

Testimony of a Leader's Wife and a Worker Offer Contrasting Perspectives on Fear and Disappearances under the Khmer Rouge Regime

By Simon Crowther, LL.M. (International Human Rights) 2013,
Northwestern University School of Law¹

On Wednesday June 12th the Extraordinary Chambers in the Courts of Cambodia continued to hear evidence from Khieu Samphan's wife, So Socheat, before then hearing from laborer and soldier, Sim Hao.

In the gallery today sat a total of five hundred monks and villagers from Phnom Penh and Kampong Cham Province. Parties were present at the proceedings, with Nuon Chea attending from a holding cell by video link due to his health conditions.

Prosecution continue to examine Mrs. Socheat

Firstly, Prosecutor Keith Raynor asked Mrs. Socheat about a telegram from the US on 8th October 1974. He quoted the telegram and asked the witness if she had ever heard her husband issue appeals for officials of the former regime to be shot.

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>.

Khieu Samphan has issued a series of appeals to youths, students and intellectuals, to troops and police, to monks and to government personnel. The radio appeals set forth his views on GKR economic difficulties and territorial losses and about the determination to fight on and he asks listeners to rise up, raid rice store houses, shoot GKR officials, or at the least, not do anything physically or morally which may give encouragement to the traitorous clique.

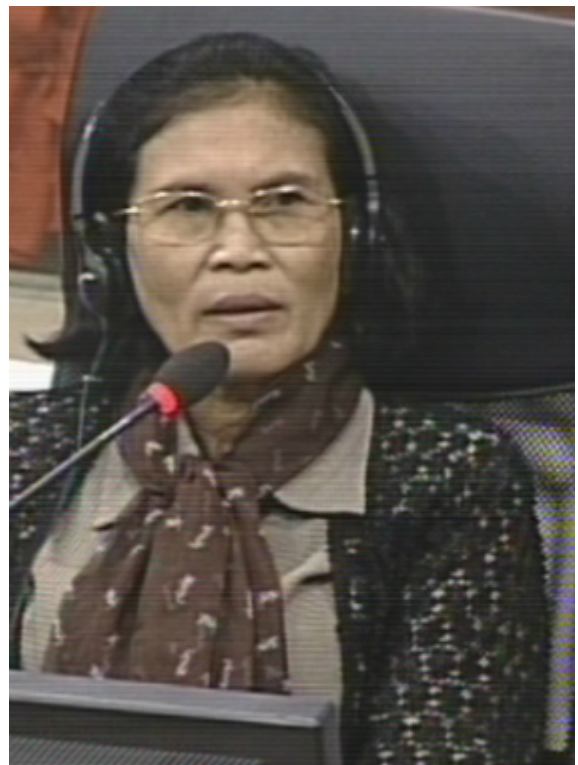
Mrs. Socheat responded that she did not ever hear such appeals being made. As Mr. Raynor continued to quote another telegram, an objection was made by Khieu Samphan's Co-Lawyer, Arthur Vercken, who stated firstly that the documents had not been put on the interface for opposing counsel and the court to see, and secondly originated from Wikileaks. In the end the prosecutor moved his questioning on to the situation of Mrs. Socheat and her husband after the taking of Phnom Penh in April 1975. Having been reminded of her previous testimony, she confirmed that she left the Silver Pagoda for a number of months, before then moving to a place codenamed 'K1' in mid 1975. K1 was a workplace for the leaders of the Khmer Rouge, including Pol Pot, Nuon Chea and Ieng Sary who also lived there in this period. Here she worked as a cook.

She was unable to recall the frequency at which 'base' people from Phnom Penh visited the leaders there; however she did sometimes have to prepare additional food for them.

Extensive questioning ensued as to whether or not Mrs. Socheat was head of the kitchen at K1. While she initially testified that she was not, she accepted as true a brief quotation from Mr. Khieu Samphan's book, in which he clearly states that his wife was in charge of the kitchen.

During either mid-1975 or early 1976, the court heard that most of the leaders left K1 for a new camp called 'K3'. Mrs. Socheat herself moved two or three months later. A further four to five months later, in 1976, the leaders made a subsequent move from K3, leaving Mrs. Socheat and her husband Mr. Khieu Samphan there. Mrs. Socheat testified that she did not have any recollection of her husband complaining that the leaders were having meetings behind his back.

The topic of questioning turned at this stage to one of the people Mrs. Socheat encountered while working at the kitchen, called Soeu Vasy (alias 'Doeun'). Mrs. Socheat testified that she remembered him and recalled leaving food on the table for him at K3 many times. To the best of her recollection this was in 1976. Mr. Doeun would 'chat' with her husband, although she did not recall them sitting down to talk. The examination then



turned to whether Mrs. Socheat recalled discussing Doeun's disappearance with her husband. Again, the witness testified that she did not discuss Doeun with her husband, however an extract of his book was read to the court in which he states that

My wife was in charge of the kitchen and left food on the table for him [Mr. Doeun]. Very frequently he was not seen to come to eat. After a time we seemed to get used to this situation.

After this passage had been read to the court, the witness stated that she did recall asking her husband if Mr. Doeun would be continuing to come for his meals, as he had not been attending them. In reply she had been told that she should continue to leave food for him. After a period she stopped preparing food for Doeun. Mr. Raynor informed the witness that S21 prisoner records showed that Mr. Doeun had been arrested in February 1977, something she said she had not known.

Mrs. Socheat testified that, of the leaders' wives, it was Nuon Chea's wife who she was closest to. After the exodus of the leaders in 1976 she saw Nuon Chea's wife occasionally, meeting at K1 or at K3. After the exodus her children were only able to spend time with her, each other and her husband. There were no other children for them to socialize with. This concluded the examination of the prosecution.

The Civil Parties Examine Mrs. Socheat

National co-lawyer for the civil parties next took over the examination of Mrs. Socheat. He started by looking at her initial engagement with the Khmer Rouge. She testified that she joined the revolution as a village medic following the coup in Cambodia in 1970. At the time they "indoctrinated us and there were many women participating," the witness told the court. "We had to be willing to sacrifice," she added. As a medic and a cook, she had been responsible for the medical care of the "ordinary member" at K1 and K3, not the leaders.

On the subject of her marriage with Mr. Khieu Samphan, Mrs. Socheat was asked whether she was aware of his identity when she married him. At this stage counsel for Khieu Samphan objected on the grounds that the question was repetitive – the witness had already confirmed that she did not in the previous day's evidence.

On the subject of her entry into Phnom Penh in the aftermath of the liberation of the city, Mrs. Socheat informed the court that she travelled from Sadok Tao² by motorbike. She did not see people exiting the city on her way.

Counsel then moved on to the subject of Mrs. Socheat's own family. She had a cousin called Jib who was detained in Siem Reap. After his release he was sent with her mother from Siem Reap to a place called Kmeow.³ At one stage she visited them there, having travelled without any kind of authorization.

² This spelling is not certain.

³ This spelling is not certain.

Moving back to the topic of the witness's work in the Kitchen, Mrs. Socheat asserted that Nuon Chea's wife was the only other of the leaders' wives who worked in the kitchen. The other family member working there was Nuon Chea's nephew. While she worked there she said she did not know that her husband had a job at the "leadership level." Whilst he told her that he needed to go to K1, he did not tell her why, or that he had meetings. It was confirmed that K1 and K3 were the kind of places where secrecy was maintained and people minded their own business. This witness agreed, saying she only knew principles, not details.

In the final stages of his questioning, the topic moved on to the witness's knowledge of the millions of people who had lost their lives during the Khmer Rouge Regime. The witness testified that she only heard about the deaths later, after the fall of the regime. She agreed that a great tragedy had occurred. The witness was then asked whether she believed the leadership were aware of the great tragedy, at which point counsel for Khieu Samphan interjected and accused the civil parties of attempting to illicit concessions from the witness. The question was not posed to the witness and the questioning was handed over to Ms. Christine Martineau, Civil Party Co-Lawyer.

Ms. Martineau confirmed that as someone with five years education, the witness was well educated for someone from that period and geographical area. She also confirmed that the witness was interested in politics, before then asking a question she had clearly been building up to. Reminding the witness that she had cried the previous day as she described the house she had lived in as "not is a state worthy of human habitation," Ms. Martineau asked whether she had heard about the living, food and labor conditions of the people deported to the rural areas. The witness testified that she did not know about it at that time.

When asked whether she had heard or read what was said about the parties given evidence about what life was like at that time, the witness replied in to say she had not. "Was it of no interest to you to hear people explain what it was like?" Ms. Martineau asked her. To which Mrs. Socheat replied, "later on I heard," presumably after the Khmer Rouge regime rather than after the Civil Parties testimony.

The witness was then reminded that on the prior day of testimony she had claimed not to hear the speeches made by her husband. She was asked whether or not she had listened to other speeches, such as those made on anniversary of the liberation of Phnom Penh, or other such occasions. She replied that she had not, as she was busy with her own work, and under examination stated that she did not own a radio and that there was no public address system where she lived and worked. She had never had to attend a meeting where participants were forced to listen.

A quick exchange established that the witness was not aware of 10-12 children in K3, despite the fact that two had testified to the court.

Questioning then turned to photographic evidence of Khieu Samphan's status, and whether or not Mrs. Socheat was aware of such photos. She confirmed that the prior day had been the first time she had seen photographs of her husband at banquets and claimed not to have seen any other photos at that time of her husband.

On the previous day the witness had told Trial Chamber Judge Jean-Marc Lavergne that Khieu Samphan's duties were not important and that he was not a senior leader. Mrs. Martineau enquired as to whether, if this was the case prior to 1975, the witness maintained this was also the case post 1975. In response Mrs. Socheat reaffirmed that he was not a senior leader. "What was he then madam?" was the lawyer's response, to which the witness was silent for a period. Eventually she replied, "I did not know for sure what he did, he worked at his place and occasionally he went to K1." Not hesitating in her own reply, Mrs. Martineau asked whether the witness was claiming she had no idea what her husband's duties were, neither during the regime, nor after the regime, not over the last 30 years or with her husband sitting here today. In a nervous response Mrs. Socheat replied, "Whatever you understand, it is your own understanding. That is your understanding, it is not mine." When asked again whether she knew absolutely nothing about what her husband's duties were, neither then nor today, the witness replied that she still did not "get it" as she never thought that her husband was a senior person.

Closing her questioning, Ms. Martineau told the witness that she felt she had not been telling the truth to the chamber, which was something Ms. Martineau regretted very much. At this point counsel for Khieu Samphan, Arthur Vercken objected, stating that this statement of opinion was out of place. The objection was upheld, the president reminding counsel of their roles. Having now dismissed the witness the president sought to move on, however it became apparent that witness still wanted to speak. She proceeded to make a statement to the court,

Mr. President, I would like to thank all the judges, the parties, the prosecutors. Today before I conclude my testimony I would like to state that although your honors or the prosecutors place accusations on my husband and that he sought to be prosecuted. For me as his wife I fully trust him as a good person. I have lived with him for over 30 years and have known him well his character well. He is not an opportunist or someone who seeks fame or power. He is not a wicked or cruel person who would go around making arrests.

At this stage in her unorthodox appeal to the court Mr. Raynor interjected, claiming that this was evidence of character which was not appropriate as it could not be cross examined. The court upheld this and the witness was once again dismissed.

Misconduct accusation against Kong Sam Onn

The court's attention now turned to an application made by Mr. Raynor against the conduct of National Co-Lawyer for Khieu Samphan, Kong Sam Onn. Mr. Raynor contended that the defense counsel had knowingly and willfully interfered with the administration of justice through interfering with the evidence of the witness. Firstly he accused counsel of objecting and trying to misrepresent what the witness had said. Secondly, he accused counsel of trying to send a message to the witness during her evidence by interjecting and explaining what he said she really meant. Mr. Raynor sought three measures as relief for this misconduct, He sought that a formal rebuke be given to counsel, that his behavior be reported to the Cambodian Bar Association and that he be given a warning repetition of this behavior would lead to him being removed from the trial.

International Co-Lawyer for Khieu Samphan strongly denounced this application. The trial chamber was, he argued witnessing a “pathetic attempt at intimidation.”

Mr. Kong then addressed the court himself with regards to the accusation against him. He stated that he is duty-bound to make sure the procedure is proper and appropriate, and that in the testimony, when there was a problem in reading the transcript he was duty-bound to read the discrepancies, especially when in Khmer. He said he had no intention in leading the witness, and that if the defense proceeded in their application against him he would reserve the right to make a counter application of obstruction.

Finally, before the president reserved the courts judgment on the matter, Mr. Victor Koppe, Co-Lawyer for Nuon Chea, described the prosecutor’s application as “quite unacceptable” and stated that he fully supported Khieu Samphan team on this matter.

Prosecutor examines Sim Hao



The court proceeded to introduce the next witness, Sim Hao, 62. Mr. Hao stated that he had six children, was married and that his current occupation was as a village chief.

Senior Assistant Prosecutor, Vincent de Wilde started by asking the witness to recall an interview he had with the Documentation Center of Cambodia, a Cambodian NGO who co-run this website. He then proceeded to go through the witness’s movements in the 1970s, with reference to extracts from his ‘revolutionary biography.’ Mr. Sim joined a Khmer Rouge battalion in June 1972. When asked why he did so, he replied that he wanted to fight against the Vietnamese. Many people were joining armies and he was not alone, he told the court. Subsequently he joined the 709 Battalion in 1974,⁴ and after being reminded he testified that he had been promoted to deputy head of ‘group one’ that battalion.

Prior to the liberation of Phnom Penh the witness had been injured, and so according to his testimony he was not with his troops when they entered the city. His troop was subordinate to the North Zone, and the head of his battalion was called Ta Beng. Mr. Sim testified that he didn’t ever meet the head of the North Zone, however believed it to be a man called Thuch. Discipline in the battalion was strict, soldiers were not allowed to challenge the decisions of commanders and they would not dare to do so.

⁴ This section was unclear. It sounded like 1964 was stated to the court, however in follow up question 74 was the date raised.

Fighting between the battalion and the Lon Nol army primarily took place somewhere in the Siem Reap Province, prior to the liberation of Phnom Penh. Mr. Sim was injured during the fighting and sent to Kampong Thom Province to be treated. Throughout 1973 and 1974 the battalion had had a mixed victory, winning some battles and losing others. They besieged Siem Reap Province but did not liberate it. The witness did not hear the details of the plan to liberate Phnom Penh, only that there was a plan to do so in 1975.

At this stage Mr. de Wilde paused questioning on the subject of the conflict in order to ask questions about work assessment meetings. Having read a short passage about these, he asked the witness if he had ever attended any. Mr. Sim replied that he attended many, as they were part of the very milieu of the party. Asked a follow-up question about whether he worked with peasants, Mr. Sim replied that he had only worked with workers, never peasants. The latter were "at the rear."

Mr. Sim was then asked what the leaders of the battalion thought of intellectuals and monks, however before he could answer Mr. Kong objected on the grounds that the witness could not have known what the leaders thought. After the question had been rephrased, the witness had explained that the only teacher in the unit was eventually summoned for re-education and never returned.

Turning back to the events after April 17 1975, Mr. de Wilde established that the witness had entered Phnom Penh three days after it had fallen. Mr. Sim was reintegrated into his own battalion and they gathered to celebrate their victory. From a standpoint on KM 6,⁵ Mr. Sim was asked whether the soldiers interrogated the evacuating crowds in order to ascertain whether any were un-uniformed Nol Lon soldiers. Mr. Sim could not confirm that they had been doing so, even after being read an account by Suon Rey, a fellow member of his battalion, which said that they had.

After the liberation of Phnom Penh, Mr. Sim testified that he was sent to Kampong Thom Province from May 1975 until 1976. There he worked as a laborer, carrying goods. One of the jobs he recalled doing there was unloading husk rice from a large Chinese ship, which contained tools, insecticides and over 90 vehicles. During this period arrests were unknown to him, "we were working normally," he told the court.

In 1976 he returned to Phnom Penh, where he also worked as laborer, unloading rice and cement from trains. The rice was loaded onto trucks whereas the cement into warehouses. Crucially, Mr. Sim testified that it was his belief that the rice was to be exported, as it was screened and of a high quality.

At this point, Mr. de Wilde asked a number of questions about re-education and disappearances. Heads of the platoon were invited to study sessions, which they would not return from. Mr. Sim testified that soon there were only workers left. He was asked if the workers were told why the battalion chiefs had disappeared, to which he replied at a meeting at the Ministry of Commerce the workers were told they were traitors. Someone called Rith,

⁵ Where this location exactly is unknown

who had been transferred from the Southwest had been transferred in to take a leadership role, and had convened this meeting. The accusation had been that the previous leaders had hatched a plot against brothers' number 1 and 2. There was also an accusation that the previous leaders had been a part of a CIA network.

Mr. Sim described the sentiment in the unit after these arrests, as being a "climate of fear." Mr. Sim considered ways he could escape the unit but concluded none were feasible. If he crossed the Vietnamese border, he risked being killed in the process. Alternately, if he tried to move locations he could be recognized and risked being captured and killed.

The last place that Mr. Sim worked was as a laborer at the Ministry of commerce in Tuol Tumoung.⁶ Here he was the team leader, responsible for the refining of Ka Puk⁷ and monitoring the relevant machinery. He was told that he need only break one spoon and he would be associated with the enemy. Whilst working there, his leaders successively disappeared. "We did not know our fate. One day we would be arrested, or so," he told the court. Rith had told the group of workers that, "the enemy is not completely gone, and they are still inside the party." Mr. Sim's superior, called Chea, was taken away in a truck at gunpoint. Mr. Sim later had his memory jogged by counsel, and was able to tell the court the number plate of the tuck.

The witness was the subject of suspicion himself at one point, when his wound got worse. Some of his friends told him of a plan against him, as he had been accused of being an enemy. As a result he went on his own volition to see 'the head of the office' and apologized to her, explaining that he was not an enemy. The following day his superior was arrested.

The topic of questioning was then moved on to the destruction of a pagoda. Mr. Sim testified that a pagoda had been blown up on the orders of his superiors, who did not believe that it had any use. Rather than use labor, mines had been used to destroy the building.

Returning to the topic of arrests, Mr. Sim testified that sometime later, orders were made for a "network" of arrests. Buses were used to arrest large numbers

Starting a new line of questioning, Mr. de Wild asked the witness if he saw the accused, Khieu Samphan, during this period. The witness confirmed that he had seen Mr. Khieu Samphan in 1978, coming to check on domestic produce such as soy and green beans while workers were packing and weighing them for export. He told the workers to be careful as the produce they were working with was for export. Asked who was superior, Thrith or Khieu Samphan, he replied that one was head of a ministry, the other head of state.

On the subject of the leader of Khmer Rouge, Mr. Sim was read an extract from his interview with the Documentation Center, in which he said that:

⁶ Now known as the Russian Market in Phnom Penh

⁷ From the English translation it was unclear what Ka Puk was.

Pol Pot, Khieu Samphan, Ieng Sary, and Nuon Chea were all top leaders. I didn't know who brother number two was among them. Only knew that Pol Pot was called Brother Number One.

Yes, there were other leaders in their respective ministries apart from Pol Pot being the Prime Minister I heard there was a minister of national defense, Ieng Sary was in charge of the Ministry of Foreign Affairs, Nuon Chea was in charge of the People's Assembly.

The witness was then asked how he learnt this, which he could not remember.

The topic then turned to a meeting on January 5 1979, at which Khieu Samphan told the local leaders that they would have to fight off the Vietnamese. "I saw Khieu Samphan with my own eyes," he told the court. "Khieu Samphan said even if there is fighting... we as leaders have dig trenches and reinforce our forces."

Civil Parties examine Mr. Sim

Ms. Chet Vanly, Civil Party Co-Lawyer proceeded to examine the witness. She started by asking about his work in Kampong Thom Province. She asked the witness what events he encountered as a laborer there. In response he told there he initially worked in the port, before then being moved to the 'dry port' where he loaded trucks. At one stage he claimed to witness what he said was an American bombardment, damaging warehouses and the goods inside them.

The subject briefly turned to central market, however the witness had little information on it as only foreigners were permitted inside.

He was then asked what happened to the monks who had lived in the pagoda he had testified was destroyed. Mr. Sim replied that by that point there were no monks left in the region. The statues of Buddha, which had been inside, were destroyed.

The witness was then briefly asked about the times he had seen Khieu Samphan. He had seen him inspect the products for export, as he described earlier. When asked, he could not recall seeing Khieu Samphan fleeing Phnom Penh on the invasion for the Vietnamese.

On the 10th, 20th and 30th of each month the Chief of Commerce held a meeting for the whole ministry and all the workers. Khieu Samphan was present. Workers were told again "if a spoon is broken there is an enemy within." They were also told that those in the rice fields had access to more food, which Mr. Sim now knew to be untrue.



Ms. Martineau then asked the final questions of the day. She first asked if Mr. Sim shed his military role once he became a worker, to which he confirmed that he did. She then enquired as to the goods that were being imported and exported from Kampong Thom Province. In

response Mr. Sim explained that husk rice and equipment such as spades and insecticides were imported. The goods that were exported were rubber, cotton 'number one husk rice' and beans.

She then asked whether he had seen children working. After he had been reminded of some of his recollections, Mr. Sim recalled seeing children of 12-13 years old working in a cotton factory. They had been the children of former Lon Nol workers.

Ms. Martineau then attempted to ask a question about the witness's marriage, and whether it had been forced, however Mr. Victor Koppe, Co-Lawyer for Nuon Chea, objected that this was out of scope and the objection was upheld.

Finally the witness explained to the court that he and the other workers were willfully blind. They had to feign to have seen nothing in order to survive. "We could not make any protest," he said. "The arrests were made continuously. We were always afraid."

This concluded the questioning for the Civil Parties and the day's proceedings. The court will reconvene on Thursday 13 June. In the morning a Trial Management Meeting will take place, and in the afternoon Khieu Samphan's defense shall begin by examining Mr. Sim.