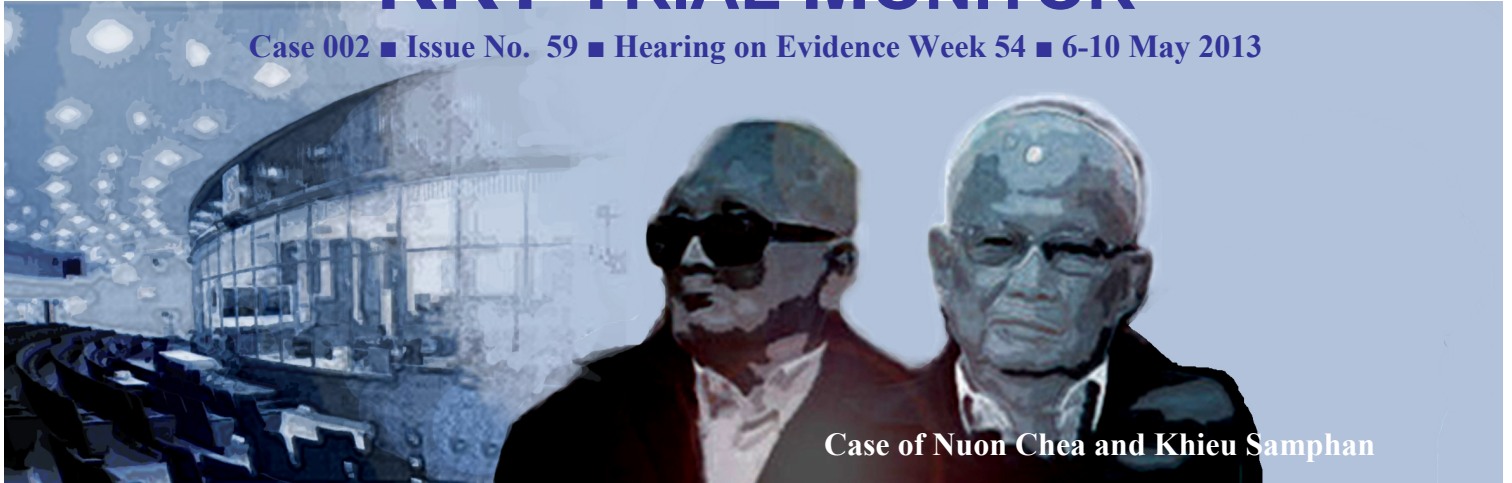


# KRT TRIAL MONITOR

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Case of Nuon Chea and Khieu Samphan

Asian International Justice Initiative (AIJI), a project of East-West Center and UC Berkeley War Crimes Studies Center

*[T]his is the tragedy of the Khmer Rouge regime. They did it for the most excellent of motives, which was to raise living standards in the countryside, to eliminate the poor so that everybody had a reasonable standard of living. But the methods they employed... the way they did it, made it hell on earth, and very literally a slave state.<sup>1</sup>*

- Philip Short, Expert Witness

## I. OVERVIEW

This week, in four days of proceedings, the Chamber heard the testimony of Expert Witness Philip Short. The author of “Pol Pot: History of a Nightmare” testified primarily on the sources and content of his book. Testifying on a variety of issues within the Closing Order, Philip Short shed light on matters related to the CPK’s ideology, policies, and its implementation, as well as the roles and characters of the Accused. The proceedings moved efficiently this week, with only a relatively small number of legal procedural issues occurring, primarily related to the relevance of the issues brought up by the Defence during their questioning.

## II. SUMMARY OF PHILIP SHORT’S TESTIMONY (TCE 65)

After the cancelation of his testimony in March 2019 due to the Interpretation and Translation Unit’s boycott and Ieng Sary’s illness, Philip Short took the stand this week.<sup>2</sup> Prior to his testimony, President Nil Nonn cautioned the Parties that, while Philip Short could be questioned on all the areas within his expertise, they were to focus more on what was relevant to the current “mini trial.”<sup>3</sup> Aside from historical background, population movements I and II, executions of Lon Nol’s officials at Tuol Po Chrey, and roles and characters of the Accused, the Expert Witness also answered queries relating to cooperatives, internal purging, and S-21. Short maintained his opinion that DK was a “slave state,” where everyone’s intellectual and material freedom was taken away to create a nation that was equal and devoid of individuality.

While CPK held a noble goal of establishing a prosperous nation, through a combination of an uncompromising stance that was blind to the plight of the people, incompetent cadres, and paranoia, the regime caused extreme loss and suffering to the population. With regard to the Co-Accused’s roles, Short concluded from the sources he consulted that Nuon Chea was Pol Pot’s alter ego, although the extent of the relationship between both is hard to decipher. The Expert described Khieu Samphan as a better follower than leader, who might

not have had the decision making power of Pol Pot or Nuon Chea, but also did not protest against their decisions.

#### **A. Witness Expertise**

Philip Short is a 68-year-old British national with 40 to 45 years of experience as a journalist, historian, and biographer. Short was a former employee of BBC, which included a stint as a foreign correspondent in Beijing in 1970s. The Expert wrote books on a number of leaders of countries, including China, the Union of Soviet Socialist Republics, and Cambodia. Significantly, he wrote “Pol Pot: History of a Nightmare” (hereinafter “History”), which serves as evidence for Case 002/01 and was the primary basis of his examination by the Parties.

#### **B. Relations with Vietnam and Sihanouk Regime**

International Prosecutor Tarik Abdulhak summarized from “History” the development of communism in Cambodia since the 1950s. Short’s book described the movement as “under general sponsorship” of the Vietnamese. The communist movement at the time had a number of Committees, including Urban Committee, which Pol Pot and Nuon Chea joined in 1950. The Prosecutor asked Short to elaborate on the Congress in September 1960 that was attended by 21 delegates. “History” described the program decided upon in the meeting as “a crucial first step towards an independent political line” from the Vietnamese.<sup>4</sup> The Expert explained that, in the 1960 Congress, the Cambodians decided to hold their own Congress without inviting or informing the Vietnamese. The process of disengaging from the Vietnamese was an on-going one and went back to 1940s, during the Issarak Movement against the French. The first main reason for this, according to the Expert, was the Vietnamese desire to be seen as “elder brothers” and their control over the Cambodians. Secondly, there was a difference of interest with regard to the Sihanouk regime. The Vietnamese communists saw Prince Sihanouk as an ally who accommodated their interests in the Vietnam War. The Cambodian communists, who were subjected to the regime’s increasingly restrictive approach against any opposition, saw the Prince as an enemy.

Short confirmed that the Central Committee plenums in 1964 and in 1965 were further steps in the attempt to be independent.<sup>5</sup> The meetings produced resolutions that affirmed revolutionary violence in the struggle against “imperialism and its lackeys,” with Sihanouk defined as one of them. The Expert added that the Cambodian communists were forced to resort to violence because Sihanouk had closed off all legitimate space for opposition.

There was one point when Vietnam ceased its supplies of armaments to the Khmer Rouge. However, by 1973, they were faced with the reality that the KR had prevailed in occupying a significant portion of Cambodia’s territory. By that time it was very likely CPK would win the war, with or without Hanoi’s support. Having to choose between continuing to try to force KR to “heed Hanoi’s will” or to support it, Vietnam eventually opted for the latter and resumed providing weapons. Aside from Vietnam, the KR also obtained armaments from China and corrupt Lon Nol officials.

#### **C. CPK’s Composition**

The Expert said, starting from the clandestine days of CPK, “Angkar” was used to refer to the Party. At an earlier point, the group was called Khmer Communist Party. In the 1950s, the Party comprised of former Issaraks in the countryside; the 1960’s saw the rise of the members who were students returning from abroad. The elected Standing Committee’s full members in 1960 included Nuon Chea, Pol Pot, Ieng Sary (who returned from France), and So Phim, the only “rural warlord.” Short explained that the “Brick Houses” (urban student

returnees), “Thatched Houses” (the former Issarak), as well as a “tiny” minority from the Thai group to which Nuon Chea belonged, remained to be the constant elements in CPK’s leadership composition. Short explained that unity amongst these groups “never completely happened” and frictions between them persisted throughout DK regime. He also recalled that Khieu Samphan blamed the atrocities that happened to the “Old Issaraks,” whom the Accused described as “war lords.” However, the Expert underlined that there was evidence that the former Issaraks actually obeyed the Center’s policies closely.

#### **D. Attack of Phnom Penh**

Short said the Khmer Rouge’s failed attack of Phnom Penh in 1973 was primarily motivated by Pol Pot’s desire to conquer the city before the end of American bombing.<sup>6</sup> In “History,” Short wrote that, after the failed attack, Pol Pot moved to Udong-Pursat Road, 30 kilometres from Phnom Penh. The shelling attacks of the city in 1973, Short asserted, was an attempt at psychological warfare to show that the Lon Nol regime could not defend anyone. The fact that these shells often hit the poorer suburbs, Short explained, was acceptable, as the people chose to not join the revolution and stayed with Lon Nol.

#### **E. CPK’s Ideology and Paranoia**

In “History,” Short described CPK as having launched the world’s “most radical revolution.”<sup>7</sup> He explained to National Prosecutor Veng Huot that no other communist party, not even those in North Korea, China, or the USSR, ever attempted such rapid transformation to reach true Marxist communist state, where there was a state of complete equality. Short confirmed that the decision to leap to pure communism immediately was made at a CPK leaders’ meeting in May 1975 at the Silver Pagoda in Phnom Penh.

Short agreed with Stephen Heder’s book, “Cambodian Communism and the Vietnamese Model,” that CPK ideology was largely modeled on the Vietnamese. Where he differed from Stephen Heder was on the very extent the CPK was directly shaped by the Vietnamese Party. Short held that CPK was more influenced by Khmer culture and Buddhist values, which made it distinct from other communist parties. He also held that CPK’s foundations consisted of an alliance of Khmer peasantry and intellectuals, as opposed to directly involving the working class or industrial proletariats. This made it fundamentally different from those who followed Leninist party model, such as the Vietnamese Worker’s Party. CPK also differed from the Marxist-Leninist model in the lack of transitional period to attract those who did not oppose the revolution before radicalization occurred.

Short explained that secrecy was a characteristic of KR leaders due to practical reasons as well as Khmer culture. For example, in 1966, the Kampuchean Workers Party changed its name to the CPK, a fact that was kept secret to appease the Vietnamese Worker’s Party. The names of CPK leaders were also kept secret because of prevailing paranoia, in part because Cambodia shared borders with strong neighbors like Thailand and Vietnam, but also because there was the fear of internal enemies.

International Counsel for Nuon Chea, Victor Koppe, asked the Expert whether fear of internal enemies could be termed “paranoia” when cadres such as Heng Samrin and Hun Sen did in fact defect to Vietnam. Short maintained that Heng Samrin defected only when internal purges worsened, while earlier defectors had their own reasons. Short asserted that, in fact, there were no internal parties conspiring with external forces to overthrow the DK regime. Vietnam, despite its ambitions to dominate the rest of Indochina, only started to attack due to the deteriorating relationship with Cambodia.

#### **F. Administrative Structure**

Referring to passages in "History," Abdulhak cited the administrative decisions taken at a Central Committee meeting at Kampong Thom, including the boundaries for the Zones, the number codification, and the establishment of a Special Zone around Phnom Penh under the control of Vorn Vet.<sup>8</sup> Each Zone was separated into regions with their own code numbers. During the meeting, military forces were also reorganized following the Viet Minh model: village patrols, regional troops functioning at District level, and main force units that were organized in the Zones. Short testified that these decisions were important, as they were a response to the change of situation of the CPK. It was formerly a small Party with small membership, but, after the Vietnamese came in to the territory and provided support, a large portion of Cambodia's territory became under communist control. The CPK had to build the structures that would allow them to control the territory after Vietnam's departure. Short confirmed that, in 1973 security centers were established in the Special Zone. This, along with the establishment of a fixed military hospital, constituted the beginnings of the administration.

International counsel for Khieu Samphan, Anta Guisse, referred to government "ghost portfolios" announced in January 1975, four months before Phnom Penh fell.<sup>9</sup> Short explained that this announcement was made not only to maintain secrecy, but also to show there was a functioning government ready to assume power. Short maintained that, ever since the establishment of FUNK and the GRUNK in 1971, the announced government line-up "was completely fictitious." Ministerial posts existed only on paper and the use of such facade was maintained throughout the DK period. For example, the National Assembly, in actuality, did not really exist.

International Judge Sylvia Cartwright cited the CPK Structure as illustrated in the 1975 CPK Statute. The statute stipulated that the General Conference was "the highest power-rights" in DK and the Standing Committee was to call for a General Conference at least every four years. Short explained that "General Conference" was equivalent to "Party Congress" in other Communist Party system.

On the Standing Committee, Short testified that Pol Pot became the Secretary of the Standing Committee in 1963; he later on became the Secretary of the Party. This organ wielded the utmost power in CPK's hierarchy, with the authority to appoint senior officials in the Party, government, and military. It also had the power to monitor and verify the implementation of CPK policies; whether or not these functions were exercised systematically "is a different matter." Short maintained that the units that mattered on the daily operations of CPK were the Standing Committee and the Security Committee. The latter controlled S-21, and comprised of Pol Pot, Son Sen, and Nuon Chea.

Comparing the CPK structure with other Communist Parties, Short described it as unlike any other. He conceded that, like others, the ultimate decision-making power in CPK was in the hands of the Party, namely the Central Committee or Politburi. However, in Kampuchea, the structure was not as systematized, with unique blending of roles, particularly between Nuon Chea and Pol Pot. Short described the Central Committee as an "echoing chamber" that served to legitimize the decisions of the Standing Committee. Short testified that many of the Standing Committee and the Central Committee members were not based in Phnom Penh, as they were leaders at the province level.

Short testified that, unlike the period prior to the fall of Phnom Penh, some ministries, such as Defense, Foreign, and Social Affairs, wielded much power. However, the decision-making power resided in the Standing Committee; ministries were not policy-making organs. The Defense Ministry under Son Sen controlled the Revolutionary Army, but RAK reported to

the Standing Committee, and Zone Leaders and military commanders would send telegrams to 870.

With regard to Office 870, Short described the entity as equivalent to General Office of the Central Committee in other countries. Referring to the office as “a transmission belt,” the Expert saw the Office as crucial as it implemented the Standing Committee decisions. Short also believed that the office controlled the passage of information within CPK.

Philip Short was asked to comment on Professor David Chandler’s testimony before the Chamber, where he stated that the DK leadership was more collective than he had originally thought.<sup>10</sup> Short stated that he believed that Pol Pot made decisions, and perhaps used manipulation for his decision to be adopted as a collective one. Short also believed that Nuon Chea was involved in making decisions, although he did not know to what extent.

### **G. Communication Structure**

On KR meetings, Short said there were lifestyle and self-criticism meetings, as well as meetings involving lectures on the Party’s principles. Discussions on principles, Short explained, took place in Central Committee or Party Branch meetings.

Testifying on communication structure, and how much information the CPK leaders received from the ground, Short explained that telegrams were sent from the Zones to the Center. The Center was informed that there were troubles in some areas, although the telegrams did not state that difficulties were caused by error in policy, but rather blamed the missteps on sabotage or difficult natural conditions. The Expert also mentioned the study tour, referring to Ieng Thirith’s visit to the North and Northwest Zone. Short was confronted with minutes of a meeting concerning base work during the DK era. It was attended by Pol Pot, Nuon Chea, Khieu Samphan and Doeun, alias Soeu Vasy, the head of Central Committee’s General Office. The document noted reports from Sector 303, 106 and 103, which provided specific details on enemy activities. Short explained that the inclusion of such details on the conditions on the ground was typical in telegrams or minutes of Standing Committee meetings.

Coded telegrams and messengers were used as means of communication. To avoid interception, messengers were used for orders that involved purging high-ranking officials and other extremely secret messages, like orders from the Standing Committee’s general office to the Eastern Zone.

### **H. Policy and Implementation**

Short confirmed that, from 1973-1975, several policies that became the basis of those implemented in the DK regime were developed. Pol Pot specifically made three policies: to effectively impose a siege of Phnom Penh, to tighten security around Phnom Penh, and to additionally establish more methods of controlling enemies, such as building prisons and re-education and killings.<sup>11</sup> Short also confirmed that Phy Phuon told him there were three to four Central Committee meetings in 1973-1975.<sup>12</sup> In these meetings, decisions were made to send away traders to ensure CPK’s absolute control over distribution of goods and prevent capitalism, to evacuate Phnom Penh and other Cambodian towns, and, to kill a cadre named Prasith — the first time the Committee authorized the killing of one of its own members.<sup>13</sup>

Short emphasized that while the general intention of the CPK was good, the intentions meant nothing considering the sufferings it caused in achieving the revolution’s goals. He also stated that implementation of policies during the DK was not always uniform, varying from zone to zone or, at times, even from one KR cadre in charge to another.

## **I. Collective, Cooperatives and Abolition of Money**

The Expert opined that the fundamental reason for collectivization was ideological, namely communal ownership over individual ownership, communism as opposed to capitalism. The CPK wanted to achieve equality for its citizens, which was interpreted by abolishing all differences in living standards and wealth. Short agreed that collectivization and establishment of cooperatives developed since 1973, with the practical objective to control rice supply and prevent Vietnamese intervention. The Expert cautioned that collectivization and population movement should not be confused, as the former could be done without the latter. While the most cooperatives were established in existing villages, some villagers from around Vietnam-Cambodia borders were moved to other areas to establish cooperatives there.

The rapid transformation to communism was to be reached by having no compromise in creating a “property-less” society. Short opined that, as Pol Pot and the CPK pushed the logic of communism to its extreme, without any consideration of realities, the result was this “terrible catastrophe.” Short contrasted this with the example of China, where Mao allowed a transitional period of moderate communism for five to six years before the radical form was put in place. Such gradual change was not in CPK’s agenda. Even prior to the fall of Phnom Penh, the transition to society without individual property was already in effect in liberated zones, where the use of Lon Nol regime currency was already discontinued. Abolition of money was not an automatic consequence of communism, Short stated. Other communist regimes, even China during the Great Leap Forward, still used currency. He said that KR abolition of money was based on the belief that any private property would lead to inequality.

## **J. Movements of Population**

“History” indicates that significant population movements, such as in Kratie and Udong, were a consequence of decisions taken in 1973 (see II.2).<sup>14</sup> Short described how Phy Phuon, one of his sources, told him that the evacuation of Udong was “particularly important” because it was a test of whether or not an urban population could be moved en masse to cooperatives. Earlier population movements, however, were driven more by practical reasons, namely to assert control to the population. He differentiated these from the evacuations after April 1975, such as those of Phnom Penh and Battambang, which were more directed by the objective to empty urban centers. The urban centers were evacuated to clear the corruption festering in the cities as the countryside was seen as “purer.”

Specifically on the evacuation of Phnom Penh, Short testified that the composition of population in Phnom Penh prior to its fall to the KR’s hands was 3,000,000. The Expert estimated that only 600,000 of those were city dwellers while the rest were internally displaced persons (IDPs) from the countryside who fled either US bombing or the civil war. He mentioned that his rough estimate in “History” that 20,000 people died during the evacuation of Phnom Penh was “unprovable,” as it was a middle figure from the various estimates of other sources.

Short dismissed the justification often cited for evacuation of Phnom Penh, which primarily posits the movement as an attempt avoid famine. He explained that, prior to 17 April 1975, Phnom Penh habitants received their food supplies by means of humanitarian aid. On the day the city fell, there was bound to be some reserve food for a few days. “[A] static population is, by definition, much easier to feed than some millions of people who are streaming out of the city in all directions.”<sup>15</sup>

According to Khieu Samphan's "Considerations of History of Cambodia from Early Stage to the Period of Democratic Kampuchea" (hereinafter "Considerations"), Pol Pot stated that prevention of rebellion was one of the grounds for evacuating Phnom Penh. Short testified that this was in fact one of the primary reasons for evacuation of cities. When urban population was moved to the countryside, their networks would be broken and they would be easier to control and less likely to rebel, Short asserted.

On further movement of population late in 1975, Abdulhak examined Short based on a document titled "Record of the Standing [Committee's] visit to the Northwest Zone," which described the need for 400,000 additional laborers in the Zone. Short confirmed that this was related to the movement of population described in his book, when Pol Pot decided to redistribute labor force to fulfil the needs of different regions, forcing the people to again move just before harvest time.<sup>16</sup> Short emphasized that the practice of population movement was based on the idea that "the ends justify the means" and people were considered to be expendable in realizing the goal of achieving a strong and prosperous Kampuchea.

#### **K. Enemies, Internal Purges, and Treatment of Targeted Groups**

Abdulhak cited from "History" the lesson Pol Pot drew from the fate of the Indonesian Communist Party, specifically that the communists could not rely on the bourgeoisie. This led to the modification of the policy towards non-member sympathizers. The movement started to increasingly adopt the behavior to classify "all those who were not with us are against us."<sup>17</sup> Short marked the start of this practice at Ratanakiri, after the Samlaut uprising. While soldiers who were locals were released, those who were not known were killed. Although there was no written instruction to treat enemies this way, cadres knew this was what the Party wanted them to do. Short did not find general evidence that the leadership curtailed such practices, except in the case of François Bizot, who was released allegedly on Duch's recommendation and by Pol Pot's decision.<sup>18</sup>

According to "History," everyone regardless of background could be recruited to the Army or FUNK, but beginning December 1970, the Party membership became limited to those with poor peasant background. Students and "middle peasants" could only join the Youth League. Short clarified that this was necessary due to the establishment of FUNK, which necessitated the assurance that the elite circle of the Party would not be corruptible by outside elements, like the Viet Cong, which was strong in presence in Cambodia at the time. The progressive intellectuals in the FUNK, such as Hou Yun and Hu Nim, were also kept separated in Office S-31. Short noted the significance of a CPK Congress decision in 1971, where none of the Pracheachon group (those who sought to be a legal opposition during Sihanouk's regime) nor the Hanoi returnees (Khmers who went to Vietnam after the war against the French ended in 1954 and became part of the Vietnamese-affiliated communist movement) was elected to be part of the Central Committee. Both were not trusted — the Hanoi group because they were considered "contaminated" by the Vietnamese and the Pracheachon because they took a different approach than what was prescribed by the CPK core. In 1973, as the KR was nearing victory, it tightened control and decided to round up the Hanoi returnees, except for a small number who were considered loyal, and placed them under arrest due to suspicion that they were Vietnamese agents. These people were later killed.

Short described the decision prior to 1975 to kill Prasith, a Central Committee member from Southwest Zone, as a "tipping point." It started the internal purges which later "devour(ed) the CPK." It was a decision that he paralleled with the one taken by the Chinese Communist Party in 1930, when leaders who followed policies that differed from those of the leadership were deemed "counter-revolutionary" and had to be eliminated. Short said, "in both cases, a

Communist Party, which was under great pressure, which had very few experienced cadres, reacted by starting to kill its own when placed in a situation of pressure.”<sup>19</sup>

Short also testified about S-21, which he described in “History” as “the pinnacle” of Pol Pot’s slave state. Short described the CPK as an entity that equated freedom with individuality and therefore suppressed it. S-21 was the place where all freedoms, including right to life, were denied. S-21, Short further described, was a facility designated for those who had responsibility under the regime and needed to be interrogated. He stated that the security center was not unique and comparable with the French prison in Algeria. What differentiated S-21 from security centers in other countries, Short held, was that other countries had a judicial system and such centers would be the darker side of the regime. In Cambodia, S-21 was the “pinnacle” of the system in place in a whole country devoid of a judiciary. Security Centers, rather than “a side issue,” were an essential part of the structure, the network of which came down from S-21.

In terms of the use of the confessions elicited from the prisoners, Short maintained that they served more as a justification for actions taken by the CPK. There was indication that the leadership themselves doubted the veracity of the information in the confessions. He referred to the rule in the foreign ministry that a person could only be arrested if (s)he was implicated three times in confessions. At a later stage, this number was increased to five.

Regarding passages of a July 1973 issue of the “Revolutionary Flag”<sup>20</sup> on the policy to appease the population and to prohibit the execution of spies in front of the people, Short explained that, while the killing of the counter-revolutionary was justified, this should be done in a way that “does not harm the Revolution’s goals.”<sup>21</sup> This led to people disappearing, being taken away and never coming back. Short also explained that the assumption that skilled workers who were taken away were killed was not necessarily correct. Many of them were taken to Phnom Penh and employed in production facilities.

While the Expert was not familiar with Tuol Po Chrey execution site, he confirmed that former Lon Nol civilian officials and senior military officers were executed in “a variety of places, and at different stages in the evacuation (of Phnom Penh),”<sup>22</sup> as well as in the city itself. Some however survived due to the variations of practice in DK era. According to Short, the Standing Committee, through the National Congress, decided and issued the communiqué to exterminate the “seven traitors” who were considered as the leaders of the 1970 coup against Sihanouk. Short suggested, although there were assurances that only the seven traitors were to be executed, other individuals were later added. Koppe asked Short whether there was a misunderstanding on the policy regarding former Lon Nol officials among low and mid-level cadres. Short replied there were two messages for different audiences because the Khmer Rouge did not listen to the FUNK radio station but to their superiors, while the public announcement about the seven traitors was intended for residents of Phnom Penh.

The killing of Lon Nol soldiers and officials constituted a nationwide pattern, Short asserted. He cited his interview with Phy Phuon, who was involved in battles in Ratanakiri in 1968 and explained to the Expert that the policy against the enemy was understood in general. Counsel Koppe asked if it was possible that the execution of Lon Nol soldiers could be considered acts of revenge. Short testified that when Lon Nol forces went into Ratanakiri, they beheaded peasants so they could bring the heads and collect bounty. Lon Nol then rectified the order so that the heads of defeated KR soldiers had to be brought along with their rifles to ensure the deceased were soldiers. “It would be very strange,” the Expert stated, “if similar things were not done by individual Khmer Rouge soldiers or small groups of soldiers.”<sup>23</sup> However, he deemed that such occurrences differed from “a nationwide pattern of behavior.” The Expert furthered that, while there was no written instruction from the top to



exterminate Lon Nol soldiers and high-ranking officials, he was convinced that it was a result of policy because “it happened everywhere.”

When Koppe pressed him on how he concluded it was the result of a policy, Short stated that it was a fact that Lon Nol officers and officials above a certain rank were killed, and he made a judgment based on the information available to him from his sources. When asked to cite his sources on the killing of Lon Nol soldiers and officials in 1974, Short cited Phy Phoun, “Réalité Cambodgiennes” and Wilfred Deac’s book. Short also referred to the practice that Zone leaders, after receiving instructions in Congresses or Central Committee meetings, came back and implemented them based on their own interpretation. This, Short noted, resulted in “Not every Lon Non - Lon Nol soldier was killed. Not every high official was killed but, in general, that was the outcome throughout Cambodia.”<sup>24</sup> Referring specifically to Tuol Po Chrey, counsel Koppe asked whether Short had heard the use of a plot to lure Lon Nol officials to be executed, namely by gathering them for a meeting and telling them that they would be taken to meet the King, had been used elsewhere outside Pursat Province. Short stated that he had heard similar stories in Battambang Province, but had not heard the same plot used outside of Northwest Zone.

Koppe seemed to attempt to pursue the theory that rouge local leaders executed Lon Nol soldiers by asking whether Rous Nhim, Commander of the Northwest Zone who was executed in 1978, ordered executions in the Northwest without instructions from the Center. Short testified that it was difficult to believe that zone commanders acted “against or outside the broad policy consensus.” While the Expert agreed that there was considerable latitude in different zones, it was difficult for him to believe that zone leaders overstepped the Center policy completely.

With regard to “New People,” Short described how, in a 1975 broadcast, Hou Yun cautioned people to choose the revolution — those who took refuge in Phnom Penh were considered to have chosen the other side. This led to the differentiation between the “Old People,” referring to those who supported KR, and “New People,” which included those who were viewed to have supported Lon Nol by “choosing with their feet.” Short explained to National Civil Party Lawyer Moch Sovanary that the New People were treated discriminately during the first two years; the distinctive treatment was phased out in 1978. Short maintained that the intention of the regime was never to kill the New People, but rather to transform them.

Prosecutor Abdulhak referred to the passages in “History” on the hierarchy between the “Old” and “New” people, the use of hunger as means of punishment, as well as the executions of “bad elements.”<sup>25</sup> The Expert explained that the objective to eliminate “class enemies” or “tendencies” served as justification for executing violators of discipline in the cooperative because it was a manifestation of individualism and bourgeois tendencies. While a retribution system for violators of discipline also existed in other communist systems, KR’s punishment for such trespasses was death. Others, such as China, imposed re-education, where the offender could redeem himself and subsequently be reintegrated into the community. Short confirmed that there was an attempt by DK regime to re-educate professionals such as doctors, lawyers, teachers, and engineers, by putting them in harsh living conditions that led to the death of many. The survivors were then considered fit to be part of the New People and live in the countryside to further reform themselves through agricultural work. Son Sen also attempted to start re-education courses, which were eventually cancelled because they were considered ineffective.

On the targeting of ethnic minorities, Short was convinced that there was no attempt to exterminate any particular ethnic group. Unlike in Rwanda or Nazi Germany, Short maintained, where a particular ethnic group was targeted to be exterminated, people in the DK were targeted when they stood out. Short cited the example of the Chams, who were of

a different culture from other Khmers and were under more pressure to be the same as others. However, Short stated, this did not equate with "a conscious attempt to exterminate a racial group."<sup>26</sup>

#### **K. Family in DK Regime**

Short explained to National Prosecutor Veng Huot that Angkar was supposed to be the true family in DK era. One's family should not interfere with his loyalty to the organization, and many marriages were done for practical purposes such as procreation. He also said that children were separated from parents to sever family ties and further ensure a new generation of Cambodians dedicated to and dependent on the KR regime. He noted that there was different treatment for the leaders and senior cadres, who were allowed to live with their families. The Expert however referred to Ieng Sary's account that, although families of CPK leaders lived in Phnom Penh, leaders who lived in K-1 had family visits only once a week.

#### **L. Roles and Characters of the Accused**

Philip Short testified on the roles and characters of the two Accused based on his sources during the course of writing "History", including his interview with Ieng Sary and Khieu Samphan. He did not interview Nuon Chea, not "for lack of attempt," but because the Accused rejected the repeated offers. While he described Nuon Chea as the "alter-ego" of Pol Pot, Philip Short described Khieu Samphan as more of a follower, complicit, among other reasons, because of his lack of dissent to DK's policies.

##### **1. Nuon Chea**

In his book, Philip Short described Nuon Chea as "the opaque master of the underground" in reference to his ability to stay undetected in Phnom Penh in early 1960's, even when other Cambodian Communist Party leaders fled Phnom Penh due to Sihanouk's repression of communist sympathizers.

Short testified that Nuon Chea became the Deputy Secretary of the CPK in 1960. He became the Deputy Secretary of the Standing Committee in 1963 and held this position throughout the DK regime. Within the Standing Committee itself, there was a hierarchy. While Khieu Samphan or other members reported to the Standing Committee, they were in essence reporting to Pol Pot and to a certain extent, Nuon Chea. Short testified that Nuon Chea was also a member of the Security Committee, which controlled S-21.

Short believed that Nuon Chea likely did not have a military decision-making role before the 1990's. The Expert was also convinced that Nuon Chea was not a member of the Military Committee because his name was not in the minutes of Military Committee meetings. When asked why Nuon Chea chaired a Standing Committee meeting on 26 March 1976 regarding military matters, Short suggested that it was possible that during that time Pol Pot was abroad. Judge Cartwright read out Nuon Chea's statement that, after 1975, politicians like him "received less esteem" than the military, which was the strongest institution. Short argued that the statement "turn(ed) truth on its head." Short said that the Party was the highest body that had the final say over any matter and the army was subordinate to the Party and implemented its decisions. The Expert also believed Nuon Chea played a role in the policy of treatment of defeated enemies, as such matter was considered to be political.

The authority of Pol Pot and Nuon Chea at that time was implied by the names assigned to them. Both were called "Om" or "Grand Uncle." Pol Pot was "first brother," while the Accused was "second brother." Short was unable to determine the exact extent of relationship between Pol Pot and Nuon Chea but he believed that the Accused was "an alter-

ego” of Pol Pot. He surmised this from his interviews with mid-level cadres who had contact with both. On the other hand, Short did not think Nuon Chea ever replaced Pol Pot temporarily as acting Prime Minister at any point during DK regime.

When Koppe asked why Vietnam named the 1979 trial against CPK leaders as that of “Pol Pot-leng Sary clique,” Short commented that the Vietnamese mistakenly believed that Nuon Chea was friendly to them because he went to Vietnam to study Communism in the early 1950s. The Vietnamese appeared to realize that Nuon Chea was not “their man” only after 1979. This led to Short’s impression of the effectiveness of secrecy of the CPK leaderships.

## **2. Khieu Samphan**

Short confirmed that the Accused Khieu Samphan told him that, in the early 1960s, he was not a member of the CPK. He, however, was a member of French Communist Party when he was studying in France. The doctorate thesis he wrote in France “prefigured” large parts of KR’s socio-economic policies, which included autarky and strict egalitarianism. Short emphasized that the thrust of the thesis focused on the nation as a whole, rather than the individual, being economically independent. The Expert recalled one of Khieu Samphan’s students’ account that when the Accused explained the origin of the word Communism, he defined it as “one-ism”, or that everyone had to be the same. Short however cautioned from interpreting the Accused’s thesis as a blueprint for future CPK policies, but rather that it reflected the ideas under discussion during that period.

Upon his return, Khieu Samphan’s family wished him to be a government official. The Accused instead chose to become a journalist and run the *L’Observateur* newspaper, which impressed the city intelligentsia with its “gentle” criticism of Prince Sihanouk. Short said that Khieu Samphan developed a reputation in Cambodia as a man of “probity” and “honor,” who was not easily intimidated and who believed in a better and more just system for the country. As a consequence of this stance, Khieu Samphan was stripped naked and humiliated in public, which led to his decision to join the resistance and flee from Phnom Penh.

According to “History,” in the 1960s, Khieu Samphan received an assignment from the underground communist Phnom Penh City Committee to mobilize support from the intellectuals and sympathizers.<sup>27</sup> Short confirmed this, but underlined that details as to who contacted the Accused was not immediately clear. While it was known that the Accused, along with Hou Yun and Hu Nim, were intellectuals sympathetic to the communist cause, it was not until 1967, when the CPK hid Khieu Samphan in a remote village, that his link to CPK became clear. Following the Samlaut uprising that occurred that year, Khieu Samphan moved to Oral Mountain and then to an area in the Northeast Zone near Kampong Thom, where Pol Pot’s headquarter was located. According to Short, this signified that Khieu Samphan was more trusted than Hou Yun and Hu Nim, because he was moved closer to Pol Pot. Short stated that Pol Pot was the one who encouraged Khieu Samphan to get married, which the Accused did.

Short testified that, between 1970 and 1975, Khieu Samphan was an “extremely useful figurehead” for the CPK. He became an alternate and non-voting member of the Central Committee in 1973. Short stressed that, at that time, Khieu Samphan was not even close to the Standing Committee and did not have any key decision-making role. Khieu Samphan stated during an OCIJ interview in 2007 that his main responsibility between 1970 and 1975 was to liaise with Prince Sihanouk, who was presented as the leader of the resistance. He held the role of Deputy Chairman of the FUNK and Commander-in-Chief of the People’s Liberation Army of Kampuchea. Short described Khieu Samphan’s positions at the time as “window dressing.”

On the role of the Accused in the decision to evacuate Phnom Penh, Abdulhak referred to Phy Phoun's testimony that Pol Pot, Nuon Chea, Khieu Samphan, and military leaders attended a meeting at Office B-5 in early April 1975 and the three leaders decided that the measure would be taken.<sup>28</sup> While Short was not aware of the meeting, he opined that Pol Pot and Nuon Chea would be the ones who took such decision. Asked further regarding Khieu Samphan's speeches made prior to the fall of Phnom Penh, Short testified that it was part of Khieu Samphan's role as the public face of the FUNK, and particularly its communist core. Short added that his speech was also meant to convey certain messages, for instance, that only the "seven traitors" would be executed.

Short stated that, after 1975, Khieu Samphan became a full and voting member of the Central Committee. Short testified that while Khieu Samphan attended a great majority of Standing Committee meetings, Khieu Samphan was not a member of the Standing Committee. Although Khieu Samphan became the Head of State in 1976, Short emphasized that "his role should not be exaggerated." Short said propaganda came under Yun Yat, Son Sen's wife; however, all leaders, including Khieu Samphan, were responsible for study sessions. In addition, when questioned regarding the Standing Committee meeting about border issues between Cambodia and Vietnam, Short responded that Khieu Samphan did not speak because he was not part of the "decision-making core" related to military.

After Doeun, the chairman of the political Office 870, was arrested, Short was uncertain if there was a formal replacement. He nonetheless indicated that it was reasonable to assume that Khieu Samphan had an important role in the Office. He concluded this from information he took from Vietnamese Archives as well as interviews with sources. He also considered suspect Khieu Samphan's insistence during their interview that he had nothing to do with the Office. Short stated that, as a member of the General Office, Pol Pot sent the Accused on "delicate missions" to zones and provinces when there were political matters to be resolved or investigated. However, Khieu Samphan did not have the authority to make decisions on the political issues and reported the result of his investigations to Pol Pot.

Despite Khieu Samphan's seemingly lack of authority to make decisions, Short classified Khieu Samphan amongst CPK leaders. The Expert described Khieu Samphan as "amanuensis," someone trusted who was "with them but not of them."<sup>29</sup> Pol Pot trusted Khieu Samphan, Short elaborated, because "he could be relied upon to do what he was told."<sup>30</sup> Khieu Samphan gradually became Pol Pot's protégé. At one point, the former Secretary of CPK may have considered Khieu Samphan to be his "successor". However, this did not happen due to various reasons, one of it perhaps was the fact that Khieu Samphan was "a better follower than a leader." Short also emphasized that the Accused was good at this role. He described Khieu Samphan as "rigid, doctrinaire, but very consistent,"<sup>31</sup> who held on to what he believed in "without asking too many questions."<sup>32</sup> In terms of Khieu Samphan's involvement in decisions made during the DK, Short held:

He was party to those decisions; even if they were not made by him, he never objected - which, I agree would have been very difficult to do because he would have put himself at risk. But he didn't object; he embraced all the decisions which were made by the DK authorities, by the CPK. In that sense, he was party to them and he never dissented from them.<sup>33</sup>

## **J. Witness Demeanor and Credibility**

Philip Short became curious about the Democratic Kampuchea regime in the 1970s when he was working as a journalist in China. The Expert knew the DK ambassador to China and followed the DK leaders' visit to the country in September 1977.<sup>34</sup> However, he acknowledged that he never visited Cambodia during the DK regime because his effort to get

a visa was not successful. His first visit to Cambodia was in 1999, after Pol Pot passed away. He also did not speak Khmer, but this did not pose a problem when he interviewed Ieng Sary and Khieu Samphan because both could speak French.

Counsel Koppe also questioned Short's academic training in history and communism. Short acknowledged that he had no formal academic training in either, and had never written an article on the theories of communism. He clarified that he had conducted peer review articles on the topic, and had gained knowledge on communism while working as a correspondent in Russia and China as well as while researching for his books. One of his books, "The Dragon and The Bear," is a comparative study between the systems in Post-Mao's China and Post-Stalin Russia. Comparing his work with that of other experts, Philip Short stated that he was different from Professor David Chandler, Stephen Heder, or Ben Kiernan, because their works focused on Cambodia, while he had learned and lived under different communist systems and cultures.

On sources of his book, Short explained that he gleaned information from interviewing people as well as reviewing documents, including S-21 confessions. He stated that "the point of ... a book like this is that it is really a mosaic of tiny grains of information that you try to put together. And, if you ask me now, I'm not always able to tell you exactly where it came from."<sup>35</sup> The Expert also acknowledged that he made the deliberate choice not to interview victims when he was writing "History," although he quoted the large number of accounts that were already published.

### **III. LEGAL AND PROCEDURAL ISSUES**

There was no major legal procedural issue this week, although the OCP noticeably raised more objections during the Defense teams' questioning, while the Prosecution's questioning went relatively undisturbed. The OCP objected, in particular, to questions it deemed irrelevant to the case at hand, and the Chamber sustained most of them.

#### **A. Objection on Question from the Bench**

On Monday, Koppe, Nuon Chea's international counsel, observed that Judge Sylvia Cartwright was seeking information beyond Short's expertise. The Counsel acknowledged that objecting to the Judges' question was not allowed, but he submitted that the question on how many days realistically would be required to evacuate and resettle a population to a new location was not within the Expert's expertise as a historian. The Judge acknowledged this and declared she would not pursue the question, but defended that it was a query that Short could have answered by using his "common sense."

#### **B. Objection Related to Irrelevant Line of Questioning**

During both Defense Teams' questioning of the Witness, they were subjected to objections and rulings that prohibited questions deemed to be irrelevant to the case at trial. This occurred every time the Defense tried to raise questions that compared the atrocities in DK period with other communist countries or the utility of the ECCC in the pursuance of justice. Counsel Koppe asked Short to compare the actions of CPK leaders during DK with those of Chinese communist leaders during the Great Leap Forward and the Cultural Revolutions, preceded with a comment that it seemed "unfair" that the Chinese leaders were not on trial. Prosecutor Abdulhak objected, saying that the commentary preceding the question was "inappropriate" because the Counsel should not be passing judgment on "who should be on trial in which country." Despite Koppe's request to be given "leeway," President Nil Nonn ruled that the entire question was irrelevant and told the counsel to move on. The counsel also tried to verify whether the DK leaders' suspicion of internal enemies was not imagined,

citing the example of Heng Samrin who defected to Vietnam and later became the first President.<sup>36</sup> Abdulhak deemed the question, which sought to link what happened before 1979 with events afterwards, as irrelevant, except if the Court was entertaining conspiracy theories. The objection was sustained.

Counsel Guisse attempted twice to elicit Short’s opinion on the process at the ECCC. She first referred to a Phnom Penh Post article dated 23 November 2000, titled “The Devil’s Advocate: There Should Be No Trial 13 Against the Khmer Rouge.” In the article, Short expressed his belief that an international court created to prosecute the former Khmer Rouge leaders would only be a tool for “judicial vengeance,” for the interest of the UN and to appease the United States. In the second attempt, the counsel based her question on the Witness’ interview by the Phnom Penh Post on 7 March 2013. In the interview, the Expert questioned the effectiveness of the ECCC. He noted that only KR leaders were at trial and there was no reconciliation mechanism between the victims and field perpetrators, who continue to live side by side. Prosecutor Abdulhak objected to both attempts, stating that the queries were irrelevant. Guisse asserted that, with regard to the first article, it was important to seek the Expert’s opinion on the trial he was testifying. She also pointed out that the article is in the case file. For her second question, Khieu Samphan’s counsel maintained that she was seeking to understand the Expert’s conclusions on who should be at trial and where the responsibility lied in the functioning of Democratic Kampuchea. The Chamber held that both questions were irrelevant to the facts of the trial and beyond the Expert Witness’ expertise.

#### IV. Trial Management

This week, the Trial Chamber managed the proceedings smoothly with the conclusion of the testimony of Expert Witness Philip Short. There were few legal and procedural issues raised, and the debates among the Parties were made in civil atmosphere. Notably, it was at times difficult to understand the English and Khmer translations rendered from French speakers in the Chamber.

##### A. Attendance

Nuon Chea participated in the proceedings from the holding cell for the whole week. Khieu Samphan actively observed the proceedings in the courtroom throughout the week.

**Civil Parties Attendance.** Ten Civil Parties observed the proceedings in the courtroom for the whole week. In addition, there were approximately 70 Civil Parties from Kampong Cham and Battambang on Monday and 10 for both Wednesday and Thursday who observed the proceedings from the public gallery.

**Parties Attendance.** All Parties were represented throughout the week.

##### Attendance by the Public:

DATE	MORNING	AFTERNOON
Monday 06/05/13	<ul style="list-style-type: none"> <li>300 students from Stung Treng District, Kampong Cham Province</li> <li>15 foreign observers</li> </ul>	<ul style="list-style-type: none"> <li>100 villagers from Kampong Tralach District, Kampong Chhnang Province</li> <li>10 foreign observers</li> </ul>
Tuesday 07/05/13	<ul style="list-style-type: none"> <li>400 villagers from Prey Veng Province</li> <li>5 foreign observers</li> </ul>	<ul style="list-style-type: none"> <li>170 residents from Takeo Province</li> </ul>
Wednesday	<ul style="list-style-type: none"> <li>400 students from Preah</li> </ul>	<ul style="list-style-type: none"> <li>150 villagers of Cham minority from</li> </ul>

DATE	MORNING	AFTERNOON
08/05/13	Sihanouk High School, Kampong Cham Province <ul style="list-style-type: none"> <li>• 50 villagers from Kampot Province</li> <li>• 9 foreign observers</li> <li>• 5 VIP foreign observers</li> </ul>	Takeo Province
Thursday 09/05/13	• 370 villagers from Battambang Province and Takeo Province	• 5 foreign observers

## B. Time Management

This week, the Trial Chamber held proceedings from Monday to Thursday and commenced almost every session right on time. In addition, although the Court appeared to be very strict in observing the time allocated for the Parties, it seemed to understand the difficulty the Parties faced in condensing their questions due to the complexity and vast scope covered by Philip Short's testimony. Thus, the Court generously granted the additional half hour requested by each of the Defense Teams.

## C. Translation and Technical Issues

This week, minor technical problems occurred quite often. There was no voice heard from the AV (audio-video) system for roughly five minutes on Wednesday and Thursday, while the Expert's microphone often malfunctioned.

On Monday afternoon, during the questioning by Judge Jean-Marc Lavergne, the President allowed Phillip Short to testify in French, since the Expert was bilingual. From then on, the Expert's testimony became notably harder to follow. On Thursday, during Guissé's examination of Short, Abdulhak pointed out that the excerpt of Khieu Samphan's OCIJ statement that Anta Guisse read did not include the fact that Khieu Samphan acknowledged his membership in Office 870. Guissé assured the Chamber that she had read the complete quote, implying that there was a crucial interpretation mistake.

## D. Time Table

DATE	MORNING SESSION 1	MORNING SESSION 2	AFTERNOON SESSION 1	AFTERNOON SESSION 2	TOTAL HOURS IN SESSION
Monday 06/05/13	9:01-10:40	11:01-12:00	13:30-14:40	15:01-16:12	4 hours and 59 minutes
Tuesday 07/05/13	9:02-10:29	10:50-12:01	13:33-14:39	15:00-16:02	4 hours and 46 minutes
Wednesday 08/05/13	9:02-10:34	10:57-12:13	13:32-14:58	15:20-16:30	5 hours and 24 minutes
Thursday 09/05/13	9:02-10:33	10:55-12:01	13:32-14:57	15:23-16:45	5 hours and 24 minutes
Average number of hours in session			5 hours 8 minutes		
Total number of hours this week			20 hours 33 minutes		
Total number of hours, days, weeks at trial			762 hours 17 minutes		
<b>176 TRIAL DAYS OVER 55 WEEKS</b>					

**Unless specified otherwise,**

- the documents cited in this report pertain to *The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan* before the ECCC;
- the quotes are based on the personal notes of the trial monitors during the proceedings;
- the figures in the *Public Attendance* section of the report are only approximations; and
- photos are courtesy of the ECCC.

**Glossary of Terms**

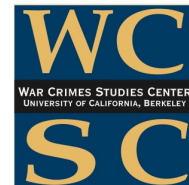
Case 001	<i>The Case of Kaing Guek Eav alias “Duch”</i> (Case No. 001/18-07-2007-ECCC)
Case 002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan</i> (Case No. 002/19-09-2007-ECCC)
CPC	Code of Criminal Procedure of the Kingdom of Cambodia (2007)
CPK	Communist Party of Kampuchea
CPLCL	Civil Party Lead Co-Lawyer
DK	Democratic Kampuchea
ECCC	Extraordinary Chambers in the Courts of Cambodia (also referred to as the Khmer Rouge Tribunal or “KRT”)
ECCC Law	Law on the Establishment of the ECCC, as amended (2004)
ERN	Evidence Reference Number (the page number of each piece of documentary evidence in the Case File)
FUNK	National United Front of Kampuchea
GRUNK	Royal Government of National Union of Kampuchea
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IR	Internal Rules of the ECCC Rev. 8 (2011)
KR	Khmer Rouge
OCIJ	Office of the Co-Investigating Judges
OCP	Office of the Co-Prosecutors of the ECCC
RAK	Revolutionary Army of Kampuchea
VSS	Victims Support Section
WESU	Witness and Expert Support Unit



EAST-WEST  
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AIJI TRIAL MONITORING



\* AIJI is a collaborative project between the East-West Center, in Honolulu, and the War Crimes Studies Center, University of California, Berkeley. Since 2003, the two Centers have been collaborating on projects relating to the

This issue of **KRT TRIAL MONITOR** was authored by Chhaya Chhin, Phalla Chhoeun, Pheakdey Chum, Faith Suzzette Delos Reyes, Aviva Nababan, Noyel Ry, Sarun Sous, Kimsan Soy, Chhayrath Tan, and Penelope Van Tuyl as part of AIJI’s KRT Trial Monitoring and Community Outreach Program. KRT TRIAL MONITOR reports on Case 002 are available at <[www.krtmonitor.org](http://www.krtmonitor.org)>, and at the websites of the [East-West Center](http://www.eastwestcenter.org) and the [War Crimes Studies Center](http://warcrimesstudiescenter.org).

<sup>1</sup> Trial Chamber. Transcript of Trial Proceedings (6 May 2013). E1/189.1 [hereinafter **6 MAY TRANSCRIPT**]. Lines 5-14. 59.

<sup>2</sup> See CASE 002 KRT TRIAL MONITOR, Issue 54, Hearing on Evidence Week 49 (4 March 2013).

<sup>3</sup> President Nil Nonn referred to Trial Chamber. Consolidated schedule of witnesses and experts for early 2013 (8 January 2013). E236/4. The memorandum iacknowledged that the length of testimony for Philip Short, Elizabeth Becker, and Stephen Heder was shorter that what was originally announced and encouraged the parties to limit questioning only to those topics relevant to Case 002/01.



4 The Prosecutor was quoting from page 137 of "History".  
5 The Prosecutor was quoting from page 146 of "History".  
6 The bombing ended in August 1973.  
7 Trial Chamber. Transcript of Trial Proceedings (7 May 2013). E1/190.1 [hereinafter **7 MAY TRANSCRIPT**].  
Line15. p. 2 National Prosecutor Veng Huot quoted from page 8-9 of "History".  
8 International Prosecutor Abdulhak quoted from page 223 of "History".  
9 Counsel Guisse cited from page 305 of "History".  
10 See CASE 002 KRT TRIAL MONITOR. Issue 29. Hearing on Evidence Week 24 (23-26 July 2012) [hereinafter **ISSUE 29**].  
11 International Judge Sylvia Cartwright cited these policies from "History", and Short explained that his knowledge of them were from sources ranging from other journalists, former KR cadres, and US intelligence reports.  
12 Phy Phuon, an alias of Witness Rochoem Ton, testified before the ECCC in July and August 2012. See **ISSUE 29** and CASE 002 KRT TRIAL MONITOR, Issue 30, Hearing on Evidence Week 25 (30-31 July, 1-2 Aug 2012) [hereinafter **ISSUE 30**].  
13 Judge Cartwright cited this from "History" page 260.  
14 Judge Cartwright cited from page 255 and 257 of Short's book that Kratie was evacuated in the second half of 1973, and after KR attacked Kampong Cham, 15,000 town dwellers were taken to liberated zones. During attack of Udong 20,000 people from the city were resettled in cooperatives, and 40,000 from the Northern Zone fled from there to Kampong Thom.  
15 Trial Chamber. Transcript of Trial Proceedings (6 May 2013). E1/189.1 [hereinafter **6 MAY TRANSCRIPT**] Line 12-14. 31.  
16 Prosecutor Abdulhak quoted passages from page 308-309 of "History".  
17 **7 MAY TRANSCRIPT** Line 19. 30.  
18 Bizot testified before the Chamber during Case 001 against Duch, former Chairman of S-21. See CASE 001 KRT TRIAL MONITOR. Issue 3. Hearing on Evidence Week 2. (6-10 April 2009)  
19 **6 MAY TRANSCRIPT** Line 22-25. 20.  
20 Prosecutor Abdulhak explained that this issue was published in East Zone in June 1974, the particular article quoted was "Strengthening and Improving the Party's Leadership Stance and Leadership Attitude".  
21 **7 MAY TRANSCRIPT** Line 8. 68.  
22 **6 MAY TRANSCRIPT** Lines 4-6. 43.  
23 Trial Chamber. Transcript of Trial Proceedings (9 May 2013). E1/192.1 [hereinafter **9 MAY TRANSCRIPT**] Lines 17-19. 18.  
24 Trial Chamber. Transcript of Trial Proceedings (8 May 2013). E1/191.1 [hereinafter **8 MAY TRANSCRIPT**] Lines 9-10. 100.  
25 Abdulhak was referring to page 321-322 of "History".  
26 **8 MAY TRANSCRIPT** Line 15. 19. It should be noted that Philip Short tried to provide his opinion on whether genocide occurred during the questioning of Judge Cartwright, but he was stopped because it was a legal label. This opinion was provided when Koppe, acknowledging that the determination whether Genocide occurred during DK regime was for the Judges to determine, quoted page 446 of "History" where it was stated that KR did not set out to exterminate a national, ethnic, racial, or religious group". Koppe asked whether Short could provide his opinion why he maintained there was no such policy without using the "G" word.  
27 Abdulhak cited from page 132 of "History".  
28 See **ISSUE 29** and **ISSUE 30**.  
29 **6 MAY TRANSCRIPT** Line 19. 53.  
30 *Ibid.* Line 6. 48.  
31 **7 MAY TRANSCRIPT** Line 12. 25.  
32 *Ibid.* Line 14 p. 25.  
33 **9 MAY TRANSCRIPT** Lines 14-19 . 135.  
34 Short stated that visiting leaders were Pol Pot, Ieng Sary, Vorn Vet, and Thioun Thioeunn.  
35 **6 MAY TRANSCRIPT** Lines 9-11. 17.  
36 Koppe used the word "president" but perhaps he was referring to Heng Samrin's appointment as the chairman of the People's Revolutionary Council of the PRK in 1979.