



**Testimony of Stephen Heder Continues with
Copious Quoting of Books and Documents**

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On Thursday, July 11, 2013, the Extraordinary Chambers in the Courts of Cambodia continued to hear the testimony of Stephen Heder. Watching the proceedings from the public gallery were 300 villagers from Takeo Province and 70 law students from Phnom Penh. All parties were present, with the exception of Nuon Chea who observed from his holding cell due to on-going health conditions.

Prosecution Continues to Examine Mr. Heder

Mr. Raynor started by seeking clarification on Mr. Heder's testimony of the prior day that he had heard the slogan "drying up the people from the enemy" on previous occasions, including on the radio. The witness was asked the context in which the phrase was used on the radio. Mr. Heder told the court that it was used when there was a contest for the control of the population. The slogan referred to the transfer of people to the liberated zones. From the way it was used in propaganda it would appear people were being asked to flee on their own accord into these liberated zones, he said; however, from interview data, Mr. Heder had come to associate this term with forced evacuation.

With regards to the evacuation from Kampong Cham, Mr. Heder was asked whether he recalled whether people claimed the evacuation had been forced or voluntary. Mr. Heder replied that he had arrived at that location a while after the events. Interviewees had told him that they had seen some people forced to leave, while others had left reluctantly but not by force. Mr. Heder informed the court that primarily the removal was by compulsion.

Turning to Udong, the witness said he had less of a prominent recollection as to what had happened there and could not remember whether the evacuation was forced or voluntary. He was

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>.

able to paint a picture of a deserted Udong, with just a couple dozen people who had avoided evacuation remaining. When he visited the pagoda there, he recounted, he witnessed the bodies of nuns being laid on the ground with no one else alive on the pagoda grounds.

A book chapter written by Mr. Heder entitled “Reassessing the Role of Senior Leaders and Local Officials in Democratic Kampuchea Crimes: Cambodian Accountability in Comparative Perspective” (“Reassessing”) was shown to the witness, and a quote read to the court in which it was recounted how various categories of people did not fit easily into the Khmer Rouge’s class scheme. These categories had included police, Buddhist monks, and ethnic or religious minorities. The notebooks of two unnamed cadre were referenced as the sources of this information, which Mr. Heder informed the court had been in the possession of the Documentation Center of Cambodia (DC-Cam).²

The next document shown to the witness was the transcript of an interview that he had identified on the first day of his testimony. The interviewee had said that he had been a deputy sector leader during the Khmer Rouge period. He recounted the security measures that he noticed as Pol Pot reformed his security policy. “Class issues” rose to an even greater prominence in society, and it was clear that among the five classes it was only peasants and workers who were valued by the Khmer Rouge regime.

Mr. Heder confirmed the record as accurate, with the caveat that the translation seemed somewhat awkward.

Moving on, having promised to print out a Khmer version of the interview, Mr. Raynor turned to another extract that elaborated on the Khmer Rouge concerns about other groups in society whom they feared were “conducting activities.” An interviewee had recounted that monks and pagodas were eliminated as the Khmer Rouge consolidated power after 1975 and that prisoners of war and defectors who had previously been told that they could live in a restrictive manner were now eliminated.

When Mr. Heder was shown a copy of this document in Khmer, he said the oppression documented was by the old society, not the Khmer Rouge. In the second extract, which mentioned people being “wiped out,” he translated the phrase as meaning “swept away.”

An interview given by a former military cadre, next read by the prosecutor, documented how orders were received to push forward on all battlefields on September 1, 1975. In February 1975, information was disseminated to all sectors to build houses to house evacuees.

Subsequently, the witness was examined on the command and authority structure of the Khmer Rouge. The witness was read an extract called “Racism, Marxism, Labeling, and Genocide” in Ben Kiernan’s book, *The Pol Pot Regime*. Within the extract it was stated that the Communist Party of Kampuchea (CPK) party structure had been inherited from Chinese and Vietnamese communist parties, with “the Center” regarded as the highest body. Mr. Heder was asked whether in the documents he had read “the party center” was synonymous with the party central committee. In his reply, the witness explained that this was one of a number of bodies that formed the party center.

² DC-Cam is a partner of Cambodia Tribunal Monitor.

Mr. Raynor continued his examination by referring to Mr. Heder's book *Seven Candidates for Prosecution*. As he did so, Victor Koppe, Co-Lawyer for Nuon Chea, asked for a ruling from the court, given the title suggested intent to present evidence in relation to Khieu Samphan and Nuon Chea. "Given we have a witness with an extensive role in the prosecution, being asked questions about a book seeking the prosecution of our client," a ruling was in order, he asserted.

Mr. Raynor made it clear that he would not be seeking opinions from the witness and the book was already in evidence.

Resolving the issue, Judge Cartwright held that the objection was not sustained as the book was on the case file and the assessment of probative value was for the chamber alone.

Mr. Heder was then asked questions about the CPK Statute. He told the court of the copies and originals of which he was aware and that to his knowledge there were no other alternate versions. Based on his interviews he understood it was January 1976 when the statute was adopted.

In "Reassessing" Mr. Heder had written that to a great extent the linkage between the center and the districts was mediated by zones and sectors. Leading zone and sector cadre came to Phnom Penh for meetings with Nuon Chea and Pol Pot, he wrote; an interview with Keo Poik was cited as the reference for this information. Mr. Poik agreed to speak to Mr. Heder on the condition that the information he gave was not revealed while he was still alive. He had admitted that he had instigated a CPK policy of killing Khmer Republic Officials, having investigated people on the orders of Nuon Chea. He claimed that Nuon Chea knew these people would ultimately be executed.

Before the Chamber, Mr. Heder confirmed that Mr. Poik had been a general secretary of the North Zone and then of the Central Zone. He was a member of the Central Committee but fell out of the leadership's favor after January 1979, the witness stated, noting that Mr. Poik eventually became a Government Army Officer after the fall of the Khmer Rouge regime. While Mr. Heder had taken handwritten notes of this interview, he did not have access to these notes in Cambodia, as they were presently filed in London. Mr. Raynor enquired as to how difficult it would be to have them sent over, a line of questioning he eventually dropped.

As the prosecution continued to quote from "Reassessing," the court heard how Zone Secretaries provided information to the Center about the situation in their areas of responsibility, contributing reports that had details right down to the district level. On the subject of telegrams, Mr. Heder told the court that he first started to see telegrams from the CPK in the late 1990s at DC-Cam.

This practice of sending reports to the center had been confirmed to Mr. Heder in interviews, which he had conducted in accordance with his formal policy. During the examination on this area, Mr. Koppe unsuccessfully objected, claiming that the witness was being questioned as an expert.

Interpreting a speech by Pol Pot in 1976, Mr. Heder had written that it was the responsibility of the zone leadership to ensure that the districts and sectors applied the party lines, which were established by the center. Applying information obtained in his interview with Mr. Poik, he had written that frequent meetings occurred between Pol Pot and the sector and zone leaders, and documents had been regularly sent between them.

Changing topic, Mr. Raynor continued to quote from Mr. Heder's work on the subject of "enemies." In an interview conducted on March 16, 1980, an ex-soldier had told Mr. Heder how "in 1972, there were lots of Lon Nol Soldiers captured, about 500 of them. All were executed; none were forgiven."

The soldier went on to attest to whole "strings" of cadres being arrested, right down to the lowest rank. People knew something was wrong, the interviewee claimed, but were too scared to do anything. Those who were arrested were called for reeducation then disappeared, he continued, asserting that this same method was used against Lon Nol Officers in 1975, who were told to report to a location to be educated and forgiven, but then disappeared.

At the center of the party a unit called the "Special Security Unit" was responsible for such security operations, according to someone called Nuon Suan, a veteran communist who was chair of the agricultural committee from 1975 onwards.³

During the short morning break, Mr. Heder was asked to confirm the identity of an interviewee whom he had initially thought may have been mislabeled on an interview transcript. After the break he confirmed that it had been correctly labeled, and the interviewee was a person called Mat Ly, who was a district committee member and a member of the standing committee of the assembly.

In that interview, Mr. Ly had reported that it had been "imperative to dig the trunks out by the roots," which was a reference to uprooting the April 17 people from the cities. The Khmer Rouge had researched these people, and if they had been first lieutenants, or worked in the courts, they killed them, Mr. Ly said. Similarly, he asserted, people were accused of being Yuon⁴ agents, or members of the CIA and KGB, which led to their execution. When Mr. Heder had asked Mr. Ly whether there was any way of preventing these killings, he responded that if he had asked why the killings were taking place, he would simply be told that the victims were members of the CIA or KGB. From 1975 onwards, there was continuous killing, according to Mr. Ly. "If they had killed just the adults and the educated and those people who actually had been spies, we would not say anything. But when they found out about teachers, doctors and intellectuals they killed them too."

The interviewee discussed how people were deceived and told that if they put down their professional occupation, they would be found a similar position to work in under the new regime. "Writing a biography was suicide," Mr. Ly had claimed.

The interviewee went on to discuss the disappearance of the Cham, police, military, and then cadres themselves.

A further interviewee had confirmed this account, telling Mr. Heder, "The Northwest Zone killed a lot after 1975. The evacuation of Battambang was not complete when the Northwest cadre started killing people in the columns. They killed civil servants and soldiers with rank. People were taken away and killed."

³ The correct spelling of this name is unknown

⁴ "Yuon" was often used at this time in Cambodia to refer to Vietnamese people in the country and would usually have a derogatory connotation.

Mr. Heder had also been told during an interview with the Deputy Secretary of Sector 21 that a secret policy, instigated by Pol Pot, had led to the “wiping out of all former members of the Lon Nol Regime.” As Mr. Raynor read this to the court, the court translation was corrected by the witness, who clarified that “wiping out” actually said “sweeping cleanly away.”

The interviewee went on to discuss how the Khmer Rouge had aimed to uproot members of the former regime in all fields, in the cadres, in the party, and in the military. This was described as being one of the main policies of the party.

“Bannasac” was defined by Mr. Heder as referring to civil servants under the Lon Nol regime, who wore uniforms with an insignia.

A large quote from Mr. Heder’s book was read to the court in which he described the social rankings in Democratic Kampuchea (DK):

Security services operated in a social setting in which the population as a whole was divided into three categories, called “full rights,” “candidate,” and “depositee.” This system combined a definition of their rights as members of cooperatives with a vocabulary for labeling people in terms of their potential or perceived disloyalty to the revolution. Those consigned to the lowest category were subject not only to discrimination in terms of political rights and economic rewards but also arbitrary execution. Thus, in the first phases of the DK regime generally speaking, the full rights group received the full theoretical food ration, had the right to join any political organization, including the party and the army, and to hold any political position.

Eventually Pol Pot abolished this system, Mr. Heder wrote, for an alternative in which there were just “veteran people,” who had joined the revolution before April 17, 1975, and “new people” who joined later.

Continuing his series of objections, Mr. Koppe interjected, so that it would be placed on the record that he viewed the method by which the witness was being led to testify as a “travesty,” in that the witness, who had worked for the prosecution, was being read whole passages of a book he had written called *Seven Candidates for Prosecution*.

This objection was echoed by Arthur Vercken, Co-lawyer for Khieu Samphan, who highlighted that the hearing was beginning to resemble the key document hearings he had so strongly opposed. The witness had come thousands of miles for the prosecution to read him his own book. “How am I meant to cross-examine?” he asked.

“If my learned friend wants me to give him some lessons on cross-examination, I will,” Mr. Raynor’s dryly replied, as the chamber asked him to continue without sustaining either objection.

Moving on, the prosecutor continued to read from Mr. Heder’s book, focusing on an extract in which it stated that the new people were used to living easy lives before the revolution, so were seen as being less dependable and more likely to be involved in trying to overthrow the revolution, supposedly at the behest of the CIA. The new people were described as “remnant

crud,” which the witness explained was a translation that derived from a Khmer phrase describing skin that needed to be scrubbed in order to get dirt off of it.

Turning to the execution of former Lon Nol officials, or Bannasac, the court heard that Mr. Poik had justified this policy as necessary to deal with the remnants of the former regime. According to documents put together by Ken Unn, Pol Pot had instructed cadres that they must undertake a “dogged struggle” against the enemy remnants of the former regime.

A U.S. state department cable entitled “The Cambodian Prison System” had documented how it was the cooperative chairman who decided whether a person was reeducated locally or referred to the person on the district security committee to be investigated. The sector would then decide if the person was executed or imprisoned.

Mr. Heder was asked if he had seen any interview testimony that this procedure was actually used. The witness claimed there was a disjuncture between policy and practice and the decision did not normally go to the zone level.

Mr. Heder was able to inform the court that in some cases a procedure was followed where information was handed up on the new people and in other instances it was not. When the witness had asked Ieng Sary if he had received reports from zones and sectors on executions, Mr. Sary had conceded he received such requests but only rarely, Mr. Heder recalled.

Referencing the notebooks of the two cadres that had been discussed earlier, Mr. Heder had written that senior monks were treated like Bannasac and executed. Indeed, according to the minutes of a meeting of Sector Secretaries and Deputy Secretaries, wave after wave of alleged counter-revolutionaries were executed, from the latter half of 1976, he wrote; leaders were told they had to augment their efforts because “no good elements” had to be eliminated.

At this point Mr. Koppe objected again that the witness was testifying like an expert. While the chamber did not “fully sustain” this objection, Judge Cartwright did reinforce that the witness was not to provide analysis.

Citing a meeting in 1976 in *Seven Candidates for Prosecution*, Mr. Heder had written that it was the opinion of Sun Sen that all trivial phenomena that hindered the party’s goals should be dealt with by eliminating the enemies who wished to attack the revolution. Such phenomena as people defecating in alleyways and knocking on doors at night were included.

Shortly before the lunch break, Mr. Heder confirmed that he had heard of people being executed for such things as breaking a shovel or pinching people.

The next document examined by the court was the 1991 publication “Pol Pot and Khieu Samphan,” also by Mr. Heder. The witness wrote the paper primarily when he was a research fellow at Australian National University.

Mr. Raynor read the court a passage in which the witness had written, “Retrospectively, Michael Vickery has also reported how Cambodian intellectuals were lulled into a false sense of security by the role of Khieu Samphan.” One person he interviewed told him that up until 1975, he had sympathized with the revolutionaries and Khieu Samphan and he had felt no fear about the future.

The witness explained that Michael Vickery was a veteran historian of Cambodia and that this analysis came from one of his books.

Turning back to the paper, the prosecutor read that former Lon Nol officials and intellectuals in general had been “sitting ducks for murder,” after Khieu Samphan twice signaled that only the seven traitors would be executed. These indications had allegedly occurred once on a national broadcast on April 1, 1975, and once at the second national congress of the CPK, the paper said.

Mr. Raynor continued to probe deeper into Mr. Heder’s methodology and sources. He established that the witness had not had access to the Foreign Broadcast Information Service (FBIS) reports while he was in Australia. These were unclassified CIA reports of foreign radio broadcasts. Mr. Heder confirmed that during 1975, while he was in Cambodia, he had access to these. The staff that recorded and transcribed the FBIS reports were in Thailand, and they would be transmitted by teletype to U.S. embassies. Mr. Heder would read them in a reading room in Phnom Penh and a magazine-type report would be distributed to libraries globally.

Mr. Heder testified that he had first worked in Cambodia in 1973, having finished his Bachelor of Arts degree in Asian Studies at Cornell University. He was told to go to Cambodia by a veteran journalist, who informed him there was not much competition there for a story that could tell itself. In May 1973, he had arrived and reported on the U.S. Congress ordering the end of bombing in Cambodia, which was to happen in August 1973. There was a widespread expectation that the Khmer Rouge would enter Phnom Penh at this time.

Enquiring further into the relationships between journalists at this time, Mr. Raynor established from the witness that there were two tiers – the staff correspondents who tended to be older and were veteran war correspondents from Vietnam and a small group of younger correspondents.

Mr. Heder himself had not been as “in the field” as some of the most forward “war horses,” but he did spend some time at places such as Udong and Battambang. He also spent some time doing research in the national archives in Phnom Penh.

Stories that the witness had covered had included anti-Lon Nol demonstrations in Phnom Penh, one of which involved an incident in which two Lon Nol ministers were killed, and the attempts to take Phnom Penh by the Khmer Rouge in 1975. His final reports had covered the U.S. evacuation of personnel from Cambodia as the Khmer Rouge seized control.

Mr. Heder had lived in the suburbs of Phnom Penh but had been forced to move to get away from the incoming Khmer Rouge shells, he recounted. As he was urged to “paint a picture” of what it was like living in Phnom Penh at the time, the witness explained that it was scary to be under shellfire, and he had to build a bunker under his house. When rockets came in from the East, they could be seen going overhead from the riverfront. He also recalled that the socioeconomic situation in the city was also tense.

Mr. Heder’s TIME Magazine editor had asked him to write a story about whether people thought there would be a bloodbath when the Khmer Rouge took control. Interestingly, Mr. Heder found that generally people did not think there would be, as they had faith in the likes of Khieu Samphan, he said.

From information leaked to him by the Japanese military attaché, Mr. Heder knew that the artillery fire came from the special zone troops and the 107mm rocket fire was coming from East Zone Division's one or two troops. The effect of the shelling was indiscriminate, the witness recalled, with shells falling primarily in residential areas. The worst incident occurred when an entire neighborhood where gasoline was sold ignited, he stated.

While he had been in Phnom Penh, Mr. Heder had seen Khmer Republic civilian intelligence information, with organograms detailing the structure of the Khmer Rouge forces and mentioning key people such as Ta Mok. Further, some embassy workers saw Mr. Heder as an "archive rat" and were sympathetic to him, he said. While he hypothesized that he may have had more information than his colleagues, he did not know exactly what they had and could not compare.

In terms of radio broadcasts, while Mr. Heder was able to listen to some addresses that had stated the aims of the revolution, in practice he mainly read the FBIS summaries. He approximated that there were a dozen broadcasts by Khieu Samphan.

Returning to the Pol Pot and Khieu Samphan documents, Mr. Raynor asked the witness to discuss the chairing of the second National Congress by Khieu Samphan. The witness thought he could remember reading a teletyped text in the U.S. embassy on the issue, but found it difficult to recall.

With regards to evidence of the execution of 17 former Lon Nol officials, Mr. Heder testified that he had acquired information from David Hawk, the former U.S. Director of Amnesty International.

On the specifics of Khieu Samphan's role, the court heard that in May 1975 a CPK congress had confirmed Khieu Samphan's central position; however, he was not elevated to the Standing Committee. Mr. Heder testified that he knew of only one other person who, like Khieu Samphan, was a member of the Central Committee and also regularly attended Standing Committee meetings. That person was called Doeun.

In an interview with Mr. Heder, Khieu Samphan had allegedly told the witness that he believed that both the Central Committee and the Standing Committee had been heavily infiltrated by the Yuon.

With regard to elections and the role of the National Assembly, an interview had been conducted between Mat Ly and Mr. Heder. In that interview, Mr. Ly had described how each ballot paper had only one candidate, whom the electorate could erase if they wished to withdraw their support from. The interviewee went on to explain how the National Assembly members just clapped as Standing Committee members' names were read out and affirmed.

The National Assembly lasted two hours, in which the member had to wear suits and neckties before then handing these back and continuing their normal business. It was then announced that for three days the assembly had discussed laws and managed ministers.

On the subject of ordered executions, Mr. Heder had written that different bodies within the regime had different powers of execution. Mr. Heder had taken evidence on this matter from a

cadre called Doeun, who was an intellectual in charge of Office 870. This office was significant, as its role was making sure that the decisions of the Standing Committee were implemented.

Other than decisions from S21 detention center, the witness had seen some documents on the workings of 870, but he could not recall them in detail. From Doeun Mr. Heder had learned that one of 16 GRUNK members had been executed.

The witness was cited part of his text in which he mentioned Pol Pot's praise for Khieu Samphan. He could not recall other instances in which he saw such praise being given to another senior cadre. The court heard a number of documents detailing how Khieu Samphan had been appointed as Prime Minister, all of which were confirmed as authentic by Mr. Heder.

According to Mr. Heder's interview with Khieu Samphan, killings existed because of the infiltration of Vietnam's agents; by 1977-1978 these had been "sorted out." According to the interview record, Mr. Samphan had also been asked whether people were inappropriately accused of being enemies in order to get rid of them; he had denied this supposition, mentioning only one instance of a false accusation, which had been made by "Yuon" and eventually foiled.

In one question, according to the Mr. Heder's records, the witness had really pushed Khieu Samphan as to whether some people might have been wrongly accused. No, replied Mr. Samphan, not a single one. As he asked these questions, Mr. Heder said, he had been aware that he was ambushing Mr. Samphan, whom he believed would not be expecting these kinds of questions.

In order to get this interview, Mr. Heder recounted, he had crossed over the border from Thailand in order to talk to Khieu Samphan following a press conference.

In his book Mr. Heder had discussed a document written by Khieu Samphan, in which deaths were associated with the enemy, even where they had been caused by starvation, and purported that the workers were better off under the DK regime.

At this point, the court was adjourned to reconvene on Monday, July 15, 2013, at 9 am, when the chamber will continue to hear Mr. Heder's testimony.