



Second Character Witness Describes Perceptions of Khieu Samphan

By Mary Kozlovski¹

There was another day of split testimony in Case 002 at the Extraordinary Chambers in the Courts of Cambodia (ECCC) on Wednesday, May 22, 2013. Witness Prom Sou, a former Khmer Rouge official based in Preah Vihear province during the Khmer Rouge period, finished testifying in the morning, after he was cross-examined by defense lawyers for defendants Khieu Samphan and Nuon Chea. Then Soc Kon Chau, another character witness requested by the Khieu Samphan defense, testified via video from France during the afternoon.

More than 200 villagers from Kampong Cham province attended the hearing. Due to his ongoing health problems, Nuon Chea monitored proceedings remotely from a holding cell, while Khieu Samphan remained in court for the day.

Prom Sou Continues His Testimony

Beginning his cross-examination, International Co-Lawyer for Khieu Samphan Arthur Vercken queried whether Sector 103 remained under Northern Zone control until the end of the Democratic Kampuchea (DK) regime, after the zone was established in late 1977. Mr. Sou confirmed this, noting that there were some administrative changes with the eventual replacement of Kang Chap as zone chairman and the replacement of Ta Khem with Svay Voeun² in Sector 103. The witness recalled that after Hang was arrested he herded cattle in the forest and did not have to report to the sector anymore.

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 Meas Voeun *alias* Svay Voeun testified in Case 002 at the ECCC in October 2012. Cambodia Tribunal Monitor's detailed account of his testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201210>. Both the name and the alias were used several times during the cross-examination. In the interests of clarity, he is referred to as "Svay Voeun" throughout the post, which is what Mr. Sou first called him.

Witness Speaks in Detail about Meas Voeun, alias Svay Voeun

Mr. Sou testified that after Svay Voeun became the new chairman of Sector 103 in Rovieng district³, he called him to a meeting and instructed him to prepare a new worksite in the sector and gather scattered horses and cattle for production. Mr. Sou said he later reported to Svay Voeun about production at the new worksite shortly before the fall of the DK regime in 1979. The witness told the court he believed Svay Voeun assumed his duties as sector chairman around mid-1978. During the meeting, Mr. Sou recollected that Svay Voeun did not speak at length but relayed the goals for rice production and asked him to gather tools and equipment, cattle and build shelter for workers at the site. The witness testified that Svay Voeun told him many people had been arrested when Ta Khem⁴ was Sector 103 chairman, but they should not be concerned because Angkar had pardoned them. Elaborating further, he stated that he met Svay Voeun again occasionally, including a final meeting while both men were fleeing as Vietnamese troops arrived in the area. While Mr. Sou said he did not know about security matters “Son” returned from detention in Siem Reap and met with himself and Svay Voeun. “It seems that some people were released,” he added.

At this juncture, Mr. Vercken recollected a section of Svay Voeun’s testimony in which he apparently stated that while he worked in Sector 103 between August 1978 and 1979 he only understood that he was the sector leader after the Vietnamese defeated the DK regime. When the defense lawyer asked the witness if such an account was plausible, International Assistant Co-Prosecutor Dale Lysak objected that Mr. Vercken should read actual portions of Svay Voeun’s testimony, rather than characterizing the testimony himself. After some shuffling of papers, Mr. Vercken sought Mr. Sou’s reaction to Svay Voeun’s testimony on October 4, 2012, that they had never spoken. The witness reaffirmed that he met with Svay Voeun. Again, Mr. Lysak requested that Mr. Vercken read from the actual witness testimony. The prosecutor said he in fact recalled Meas Voeun indicating that he did meet Mr. Sou, but the parties should not be relying on their own recollections. Mr. Vercken replied by reading a passage from Svay Voeun’s testimony in which he said, “I know this person, but I did not speak to him.” In court he had been asked not to name Prom Sou directly, the defense lawyer added. Mr. Lysak reiterated the importance of reading the full quote from the testimony because Svay Voeun was never specifically asked about contacts with Mr. Sou during the DK period.

After a lengthy and somewhat confusing response from Mr. Vercken where he read from the court transcript of Svay Voeun’s testimony, Mr. Sou said he believed that role was assigned to Svay Voeun by the center after Khem disappeared. Though there was no announcement that Svay Voeun had become secretary of Sector 103, everyone in the sector knew he was the secretary and successor to Khem, he added. “My understanding is that the center would never leave this position vacant and that someone must be in place to oversee the sector when another person is gone,” Mr. Sou asserted.

Mr. Vercken quoted Mr. Sou as saying to court investigators in November 2009 that there were no more arrests when Svay Voeun was sector chairman and that he released people sent to the security center when Khem was in power. After a brief exchange following an objection from

³ Rovieng district is located in Preah Vihear province.

⁴ “Ta” is a Khmer honorific meaning “grandfather.”

Mr. Lysak, the witness testified that he did not know who had the authority to release prisoners but confirmed that some were released, including a final batch as Vietnamese troops were approaching. Mr. Sou recollected a person named Phon telling him that when the Vietnamese approached Preah Vihear province, Svay Voeun and others fled and the person in charge of the prison had to release the detainees. When asked about specific people in Sector 103, the witness said he knew “all the cadres in Sector 103” including Son.⁵

Defense Seeks Detail about Former Sector Leader

Next, National Co-Lawyer for Khieu Samphan Kong Sam Onn cross-examined the witness and began by inquiring about the successive leaders of Sector 103. Mr. Sou testified that initially Mann was secretary of Sector 103. After Mann died in a grenade incident around 1974, Hang was promoted from deputy secretary to secretary of the sector, then Khem replaced Hang after the latter was arrested and finally, Svay Voeun supervised the sector, he recollected.

Mr. Sou told the court that he had known Hang since 1970 and he disappeared after the announcement of Kang Chap as chairman of the new North Zone. The witness said he knew



Hang in more of a professional capacity and that Hang was the one who inducted him as a party member. Hang was active and popular among the cadres and people under his supervision, Mr. Sou recalled. He asserted that Hang observed the difficult conditions during the civil war and attempted to improve people’s living conditions and they trusted him to deal with the water supply. Mr. Sou testified that Hang constructed a large dam so that water could be retained for irrigation, established an agricultural worksite that the witness worked in, and encouraged production units to work in various areas along the river. He stated that Hang tried his best to achieve production of seven tons of rice per hectare and he requested machinery for the sector from the zone. Hang was well known in the area as the sector chairman representing Angkar and was “down to earth,” he concluded.

After Mr. Sam Onn posed several questions about the geographical layout of Sector 103, National Civil Party Lead Co-Lawyer Pich Ang protested that the line of questioning was irrelevant. His objection was overruled. The witness then responded to further questions about land and water supply in the sector, and eventually Mr. Ang again interjected and argued that Mr. Sam Onn’s queries were irrelevant to the case.

President Nonn concurred and Mr. Sam Onn moved on to a telegram signed by “Se”⁶ from August 23, 1977, which stated that people in certain villages lacked food because some cadres did not understand the “party’s line on agricultural production.” In response to Mr. Sam Onn’s query about whether this passage reflected the situation at the time, Mr. Sou replied that in

⁵ Mr. Vercken appeared to be referring to ‘Son’ as a woman who may have been head of the women’s unit in Sector 103, but the question and Mr. Sou’s response were unclear in the English translation.

⁶ In a previous hearing ‘Se’ was mentioned as the *alias* of Kang Chap. It is likely that this telegram refers to the same person, but this was not clarified in court.

Sector 103 some cadres and civilians were incompetent; however the telegram did not reflect the reality of the situation. The witness told the court that the price of good rice production was a hardship for people in the area because they had to dig canals and build dams.

Nuon Chea Defense Questions Witness Prom Sou

Under questioning from International Co-Lawyer for Nuon Chea Victor Koppe, the witness stated that he knew cadres in Sector 103 at the sector and district level, some military commanders at the battalion level situated along the border, and some cadres at the cooperative level, but none at the village level. He said he knew Soth, the chief of Sector 106, and another Sector 106 member named Sean. Describing Sector 103 between 1970 and 1979, Mr. Sou testified that in the early 1970s, there were aerial bombardments along the road from Stung Treng to Preah Vihear, a big flood in 1972, changes of cadres in the sector after liberation on April 17, 1975, and arrests in the sector in 1977.

Treatment of Former Lon Nol Officials and Soldiers

Citing the witness' earlier testimony, Mr. Koppe asked how he knew that former Lon Nol regime officials and soldiers were not purged after April 17, 1975. The witness replied that such officials – excepting soldiers who fled up Preah Vihear temple⁷ – were not arrested. He noted that he was a teacher during the Lon Nol regime but was spared by Angkar and assigned to work within the movement. Mr. Sou said that in his area former soldiers were dispersed throughout villages and cooperatives to engage in agricultural production. “Former government officials, police, and soldiers lived mixed with the people in the cooperatives,” he added. “Some former Lon Nol soldiers got the job as repairmen or drivers for the sector.”

When asked if he had heard about executions of former Lon Nol soldiers and officials in Sector 103 during or after the Khmer Rouge period, Mr. Sou responded that he was unsure and knew only scant information about revolutionary soldiers arrested in Sector 103. He testified that he did not know about any policy to track down and arrest former Lon Nol soldiers and officials but in Sector 103 these people were not gathered up and killed. Later on after the regime, Mr. Sou said, he heard people speak about fighting, attacks, and purges in other sectors, but he did not personally know details of such activities, including in Siem Reap and Preah Vihear.

Defense Lawyer Puts Meetings under the Microscope

Turning to another topic, Mr. Koppe inquired if Mr. Sou remembered how Nuon Chea introduced himself at the meeting the witness had mentioned in his prior testimony. Mr. Sou replied that Nuon Chea opened the meeting and announced changes to the sector and spoke briefly about rice production, before later visiting dams and Mr. Sou's office. The witness recalled that Nuon Chea did not introduce himself but only introduced Kang Chap *alias* Se as chairman of the new Northern Zone. Mr. Koppe sought clarification on how Mr. Sou knew the person who presided over the meeting was Nuon Chea and how he knew Nuon Chea's identity before the meeting. Mr. Sou mentioned various people living in Preah Vihear, including the sector chief and his bodyguard, who knew Nuon Chea, but conceded that he had never met Nuon Chea in person prior to the meeting. The witness stated that he knew Nuon Chea “through other people” and had heard his name on the radio because he was president of the DK assembly. Pressing on, Mr. Koppe asked how the person speaking at the meeting was referred to. Mr. Sou

⁷ It was unclear from Mr. Sou's subsequent answers what happened to these soldiers.

recalled that Nuon Chea was known then as “Brother Number Two,” but he could not remember that phrase being used during the meeting.

As Mr. Koppe again tried to pose a question about how the person at the meeting was addressed, Mr. Lysak interjected and argued that the questions were repetitive and had been answered several times. The defense lawyer indicated that the witness had not answered the question, but moved on nonetheless to query how many people attended the aforementioned meeting. Mr. Sou answered that there were around 50 people, including Nuon Chea, Kang Chap, Hang, district level cadres, and some from various worksites. After the meeting, Mr. Sou said Nuon Chea visited his worksite where they cultivated dry season rice and then went to the kitchen, where he requested some pickles with rice because he did not like pork or beef. Mr. Sou told the court he was working when a husky-voiced Nuon Chea – wearing a checked sarong rather than normal pants – visited and one of his children accompanied Nuon Chea around the site. The witness said Nuon Chea spoke like people from Battambang province.



At this point, Mr. Koppe referred to the “secret meeting” attended by Nuon Chea, Kang Chap, Ta Khem, and Ta Saroeun that Mr. Sou raised with court investigators and tried to ascertain when the meeting occurred. Mr. Sou replied that he did not know exactly but it would have been within a month of Khem and Se being appointed.⁸ The witness confirmed to Mr. Koppe that he was speculating that the meeting had occurred and had not seen it. When Mr. Koppe asked if the secret meeting was actually a figment of his imagination, Mr. Sou responded that it was based on his understanding of the types of meetings – both “public” and “secret” – during the DK period. “Secret meetings would be convened, and without such meetings Khem, who was the secretary of sector, would never have the instructions to convey to his subordinates,” he added.

As the defense lawyer put another question to the witness about the same event, President Nonn ordered him not to respond to the question because it was repetitive. Upon receiving this instruction, Mr. Koppe ended his cross-examination of Mr. Sou, whose testimony at the ECCC thus concluded.

Character Witness for Khieu Samphan Begins Testimony

In an extended afternoon session punctuated by bursts of static as the internet connection failed, another character witness for Khieu Samphan testified via video-conference. Soc Kon Chau, a 67-year-old retiree resident in France, confirmed to the chamber that he had not been interviewed by the court’s Office of the Co-Investigating Judges (OCIJ).

⁸ Mr. Sou seemed to imply that the “secret meeting” occurred within one month of the aforementioned meeting that Nuon Chea presided over; however this was not clear in the English translation.

Firstly, Mr. Sam Omn sought detail on Mr. Chau's background. The witness replied that he was born in Moet Chruk province's Svay Tang district,⁹ which he identified as Vietnamese territory when the region was still under French control. He learned French and Khmer at school and went to study in Cambodia at the age of eight. Mr. Chau recalled that he later passed an exam to study at the pedagogical school opposite Wat Lanka near the Independence Monument, which trained people to be teachers. The witness said he attended Sisowath High School, studied science for a year, and then received a scholarship to study in France where he obtained a masters degree in economics at a university in Paris. Thereafter, Mr. Chau stated, he became a public servant and worked in a printing house and as a computer operator. He said after moving to France, he did not return to Cambodia again until December 2002.

Elaborating on his life in Cambodia, Mr. Chau recollected that in his early teens there was an older trainee teacher at the pedagogical school who was progressive, and he enjoyed listening to his elders' views about Cambodian society, the rich and the poor, and people's living conditions. As a teenager, Mr. Chau said he believed these progressive views were geared toward seeking justice and equality in society. At the time of the 1970 coup d'état by General Lon Nol, Mr. Chau testified, he was in France – where he moved in September 1967 – where he and a group of students and friends collectively declared their support for the National United Front of Kampuchea (FUNK). Elaborating on this decision, Mr. Chau commented, “We were of the view that the toppling of Samdech Sihanouk was illegal. ... The coup d'état was illegal although it was backed by the United States. That was our primary reason. Secondly, the coup d'état would mean the initiation of war in Cambodia.”

The witness recollected that Sihanouk led the front along with other important figures, including former diplomats. In Paris the “united front association” was created, Mr. Chau added. When asked if he knew about forces in Cambodia that supported the front, Mr. Chau replied that after 1970, they received some information from French news articles, the Chinese news agency Xinhua and FUNK radio broadcasts.

Witness Describes Initial Encounters with Khieu Samphan

The witness testified that he first met Khieu Samphan in 1974, when he was among a delegation of about 20 people that travelled from Paris to Bucharest, Romania, where Khieu Samphan had led a Cambodian delegation to the city. “We were delighted to meet him because we received information about the resistance movement in Cambodia that was established,” he remarked. Mr. Chau said he could not recall the details of the discussion but did remember that Khieu Samphan told them about U.S. aerial bombing from B-52s in 1973 and the resulting casualties and destruction. Khieu Samphan talked about the resistance movement, its progress and the support it had among the population, and the need to endeavour to end the war in Cambodia with Lon Nol and U.S. forces so that the country could be rebuilt, the witness remembered.

Everyone was surprised by the FUNK victory on April 17, 1975, Mr. Chau stated, because they all expected that it would take longer to achieve. “We were happy to see that the victory was won over by the FUNK, and the war was over that soon,” he said. However, Mr. Chau asserted that there was scant information about Cambodia in the news after 1975, though there was some information from the resistance movement. He added that he was “suspicious” but understood

⁹ The correct spelling of these locations was unclear.

then that people would have been preoccupied with rebuilding the country immediately after the victory and too busy to communicate with people in the outside world.

Khieu Samphan's Character and Conduct

Pressed for information about Khieu Samphan's "character and conduct," Mr. Chau recalled that he first heard in secondary school that Khieu Samphan had returned from France and was a highly educated parliamentarian and secretary of state in the Ministry of Commerce in Cambodia. He asserted that everyone knew Khieu Samphan's reputation and qualifications and knew him as a "clean person." Mr. Chau learned that Khieu Samphan was abused by the secret police and, through a radio broadcast, that he was removed from the assembly. He confirmed that he had read Khieu Samphan's thesis in France, which talked about wanting Cambodian children to prosper and Cambodia's economy to focus primarily on agriculture: "At that time, I believed that he was one of the progressive people. He would like the country to be a clean country, a country which has justice, and as a person who believes in democracy, I am not convinced that he would be a communist."

During Sihanouk's Sangkum Reastr Niyum regime, Mr. Chau remembered reading about Khieu Samphan and knew that he ran a newspaper, ran for election, and was against corruption. "I heard from other people that during election campaign he did not have the financial means to start his campaign but he was fully supported by *cyclo* drivers and other workers," the witness testified. When asked about his impressions of Khieu Samphan after the 1970 coup, Mr. Chau told the court that everyone was surprised because they had heard a rumor that Khieu Samphan and Hu Nim were submerged in a basin of acid and believed to be dead. The witness later learned that Khieu Samphan had received Sihanouk and his wife in 1973 and people were happy to know that the men were still alive. He continued:

He is a respectful person, a proper man who is clean, so these are the key elements or qualities in him that we trust and respect. During those days, there were very few highly educated individuals like him who graduated abroad and who returned to Cambodia to help the country. And there were even few[er] people who were highly educated and concentrated on fighting corruption and finding social justice.

Mr. Chau said that Khieu Samphan's work after 1970 involved diplomacy.¹⁰ The witness recalled that at the time he did not understand the term "Khmer Rouge" well, though all progressive people were considered members of the Khmer Rouge. He stated that the FUNK referred to people who were nationalists and opposed the Lon Nol regime, but he did not understand the term "Angkar." He testified that straight after 1975, they lost information from inside Cambodia but learned that Sihanouk was no longer in power – possibly because he was tired of politics or unwell – and Khieu Samphan was believed to have succeeded him as head of state in 1976.

Other Encounters with Khieu Samphan

In response to Mr. Sam Onn, Mr. Chau recalled that he met Khieu Samphan on three other occasions after their first encounter in 1974: briefly in 1989 when Khieu Samphan led a delegation to negotiate the Paris Peace Accords; in December 2002, for a meal in Pailin province

¹⁰ In responses, Mr. Chau seemed to imply that Khieu Samphan was not involved with military matters, but the English translation was unclear.

after a friend's ceremony at a local pagoda, and then in December 2005, when he visited his relatives in Cambodia in Siem Reap and went to see Khieu Samphan in Anlong Veng.¹¹ Before the establishment of the ECCC, Mr. Chau said Khieu Samphan told him he had no problem travelling to various places in Cambodia because he was like an ordinary citizen and could take a taxi or bus. According to Mr. Chau, Khieu Samphan remained popular:

When I met him in 2005, I took a photo of him and when I arrived at Siem Reap, I asked one of my relatives – who was about 70 years old – I showed him Khieu Samphan's photo and I asked him this question: whether he knew the person in the picture. And he said, yes, he was Khieu Samphan, and a lot of people still loved him. ... I can conclude that his popularity remains unchanged and now a lot more people share that sympathy towards or with Khieu Samphan and they hope that justice will be served to him.



Khieu Samphan during the 1990s.

(Source: Documentation Center of Cambodia Archives)

Mr. Sam Onn inquired if Mr. Chau had ever heard about Khieu Samphan exercising violent policies. The witness asserted that Khieu Samphan had a “non-violent nature,” he was a victim prior to 1970 and even after the Paris Peace Accords, he was attacked. “His life was the life of a victim, and for that reason he could not be a violent person,” Mr. Chau added.

Repatriation of Students and Intellectuals to DK

Under questioning from Mr. Sam Onn about the appeal for Cambodians abroad to return to DK after April 17, 1975, Mr. Chau told the defense lawyer that it was not true that students in France were forced to return to Cambodia. On the contrary, they applied to return to Cambodia and Mr. Chau himself filled in a form including his name, place of birth, qualifications, family background, and marital status, but he was not interviewed because his French wife had just given birth to his eldest son. He recalled that some of his friends were concerned that they would not be allowed to return. “We were front supporters, and, of course, we wanted to return to our Cambodia after the liberation, and from 1976 some of my friends actually repatriated to Cambodia,” Mr. Chau said. He stated that they lodged their applications through the FUNK committee in Paris for expatriate students – whose name changed after liberation – and they

¹¹ Anlong Veng is a former Khmer Rouge stronghold and a district in Oddar Meanchey province.

likely went to the Cambodian embassy in France, then through Beijing, and then onto Cambodia. Before Mr. Sam Onn concluded the Khieu Samphan defense's questioning, Mr. Chau asserted:

The Cambodian people in Cambodia should be asked about him, about this character, whether he is a man of a violent nature for not. And if we selectively only ask a handful of people, then that is unfair to him. Of course, in any country, there would be a few extremists, and we cannot just rely on a number of these extremists to judge a person.

Judge Examines Character Witness

Trial Chamber Judge Jean-Marc Lavergne posed several questions to the witness about his knowledge of Khieu Samphan. Mr. Chau testified that through his friends, he observed that Khieu Samphan's role during DK was mainly diplomatic and he would visit the UN, various countries abroad, and receive diplomatic representatives in Cambodia. The witness told the court that he received such information through friends and through the press. He confirmed to Judge Lavergne that he had read press articles written by François Ponchaud¹² and participated in meetings where Mr. Ponchaud spoke about the evacuation of Phnom Penh, which was consistent with what he had read in French newspapers. When asked if he later questioned Khieu Samphan about the evacuation and rumors of massacres in Cambodia, Mr. Chau replied that in 1989 he spoke with Khieu Samphan about the evacuations and tried to understand what had happened, though they did not discuss this in great detail. Khieu Samphan did not clearly express his view, Mr. Chau stated, but asserted that it seemed he did not have any role in decisions to kill people. The witness said he understood Khieu Samphan was not in a position to make decisions based on his personality and on information he read that in communist parties, only people in charge of military matters were in a position to make decisions.

Witness' Activities in Paris Scrutinized

Under questioning about his affiliations and activities in Paris after 1970, Mr. Chau stated that he was not a member of the Royal Government of National Union of Kampuchea (GRUNK) at the time but was an active member of the association,¹³ which had a working relationship with the GRUNK. He confirmed that he was later a member of the Committee of the Patriots of DK, which was chaired by In Sokhan with other senior people. Later Nget Cho Proleong¹⁴ became a member after others had repatriated to Cambodia, he added. Judge Lavergne inquired if Mr. Chau was familiar with a lawsuit against the French magazine *L'Express* in the 1980s following articles they published that made accusations against certain Cambodians living in France. The witness confirmed that he knew of the lawsuit because he attended the hearing and said the magazine had wrongfully accused Nget Cho Proleong, who eventually won the case.

Judge Lavergne stated that Nget Cho Proleong was criticized by *L'Express* for having written reports on Cambodians who wished to return to DK and sought information about the role of Committee of the Patriots of DK. Mr. Chau replied that Nget Cho Proleong only received applications lodged by students who wished to repatriate to Cambodia and he believed Nget Cho Proleong transmitted them to the DK regime. The witness told the judge he did not know when

¹² François Ponchaud testified as a witness in Case 002 at the ECCC in April 2013. Cambodia Tribunal Monitor's detailed account of his testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201304>.

¹³ This is believed to be a reference to the "United Front Association" that Mr. Chau mentioned earlier in his testimony.

¹⁴ The correct spelling of this name is unclear.

the last people repatriated to DK left France, but he sometimes accompanied his friends to the airport. He recalled that those left in France did not receive information about their friends who went back to DK as there was no news coming from Cambodia after 1976. "We were waiting for news but received nothing," Mr. Chau said. He added that after the Vietnamese invaded Cambodia in January 1979, some of his colleagues fled and later returned to France, where they spoke about former students who repatriated to Cambodia. "Some disappeared and later some returned, but immediately after that nobody talked or knew about S-21," the witness asserted. Mr. Chau affirmed that he had since heard some detainees were placed in Boeung Trabek and heard about S-21 through newspapers, but his friends knew nothing about it.

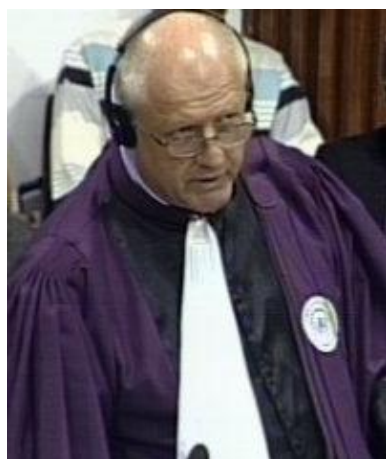
After a technical glitch prompted the mid-afternoon break, Judge Lavergne pressed Mr. Chau on why he wanted to return to DK in 1975. The witness replied that, like all of his colleagues, he wanted to go back because the war had ended and they wanted to assist in rebuilding the country and reunite with their family members. He confirmed that he trusted the DK authorities at the time partly because he knew that Khieu Samphan was president of the state presidium. "If he could live in the country, I could also live in the country, and that's where I placed my trust," he told the court.

Judge Inquires about Witness' Knowledge of Chau Seng

In response to queries from Judge Lavergne, Mr. Chau confirmed that he and Chau Seng were born in the same place but were not related and they met in France before Chau Seng returned to Cambodia. The witness testified that Chau Seng had studied in Montpellier, not Paris, and participated in the FUNK. He said he had known that Chau Seng was progressive since he was a teenager in Cambodia and told the judge he did not know where Chau Seng died. After Judge Lavergne stated that he believed Chau Seng had died at S-21, he finished questioning the witness.

Prosecution Examines Khieu Samphan Character Witness

International Senior Assistant Co-Prosecutor Keith Raynor began by asking Mr. Chau if he believed that the arrest and execution of a person was a violent crime. Mr. Chau answered that any criminal needed to be put on trial and executing someone without a trial was not appropriate. When asked what information he received about arrests and executions in DK between 1975 and 1979, Mr. Chau reaffirmed that he did not receive any firsthand news about DK, just minimal news in the press, and only learned about the conflict between DK and Vietnam later.



Based on documents on the case file, Mr. Raynor noted that that Committee of Patriots in Paris, of which Mr. Chau was a member, had published or broadcast the DK constitution, Phnom Penh radio broadcasts, speeches by Pol Pot, Ieng Sary and Khieu Samphan, material in March 1977 through *Nouveau du Cambodge*, and a monthly pictorial magazine. The prosecutor then asked Mr. Chau if he was testifying that, with his connection to the Committee of Patriots, he had not seen any of the aforementioned material. The witness answered that he could not recall those specific documents, they could only hear radio broadcasts sometimes, and documents the committee received

from the Cambodian embassy in Beijing would be copied and distributed. He affirmed that the news they received was not up to date, as the delivery was made by post. Mr. Chau said he was a member of the Committee of Patriots but described it as an association rather than a “political committee.”

Witness’ Knowledge of Khieu Samphan Challenged

Under questioning from Mr. Raynor, Mr. Chau stated that he had no knowledge of the Khmer Rouge’s capture of Udong in March 1974 and he believed that between 1975 and 1979, arrests were not the responsibility of the president of the state presidium, namely Khieu Samphan, who did not have the authority.

At this juncture Mr. Raynor fired a series of questions at Mr. Chau, presenting the witness with information about particular events and the roles of Khieu Samphan in DK and asking if he was aware of them. In his responses, Mr. Chau testified that he did not know Khieu Samphan admitted to investigating judges that he and Doeun were members of Office 870, which monitored suspected party members on behalf of the Standing Committee. He was unaware that the chairman of Office 870 had to keep track of the implementation of Standing Committee decisions and that it was authorized to make decisions on smashing people within and outside of the Communist Party of Kampuchea (CPK). Continuing to answer Mr. Raynor’s questions, Mr. Chau said he did not know about a Voice of America interview in which Khieu Samphan stated that he worked in Office 870, called it “my office,” and provided information about the arrest of Doeun. According to his testimony, Mr. Chau was not aware of a 1999 interview in which Ieng Sary confirmed that Khieu Samphan was appointed chairman of Office 870, and knew nothing about the working relationship between Pol Pot and Khieu Samphan.

When Mr. Raynor inquired if Mr. Chau knew that Khieu Samphan told the OCIJ that he did not learn of a single arrest before 1979, the witness asked how he could have known when Khieu Samphan spoke to the OCIJ and not to him. Mr. Chau stated that Khieu Samphan did not mention arrests when they met in Paris. Mr. Raynor asked if he had been shown a document detailing a March 8, 1976, Standing Committee meeting stating that Khieu Samphan had attended a meeting where arrests were discussed. The witness responded that he had not seen such a document and he did not know what Khieu Samphan told investigating judges. He testified that he only learned about the executions of certain GRUNK and FUNK colleagues of Khieu Samphan in newspapers after 1979.

Again, the witness replied to the prosecutor that he did not know about Khieu Samphan taking notes at Standing Committee meetings,¹⁵ but he was aware that Khieu Samphan was close to Sihanouk during the DK period. Mr. Chau testified that he had no knowledge about Standing Committee meetings, the writers of the DK constitution, nor early 1976 elections in Cambodia, and had not heard broadcasts by Khieu Samphan in April 1976 in which he talked about maintaining “a spirit of revolutionary vigilance” against their enemies,¹⁶ nor had he heard other “anniversary speeches” made by Khieu Samphan.

¹⁵ According to Mr. Raynor, this information came from *Seven Candidates for Prosecution*, co-written by Stephen Heder and Brian D. Tittmore.

¹⁶ Ibid.

Under further questioning from Mr. Raynor, Mr. Chau recalled that he attended meetings of the Committee of Patriots several times but attendees knew nothing about deaths in Cambodia between 1975 and 1979, and he could not say how many people perished during that period. In conclusion, Mr. Raynor inquired if it was fair to say that Mr. Chau's evidence about Khieu Samphan's character was based on limited information. The witness disagreed, arguing that he had gathered ample sources over time because he respected Khieu Samphan and wanted to know about him, but he had not received such information between 1975 and 1979.

Civil Party Lawyers Question Character Witness

After the previous response, the prosecution handed the floor to the civil party lawyers. National Civil Party Co-Lawyer Lor Chunthy inquired if Mr. Chau knew a person named Chau Sao who was also born in Kampuchea Krom. The witness confirmed that he knew Chao Sao, whose wife was related to his father, but did not know of his current whereabouts. He also noted that Chao Sao used to work as the president of a national credit institution. Later in his testimony, Mr. Chau told the civil party lawyer that Chao Sao was educated in France.

Testimony Returns to Evacuation of Phnom Penh

Mr. Chunthy sought detail about discussions of the evacuation of Phnom Penh in France. The witness testified that those in France knew little about the evacuation but that he and others had agreed that they supported the FUNK and that in 1975 after the U.S. had dropped bombs on border areas and battlefields, people fled to Phnom Penh and the population increased. Mr. Chau asserted that there was no other option than evacuating Phnom Penh because civilians could have died if bombs were dropped on the city, which was overcrowded. He added that at the time he and others in France believed that the evacuation was temporary and if the situation were controlled, people would later be permitted to return. Continuing his testimony on the evacuation, Mr. Chau said it was sad and a pity that people had died, but one must consider what would have happened to them if they had not been evacuated – for instance in terms of food supply.

In response to a separate question, Mr. Chau testified that he regretted that the DK government did not have the opportunity to rebuild the country because of the "war situation," which started in late 1977. Mr. Chau affirmed that Khieu Samphan is a person of "rare quality" and his "patriotic stance" remained unchanged since they last met in 2005. He stated that he wanted justice for Khieu Samphan, adding that newspapers in the West all mentioned the accused's "nominal role."

Taking over the examination, International Civil Party Co-Lawyer Pascal Auboin asked the witness if he was aware of the crimes Khieu Samphan had been accused of. Mr. Chau replied that he read in the media that Khieu Samphan was charged with war crimes and genocide. When asked about the topics discussed during his four meetings with Khieu Samphan, Mr. Chau testified that in Bucharest in 1974, they spoke about the resistance and the situation in Cambodia, while at the second third and fourth meetings, they spoke briefly and cordially. During the meetings, the witness told the lawyer that he did not observe any attempt on Khieu Samphan's part to hide anything and they did not talk much about his political role during the DK period. Mr. Chau reaffirmed that he only knew about Khieu Samphan's diplomatic role and that he was in a nominal position.

At this point, President Nonn adjourned the day's hearing, which proceeded for an extra hour than usual to accommodate Mr. Chau's testimony. Hearings are set to resume in Case 002 on Thursday, May 23, 2013, at 9.am.