



### **“Very Patriotic”: Character Witness for Khieu Samphan Testifies**

By Mary Kozlovski<sup>1</sup>

During an extended hearing on May 21, 2013, two witnesses testified in Case 002 at the Extraordinary Chambers in the Courts of Cambodia (ECCC). Prom Sou, a former Khmer Rouge official who was based in northern Preah Vihear province, was questioned in the morning by the prosecution and civil party lawyers. In the afternoon, Philippe Max Jullian-Gaufres – requested as a character witness for Khieu Samphan – was questioned via videoconference from France.

Approximately 300 villagers from Banteay Meanchey province’s Mongkul Borei district, 100 people from Kampong Chhnang province’s Kampong Tralach district, and 30 civil parties from Kandal and Kampot provinces attended the hearing. Defendant Nuon Chea observed proceedings remotely from a holding cell due to health ailments, while accused Khieu Samphan remained in court for the duration of witness testimony.

#### ***New Witness Called to the Stand***

Answering preliminary questions from Trial Chamber President Nil Nonn, witness Prom Sou said he was born July 4, 1950, and currently lives in Siem Reap province but was born in Battambang province’s Thmar Koul district. He confirmed that he was a retired civil servant and told the court he was handicapped and receives support from a pension and his four children. Mr. Sou said court investigators interviewed him once for a day in Siem Reap in 2009. Finally, he added that he had read, reviewed, and signed the written record of his interview.

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<sup>1</sup> 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>.

### ***Prosecution Starts Questioning Witness Prom Sou***

To begin, National Senior Assistant Co-Prosecutor Song Chorvoin inquired about Mr. Sou's statement to court investigators on November 24, 2009, that Angkar had assigned him to be a "propagandist" around late 1971. Mr. Sou replied that while living in Rovieng district<sup>2</sup> he was told to propagandize to villagers – particularly in Loveang Krasang commune next to Kampong Thom province – that they should have a "stable political stance" and not flee the area. Angkar was the leadership above him in Sector 103, he said, "from the top level down to the base level." When asked about the establishment of cooperatives in Sector 103 in Preah Vihear province, Mr. Sou stated that around 1971 or 1972 there were communities where people worked and farmed rice together but ate separately, but in 1973 these were transformed into cooperatives where people ate communally. Only district and sector levels or committees could establish cooperatives, he added.

### ***Details Emerge about Sector 103 in Preah Vihear Province***

The prosecutor quoted Mr. Sou as saying in his interview that he became a party member in 1973 at Anlong Svay<sup>3</sup> office, presided over by Sector 103 deputy chairman Hang. She pressed for more details about Hang and Sector 103. Mr. Sou testified that Hang was a cadre in Rovieng district and deputy chairman of Sector 103, whom he came to know around 1971 when Hou Yuon came for a meeting at Rovieng pagoda. The witness told the court that everybody knew Hang was at the sector level because he called study sessions and he was part of the "base Angkar group." He asserted that after 1970, there were 13 districts in Sector 103 – an autonomous zone under the direct supervision of the center that included all of Preah Vihear province and the areas of Stung Treng province west of the Mekong River. Mr. Sou said that at the time zone levels had not been established.

Ms. Chorvoin queried the role of the commerce office in Sector 103 prior to April 17, 1975, which Mr. Sou told investigators Angkar assigned him to. Mr. Sou recounted that the office dealt with the livelihoods of people in the sector, primarily controlling the supply of salt, medicine and clothing. Between 1970 and 1975, Mr. Sou testified, he had never met Khmer Rouge senior leaders in person but had heard from people in the base that they had passed through the area, that Khieu Samphan had a wife a Rovieng and that, in 1973, then Prince Norodom Sihanouk travelled with Khieu Samphan and Nuon Chea through Stung Treng, Preah Vihear, and Siem Reap. The witness said he knew Khieu Samphan was an intellectual who graduated with a law degree from France but never met him in person.

### ***Examination Focuses on Evacuation of Phnom Penh***

With the examination turning to the evacuation of Phnom Penh, Mr. Sou testified that he was at the commerce office in Rovieng district on April 17, 1975. Quoting Mr. Sou as saying in his interview with investigators that people transferred to Sector 103 included students from France and Germany, Ms. Chorvoin pressed him for further information on evacuees who came to the sector. The witness answered that he saw evacuees being sent from Phnom Penh to Preah Vihear by boat in Kampong Thom province, during the course of his work transporting goods and distributing tractors and vehicles. Continuing, Mr. Sou stated that he knew some 3,000 people

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<sup>2</sup> Rovieng district is located in Preah Vihear province.

<sup>3</sup> The precise location of Anlong Svay is unclear.

were from Phnom Penh<sup>4</sup> because he received them in Kampong Thom and was ordered by Hang to distribute food, materials, and supplies. “We were instructed in advance before these people came, and we were tasked with distributing salt, food and other basic needs to the evacuees,” he said. “Rice and salt were decent, and we also provided these people with enough tractors and vehicles for use.”

When asked if he was aware of an order to evacuate people from Phnom Penh, Mr. Sou asserted that while Phnom Penh was liberated, it still had security issues such as concerns about the United States dropping bombs on the city and potential food shortages. He commented that the aforementioned students from abroad were later transferred to Sector 103 after evacuees living in Phnom Penh had already arrived. Upon arriving at the sector, people were dispersed or sent to cooperatives, Mr. Sou recounted.

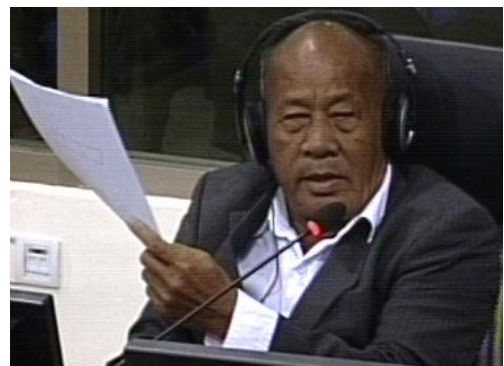
The prosecutor read another excerpt from Mr. Sou’s interview with investigators in which he described most of the skilled evacuees transferred to Sector 103 who worked in workshops died of “starvation and disease.” Answering a query about this passage, Mr. Sou testified that the cooperatives were not capable of handling such a large number of people. A group of people later transferred from cooperatives to Thmei village – a new village – where they had to clear the surrounding forest to make way for a plantation, he recollected.

It was not easy because it was not like sending people to the old village where you would make the most of the fruit trees and available plants, but here they were sent to a different place so that they could be self-sufficient, but after a while they were reintegrated into the old village to mingle with the old villagers.

Illness did not discriminate between new and base people, Mr. Sou emphasized, stating that people fell ill and medicine was scarce so they could not be saved in time. However, new people seemed to be more greatly affected because they had to adapt to a new way of life, he said.

### ***Witness’ Role in Sector 103 Scrutinized***

Under questioning about his role in the Sector 103 commerce office after April 17, 1975, Mr. Sou replied that he was newly assigned to prepare the inventory of commodities and distribution. The commerce section was tasked with collecting and distributing items like dishes, kitchen utensils and clothing to various districts and cooperatives – to be determined by a group including the section’s superiors and occasionally by order of the sector level. According to his knowledge, Mr. Sou told the court that “Pang” and “Ky” from Sector 103 dealt with the center. “Rith” was deputy chairman of the commerce section in charge of transportation, warehouses, and overall administration under sector chairman Hang, the witness recollected. “Pean” – previously in charge of commerce at K-1 – was chairman of Sector 103’s commerce section located in Rovieng district town about 15 kilometers from



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<sup>4</sup> It was unclear in the English translation if Mr. Sou said that other evacuees besides those from Phnom Penh had arrived in Kampong Thom.

the sector office in another district,<sup>5</sup> he said.

Following queries about meetings and assemblies, Mr. Sou said that commerce section staff had to attend meetings or assemblies along with members of other sector offices. Assemblies were convened every three months, and the sector secretary would sometimes call “urgent meetings,” which everyone was invited to attend including military officers based at the border, he recalled. At such gatherings topics included the implementation of the aim to increase rice harvest from 3.5 tons per hectare to 7 tons per hectare, which applied to military and civilians, under the district level leadership, Mr. Sou said. He continued that Sector 103 commerce section had an office in Phnom Penh near the riverbank, which transported goods by car or boat and which he visited on April 17<sup>6</sup> one year to transport injured people. He also told the court he believed all Sector 103 cadres, including one official named “Penh,” assigned to work at the office in Phnom Penh were arrested and disappeared, though one – a “brother- or sister-in-law” of Khieu Samphan’s named Chhorn – survived.

### ***Structure and Communications in Sector 103***

At this juncture, International Senior Assistant Co-Prosecutor Dale Lysak rose and asked about Mr. Sou’s transportation of injured people to the sector office in Phnom Penh. Mr. Chou responded that on April 17, 1975, he and a medic named Chhorn<sup>7</sup> took people who had been accidentally shot to Phnom Penh where they went to April 17 Hospital.

Citing minutes of a Standing Committee meeting on March 8, 1976, attended by Pol Pot, Nuon Chea and Khieu Samphan among others, Mr. Lysak sought confirmation that Hang was secretary of Sector 103 at that time. The witness confirmed that Hang was chairman of the sector by 1976. The prosecutor inquired about the fate of Thai nationals who were believed to be spies and captured in Preah Vihear, as mentioned in the meeting minutes, Mr. Sou replied that he did not know about the arrests, though he was aware of “Red Thais”<sup>8</sup> who were based in the area. Mr. Lysak probed the arrest of teachers, government officers, and cadres with “political tendency” during Hang’s tenure, as mentioned by the witness in his statement to investigators. Mr. Sou asserted that the Svay Damnak village chief was arrested in late 1975 and a teacher he knew was apprehended, among others. The term “political tendency” alluded to their political stance under the Lon Nol regime, he said.

As Mr. Lysak read from a July 18, 1976, telegram in which Hang related an attempted sexual assault by “Phuon” on the pregnant wives of five commerce unit soldiers in Sector 103, International Co-Lawyer for Khieu Samphan Arthur Vercken objected that it should be first ascertained whether the witness was familiar with the document. After Mr. Lysak countered that the chamber had previously permitted witnesses to testify on reports and telegrams related to matters within their knowledge, the Chamber overruled the objection. When asked if he recalled the document and knew “Phuon,” Mr. Sou corrected the prosecutor and said it was in fact “Pean”

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<sup>5</sup> The name of this district was unclear in the English translation.

<sup>6</sup> Mr. Sou later testified that this occurred on April 17, 1975, although he had earlier testified that he was in Rovieng district on that day. It is unclear if this was an error in the English translation.

<sup>7</sup> The witness did not indicate whether this person was the relative of Khieu Samphan whom he had previously mentioned.

<sup>8</sup> It was unclear to whom Mr. Sou was referring with this phrase.

– an ethnic minority in charge of commerce section – to whom the telegram was referring. He testified that Pean was arrested and placed in the sector security center under Hang, then later disappeared after the aforementioned report was sent to the leaders in Phnom Penh.

Citing another telegram sent from “Se” of Zone 801 to Committee 870 on August 23, 1977, Mr. Lysak inquired about the identity of “Kang Chap *alias* Se” whom the witness had mentioned in his interview. Mr. Sou replied that the appointment of Kang Chap as chairman of the new North Zone in Siem Reap – comprised of sectors 101 and 103 – was presided over by Nuon Chea. After referring to another telegram from Kang Chap *alias* Se dated September 5, 1977, to several party leaders, Mr. Lysak inquired if former officials, soldiers and policemen from the Lon Nol regime were considered enemies of the Communist Party of Kampuchea (CPK). Mr. Sou replied that after some cadres were arrested he went with another handicapped person into the forest to herd cattle and they did not know much about what happened in the district. He told the court that after April 17, 1975, former Lon Nol officials and soldiers stayed in cooperatives and production units and were not purged, as far as he knew.

#### ***Witness Describes Meeting Attended by Nuon Chea***

Mr. Lysak then sought more detail on the aforementioned meeting presided over by Nuon Chea to appoint the North Zone. Mr. Sou described a meeting place at the sector office where he was called to participate in gatherings with chiefs from various levels. At a morning meeting in late 1977, Nuon Chea announced the appointment of Kang Chap as North Zone chairman and stated that the sectors were no longer autonomous because the zone had been established, Mr. Sou recalled. The witness remembered that Nuon Chea did not speak much but talked about integrating the sectors into the new zone and the attempt to increase rice production from 3.5 tons to seven tons per hectare, and urged people to work hard to build dams and canals and create fertilizer.

Mr. Sou recollected that Nuon Chea spoke briefly about the need for vigilance at the base because the enemy burrowed inside to conduct their activities and told the meeting that the acceleration of rice production was intended to transform the sector so that there would be an abundance of food. Elaborating, the witness testified that Nuon Chea said there was just enough rice being produced but the evacuees from Phnom Penh were an additional burden on the supply. The goal, Mr. Sou recalled Nuon Chea saying, was that people in the sector would have a sufficient food supply and be able to eat three meals per day and dessert every 10 days. Based on his knowledge and radio broadcasts, he knew Nuon Chea to be the president of the Democratic Kampuchea (DK) assembly.

#### ***Arrest of Sector Secretary Hang Examined***

When Mr. Lysak inquired how Mr. Sou knew about a secret meeting between Nuon Chea, Kang Chap, and two Southwest Zone cadres named Kem and Sarun<sup>9</sup> as described in his interview, Mr. Sou referred to a sector level meeting at which Kem and Sarun were assigned to be in charge of sectors after Hang disappeared.<sup>10</sup> The witness confirmed to the prosecutor that Hang disappeared shortly after the meeting Nuon Chea presided over and arrests began of cadres in all units, including the sector office. Hang’s family and relatives were also arrested, Mr. Sou told the

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<sup>9</sup> The spelling of these two names was unclear in the English translation.

<sup>10</sup> Mr. Sou’s response was unclear in the English translation.

court. “The arrests were not apparent as they were called to get onto the vehicle and disappeared,” he said.

Then Mr. Lysak noted for the record the witness’ testimony that Hang was arrested shortly after the meeting in late 1977 and read the name “Ou Phat *alias* Hang,” secretary of Sector 105, as having entered S-21 on January 3, 1978. This recitation prompted an objection from International Co-Lawyer for Nuon Chea Victor Koppe, who argued that suggesting a causal link between the meeting and the arrest was uncalled for and the reference should be struck from the record. Mr. Lysak contended that such a process had been permitted before and the chamber had ruled that it was appropriate where there was relevant documentation related to the subject matter. The prosecutor asserted that the document corroborated the witness’ testimony and established the timing of events. The chamber allowed the prosecution to proceed. Continuing his testimony, Mr. Sou said former Sector 103 cadres went to the meeting with Nuon Chea, along with Hang and representatives of various sector offices.

### ***Push for Further Rice Production in Sector 103***



Reading an excerpt from a telegram North Zone Secretary Se sent to Committee 870 – including senior party figures – on January 10, 1978, Mr. Lysak sought detail from the witness on the issue of starvation in Sector 103 at the time. The witness reiterated that in late 1977 or early 1978, he went to herd cattle in the forest and could not attest to the situation at the base. While he was at the base he observed that there was no starvation in Preah Vihear province, although sometimes there was a rice shortage in certain districts at which point people ate potatoes instead.

In relation to the goal of increasing rice production from 3.5 tons to seven tons per hectare, Mr. Sou testified that it could only be achieved through two harvests with the support of a dam, without which there would not be enough water. The witness said other districts could occasionally achieve three tons per hectares. He added that in his area they harvested twice a year but it was highland so they could not achieve that goal, and some villages could only manage one harvest per year. “For certain districts, when they could harvest twice per year with sufficient fertilizer they could achieve that goal,” he concluded.<sup>11</sup> In response to a query from the prosecutor, Mr. Sou said he knew someone by the alias “Kon” who worked with “Comrade Penh” and was initially in Preah Vihear but later moved to the Sector 103 commerce office in Phnom Penh.

### ***Civil Party Lawyers Briefly Question Witness Prom Sou***

Referring to Mr. Sou’s earlier testimony, National Civil Party Lead Co-Lawyer Pich Ang sought more details about evacuees who were moved from Phnom Penh to Kampong Thom. Mr. Sou

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<sup>11</sup> After this response, a question was asked about ‘In Tam’ and his group as described in a telegram, however the response was unclear in the English translation and it was also unclear if ‘In Tam’ was the same person named among the so-called “seven traitors”: Lon Nol, Sirik Matak, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and Sosthene Fernandez.

described a blend of adults, elderly people and young children who arrived in different groups, to whom they had to distribute supplies. The witness said that initially there was a decent amount of food, they were given more and could catch fish from the river. “There was no lack of food because these evacuees were better off than the local villagers in Kampong Thom during the time of the evacuation,” he said. The witness testified that he was unsure how long the trip from the capital to Kampong Thom by boat would have taken, though it would have been “some time,” and it took a full day to transport them by truck to Rovieng district.

When asked about the status of evacuees in Rovieng district, Mr. Sou replied that there was no classification of people in Sector 103 because they were placed together with base people to live harmoniously. “I could see an atmosphere of harmony was in place,” he said, adding that there was only a problem when a group was sent to a completely new village and faced many hardships. To the civil party lawyer, Mr. Sou affirmed that Sector 103 was autonomous because it was not answerable to zones like other sectors and reported directly to the center.

At this point, International Civil Party Co-Lawyer Beini Ye posed a question about why new people specifically were moved to the aforementioned new village where they experienced difficulties. Mr. Sou replied that 98 percent of evacuees were placed in the old village and the Khmer Rouge wanted to experiment to see whether some people could live in the new village. They were later transferred back to the normal cooperatives, he added. When asked if people from Phnom Penh in Sector 103 returned to the city during the DK regime, Mr. Sou said that evacuees were not allowed to return to Phnom Penh until after 1979. He testified that people who belonged to the petty bourgeoisie and classes other than the peasant class were asked to live with villagers so they could learn about life in the paddy fields.

### ***Video Testimony of Khieu Samphan Character Witness Commences***

Following a break, new witness Philippe Max Jullian-Gaufres began testifying via video from France. The witness told President Nonn that he was born in France on February 24, 1930, in France, had no known relation to any defendant or civil party, and had not previously been interviewed by the court’s Office of the Co-Investigating Judges (OCIJ). President Nonn affirmed that Mr. Jullian-Gaufres had been requested by the Khieu Samphan defense to testify as a character witness.

Under questioning from Mr. Vercken about his academic and professional background, Mr. Jullian-Gaufres testified that he had studied at a business management school in Paris and the National School of Oriental Languages and had worked in banks and in the “Far East” between 1955 and 1956. Though he returned to France, Mr. Jullian-Gaufres said, he met many students from the Far East and Cambodia during his business studies and decided to return to Cambodia to work. He enrolled in the National School of Oriental Languages – graduating in 1960 – and learned to speak, read, and write in Khmer. In addition to his study, Mr. Jullian-Gaufres told the court he had worked at French and Cambodian companies, working in Cambodia as the managing director of a subsidiary<sup>12</sup> of multinational gas manufacturing company Air Liquide.<sup>13</sup> The witness said he also worked in Malaysia and Thailand, later returning to France and becoming managing director of Air Liquide. After retiring about 20 years ago, Mr. Jullian-

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<sup>12</sup> The name of the subsidiary was unclear in the English translation.

<sup>13</sup> Air Liquide’s website can be found at: <http://www.airliquide.com/>.

Gaufres said he joined a non-governmental organization (NGO) that provides technical assistance to emerging and developing countries, in which he is responsible for relations with the Far East. The witness declared that his relationship with the Far East began a long time ago, and he had studied its civilization and culture, which contrasted with that of France.

Mr. Jullian-Gaufres stated that he had completed training in the French navy and spent two years in Europe and one year in the Far East, where he was sent in 1955-56. He testified that he was based in Saigon and travelled on missions to Cambodia, Hong Kong, and the Philippines. Mr. Jullian-Gaufres said he was based in Cambodia managing Air Liquide's subsidiary during 1955-56 and in 1957<sup>14</sup> and returned to Cambodia in 1974 for about a month. Mr. Jullian-Gaufres added that he married a Cambodian woman, with whom he had four children and travelled to Cambodia subsequently. He remained in contact with some Cambodians living or travelling in France.

### ***Encounters with Khieu Samphan in France***

Pressed by Mr. Vercken on how he came to learn more about Cambodia while in France, Mr. Jullian-Gaufres replied that he first came into contact with two Cambodian students at his business school and after he returned from Cambodia in 1955; deciding he wanted to move there, he enrolled in language and conversation courses in Paris. He was assisted by the Khmer students union, which was then headed by Khieu Samphan. Mr. Jullian-Gaufres said that at the end of 1957 or start of 1958 he asked Khieu Samphan to put him in touch with Cambodian students in France to practice his conversational skills.

The witness recalled that he met Khieu Samphan again in Paris at certain demonstrations organized by the student body he led and had private conversations with him about his economics thesis. Mr. Jullian-Gaufres confirmed he attended a symposium in March 1959, where representatives, including Khieu Samphan, from former French Indochinese territories discussed foreign and local investment.

Elaborating, the witness recollected that Khieu Samphan spoke mainly about transforming Cambodia from a colonial-style economy and developing its primary industries – wood, rubber, and agriculture – to promote the local economy. According to the witness, Khieu Samphan mentioned state intervention but not “absolute and total” intervention because scaring foreign investors must be avoided. Khieu Samphan concluded his presentation by stating that he wished for “economic independence for Cambodia, and not autarky,” the witness said. He added that in private conversations Khieu Samphan also talked extensively about “social issues” and improving Cambodians’ standard of living, particularly that of peasants. Mr. Jullian-Gaufres described Khieu Samphan’s comments as “not revolutionary” but “rather innovative” at the time and socialist leaning.

### ***Observations of Khieu Samphan in Cambodia***

At this point, Mr. Vercken referred to Mr. Jullian-Gaufres having settled in Cambodia between 1961 and 1966<sup>15</sup> and asked about his encounters with Khieu Samphan then. The witness testified

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<sup>14</sup> It was unclear in the English translation if Mr. Jullian-Gaufres was stating that he was based in Cambodia for Air Liquide between 1955-57 or only in 1957.

<sup>15</sup> This time period was not mentioned earlier in the English translation but was subsequently confirmed by the witness.





that he met Khieu Samphan in Cambodia on several occasions between 1961 and 1966 – including at Khieu Samphan’s home, where he met his mother – and invited him to visit the factory he was in charge of, where Khieu Samphan gave a speech to the workers. Khieu Samphan was a parliamentarian and Minister of Commerce at the time, he recalled. Though Mr. Jullian-Gaufres said his Khmer language skills were not then advanced enough to understand the speech, through conversations with people he knew that Khieu

Samphan was interested in social issues and people’s standard of living and wanted peasants to sell their produce at acceptable prices. Khieu Samphan defended the interests of the people from his area, tried to protect them from abuse by rich traders, and wished to combat corruption and abuse of power, Mr. Jullian-Gaufres commented. He confirmed that these assessments corresponded with his own conversations with Khieu Samphan.

In response to Mr. Vercken, Mr. Jullian-Gaufres testified that in 1961 Khieu Samphan lived in a very small wooden house built on stilts with his mother and later moved into a modest brick apartment. As Minister of Commerce, Khieu Samphan drove a used car and his lifestyle was “very simple,” the witness recalled. He confirmed that at the time he interacted with Cambodian officials: the head of his company was government-appointed, formerly head of the Cambodian railroads, and later became Cambodian ambassador to Washington, and his successor was a former minister. Among private shareholders were businessmen, a former prime minister, and royal family members, including Prince Sirik Matak, he said, adding that he was in contact with the ministries of industry and commerce. Some former political figures were living decently, and some in power were leading rather sumptuous lifestyles, Mr. Jullian-Gaufres told the defense lawyer.

Under questioning about the economic situation of Cambodia just prior to the DK regime, Mr. Jullian-Gaufres asserted that there were efforts to industrialize with foreign support, particularly from China, but the economic situation was still rather colonial. Rubber was of excellent quality but was not processed on site and Sihanouk’s efforts to develop the economy after accepting U.S. aid in 1963 were “not fantastic,” he averred. Though people were poor they were mostly not living in “dire misery,” but the country remained undeveloped, Mr. Jullian-Gaufres said, adding that Khieu Samphan’s proposals seemed reasonable because he was seeking a more developed economy and higher standard of living for peasants and workers. The witness confirmed that he returned to Cambodia in 2005 for personal reasons.

#### ***Witness’ Perception of Khieu Samphan’s Role in DK***

Pressed about his assessment of Khieu Samphan’s role in DK, Mr. Jullian-Gaufres testified that powerful people in DK set up Khieu Samphan’s role because they needed a head of state who was popular and respectable. Thus, DK leaders first chose Norodom Sihanouk and then Khieu Samphan when they wanted to change the person in the role, he said. The witness noted that Khieu Samphan had a PhD in economics from France, he spoke French, and was known by foreign embassies in Cambodia because he had been a parliamentarian and minister. His

disappearance with Hou Yuon and Hu Nim was discussed in embassies, the private sector, and the media, Mr. Jullian-Gaufres continued.

The witness confirmed that he saw Khieu Samphan in 1990 in Paris where he was staying at the offices of the Coalition Government of DK and by chance in Beijing in 1992. Mr. Jullian-Gaufres told the court he stayed with Khieu Samphan at his house – which was uncomfortable and had no running water – in Pailin province in 2005. Then in 2006, the witness said he travelled with Khieu Samphan to Anlong Veng where his elder son lived above a shop where he sold gasoline, before visiting Preah Vihear temple with him. “We stopped several times along the way in different villages, and I saw that the villagers still had a lot of respect for Khieu Samphan,” Mr. Jullian-Gaufres recollected. He replied to Mr. Vercken that he believed Khieu Samphan was travelling to various countries around 1990 to prepare for the Paris Peace Agreements. The witness recalled that his friend the former Thai Ambassador to Kenya, who met Khieu Samphan, had said that he was impressed by him.

The defense team for Khieu Samphan finished questioning Mr. Jullian-Gaufres.

### ***Trial Chamber Judge Examines Witness***

Trial Chamber Judge Jean-Marc Lavergne started by inquiring about Mr. Jullian-Gaufres’ conversations with Khieu Samphan in the 1950s. The witness testified that he spoke to Khieu Samphan only a few times in 1958 because he left France in May 1959, during which time he understood that Khieu Samphan wished Cambodia to move gradually, not brutally, toward becoming a republican democratic regime. “He wanted to avoid revolution; he just wanted evolution,” Mr. Jullian-Gaufres asserted. The witness stated that Khieu Samphan did not tell him about his membership in the Marxist Circle or French Communist Party. He confirmed that some students told him they were communists or attracted to the communist party and had participated in the Communist International, which organized major gatherings.

When asked about comments in a document<sup>16</sup> dated December 13, 2011, where Khieu Samphan described being pushed into joining the Marxist Circle by Uk Sokkun,<sup>17</sup> Mr. Jullian-Gaufres replied that he did not speak particularly about this issue with Khieu Samphan. “In the 1950s only the French Communist Party sided with those struggling for independence in Cambodia. ... I’m therefore not surprised that the only single possibility offered to Khieu Samphan was coming close to the French Communist Party,” the witness said, adding however that he believed Khieu Samphan held socialist-leaning economic ideas. “The official independence of Cambodia occurred in 1954; however, from an economic stance, colonialism was still quite present up until the end of the 1950s to the start of the 1960s,” he added.

Mr. Jullian-Gaufres confirmed to Judge Lavergne that the Khmer Rouge could have manipulated Khieu Samphan’s image – honest, with integrity and a sense of social welfare – in order to gain trust from followers.

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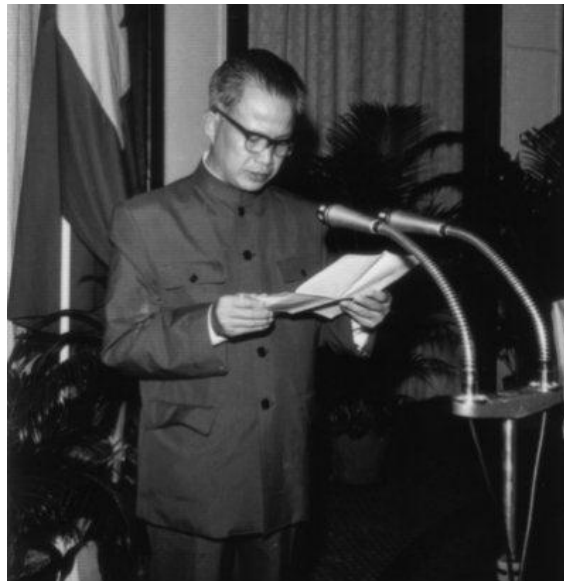
<sup>16</sup> The identity of this document is unclear.

<sup>17</sup> The spelling of this name was unclear in the English translation.

### ***Judge Questions Witness about Loss of Family and Friends***

Judge Lavergne noted that in his written testimony Mr. Jullian-Gaufres said he lost many family members, friends, and colleagues, including his father- and sister-in-law, her husband, and four nephews. The witness responded that he did not know the details and a very long time ago he held a list of people who perished at S-21 but he could not remember who was on it. “All I know is that there were many fiends who were no longer there in 1979,” he remarked. When asked if he had ever discussed the disappearance and demise of these people with Khieu Samphan, Mr. Jullian-Gaufres asserted that he believed Khieu Samphan knew some of those individuals who had studied in Paris, but he did not talk about them as he only saw Khieu Samphan again in 1990 and 1992 and did not mention the DK period. He recalled that their conversations were brief and they discussed personal issues and families. “I considered that it wasn’t appropriate for me to place this burden and to ask questions on that period ... and of the events that took place then,” Mr. Jullian-Gaufres commented. “I wanted to wait for the situation to dissipate.”

Responding to questions about Khieu Samphan’s family during the DK period, the witness stated that he believed that the families of Khieu Samphan and Sihanouk had not been spared and that Sihanouk lost 14 children and grandchildren. “I believe during the time that Khieu Samphan was head of state, his family did not enjoy any preferential treatment,” he remarked. “I believe that both gentlemen served as heads of state, and in a country with a communist regime, a head of state plays a much more representative role and does not enjoy significant power.” He told the court he did not have in-depth conversations with Khieu Samphan about the DK period.



*Khieu Samphan makes a speech during the DK period.  
(Source: Documentation Center of Cambodia)*

### ***Examination Turns to DK Constitution***

In response to a query from Judge Lavergne about Mr. Jullian-Gaufres’ expression of shock in his written testimony, upon reading the DK constitution’s third article, Mr. Jullian-Gaufres recollected that the article stated that the previous culture and civilization of Cambodia up until 1975 had a “detrimental effect” on the country. Noting that Khieu Samphan had “unveiled” the constitution, Judge Lavergne inquired if Mr. Jullian-Gaufres ever questioned him about his role

in drafting it. In his answer, Mr. Jullian-Gaufres commented that the speeches of heads of state are broad and he believed that the ruling government often drafted speeches delivered by the Queen of England. "I'm not entirely sure if the Queen of England would ever quote what I'm about to read," Judge Lavergne remarked, reciting an excerpt from Article 3 about culture and asking if it echoed comments Khieu Samphan made in Paris during his studies. Mr. Jullian-Gaufres said that he heard Khieu Samphan criticize the policy of "absolute power," including that of Sihanouk. "I did not hear him utter any virulent criticism of traditional Cambodian culture," the witness added. "Khieu Samphan was quite critical of the 1970 to 1975 period."

Under questioning about the necessity of evacuating cities after the Khmer Rouge took over, Mr. Jullian-Gaufres stated that after 1975 Phnom Penh was isolated from the external world, with all supplies and commodities having been brought in by air or sea, and the Khmer Rouge were unable to provide enough food for the population. Thus, the evacuations occurred in "horrifying conditions" though they arose out of economic need, Mr. Jullian-Gaufres said.

### ***Prosecution Questions Character Witness for Khieu Samphan***

Taking the floor for the prosecution, International Senior Assistant Co-Prosecutor Vincent de Wilde queried what prompted Mr. Jullian-Gaufres to provide written testimony in favor of Khieu Samphan on October 15, 2010 – a month after the Case 002 indictment was issued. The witness replied that Jacques Vergès<sup>18</sup> had asked him for information about Cambodia's relationship with Vietnam and he offered to draft a statement in support of Khieu Samphan. Mr. Jullian-Gaufres told the court he met with Mr. Vercken the previous week so that he could understand the conduct of the hearing. He concurred that he and Khieu Samphan had had "very friendly relations" and the friendship was based on his esteem for Khieu Samphan and his devotion to Cambodia. Mr. Jullian-Gaufres recalled that he was in Malaysia when Khieu Samphan left Phnom Penh to go underground in 1967 and thereafter they had no direct contact until 1990.

The witness confirmed that he only officially learned today that Khieu Samphan presided over the Marxist Circle and was a member of the French Communist Party. When Mr. de Wilde queried whether the witness had ever asked himself if Khieu Samphan might have obscured aspects of his personality, Mr. Jullian-Gaufres reiterated that he had met Khieu Samphan several times and grew to appreciate him. "He first was a parliamentarian in Norodom Sihanouk's party and he was then reelected a second time without the support of Norodom Sihanouk which proves that the local population appreciated him more than the other candidates," he asserted.

Mr. de Wilde returned to Mr. Jullian-Gaufres' comments in his written testimony that he was shocked by the treatment of "culture" in the DK constitution. The witness contended that the Khmer Rouge wished to transform society radically and he did not support their solution because it attacked traditional values such as respect for family values and education. In response to a query from the prosecutor, Mr. Jullian-Gaufres said he did not recall speaking extensively with Khieu Samphan about religion and told the court he did not read the DK constitution in detail. He commented that he believed Khieu Samphan did not support a Chinese-style Great Leap Forward or Cultural Revolution but Pol Pot and others who admired China wanted to usher in both at the same time, which led to humanitarian disaster. Pressed for details about friends who had likely died in S-21, Mr. Jullian-Gaufres replied that he did not know why they were

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<sup>18</sup> Jacques Vergès is one of Khieu Samphan's lawyers.

suppressed but there were perhaps charges against them. “All of them practically wanted Cambodian to develop politically and to lead to a more efficient regime, economically speaking,” the witness said, adding that he did not know what the charges were.

Quoting from a speech by Khieu Samphan at a mass meeting in April 15, 1977, in which he referred to the need for “revolutionary vigilance” against enemies, Mr. de Wilde inquired if Khieu Samphan had ever spoken to the witness in the 1990s or 2000s about such concepts. Mr. Jullian-Gaufres responded that for centuries Cambodia fell prey to Thailand and Vietnam, and he believed comments about external enemies could apply to the Vietnamese and “enemies from within” probably applied to Cambodians taken to North Vietnam in 1954 and trained to become Vietnam’s “spearhead” in Cambodia.

During a discussion about the number of people who died under DK – involving claims made by Khieu Samphan in TIME magazine in March 1980 that no more than 10,000 people perished – Mr. Jullian-Gaufres said he did not know how many people died during the Khmer Rouge period. He testified that many died between 1970 and 1975 because of U.S. bombing, people died between 1975 and 1979 from lack of medical treatment and malnourishment, and people fled and were killed following Vietnam’s invasion of Cambodia in 1979. “I do not know the exact numbers, but I know that there are several categories of victims,” Mr. Jullian-Gaufres said, adding that he never discussed the death toll with Khieu Samphan and their conversations focused on the present and future of Cambodia. Elaborating, he told the court:

We seldom talked about the past. I travelled to China on several different occasions, and I observed that the Chinese who had lived through the Cultural Revolution never talked about the Cultural Revolution. I decided to adhere to this convention when I travelled to Cambodia. I noticed that Cambodians were quite restrained or reluctant to talk about the 1975 to 1979 period.

The witness said this position never gave rise to a “personal dilemma.”

Taking over questioning, National Senior Assistant Co-Prosecutor Dararasmeay Chan inquired if Mr. Jullian-Gaufres had heard about events in Cambodia between 1975 and 1979 at the time. The witness replied that Cambodia was closed off at the time and there were few foreigners, with only a group of Yugoslav journalists authorized to enter in 1978. Very little was said about Cambodia in France, he recollected, continuing:

There were only a few journalists who in 1975 celebrated the arrival of the Khmer Rouge to power. I recall a media article in 1975 entitled “Cambodia Liberated.” There was a certain degree of sympathy among intellectuals following the arrival to power of the Khmer Rouge in Cambodia and the destitution of King Sihanouk.

Next, Mr. Jullian-Gaufres related that one of his brothers-in-law escaped Cambodia with his family in 1979 and arrived in France and he asserted that, after many conversations with refugees, the situation in Cambodia differed depending on the region and the Khmer Rouge official in power.

Pressed for more detail about his visits to Khieu Samphan in 2005 and 2006, Mr. Jullian-Gaufres affirmed that he spent about two or three days with Khieu Samphan in Pailin in 2005 and they visited Anlong Veng in 2006. They spoke mainly about personal matters, such as farming

conditions in Pailin, and he did not meet with any other Khmer Rouge leaders on those trips, he told the court. In response to a separate query from Mr. Chan, the witness said he believed Khieu Samphan did not suffer the same fate as Hou Yuon and Hu Nim because the Khmer Rouge needed him as a “figurehead.” “If he accepted these functions, it was because he truly believed it would be of use for his country and for his people,” Mr. Jullian-Gaufres declared. With this response, the prosecution ended their examination of Mr. Jullian-Gaufres.

#### ***Civil Party Lawyers Swiftly Question Witness***

National Civil Party Co-Lawyer Lor Chunthy inquired if the witness considered that the evacuation of Phnom Penh residents on April 17, 1975, might have caused them hardship and there might have been other options. The witness testified that he was in Cambodia in 1974 when the country had been devastated by the civil war, there were no harvests, and a great number of people took refuge in cities, where they were supplied with food from foreign countries, particularly the U.S. He remarked that another solution might have been for the Russians, Chinese, or Singaporeans to supplement the food supply, but this route was not taken. When asked if he had observed any major change in Khieu Samphan between their first and last meetings, Mr. Jullian-Gaufres commented that Khieu Samphan still had faith that Cambodia could develop and was still “very patriotic.” “If he was head of state in 1976, it was maybe in part because he was obliged to take on the position but also because he was trying to limit the damage he noticed back then in Cambodia,” Mr. Jullian-Gaufres concluded. After this statement, questioning of Mr. Jullian-Gaufres ended.

#### ***Trial Chamber’s Oral Decision on Civil Party Request***

Finally, President Nonn announced that the chamber had reached a decision regarding the civil party lawyers’ request about statements of harm.<sup>19</sup> He said the chamber had decided that, given prosecutors and defense lawyers would be able to question civil parties testifying next week, the chamber would not grant them an additional opportunity to comment on civil parties’ statements of suffering. President Nonn outlined the procedure for questioning the civil parties in hearings over the next couple of weeks and then adjourned the hearing.

Hearings are set to resume in Case 002 at the ECCC at 9 a.m. on Wednesday, May 22, 2013, with further questioning of witness Prom Sou.

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<sup>19</sup> For more information about this request, see Cambodia Tribunal Monitor’s detailed account of proceedings on May 20, 2013, at: <http://www.cambodiatribunal.org/blog/2013/05/%E2%80%9Cnone-our-business%E2%80%9D-former-commander-describes-military-life>.