



Khieu Samphan's Role under the Microscope during Philip Short's Testimony Mary Kozlovski¹

Defense lawyers continued to cross-examine British author and journalist Philip Short, 68, an expert witness² in Case 002 at the Extraordinary Chambers in the Courts of Cambodia (ECCC) on Thursday, May 9, 2013, for the fourth and final day of his testimony. Mr. Short's well-known biography *Pol Pot: The History of a Nightmare*³ includes interviews with defendants Khieu Samphan and Ieng Sary, who died in March this year at the age of 87. Mr. Short's testimony was delayed earlier this year after Ieng Sary fell ill.

On Thursday, May 9, 2013, 250 people from Battambang province and 120 people from Takeo district visited the court, along with 21 civil parties from seven different provinces. Khieu Samphan was present in court all day, while his co-defendant Nuon Chea observed proceedings remotely from a holding cell due to his health problems.

Nuon Chea Defense Continues to Question Philip Short

Retrieving the thread of his earlier cross-examination, International Co-Lawyer for Nuon Chea Victor Koppe inquired if Mr. Short's assessment that there was a Khmer Rouge policy before and after April 17, 1975, to execute Lon Nol soldiers and officials, was based primarily on witness testimony rather than that of cadres involved in killings. Mr. Short concurred in part, but

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 US in 2004, and later published in other languages.

noted evidence from Khmer Rouge soldiers, referring to his interviews with Phy Phuon,⁴ who fought in clashes in Ratanakkiri province in 1968 and remarked that the policy toward enemy soldiers was universally understood. The expert witness said the Khmer Rouge placed a premium on a certain political consciousness – of demarcating between “the enemies and ourselves” and showing revolutionary vigilance – which created a generalized understanding and where much was communicated orally.

Mr. Koppe recounted a front radio broadcast that mentioned the killing of the so-called “seven traitors”⁵ – and perhaps others – and questioned whether there might have been confusion among low- and mid-ranking cadres over this public statement and an apparently separate message to go further. Mr. Short replied that the two messages were meant for different audiences, as the Khmer Rouge rank and file did not listen to the FUNK (National United Front for Kampuchea) radio station but rather to section leaders and commanders, and the public message was intended for inhabitants of Phnom Penh. He reiterated that the aforementioned broadcast implied in its wording that those who did not join the revolution immediately would fall into the same category as the traitors, though it was probably not understood that way.

After reading out a cluster of passages from Mr. Short’s biography of Pol Pot that suggested that zone cadres were given a certain latitude, Mr. Koppe posed a question about whether it was possible that local cadres in the Northwest Zone acted without any central directive and perhaps without the knowledge of their then commander Ruos Nhim. Before Mr. Short could respond, International Senior Assistant Co-Prosecutor Tarik Abdulhak objected that the quotes referred to different time periods and that the questions themselves were repetitive and invited the expert witness to speculate on Ruos Nhim’s state of mind. The Trial Chamber overruled the objection. Mr. Short replied that there was considerable latitude in different zones, but he did not believe zone leaders would have completely violated central policy on their own. He emphasized that instances of libraries being looted and laboratories smashed were individual, not part of a countrywide policy. As an example, Mr. Short said the Khmer Rouge mostly preserved the Cambodian archives – later pulped by the government under Heng Samrin for paper to print newspapers – and while some Buddhist sites were destroyed, this was not done systematically. Rogue troops did kill without instruction but these were “individual excesses,” he concluded.

Pinpointing a photograph in Mr. Short’s book depicting Lon Nol soldiers carrying the heads of Khmer Rouge cadres during the civil war, Mr. Koppe sought the expert witness’ views on whether Lon Nol officials and soldiers were in turn later killed out of revenge. Mr. Short agreed there were perhaps similar acts committed for revenge but this was distinct from a nationwide pattern of behavior.

The Treatment of Vietnamese People within Cambodia

When asked to expand on a quote from his book about 250,000 Vietnamese residents being forced to abandon their homes under Lon Nol, Mr. Short asserted that the Lon Nol regime

⁴ Phy Phuon, also known as Rochoem 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>.

⁵ The so-called “seven traitors” are Lon Nol, Sirik Matak, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and Sosthene Fernandez.

launched a policy of racial hatred against Vietnamese residents who had spent many years, if not all their lives, in Cambodia, leading to massacres and a mass exodus of those residents. Opining on the differences in treatment of Vietnamese residents between the Lon Nol and DK governments, Mr. Short remarked that while he knew of no documentary evidence that the Lon Nol regime instructed its military to carry out such massacres, they were “inspired from the top.” Under DK, Mr. Short said, there was initially a move to send Vietnamese residents back to Vietnam, which allowed some Khmers to escape by passing themselves off as Vietnamese. Violence against Vietnamese people who remained began later when border clashes started and a war was developing between the two countries, he told the court.

While Mr. Koppe affirmed that whether genocide occurred in DK was for the court to determine, he nevertheless asked Mr. Short to expand on an observation in his book that the Khmer Rouge “did not set out to exterminate any ‘national, ethnic, racial, or religious group.’” Mr. Short replied that he was convinced there was no attempt to exterminate any particular ethnic group, which differentiated Cambodia from past situations in Rwanda and Nazi Germany. The expert witness said Cham Muslims were often cited to prove that there was a targeting of an ethnic group. He elaborated:

The difficulty for the Chams was that they had a very identifiable, deeply rooted culture different from that of other Khmers, and Pol Pot, as we discussed, the whole of the DK policy was to make everybody equal. So those who stood out were under greater pressure to be made equal. And in the case of the Chams it happened by dispersing them through the country, by the very savage repression of their rebellions, but that is not the same as a conscious attempt to exterminate a racial group.

Defense Lawyer Queries Khmer Rouge “Paranoia”

Moving on, Mr. Koppe posed a question about whether there was a real threat to DK from Vietnam based on its past actions or whether one could dismiss Khmer Rouge actions as “pure paranoia.” Mr. Short asserted that the DK leaders did have reason to fear the intentions of Vietnam, which had long desired to dominate Laos and Cambodia, but this did not mean there was an actual threat of invasion. The invasion⁶ came about because of Vietnam’s deteriorating relationship with Cambodia for which Cambodian leaders were considerably responsible, Mr. Short said, adding that an external threat did not mean that there were internal agents who must be tracked down and purged. Under DK, there was a constant paranoia about being undermined from within, Mr. Short suggested. He testified that Heng Samrin fled to Vietnam only after an immense purge in the Eastern Zone, while others, including Hun Sen, left earlier for their own reasons. “There was no conspiracy in the East or anywhere else on behalf of Vietnam,” Mr. Short added. When Mr. Koppe mentioned that Heng Samrin ultimately became the president, Mr. Abdulhak objected that his line of questioning was irrelevant unless the court was pursuing conspiracy theories. The objection was sustained, as the question was outside the scope of the trial and temporal jurisdiction of the court.



⁶ This is believed to be a reference to January 1979.

Mr. Koppe commented that it was a “touchy subject,” before asking whether the existential threat posed by Vietnam was one of the key reasons why things went wrong with the DK regime, alongside other factors. Mr. Short replied that the fundamental reason for the failure of the revolution was its single-mindedness, in the sense that it was carried out without consideration for the suffering it caused. Mr. Short contended that this was worsened by the regime’s incompetence and the fact that cadres were uneducated. He said the government of DK also learned from China that political will was more important than technical qualifications, which formed a large part of the basis for employing poor, often illiterate, peasants with appropriate class backgrounds for jobs they were incapable of doing. These factors in concert with the perceived threat from Vietnam added to the strains and tensions in DK, Mr. Short argued.

Mr. Koppe inquired if the term “slave state” - used by Mr. Short to describe DK – could be applied to the situation for peasants in the pre-1975 period. The expert witness testified that while the conditions of the poorest peasants in Cambodia prior to 1975 were terrible – the motivation for the revolution – he would not call it a “slave state.” It was deeply unequal and feudal, he conceded, but the poorest people had elements of freedom they did not enjoy after the Khmer Rouge took power.

Using the oft-repeated example of bespectacled people being considered suspect under DK, Mr. Koppe asked about the differences between perspectives of the DK leadership and the way low-level cadres executed orders. Mr. Short argued that, barring certain variations and excesses, everything followed from central guidelines that the shell of individualism must be smashed so that people may “dissolve” into the organization. In response to a query about how the DK leadership could incur responsibility for a local chief’s thoughts and actions about someone who wore glasses – a prosecution objection to this question was overruled – Mr. Short told the court there were no written instructions that people with glasses should be given trouble. However, he elaborated:

We know that in the Issarak period people with glasses were also singled out, and my understanding from talking to Khmer Rouge cadres was this was something which came from the poor peasants and that they regarded the rich and the educated as essentially the same. Having glasses was a mark of education, both the rich and the educated looked down on them, therefore they were enemies, they were hostile. Having said that, it would have been within the realms of possibility for Nuon Chea and the rest of the leadership, when they were perfectly well aware that this kind of thing happened, to circulate instructions saying this should not happen, and they did not do so.

Additionally, Mr. Short averred that one of the failures of the DK regime was not prohibiting unacceptable practices and he believed Nuon Chea and the zone leaders at least – who were primarily former Issaraks – would have been aware of the perception of people with glasses. He emphasized that it was obvious from archival telegrams that reporting from the provinces was detailed, including information about misdeeds and mistakes, and thus the leadership had a fairly clear idea of what was happening.

Testimony Turns to S-21 and Confessions

Under questioning from the defense about his earlier comments on S-21, Mr. Short said he had written that similar institutions to S-21 existed, notably in Argentina and French prisons in

Algeria, with the latter the closest comparison. S-21 was not unique but in other places such institutions were not central to the system, he continued.

I would argue that in DK S-21 and the district prisons run by the district chiefs – of whom some are still very highly placed in the Cambodian government, the people who sent prisoners to S-21 – that system was not a side issue; it was an essential part of the structure.

Mr. Short contended that S-21 was the apex of DK's incarceration system and the imprisonment and killing of people identified as opponents was central to the regime, especially as there were no courts. When asked about assessing the reliability of information gleaned from confessions, Mr. Short said he only used information from confessions that he regarded as non-political, such as factual details about meetings.

The Role of Nuon Chea in the DK Government

The expert witness told the defense lawyer that he believed Nuon Chea was not a member of the military committee because his name did not appear in documents relating to the committee, or to military matters generally. Though Nuon Chea was present at a meeting where the military situation with Vietnam was discussed, his contribution related to its political implications, Mr. Short concluded. When asked whether it would follow that Nuon Chea had no connection with policies regarding Lon Nol soldiers and officials, Mr. Short replied that what happened to defeated opponents was a political matter, which was Nuon Chea's field.

Turning to the Vietnamese-led trial of the "Pol Pot/Ieng Sary clique" in 1979, Mr. Koppe inquired as to why the Vietnamese barely mentioned Nuon Chea. Mr. Short contended that the Vietnamese tend to be given too much credit for their knowledge of the communist party after the mid to late 1960s. He testified that the Vietnamese persisted in thinking that Nuon Chea was sympathetic to Vietnam because he had undertaken communist training there in the early 1950s – "it was completely mistaken" – and refrained from mentioning him around the time of the 1979 trial. Citing the effectiveness with which Khmer Rouge leaders cloaked their views, Mr. Short commented that Vietnam probably did not realize Nuon Chea was not "their man" until quite a time after 1979.

When Mr. Koppe queried Mr. Short's reason for describing the Khmer Rouge as engaging in "psychological warfare" though shelling with no attempt to avoid casualties, Mr. Short said the Khmer Rouge did not need to shell as there was a "tightening ring" around Phnom Penh and they would have won regardless. "It seems to me that the only explanation was to intimidate at the cost of shelling the civilian population," he added.

Recalling Mr. Short's earlier testimony that journalists went missing in the early 1970s, which marked the first time the Khmer Rouge killed foreigners, Mr. Koppe inquired how the expert witness reconciled this statement with foreigners being permitted to leave Cambodia from the French embassy after Phnom Penh fell. Mr. Short said journalists taken prisoner by the Khmer Rouge were believed to be spies and killed. "The foreigners who were not killed, not hurt, in Phnom Penh in 1975 were rounded up and put into the French embassy, and the regime ... had at least one, probably two, token foreigners who were part of it right the way through," he told the court.

Khieu Samphan Defense Starts Cross-Examination of Philip Short

Following the conclusion of questioning by the Nuon Chea defense, International Co-Lawyer for Khieu Samphan Anta Guissé launched her cross-examination by questioning whether the people he interviewed had difficulty with their memories. Mr. Short replied that there was an issue with memory, and it is preferable to work from contemporaneous documents than oral history because memory is fallible. In response to questions about his methodology and research, the expert witness stated that his goal was to write a biography of Pol Pot and doing so meant researching and familiarizing himself with the functioning of DK. He concurred with Ms. Guissé that there are choices made when writing a book to omit certain things and not others. “When you’re writing a biography of a political leader – the policies he follows, the system that he leads, are some of the things which cast most light on that personality,” Mr. Short remarked. He told the defense lawyer he took people’s willingness to talk and to accentuate or minimize their role into account when assessing interviews – where one is usually not being told the full story – and attempted to interpret and evaluate what people said. Mr. Short said he endeavoured to crosscheck information where possible, but it could not always be done.

Lawyer Dissects Philip Short’s Sources of Knowledge



Under questioning by Ms. Guissé about his interviews with Khieu Samphan, Mr. Short recalled that he met Khieu Samphan in the morning – probably five times – during a week and later for a final interview, after which Khieu Samphan said it would be unwise for him to continue the discussions because his situation was difficult and his life could be in danger. Mr. Short agreed that he believed this explained Khieu Samphan’s inclination to talk more about the pre-1975 period. The expert witness testified that when he met Khieu Samphan, he was well into his work on the biography and had examined Khieu Samphan’s 1959 doctoral thesis, archival material, books, and CPK documents that dealt with Khieu Samphan’s role. He added that before meeting Khieu Samphan he spoke to Khmer Rouge officials Suong Sikoeun⁷ and Ping Say,

both of whom knew Khieu Samphan in DK.

When pressed about his prior comments on Khieu Samphan’s thesis and its relation to DK, Mr. Short told the court that Khieu Samphan wrote about self-conscious, autonomous development, which is another way – more palatable to Norodom Sihanouk’s government – of saying autarky. Though the thesis was not a blueprint for the DK regime’s future actions, it contained ideas that were under discussion at that time, Mr. Short said, adding that a considerable difference was Khieu Samphan’s emphasis on technology. “There were many differences, but the broad approach was consonant with what happened later,” Mr. Short averred. “The thrust of that entire thesis is that Cambodia should develop autonomously, it should not become a tributary of foreign states, that its responsibility is for its own development and, as he repeatedly says: the nation is the key, the individual is not.”

⁷ Suong Sikoeun testified in Case 002 at the ECCC in August 2012. Cambodia Tribunal Monitor’s accounts of his testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201208>.

At this point, Ms. Guissé probed Mr. Short's sources for his earlier testimony that Khieu Samphan had links with the then-clandestine Cambodian communist party in the 1960s. Mr. Short testified that there were no direct sources about the nature of the relationship and the links, but Khieu Samphan, Hou Yuon, and Hu Nim were intellectuals sympathetic to the ideas of the communist party. "Only after 1967 when he is escorted and taken out ... to a Khmer Rouge safe area did the relationship become clear," he said, adding that in France Khieu Samphan was a member of the French Communist Party and close to CPK (Communist Party of Kampuchea) member Ieng Sary. Mr. Short contended that no political space was left open to Sihanouk's opponents at the time and thus illegal activity was the only option. Ms. Guissé endeavored to ask Mr. Short a question about Khieu Samphan's status and perceptions as an intellectual while in the maquis, but the expert witness was prevented from answering after a successful objection by the prosecution.

Moving on, Ms. Guissé posed a question about whether the genesis of the CPK and its rejection of an Indochinese party reflected a historical pattern that influenced Pol Pot's distancing himself from Vietnam. Mr. Short testified that historically Vietnam has had a sense of superiority over Cambodia and a desire to exert power over other Indochinese states, namely Laos and Cambodia. Looking back to the 1930s, what became the CPK was initially a Vietnamese creation, which evolved with more Cambodian aspects, the expert witness said, adding that Cambodians communists seized the opportunity for some independence in 1960. Speaking about the CPK's make-up, Mr. Short stated that there was an "unavoidable and unnatural alliance" between returned students – including Saloth Sar,⁸ Ieng Sary, and others – and those with origins in the Issarak, both of which had different backgrounds. "It was the alliance of these two groups, which was often difficult to keep together and harmonize, which formed the driving force of the Cambodian revolution," he commented.

Philip Short Speaks about Sihanouk's Motivations

When asked to opine on Sihanouk's alliance with the Khmer Rouge, Mr. Short contended that Sihanouk had a strong desire "not to be pushed off the chessboard" after Lon Nol and Sirik Matak's betrayal and could not accept the new regime's vilification of his character.⁹ More profoundly, Mr. Short argued, Sihanouk was determined to remain involved in Cambodian politics and to preserve the monarchy. "Whatever else had to be sacrificed, his ancestral imperative was to maintain the Cambodian monarchy," he said. Mr. Short told the court a comment in his book that Sihanouk was seeking revenge was his own interpretation and concurred with Ms. Guissé's assessment that Pol Pot remained in the background so that people would not know where the real power lay. Citing a passage from David Chandler's¹⁰ book *Brother Number One: A Political Biography of Pol Pot* describing Pol Pot's charisma, Ms. Guissé asked the expert witness whether he observed this charisma and if so, what influence it had. Noting his presence in Beijing in 1977 when Pol Pot visited, Mr. Short said the leader's smile was "simply angelic." He elaborated, "It was a winning smile, was very, very noticeable.

⁸ Saloth Sar later took on the *nom de guerre* Pol Pot.

⁹ At this point, Mr. Short referred to the testimony of François Ponchaud at the ECCC in April 2013. Cambodia Tribunal Monitor's accounts of his testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201304>.

¹⁰ Cambodia Tribunal Monitor's accounts of Prof. Chandler's testimony in Case 002 at the ECCC can be found at: <http://www.cambodiatribunal.org/blog/archive/201207>.

You couldn't remain immune to it and there are many, many descriptions from Cambodians of how, after one meeting, they were completely subjugated ... as with many leaders charisma, personal magnetism, were extremely important.”



Pol Pot (middle) meets with Wang Dong Xing (left), vice chairman of the Communist Party of China, during his visit to Cambodia in November 1978. (Source: Documentation Center of Cambodia)

Additionally, Mr. Short recalled an anecdote involving Pol Pot micromanaging the visit of a Thai foreign minister to Cambodia – another aspect of his rule. Quoting an excerpt from Mr. Short's book, where he mentioned fictional government portfolios announced in January 1975, Ms. Guissé asked why such a façade was maintained. Mr. Short concurred with the defense lawyer that it was important to maintain secrecy at the time – indeed throughout the DK period – but in January 1975 the move was intended to give the impression that there was a functioning government ready to assume power. “All these ministerial posts existed only on paper,” Mr. Short testified. “Again that is a characteristic of DK throughout. The National Assembly, which Nuon Chea chaired, had no real existence.”

Defense Returns to Expert Witness' Sources

Referring to an April 1975 meeting mentioned by Phy Phuon during his testimony and by prosecutors to Mr. Short, Ms. Guissé asked the witness why he had said it was credible if he had not heard about the meeting before. He replied that he did not have any reason to doubt it. Mr. Short confirmed that he based the date of a September 1974 Central Committee meeting on information from Phy Phuon, but he had been shown in court a copy of *Revolutionary Flag* of which he was not previously aware that put the meeting at June 1974. Mr. Short emphasized that the problem with memory was usually with chronology and that while people often accurately recall events, they confuse dates and times. “One of the great problems of writing about DK, and the problem for you as a court in judging it, is that to such a great extent you're relying on memory,” he remarked.

When asked if the economic situation was difficult in 1975, Mr. Short responded that the economy was worse than difficult because of the civil war and the disruption it caused. He concurred that the agricultural system was “backward” but that this did not prevent economic

development and prior to 1970 Cambodia was not one of the poorest countries in the world and did not require constant aid to feed itself. Mr. Short repeated that there was much to commend the objectives of the Khmer Rouge regime, but the problem was with their implementation.

Ms. Guissé sought Mr. Short's source for a passage in his book describing Nuon Chea and Khieu Samphan being sent to inspect a Northern Zone checkpoint a few days after the evacuation. Mr. Short testified that his source was Phy Phuon – one of the first to enter Phnom Penh – whose account he deemed credible¹¹ though he was unable to corroborate it. He noted that there were points in his interviews, when he believed Khieu Samphan was untruthful. Mr. Short remarked that he believed Khieu Samphan had changed his version of events, and no longer claims that he entered Phnom Penh a month or so later,¹² as he had said when Mr. Short interviewed him.

Pressing further on the question of dates, Ms. Guissé queried Mr. Short's source for dating Pol Pot's entry into Phnom Penh at April 20, 1975. The expert witness again responded that Phy Phuon had told him, as he was with Pol Pot at the time. Ms. Guissé observed that David Chandler had put the date of Pol Pot's arrival in the capital at April 23, in *Brother Number One*, and Pol Pot himself told Yugoslav journalist in 1978 that he arrived on April 24, which Mr. Short said was wrong in one of his footnotes. Mr. Short told the court that while he could not speak for David Chandler, his source for the April 23 date did not come from the Khmer Rouge, and he speculated that in citing April 24, Pol Pot wanted to distance himself from the evacuation. He argued that in such situations where there is no documentary evidence, one must make a judgment. Mr. Short testified that Pol Pot's statements in the DK period and afterwards are peppered with lies. "When somebody fairly systematically – in his public statements and in his interviews – distorts the truth, he is less credible than someone like Phy Phuon who, speaking long after, had absolutely no reason whatever to distort the truth," he contended, noting that Phy Phuon was initially a messenger and bodyguard for Pol Pot and became head of security at B-1 – the foreign ministry – after the Khmer Rouge took power but was not a member of a leading CPK body like the Central Committee.

Ms. Guissé asked the expert witness to explain what he meant in his book by Pol Pot entrusting Khieu Samphan with "sensitive missions," citing an additional document.¹³ Mr. Short answered by saying that Khieu Samphan had two roles: he was responsible for the front, royal government, and commerce, and was a member of the general office, in which capacity he was sent by Pol Pot to the zones and provinces when there were delicate political matters to be resolved or investigated. He stated that Khieu Samphan did not have the authority to resolve such matters himself.

Mr. Short told the defense lawyer one of his sources was Suong Sikoeun as well as Phy Phuon, but could not recall if they broached the above missions in their interviews. He further testified that Khieu Samphan's role in the general office was verified by a document in the Vietnamese military archives. "Khieu Samphan was very insistent when we spoke ... on not having had a

¹¹ Mr. Short referred to this point as one that he believed Khieu Samphan had lied about, but the question and response were somewhat unclear.

¹² This is believed to refer to the period a month or so after the evacuation of Phnom Penh.

¹³ This document appeared to be the record of a Standing Committee meeting, but it was unclear in the English translation.

role in the general office, and when someone wishes to obscure a particular part of their activity, it surely is for reasons,” he added.

Function and Composition of Office 870

Ms. Guissé posed a question about Mr. Short’s research into Office 870, to which the witness replied that he had not researched it in more detail than other topics because it was a very secretive office, which was the “nerve center” for transmissions from the Standing Committee. At this point, Ms. Guissé noted the prior testimonies of Noem Sem¹⁴, Ouen Tan¹⁵, Nong Sophang,¹⁶ and one other¹⁷ at the ECCC, all of whom mentioned Office 870 being led by various people, including Pang¹⁸ and Lin, alias Ken. The defense lawyer told the court Noem Sem testified that her husband Lin succeeded Pang as head of Office 870 after Pang disappeared and asked Mr. Short if he had ever heard such information.



Mr. Abdulhak objected that Ms. Guissé was selecting facts and noted both Phy Phuon and Kaing Guek Eav, *alias* Duch had testified that Khieu Samphan became the head of Office 870. Mr. Short replied that he had heard of Ken but did not know he was also called Lin and believed him to be head of a messenger unit attached to 870. The expert witness testified that he had never heard of either Ken or Khieu Samphan being head of 870 but had reason to believe the latter played an important role in the office based on interview material and information in Vietnamese archives.

Quoting a section from Mr. Short’s book, Ms. Guissé inquired about the nature and source of “closed Party meetings” where confessions were read out by Ieng Sary and Khieu Samphan. The expert witness testified that they were meetings of ministry officials, which Laurence Picq¹⁹ detailed in her manuscript – in particular, meetings where Ieng Sary read out confessions – and which another mid-level Khmer Rouge cadre named Long Norin,²⁰ who was in the foreign ministry, spoke to him about. However, Mr. Short told the defense lawyer he had no source saying that Ieng Sary and Khieu Samphan read confessions together, though both men chaired such meetings. Mr. Short stated that Khieu Samphan did not take decisions jointly with Pol Pot on “important arrests” but that this was done on the basis of Khieu Samphan’s findings after “delicate missions” to the provinces. The sources are transcripts of interviews that Duch gave to

¹⁴ Noem Sem testified at the ECCC in September 2012. Cambodia Tribunal Monitor’s accounts of her testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201209>.

¹⁵ Oeun Tan testified at the ECCC in June 2012. Cambodia Tribunal Monitor’s accounts of his testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201206>

¹⁶ Nong Sophang testified at the ECCC in September 2012. Cambodia Tribunal Monitor’s accounts of his testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201209>.

¹⁷ The spelling of this name was unclear.

¹⁸ The spelling of this name was unclear.

¹⁹ Laurence Picq was once married to Suong Sikoeun. She authored a book entitled *Beyond the Horizon: Five Years with the Khmer Rouge* (1989).

²⁰ Long Norin testified at the ECCC in December 2011. Cambodia Tribunal Monitor’s detailed accounts of his testimony can be accessed at: <http://www.cambodiatribunal.org/blog/archive/201112>.

a journalist²¹ some years before his arrest, Mr. Short said. He testified that Long Norin was part of the audience at a meeting for officials, which was chaired by Khieu Samphan, and where confessions were read out.

Foreign Aid to the Khmer Rouge

After Ms. Guissé cited two documents that referred to foreign aid deliveries to DK, Mr. Short stated that he had not said DK refused foreign aid but was asked a question earlier about food shortages in April 1975, when the Khmer Rouge had refused urgent relief supplies in the weeks after their victory. A certain amount of food aid arrived from China at that time, Mr. Short said, adding that later aid was accepted in limited quantities from North Korea, Yugoslavia, and Sweden. The expert witness broadly concurred with Ms. Guissé that DK accepted aid from countries they were certain of not becoming dependant on or coming under pressure from.

Defense Returns to Ministry Meetings

After a short break, Ms. Guissé quoted from what appeared to be a statement by Long Norin to the court on December 8, 2011, in which he said that he did not attend any meetings where Khieu Samphan was present. She requested clarification from Mr. Short, who replied that there was room for misunderstanding. He suggested that, for instance, Long Norin would not have been present at meetings where policy decisions were made. Mr. Short testified that he recalled Long Norin telling him that he was present at a meeting where Khieu Samphan conducted a study session.

Then Ms. Guissé referred to a document detailing Vietnam's reaction during a morning meeting on May 14, 1976, which appeared to have been followed by a Standing Committee on the same day. According to the document, the meeting involved a discussion about the "Brevier line," which was "undeniable" but which Vietnam said had no legal basis. Mr. Short testified that the Brevier line was the line that divided the sea border between Vietnam and Cambodia, which DK wished to delineate the border. "All the borders ... had been drawn by the French and the Vietnamese wanted to shift the sea border quite dramatically to give a much larger sea area to Vietnam," Mr. Short commented. "There is a very obvious and strong willingness on the DK side to prevent this becoming a real apple of discord."

Under questioning about border issues between Cambodia and Vietnam in the DK era, Mr. Short remarked that there were faults on both sides of the land border, with each country making incursions into the other. He added that it was significant that Khieu Samphan attended the aforementioned Standing Committee meeting but did not speak, according to the minutes, which was consistent in the sense that he did not usually speak unless on an area where he had specific responsibilities. This indicated that Khieu Samphan was not part of the "decision-making core," Mr. Short said.

Turning back to the different levels of treatment meted out by different zones, Ms. Guissé cited a passage from Mr. Short's book and inquired if he was suggesting that there was a discipline problem that continued beyond the evacuation. Mr. Short replied that at the beginning of the

²¹ Mr. Short's mention of the name "Nick Butler" is believed to be a reference to Nic Dunlop and his book *The Lost Executioner: The Story of Comrade Duch and the Khmer Rouge*; however it was not entirely clear from the testimony.

guerrilla war in the late 1960s and early 1970s, it was even more difficult to impose harmony because of difficulties in communication. Though communication had improved by the mid-1970s, a central line was still conveyed to zone leaders who interpreted it “after their own fashion,” which remained the case throughout the DK period, the expert witness asserted. Mr. Short continued:

There were considerable variations and great difficulty in harmonizing policy throughout the country. I’ve used the term ‘a general consensus’ because if you look at Khmer Rouge policy in the various different areas, there were many things in common. There was a basis which everybody adhered to but beyond that basis there was great variation. That happens with most communist systems. It happened to a much, much lesser degree, a very small degree, in China, almost not at all in the Soviet Union, but it does happen everywhere, and it happened to a very considerable extent in DK.

Additionally, Mr. Short commented that it was fair to say DK was exceptional in many regards – including the above – and there was a degree of unruliness not found in orthodox Marxist-Leninist countries.

In response to further questioning from Ms. Guissé, Mr. Short reiterated that there was no CPK policy to starve the population and indeed they wanted as big a population as possible. The expert witness referenced forced marriages under the Khmer Rouge and the insistence that married couples should provide children. “All that was to try to make the population bigger so that Cambodia would become stronger and its production greater,” he said, adding that there is a problem when illiterate, uneducated, lower-level officials with few resources except fear must force a large population to work. Therefore, hunger was used as a weapon of control, he contended. Answering another question from Ms. Guissé, Mr. Short remarked that he did not think it was unusual for a leader to send missions to investigate in certain areas, and it seemed to have been one of Pol Pot’s practices.

Defense Overruled on Questions about Philip Short’s Articles

At this juncture, Ms. Guissé referred to an article by Mr. Short published in the *Phnom Penh Post* on November 23, 2000, entitled “The Devil’s Advocate,” in which he wrote that an international court created to prosecute former Khmer Rouge leaders would “having nothing to do with justice. ... Its only mission will be to exercise judicial vengeance to satisfy the interests of UN bureaucracy and to appease the political discomfort of the United States.” After Ms. Guissé pressed Mr. Short about his reasons for the article, Mr. Abdulkhak objected that the question was irrelevant, and neither within the scope of the trial nor a matter on which Mr. Short could assist the chamber. Ms. Guissé noted that the court had granted a defense team request for the article to be placed on the case file for Mr. Short’s testimony and reminded the chamber that Mr. Short was an expert witness and could be asked about his opinion. After a brief consultation, the chamber accepted the prosecution’s objection and ruled the question irrelevant.

Pressing on, Ms. Guissé endeavored to question Mr. Short about a recent interview he gave to the *Phnom Penh Post* in March 7, 2013,²² in which he discussed local reconciliation processes in Rwanda in the context of a discussion about post-DK Cambodia. She further noted that Mr.

²² The interview with Philip Short can be found at: <http://www.phnompenhpost.com/2013030761816/National/pol-pot-biographer-talks-tribunal.html>.

Short had spoken about the need to discuss the responsibility of local, district, and zone level cadres, as well as intellectuals in the Khmer Rouge regime, and inquired if it could be linked to his comments in the article. Mr. Abdulhak again interjected, arguing that comparative analyses of transitional justice mechanisms are irrelevant to the trial. Ms. Guissé argued that the prosecutor was earlier permitted to speak about a conference, while she was asking about direct comments in a newspaper on the topic of whom to judge and the responsibilities in the functioning of DK. “It raises an issue of responsibility and this is precisely what this trial is about,” she contended. The prosecution’s objection was sustained, and Ms. Guissé to her national colleague.

Finally, National Co-Lawyer for Khieu Samphan Kong Sam Onn sought clarification from Mr. Short on a number of his previous answers. Mr. Short confirmed that he had referred to a Central Committee meeting in 1974 in his prior testimony – dated at September 1974 in his book but revealed to have been June 1974, based on a copy of *Revolutionary Flag* presented in court. The expert witness stated that Phy Phuon was present at the meeting as an aide – also a bodyguard – to Pol Pot, though he was not part of the discussion as he was not a committee member. Mr. Short commented:

The Jarai bodyguards were the most trusted of those around the central leadership and they had access which others even of higher rank did not have. I have no doubt that Phy Phuon was not only present at the place where the Central Committee met, but he was able to get access to the information which was discussed there. These people were in a uniquely privileged and uniquely trusted position.



*Phy Phuon (front) arrives at the ECCC to give testimony in July 2012.
(Source: Documentation Center of Cambodia)*

Speaking about the role of ministries under DK, Mr. Short asserted that certain ministries had power, but one should distinguish between the pre-1975 period – when ministries were non-existent – and the period after April 17, 1975, when ministries became real organisms, with the defense and foreign ministries the most important. According to Mr. Short, the social affairs ministry under Ieng Thirith was substantial and had a number of workers, but none of the

ministries were policy-making organs. “Policy was made by the party and unlike in other systems where ministers attended regular cabinet meetings that simply did not happen,” he said.

Commenting on the role of Khieu Samphan as president of the state presidium, Mr. Short averred that he had no power in that position other than what the party chose to give him. He reiterated that Khieu Samphan was present at Standing Committee meetings and a member of the general office. He observed:

[Khieu Samphan] was party to those decisions, even if they were not made by him. He never objected – which I agree would have been very difficult to do because he would have put himself at risk, but he didn’t object – he embraced all the decisions which were made by the DK authorities, by the CPK. In that sense he was party to them, and he never dissented from them.

Additionally, Mr. Short told the court that Khieu Samphan was responsible for elections – to which documents attested – and elections took place, as detailed in Radio Phnom Penh. “The elections themselves were part of ... a façade of respectability, which the DK regime created for the outside world to think that it had the ordinary institutions common to every state,” Mr. Short said.

After a lengthened hearing, the testimony of expert witness Philip Short ended. Hearings are set to resume in Case 002 at 9 a.m. on Monday, May 20, 2013.