family wished him to be an official, but he instead became a journalist and started *L’Observateur*, which published “gentle”

¹³ “Amanuensis” is defined by Oxford American Dictionaries as “a literary or artistic assistant, in particular one who takes dictation or copies manuscript.”

¹⁴ Oral Mountain is located in Kampong Speu province.

criticisms of Sihanouk that left an impression on Phnom Penh's intelligentsia. Sihanouk's interior minister had police strip Khieu Samphan naked in the street to humiliate him, Mr. Short stated, but he continued with the publication anyway. "He developed a reputation, almost you could say a unique reputation in Cambodia, as a man of probity, of honor, who was not easily intimidated and who believed in a better and juster system for the country," Mr. Short said, adding that Khieu Samphan carried this reputation up until 1975. He commented in response to a query from Judge Cartwright that it was likely Khieu Samphan did not know until after the 1970 coup that Saloth Sar was CPK secretary rather than Ieng Sary, as even people at fairly senior levels were not aware of it until 1975 or the start of 1976.

Judge Cartwright quoted Khieu Samphan's statement to investigating judges as saying that he came to Phnom Penh a few days after the April 17 evacuation with Pol Pot and Nuon Chea, and inquired if Khieu Samphan was by then a member of the "inner circle." Mr. Short expressed concern about the word "member" but reflected that Khieu Samphan was associated with the inner circle and moved about with them. "An inner circle has ... trusted people who are with them but are not of them, and I would say Khieu Samphan was that," he told the court.

Khmer Rouge Policy under the Microscope

Moving on, Judge Cartwright quoted from a speech in *Revolutionary Flag* magazine dated December 1976 to January 1977, which described "exploiting classes" being attacked and dug out "by the large roots and the small roots." In response to a query from Judge Cartwright about its link to private ownership, Mr. Short commented that people desire private property and to distinguish themselves from others as an individual, but the Khmer Rouge wanted to destroy individualism and make everyone part of a mass. "If the roots of individualism, of private property, of desire for goods, starts to grow in a person, then he is liable to become an enemy of the regime," he said, adding that one should be careful about reading too much into Khieu Samphan's 1959 doctoral thesis.

Mr. Short commented that what the Khmer Rouge did bore much resemblance to what other Asian communist parties, particularly the Chinese and Vietnamese, did when they were under intense pressure early in their development and it was deemed better to kill innocent people than leave guilty people alive. He suggested that the Khmer Rouge never went beyond an "infantile" stage of communism, which was extreme.

Judge Cartwright quoted a passage from Mr. Short's book in which he wrote that Pol Pot and his colleagues on the CPK Standing Committee had approved a "slave state" in May 1975, asking if it was a "flourish." Mr. Short responded that it was not a flourish but the essence of his belief about the Khmer Rouge polity. He explained:

It was a slave state in which people had no money, had no choice over their personal lives, over anything they did, over where they lived, how long they worked, who they lived with in many cases. All the tiny choices, which make up our everyday lives, were removed, were forbidden. And this is the tragedy of the Khmer Rouge regime. They did it for the most excellent of motives, which was to raise living standards in the countryside, to eliminate the poor so that everybody had a reasonable standard of living but the methods they employed for policies of autarky of relying on agriculture which were not in themselves stupid, these policies could be justified, but the way they did it made it hell on earth and very literally a slave state.

As Mr. Short began to say that he objected to the use of the term “genocide” because he felt it was a “misuse of words,” Judge Cartwright interrupted and stated that genocide was a legal term – though used more broadly – and was not being considered in the present trial.

Roles of Khieu Samphan and Nuon Chea during DK regime

Citing the CPK statute adopted in 1975, Judge Cartwright inquired if the “general conference” – a party organization with “highest power” to be called by the Standing Committee every four years, or more frequently – met more than once. Mr. Short responded that he would have used the term “party congress,” of which there were two after 1975 – one in 1976 and another in 1978. When asked about his knowledge of communication and structures around the Central Committee and Office S-21, Mr. Short testified that the only units that mattered on a day-to-day basis were the Standing Committee and the security committee – a smaller group comprised of Pol Pot, Son Sen, and Nuon Chea, which controlled S-21.

The expert witness declared that both committees had few members and increasingly throughout the regime Pol Pot and Nuon Chea made decisions, rather than even the Standing Committee. He added that he believed Khieu Samphan became an alternate, non-voting member of the Central Committee in 1973 and a full, voting member after 1975. “The Central Committee was an echo chamber; it was a body which would give formal shape to what had already been decided by the Standing Committee,” he said. Mr. Short told the court that though he was unsure if it was referred to in the CPK statute adopted in 1975, the Standing Committee had statutory significance and existed from an early stage of the CPK. Pol Pot, or Saloth Sar, was secretary of the Standing Committee since 1963 and he later became secretary of the party, while Nuon Chea was deputy secretary of the committee from the same year, and both remained committee members after 1975, Mr. Short detailed. He added that “Angkar” – the organization – was used to describe the Cambodian Communist Party by its members, especially when it was clandestine, and became the name by which the population knew the party, noting also that “870” was the codename for the Standing Committee.

Roles of Government and Party Committees under DK

Mr. Short asserted that during the Khmer Rouge period, the Central Committee did not exercise control over the Standing Committee, which had the power to appoint senior officials to the party, government, and military, and monitor and implement CPK policies. He stated that though he could not know how members of the Standing Committee interacted, he could not see Nuon Chea reporting to his colleagues about his work because he was at the level of deputy secretary and divided responsibilities with Pol Pot. “Essentially when there was a Standing Committee meeting, Khieu Samphan or the other members would report at the Standing Committee, but to Pol Pot and to some extent Nuon Chea, so it wasn’t among equals, there was a definite hierarchical structure,” Mr. Short testified. He confirmed that the revolutionary army reported to the Standing Committee, and zone leaders and military commanders would send telegrams to 870.

Replying to a question about the work of the DK regime, Mr. Short described that the defense ministry under Son Sen – an alternate member of the Standing Committee – controlled the army. People were designated as ministers, the expert witness asserted, but he believed decision-making power resided in the party structure – or in other words, the Standing Committee.

Mr. Short confirmed to Judge Cartwright that Khieu Samphan was formally acknowledged as DK head of state in 1976 and promoted to full membership in the Central Committee. He noted that he could not shed any light on Khieu Samphan's position within the Standing Committee but he had never seen a document or interviewed anyone that declared Khieu Samphan to be a Standing Committee member. Khieu Samphan's presence at meetings was certain, Mr. Short added, in keeping with his role in accompanying the top leadership, but he could not say whether Khieu Samphan had a decision-making role in that committee.

The expert witness could not recall discussing his attendance at Standing Committee meetings with Khieu Samphan, though he told Mr. Short that he was not a member and described himself, Hu Yun, and Hou Nim as "figureheads." Mr. Short believed none of them had military command responsibilities. "The very fact of attending Standing Committee meetings is itself significant," he noted. "This is a very small group of people and if you were there during their discussions, that gave you a certain power, not necessarily the power to influence those decisions, but at least you were among a very, very small group which knew what was going on." Mr. Short described a general office headed initially by Doeun – something of an executive arm of 870 – in which Khieu Samphan later played a role.

Judge Cartwright recited a selection of minutes from Standing Committee meetings in March 1976 at which Nuon Chea and Khieu Samphan were present and asked Mr. Short to comment on their knowledge about and engagement in the CPK's conduct. The expert witness replied that being at a Standing Committee conferred extraordinary knowledge but Khieu Samphan's input on particular issues at meetings was unknown. He commented that he believed education and propaganda were among Khieu Samphan's fields and that at Standing Committee meetings Pol Pot would ask people's opinions on key issues and outline the policy at the end of the meeting that he wanted to follow from the start, perhaps incorporating remarks that had been made.

Judge Cartwright stated that the right to smash "inside and outside the ranks" by zone standing committees, the central office committee, Standing Committee, and general staff was formulated at a Central Committee meeting on March 30, 1976, for which there is no attendance record. When asked if it was possible that Nuon Chea and Khieu Samphan were unaware of that decision, Mr. Short replied that he was sure they were both familiar with it but he did not believe it was at a Central Committee meeting where that decision taken. There is evidence, Mr. Short asserted, that Pol Pot thought highly of Khieu Samphan and Nuon Chea but he knew nothing of the relationship between those two men. He described Pol Pot as having three main residences he knew of in Phnom Penh, including one that served as headquarters, and confirmed that Pol Pot, Nuon Chea, Vorn Vet, and Khieu Samphan worked and lived closely together.

Philip Short Pressed on Nuon Chea's Role

Mr. Short confirmed that Nuon Chea was appointed deputy secretary of the CPK in 1960 and held the position throughout the DK era. He asserted that it was difficult to assess the relationship between Pol Pot and Nuon Chea, which was perhaps close to that of "an alter-ego." They both were interested in and took responsibility for things, making it difficult to gauge the influence of each, Mr. Short said, adding that he did not believe Nuon Chea assumed the role of acting Prime Minister. "I think this was something which had been agreed between the two of

them basically to throw sand in the eyes of the Vietnamese, who interpreted it as the eclipse of Pol Pot and Ieng Sary,” Mr. Short stated. “In fact, the leadership remained united and Pol Pot -- although it was announced that he had stepped down as prime minister, no such thing happened.”



Pol Pot (in front of car on left), Nuon Chea (in front of car on right) and Ieng Sary (behind car, far right) during the DK period. (Source: Documentation Center of Cambodia Archives)

When asked about the likeness between the CPK’s structure and that of other communist parties, Mr. Short replied that the CPK was *sui generis*, though communist parties do locate ultimate decision-making in the party, central committee, or Politburo. However, he argued, there is usually a more defined structure and system, including a “party fraction” in the ministry leadership, through which central committee instructions are conveyed to the government. “In Democratic Kampuchea it was not that systematized and the blending of roles, particularly between Nuon Chea and Pol Pot, I can think of no equivalent, really, in any other communist party,” he said, adding that he suspected if the CPK stayed in power longer it would have become more structured. Mr. Short testified that Nuon Chea had a military decision-making role in the mid-1990s but likely not under DK. When asked about a Standing Committee meeting in March 26, 1976, chaired by Nuon Chea in which military matters appeared to have been discussed, Mr. Short said it was possible that Pol Pot did not chair the meeting because he was out of the country.

At this juncture, Judge Cartwright read a passage from Nuon Chea’s statement to investigating judges on September 19, 2007, in which he described himself as part of the “legislative body” post-1975, as deputy party secretary and assembly president, and in charge of educating cadres and party members. In the statement, Nuon Chea described a military committee comprised of Pol Pot as chairman, Son Sen and Ta Mok as deputies, and Sao Phim and Ke Pauk as members and said the military was the strongest group, while politicians “received less esteem.”

Mr. Short commented that though Nuon Chea was not part of the military committee, to suggest that the military had power in DK and politicians did not was to “turn truth on its head.” While

the party needed military support, Mr. Short emphasized, the army was subordinate to the party and implemented its decisions. “The final word was with the party,” he affirmed. Mr. Short further stated that both Pol Pot and Nuon Chea were called “Om,” meaning “grand uncle,” and while they were known respectively as “first brother” and “second brother,” he believed the terminology of “Brother Number One” and “Brother Number Two” was wrong, as it lent an Orwellian overtone that did not exist at the time.

The expert witness testified that the change of name from “worker’s party” to CPK in 1966 was kept secret from the Vietnamese worker’s party as the Cambodians did not wish to annoy them, and the party rank and file was not told because it would have leaked to Hanoi. Secrecy was a “characterizing aspect” of the Khmer Rouge leaders, Mr. Short said, adding that it had as much to do with Khmer culture as with practical conditions. After Judge Cartwright cited a passage from Mr. Short’s book describing Nuon Chea as the “opaque master of the underground,” the witness said Nuon Chea managed to remain undetected in Phnom Penh after other people decided it had become too dangerous, which suggested that he was “not easily ruffled,” “He could live under considerable stress, perhaps more effectively than some of the others,” Mr. Short said.

When Judge Cartwright pressed Mr. Short on why it was considered important for the names of significant CPK members to be secret, he replied that the reason was “paranoia” – partly geographical due to Cambodia being sandwiched between Thailand and Vietnam and partly to do with perceived enemies “burrowing” within the party. With this response, Judge Cartwright handed over questioning to Trial Chamber Judge Jean-Marc Lavergne.

Judge Lavergne Resumes Questioning of Philip Short¹⁵

In response to a question from Judge Lavergne on earlier population movements, Mr. Short testified that he believed the first transfers began in 1973 out of Kratie, then from Udong in 1974, along with movements along the Vietnamese border where people were regrouped into collectives, but these were mostly small scale and often for practical, rather than ideological reasons. He stated that he felt there was a distinction between collectivization and population movements, as collectivization could occur without a village being moved; when villages were burned and the population transferred it was usually for practical reasons, in other words CPK control, at that time. “Later with the evacuation of Battambang and Phnom Penh after April 1975, it’s really a different exercise,” he asserted. “It’s not about regrouping villagers to collectivize them; ... it’s about emptying the towns.” Mr. Short told the court that he believed the majority of cooperatives were based on existing villages but there were areas along the Vietnamese border where villages were destroyed and people moved into more remote areas.

¹⁵ Judge Lavergne began by asking Mr. Short to identify whether a typewritten note – roughly translated as *Khieu Samphan: Enlarged and Real* – by In Sopheap, which is in DC-Cam’s archives, was one he used in writing his book. The English translation was unclear, but Mr. Short later confirmed that he had used the aforementioned document in his book. He told the court In Sopheap lived in Pailin and came from a family loyal to the Cambodian revolution. Mr. Short said he interviewed In Sopheap several times and received the document from him, but he could not authenticate the information in it.



Resuming testimony entirely in French after the break, Judge Lavergne inquired if it was fair to say that the policy of collectivization and establishment of cooperatives had been developed by May 1973 and there were practical considerations including the need to control the rice supply and prevent the Vietnamese from disturbing it. Mr. Short concurred.¹⁶ In response to a query from Judge Lavergne about an unspecified passage, Mr. Short testified that everyone living under DK had to fit a particular mold.¹⁷

Reading at length from an edition of *Revolutionary Flag* dated August 1975, Judge Lavergne queried whether there was an ideological reason behind the decision to evacuate Phnom Penh or if this came up later to justify the evacuations. Mr. Short replied that the ideological reasoning came beforehand and was highly significant, as a way to evacuate all of the corruption that festered in the cities. Furthermore, he added, before 1973 Pol Pot realized that trade in small cities in the countryside was resuming and he wished to eradicate it. “It was one of the triggers of the radicalization that had begun to take shape in 1973,” Mr. Short testified.

Describing the abolition of currency in response to Judge Lavergne, Mr. Short asserted that after 1973, a bartering system began to prevail in the countryside and Lon Nol currency was not used in the liberated zones. Though the Khmer Rouge did initially attempt to establish a currency, after April 1975 reserves at the central bank were destroyed, Mr. Short said,¹⁸ adding that he stood by what he wrote in his book, bar the removal of a few repetitions.¹⁹

Examination Returns to Khieu Samphan

When asked when Khieu Samphan first had contact with Pol Pot and Sihanouk after the coup d'état, Mr. Short told the court he believed that after Pol Pot moved to the center of the country near Kampong Thom from Ratanakkiri province and set up a new CPK headquarters, Khieu Samphan travelled there from Oral Mountain. The expert witness stated that he believed Khieu Samphan met Sihanouk in Peking before the prince visited the liberated zones, but the two had little contact and communications were sent through Ieng Sary, who was then the representative in Peking. In a slightly confusing comment, Judge Lavergne said he was unsure if there was a meeting between Khieu Samphan and Sihanouk in Peking before he returned in 1974, which the Khieu Samphan defense would clarify.

In response to a query from Judge Lavergne, Mr. Short said he did not believe Khieu Samphan was consulted about the formation of the GRUNK (Royal Government of National Union of Kampuchea), which was discussed among other party members in Peking including Pol Pot and Sihanouk. Mr. Short testified that Khieu Samphan was in Kampong Thom at the time and his role only coalesced later. He described Khieu Samphan's position at the time as “window

¹⁶ The question and response were unclear in the English translation.

¹⁷ Mr. Short's response was unclear in the English translation.

¹⁸ Mr. Short's response was unclear in the English translation.

¹⁹ The following question by Judge Lavergne referred to a letter in March 1970 signed by Khieu Samphan, Hu Yun, and Hu Nim; however it was unclear in the English translation.

dressing” and not strategic in the sense of conferring influence and leadership.²⁰ He said he assumed based on his understanding of Khieu Samphan’s character that the accused preferred to be in a secondary position rather than the one in charge, which was why he was so useful to Pol Pot and the Khmer Rouge. “He was someone who was very reliable, who didn’t ask questions, and who acted in the required way,” Mr. Short asserted.

Links between the Khmer Rouge and the People’s Republic of China

In response to queries from Judge Lavergne, Mr. Short told the court that Pol Pot’s first stay in China was at the end of 1965 or start of 1966 for about a month or six weeks and well before the start of the Cultural Revolution. On the visit, Mr. Short said Pol Pot met a member of the Chinese political bureau who was the mayor of Peking but was removed during the Cultural Revolution, and he may have met the foreign minister. It was unclear if Pol Pot met Kang Sheng,²¹ an influential member of the standing committee of the political bureau who wielded considerable influence, who was trained in the Soviet Union in the 1930s, and worked alongside Mao, but he likely met people in his entourage, Mr. Short said.²² People in China who supported the Cambodian revolution were the protégés of Kang Sheng, Mr. Short observed, including those were later referred to as the “Gang of Four.” Mr. Short stated that the two men definitely met in 1970.

Judge Lavergne inquired about the identity of Zhang Chunqiao,²³ whom Mr. Short described as a former Chinese deputy prime minister and probably the most influential of the “ultra-radicals.” He made a secret visit to DK in or around April 1976, according to Mr. Short – the first major visit by a Chinese leader. He was important in connecting DK and China and there was “consternation” in Phnom Penh when he lost his position and was arrested, Mr. Short testified.

Mr. Short stated that Ieng Sary had travelled to Peking²⁴ and returned with the deputy leader of the international relations department of the Chinese Communist Party and there were detailed discussions about Chinese aid to Cambodia in June 1975. He stated that a meeting was held between Mao and Pol Pot to discuss “big philosophical and ideological issues” but the details were worked out with Deng Xiaoping, then deputy president of the Chinese Communist Party.²⁵ Judge Lavergne pressed the witness for detail on meetings between Mao and Zhou Enlai involving Sihanouk and Khieu Samphan, and an attempt by Khieu Samphan to request Sihanouk’s return in August 1975, but Mr. Short replied that information was limited. He described a meeting between Khieu Samphan, Ieng Sary, and Mao, during which Mao requested decent treatment of Sihanouk and Pen Nouth, which Khieu Samphan promised.

Mr. Short confirmed to Judge Lavergne that there were those in China attempting to encourage moderation with Khmer Rouge leaders and those in favor of the Khmer Rouge’s revolution. He

²⁰ It was unclear from the testimony which time period is being referred to in this section.

²¹ This is believed to be the correct spelling of this former official’s name.

²² At this point in Mr. Short’s testimony, a number of names of leading Chinese officials at the time were named, however not all were identifiable. Official court transcripts for the ECCC’s hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

²³ This is believed to be the correct spelling of this former official’s name.

²⁴ The timing of this visit was unclear in the English translation.

²⁵ Mr. Short’s response was unclear in the English translation.

added that Zhou Enlai was concerned about what would happen in Cambodia. Mr. Short commented:

It was a time when the Khmer Rouge were steeped in hubris and arrogance. They had won a victory, and they didn't want to listen to the voices of moderation. When Mao met Pol Pot, the meeting was highly instructive. He made all kinds of references underwriting his speech to say, open up, don't stay too rigid – you're going to put your own revolution into effect but this can't be done in isolation. So I think Mao was very impressed by what the Khmer Rouge had achieved, but he too was worried and disturbed.

Mr. Short emphasized, however, that Chinese leaders at the time were “too lucid” to believe that Sihanouk could affect the Khmer Rouge's behavior but his presence as head of state in Phnom Penh gave the regime a slightly different image. He said the Khmer Rouge did not want to be a tool of the Chinese, though it was a smaller problem compared with Vietnam. “Another reason without any doubt why China wanted Sihanouk to return [to Cambodia] was that if he stayed outside of the Khmer Rouge, he would have had much less opportunity to play a significant role at a later stage,” Mr. Short suggested.²⁶ The expert witness said there was one document that mentioned the Cultural Revolution, a letter from Pol Pot to the Chinese praising it.

After a brief discussion about documents provided to the court by Mr. Short, the hearing was adjourned. Proceedings are set to resume at 9 a.m. on Tuesday, May 7, 2013, with further testimony from expert witness Philip Short.

²⁶ At this point, another Chinese figure was discussed. The English translation was unclear, but he was described as a peasant allied with extreme left radicals who received assistance from Chinese authorities to build a model commune. At one point he visited Cambodia