



*Son Sen, Ieng Sary, Nuon Chea, and Vorn Vet (from left to right) appear together during the Democratic Kampuchea period. (Source: Documentation Center of Cambodia)*

### **Expert Witness David Chandler Provides Extensive Testimony on the History of the Khmer Rouge**

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The second day of Professor David Chandler's testimony commenced Thursday, July 14, 2012, in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary at the Extraordinary Chambers in the Courts of Cambodia (ECCC). The public gallery of the courthouse was brimming with people, with approximately 400 villagers from Siem Reap present during the morning session. The villagers reported leaving Siem Reap at 9 p.m. the previous night, sleeping on the bus as they traveled to the ECCC; some remarked, however, that it was difficult to sleep on the bus, which might account for a few of them falling asleep during the morning proceedings.

The morning session opened with all parties present. Ieng Sary, normally absent from the courtroom due to health issues, was present in a reclined position during the morning proceedings. He frequently had to exit the courtroom for restroom breaks.

#### ***Morning Session Bugged Down by Objections and Applications by the Defense Teams***

Trial Chamber President Nil Nonn began the day's proceedings by ruling on two requests before the bench. He first issued a ruling rejecting the request by the Nuon Chea defense to place 11 new documents before the court, for the same reasons given in the July 18, 2012, oral ruling.

The floor was then given to Judge Cartwright to address the request by the Ieng Sary's defense not to sit in court this Friday due to International Co-Lawyer Michael Karnavas's inability to attend. Judge Cartwright informed Ieng Sary's defense team that its request was denied, explaining that the parties have known since the beginning that it could be necessary to sit on occasion on Fridays and that it was necessary now to do so because of the two-day delay in hearing Professor Chandler's testimony. She then rejected Mr. Karnavas's analogy he drew yesterday between his requests and the Co-Prosecutors' request to delay the proceedings earlier this week, indicating that, while the Co-Prosecutors delay arose out of an unanticipated illness, Mr. Karnavas should have anticipated that the Court might need to sit on Friday. She also noted that the prosecution had been criticized for not being prepared with a fallback in case of an unexpected emergency. Further, she noted that Ieng Sary has competent national co-counsel to represent him on Friday.

Both Mr. Karnavas and Andrew Ianuzzi, international co-lawyer for Nuon Chea, rose to voice objections. Mr. Ianuzzi objected to the Court's ruling on their request to put documents before the Court, arguing that they should be allowed to use the documents. Judge Cartwright responded, informing Mr. Ianuzzi that his team has the right to appeal the Trial Chamber's rulings but that he does not have to register an objection to the ruling to do so. While Mr. Ianuzzi insisted that it is the practice in his nation to make exceptions and that he would continue to do so, Judge Cartwright made clear that the Court would not look favorably on such objections in the future.

When he was given the floor, Mr. Karnavas addressed three matters — the presence of his client Ieng Sary in the courtroom, an *ex parte* communication between the Co-Prosecutor and the witness Professor Chandler that occurred yesterday after the judges had left the bench, and the documents reviewed by Professor Chandler last night. Regarding the latter, he referred to a previous request by the defense that Professor Chandler keep track of the materials he would be reviewing for his testimony, a request which he said Professor Chandler indicated yesterday he “intentionally ignored.”

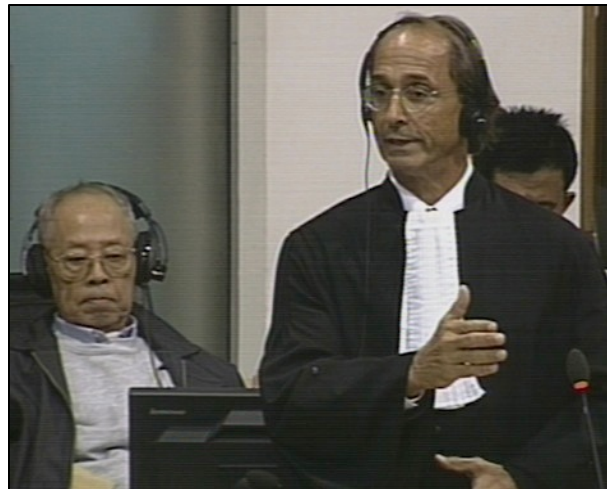
Regarding Ieng Sary's health, Mr. Karnavas described his client's problems with his back and his need to use the restroom every five to 10 minutes. He stated that the doctor was not willing to share information on Ieng Sary's medical condition with the defense counsel and requested that the doctor state his medical opinion regarding Ieng Sary's presence. It was later clarified Mr. Karnavas was asking that the Court grant his client the right to follow the proceedings remotely from his holding cell.

Mr. Karnavas then addressed an *ex parte* communication between the Co-Prosecutor and the witness that he stated he observed yesterday, calling it “wholly improper.” While he indicated that he had been informed the communication concerned scheduling matters, he said the answer should have been that the prosecution could not speak with the witness alone. He asked the Court for “clear guidance.” Lastly, he turned again to the issue of what documents Professor Chandler has been consulting in preparation for his testimony, emphasizing that the witness should be required to identify these documents while testifying.

National Civil Party Lead Co-Lawyer Pich Ang then stood to address Mr. Karnavas's contention that the refusal of the doctor to discuss Ieng Sary's health with his counsel was "abhorrent." Mr. Ang called the doctor's behavior "not strange," noting that the doctor could be called as a witness.

Senior Assistant Prosecutor Tarik Abdulhak responded to the objections by the defense, commenting first on the "pattern of behavior" by defense counsel making requests and submissions, which takes up time the prosecution has to examine the witness. Regarding Ieng Sary's health, he noted that participation of the accused in the holding cell is of the same effect as in the Chamber, provided he has access to lawyers and video feed. As to the alleged *ex parte* communication, he expressed that he was "shocked" that this matter was brought up in open court. He described how Professor Chandler had come up to him with a scheduling question, and he directed him to speak to the Chamber. The communication, he said, "ceased very quickly." Lastly, he addressed the issue raised by Mr. Karnavas of documents reviewed by the witness, indicating that he did not think any more time need be wasted on this issue and that the prosecution will be putting specific documents before the witness. He then recorded his objection that Mr. Karnavas was seeking to intimidate the witness yesterday and today, referring to Mr. Karnavas's statements that the defense intended to place Professor Chandler under fire during their examination and comments about Professor Chandler's supposed bias.

Not having the record of the treatment of Ieng Sary, the Chamber called the accused's doctor to testify. Tong Hong, the physician associated with the ECCC, took the stand and testified that his recommendation was that Ieng Sary only participate in the proceedings for an hour or two per day. President Nonn asked for questions from the judges or the parties, at which point Mr. Karnavas stood up. However, President Nonn, after consulting with the other judges, amended his statement, saying that due to time issues, the Court will not allow the parties to put questions to the doctor. President Nonn concluded with the decision that Ieng Sary can participate in the Chamber for one to two hours per day and that the Court will decide on the request of Ieng Sary's defense team before adjournment.



Nuon Chea's counsel Jasper Pauw, who had been left standing for a lengthy time, was finally recognized by the court. Mr. Pauw brought up Professor Chandler's testimony yesterday that he had reviewed the Closing Order and that it had changed his mind on certain issues. Mr. Pauw continued that Nuon Chea's defense feels it is important to note that the Closing Order is a conclusion by the Co-Investigating Judges. He also expressed the importance of knowing, going forward, whether Professor Chandler reviewed the documents referenced in the Closing Order, emphasizing the importance of knowing when Professor Chandler had changed his mind based on access to new documents, and if so, what these documents are. He further stated that Professor Chandler could not have had access to all of the underlying documents in the Closing

Order for confidentiality reasons. He then asked the Court to give “fair warning” to Professor Chandler that Nuon Chea’s team would be revisiting what documents Professor Chandler is relying upon in their examination.

Mr. Abdulhak responded, emphasizing that the prosecution would be putting documents before the witness and asking for his conclusions. He further stated that they have asked the witness to indicate when his conclusions have been affected by the Closing Order.

In response to the lengthy set of objections, President Nonn first reminded the expert not to communicate with any parties to the proceeding. Regarding the use of the documents, particularly the Closing Order, he stated that the Chamber had already ruled on the matter.

Prior to the resumption of the prosecution’s questioning of the witness, the Court asked how the remaining time would be divided between the Prosecution and the Civil Parties. The Prosecution indicated that it anticipated taking approximately two days to question the witness, with the civil parties taking the remaining half-day to question the witness. International Civil Party Lead Co-Lawyer Elisabeth Simonneau Fort objected, arguing that the civil parties had prepared for five hours. However, President Nonn indicated that the court would not be able to entertain any extensions.

### ***Prosecution Resumes Questioning of the Witness***

Mr. Abdulhak spent the morning session reading passages from two of Professor Chandler’s books – *Brother Number One* and *The Tragedy of Cambodian History* – and asking him questions based on these specific passages. He began with a focus on events in 1960. Mr. Abdulhak read several passages from Chapter 3 of *The Tragedy of Cambodian History* regarding the 1960s Congress of the Communist party. He quoted:

Much about it remains uncertain, but three facts emerge. One is that Saloth Sar was appointed at the Congress to the number three position on the newly constituted Central Committee, just below [Tou] Samouth and Nuon Chea. The second is that the KPRP [Kampuchean People’s Revolutionary Party] changed its name on this occasion to the Khmer Workers party, placing it semantically on a level with the VWP, the Vietnamese Workers Party. We also know that Sun Yuk Men in absentia earned a place on the Central Committee. ... Ieng Sary and Koy Thuon were the only intellectuals besides Saloth Sar to be brought onto the committee.

Before commenting on the significance of the Congress of 1960, Professor Chandler apologized for his mistake in his brief communication with Mr. Abdulhak yesterday. Turning to the question at hand, he described that the Congress was marked as the official date of the start of the Communist Party of Kampuchea (CPK), indicating that while it was “really” founded in 1951, the “genuine foundation” occurred in 1960. During the “genuine foundation event,” Pol Pot, Ieng Sary, and Koy Thuon came onto the Central Committee. He described the Congress as a “very significant meeting,” when the party began to move from its period of inactivity toward a set of proposals that were felt to be “appropriate to Cambodia” and thought no longer to be under the guidance of Vietnam and the Indo-China Communist Party.

Mr. Abdulhak then moved on to the 1962 period, reading a passage from *The Tragedy of Cambodian History*. He quoted:

Soon after these events the WPK's urban committee, perhaps fearful of Sihanouk, convened a general assembly. Some documents refer to it as a Congress. Its main decision was to confirm Saloth Sar as the secretary of the WPK's Central Committee, replacing Tou Samouth who was now presumed to have been killed. Two of the 12 positions on the enlarged committee were taken by ... number three Ieng Sary and number 11 Son Sen ... and Vorn Vet joined the committee for the first time.

He then read an additional passage, this time from Professor Chandler's book, *Brother Number One*: "What was important about the Congress was that it locked Saloth Sar, Nuon Chea, and Ieng Sary into positions in the party hierarchy that they retained for many years."

In response to the readings, Professor Chandler described that Son Sen, Ieng Sary, Pol Pot, and Nuon Chea formed a core leadership. He noted that it is misleading to describe this group as a "French faction," as Nuon Chea had never been in France. "It's significant these four people, including Son Sen, then formed a core leadership that continued on once they came to power," he emphasized. The witness went on to state that the importance of this Congress was more intrinsic to these people, the ones who wanted to seize power. He likened them to "the optimist in the room surrounded by people who had no expectation that anything like that would ever happen."

### ***The Khmer Rouge Goes Underground***

Mr. Abdulhak then moved on to events of 1966 and 1977. After referencing Chapter 5 in both *Brother Number One* and *Tragedy of Cambodian History* and quoting a passage on a 1966 study session held in the new CPK headquarters in Ratanakiri province, Mr. Abdulhak questioned why at this stage the party considered that its tactics had to be changed, including the party's name and the movement of key personnel. In response, Professor Chandler referenced what he called a "wake-up call"—the events of 1965-1966 in Indonesia when half a million alleged communists were killed by Indonesian government. He indicated it was in the Khmer Rouge's interest to move to a more secure base, away from a more populated area. He described how the whole party went underground; they remained in this northeastern base for next three years. Professor Chandler described this period as one of consolidation, planning, and strengthening through new recruits for the party.

In *Brother Number One* and *Tragedy of Cambodian History*, Mr. Abdulhak noted, Professor Chandler describes the uprising in Samlout and subsequent hostilities in 1968. Professor Chandler explained that the Samlout rebellion has been studied extensively, but connections to the CPK and the rebellion have not been found. However, this rebellion was important, he indicated, because King Sihanouk, in an unusual show of great force, decided to crush this rebellion. Professor Chandler described the skirmishes that broke out as the beginning of the civil war.



Referencing Chapter 6 of *Brother Number One*, Mr. Abdulhak requested the witness to describe the events following the coup, the decision to form the Front, and the Front's emergence behind King Sihanouk as a figurehead. Professor Chandler described the coup as a "surprise and an insult," from King Sihanouk's viewpoint. He also explained how decisions were made in Beijing at the time to form the front under King Sihanouk's "leadership," indicating that King Sihanouk knew it was symbolic but still saw it as a way for him to maintain the feeling that he embodied the Cambodian people. King Sihanouk viewed the people involved in the coup as traitors, Professor Chandler contended; during this time, the king publicly acted like a leader, yet told journalists, "When the time comes, they will spit me out like a cherry pit." The witness also claimed that King Sihanouk did not get along with Ieng Sary and that he did not know about the CPK's programs. Professor Chandler said King Sihanouk knew there was something "not quite right" with the party seemed to be going.

Moving on to 1971, Mr. Abdulhak addressed the issue of class and membership within the party, quoting from a specific passage of Chapter 6 of *Brother Number One*. Professor Chandler testified that the party started to behave like one who needed to expand its membership. He explained that for its membership, the party had to look to the poorest of the poor for ideological reasons.

Mr. Abdulhak then brought up a July 1976 Congress study session referenced in *Brother Number One*, Chapter 6. Mr. Abdulhak asked Professor Chandler about the meaning of the concept of the national democratic revolution overthrowing feudalism and imperialism, which was brought up in the study session as indicated by the excerpt read by Mr. Abdulhak. The witness testified that the party stated that they had reached a "new stage." He explained that feudalism was a code name for King Sihanouk and that imperialism was a code name for the United States, explaining that the party planned to wage "war against the old society and America." He continued, "It was a decisive meeting, one that marked a statement of saying where the party was going to go."

Before adjourning for a break, President Nonn granted the request for Ieng Sary to follow the proceedings from his holding cell for the duration of the day.

### ***Prosecution Questions Witness about "Anti-Vietnamese Stance" within the CPK***

Moving onto the 1972 period, Mr. Abdulhak indicated that he would next focus on what Professor Chandler described in his books as an anti-Vietnamese stance or resentment among those in the CPK towards the Vietnamese. Mr. Abdulhak first quoted from *The Tragedy of Cambodian History* a passage dealing with the late 1972 period: "Freed at last from Vietnamese supervision and control CPK forces in some areas organized demonstrations against the Vietnamese, dismantled guerilla forces supporting Sihanouk's return to power, and purged returnees from North Vietnam." Mr. Abdulhak asked Professor Chandler what this passage reflects about the policy of the CPK or the evolution of its relationship with the Vietnamese.

In response, Professor Chandler described the withdrawal of Vietnamese troops from Cambodia, stating, "Lon Nol agreed to the ceasefire; the Khmer Rouge did not." He explained how the Khmer Rouge felt that the Vietnamese had abandoned them. Regarding the returnees, he described how these people had gone to North Vietnam for reasons related to the peace settlement of the first Indo-China War. Professor Chandler then stated that in the 1970s, 700 or

800 of the returnees came south to join the Cambodian revolution, further explaining that while some managed to get out before the purges, others did not. He clarified Mr. Abdulhak's reference to these people as "cadres," instead describing them as sympathizers to the Cambodian revolution. Professor Chandler concluded by stating that the party was at this time "starting to get an open tilt against Vietnam in party policy, which certainly would not have been possible when there were three Vietnamese divisions within the country."

When asked if any people in positions of authority in the later 1970s had spent time in Hanoi and were trained there, Professor Chandler replied, "Yes, but only after 1979."

Further delving into the relationship with Vietnam, Mr. Abdulhak quoted a passage from the *The Tragedy of Cambodian History*, which referred to the development of the party in 1973 as "a more opening up of that resentment, or perhaps a more public statement of it." Although Mr. Abdulhak requested a statement on the significance this "opening up" had for the development of CPK policies, Professor Chandler spoke more to the quoted passage itself. Specifically, he stated, "The significance is that it reflects the findings of two Cambodian schoolteachers who went to the revolutionary base and joined the Khmer movement and came away with specific information about what they'd been told and said."

Mr. Abdulhak then moved on to the topic of introducing cooperatives in 1973, addressed in Professor Chandler's two books. Reading a passage of *Brother Number One*, the prosecutor quoted:

In early 1973 Cambodian communist troops attacked government troops throughout the country to expand territorial control and to set the social programs in motion. The process was closely monitored in the Southwest. The measures adopted there included the introduction of cooperative farms, the forced movement of some of the population, ... the formation of youth groups whose members were taken from their families. ... These policies were introduced nationally after 1975 with more radical proposals.

He then asked the witness to explain how these developments came into being and what evidence Professor Chandler had uncovered through his research on their implementation and practice. The witness explained that the source regarding the implementation of these policies in the Southwest was Kenneth Quinn, a former American foreign service officer, who had been working close to the border of Cambodia.



Professor Chandler also noted that the Southwest, since the CPK took over that area, became a "very severe and very loyal royal portion" of the DK regime. This was "a Ta Mok area of Takeo province," he stated. Regarding the significance of these policies, Professor Chandler explained that the significance is that "the Khmer Rouge were eager to put these policies in place, not to test them to see if they succeed but to put them in place full stop, because their failure was unthinkable." He concluded, "It wasn't really a test case ... but a prelude to the kinds of behavior that was going to happen later; that's what make this evidence really quite significant."

***Witness Testifies about Pre-1975 Evacuation of Urban Areas***

Mr. Abdulhak then asked about the pre-1975 emptying of urban areas, quoting from two passages. The first passage was in *Brother Number One*, on an assault on the town of Kampong Cham. The excerpt concluded with the statement that when Communist troops withdrew, they “rounded up several thousands of local people to take with them.” The second passage was in the *The Tragedy of Cambodian History*, dealing with an evacuation in March 1974 in relation to the former royal capital of Oudong a few months after the Kampong Cham attack. This passage described how 20,000 people “were lead into the countryside and others put to work.” Professor Chandler stated that the significance of these evacuations, first, was that it showed that the evacuation of the cities was not unprecedented, as observers at the time had contended about the April 1975 evacuation of Phnom Penh. He further explained that based on documents later available, it has become apparent that the evacuations of the cities had been predicted in Takeo, Oudong, Kratie and Stung Treng. He classified it as a “repetitive pattern that then reached its climax” in Phnom Penh.

Mr. Abdulhak then presented the December 1976/January 1977 issue of the *Revolutionary Flag* magazine. Referring to a passage on “attacking the enemy politically,” the prosecutor read, “Our line was to fight to seize the people. ... The line of drawing out the people from the enemy was very correct.” The authors of this article provided two examples of this “line,” first the fighting of Banan in 1973 and second the example of Udong in 1974, explaining how the people were drawn out of the areas in both situations.

Regarding the use of the phrase “seizing the people,” Professor Chandler stated that it was a pre-colonial policy, explaining that the Thai Army took this strategy when they invaded Cambodia in 1883. He explained that the Thai “cleaned out Phnom Penh,” so that “there would be nothing to support any kind of military action in response.” He indicated that the CPK were implementing the same idea in the situations referenced by the prosecutor.

Next, Mr. Abdulhak attempted to discuss the fate of cadre returning from Hanoi. However, Mr. Karnavas raised an objection, recalling that the witness had corrected the prosecutor that those from Hanoi were not “cadre.” Mr. Abdulhak replied that the expert had said they were not “CPK cadre.” Resuming his questioning, Mr. Abdulhak referred to Professor Chandler’s book *Voices from S-21*, indicating a section that discussed the role played by Duch in the revolutionary movement in the early 1970s. Mr. Abdulhak quoted from this book:

[Duch] may well have developed his elaborate notions of treachery... between 1972 and 1973 when a secret operation was set up by the Khmer Rouge to purge the so-called Hanoi Khmers – Cambodians who had come South in 1970 after years of self-imposed exile in North Vietnam. ... The campaign indeed foreshadows the modus operandi of S-21.

Mr. Abdulhak requested that the witness elaborate on the final sentence of this piece. Professor Chandler started off with a description of the people who had returned to Cambodia from Vietnam. He described them as “highly trained political animals,” having been in Vietnam for 15 years. Returning to Mr. Abdulhak’s question, Professor Chandler indicated that he was referring in the passage to the idea of going after a “string of traitors,” such as people who belong to the same military division or are related to the same offender. Regarding the people who had



returned to Cambodia from Vietnam, he stated that some escaped, while some did not. Regarding those who did, he said, “These people did not resurface in Cambodia.” He clarified that these were Cambodian people, but that the Khmer Rouge would have classified these people as Vietnamese after 15 years in Hanoi.

### ***Witness Addresses the Evacuation of Phnom Penh***

Mr. Abdulhak then turned to events of April 17, 1975, referring to a decision on the evacuation of the cities made in 1974, as referenced in Professor Chandler’s *A History of Cambodia*. He then read several passages from this book.

Regarding the timing of the decision to evacuate Phnom Penh, Professor Chandler stated that he thinks the decision was made in 1975. Mr. Karnavas objected that the prosecutor was misleading the witness, after which Mr. Abdulhak referred to a passage of *Brother Number One*, from which he obtained the 1974 date. He quoted: “Pol Pot declared in 1977 that the Central Committee had decided on this final assault at a meeting in June 1974. . . . About this time, the Central Committee decided what actions the communists would take following their victories. The most important of these was to evacuate Phnom Penh.” In contradiction to this passage, Professor Chandler testified that the Central Committee Meeting was not held in 1974 and that the decision was made instead in early 1975.

The prosecutor then turned to the portion in *A History of Cambodia* in which Professor Chandler describes the “overriding reason” for the decision as “the desire to assert . . . the victory of the CPK, the dominance of the countryside over the cities, and the privileged position of the poor.” Professor Chandler elaborated on this passage, acknowledging that there were many reasons for the decision to evacuate the cities, but indicating that he had been struck by “the speed with which they went at this evacuation [and] the failure to ever regret any aspect of the evacuation by any spokesperson of the Regime.”

Professor Chandler continued, explaining that people in the cities were perceived as enemies. He further illuminated how people were told in 1973 that the American bombers were based in Phnom Penh, emphasizing that “the level of anger cannot be exaggerated, the level of triumphal feeling that they had defeated the Americans.” He concluded that they also saw the cities as a source of labor.

Next reading from *Brother Number One*, Mr. Abdulhak quoted a passage that described the “new people” and the “base people”: “The evacuees were called new people, or April 17<sup>th</sup> people, because they had joined the revolution so late. The residents of the countryside were known as base people and were treated less harshly than the others.” Turning to a passage in *The Tragedy of Cambodian History*, he read: “Before Angkar’s priorities became known, many April 17<sup>th</sup> people were punished or executed for actions they considered harmful,” such as truthfully disclosing their education and complaining about working conditions.

Regarding the meaning of the classification of people into new and base people, Professor Chandler elaborated it was the way of “defining the Cambodian people in terms of us and them, the winners and the losers.” Everyone understood, he contended, that these new people were being watched. Although new people were often subjected to re-education, the witness

explained, the party had learned from the ways the Khmer Rouge and the Lon Nol people had acted toward their enemies in the past. “They were merciless with people who stepped out of line,” he concluded.

From *Voices from S-21*, Mr. Abdulhak quoted: “Elsewhere in DK, most base people were given enhanced status . . . In contrast, new people, as Cambodians with urban and non-revolutionary backgrounds were called, became known as ‘depositees,’ a category reflecting their status as people evacuated to the countryside.” Asked about the creation of this third classification of people as “depositees,” Professor Chandler indicated he was uncertain as to how widely known these different classifications were. The purpose of the classifications, he elaborated, was to separate “the clean Cambodians from the dirty ones.”

Before adjourning for the lunch break, Mr. Pauw requested that Nuon Chea be allowed to follow the proceedings from his holding cell during the afternoon session due to health issues, which President Nonn granted.

***Witness Testifies on the Four-Year Plan of the Regime, Including the “Three Tons Per Hectare” Policy***

Resuming his questioning of Professor Chandler after the lunch break, Mr. Abdulhak expressed his intention to discuss Professor Chandler’s analysis of the four-year plan of the regime. From Professor Chandler’s book *A History of Cambodia*, he quoted a passage containing an analysis of the plan. Mr. Abdulhak quoted:

It called for the collectivization of all Cambodian property and imposed ever-increasing levels of rice production throughout the country, with the aim of achieving an average national yield of three metric tons per hectare. . . . The plan had been hastily written. There was no time to conduct studies to see if its proposals were appropriate to soil and water conditions in particular areas or if the infrastructure needed for other programs was in place. Instead, the plan called for an ‘all-out storming offensive’ by all the people. . . . No material incentives were offered the Cambodia people except the bizarre promise that everyone would enjoy dessert on a daily basis by 1980. . . . In explaining the plan to high-ranking members of the party, an unnamed spokesman, presumably Pol Pot, stated that the plan could be accomplished swiftly.

Mr. Abdulhak asked the witness to expand on his conclusion that there had not been time to conduct studies and that the plan called for an “all-out offensive” by the people. Professor Chandler explained that the plan “sprang from foregone conclusions rather than any examination of possibilities or potentialities of the policy taking effect.”



*Workers on a cooperative during the Democratic Kampuchea period  
(Source: Documentation Center of Cambodia)*

Regarding the “three tons per hectare” model, the witness explained that it was a model that came from China. He acknowledged that “the idea that Cambodia’s riches were in agriculture were true,” but contended that the plan did not consider what was going on in 1975 or 1976 or outside events, like the failure of the “great leap forward.” He stated, “The main thing was to impose a dream onto the Cambodian people of this kind of level of production.” Professor Chandler concluded that three hectares was out of reach.

Regarding the source of the plan, Professor Chandler indicated that it had emerged from the party leadership and suggested that perhaps it was a composite draft, indicating that some scholars have suggest Khieu Samphan wrote portions. His conclusion is that it came out of collective leadership.

When asked whether the plan was communicated to people who would then implement it, he responded, “As far as we know, it was never put into effect; ... it was never widely circulated.” He indicated, though, that the slogan “three tons per hectare” continued to be used throughout the regime, explaining that this slogan frightened people who had to carry it out and produce these targets. He stated that there is evidence that to get close to the targets they cut back on rice meant to be set aside for seeds and to feed the population. He further explained that Cambodia was trying to show they were producing surplus to the Chinese, when they were not. Evidence of food supply going down and deaths from malnutrition going up, Professor Chandler stated, was connected to the scare quality of the target. He concluded with his opinion of this target, saying it was “too much for the people to produce.”

### ***The Witness Testifies Regarding the “New People”***

Moving on, Mr. Abdulhak turned to a passage in *Brother Number One* describing the conditions in the Northwestern region for “new people.” In the passage, Professor Chandler concluded that there were tens of thousands of deaths in the region. On the stand, the witness identified his sources as refugee testimonies from after the war and estimates from books. He described that the Northwest was not an area that had been under systematic Khmer Rouge control during the

civil war, stating, “There were not as many competent cadre to handle the situation.” He described it as a “frontier.”

Professor Chandler was then asked to explain the discussion in the quoted passages regarding the movement of more than one million April 17<sup>th</sup> people to the Northwest region. He clarified that people who were evacuated from Phnom Penh went to various places first and then were gathered up in the second evacuation and sent to the Northwest. He further stated that “new people” from Battambang were all evacuated in the Northwest, indicating that the people were gathered up as a sort of “slave labor force,” needed for the three hectare plan. This was all part of the four-year strategy, Professor Chandler concluded, emanating from the top.

Mr. Abdulhak then asked about the following saying about the “new people,” as quoted in Professor Chandler’s book: “Keeping you is of no gain; losing you is of no loss.” Professor Chandler described that the saying was meant to frighten the people to whom it was directed. He further indicated that its use was widespread, calling it “almost a slogan.” He continued, “It meant ‘you are worthless,’ but if you want to survive, work extremely hard and we will decide what happened to you.” He stated that he heard this slogan from people who had survived the regime.

The prosecutor moved on to the number of deaths during the regime, quoting a passage from *The Tragedy of Cambodian History* which indicated one million Cambodians died and from *A History of Cambodia*, which indicated that 1.5 to 2 million Cambodians died. Professor Chandler stated that he considers the latter estimates to be the accurate ones. He stated that current evidence suggests it might be higher, but he has stuck with the 1.5 to 1.7 million estimate because it is what people currently have agreed on.

Mr. Abdulhak noted that he considered showing the expert a demographic expert report, which Professor Chandler had picked up during his testimony and was quickly instructed to set down. The prosecutor said, due to time, he was not going to ask questions on it.

Mr. Pauw then took the floor to ask whether Professor Chandler had previously looked at this document as a source to inform his testimony. The source was a demographic expert report in the case file, Mr. Abdulhak explained. Professor Chandler said he had looked at it in order to see the conclusion, which showed in the footnote that a consensus has developed from a variety of sources. However, he indicated that his opinion was not going to be changed by this document.



### ***Witness Testifies about Appointments during the Democratic Kampuchea Regime***

Moving on, Mr. Abdulhak quoted a passage from *Brother Number One* that is Professor Chandler’s description of the relationship between the party and other bodies. He quoted:

The party, concealed by the façade of the Revolutionary Organization (the name it had assumed among Cambodians), was still officially hidden behind the National Front, with Sihanouk ostensibly the chief of state. Layers of disguises, revolutionary names, and secret meetings protected Saloth Sar from the judgment of ordinary people. Party members who had been assigned new responsibilities took up their work in secret, disguised by revolutionary names. The complex

charade hid the real division of spoils, whereby high-ranking members of the party carved out areas of patronage and control.

Asked about the sources he consulted for this passage, Professor Chandler testified that he looked at internal party documents, such as Standing Committee minutes. Quoting again from the book, Mr. Abdulhak read that the October 1975 Standing Committee minutes indicated that “comrade deputy secretary Nuon Chea was responsible for party organizational work and education, and Ieng Sary was to handle foreign affairs for the state and the party, and Khieu Samphan remained as liaison officer with the National Front, that is, with Sihanouk and was also given the task of the accountancy.” Regarding whether these roles were performed by the accused during the Democratic Kampuchea period, Professor Chandler answered that they were. He then noted that he now thinks the phrase “carved out” in the previous excerpt (“high ranking members of the party carved out areas of patronage and control”) is too harsh. He proceeded to describe the accused’s experience, suggesting that their respective experience matched up with the duties explained in the passage. He insisted, “These people were not picked at random.”

Regarding whether any of these bodies were active past April 1975, Professor Chandler replied, “Almost none.” After referring to the so-called façade with Sihanouk as the so-called Chief of State, Professor Chandler stated that it was “pretty clear by then the game was up.” He further stated that the actions by the ruling party between 1975 and January 1976 were done secretly, without there being open discussion of what was happening.

#### ***Witness Questioned on the Adoption of the DK Constitution***

Turning to the process of the adoption of the Constitution, Mr. Abdulhak referenced another document – a foreign broadcast information service transcript of a report attributed to Khieu Samphan on a draft of the Constitution dated December 14, 1975. The witness indicated he was familiar with the document. These documents make up a report on a Congress, which was held at the end of April 1975. Mr. Abdulhak began to quote from the document but was interrupted by Khieu Samphan’s national counsel Kong Sam Onn, who asked the prosecutor to clarify whether the witness had seen the document before. Mr. Abdulhak indicated that the witness had seen the document previously.

Mr. Abdulhak summarized that the document describes “the process by which the Constitution was drafted, commented on by a Council of Ministers, and submitted for approval.” Regarding whether this reflects an accurate procedure by which the Constitution came into being, Professor Chandler remarked that he was not at all sure that it does. He described his “feeling ... that a lot of this documentary bit about procedures was for overseas consumption.” He further stated that it describes a step-by-step process that he says was “not the CPK way of proceeding.” He expressed “doubts about this reflecting the reality” but stated that “these were just doubts.”

Mr. Abdulhak then turned to a document reporting on the elections reportedly held on March 20. He quoted: “The 20<sup>th</sup> March elections were successfully carried out with all of our peoples 18 years and up casting their ballots with enthusiasm. ... Ninety-eight percent of the eligible voices participated in the election.” Professor Chandler indicated that this 98 percent did not include the new people, who were not allowed to vote. About this number, he said there is something “very inaccurate” about this percentage. He further commented, “Electoral politics had been

abandoned,” saying once again that he thought this was for “overseas consumption.” Professor Chandler concluded that, to him, this document cannot be given credence.

Mr. Abdulhak then referred to the March 30, 1976, minutes of a Central Committee meeting, which he indicated discusses the establishment of state institutions. The passage is as follows:

The true nature of our state organization at this time is different from before. Previously the true nature was a Front, not now. They are the state organizations totally of our party. Most have all state organizations have true representative characteristics with sufficient influence both in the party and in the country and outside the country. This is a political offensive as well.

Regarding this passage, Professor Chandler said this was “absolutely in line” with the practice of the party and referred to this document as a “truth telling document.”

Moving on the DK Constitution itself, Mr. Abdulhak referred to Article 5 of the Constitution dealing with legislative power, the report on the Constitution previously discussed, and Minutes of the Standing Committee from March 8, 1976. He quoted from the Minutes of the Standing Committee from March 8, 1976: “If anyone asks, we must explain not to be wild and disorderly. Do not let it be seen that we want to suppress. At the same time, do not speak playfully about the assembly in front of the people to let them see that we are deceptive, and our Assembly is worthless.” Professor Chandler indicated that minutes were a “typical document from the top,” explaining that the document was saying, “Don’t tell people it’s a façade or a joke; just keep quiet about it.” He went on in his description of what the document was saying, stating, “It will please people overseas ... and allow us to proceed in the way we want to.” Regarding the Assembly, Professor Chandler stated that it convened once under Nuon Chea’s guidance.

Moving on, Mr. Abdulhak referred to the decision on March 30, 1975, brought up by Judge Cartwright yesterday, that reports decisions about certain appointments. He described the following offices as appearing in the document: “Comrade Pol: First Minister; Comrade Van: Deputy Prime Minister of Foreign Affairs; Comrade Von: Deputy Prime Minister for Economy and Finance; Comrade Khieu: Deputy Prime Minister for National Defense.” Upon request, Professor Chandler identified these four individuals, noting that the Standing Committee of the general assembly were also members of the Standing Committee of the party. Professor Chandler explained that Pol is Pol Pot, Van is Ieng Sary, Von is Vorn Vet and Khieu is Son Sen. Further, he stated that he understood Hem to be Khieu Samphan and that he was not aware of anyone else who had this same alias.



*Leaders of Democratic Kampuchea gather with other Khmer Rouge cadre.  
From left to right: Pol Pot, Nuon Chea, Vorn Vet, and Son Sen with others.  
(Source: Documentation Center of Cambodia)*

Mr. Abdulhak then referred to a document on the conference of the legislature, held April 11 to 13, 1976, in which Khieu Samphan was appointed as “chairman” of the Presidium and Pol Pot, Ieng Sary, Vorn Vet, and Son Sen were appointed to the positions to which Professor Chandler had previously indicated. The prosecutor requested the witness to explain what conclusions could be drawn from the assembly report in that “it appears appointments along very similar lines were made by...the Central Committee” as indicated in the March 30, 1975, document. Describing the significance of the two dates, Professor Chandler responded, “Clearly the appointments were not made as a result of discussions inside the assembly.” They were ones agreed on by the assembly, he expanded, “having been presented to them by higher ups.”

#### ***Administrative Matters Addressed Upon Resumption from the Afternoon Break***

Returning from the afternoon break, Mr. Pauw was given the floor, to request guidance from the bench regarding the defense’s questioning of Professor Chandler, in light of the Trial Chamber’s decision not to accept their documents under Rule 87.4. Specifically, Mr. Pauw asked if and how the defense team can rely on the substantive contents of the documents to formulate questions to Professor Chandler. He said he tried to file a request in accordance with previous ruling, concluding, “We have the feeling we just can’t get it right.” He then asked, if the defense team could not rely on the contents of the document, how do they deal with the issue that the defense team has seen the documents and they are in the “public conscience of the defense team”?

Judge Cartwright responded to Mr. Pauw by reading a previous memorandum issued on July 16 to the Ieng Sary defense team, which addressed this issue. “It bears emphasizing that while the Chamber did not consider the remainder of the documents ... to meet the internal rule 87.4 criteria, this decision clearly states there is no barrier to the Ieng Sary defense calling on the contents when formulating questions to the expert,” she stated, indicating that they were able to do so because they had uploaded the documents on the shared materials drive. Mr. Pauw thanked Judge Cartwright, indicating that the instruction was clear and asserting they have uploaded the documents they would like to rely on.

Mr. Abdulhak, before resuming questioning, made two remarks. First, he indicated that both he and Professor Chandler would speak more slowly, and second, he acknowledged that the prosecution had been allocated approximately 12 hours for their questioning of the witness, of which a little over five hours would be left for tomorrow. He asserted that the prosecution would do their best to finish by the end of the first session tomorrow, requesting the Court's consideration and remarking that he hoped the defense will be accommodating considering all of the delays.

***Witness Testifies Regarding the Resignation of King Sihanouk***

Returning to his questions, Mr. Abdulhak picked up the topic of the events surrounding the resignation of Norodom Sihanouk in March and April 1976, addressed in *Brother Number One*. Mr. Abdulhak referred to the document, "Standing Committee Minutes from March 11, 1976," dealing with events on March 11-13, 1976. According to Mr. Abdulhak, the agenda was indicated as "Sihanouk's resignation." Quoting from the source, Mr. Abdulhak read, "Comrade Hem reported to the standing committee on the Sihanouk problem. He has decided absolutely to resign his position. He explained that Angkar should take pity on him, that he would even crawl and show the gesture of respect ... This resignation is not done in opposition to us." Mr. Abdulhak also read from another passage, "We keep him as a dignitary; we do not kill him ... We will maintain him, but if he keeps on struggling to kill himself we must end it." Reading from another passage, the prosecutor quoted "We must end feudalism, just like this. The chess game has gotten to that point. The entire feudalist regime has been permanently smashed and dug out by the revolution. The king's existing over 2000 years must in the end be clean. We have no way out other than this one."

Asking Professor Chandler about the significance of the last excerpt for the party direction or party policy, Professor Chandler testified that "they simply wanted to get him out of the way." When a specific Chinese leader died in Beijing, Sihanouk lost the direct support from China, and the party thought it was safe to remove him from power, he contended.

Professor Chandler continued, explaining that feudalism is a euphemism for royalty in CPK writings. He stated, "Having him in the picture was not helpful to them." The witness contended that Pol Pot thought this was an appropriate way to proceed with the perpetual war against feudalism. He further indicated that the Comrade Secretary had an overriding vote, describing it as a "priministerial thing to do against a former Chief of State." He explained, "There has never been any indication that the Standing Committee wanted him [King Sihanouk] to play any more of an active role in Cambodia."

Mr. Abdulhak then turned to a broadcast dated April 4, 1976, attributed to Khieu Samphan and titled "Statement of the Government of the Democratic Cambodia on the request by Chief of State Norodom Sihanouk for Retirement, Read by Deputy Prime Minister Khieu Samphan." The quoted excerpt contained compliments of Sihanouk and included an expression of regret by the Council of Ministers over his request to retire and their decision, out of respect, to approve his request. Asked if this decision of the Council of Ministers reflected a policy in place relating to Sihanouk, Professor Chandler noted that these broadcasts were targeted to those overseas and the "semi-education of cadres who might be confused about Sihanouk's status." He described it as an attempt to portray the picture that this is a rational regime that is almost honoring this figure.



***Witness Testifies about the Policy regarding Real or Perceived Enemies of the Party***

Asked about the establishment of S-21, Professor Chandler described that it was established early in the regime in 1975 and that it was at times located in a psychiatric facility and police headquarters. Its tasks were to find former members of the Lon Nol regime, foreigners, minorities, and early traitors. He described that it was not systematic. Then, he continued, it changed in April 1976, when they started to be convinced there were enemies inside the party, particularly in the eastern zone. The former high school site opened up in May and Duch was put in charge, and prisoners were sent for interrogation, where in many cases they were tortured and in all cases they were executed, Professor Chandler explained. He said this was the only facility by the name S-21, but described an affiliated re-education facility S-24, an existing prison facility from the Lon Nol regime.

Referring to Professor Chandler's book *Voices of S-21*, Mr. Abdulhak quoted, "The country was administered by a handful of politically obsessive men and women ... The cadre in charge of S-21 in turn were under the surveyance of the party center ... Its mission was to protect the party center." Asked to expand on his conclusion that the mission was to protect the party center, Professor Chandler stated that this mission was to protect the center and to locate and "sweep clean," or purge, generally perceived opponents to the regime. "Another purpose," he continued, "was to provide the party center with a history of not only opposition to the party but also to the extermination of that opposition on a continuous basis." He described that there was a "very consistent, very deep notion that the center had to be protected" and that these people in S-21 could never be allowed to go out of the institution and say what had happened to them, they had to be "smashed."

Regarding whether there was a relationship between the concepts of re-education and smashing the enemy, Professor Chandler described that these were two procedures with "no direct relationship," both of which were available when confronted with a perceived enemy. He continued, "If some of the evidence was contradictory or ambiguous, the person was considered to be an appropriate candidate for reeducation; if not, [the person] was a candidate for execution." Regarding re-education, Professor Chandler explained that, in contrast to the Chinese, there was very little formal re-education. He then noted an exception, that party members were "constantly being taken to these study sessions ... to become better party members." He noted, however, that re-education did not occur at S-21, "because if it did, people would be released," noting that while some were released from S-24, no one was released from S-21. Regarding the survivors of S-21, Professor Chandler indicated that there were about a dozen people who had survived S-21, two to his knowledge who are alive, remarking that there were about a dozen in 1979 that "came to the surface." The survivors, he said, were treated well by the Vietnamese.

Regarding documents discovered at S-21, Professor Chandler indicated that the "greatest proportion" of documents were confessions. He also described the administrative documents as useful, including instructions, study sessions held by cadre, confessions by members of the staff, which he used to understand how S-21 worked. Professor Chandler also discussed the diaries of some of the chief investigators, whom he described as "dedicated" individuals in charge of S-21.

He stated that “party cadre did not get imprisoned there,” stating that it was limited to “people who were members of the party, soldiers, or employees at ministries.

Professor Chandler further explained that only about 3,800 documents were found at S-21, with another 300 or 400 found somewhere else, while there were around 14,000 prisoners at Tuol Sleng. To address the discrepancy in the number, he put forth several possibilities, that maybe some did not produce confessions, or they were lost, or the confessions were culled, noting that the Vietnamese had gone through them. He indicated that the length of the confessions varied; the soldiers ones, for example, were briefer. He has found paragraphs in different confessions that are identical. As a footnote, he stated that he has never found a typing mistake, attributing this to fear. Regarding the structure of the confessions, they started with an autobiography that would give facts about the person, then his class origins, and then his history of activity in the party, if it existed. Professor Chandler noted that this appeared in all of the biographies everyone prepared. After that, they completed “the history of my treasonous activities,” where they would confess to offenses, and in many confessions, “particularly the important people,” there were lists of associates. Regarding the lists, he commented, “If you were cited in three confessions, they had the authority to go out to where you are and pull you in. ... The closer you get to the center of the party, the more and more duplication you get.” The important people, like Vorn Vet, were interrogated for days on end, and then, Professor Chandler indicated, the confessions were put aside and the people would be told, “Now tell us the right story.” He stated, “They thought they were getting the right story.”

As 4 p.m. approached, Professor Nonn noted that the Chamber needed time to decide on scheduling for the examination of the witness. Before dismissing the witness, he told him that his testimony had not yet concluded, requesting his presence in the courtroom at 9 a.m. tomorrow. Mr. Abdulhak then asked Professor Chandler to review the annotations on the set of confessions he was given by the prosecution and to consider the sources on the status of Khieu Samphan in relation to the Central Committee. Dismissing the witness, President Nonn proceeded with administrative matters. After Mr. Abdulhak’s request that the prosecution be allotted 1.5 to two hours to question the witness tomorrow and Ms. Fort’s request that the civil parties be given 3.5 hours at a minimum, President Nonn granted the first half of the morning session to the prosecution and the remainder of the day to the civil parties. The defense teams will commence questioning of the witness on Monday.