



Senior Assistant Prosecutor Tarik Abdulhak concludes his examination of expert witness Professor David Chandler at the ECCC on Friday.

Historical Testimony Continues as Both the Prosecution and Civil Party Lawyers Question the Expert

By Erica Embree, JD/LLM (International Human Rights) candidate, Class of 2015,
Northwestern University School of Law.

Expert witness David Chandler was examined by the prosecution and counsel for the civil parties Friday, July 20, 2012, in Case 002 against accused Nuon Chea, Khieu Samphan, and Ieng Sary at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

In the morning proceedings, 170 villagers from Mukh Kampoul and Kandal Stung district, Kandal province attended. All parties were present in the courtroom, except defense council for Ieng Sary, Michael Karnavas, and Ieng Sary himself, who observed the proceedings from his holding cell, as allowed by the court, following the doctor's recommendation.

Judge Sylvia Cartwright took the floor to begin the day's proceedings to respond to the request of Nuon Chea's defense council on documents to be referenced in court proceedings in connection with emails sent to the senior legal officer of the Trial Chamber. Judge Cartwright indicated that 1,100 documents had been uploaded to the database. She stated, "The purpose of requiring notification to the parties by way of advance courtesy copies of material that does not comply with Rule 87 is to allow all of the parties and the chamber to understand the nature of the questioning the expert is being subjected to. To upload more than 1,100 documents makes this

advance notice of little benefit at all.” She instructed that no more than five to 10 documents in this category should be uploaded and that this should be done at least two weeks in advance. Expanding upon the ruling yesterday that only the substance of the documents that can be used in examining the witness, she said that quotes will not be allowed nor will the identification of the documents. She stated that such documents must be relevant to issues in the current trial of Case 002 and that no irrelevant or repetitious questions will be allowed.

Judge Cartwright then issued the Chamber’s second ruling of that day, stating that the civil party lead co-lawyers have the second half of this morning for the examination of the expert.

International Co-Counsel for Nuon Chea Jasper Pauw was then heard, clarifying that the 1,100 documents that had been uploaded to the system was not something purposely done by team. He indicated that he would check in the break if it was something on his team’s end, reiterating that it was not a deliberate effort on their part.

Prosecution Dedicates First Morning Session to Discussing Purges and Arrests

Senior Assistant Prosecutor Tarik Abdulhak picked up where he had ended on Thursday by reading two passages from Professor Chandler’s book *Voices from S-21* describing two purges happening in 1975 and 1976. He asked Professor Chandler about his conclusions in the passages read that “the rounding up and killing of those associated with the Lon Nol regime was occurring up to about June 1975 and thereafter a different set of procedures came into force.” Regarding how he came to those conclusions, Professor Chandler explained that the purges of the former members of the Lon Nol army had been testified to in refugee reports, interviews that had been conducted in the early 1980s, and published work by writers. He described it as a “vendetta” that was stopped by the regime, but then he clarified, “Informally, it continued; formally it stopped.”

Moving on, Mr. Abdulhak turned again to *Voices from S-21* to read an excerpt of Professor Chandler’s discussion of the ideology of Democratic Kampuchea relating to the treatment of enemies. Mr. Abdulhak turned to an excerpt from the August 1975 issue of the *Revolutionary Flag* magazine that Professor Chandler discussed in his *Tragedy of Cambodian History*, reading several passages. The first excerpt he quoted included the following: “Because of this, our army must fulfill the mission of defending the country of high and constant revolutionary vigilance.” Continuing, Mr. Abdulhak read, “As for defending Phnom Penh and smashing espionage groups and smashing saboteurs that want to wreck and destroy our revolution, we will continue to the defeated enemy remnants to consolidate our victory. ... That is, the external enemies and the internal enemies still exist, class combat ... still exists.” Mr. Abdulhak enquired of Professor Chandler whether the revolutionary vigilance, class combat, and the need to smash saboteurs discussed in these passages are relevant to the concept of continuous class warfare and enemies that need to be “ferreted out.” Professor Chandler responded, “Indeed they do.” He explained that they seemed a “forthright statement” of the objectives. He indicated that the purges against internal enemies had not yet started, but the quoted passage was urging its readers or listeners to be vigilant against internal enemies. Regarding the internal enemies, he said they are “undefined” and spoke of how no one was to be “intrinsically trusted.” He stated that it was “very helpful to the regime to keep them unbalanced.”

Regarding for whom the *Revolutionary Flag* was written, Professor Chandler stated that the readership was high-ranking party members. He further described that it contained speeches and articles from high-ranking members, although “generally they are not named as such.”

Continuing with a discussion of enemies of the regime, Mr. Abdulhak then turned to the July 1976 *Revolutionary Flag*. He quoted, “Objectively, they are enemies. ... They wreck us by every means, from inside and from outside, but they are unable to attack us from the outside so they attack us from within.” Reading from another passage, he quoted, “In the past a large number of the inductions in the party were proper, but a fairly large number were improperly inducted especially in 1970 and 1971. Therefore, many opportunistic elements entered, but the party closed the door and screened to the maximum. ... In doing so, experiences show that it is imperative to grasp the biographies.” Asked what these passages might reflect regarding the view of enemies to the regime at this point in time, Professor Chandler described that this “distressing paragraph” is identifying as enemies people who are already in the Communist Party of Kampuchea (CPK), which, he said, was at most tens of thousands of people. Regarding the date of the issue, he described that there is “a shunt toward internal enemies away from former enemies. Internal enemies now become the target of DK [Democratic Kampuchea] rather than Lon Nol remnants.”

Regarding his understanding of how biographies were used by the regime, Professor Chandler said it was used extensively, calling it a “new genre in Cambodian literature.” He described them as “key,” explaining that the Khmer Rouge thought that “elements of your past life would be indicative of how you would operate; ... if you had any relatives in the Lon Nol regime, ... these made you ‘less pure.’” He further described how people faced repeated requests for revisions to their biographies, even those who had not been accused of crimes. He concluded, “It was a tool the regime used to maintain control and to find how who the people were that they were using as their representatives.”

Moving on to the events of early 1976, Mr. Abdulhak inquired about the importance of explosions in Siem Reap and in Phnom Penh, examined in Professor Chandler’s *Voices from S-21*. Professor Chandler testified that no one has an explanation for the explosion in Siem Reap, offering that some say it was an accident, others, a Thai raid. He described how it made the regime nervous, as it was “something that happened that was not supposed to happen.” In Phnom Penh, there was a grenade explosion near the Royal Palace, which was near where the party leaders were. He described how “they assumed it meant an attack on the regime.” He described how it was believed that the person who set off the grenade received instruction from an officer in the east. He described how this “turn[ed] the whole DK search light on the East” and that S-21 was established soon after that.

Mr. Abdulhak enquired about the connection between the arrest of a cadre named Koy Thuon and these events. Professor Chandler responded that this was a third wave of purges, seemingly against intellectuals. He noted that in 1977, there was a shift towards purging cadre in parts of the country where the situations were poor, explaining the Northern Zone, which Koy Thuon had been in charge of, appeared to have some difficulties. However, he indicated that it was not clear as to if there were other reasons. He concluded that “Koy Thuon kicked off a purge.” He also described how Koy Thuon’s confessions spanned 800 pages.



*Koy Thuon in shackles at S-21 after his arrest
(Source: Documentation Center of Cambodia)*

Mr. Abdulhak then referred to two passages with *Voices from S-21* dealing with the arrest of one of the people associated with Koy Thuon. He quoted, “Two weeks after Koy Thuon, Doeun was brought into S-21. Doeun had worked closely with Koy Thuon in the civil war.” From the second passage, he quoted:

Of the prisoners arrested so far with the possible exception of Nan Saran, Doeun was the closest to the party center. And the importance of his section in Office 870 was indicated by the fact that he was replaced by Khieu Samphan. . . . It is possible that Khieu Samphan played a role in Doeun’s downfall. He was the major beneficiary.

Mr. Abdulhak asked Professor Chandler to expand upon his reference that “the importance of [Doeun’s] section in Office 870 was indicated by the fact that he was replaced by Khieu Samphan.” In response, Professor Chandler indicated that he would now revise this passage to the following: “The importance of 870 is indicated by the fact that Doeun was replaced.” Describing Office 870, he indicated it was a mailing address and was at times confused with Pol Pot, that it was his code name. Professor Chandler stressed the importance of 870, calling it the “nerve center.” He further explained that the terms Central Committee, the Standing Committee, K-1, Angkar, and Angkar Leu make up “a bundle of things referring to the people, handful of people, at the top.”

Mr. Abdulhak then asked about Hu Nim *alias* Phoas, another individual who had been sent to S-21. He quoted from *Voices from S-21*: “Koy Thuon’s confession also indicated Hu Nim *alias* Phoas, DK’s Minister of Information and Propaganda and long time associate of Khieu Samphan.” Asked to describe Hu Nim’s role in the party, the witness testified that Hu Nim was one of the “three ghosts,” along with Hou Yuon and Khieu Samphan, who were supposedly leading the Sihanouk front government. Regarding Hu Nim’s arrest, Professor Chandler described that Mr. Nim was being blamed for situations in the Northwest. Describing him as “even more of an intellectual and a front person than Koy Thuon,” Professor Chandler explained

how Hu Nim fled to the countryside when he was targeted by King Sihanouk because of his ties with the Chinese community in Phnom Penh. The witness indicated that Hu Nim's name was familiar to people, which was why he had included Hu Nim's confession in English in the back of *Pol Pot Plans the Future*.

Mr. Abdulhak turned to look at another group of victims, referring to a passage from *Voices from S-21* on the inauguration of the four-year plan in 1976 and the raid into Vietnam in early 1977. Mr. Abdulhak read:

As DK prepared itself for war, the CPK also purged people in diplomatic service and the Ministry of Foreign Affairs suspected of being pro-Soviet and pro-Vietnamese. ... These punitive measures also reflected the distrust felt within the party center for anyone except themselves who had had professional trainings, extensive residence overseas, or contacts with non-Khmers.

Expanding on this passage, Professor Chandler testified, "The regime did not trust anyone who had unmonitored periods of activity." He indicated that due to the size of the ministry, these purges were not as significant as others, like in the Southwest. Regarding the people the Khmer Rouge had overseas, he described how those who had been in Vietnam were sent to S-21, but that the people in Laos and China stayed in those countries. He also indicated that the Khmer Rouge started to become suspicious of the people who had been diplomats under the National United Front of Kampuchea (FUNK) and the Royal Government of National Union of Kampuchea (GRUNK) but who had previously been allowed to stay because of their experience.

Mr. Abdulhak inquired who had the authority to authorize arrests within B-1 (the Ministry of Foreign Affairs) and diplomatic posts. Professor Chandler said that there was rarely a "smoking gun" for this sort of decision. However, he indicated that arrests from the ranks of B-1 "had to have met the approval or at least come to the knowledge of Ieng Sary, who was the Foreign Minister." He further indicated that there were confessions that were of some interest to foreign affairs that indicated, "One copy sent to Brother Van." Professor Chandler also referred to the decision structure, calling them "collective decisions."

Moving on, Mr. Abdulhak quoted from *Voices from S-21*: "For the first half of 1978, the 'enemies' targeted by the party center were often said to have 'Cambodian bodies and Vietnamese heads,' and at S-21 particularly stubborn prisoners were made to pay homage to a drawing of dog whose head was Ho Chi Minh." In response to Mr. Abdulhak's question of what conclusions he drew about people with "Cambodian bodies and Vietnamese heads," Professor Chandler proceeded to describe that by this time, Cambodians were aware of the Vietnamese army's incursion into Cambodia in November and December 1977. Professor Chandler noted that there were two developments that were seen. First, he described, their attention had to shift from previous purges to people who were ethnic Vietnamese and were involved with what Professor Chandler described as a "severe defeat" for the Khmer Rouge, because the Vietnamese army withdrew rather than being forced out. Second, it brought to their attention that cross border raids had been counterproductive. He described how they had angered the Vietnamese and had not been effective and indicated that cross border raids became less vicious than they were in 1977. He concluded that the incursion was "starting to be an opening up and breaking down of the DK regime, because of the war with Vietnam. This was what brought the regime down. And I think it provoked the level of fear and tension that these purges indicate."

Mr. Abdulhak then looked at public statements by the regime in 1997, specifically referring to a April 15, 1977, anniversary speech attributed to Khieu Samphan. He quoted:

However, we must carry on the task of defending our democratic Cambodia ... by resolutely suppressing all categories of enemies, preventing them from committing aggression, interference, or subversion against us. We must wipe out the enemy in our capacity as masters of the situation. ... Everything must be done neatly and thoroughly. We must not become absent minded, careless or forgetful because of past victories.

Professor Chandler indicated his belief that this statement reflected the policy of the party.

Mr. Abdulhak then turned to the purge of the Eastern Zone. He read a passage from *Voices from S-21*, which included the following: “The party center then embarked on a wholesale purge of cadre in the Eastern Zone. In April 1978 so many were brought into S-21 that some of the trucks bearing prisoners had to be taken away. The prisoners were presumably taken away to be killed without any interrogation.” Professor Chandler was asked to expand on what led to this purge and what its effect was on the zone.



Before Professor Chandler answered, defense council for Ieng Sary Ang Udom objected regarding the use of confessions from S-21, remarking that these are tainted confessions. He also objected that Professor Chandler’s use of words like “I think” indicated speculation on the part of the witness, arguing that if the witness does not know the answer, he should not answer. Mr. Abdulhak responded, called these objections baseless. He argued that he had not been referring to confessions and also defended Professor Chandler’s use of the phrase “I think,” indicating that this is part of his role as an expert. The bench did not sustain the objections and noted that it is appropriate for the witness to use the phrase “I think” in his capacity as an expert, as he is not an ordinary witness.

Mr. Abdulhak continued, leaving his previous question unanswered and moving on to the next set of documents – extracts from prisoner files containing annotations that the prosecution had provided earlier to Professor Chandler. The first three confessions read were from prisoner files of Chout Nhe, Chap Mith, who was Secretary of Khsach Kandal district, and Kung Kien *alias* Um Vhet, respectively.¹ Asked to read the annotation from Chout Nhe’s file dated November 11, 1977, Professor Chandler read, “To Brother Nuon, one copy.” After reviewing the confession of Chap Mith, he explained “Pon was another official at S-21, and this was the handwriting of Duch. ... This is his advice. The key point ... is that paragraph two does refer in roman numbers to Brother Two,” known to be, he explained, one of the names of Nuon Chea. Professor Chandler described how the order to withdraw the names from the list would have gone from Nuon Chea to Son Sen to Duch and then to Duch’s subordinate. He noted that there is no explanation provided as to why these names were to be withdrawn.

¹ The spelling of the names in this section are written phonetically based on the ECCC live English interpretation.



Mr. Abdulhak then asked about the document relating to Kung Kien *alias* Um Vhet, requesting that Professor Chandler read the annotations. The witness said that he believes it states, “Send to Brother Nuon, one copy” but indicated he did not know whose handwriting it is.

Mr. Abdulhak noted that there were references to Brother Nuon and Brother Number Two in two of these documents. Professor Chandler explained that “Bong Nuon” and “Bong Tepea” were names used in documents addressed to Nuon Chea. Regarding the role of Nuon Chea in these confessions, he indicated that in some cases, no notes indicate that Nuon Chea had read the document. He did say that the notation on the document with Duch’s handwriting indicates that Nuon Chea read the confession. Professor Chandler noted, “Reading them and having documents sent to him suggest he was aware of the operations of S-21 and worked closely throughout the regime with Son Sen.”

Mr. Abdulhak then moved onto a document from the file of Sou Timan, *alias* Mei. Professor Chandler provided that Sou Timan’s revolutionary name was Achar Mei. Describing the document, Professor Chandler stated that it “shows the detail people went to with a case that attracted attention” as to where the person came from, who he knew, and how he was in a position to know them. Professor Chandler then read from a different section of the document, “Please Angkar examine the case of Choen Mei.” He described this as a case of Duch “passing the buck upstairs” and remarked that who was to be passed on to is left unclear.

The Court Addresses Procedural and Administrative Matters

Before adjourning for the morning break, Mr. Pauw brought up the 1,100 documents Judge Cartwright had indicated were uploaded to the interface. He stated that the Nuon Chea defense team had uploaded 150 documents including translations, or 68 original ones. Mr. Pauw noted that the prosecutor, on the other, had uploaded more than 700 documents. He repeated his statement from yesterday, seemingly expressing his frustration, “It seems we cannot get it right.”

Mr. Abdulhak responded that the 700 documents uploaded by the prosecution also includes translations and that these documents are the confessions provided to the professor of which all parties had notice.

President Nonn advised Mr. Pauw to review the ruling from this morning, explaining that procedure has to be abided by when it comes to submitting documents and adding that this policy is not particularly applied to Nuon Chea’s defense team.

After the break, Co-Lawyer Andrew Ianuzzi was heard regarding an administrative request regarding the availability of transcripts to review over the weekend.

Mr. Udom was then recognized. He asked whether there would be an extension to the time allocated to the civil parties, in light of the 15-minute extension given to the Co-Prosecutor. President Nonn responded that if necessary the hearing time may be extended at the Court’s discretion until 4:30 p.m.

The Prosecution Concludes Its Examination of Professor Chandler

Continuing with his examination of the witness, Mr. Abdulhak returned to the annotations on the documents they were discussing prior to the break. The prosecutor asked Professor Chandler what conclusions he could make from the annotations about S-21's relationship with the upper leadership. Professor Chandler explained, "We know that particular confessions were sent forward to Son Sen. We know from an archive that was discovered in the Ministry of Defense and consisted of part of Son Sen's personal archive that he also sent certain confessions further on up the line," noting that this transmission up is seen by the annotations to send a copy to Brother Nuon, Brother Van, and (he thought) Brother Pol. He remarked that it can only be known that something was probably sent, not whether it was received.

The prosecutor referenced another document, a communication by Hu Nim to a number of people. Mr. Abdulhak read:

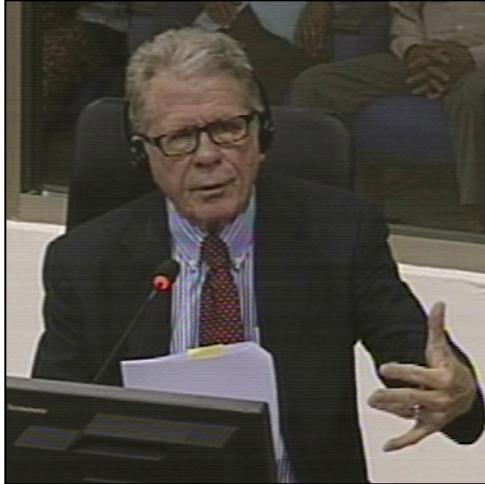
Respected Communist Party of Kampuchea, with more than my life, my respect to Brother Pol, Brother Nuon, Brother Van, Brother Von, Cadre Khieu, and Hem. ... Today, 10 April 1977, ... Cadre Pong called me on the phone to work with Angkar. I was very surprised and did not expect to be arrested by our military. ... I am trying to prove my loyalty to Angkar in order to get a fair judgment.

Mr. Udom objected that the prosecution had read a confession, not merely the annotation on the page. He argued that reading the confession is not appropriate and that the expert should only be asked about the annotation. In response, Mr. Abdulhak argued that the Convention against Torture does not apply in this situation, insisting that the document is a letter written on the same day Hu Nim was arrested, not a confession, and prior to his torture. President Nonn did not sustain the objection.

Regarding whether there is any significance to whom Hu Nim addresses his request, Professor Chandler described that they are the revolutionary names of the members of the party center starting with Pol Pot, Son Sen, and Khieu Samphan. Professor Chandler noted that Hu Nim would have known the identities of the members of the committee. About the letter itself, he explained, many of the letters from S-21 that were directed to higher-ups were not delivered and the original letters stayed at S-21. He concluded, "Once the person was in S-21, he or she had no recourse to higher authorities."

Mr. Abdulhak then referred to minutes from a Standing Committee meeting dated March 8, 1976, asking Professor Chandler to read out the names of those who attended the meeting. They were comrade Secretary Pol, whom Professor Chandler indicated was Pol Pot, Comrade Deputy Secretary Nuon Chea, Comrade Hem, who Professor Chandler said was Khieu Samphan, Comrade Doeun, Comrade Sreng Hang Sot, and Thuoch.

The prosecutor proceeded to quote several excerpts from the minutes. Reading from a section called "the situation," Mr. Abdulhak quoted: "Comrade Sreng reported to Angkar on the activities of Luon group, ... the group of Ah Akmun *alias* Auk Pong which attempted to flee to southern Vietnam and four or five of their associates." He also read from the next passage: "Comrade Sot brought up a number of matters, the problems of many sick people in the



worksite, a loss of 40 percent of the labor force.” Lastly, he read from the section “Opinions and instructions of Angkar”: “Regarding the problems in 303 as measures: Must call in those named to question them to see what their responses are. We will not yet remove them from their positions. Next, call them in for further questioning in front of their accusers and watch to see their reaction.”

Asked what these passages signified in terms of the party’s oversight of activities, Professor Chandler stated that there was “oversight of issues that were considered important.” He concluded that there was “close supervision of aspects brought to their attention.”

Mr. Abdulhak read from *The Tragedy of Cambodian History*, asking Professor Chandler to elaborate on what he meant when he used the phrase “one man rule as opposed to collective leadership and a group of comrades wielding national power.” Professor Chandler indicated he would now revise this phrase, noting that the leadership of DK was more collective than he thought when he wrote this; although, he noted, Pol Pot’s decisions were the final ones. With this answer, the prosecution concluded its examination of the witness.

Counsel for the Civil Parties Begins Their Examination of the Witness

After the civil parties were given the floor, National Lead Co-Lawyer Pich Ang delegated the questioning of the witness to civil party co-lawyers Hong Kim Suon, Christine Martineau, and Olivier Bahougne to put questions to the witness.

Taking the lead on the civil parties’ examination, Hong Kim Suon began by referencing Professor Chandler’s book about the history of Cambodia, stating that in it the witness wrote about the relationship between the Khmer People’s Revolutionary Party (KPRP) and the Issarak group. Asked about the relationship between these two groups between 1947 and 1948, Professor Chandler explained that the KPRP founded in 1951 drew from various Issarak factions, some that were encouraged by Thailand, some by the Vietnam-Indochinese Communist Party, and some that were local. Professor Chandler then noted the influence of Vietnam on the KPRP, describing that it was considered to be founded by Vietnam and that its leaders were Cambodians fluent in Vietnamese. He continued, “They started off as identical, ... then shifted toward a more international program on the part of the KPRP. One of its purposes was to join Vietnam and Laos in the Indo-Chinese struggle against France.” He continued, “Other people interested more in Cambodia than in international factors ... found themselves unhappy with the program of the KPRP as it developed. These people drifted into other resistance movements.”

Mr. Suon asked whether any of the Issarak people later become senior leaders of the Communist Party of Kampuchea. Professor Chandler indicated that he did not think anyone in the Cambodian or Thai sponsored factions did. He described how Tou Samouth and Son Ngoc Minh, who came from the Khmer minority in Southern Vietnam, were in the early resistance. Describing how they rose through the ranks, he referenced Tou Samouth becoming a secretary

until his presumed assassination in 1962 and Son Ngoc Minh being at a 1960 meeting a member at the Central Committee meeting.

Referring to Professor Chandler's *Tragedy of Cambodian History*, Mr. Suon described how he referred to Dap Chhuon and Long Bunruot later called Nuon Chea. Professor Chandler confirmed that Dap Chhuon was a member of the Issarak, before he defected to join King Sihanouk. Regarding Long Bunruot, as Nuon Chea had been named at birth, Professor Chandler said he is not sure "whether at this stage he was under any sort of discipline by the Vietnamese."

Mr. Suon asked Professor Chandler about to what the disappearance of Tou Samouth was connected. Professor Chandler testified that he believes that Tou Samouth was assassinated by the anti-communist Sihanouk police. He further described that the authorities clearly were not informed of Tou Samouth's position as a secretary of the Workers Party of Kampuchea, because if they had been, people like Nuon Chea would have come under scrutiny. Professor Chandler further explained that people who had known Tou Samouth, who was a member, like Nuon Chea and Pol Pot, of the Indochina Communist Party, spoke of his devotion to the communist movement. Regarding Tou Samouth's disappearance, the witness indicated that while some people thought in the 1980s that Pol Pot had been involved in his disappearance, he finds this extremely unlikely.

Regarding the promotion of Pol Pot to Secretary of the party instead of Nuon Chea, Professor Chandler notes that "some questions arose," further stating that "these matters were not serious enough to do any harm to his subsequent career."

Mr. Suon asked what the reason was for the DMK leaders' flight into the jungle during the period of 1960 to 1970. Council for Khieu Samphan, Kong Sam Onn, asked for clarification of what leaders the counsel was meant. To clarify, Mr. Suon asked Professor Chandler who the leaders were during this time. In response, Professor Chandler indicated that King Sihanouk was not aware of who was running the Communist party. Professor Chandler described an incident in which King Sihanouk gave a speech, inviting 34 known left-wing figures to form a government and replace him. Professor Chandler stated that included in this list were the "three ghosts." He said that two of them were Ieng Sary and Pol Pot, who were teachers at a private school in Phnom Penh with "secret connections to the Communist party." Regarding why Ieng Sary, Pol Pot, and Son Sen, who was also mentioned in the list, decided to flee, Professor Chandler postulated that they may have thought that King Sihanouk was aware of their party positions. Two people who did not flee to the jungle, Professor Chandler said, were Khieu Samphan and Nuon Chea, expressing that Khieu Samphan must have felt secure in his position and explaining that Nuon Chea was not in the list.

Mr. Pauw rose to his feet, expressing that he would appreciate it if Professor Chandler would state when he is speculating and when he is relying on documents and objecting specifically to Professor Chandler's statement about why Khieu Samphan did not flee. President Nonn noted that there is "no substantial issue here" and directed Mr. Suon to continue.

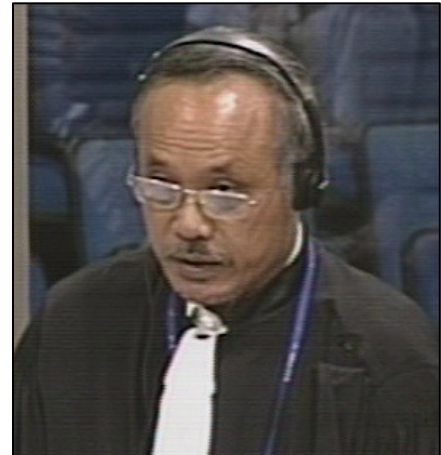
Regarding the persecution or abuses of groups in society during the 1960s under King Sihanouk, Professor Chandler referenced the Samlout rebellion in 1967, which was stopped brutally, and

said that there is evidence of the harassment of students and members of Chinese associations that took a Maoist stance. He also testified that Duch was imprisoned during this time. Asked further about the Samlout rebellion, the witness explained that while “the evidence is quite contradictory,” the balance suggests there was “little or no leadership” in the rebellion from the communist leadership. He further explained, though, that it is not likely they would have taken credit for it later, considering its failure. He delved into the context of the rebellion, describing an uneasiness about King Sihanouk’s rule that was beginning to spread, so as to explain how it was feasible for a popular revolt to occur without Communist Party leadership.

Mr. Suon then turned to 1970, the period during the Lon Nol coup d’état that ousted Norodom Sihanouk. Asked about the interplay of the GRUNK and the liberation force that was established, Professor Chandler brought up the broadcast of a speech by King Sihanouk urging his “children” to revolt. He also described the resistance’s effort to restore King Sihanouk to power.

Regarding the involvement of the CPK, he said, “They may say the right sentences about Sihanouk but . . . seeking all along to come into power in their own right.” He further explained, “For a time, they took the position that appearing pro-Sihanouk would get them more supporters.” After explaining the history more in-depth, he concluded, “The coup was definitely to the advantage of CPK, aided by the circumstances.”

Mr. Suon then asked about the “fleeing” into the jungle. Regarding whether the people understood that they were fleeing into the jungle in support of King Sihanouk or in support of the communist movements, Professor Chandler stated that many of those who fled supported King Sihanouk’s speech. He concluded that it is not known how many fled or how many joined with the CPK, noting that he could “not substantiate this with documents or numbers.”



Mr. Suon then asked about the discipline of the communist army, which Professor Chandler indicated in one of his books was better trained than the Khmer Republic. The witness explained that during the Khmer Republic, the forces were untrained and understaffed. He testified that the Lon Nol army committed a lot of atrocities. He noted that it has been documented that the other side was more disciplined and did not commit atrocities in the villages.

Next, Mr. Suon referenced a meeting of the party center where it was determined that Ieng Sary would be sent as an envoy to liaise with King Sihanouk in Beijing. Regarding the reason to send Ieng Sary to Beijing, Professor Chandler explained that “the leadership wanted Sihanouk to be monitored by Ieng Sary,” to ensure that he did not “step out of line”; and that “the presence of Ieng Sary would benefit liaison relations between China and the CPK.”

Mr. Udom was recognized by the Chamber, indicating that he wanted to make a number of observations and a request. Noting that Professor Chandler was taking notes during his testimony, he requested that the notes be put in the case file. Mr. Udom then started to reference a ruling by the Chamber that the expert could answer hypothetical questions, at which point

President Nonn interrupted and informed Mr. Udom that he was mistaken, in that the Chamber had not ruled this. Mr. Udom also noted that there were a number of leading questions asked to the expert.

Mr. Pauw then took the floor, stating that Nuon Chea requested to follow the afternoon proceedings from his holding cell due to health concerns.

Returning to Mr. Udom's comments, Mr. Abdulhak reminded the defense counsel that the appropriate time to object to questions is when they are asked. Regarding Professor Chandler's notes, he argued that it is appropriate that Professor Chandler be allowed to take notes, in light of the complex questions he is being asked, noting that he did not see how the notes would be of assistance. Mr. Udom replied that he believed the notes would be useful for the preparation of their defense.

President Nonn rejected Mr. Udom's request, saying that it was not reasonable. The request of Nuon Chea, however, was granted. With this, the Chamber adjourned for lunch.

Upon returning from the lunch recess, President Nonn addressed some administrative matters regarding transcripts and then returned the floor to Mr. Suon to proceed with his questioning.

Starting again, Mr. Suon referred to a document dated July 19, 1975, about the mobilization of forces, which stated in part, "We can control Prince Sihanouk; ... now there will not be any problem with him working with us" and noted that if Sihanouk deviated, he would be "cast away." On the topic of the relationship between King Sihanouk and the CPK, Professor Chandler testified that the CPK were not interested in returning King Sihanouk to "any kind of genuine power."

Mr. Suon also asked, when the people went into the jungle, whether it was "a genuine appeal by Sihanouk or a trick by the Khmer Rouge." Professor Chandler replied, "In a way, it was both." While King Sihanouk admitted making the speech, Professor Chandler said, it was a "controlled speech." The witness stated, "It wasn't quite a trick; ... it was a recruiting tool." He reiterated that it is still not known how many heard the appeal or knew of it, how many left, and how many were executed.

Mr. Udom then quoted the eight-point policy of the government of Democratic Kampuchea:

1. Evacuate people from all towns;
2. Abolish all markets;
3. Abolish Lon Nol regime currency and withhold the revolutionary currency that had been printed;
4. Defrock all...monks; ...
5. Execute all leaders of the Lon Nol regime; ...
6. Establish high-level cooperatives throughout the country with communal living;
7. Expel entire Vietnamese minority population; and
8. Dispatch troops to the borders, particularly the Vietnamese one.

After a slight discussion about displaying the documents and an instruction by President Nonn to phrase the questions more concisely, Mr. Huon continued, asking the witness about the policies.

Professor Chandler said he thinks these policies were followed in almost every case. Noting the execution of Lon Nol soldiers, he said it “has not been entirely clear.” He further noted that since a set of currency had been prepared for the regime but was never circulated, this might indicate that the decision to abolish money may have been made later than the others.

With this question, Mr. Huon ended his examination and turned the floor to his international colleague Christine Martineau.

International Lawyer for the Civil Parties Christine Martineau Questions the Witness

Ms. Martineau inquired first about secrecy, asking why a code of secrecy was continued after the victory of 1975. Professor Chandler said it was felt to be necessary by the leaders, describing it as a policy that had been followed for a long time that had been a successful, as it kept them out of Lon Nol prisons. He concluded that he agreed it is “baffling” to outsiders.

Asked about transparency in the government level, the witness described that “the leaders of the parties were transparent to each other,” which he said weakened the further down you went on the line. He referenced self-criticism sessions, which demanded transparency and further explained how people were not trusted, so they were required to “open up to the regime so they could know ... who they were.”

The counsel then asked about Angkar, inquiring whether “it was possible to portray a fearful image of power in order to control the population to instill fear.” Professor Chandler replied that people were not informed about what Angkar was. He described, based on interviews he had conducted, that many believed it to be a single, unseen person. One of the sayings at that time was that Angkar could see everything, that it had “as many eyes as a pineapple.” He described this as the equivalent of saying that “everyone is your enemy.” Professor Chandler concluded with the remark that not being able to say whom someone was is not “normal” in Cambodia.



Asked about why the “new people” were stigmatized, Professor Chandler explained, “The new people in the towns were by definition people who had not participated in the revolution.” This placed them in an outside group and made them susceptible to being defined as an “enemy” or a “traitor.” He also explained how city dwellers had been hailed as the main enemies of the rural people, stating that there is evidence that forces that entered Phnom Penh were angry, as they had been told the cities were out to get them.

Asked about the evacuation conditions of Phnom Penh, Professor Chandler talked about how survivor reports indicate that the conditions were “awful.” He described it as the hottest part of the year. The people, he said, were “flung out” regardless of age or health, without their possessions or any knowledge as to where they were going.

Asked about any comparisons in historical precedents, he mentioned Southeast Asia, Burma, and the 1882 Thai evacuation of Phnom Penh. He also mentioned partial evacuations in China, which wanted to de-urbanize society. He noted that there was nothing as big in the 19th century in Southeast Asia.

Summarizing Professor Chandler's testimony previously on the "new people," Ms. Martineau asked whether there was a desire to destroy the new people and whether the treatment imposed on the new people was part of a plan to isolate them. Calling it a "controversial issue" on which his opinions are not "particularly authoritative," Professor Chandler contended that there was no systematic policy at the top to destroy the new people as a group. He indicated that such a policy would have destroyed Cambodia, since the new people numbered around three million. He described how they were threatening people with this supposed policy, using a bank robbery example to get his point across. He further recalled that labor was enforced on everyone in the country, this was not something base people escaped.

When asked whether the base people felt betrayed, Professor Chandler clarified that when the Khmer Rouge talked of liberating the base people, they were not talking about liberating them of difficult living conditions but from "unequal and unjust social arrangements that had always characterized Cambodian society in terms of rich and poor, the haves and haves-not." Concluding that it was ideological, he described it as "an empowerment without any material gain," although he did briefly reference how the base people were given guns.

Civil Party Co-Lawyer Olivier Bahougne Takes the Floor

As Ms. Martineau had completed her questions, her fellow civil party co-lawyer Olivier Bahougne took the floor. He first referenced Professor Chandler's testimony from the Duch trial on the Milgram experiment regarding obedience. During his explanation, Mr. Udom and Mr. Pauw had both risen to their feet. Mr. Udom, recognized first, asked the counsel to identify the specific Case 001 testimony to which he was referring. Mr. Pauw pointed out that Professor Chandler's expertise is not in the field of psychology. Mr. Bahougne replied that he had not yet asked the question, indicating that Mr. Pauw can consider whether he has an objection after he asks the question.

Proceeding with his question, Mr. Bahougne asked Professor Chandler about the education level of peasants in Cambodia in 1975. The witness said the elderly and women would have had the highest illiteracy rate, with young people who had been to school would have a high literacy rate, a number which he described as "quite a lot." He said the education levels were not high, but he offered that it was higher than might be expected, basing this observation on the level of literacy he observed through his research. He further indicated that there were not enough schools, particularly in "the back parts of the country."

Referencing the Case 001 transcript, Mr. Bahougne quoted Professor Chandler as saying that "people who gave orders were used to giving them and those who received them were used to obeying. There was no culture in Cambodia of challenging orders from those who held authority. In other words, a teacher was never called into question." Mr. Bahougne followed this excerpt with the question of whether Khieu Samphan and Ieng Sary enjoyed a particular status. Professor Chandler said he is not sure about Ieng Sary but mentioned that Pol Pot had a high

reputation among his students because he was “gentle” with them. Professor Chandler said a survivor described Pol Pot in this way: “He was a man that when I met him when I was 14 could be my friend for life ... He killed my parents.” Regarding Khieu Samphan, Professor Chandler indicated he had an excellent reputation as a teacher, a journalist, a member of the national assembly, and as a cabinet member. Professor Chandler then expressed that he still stands by his testimony quoted from Case 001. He elaborated that the word “to obey” in Cambodian means “you’ve been told what to do,” describing it is not a yes-or-no choice.

Mr. Bahougne asked Professor Chandler about his use of the term “a total institution” in one of his books. The witness responded that he was referring to S-21 in his book but that he may have indicated that Cambodia had been pulled into a total institution by its isolation and by the regime’s controlling policies.

Asked whether “reduc[ing] individuals to silence” made it possible to set up a total institution, Professor Chandler explained that intellectuals as a whole were persecuted, marginalized, and treated poorly, noting that they “certainly were not respected.” He then referenced an attitude towards education as “useless.” Before, Professor Chandler said, schools and teachers were respected. When asked about thought control, he explained, “What we think of as ‘thought’ was not respected; what was respected was hard work and obedience.”

Regarding whether he was aware of sources indicating devaluing the victims, Professor Chandler indicated that there were confessions at S-21 that are “filled with notations by Duch” demeaning the victims as “worthless” and “trash.” Professor Chandler described it as “these people are being reduced to powder.” He also referenced hearing of finger-shaking at people, and how he heard from survivors about their remembrances of being chewed out by cadres. Further, he described how entire groups were set aside as “special targets,” including the Vietnamese, former Lon Nol people, and Buddhist monks.



Mr. Bahougne then asked about an insult, “ah Cham,” Professor Chandler stated that this term refers to the Cham and that “ah” is sometimes translated as “contemptible.”

Mr. Bahougne inquired whether leaving corpses in the countryside without any burial is a form of devaluing the victims. Mr. Pauw objected that this matter is not within the expertise of the expert. After hearing Mr. Bahougne’s response, President Nonn refused to give the floor to Mr. Pauw to respond but sustained the objection.

Regarding over enthusiastic cadres, Mr. Bahougne asked whether the party tried to restrain this enthusiasm in any way. Professor Chandler testified that there is no evidence it was systematically restrained.

The Witness Continues to Testify Amidst Objections by the Defense

Mr. Bahougne asked Professor Chandler whether there is any connection between the context of obedience and the crimes that are on trial today. Before Professor Chandler answered, Mr. Pauw

was recognized, objecting that Professor Chandler was being asked to give his opinion on the concept of obedience in either a psychological or legal way, neither of which is his expertise. Mr. Onn also added that the witness should not answer the question, as that it is for the judges to answer. Mr. Bahougne responded, arguing that it was not a legal question. Further, he argued the point was not to elicit a psychological or legal opinion but only a comment on whether the elements he referenced existed in conjunction with each other. The objections were sustained by the bench.

Moving on, Mr. Bahougne asked whether the elimination of religious leaders could be tied to the elimination of intellectuals or “thought policing.” In response, Professor Chandler indicated that the Khmer Rouge had three options – to listen to them, shoot them, or “put them down, make them quiet, ... make them work.” He then explained that the Khmer Rouge thought that the third solution was the only one they could successfully pursue as a national policy.

The counsel asked about the difference between Christianity and Islam from the Khmer Rouge’s viewpoint. Mr. Udom objected that the expert does not have expertise on religious matters. President Nonn indicated that the witness did not have to answer the question because it did not seem that it would contribute to the truth-seeking of the Court.

Mr. Bahougne inquired whether Islam was banned because it was considered to be reactionary. Professor Chandler responded to Mr. Bahougne’s previous question, however, stating that the Khmer Rouge had different views of Christianity and Islam. Christianity, he contended, was seen to be associated with the Vietnamese, who were not seen as members of Cambodian society like the Cham were. He expressed his belief that what made the Khmer Rouge mad about the Cham was not their religion, but their stubbornness in refusing to abandon their religion and not except the “new religion” of the Khmer Rouge. Regarding identifying the Cham, he described that they were “instantly recognizable” in pre-Revolutionary days, further explaining that this different appearance was enough to upset the Khmer Rouge.

Continuing on this topic, the counsel asked whether the obligation to eat pork was a way of identifying the Chams and to “sweep clean” those who did not want to eat pork. Professor Chandler described that the forced eating of pork was “sadism,” but it was not used as a test.

Mr. Bahougne then read a passage from a civil party statement, describing how she observed the murder of Chams in the West Zone in 1978 based on their identification of themselves as Cham. He read:

I was placed in a group of about 40 unmarried girls. The first one admitted the truth, that she was Cham, and others gave the same answer. Then my turn came. I lied, I said I was Khmer; ... the cadre pulled me up against a wall. Seeing that, the next 10 girls after me said they were Khmer, and they were pulled alongside me. Those who said they were Cham were taken down below the house. I watched them through the cracks in the wall. It was late at night. ... I saw them march a girl blindfolded with a scarf to the riverbank opposite the house. Then a cadre pulled the girl’s head back using the scarf and cut her throat. All the other girls who said that they were Cham also had their throat cuts.

Having completed the passage, Mr. Bahougne inquired whether the Cham were subjected to a policy of extermination in his view. First, Professor Chandler thanked the lawyer for reading the

passage, calling it “appalling and moving.” He then answered that by the end of 1978, the Khmer Rouge had a policy of eliminating the Cham and Vietnamese; they began to refer to the “Cambodian race,” describing this as a term that was “meant to encourage the Cambodian citizens to pursue, engage, and win a race war against the Vietnamese and, by extension, ... anyone in the country who was not Khmer.” He continued, calling the last phase of the purges the “craziest moment of the regime as it was coming apart” and noting that it contained a “very strong racist component.”

Mr. Bahougne quoted from another passage, in which a personal account was given describing an instance in which villagers were killed, including children. When Mr. Bahougne asked a question, Mr. Udom objected that it asked for a legal conclusion. Shortly thereafter, Mr. Bahougne ran out of time to finish questioning the witness.

At the conclusion of the proceedings, Mr. Udom requested that the Chamber maintain the transcript and Professor Chandler’s notes, for the possibility of a later appeal. President Nonn indicated that the court had already ruled on this issue. Mr. Ianuzzi attempted to clarify the transcript issue and then made a joint request by the defense teams that each team be allotted one day each to question the witness rather than the two-and-a-half days that was currently allotted to split among the three teams. President Nonn did not grant the request and concluded the proceedings, noting that court will resume the testimony of Professor Chandler on Monday at 9 a.m., with questions from the defense team of Nuon Chea.