



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 25-Nov-2011, 12:58
CMS/CFO: **Kauv Keoratanak**

21 November 2011

Trial Day 1

Before the Judges: NIL Nonn, Presiding
Silvia CARTWRIGHT
YA Sokhan
Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)
Claudia FENZ (Reserve)

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Michiel PESTMAN
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Jacques VERGÈS

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
Matteo CRIPPA
Natacha WEXELS-RISER

For the Office of the Co-Prosecutors:

CHEA Leang
Andrew CAYLEY
William SMITH
YET Chakriya

Lawyers for the Civil Parties:

PICH Ang
Élisabeth SIMONNEAU-FORT
LOR Chunthy
MOCH Sovannary
HONG Kimsuon
CHET Vannly
Barnabé NEKUIE
Patrick BAUDOIN
Emmanuel JACOMY
Nushin SARKARATI

For Court Management Section:

UCH Arun

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. CAYLEY	English
MS. CHEA LEANG	Khmer
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MR. SON ARUN	Khmer
THE PRESIDENT (Nil Nonn, Presiding)	Khmer

1 PROCEEDINGS

2 (Court opens at 0905H)

3 (Judges enter courtroom)

4 [09.05.18]

5 MR. PRESIDENT:

6 Please be seated.

7 Today, the Trial Chamber of the Extraordinary Chambers in the
8 Courts of Cambodia, which has been established by the Law on the
9 Establishment of the Extraordinary Chambers in the Courts of
10 Cambodia, the law which was promulgated by Royal Krom and
11 NS/RKM/1004/006 of 27 October 2004 for the prosecution of crimes
12 committed during the period of the Democratic Kampuchea, from 17
13 April 1975 to 6 January 1979, declares opened the substantive
14 hearing on Case File 002 dated 19 September 2007, ECCC, TC,
15 relating to three following accused.

16 [09.07.15]

17 One, Nuon Chea. Male, born on 7 July 1926 in Voat Kor Village,
18 Voat Kor Commune, Sangke District, Battambang, Cambodia. His
19 pre-arrest address was at Psar Prom Village, Khan Pailin, Pailin
20 City.

21 During the Democratic Kampuchea, he was the Deputy Secretary of
22 the Central Committee of the Communist Party of Kampuchea, or
23 CPK, a member of the CPK's Standing Committee and the President
24 of People's Assembly.

25 He has three counsels, Mr. Son Arun, Michiel Pestman and Mr.

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1 Koppe.

2 Two, Ieng Sary. Name at birth: Kim Trang. Male, born on 24
3 October 1925 in Loeung Va Commune, Tra Vinh District, Tra Vinh
4 Province, South Vietnam. His pre-arrest address was at house
5 number 47B, Street 21, Group 36, Centre 4, Sangkat Tonle Bassac,
6 Khan Chamkar Mon, Phnom Penh.

7 During the Democratic Kampuchea, he was the member of the CPK's
8 Standing Committee and the Deputy Prime Minister and Minister of
9 Foreign Affairs. He has two different counsels, Mr. Ang Udom and
10 Mr. Michael Karnavas.

11 Three, Khieu Samphan. Male, born on 27 July 1931 in Rom Chek
12 Commune, Rom Duol District, Svay Rieng. His pre-arrest address
13 was at Kon Khtong Village, Sangkat Ou Tavau, Khan Pailin, Pailin
14 City.

15 [09.09.18]

16 During the Democratic Kampuchea, he was the member of the CPK's
17 Standing Committee and the President of the State Presidium.
18 He has two counsels, Mr. Kong Sam Onn and Mr. Jacques Vergès.
19 All of whom are charged with genocide, crimes against humanity,
20 grave breaches of Geneva Convention of 12 August 1949 which have
21 actively and passively been acted through joint criminal
22 enterprise, planning, instigating, ordering, aiding and abetting
23 all they are responsible in the form of superior responsibility
24 for the crimes committed in Phnom Penh and elsewhere within the
25 territory of Cambodia and during the Vietnamese incursion between

1 17 April 1975 and 6 January 1979.

2 [09.10.38]

3 Those crimes are set out and punishable under Articles 4, 5, 6,
4 29 new and 39 new of the Law on the Establishment of the
5 Extraordinary Chambers in the Courts of Cambodia.

6 The Bench is composed of Judges: myself, Nil Nonn, the President,
7 Judge Silvia Cartwright, Judge Ya Sokhan, Judge Jean-Marc
8 Lavergne, Judge You Ottara, and Reserve Judges, Judge Thou Mony
9 and Judge Claudia Fenz.

10 [09.11.28]

11 In case file 002 there are 3,866 civil parties, all of whom have
12 formed a single consolidated group represented by national civil
13 party lead co-lawyer, Mr. Pich Ang, and international civil party
14 lead co-lawyer, Ms. Simonneau-Fort. And we have 12 national civil
15 party co-lawyers and 28 international civil party co-lawyers.

16 Might I now declare the hearing open.

17 [09.12.14]

18 Mr. Duch Phary, could you report to the Chamber on the attendance
19 of the parties to the proceedings?

20 THE GREFFIER:

21 Mr. President, the attendance of the parties to the proceedings
22 are as follows: the prosecution is present; Nuon Chea's defence
23 team is present; Ieng Sary's team is present; Khieu Samphan's
24 defence team is present. For Khieu Samphan's defence team, we
25 also have Mr. Kong Sam Onn, who replaced Mr. Sa Sovan, who

4

1 resigned from his position.

2 [09.13.21]

3 For the accused Nuon Chea, Ieng Sary and Khieu Samphan, they are
4 all present.

5 The lead co-lawyers and the civil party lawyers are present. We
6 also have three international civil party lawyers, Mr. Barnabé
7 Nekuie, Patrick Baudoin and Marie Guiraud, who have not yet been
8 recognized by the Trial Chamber.

9 [09.13.54]

10 Today, we have 11 civil parties who are present in the courtroom.

11 Thank you, Mr. President.

12 MR. PRESIDENT:

13 Could you clarify: there is another international lawyer for the
14 -- for Khieu Samphan's defence team?

15 MR. KONG SAM ONN:

16 Thank you, Mr. President.

17 [09.14.31]

18 Mr. Vercken has been requested by Mr. Khieu Samphan as a defence
19 counsel; however, the oath has not yet been taken. He is here in
20 order just to follow the proceeding.

21 MR. PRESIDENT:

22 Mr. Kong Sam Onn, can you clarify whether he has been registered
23 with the bar of Cambodia?

24 MR. KONG SAM ONN:

25 The process has been organized, Mr. President, but the oath has

1 not yet taken place.

2 MR. PRESIDENT:

3 Thank you.

4 [09.15.15]

5 MR. SON ARUN:

6 Good morning, Mr. President. Good morning, Your Honours. My name
7 is Son Arun, a defence counsel for Nuon Chea.

8 Today there is one counsel who has just been registered with the
9 bar, and the oath was taken on last Friday already. A letter was
10 also sent to Ms. Susan Lamb and allowed to seek recognition for
11 him, Mr. Andrew Ianuzzi.

12 Thank you.

13 [09.16.04]

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 However, the Chamber has not yet received the letter, so this
17 matter will be dealt with at a later stage.

18 [09.16.24]

19 Today is the opening statement, so during the break we will
20 review the letter we've received for the recognition, as
21 indicated in the Internal Rule. Thank you.

22 MR. PRESIDENT:

23 The greffier already reported the attendance of the parties to
24 the proceedings, and also there are some international civil
25 party lawyers who have not yet been recognized by the Trial

6

1 Chamber.

2 Before we start the hearing, the Chamber would like to invite Mr.
3 Pich Ang, who is the national co-lawyer, for lead co-lawyers for
4 the civil parties to proceed with the request for the recognition
5 of the foreign lawyers.

6 (Technical difficulties)

7 THE INTERPRETER:

8 The interpreter could not hear the sound.

9 MR. PRESIDENT:

10 Court officer, could you check the microphone of the lead
11 co-lawyer? There is no sound coming through.

12 (Short pause)

13 [09.19.45]

14 MR. PRESIDENT:

15 Mr. Pich Ang, you can now resume your seat until the technical
16 issue is resolved.

17 (Technical difficulties)

18 [09.23.15]

19 MR. KONG SAM ONN:

20 Mr. President, as we are waiting for the technical issues to be
21 resolved, also lies a request a technician to look at my computer
22 and the mouse. It doesn't work.

23 MR. PRESIDENT:

24 The Trial Chamber.

25 Can we all hear now? Let me try.

7

1 Mr. Pich Ang, you may now proceed to read your request for the
2 recognition of international lawyers who are present here and who
3 have yet to be recognized by the Chamber.

4 Administrative officer, could you please assist with the
5 technical issues for Nuon Chea's defence team, as the mouse does
6 not work?

7 Mr. Pich Ang, you may proceed.

8 [09.24.37]

9 THE INTERPRETER:

10 There is no sound.

11 MR. PRESIDENT:

12 Since there is technical issue with the audio system on the lead
13 co-lawyer's section, we will adjourn the request for the
14 recognition and continue with the other sections of the
15 proceedings.

16 The Chamber would like to inform everyone that this week is the
17 opening statement by the prosecution and a brief response from
18 the accused and their defence teams.

19 The substantive hearing on the evidence shall be conducted from
20 the 5th of December, 2011 pursuant to the scheduling of 18th
21 November, 2011, E131, which states that the trial proceeding of
22 Case 002 started with the opening statement pursuant to the
23 Internal Rules.

24 [09.26.27]

25 The Chamber would not read the analysis of the facts, as all

8

1 parties and the Accused have been informed already. In order to
2 reconfirm the charges against these three accused and in
3 pursuance to Rule 89.1 bis of the Internal Rules of the ECCC, the
4 greffier, Mr. Duch Phary, is now ordered to read those charges
5 again.

6 THE GREFFIER:

7 Thank you, Mr. President.

8 [09.27.22]

9 Charges against the Accused are as follows.

10 Pursuant to the Closing Order as amended by the Pre-Trial Chamber
11 Decisions on Appeal Against the Closing Order, documents
12 D427/3/15, D427/4/15 and D427/1/30, and the Trial Chamber
13 Decision on Defence Preliminary Objections regarding Statute of
14 Limitations on Domestic Crimes, document E122, the accused Nuon
15 Chea, Ieng Sary and Khieu Samphan are appearing before the Trial
16 Chamber to be tried on the following charges:

17 Having, within the territory of Cambodia and during incursions
18 into Vietnam between 17 April 1975 and 6 January 1979, through
19 their acts or omissions, committed, via joint criminal
20 enterprise, planned, instigated, ordered or aided, and abetted or
21 been responsible by virtue of superior responsibility, for the
22 following crimes:

23 Crimes against humanity, specifically: murder; extermination;
24 enslavement; deportation; imprisonment; torture; persecution on
25 political, racial, and religious grounds; and other inhuman acts

1 -- these crimes are punishable under Articles 5, 29 new and 39
2 new of the ECCC Law;
3 Genocide, by killing members of the groups of Vietnamese and
4 Cham, punishable under Article 4, 29 new and 39 new of the ECCC
5 Law;
6 [09.30.12]
7 Grave breaches of the Geneva Conventions of 12 August 1949,
8 specifically: wilful killing; torture or inhumane treatment;
9 wilfully causing great suffering or serious injury through body
10 or health; wilfully depriving a prisoner of war or civilian the
11 rights of fair and regular trial; unlawful deportation or
12 unlawful confinement of a civilian -- these crimes are punishable
13 under Articles 6, 29 new and 39 new of the ECCC Law.
14 [09.31.09]
15 Pursuant to the severance orders of 22 September, 2011 and the
16 Trial Chamber's decision on the fitness to stand trial of Ieng
17 Thirith dated 17 November, 2011, document E138, the Trial Chamber
18 will, in the first trial in Case 002, hear evidence relating to
19 the following topics in relation to Nuon Chea, Ieng Sary and
20 Khieu Samphan:
21 a) historical background, including the roles of each accused
22 during the period prior to the establishment of Democratic
23 Kampuchea;
24 b) the structure of Democratic Kampuchea with the following
25 sub-topics: administrative structures, communication structure

10

1 and military structure;

2 c) role of each accused in the Democratic Kampuchean government,
3 their assigned responsibilities, the extent of their authority
4 and the lines of communication throughout the temporal period
5 with which the ECCC is concerned;

6 [09.32.34]

7 d) policies of Democratic Kampuchea on the issues raised in the
8 indictment;

9 e) factual allegations described in the indictment as population
10 movement phases 1 and 2; and

11 f) crimes against humanity, including murder, extermination,
12 persecution -- except on religious grounds -- forced transfer and
13 enforced disappearances -- insofar as they pertained to the
14 movement of population phases 1 and 2.

15 [09.33.19]

16 The Trial Chamber may at any time decide to amend these topics or
17 include in the first trial additional portions of the Closing
18 Order in Case 002 subject to the right of the Defence to be
19 provided with opportunity to prepare an effective defence, and
20 all parties to be provided with timely notice.

21 [09.33.49]

22 Thank you, Mr. President.

23 MR. PRESIDENT:

24 Thank you, Mr. Phary.

25 Now the Trial Chamber would like to hand over to the

11

1 Co-Prosecutors to proceed with their brief opening statement.

2 May the Co-Prosecutors be reminded that, pursuant to the Trial

3 Chamber's scheduling order for opening statements, document E131

4 of 18th October 2011, the Co-Prosecutors will be given the

5 opportunity to make their opening statement concerning the counts

6 against the accused in accordance with Internal Rules 89.2 bis.

7 [09.34.50]

8 For the purpose of the brief opening statement --

9 (Technical difficulties)

10 MR. PRESIDENT:

11 May the Co-Prosecutor test the phone?

12 [09.35.53]

13 Once again, the Trial Chamber would like to give the floor to the

14 Co-Prosecutors to proceed with the brief opening statement;

15 however, the prosecution is reminded in pursuant to the TC

16 scheduling order for opening statements, document E131 of 18

17 October 2011, the Co-Prosecutors will be given the opportunity to

18 make their opening statement concerning the counts against the

19 accused in accordance with the Internal Rule 89.2 bis.

20 For the purpose of the brief opening statement, the

21 Co-Prosecutors are allocated a total of one and a half days.

22 The Co-Prosecutors may now proceed.

23 [09.37.08]

24 Counsel for Nuon Chea, you may now proceed. National

25 Co-Prosecutor, you may be seated.

12

1 MR. PESTMAN:

2 I'm sorry to interrupt. I won't do it again.

3 Just before the prosecution starts their opening statement, I
4 would like to mention that we have just filed an application for
5 disqualification of Judge Cartwright according to Article 557 of
6 the Cambodian Code of Criminal Procedure and Rule 35.

7 [09.37.44]

8 That application includes a specific request for Judge Cartwright
9 to step down pending the resolution of our application.

10 We suggest that all the parties and the Judges read the
11 application and that we revisit the application later this week.

12 [09.38.16]

13 MR. KARNAVAS:

14 Good morning, Mr. President, good morning, Your Honours, and good
15 morning to everyone else. If I may be heard just very briefly.

16 On Friday, we filed and -- well, we attempted to file and was
17 circulated a courtesy copy of a request for an investigation
18 pending ex parte communications between Mr. Cayley and Judge
19 Cartwright and others, including Mr. Rosandhaug and Patricia
20 O'Brien of the UN, and perhaps others.

21 In our request, we indicated that we wished the Trial Chamber to
22 summon Mr. Cayley to provide information and to encourage Judge
23 Cartwright to also provide a statement. We also suggested that,
24 in keeping with proper procedure, that perhaps it would be best
25 if Judge Cartwright were to step aside and allow Judge Fenz to

13

1 stay in her place, since she's a reserve Judge, until this matter
2 is resolved.

3 [09.39.26]

4 The application was rejected for filing because the Khmer version
5 wasn't prepared. It will be prepared within the next day or so.

6 However, we did circulate it.

7 We are confident that you all are aware of it, and we think that
8 at least until this matter is resolved -- and we do take it to be
9 a very serious matter because we have a Judge on the Bench and a
10 prosecutor in the case having meetings. We don't know what.

11 [09.39.56]

12 We're not suggesting that anything inappropriate occurred, but
13 the appearance of it is -- obviously leads to conclusions that,
14 in this particular trial, we may not enjoy the same rights and
15 privileges as Mr. Cayley may have or the prosecution may have
16 with respect to a particular Judge who will be listening and
17 voting on various issues.

18 [09.40.23]

19 So with that, we joined the Nuon Chea application and we would
20 respectfully request that Judge Cartwright step aside and become
21 the reserve Judge while the reserve Judge, Judge Fenz, take her
22 position.

23 Thank you.

24 (Judges deliberate)

25 [09.41.40]

14

1 MR. PRESIDENT:

2 The Chamber would like to inform the counsel for Nuon Chea and
3 counsel for Ieng Sary and the Chamber that the Chamber has been
4 seized of the request asking for information filed by Nuon Chea
5 counsel concerning the informal meeting between Judge Silvia
6 Cartwright, the International Co-Prosecutor and the deputy head
7 of the Office of Administration in November 2011.

8 [09.42.27]

9 The Chamber will address this issue in due course.

10 On Friday, the 18th of November 2011, counsel for Ieng Sary also
11 submitted the same request before the Chamber as a advance
12 notice. The Chamber will also address this request after it has
13 been informed or filed pursuant to the Rule on filing of
14 documents before the Chamber.

15 [09.43.10]

16 The Chamber would like to inform all parties that, so far, the
17 deputy director of the Office of Administration already responded
18 to this request.

19 This request at this moment is not different from that filed
20 previously.

21 The purpose of this hearing during today and the following days
22 are dedicated to listen or to hear the opening statements against
23 the Accused and the response by the counsels to such statements
24 made by the prosecutors. The Chamber, therefore, rejects any
25 attempt to stop the move of the proceedings as scheduled.

15

1 [09.44.14]

2 Parties are not allowed to raise any other issues other than
3 those already indicated for the purpose of these proceedings.
4 The National Co-Prosecutor, you may now proceed.

5 MR. PRESIDENT:

6 Counsel Ang Udom, you may now proceed.

7 MR. ANG UDOM:

8 Mr. President, Your Honours.

9 [09.44.57]

10 Having heard your announcement and since the request for the
11 disqualification of Judge Cartwright is not yet addressed, may we
12 inform the Chamber that Mr. Ieng Sary has his own statement and
13 we would like to ask that his statement can be made first and
14 foremost before the proceedings commence.

15 Could the Chamber therefore allow him to do so?

16 Through this statement, indeed, he has asked me to read it on
17 behalf of him.

18 MR. PRESIDENT:

19 The request is not entertained. The Chamber has already made it
20 clear to the counsels concerning the issues to be addressed
21 during the proceedings, and this one is not part of that, as
22 indicated.

23 National Co-Prosecutor, you may now proceed.

24 [09.46.24]

25 MS. CHEA LEANG:

16

1 Thank you, Mr. President. Good morning, Your Honours and --.

2 The evidence we will put before you will show that starting on
3 the 17th of April 1975 the Communist Party of Kampuchea turned
4 Cambodia into a massive slave camp, reducing an entire nation to
5 prisoners living under a system of brutality that defies belief
6 to the present day.

7 [09.47.05]

8 The forced evacuations of Cambodia cities, the enslavement of
9 millions of people in forced labour camps; the smashing of
10 hundreds of thousands of lives in notorious security centres and
11 the killing fields; the extermination of minorities; the
12 countless death from disease, exhaustion, abuse and starvation -
13 these crimes ordered and orchestrated by the Accused, were among
14 the worst horrors inflicted on any nation in modern history.
15 Every Cambodian who has alive during this period was affected by
16 the criminal system of oppression which these accused put in
17 place. The death toll is staggering.

18 [09.48.13]

19 The demographic experts appointed by the investigating Judges
20 have estimated that between 1.7 and 2.2 million people died as a
21 result of CPK rule.

22 Approximately one in four Cambodians did not survive this regime.

23 [09.48.43]

24 To the present day, large numbers of Cambodians suffer from the
25 effects of the trauma they suffered at the hands of this regime.

17

1 Given the sheer magnitude of these events, no trial could ever
2 deal with all the crimes for which the accused could be
3 prosecuted. The events and crime sites included in the Closing
4 Order are, therefore, a representative sample of the crimes.

5 [09.49.19]

6 They include two mass forced movements in 1975, five forced
7 labour sites, persecution of the Buddhists, crimes committed as
8 part of the regime's forced marriage policy, 11 security centres,
9 genocide of the Cham, genocide of the Vietnamese ethnic group in
10 Cambodia, and crimes against Vietnamese nationals during the war
11 between Democratic Kampuchea and Vietnam. And finally, a third
12 forced movement and mass executions during the purge of the East
13 Zone.

14 [09.50.09]

15 I will address briefly each of these series of crimes.

16 Forced evacuations. The nightmare of the CPK rule began with the
17 systematic forced evacuation of all urban centres when the Khmer
18 Rouge forces topple the Khmer Republic regime on the 17th of
19 April 1975.

20 [09.50.42]

21 The forced evacuation of Phnom Penh described in the Closing
22 Order as movements of the population phase 1 is one of the crimes
23 which will be the subject of this first trial before the Trial
24 Chamber.

25 I would like to take Your Honours back to the early days of April

1 1975.

2 [09.51.16]

3 At this time, the five-year civil war between the Khmer Rouge
4 forces commanded by the accused and the Khmer Republic regime was
5 nearing its end. The Khmer Rouge had taken control of most of the
6 country and some 100 battalions were advancing from all
7 directions towards the capital.

8 The town of Neak Loeang, south of Phnom Penh, fell on the 1st of
9 April.

10 Not long after this, all roads in and out of Phnom Penh were
11 blocked and the city's final defences were falling.

12 [09.52.04]

13 John Swain, a foreign journalist who had returned to Phnom Penh
14 shortly prior to the fall of the city, describes the chaos in the
15 city centre as refugees fled the advancing Khmer Rouge forces.

16 [09.52.27]

17 Attempts to confine refugees to the outskirts ceased and they
18 were converging on the centre from all sides, pushing, shoving,
19 jostling, desperate to escape the fighting.

20 The trim walkways and flower-scented parks were submerged under a
21 heaving mass of homeless families, weeping, lost children, all
22 increasingly afraid.

23 [09.53.07]

24 To understand fully the criminality of the order to evacuate
25 Phnom Penh, it is essential to understand the dire humanitarian

1 situation in the city in April 1975.

2 The city was running out of food and medical supplies. The
3 hospitals were overflowing with wounded soldiers and civilians.
4 Local and international agencies warned of an impending
5 humanitarian disaster and offered to cooperate with the incoming
6 forces to organize the most effective delivery of aid and help
7 alleviate the suffering of millions.

8 [09.53.57]

9 Hôtel Le Phnom housed many journalists and aid workers. It had
10 also been declared a neutralized zone by the International
11 Committee of the Red Cross and served as one of the many
12 reception centres for the wounded.

13 This is John Swain's description of a scene he witnessed in the
14 hotel's volleyball court.

15 "A dozen doctors and nurses were dealing with more than 700
16 cases. The chief medic was in despair. The wounded were stacked
17 like logs, two or three to a bed. Blood streaked the floor."

18 [09.54.50]

19 As the fall of the city appeared imminent a thin -- rather, a
20 sense of fear and anticipation gripped its inhabitants. The
21 brutality of the Khmer Rouge was widely reported. They had empty
22 villages under their control, enslaved local populations in
23 cooperatives since 1972, disrobed monks, closed down pagodas, and
24 killed anyone resisting their rule.

25 [09.55.27]

1 On behalf of the leadership, Khieu Samphan had rejected numerous
2 offers of peace negotiations made by Lon Nol, the leader of the
3 Khmer Republic regime. Nevertheless, many Cambodians living in
4 Phnom Penh were still hopeful that the inevitable defeat of the
5 Khmer Republic might bring the beginning of a new, better era for
6 them and for their country.

7 As the Khmer Rouge forces entered Phnom Penh in the early morning
8 of 17th of April, the city's residents emerged into the street
9 waving white flags and welcoming the victors. Despite the fear,
10 people felt a sense of relief that the bloody five-year civil war
11 was at last over. They hoped that the worst was behind them.

12 [09.56.34]

13 The Khmer Rouge took control of major roads in the sections and
14 government buildings in the capital, set up checkpoints, and
15 rapidly crushed the few remaining pockets of resistance around
16 the city.

17 Most of the soldiers of the Khmer Republic were happy to lay down
18 their weapons and surrender. They, too, were relieved that the
19 long and bloody civil war was over.

20 As Roland Neveu, another foreign journalist present during the
21 fall of Phnom Penh, describes:

22 "A government soldier wrapped his arm around a Khmer Rouge
23 telling me that they were from -- they were both from the same
24 village and were happy that the war was over. The inhabitants of
25 Phnom Penh offered the newcomers cigarettes. When the soldiers

21

1 and children lifted their guns in the air in a sign of victory,
2 it seemed as if peace had finally returned to this war-torn
3 kingdom; however, within only a couple of hours, these moments of
4 happiness and relief would be replaced by sheer terror. The
5 victors were in no mood to celebrate. They had received a strict
6 order which was to be implemented immediately and without
7 exception. The city's residents were to be forcibly moved out of
8 the city and to the countryside. They were to be told that the
9 reason for the evacuation was an imminent aerial bombardment of
10 the city by the American air force."

11 [09.58.47]

12 A witness who lived in Phnom Penh describes how the orders were
13 given:

14 "On the 17th of April 1975 at 9 a.m., armed Khmer Rouge soldiers
15 entered the city of Phnom Penh and with loudspeakers warned the
16 people to leave by 3 p.m. on the same day."

17 They announced that soon the Americans will start aerial
18 bombardment on Phnom Penh. They said that Angkar will forgive all
19 people except for the seven traitors.

20 [09.59.26]

21 The city's inhabitants were ordered to take the most direct route
22 out of the city whenever the Khmer Rouge soldiers encountered
23 them. Those who happened to be in the north of the city were
24 ordered to head north; those in the south had to walk south and
25 so on. In the ensuing chaos, thousands of people were separated

1 from their families. In many cases, people lost contact with
2 their loved ones and never saw them again.

3 Within hours, the streets of Phnom Penh became choked by masses
4 of people on a forced march against their will into the unknown.
5 More than 2 million men, women, children, and the elderly were on
6 the move.

7 [10.00.23]

8 No exceptions were made in the execution of this senseless,
9 brutal crime. Those who resisted were threatened, beaten or shot
10 dead on the spot; even those most vulnerable were not spared. Ill
11 patients were forced out of hospital beds. Pregnant women or
12 those who had just given birth were forced into the heat with
13 their babies in their arms.

14 François Ponchaud, a cleric, watched the events of 17th of April
15 from the bishop's residence not far from the French Embassy. He
16 describes what he saw in his book, "Cambodia: Year Zero".

17 [10.01.20]

18 "Thousands of the sick and wounded were abandoning the city; the
19 strongest dragged pitifully along, others were carried by
20 friends, and some were lying on beds pushed by their families
21 with their plasma and IV bumping alongside. I shall never forget
22 one cripple who had neither hands nor feet riding along the
23 ground like a severed worm, or a weeping father carrying his
24 10-year-old daughter wrapped in a sheet tied around his neck like
25 a sling or the man with his dangling at the end of a leg to which

1 it was attached by nothing but the skin."

2 [10.02.29]

3 A former North Zone soldier from Kampong Cham describes the scene
4 of the mass exodus out of Phnom Penh as follows:

5 "The state of the people then was pitiful; some were crying,
6 mothers were crying, children were crying. The suffering was
7 absolute. Some died in the hospital. They put patients in
8 pushcarts. Some patients without relatives just laid there and
9 died at the hospital. As the Khmer Rouge systematically emptied
10 the city, they eventually removed more than a thousand Cambodians
11 who had sought refuge inside the French Embassy compound. In the
12 process, Khmers who were married to foreigners, but did not have
13 a foreign passport, were forcibly separated from their loved
14 ones."

15 [10.03.21]

16 A 21 April 1975 telegram from the French Embassy states:

17 "The pain is unbearable for all. Some are parting ways after 15
18 or 20 years of living together. Yesterday, a little boy was born
19 at the embassy; his mother must leave today. The little boy
20 became my son today. We adopted him."

21 After being expelled from the city, the victims were forced to
22 travel long distances on foot during the hottest period of the
23 year. No plans had been made to assist them in what the
24 leadership of the CPK knew would be a long, harsh, and for many,
25 deadly journey. No plans to provide transport, food, water,

1 medical assistance or shelter along the way; in fact, the Khmer
2 Rouge exacerbated the calamity by ordering city residents not to
3 take any belongings or supplies with them.

4 [10.04.41]

5 The marchers moved at a painfully slow, as one witness testified,
6 at times. On the road to Prey Veng, people would only move 5 to
7 10 metres per hour. During short rest overnight, the evacuees
8 slept along the road, in empty houses, pagodas or under trees.

9 [10.05.08]

10 As the march continued, the evacuees were under the constant
11 surveillance of the Khmer Rouge troops. Soldiers threatened to
12 kill anyone who disobeyed them or attempted to return to Phnom
13 Penh. Many victims were mistreated as the Khmer Rouge soldiers
14 threw away the property they carried with them. Numerous victims
15 were shot dead along the road for trivial acts of disobedience
16 such as refusing to abandon a bicycle. Roads were, in fact,
17 littered with bodies of those who died from disease, exhaustions
18 or execution.

19 [10.06.00]

20 One witness, a student at the time, describes the sight he
21 witnessed on the way out of Phnom Penh.

22 "Along the road, I saw the bodies of people who had died. They
23 were already shrivelled up and people had walked on top of them.
24 Some of the bodies had been eaten at by dogs. Death was
25 everywhere."

1 A witness, who was a messenger in Southwest Zone's Division 120,
2 describes what he saw on the road not far from where we are
3 today.

4 "I saw so many corpses along the road, in particular, at the
5 Chaom Chau roundabout near Pochentong. I witnessed Khmer Rouge
6 soldiers driving the vehicles to rake and crash the people. This
7 was the beginning of CPK's attack against the very humanity of
8 the entire Cambodian nation."

9 [10.07.02]

10 In the words of an evacuee who travelled down Monivong Boulevard
11 out of Phnom Penh:

12 "I had the impression the world had come to an end."

13 On 17 April and the days that followed, the Khmer Rouge forcibly
14 evacuated all other urban centres across Cambodia including
15 Kampong Thom, Takeo, Pailin, Battambang, Siem Reap, Kampong
16 Chhnang, Pursat, Svay Rieng, and Prey Veng. The same level of
17 planning, organization, and ruthlessness was seen in every town.

18 [10.07.50]

19 A former CPK cadre has described the scene in Kampot following
20 the evacuation.

21 "The transfer of people began in the afternoon when we arrived in
22 the city. The city became quiet two hours later. People no longer
23 lived in the city; no opponents."

24 A civil party who witnessed the forced evacuation of
25 Sihanoukville has testified that in that city, just like in Phnom

1 Penh, the population was told that the reason for the evacuation
2 was fear of an impending American bombardment. Like in Phnom
3 Penh, people were told they would be able to return to their
4 homes in two or three days.

5 [10.08.45]

6 The suffering and deaths of thousands from starvation,
7 exhaustion, exposure, and illness during this first forced
8 transfer did not come as a surprise to the leaders of the CPK. As
9 Khieu Samphan stated in his interview with the Co-Investigating
10 Judges:

11 "I clearly realized the population might have fallen along the
12 way."

13 Ben Kiernan, a leading expert who has studied the Khmer Rouge
14 crimes for decades estimates that more than 10,000 civilians died
15 as a result of the conditions of the forced march.

16 [10.09.34]

17 Ieng Sary acknowledged, as early as May 1977, in an interview
18 with the German -- with the German newspaper Der Spiegel that
19 thousands died as a result of the evacuations. He said:

20 "The first months of the liberation were quite tough. Two (2) to
21 3,000 people died during the evacuation of Phnom Penh and several
22 thousands died at the paddy fields."

23 Searches for enemies of the revolution began immediately. A
24 witness who was forced out of Phnom Penh states:

25 "For the families who did not want to continue, the Khmer Rouge

1 would write down their names. The Khmer Rouge interviewed people
2 about their personal information and if they would find something
3 wrong, they would take people away. For example, in the case of
4 my father, the Khmer Rouge found that he was a Lon Nol soldier
5 and they arrested him."

6 [10.10.43]

7 In fact, CPK forces systematically sought out and executed
8 officers and soldiers of the Khmer Republic throughout the
9 country. These victims were the first to be targeted at
10 checkpoints along the route out of Phnom Penh. Some were taken
11 away and never seen again, while others were executed on the
12 spot. Even surrendering soldiers were shown no mercy.

13 [10.11.20]

14 A member of North Zone's 1st Division describes a scene he
15 witnessed in Phnom Penh.

16 "I saw them kill those surrendering soldiers at the Chroy
17 Changvar Bridge. Of those soldiers, there were 4 to 10, some of
18 whom had lost their arms, some of whom had lost their legs, and
19 they pushed them over down into the river." As my fellow
20 Co-Prosecutor will describe, the two senior members of the Khmer
21 Republic regime who stayed in Phnom Penh, Prime Minister Long
22 Boret and Prince Sirik Matak, were executed by CPK forces.

23 [10.12.04]

24 The searches for and the killings of Khmer Republic soldiers and
25 officers continued throughout the country in the days and weeks

1 that followed. Some arrests were carried out under a deception.
2 Announcements were made for members of the former regime to
3 report to the new authorities in order to be assigned tasks under
4 the new administration. All those who reported were killed.
5 A former North Zone soldier who participated in the forced
6 evacuation of Phnom Penh has testified after seven or eight days
7 they set up loudspeakers and broadcast to the Lon Nol soldiers
8 saying for anyone of whatever rank who had worked anywhere to go
9 back to their duty stations so they died. Some wanted to leave
10 and tried to hide things, but they were arrested anyway because
11 they were researched and found out through their biographies.

12 [10.13.19]

13 During this deception saying that the soldiers would return to
14 their duty stations, when four to 10 trucks full were assembled,
15 they were taken away and killed west of Prek Phnoeu.

16 At Tuol Po Chrey, a crime site included in the Closing Order,
17 thousands of Khmer Republic officers and civil servants were
18 arrested, transported by truck, and then systematically executed.
19 Their dead bodies were pushed together with excavators into mass
20 graves, treated like piles of garbage.

21 [10.14.09]

22 Evacuees who arrived in Kampong Tralach Leu District in Kampong
23 Chhnang Province were asked about their biographies and then
24 people such as soldiers, civil servants of Lon Nol, and
25 capitalists were separated and taken away for execution.

1 On three separate occasions after 17 April 1975, large groups of
2 approximately 500 evacuees were transported by Khmer Rouge
3 militia to the Tbeng Khpous Pagoda in Tbeng Khpous Commune where
4 they were held for not more than two days and then sent out for
5 execution.

6 [10.14.54]

7 Numerous mass executions of Khmer Republic soldiers and other
8 evacuees occurred in other locations in Kampong Tralach Leu
9 District. These crimes are also a part of the Closing Order.
10 Your Honours will hear evidence regarding key meetings at which
11 the CPK leadership discussed the evacuation of the urban centres
12 and gave orders which were communicated to the forces involved in
13 the attack on Phnom Penh and other cities. The decision to
14 evacuate the cities was motivated by the aims of breaking up any
15 potential base of resistance to the CPK rule within the urban
16 centres and identifying and destroying CPK's perceived enemies.

17 [10.16.08]

18 Forced labour.

19 Horrific as they were, the forced evacuations were only the
20 beginning of the terror; the worst was yet to come. Following the
21 marches, which in many cases lasted more than one month, the CPK
22 confined the entire population to rural communes, cooperatives,
23 and forced-labour sites in which Cambodians were reduced to the
24 status of slaves.

25 [10.16.49]

1 Turning the country into a massive prison, the CPK set out to
2 destroy all aspects of the pre-existing Khmer society. Family
3 life and all forms of social interaction were eliminated. All
4 private property was confiscated. Everything people had owned was
5 taken away from them, literally overnight. Private ownership and
6 currency were abolished. Schools, universities, businesses, and
7 markets were closed down. Books and magazines were prohibited.
8 Radio, television, theatres, and cinemas were shut down. Khmer
9 cultural heritage celebrated and honoured through music, poetry,
10 dance, and literature was outlawed. Monks were disrobed and
11 prayer came to a halt as all religion was prohibited. Thousands
12 of families were separated. In one fell swoop, the CPK eradicated
13 the very social fabric of Cambodian life destroying the society
14 that connects us and make us human.

15 [10.18.22]

16 The Closing Order charges the accused with crimes which were
17 committed at five forced-labour sites; the Tram Kok Cooperatives
18 in Takeo Province, the Srae Ambel Salt Fields in Kampot Province,
19 the 1st January Dam in Kampong Thom Province, the Trapeang Thma
20 Dam in Banteay Meanchey Province and the Kampong Chhnang Airport
21 construction site in Kampong Chhnang Province.

22 [10.18.56]

23 These sites were enormous. For example, at Kampong Chhnang
24 Airport construction site, by 1977-1978, the estimated number of
25 labourers was between 20 and 35,000.

1 The Srae Ambel salt farms covered more than 2,500 hectares and
2 had between 5,000 and 8,000 labourers; nearly all of them women.
3 Over 20,000 people were enslaved at the 1st January Dam. The
4 project extended over 66 kilometres as you can see in this short
5 film by Rithy Panh.

6 [10.19.40]

7 (Audio-visual presentation)

8 [10.19.45]

9 These sites were under the direction and control of the accused.
10 As my colleague will illustrate, the Accused put in place a
11 strict vertical authority and reporting structure to ensure that
12 the orders were implemented throughout the country.

13 [10.20.08]

14 The evidence shows that the accused was specifically aware of and
15 maintained control over the five sites included in the Closing
16 Order. For example, the two large dam projects were part of a
17 plan devised by the Party Centre to establish irrigation systems.

18 At the Trapeang Thma Dam, work plans were developed by zone
19 leaders who reported to the Party Centre. Khieu Samphan visited
20 the site often. On one visit, having seen the appalling
21 conditions at the site, he urged the labourers to continue
22 working hard.

23 [10.21.03]

24 The 1st January Dam was also visited by senior CPK leaders
25 including Pol Pot, Nuon Chea, Ieng Sary, and Khieu Samphan.

1 Construction of the Kampong Chhnang Airport was ordered by the
2 CPK Standing Committee itself. Again, several members of the
3 leadership visited the work site to assess the progress of the
4 work including Nuon Chea, Ieng Sary, and Khieu Samphan.
5 Nuon Chea held a meeting at the Srae Ambel Salt Fields in 1977
6 while East Zone workers under the Accused's control was sent for
7 -- was sent there for re-education.

8 [10.21.54]

9 The conditions of life within these forced-labour sites were
10 representative of the enslavement of civilians throughout the
11 country. All aspects of life were under the complete control of
12 CPK cadres. Any type of disobedience, no matter how trivial, was
13 punished severely.

14 In the words of one former labourer: "Cambodia became an open-air
15 prison in which the prisoners were constantly watched."

16 Men, women, children, and the elderly performed excruciating
17 manual labour in absolute silence. Guards supervised their every
18 move.

19 [10.22.44]

20 The working conditions were appalling, For example, at the Srae
21 Ambel Salt Fields, the women were forced to work until the salt
22 water ate away at their legs. Others were tied to a yoke and
23 forced to run back and forth until they collapsed from
24 exhaustion. In most cases, the work was performed with bare hands
25 or rudimentary tools as the CPK closed the country and refused

1 most foreign aid and modernization.

2 As Khieu Samphan said in his 1977 speech celebrating the second
3 anniversary of CPK's victory: "No, we don't have any machines. We
4 do everything relying on the strength of our people."

5 [10.23.41]

6 Every labourer was expected to meet strict unfeasible quotas. At
7 Trapeang Thma Dam, this means moving as much as 3 cubic metres of
8 soil per day. At Srae Ambel, women had to carry 50-kilogram bags
9 all day long as the Standing Committee continuously increased
10 salt-production quotas; exceptions were not made. Even those who
11 fell sick, were physically exhausted, pregnant or severely
12 malnourished were required to meet the assigned quotas. Workers
13 who fell short were accused of being lazy or traitors and
14 punished.

15 [10.24.32]

16 The population was methodically organized into units reflecting a
17 military hierarchy. Hundreds of people lived, ate, and slept
18 together under the watchful eye of the CPK guards. Their sleeping
19 quarters usually consisted of large communal halls without even
20 the most basic of necessities.

21 At Trapeang Thma Dam anywhere from 300 to 600 people slept in
22 latch holes in two rows, feet to feet.

23 Similarly, labourers at the 1st January Dam slept in long, wooden
24 buildings which had no mosquito nets, blankets or mats. Many were
25 forced to sleep on the ground.

1 Food rations were grossly inadequate, especially given the hard
2 working conditions. One survivor states:

3 "My belly was swollen. My thighs were skinny. My calves were
4 swollen. One could count my ribs. I was exhausted, but they still
5 made me work as usual."

6 [10.26.02]

7 Another witness who has testified about the conditions at the 1st
8 January Dam describes the rations as "not even equal to the gruel
9 for pigs these days." And yet while many were dying from
10 starvation, foraging for food was absolutely prohibited. As I
11 will explain later, those who dare forage for food did so at the
12 risk of being caught and suffering severe punishment.

13 [10.26.41]

14 Hygiene conditions were appalling. Labourers were usually only
15 provided one or two sets of clothes a year which they were
16 required to dye black. Toilets or bathrooms were non-existent.
17 People were forced to defecate in the open where they worked,
18 slaved, and ate. Flies infested the entire work site. A former
19 unit chief at the 1st January Dam states that the area was black
20 with flies.

21 At the Trapeang Thma Dam, the hygiene standards became so bad
22 that the labourers could not talk or eat without flies entering
23 their mouths.

24 Conditions for women were particularly awful. As one witness
25 recounts:

1 "Female labourers who were menstruating were given no water to
2 wash themselves and were swarmed by flies wherever they went as a
3 result.

4 [10.28.03]

5 The excessive labour, inadequate food, and appalling hygiene
6 conditions led to rampant diseases. Those who became sick were
7 criticized for being lazy and faking illness. They were not
8 allowed to rest, but were instead forced back to the work sites.
9 Those who did receive medical treatment suffered at the hands of
10 untrained child medics administering ineffective medicines such
11 as rabbit pellets or injection of coconut juice and penicillin.

12 [10.28.51]

13 Labourers were subject to constant supervision and surveillance
14 as CPK cadres sought out and identified supposed enemies and
15 subjected them to abuse, arrest, torture, and execution. Many
16 were arrested simply because they belonged to one of the targeted
17 groups such as former teachers, educated people, students or
18 policemen.

19 At each site, just like everywhere else in the country, labourers
20 were repeatedly forced to write their biographies which were
21 reviewed by CPK cadres searching for people with capitalist
22 backgrounds and anti-revolutionary tendencies.

23 [10.29.50]

24 In fact, as the evidence will show, the CPK developed biography
25 forms to ensure that the information was guarded, recorded, and

1 reviewed in a methodical manner.

2 MR. PRESIDENT:

3 Since it is an appropriate time to take an adjournment, the Trial
4 Chamber will break for 20 minutes. We will resume at ten to
5 eleven.

6 THE GREFFIER:

7 All rise.

8 (Court recesses from 1030H to 1059H)

9 MR. PRESIDENT:

10 Please be seated. The Chamber is now back in session. The
11 National Co-Prosecutor, you may now resume. Defense Counsel, you
12 may proceed.

13 MR. ANG UDOM:

14 Mr. President, as my client Mr. Ieng Sary has his back problem
15 and he cannot sit in the courtroom, I would like to request to
16 have him monitor the proceedings in the room downstairs. That is
17 for -- also for this afternoon session. Thank you.

18 MR. PRESIDENT:

19 Thank you, Counsel.

20 [11.00.16]

21 Thank you, Counsel for Mr. Ieng Sary, through the request by Mr.
22 Ieng Sary by his counsel to follow the proceedings in the
23 designated room downstairs through video-conference system. The
24 Chamber is of the view that the brief opening statement against
25 the accused -- and also to balance the right of the accused --

1 the presence of the accused is important.

2 [11.01.07]

3 In order to illustrate to the parties and the public that the
4 accused indeed hear the charges against them, the Chamber
5 therefore rejects the remote participation by the accused.

6 [11.01.35]

7 The Chamber would also like to remind the accused that you may
8 make frequent visits to the bathroom as necessary as we informed
9 earlier in the initial hearing. I would like now to give the
10 floor to the National Co-Prosecutor.

11 MS. CHEA LEANG:

12 Thank you, your Honors. I'd like now to continue the opening
13 statement.

14 [11.02.26]

15 Everyone was subjected to criticism and self-criticism sessions.
16 For example, during group meetings at the Srae Ambel Salt Fields,
17 workers were constantly criticized for being lazy, not working
18 hard enough, and missing their family members. Again,
19 indoctrination was reflective of the CPK policy put in place by
20 the leadership of the CPK.

21 This is what Khieu Samphan is reported to have said during a
22 political indoctrination session for intellectuals who had
23 returned to Cambodia and were imprisoned by the CPK:

24 "The first thing you have to do is to destroy private property.

25 To destroy material private property, the appropriate method was

1 the evacuation of the towns."

2 [11.03.36]

3 "But, spiritual private property is more dangerous. It comprises
4 everything that you think is yours. Everything that you think
5 exists in relation to yourself, to your parents, to your family,
6 and your wife. At each of the five sites, severe punishments were
7 meted out for trivial offences: being too sick or exhausted to
8 work, foraging for food, not meeting quotas, unauthorized
9 movement, or asking to see family members. Incredibly, the
10 punishment for inability to reach their quota was often the
11 withholding of food rations and an increase in the quota. Other
12 punishments included physical beatings with whips or bamboo
13 sticks, imprisonment, torture, and, ultimately, execution. In
14 numerous cases, people caught stealing food were simply taken
15 away and executed."

16 [11.05.06]

17 This is how a former labourer at the 1st January Dam has
18 described punishments administered to those who were accused of
19 not working hard enough. Sometimes, the unit chiefs put those who
20 were being punished in cages made of small trees about the size
21 of a person's wrist. There were openings so you could see the
22 people inside. The cages were made like minor bird cages. The
23 people in the cages got only one meal per day -- just enough so
24 that they would not die.

25 [11.05.52]

1 The evidence shows a remarkable consistency in the methods used
2 to identify and destroy the supposed enemies at the five
3 worksites. Victims were arrested at night, tied or shackled, and
4 taken away. Some who were sent for re-education eventually
5 returned while others disappeared, never to be seen again. One
6 labourer from the Trapeang Thma Dam describes a killing he
7 witnessed just 200 metres away from his living-hole:

8 [11.06.44]

9 "I hear them order the prisoner to dig his own grave. They asked
10 the prisoner to sit by the pit. Then, they clubbed the prisoner
11 with a hoe and threw him into the pit. At that time, I saw the
12 victim leaking and crying. The CPK has simply stripped human life
13 of any value. At the Trapeang Thma Dam, pregnant women were
14 thrown into the foundations of a bridge, because CPK cadre
15 believed this would make them stronger".

16 [11.07.27]

17 One general labourer describes witnessing one such event:

18 "The Khmer Rouge tied, beaten, and dropped one pregnant woman
19 into the pit of the first bridge's edge of Trapeang Thma Dam. The
20 killers were in black uniform. I saw the Khmer Rouge beating and
21 dropping that woman into the pit with my eyes. That woman was
22 dropped into the pit and the killers dropped the rocks on top"

23 [11.08.04]

24 One witness states that at the Srae Ambel Salt Fields, women were
25 arrested just for standing outside at the water pumps at night.

1 At the Kampong Chhnang airport, a former CPK cadre describes
2 soldiers being arrested at gunpoint for breaking a hoe, arguing
3 too much, and being sick too often.

4 [11.08.38]

5 Labourers were also sent to security offices for detention,
6 interrogation, torture, and execution. Those arrested at the 1st
7 January Dam were taken to the Wat Barai Choan Dek security office
8 where they were imprisoned in appalling conditions before being
9 interrogated, beaten, and tortured. It has been estimated that as
10 many as 25,000 people died at this security office.

11 At many forced labour sites, conditions were so unbearable that
12 labourers were driven to take their own lives. The evidence on
13 the case-file shows that, at Kampong Chhnang airport construction
14 site, labourers committed suicide weekly by throwing themselves
15 under the wheels of trucks or rollers.

16 [11.09.51]

17 At the Srae Ambel Salt Fields, numerous women take their own
18 lives by hanging themselves or drinking poison. Others drowned in
19 the ocean while trying to escape the intolerable conditions.

20 The evidence will show that the CPK cadres, who were the direct
21 perpetrators of the crimes I have described, acted strictly in
22 accordance with the orders and policy issued by the accused.

23 These accused not only directed the commission of these crimes,
24 but were also kept informed about the conditions on the ground
25 through regular visits and a system of communication and

1 reporting which the International Co-Prosecutor will describe
2 later.

3 [11.10.47]

4 I will now provide an overview of the alleged facts relating to
5 the second forced movement -- the second crime -- which will be
6 the subject of this first trial.

7 Second forced movement.

8 As my colleague will describe later, in September and October
9 1975, the CPK instituted a mass forced transfer in which at least
10 500,000 people were sent from the East, Southwest, and West zones
11 to Battambang and Pursat provinces in the Northwest Zone.

12 [11.11.38]

13 The majority of victims were new people -- that is, urban
14 dwellers -- who had already been expelled from the cities earlier
15 in the year. Within only months of settling in rural areas, these
16 people were again uprooted in furtherance of CPK's policy of
17 enslavement and forced labour.

18 [11.12.12]

19 The Standing Committee had resolved, in August 1975, to increase
20 the rice production in the Northwest Zone. To do this, the
21 committee decided that the labour force in the Northwest was to
22 be expanded drastically and that it was imperative to add 400,000
23 or 500,000 people to the population in the Northwest.

24 Once again, hundreds of thousands of civilians found themselves
25 forced to pack up what little remained of their lives and begin

1 another mass exodus, herded like animals on the strict orders of
2 CPK cadres. Just like in April 1975, those who refused to comply
3 faced an almost-certain death. In the words of one evacuee who
4 was moved to Pursat:

5 "Nobody dared to refuse. The people were afraid. They had to
6 force themselves to leave. The Khmer Rouge told us in that
7 meeting in July 1975 that, if we refused, Angkar would take us to
8 be re-educated. The people knew that those taken for re-education
9 never returned."

10 [11.13.59]

11 The people were transported by a variety of means, including
12 trucks, trains, boats and oxcarts. Many walked the entire
13 journey. During the transfer, the victims remained under the
14 watchful eye of armed CPK cadres and many died from starvation or
15 exhaustion.

16 One CPK railway worker who witnessed the forced transfer has
17 testified:

18 "No one could leave, as they were guarded. Those who were sick
19 would just die there".

20 [11.14.52]

21 In her book, "When the War Was Over", Elizabeth Becker describes
22 witness accounts of the Pursat train depot where thousands of
23 evacuees were camped out, waiting to be moved:

24 "The area was littered with human feces and swarming with flies.

25 There was not enough food again, and nowhere to rest but the open

1 ground. There was little water for drinking, none for bathing.
2 Corpses littered the area, and the stench from human and animal
3 feces became overwhelming."

4 [11.15.46]

5 Victims interviewed by Ben Kiernan confirmed numerous deaths at
6 transfer points in Pursat. A witness interviewed by OCIJ has
7 described losing both of her young children during the journey;
8 her son, whom she was carrying in a basket as she walked along,
9 died, his small body swollen with disease. The next night, as she
10 was transported by truck, her baby daughter -- not even a year
11 old -- died in her arms. On both occasions, the mother asked the
12 CPK cadre for permission to bury her children. Each time, she was
13 simply ordered to hand over their bodies to the soldiers.

14 [11.16.44]

15 Once the evacuees arrived at their designated destinations, they
16 were dumped into barren, remote areas or villages that had been
17 destroyed. They had few-to-no belongings, and yet they were told
18 to build their own shelters. As one evacuee recounts:

19 "There were crowds of people living in the forest. There were no
20 houses. We had to cut trees by ourselves to make shelter."

21 Others were made to live in the open, in large holes and cattle
22 stables, or under the homes of the local-based people, which had
23 been used as the location for animals in pre-revolutionary times.

24 [11.17.42]

25 Upon arrival, the evacuees were forced to continue grueling

1 manual labour under the supervision of CPK cadres. Again,
2 starvation, disease, exposure and a lack of medical care led to
3 the deaths of thousands. The transfer of hundreds of thousands of
4 people had caused widespread starvation in the Northwest Zone. No
5 preparations had been made to ensure that the areas receiving the
6 evacuees could provide sufficient food.

7 As Ben Kiernan notes, the Party Centre had sent no rice to the
8 Northwest to help it through these lean periods. This is how one
9 witness who was forcibly transferred to the Bakan district
10 described the deaths in his commune:

11 "Most of the deaths were due to starvation. At least ten people
12 per day died of starvation. The Khmer Rouge disposed of the
13 bodies in an open pit that they did not cover".

14 [11.19.12]

15 Another witness estimates the death toll from starvation to have
16 been as high 70 to 80 people per day in a single cooperative in
17 the Preah Netr Preah district. According to a resident of the
18 same district who was interviewed by Ben Kiernan, by late 1975,
19 400 out of 5,000 workers in his unit were dead.

20 At the Sisophon hospital, starving patients cut human flesh from
21 corpses beside them and cooked and ate it. The brutal punishment
22 and execution policies that had now become the trademark of the
23 Khmer Rouge were, of course, a part of everyday life for the
24 transferred population in the Northwest Zone. One witness states
25 that her arrival in the Northwest marked the beginning of total

1 dehumanization. She describes an execution she witnessed
2 unwittingly:

3 [11.20.38]

4 "I heard a man begging for mercy. Out of curiosity, I went closer
5 and I saw a man, naked from the waist up, surrounded by four or
6 five armed Khmer Rouge. The man was being held upright by two
7 Khmer Rouge. A third man took a knife and ripped his stomach open
8 while he was still alive, and pulled out his entrails to wrench
9 out his liver."

10 [11.21.27]

11 What followed was more purges and killings in the Northwest Zone.
12 While exact the death toll resulting from the second forced
13 transfer will likely never be known, it is clear that this crime
14 resulted in tens of thousands of death. This is how David
15 Chandler, a historian and expert who testified before the Trial
16 Chamber in Case 001, describes the impact on the victims and the
17 regime's complete ambivalence about the enormity of suffering it
18 was causing:

19 [11.22.18]

20 "These men and women were forced to hack rice fields, canals,
21 dams and villages out of malarial forest. Tens of thousands of
22 them died from malnutrition, disease, executions and overwork.
23 These deaths, when they became known, distressed the authorities
24 in Phnom Penh only to the extent that they indicated that enemies
25 were at work behind the scenes. New people, because they were so

1 numerous and class enemies of the revolution, were expendable".

2 [11.23.10]

3 As my fellow Co-Prosecutor will illustrate, contemporaneous
4 evidence on the case file confirms that the Party centre was duly
5 informed about these deaths in the Northwest.

6 Persecution of Buddhist.

7 The accused have also been charged with persecution of Buddhist,
8 and I will now deal briefly with the evidence relating to this
9 crime. From 1975 onward, the CPK leadership instituted and
10 oversaw and country-wide campaign of suppression of the Buddhist
11 religion. The policy was implemented through a variety of
12 criminal acts, including the disrobing of monks and their
13 enslavement at forced labour camps, the banning of all forms of
14 Buddhist ritual and ceremony, the destruction of places of
15 worship and sacred artifacts, and the imprisonment, torture and
16 execution of monks and others who resisted the suppression of
17 Buddhism.

18 [11.24.36]

19 Theravada Buddhism is the predominant religion in Cambodia, and
20 most Khmer people are devout Buddhist. Buddhist principles
21 inspire all aspects of Khmer life, from birth, to adolescent
22 educational pursuit, marriage, and family life, and, ultimately,
23 death. For centuries, all education took place within pagodas and
24 was administered by Buddhist monks. Prior to the DK period, at
25 least 85 per cent of Cambodians were practicing Buddhist.

1 [11.25.24]

2 Article 20 of the Constitution of Democratic Kampuchea stated
3 that every citizen of Kampuchea has the right to worship
4 according to any religion, and the right not to worship according
5 to any religion. Reactionary religions, which are detrimental to
6 Democratic Kampuchea and Kampuchean people, are absolutely
7 forbidden.

8 In practice, all religions were deemed to be reactionary, and
9 were to be eliminated. Buddhism was to be disbanded because it
10 was viewed as an exploitative social institution. More
11 importantly, Buddhism was an alternative centre of loyalty for
12 the vast majority of Cambodians.

13 [11.26.19]

14 As such, it represented a possible source of opposition to the
15 CPK. As Yun Yat, the Minister of Propaganda, told a Yugoslav
16 journalist during his visit in 1978, that Buddhism was
17 incompatible with revolution.

18 You will hear numerous accounts of how CPK cadres throughout the
19 country absolutely prohibited the practice of Buddhism and
20 prosecuted Buddhists because of their faith. The following
21 witness testimony describes what happened when the CPK took over
22 Ta Koat Village in Kandal district:

23 [11.27.21]

24 "They did not allow ceremonies or alms-giving. The monks were all
25 forced to leave the monkhood. The unit chiefs, the village chiefs

1 and the sub-district chiefs announced that religious beliefs were
2 not permitted. They said that the students and intellectuals and
3 monks were all petty bourgeoisie and were their enemies. They
4 said that monks in their big robes were feudalists who sucked the
5 blood of the people".

6 [11.28.03]

7 The CPK forcibly disrobed virtually all Buddhist monks and nuns
8 in Cambodia. In many cases, they were forced to marry. As one
9 former monk stated, non-compliance meant that the cadres would
10 report you to upper-echelons, and they would "take you out",
11 meaning you would go into a grave pit. For Buddhists, it was not
12 possible to object.

13 Another witness recalls how CPK cadres instructed the monks to
14 quit being a monk, otherwise they would be killed and their
15 livers to be taken to be fried as food to eat. A former monk has
16 testified that monks who refused to disrobe were sent to
17 uninhabited forests without food. He goes on to state:

18 [11.29.18]

19 "I used to hear rumors that monks are disease-carriers that suck
20 the people's blood. After the monks were disrobed, their robes
21 and items inside the pagoda were gathered up and thrown away. At
22 that time, all the statues were smashed. They said 'you bow down
23 in front of Buddha; you bow down in front of cement. Placing your
24 palms together to respect Buddhist monks is like respecting the
25 local children.'"

1 The persecution of monks was systematic and consistent throughout
2 the country. This is how one former monk describes the process:

3 [11.30.14]

4 "The orders came from the Khmer Rouge upper-echelon. The sector
5 ordered the districts, and the districts ordered the
6 sub-districts, and the sub-districts ordered the sub-district
7 monks' committee to disrobe the monks. When they came to order us
8 to leave the monkhood, they insulted us by saying we were leeches
9 -- bloodsucking parasitic worms -- and if we refused to leave the
10 monkhood, they would send us to the upper-echelon. There were two
11 monks who refused. Angkar took them, and they were never seen to
12 return. After we left the monkhood, the Khmer Rouge had us to do
13 labour, and at each of the lifestyle meetings, they had us build
14 ourselves. They cursed us, saying we were the lice of society.
15 Lazy people who were used to easy lives, sleeping and eating, and
16 they told us to serve Angkar unconditionally."

17 [11.31.36]

18 The CPK also systematically desecrated and destroyed Buddhist
19 places of worship. Many pagodas and monasteries were converted
20 into non-religious and sacrilegious uses, such as prisons,
21 torture centres, pig sites and warehouses. The following specific
22 sites are including in the Closing Order: Wat Damnak Trayeung in
23 Kampot province, Wat Samraong Knong in Battambang province, Wat
24 Kirirum in Battambang province, Wat Chambak Thom in Svay Rieng
25 province, Wat Ta Kut and Wat Me in Kandal province, Wat Tlork in

1 Svay Rieng province, Wat Chey Mongkul in Stung Treng province,
2 Wat Antung Vien in Kratie province, and those discovered at the
3 Tram Kok cooperatives.

4 [11.32.50]

5 Wat Samraong Knong in Battambang was converted into a security
6 office where 15 monasteries were destroyed and prisoners were
7 detained in a building behind the main pagoda. Many of the
8 prisoners were executed and buried in nearby pits. A witness now
9 -- a Buddhist nun -- describes her post-1979 observations of Wat
10 Kirirum, which was converted into a security centre by the CPK:
11 "I went up there to join the clergy, and I saw bones. I saw the
12 holes that'd been bored in the south wall of Wat Kirirum, and
13 galvanized tin had been placed to allow the blood to drain."

14 [11.33.42]

15 Khmer Rouge cadres also routinely destroyed religious artifacts
16 throughout the country. Most of the Buddha statues were destroyed
17 and thrown into a pond or river close to the temple. A former
18 monk describes his 1979 return to his former pagoda in Kampot
19 province:

20 [11.34.06]

21 "I saw that only the framework of the sanctuary remained. The
22 roof tiles were gone and only one large monk residence remained.
23 None our Buddha images remained."

24 At Wat Antung Vien, in Kratie province, once a majestic
25 100-pillar pagoda, 14 Buddha statues were smashed and thrown into

1 the river. In the words of one witness, once the destruction
2 began, ten days later the temple was completely gone. In some
3 cases, monks tried to resist this relentless destruction of their
4 religion. The head monk of Wat Damnak Trayeung, in Kampot
5 province, held out for longer than most.

6 [11.35.01]

7 A witness recalls going to visit him and warn him that Angkar
8 spoke about monks as worms and leeches sucking people's blood.
9 Despite witness pleas, the monk refused to leave this pagoda. The
10 monk was subsequently captured by CPK cadres and never seen
11 again.

12 Witnesses convey a sense of helplessness when asked to recall the
13 way in which they were made to abandon their religious beliefs.

14 One witnesses, when asked why the monks disrobed and why he
15 personally did not practice his faith during the regime, said:

16 [11.35.45]

17 "Because they had lost face, they did not permit religion. No one
18 dared to object for fear they -- the Khmer Rouge -- would call
19 them to give them instructions to re-educate. I did not dare
20 light incense in my house. I did not dare to do even that".

21 Persecution of Buddhists is a crime against humanity that
22 affected millions of Cambodians in the 1975-1979 period. In a
23 systematic attempt to eradicate this religion, the CPK leadership
24 caused the death of countless Buddhists, and subjected an entire
25 population to serious physical and psychological harm.

1 [11.36.34]

2 Even today, those dark and tumultuous days remain in the minds of
3 all Buddhists in Cambodia. And to this day, many suffer from the
4 trauma they experienced as a result of the violent suppression of
5 their religion.

6 Forced marriage.

7 I will now deal with the crimes committed in the context of CPK's
8 policy of forced marriage. As I described earlier, the CPK sought
9 to eradicate every remnant of culture which had defined life in
10 the Cambodian society for centuries.

11 This included the imposition of forced marriage upon hundreds of
12 thousands of young men and women throughout the country, under a
13 policy designed and directed by the CPK Party Centre. The forced
14 marriage policy entailed gross breaches of human rights and a
15 commission of rape on a massive scale. Victims of forced marriage
16 were stripped of their pride and dignity and suffered severe
17 physical and psychological harm.

18 [11.38.05]

19 Forced marriages were inherent part of CPK's policy of
20 enslavement. They were instituted to increase the country's total
21 population drastically. One witness recalls a 1978 meeting in
22 Kampong Chhnang at which Pol Pot instructed lower echelons to
23 arrange marriages for people so that the regime could ensure that
24 the population grew between 20 and 30 million. Nuon Chea has
25 stated that the CPK had devised a four-year plan to increase the

1 population of Cambodia.

2 [11.38.52]

3 But forced marriages were also instituted as an attack on the
4 most important structure of the traditional Cambodia society: the
5 family. As Elizabeth Becker wrote:

6 "Family life had to be eliminated. The state had usurp the
7 authority of the family if it was to survive. The family was the
8 most potent -- hence, most feared -- of all relationships of the
9 former society".

10 Where traditional Cambodian marriage preparations and ceremonies
11 had been intricate affairs involving entire families, the CPK
12 reduced marriages to austere forced couplings, systematically
13 implemented by Angkar.

14 [11.39.50]

15 Nakagawa Kasumi, who has published research on the practices of
16 forced marriage under the CPK regime, described this as follows:

17 "The process of a marriage during the Khmer Rouge regime was
18 completely different from the Cambodian traditional way, where a
19 groom asks the approval of the parents of the bride. Traditional
20 marriage ceremony lasts three days, including numerous numbers of
21 ceremonies, and all the relatives and villagers participate in
22 those ceremonies to celebrate newlyweds. On the contrary to such
23 a tradition, during the Khmer Rouge regime, the Angkar, through
24 the village chief or the senior female leaders, orders an
25 individual that 'you are getting married'".

1 [11.40.48]

2 The forced marriage ceremonies often involved large groups of men
3 and women. Sometimes hundreds were married at a single ceremony.
4 Often, the couples had never met, or knew very little about one
5 another. The ceremonies were presided over by local CPK cadres
6 and entailed only a vow of commitment to the regime.

7 [11.41.16]

8 One man recalls the arbitrary matching of couples at his forced
9 marriage ceremony:

10 "They arranged us in numerical order by having women to stay on
11 one side and men to stay at another side. Then turned off the
12 light, and they had men and women walk towards each other to
13 catch each other's hand. There were 117 couples in that ceremony.
14 We could not escape, because there were many soldiers guarding
15 around that place."

16 [11.41.57]

17 Another witness, who, as chief of a sector's secretary, presided
18 over forced marriage ceremonies, recalls specific instructions
19 from CPK leadership:

20 "I was asked to marriage men and women, and that men had to be
21 two or three years older than the women. New-people men would be
22 arranged for new-people couples, while base-people would be
23 arranged for base-people. It was the policy of the Khmer Rouge
24 regime that people reached certain age they hold a marry -- to
25 marry -- sorry -- rather, they had to marry".

1 In imposing forced marriages, the CPK authorities removed the
2 fundamental involvement of personal emotion and love; factors
3 that to each of us play a central part in the selection of our
4 life-partners. The imposition of forced marriages also
5 represented another method in which religion was suppressed by
6 the regime.

7 [11.43.08]

8 Buddhist monks were forced to abandon their vows of celibacy and
9 marry. Cham Muslims were informed they were made to be made to
10 marry non-Muslims. There was absolutely no regard for the
11 individual, rather, individual pain and suffering such acts would
12 cause given one's individual spiritual beliefs.

13 [11.43.38]

14 Witnesses will testify that in the vast majority of cases either
15 one or both parties did not consent to the marriage. Nonetheless,
16 the victims did not object for fear of the punishment that would
17 follow.

18 This is how a witness recalls a forced marriage ceremony. "The
19 men did not cry during the marriages, but the females cried hard
20 inside their hearts since they did not dare cry out loud."

21 As for the men and women who were to be married, they were not
22 connected; rather, they were not concerned about whether they
23 loved one another or not. They were just worried about their
24 lives. That's all.

25 [11.44.32]

1 A female witness who had thrice attempted to object to the
2 marriage ordered by her company chairman was bluntly told,
3 "Comrade, you refuse so we will act accordingly to the refusal".
4 Her mind flashed back to the event when another young woman had
5 been arrested and killed upon refusing marriage. In defeat, she
6 acquiesced to marriage as ordered by Angkar.

7 [11.45.11]

8 In some circumstances, knowing that a forced marriage was
9 imminent, individuals could ask to marry someone they knew. A few
10 lucky ones were thus able to marry in consenting circumstances.
11 However, the evidence also shows that there were numerous
12 instances of women being treated as mere property, as war booty,
13 awarded to Angkar to soldiers.

14 [11.45.43]

15 A former soldier during the regime recalled, "One good thing
16 about the Khmer Rouge was that if you wanted to marry someone,
17 you could suggest it to the Angkar and if she did not agree, then
18 the Angkar would force her."

19 In many cases, women were given as a reward to handicapped
20 soldiers who had been injured in combat. One woman recalled how
21 her husband, who had lost a leg, was able to choose his wife.

22 "Angkar gave him the right to choose a wife and he suggested to
23 Angkar that he'd like to marry me."

24 Following forced marriage ceremonies, CPK cadres would dictate
25 the interactions between couples to ensure the marriages were

1 consummated. Inevitably, rape in the context of forced marriage
2 occurred frequently.

3 [11.46.44]

4 As one witness went on to explain, the commune chiefs ordered her
5 to sleep with her husband three days after their marriage. "I was
6 very scared of my husband, but there were militia men
7 eavesdropping below the house. I did not want to make love with
8 my husband, but I forced myself to do so."

9 A victim who was interviewed in the course of research carried
10 out by Nakagawa Kasumi described what happened after she had
11 refused to conjugate her marriage for three nights:

12 [11.47.28]

13 "The Angkar asked my husband to get education and they warned him
14 that if we still didn't have sex they would kill us. When he got
15 back home, he told me about that and persuaded me to have sex
16 with him. If I hadn't agreed to have sex with him, I would have
17 been killed."

18 Another victim describes being forced to have sex with her new
19 husband as follows:

20 "When I refused to have sex with him after the marriage, he
21 reported it to the cadres. Then they came to catch me and then in
22 the house they forced me to take off my clothes and ordered that
23 the man, the husband, came -- or can rape me. They said if I do
24 not agree, they will kill me."

25 [11.48.22]

1 The shame and pain which these victims experienced is beyond our
2 imagination.

3 The following account published as part of compilation by
4 Nakagawa Kasumi describes the experiences of another victim:

5 "After the ceremony, the soldiers came to observe us, ensuring
6 that we loved each other and had sex. If not, they would kill us.
7 I saw them through some holes of the walls of my house."

8 [11.49.00]

9 As part of the forced marriage policy, there were harsh
10 repercussions for those who sought to deviate from the regime's
11 instructions. Couples who formed romantic relationships without
12 permission were punished severely.

13 We will put before you numerous accounts of imprisonment in
14 security centres of those who were accused of the supposed crime
15 of immorality. In his text entitled "Pol Pot's Little Red Book",
16 Henri Locard illustrates how his policy was enforced by the CPK
17 cadres.

18 "Numerous were the cases of arrest, imprisonment and execution
19 for simple adultery between consenting adults, including parents,
20 who were very much in love with each other but from whom the
21 Angkar withheld permission to marry."

22 [11.50.04]

23 Your Honours, evidence will show that the system of forced
24 marriage put in place by the accused entailed the commission of
25 crimes of rape, torture, murder and other inhumane acts on a mass

1 scale. These crimes had a devastating effect on the Cambodian
2 society, where traditions of family life are so strongly
3 engrained.

4 In many ways, forced marriage affected the complete surrender of
5 Cambodian society and culture because it sought to manipulate,
6 control and destroy what is core to all Cambodians, the family
7 unit.

8 [11.50.53]

9 I would now like to provide an overview of the crimes committed
10 at the security centres.

11 Security centres.

12 As my fellow Co-Prosecutor will illustrate, many years before
13 assuming control of the country, the CPK leadership had resolved
14 to use violence as an instrument for the fulfillment of its
15 political aims. Arrests, torture and executions of supposed
16 enemies were standard CPK practice well before April 1975.

17 [11.51.36]

18 Shortly after taking power, the CPK extended its security
19 apparatus every corner of the country. Security centres were
20 established within every zone, sector and district as well as
21 within military divisions.

22 The evidence indicates that more than 200 such centres existed.
23 Eleven of these security centres are included in the Closing
24 Order.

25 [11.52.08]

1 They are S-21 in Phnom Penh, Koh Kyang in today's Sihanoukville
2 province, Prey Damrei Srot in Kampong Chhnang province, Kraing Ta
3 Chan in Takeo province, Sang in Kandal province, Kok Kduoch in
4 Kratie province, Phnom Kraol in Mondolkiri province, Wat Tlork in
5 Svay Rieng province, Au Kanseng in Rattanakiri, Wat Kirirum in
6 today's Battambang province and North Zone Security Centre in
7 Siem Reap.

8 [11.52.49]

9 As with the forced labour sites, the evidence will show
10 remarkable consistency in the organization, structure and
11 operation of the security offices. This reflects the fact that
12 they functioned as part of a single centrally supervised
13 apparatus.

14 As at 1975, the party's security apparatus was directed primarily
15 at former officials and soldiers of the Khmer Republic regime,
16 class enemies and those who did not comply with the party's
17 orders. However, after 1976, new categories of enemies were
18 added.

19 [11.53.38]

20 The accused became obsessed with the idea that their rule was
21 being undermined from within and order waves of international --
22 rather, of internal purges to seek out and destroy supposed CIA,
23 KGB and Vietnamese spies.

24 Imagined or real, in the CPK's language, the enemies were to be
25 found and swept cleanly away. As historian David Chandler stated

1 in his book, "Voices from S-21":

2 "Counter-revolutionary enemies were continuously created and
3 purges were continuously needed to ensure that the safety of the
4 party centre and to maintain the revolution's purity and
5 momentum. Enemies were thought to be everywhere."

6 [11.54.37]

7 Elizabeth Becker, a journalist, offers a similar analysis of the
8 CPK's evolving purges:

9 "A swing in party politics or a change in revolutionary theory
10 created new categories of enemies. Fear of enemy clashes --
11 rather, enemy classes was replaced by fear of enemy elements who
12 had infiltrated the party."

13 The victims of security apparatus also included other groups, as
14 I will describe in more detail later. Starting in 1977, people of
15 Vietnamese and Cham ethnicities were systematically sought out
16 and murdered at security centres in various parts of the country.

17 [11.55.33]

18 Furthermore, those who were suspected of immorality as defined by
19 the regime were also subject to imprisonment and execution.

20 Finally, as I discussed earlier, numerous victims were arrested
21 and imprisoned at forced labour sites for trivial accusations
22 such as inadvertently damaging equipment, not working hard
23 enough, being sick or stealing food.

24 [11.56.08]

25 Under the guidance of these accused, the CPK cadres viewed these

1 meaningless transgressions as evidence of subversive activity
2 against the party. The evidence we will put before the Court will
3 show the patent absurdity of the reasons which led to the arrest
4 of countless innocent victims.

5 To use just one example, a witness has testified that he was
6 imprisoned at the Kok Kduoch Security Centre and interrogated
7 because informers had reported that he preferred a Soviet-made
8 hoe, an act against Angkar.

9 [11.56.57]

10 In his book, "Voices from S-21", David Chandler gives further
11 examples of this phenomenon:

12 "Prisons (sic) who had been engaged in agriculture confessed to
13 wrecking farm machinery, flooding, burning, stealing and
14 uprooting crops, maiming, killing and losing track of livestock
15 and arbitrarily cutting down fruit trees. Factory workers
16 confessed to wrecking machinery, stealing materials, making
17 faulty goods and spotting -- rather, plotting with co-workers to
18 sabotage production."

19 A former cadre who attended meetings presided over by Ta Mok, the
20 Southwest Zone Secretary, sums up the sheer irrationality of CPK
21 security policy:

22 [11.58.00]

23 "What I did not understand was that even small matters were
24 considered CIA as well. If there were tens and hundreds of
25 thousands of these people, where did the Americans get the money

1 to pay their salaries?"

2 It did not matter that many of these arrests did not actually
3 pose a threat to CPK's absolute rule. It did not matter that in
4 many cases the victims were actually innocent of any supposed
5 offense against the regime.

6 [11.58.35]

7 To become a victim of CPK's security apparatus, it was enough to
8 have been implicated. Crimes would be invented and guilt
9 confirmed through torture and interrogation.

10 Many people were arrested and imprisoned simply because they were
11 related to an individual who had been identified as a potential
12 enemy, thus, women and children were detained in several of the
13 prisons, including S-21, Prey Damrei Srot, Kraing Ta Chan, Sang,
14 Kok Kduoch, Wat Tlork and the North Zone Security Centre.

15 [11.59.26]

16 The security centres were highly organized facilities located
17 within heavily-guarded compounds with guards on duty 24 hours a
18 day. Their core functions were to detain and interrogate the
19 suspected enemies, extract their confessions, report the
20 confessions to CPK authorities and, ultimately, execute the
21 prisoners.

22 Several of the security centres such as Koh Kyang, Phnom Kraol
23 and Kok Kduoch also had re-education facilities where prisoners
24 whose final fate had not been decided were sent for tempering
25 through hard labour.

1 [12.00.19]

2 While the numbers of prisoners varied, even the smallest of the
3 centres could hold hundreds of prisoners. The largest were S-21,
4 which had the capacity to hold 2,000 to 3,000 prisoners at any
5 given time, and the North Zone Security Centre, which held over
6 500 people at a time.

7 [12.00.48]

8 The security centres operated at different levels of CPK's
9 regional and military hierarchies, for example, Prey Damrei Srot,
10 Kok Kduoch and Wat Tlork were district level prisons. Phnom Kraol
11 and Koh Khyang were under the supervision of sector secretaries.

12 [12.01.11]

13 The North Zone Security Centre reported directly to the leader of
14 the North Zone. Au Kanseng functioned as a division level prison
15 under Division 801.

16 MR. PRESIDENT:

17 Since it is now an appropriate time for lunch adjournment, the
18 Chamber will take this adjournment and resume by 1.30.

19 Parties and the public are invited to return to the courtroom and
20 the public gallery by 1.30.

21 The security personnels are now instructed to take the three
22 accused back to the detention facility and return them back to
23 the courtroom by the set time.

24 THE GREFFIER:

25 All rise.

65

1 (Court recesses from 1202H to 1333H)

2 MR. PRESIDENT:

3 Please be seated.

4 The Trial Chamber is now back in session.

5 I would like now to give the floor again to the National

6 Co-Prosecutor to continue her brief opening statement.

7 [13.34.15]

8 MS. CHEA LEANG:

9 I'd like to now resume my opening statement.

10 However, the evidence will show that each of these security

11 centres operated under the orders of CPK authorities and was

12 ultimately answerable to the CPK Party Centre.

13 The CPK leadership, including the accused, was kept constantly

14 informed of the identification and arrest of enemies through the

15 submission of periodic reports by zone, sector or military

16 chiefs. In numerous cases, the CPK leadership was directly

17 involved in the purges being carried out at the security centres.

18 [13.35.08]

19 For example, the CPK party centre sent copies of confessions of

20 Division 920 soldiers to Sector 105 so that implicated traitors

21 could be arrested and imprisoned at Phnom Kraol Security Centre.

22 [13.35.31]

23 Similarly, the Division 801 secretary, who oversaw the Au Kanseng

24 Security Centre, received annotated confessions from Phnom Penh

25 indicating the names of Division 801 soldiers who had been

1 implicated. He would then instruct cadres in charge of Au Kanseng
2 to arrest and interrogate the named individuals.

3 [13.36.01]

4 The evidence we will put before the Court will show a high level
5 of integration within the security apparatus. For example, during
6 a purge within Division 920, over 400 soldiers were arrested and
7 detained at Phnom Kraol before being transferred to S-21.

8 The North Zone Security Centre received those accused of serious
9 offenses from several smaller security offices across the North
10 Zone.

11 [13.36.33]

12 Depending on the region and placement of the security centres,
13 the orders to arrest came from zone, centre or district
14 secretaries, military commanders or chiefs of communes and
15 cooperatives. Arrest was carried out by various security
16 personnel, including district and commune militias, or military
17 security units.

18 [13.36.59]

19 The prisoners were often brought to the security centres in large
20 groups and then systematically processed and registered.

21 The conditions in which the prisoners were held can only be
22 described as horrific. The victims were deprived of any semblance
23 of human dignity. They were held in dungeon cells or bound
24 together in dirty, overcrowded detention rooms.

25 [13.37.30]

1 At the North Zone Security Centre, over 100 prisoners lived,
2 slept, ate and defecated in a single room. At Sang Security
3 Centre, some of the prisoners were held naked in cells, each only
4 one square metre in size.

5 Shackles were the most common form of physical restraint used to
6 prevent the prisoners from escaping or even moving without
7 permission. Prisoners were tied in rows of as many as 30 people.
8 While light offense prisoners were usually unshackled during the
9 day to perform forced labour, serious offenders remained shackled
10 at all times. They could barely move while eating, sleeping or
11 even relieving themselves.

12 [13.38.31]

13 The sanitary conditions were dreadful. At several security
14 centres, including S-21, Kraing Ta Chan, Au Kanseng and North
15 Zone Security Centre, prisoners were forced to urinate and
16 defecate into receptacles such as helmets, ammunition boxes,
17 gasoline cans and coconut shells. These receptacles remained in
18 the cells or were emptied into crates at the end of each row.

19 [13.39.10]

20 In some cases, prisoners were forced to eat from the same helmets
21 they had defecated in.

22 A witness from the Koh Kyang Security Centre describes seeing
23 prisoners shackled, both hands and legs, laid down in mud with
24 excrement and urine mixed together.

25 [13.39.35]

68

1 The prisoners were kept alive on starvation rations which usually
2 consisted of a thin gruel or soup. Over time, their bodies
3 deteriorated. Suffering from intense hunger, some resorted to
4 acts of desperation. One witness describes how a prisoner at the
5 Au Kanseng Security Centre used a bamboo stick to cut a piece of
6 flesh from a prisoner who had died of starvation and then eating
7 it.

8 [13.40.09]

9 Medical care was usually administered only to keep the prisoners
10 alive in order to continue interrogations. At some of the
11 security offices, such as Prey Damrei Srot and North Zone
12 Security Centre, medical care was available only to prison staff
13 and guards. At S-21, prisoners became victims of various medical
14 experiments and blood was forcibly drawn from hundreds of
15 prisoners in order to treat injured combatants.

16 [13.40.44]

17 The former head of one of the interrogation units at S-21
18 recounts seeing a vehicle full of weak prisoners who were
19 subjected to blood drawing. He states:

20 "The prisoners were unconscious and were gasping, and after they
21 finished taking blood, they removed the tubes (unintelligible)
22 the prisoners and put them into a pile."

23 [13.41.11]

24 For the prisoners who were subjected to forced labour, work would
25 begin as early as 3:00 in the morning and end as late as

1 midnight. Those subjected to forced labour at Prey Damrei Srot
2 included children.

3 Work was performed in absolute silence and prisoners were
4 punished if they did not work hard enough. A witness from Kok
5 Kduoch Security Centre has testified as follows:

6 "If you missed one day work, you would lose one portion, that is,
7 a quarter of your ration, and another portion if you missed one
8 more day work, meaning that you would lose half of your ration."

9 [13.41.56]

10 Punishments for not working hard enough also included beatings,
11 torture and execution. A survivor from Wat Tlork Security Centre
12 has testified that those who did not work well were beaten and
13 sometimes buried even before they died.

14 You will hear evidence of the brutal treatment to which the
15 prisoners were subjected. A witness who has testified about the
16 conditions at the Sang Security Centre describes watching
17 soldiers beat a young man with an ox cart handle to death because
18 he picked a cigarette butt from the ground and tried to smoke it.

19 [13.42.42]

20 At the North Zone Security Centre, the three-year old daughter of
21 two prisoners were beaten for crying out for her mother. She fell
22 ill and eventually died.

23 A supervisor from the North Zone Security Centre has described
24 how the guards made an example of a prisoner who had attempted to
25 escape. The victim was tortured, beaten in front of the other

1 prisoners. The guards nailed both of his feet to a board, made
2 him spread his arms and ordered him to sing. As he sang, they
3 continued to beat him.

4 [13.43.33]

5 A former prisoner at Phnom Kraol Security Centre recalls the
6 beating of a prisoner accused of trying to flee to the "Yuon".
7 "Then they began beating the prisoner until he fell unconscious
8 and blood splattered on me and the other prisoners. Then they
9 took off the shackles and dragged him away and stabbed him to
10 death with a bayonet there inside the prison."

11 [13.44.06]

12 You will hear an account of how, at the Au Kaseng Security
13 Centre, a female prisoner was hacked in the back, following which
14 her gall bladder was removed and hung in the kitchen building to
15 frighten other prisoners.

16 At all of the security centres, prisoners were subjected to
17 horrific torture as part of interrogations designed to extract
18 confessions. Witness accounts of interrogation and torture at the
19 various security centres provide chilling and heartbreaking
20 glimpses into the terror inflicted on the prisoners.

21 [13.44.51]

22 The most common forms of torture were beating, electrocution and
23 suffocation.

24 A former female prisoner who was held at Sang Security Centre for
25 some nine months describes the use of beatings during

1 interrogations as follows:

2 "They interrogated prisoners every day. Concerning the male
3 prisoners, if they did not answer the questions during the
4 interrogation, the Khmer Rouge beat them to death."

5 [13.45.30]

6 At S-21, interrogators used a whole array of torture techniques.
7 They subjected the prisoners to simulated drowning, burned them
8 with cigarettes and electric lamps, and ripped out their
9 fingernails and toenails. They also tore the victims' flesh with
10 pliers, forced them to beat each other, force-fed them excrement
11 and urine and forced them to pay homage to objects or images of
12 dogs.

13 [13.46.02]

14 The evidence we will put before you includes contemporaneous
15 documents which record in chilling detail the systematic and
16 ruthless use of torture. The S-21 report prepared by the cadre in
17 charge of interrogating Ke Kim Huot, a former high ranking CPK
18 cadre, states:

19 "On the morning of 20 July '77, we pounded him one more round.
20 This time he reacted, cursing, saying he was not a traitor. Those
21 that implicated him were all traitors. His health got weaker, but
22 there was nothing remarkable.

23 "On the afternoon of 21 July '77 we pounded him another round.
24 Electrical wire and shit. This time he cursed those who hit him
25 very much and said: 'Go ahead and beat me to death.' Had him eat

1 two or three spoonfuls of shit, and he asked about Hing, Neou,
2 San, and Ranh.

3 "By nightfall, we went at him again with the electric wires, this
4 time pretty seriously. He became delirious. He was alright. Later
5 he confessed a bit as reported above."

6 [13.47.31]

7 At Kraing Ta Chan, the methods of torture included severe
8 beatings with whips and rattan sticks, hanging prisoners upside
9 down, using pincers to pull noses and nails, and suffocating
10 prisoners with plastic bags. Prisoners frequently died from
11 torture.

12 [13.47.51]

13 On witness describes the torture of three women at this security
14 office:

15 "They had them take off their shirts and they'd use pincers to
16 pull off their noses and earlobes and they threw acid on them,
17 poured water into them and dragged them outside naked. They fried
18 their livers."

19 As I indicated earlier, confessions were used to identify
20 additional enemies.

21 [13.48.23]

22 For example, at Sang Security Centre, the confessions were
23 reviewed by the chairman, who then prepared files on those who
24 had been implicated. He had the confessions delivered to
25 cooperatives, communes, mobile units and other security offices.

1 Further arrests followed.

2 [13.48.54]

3 At Kok Kduoch, interrogators' notes and confessions were sent to
4 the district office and, in special cases, to the sector office.

5 The Kok Kduoch chief attended monthly meetings at the district
6 office together with cooperative and unit chief in charge of
7 security. The security office also sent monthly reports to the
8 district office.

9 [13.49.26]

10 District leaders attended bi-monthly meetings at the sector
11 office where they reported on issues such as food and security
12 and received orders on who was to be killed and who was not.
13 Torture, starvation, lack of medical care and imprisonment in
14 unhygienic conditions resulted in innumerable of deaths at these
15 security offices. Many thus perished even before they were taken
16 away to be executed.

17 There were also numerous cases of suicide by prisoners desperate
18 to escape the sheer agony of their imprisonment and torture. At
19 S-21, even guards committed suicide out of fear of arrest and
20 torture.

21 At Au Kanseng, several prisoners hanged themselves. At Sang,
22 clothes were taken away from prisoners in order to prevent this
23 from happening.

24 [13.50.53]

25 Most of those who did not die from starvation, illness,

1 exhaustion or torture were ultimately executed. Typically,
2 specific sites away from the main compounds were used for
3 executions and mass burial of prisoners.

4 Executions were methodical and highly organized and usually
5 occurred at night.

6 Most often, the prisoners were blindfolded and tied, then loaded
7 onto trucks and driven away in groups. Although the executions
8 were conducted with the strictest secrecy, evidence of these
9 horrific events has survived.

10 Your Honours will hear numerous accounts of how the cadres
11 disposed of CPK's supposed enemies.

12 [13.51.58]

13 The manner of execution was almost identical. Once at the grave
14 site, the prisoners were ordered to squat. Their throats were
15 slit or they were hit on the base of the neck with a heavy object
16 such as a wooden club or an ox cart handle. They were buried in
17 unmarked pits which, in many cases, the victims themselves were
18 forced to dig.

19 One witness describes executions of prisoners from the Kraing Ta
20 Chan Security Centre:

21 "The tool they used to kill prisoners was a digging hoe with a
22 handle about one metre long used to strike them at the base of
23 the neck. When a prisoner fell over, a sword was used to cut the
24 throat."

25 [13.53.03]

1 A witness from the Sang Security Centre describes the executions
2 as follows:

3 "They hit the prisoner with a cart axle which was about one metre
4 long. They struck at the base of the neck, then grabbed their
5 hair and pulled back and stabbed and cut the windpipe with a
6 bayonet. Then they cut open the abdomen from top to bottom, then
7 untied them and threw them into the pit."

8 You will hear how even the most defenceless of victims, young
9 children, were executed in cold blood. The villagers were killed
10 by being swung against tree trunks. One witness at the Kraing Ta
11 Chan Security Centre describes the murder of two little girls
12 after their parents were killed:

13 "The elder girl was about three years old and was killed by San.
14 The younger girl was about two years old. Duch Touch grabbed both
15 of her feet and swung her head into the trunk of a tamarind
16 tree."

17 Another witness from Sang security office recounts what he saw at
18 the execution site:

19 "I saw bloodstains and remains and pieces of brains of children
20 still on the trees and around the tree stem. I saw dead bodies of
21 children scattered on the ground near the Krasang tree. The
22 children were toddlers, the age between two and three years."

23 [13.54.39]

24 Today it is impossible to quantify the exact number of victims
25 who suffered and died at these 11 security centres. Testimony and

1 physical evidence indicates, however, that the dead will run into
2 tens of thousands.

3 By way of example, it is likely that more than 15,000 people
4 perished at S-21. The number of bodies recovered from mass grave
5 at Kraing Ta Chan could be as high as 1,700.

6 [13.55.17]

7 Exhumations of burial sites which were used by the North Zone
8 Security Centre have yielded some 6,000 corpses. Thousands of
9 bodily remains were exhumed at the Sang Security Centre.

10 As horrific as they are, the figures which are available
11 represent only a proportion of those who died.

12 Genocide.

13 I will now move on to the charges of genocide against the accused
14 arising out of the campaigns to eliminate the Cham and the
15 Vietnamese ethnic groups in Cambodia. The evidence which will be
16 put before the Trial Chamber demonstrates that Chams in the
17 Kampong Cham province and the Vietnamese in the Prey Veng and
18 Svay Rieng provinces were subject to systemic extermination
19 ordered by the CPK Party Centre with the intention of destroying
20 the two groups.

21 [13.56.27]

22 We will put before you evidence that proves the organized and
23 systematic destruction of these two groups under the orders of
24 the CPK leadership. The evidence of orders to destroy the groups,
25 includes publications of the Revolutionary Flag magazine,

1 speeches by the accused, the regime's official statements as well
2 as telegrams reporting the crimes to the party centre.

3 I will first provide an overview of the evidence relating to the
4 genocide of the Chams.

5 Genocide of the Chams.

6 The accused are charged with the genocide of the Chams in the
7 Kampong Cham province, which took part in the period 1977–1979.

8 [13.57.20]

9 The Cham people are the descendants of the Kingdom of Champa who
10 have lived in present-day Cambodia for centuries. The largest
11 concentration of this community had traditionally been in Kampong
12 Cham, Kampong Chhnang and Pursat provinces.

13 Prior to the assumption of power by the CPK, Chams practised
14 Islam, spoke their own language and wore their distinctive
15 traditional clothing. They identified themselves as a separate
16 ethnic and religious group and were also identified as such by
17 the majority Khmer population.

18 [13.58.02]

19 As I noted earlier, the CPK politically professed tolerance for
20 all religions. Over the radio, Chams were referred to as
21 fraternal Cambodian Muslims. The party sought to portray an image
22 of a society in which minorities were treated without
23 discrimination.

24 The reality was, however, very different. At the May 1975 party
25 conference which my colleague will describe, Pol Pot and Nuon

1 Chea instructed secretaries of zones, sectors, districts,
2 ambulatory units based throughout the country that all religions
3 were to be eliminated. Chams were to be forced to raise pigs and
4 eat pork, practices contrary to their religious beliefs. Anyone
5 who refused was to be killed.

6 [13.59.07]

7 The CPK leadership also set out to create an ethnically homogenous
8 Cambodia. This would have tragic consequences for Chams as
9 Elizabeth Becker explains: "The Khmer Rouge policy of eliminating
10 ethnic differences and creating a new race had the greatest
11 effect on the Muslim Chams. These exotic people were twice
12 doomed, for their foreign race and for their reactionary faith."
13 In areas under its control, the CPK had begun breaking up Cham
14 communities and suppressing their religious and civil freedom as
15 early as 1973. In 1973 and 1974, virtually all Chams in CPK's
16 Southwest Zone were relocated to the North Zone.

17 [14.00.10]

18 Ben Kiernan, who has undertaken extensive into CPK's persecution
19 of the Chams, notes a February 1974 CPK policy document issued in
20 the North Zone entitled, "Decisions concerning the line on
21 cooperatives of the party in Sector 31". This document stated
22 that:

23 "The incorporation of Chams into cooperatives should be delayed
24 because it is necessary to break up this group to some extent to
25 not allow too many of them to concentrate in one area."

1 In response to CPK's persecution, Cham communities rebelled in a
2 number of areas. The first rebellion took place in Sector 31. By
3 late 1974, arrests of Cham leaders led to rebellions in Kroch
4 Chhmar district in Kampong Cham province. By late 1974, Chams who
5 had been members of the Khmer Rouge in Sector 21 had formed a
6 breakaway group known as Khmer Sao and took to the forest.

7 (Audio-visual presentation)

8 [14.03.46]

9 MS. CHEA LEANG:

10 From April 1975 CPK's systematic persecution of the Chams
11 included prohibition of Islamic practices and Cham language, the
12 burning of Korans and the destruction of the mosques or their
13 conversion to other uses and killings of Cham leaders and those
14 who refused to comply with the orders to abandon their religion.
15 Cham women were not permitted to wear the hijab, their
16 traditional head covering. Those who spoke Cham were threatened
17 with death.

18 As a result, by 1979 Cham children no longer spoke the Cham
19 language.

20 Witnesses will testify that the Chams lived in constant fear, as
21 any failure to follow CPK rules often resulted in arrest and
22 execution.

23 [14.04.56]

24 Among its enemy, the CPK reserved a special place for the Chams.
25 It conceded them to be even lower than the 17th of April people.

1 In late 1975, the CPK continued to move Cham communities from
2 their home villages and disperse them in predominantly Khmer
3 villages. We will put before you evidence showing how tens of
4 thousands of Chams were moved to the North and Northwest Zones as
5 part of a policy designed to break up over 100,000 Muslims living
6 in the East Zone.

7 [14.05.41]

8 In Kampong Cham province, men were often separated from the Cham
9 women and children and moved to different areas as part of mobile
10 work brigades. During the month of Ramadans in September 1975,
11 Cham rebellions against CPK took place in Koh Phal and Svay
12 Khleang villages in Kroch Chhmar district, Kampong Cham province.
13 Both rebellions were crushed by the CPK forces. As we will see,
14 from 1977 Kroch Chhmar became a primary target in CPK's genocide
15 campaign against Chams.

16 From 1977, the CPK carried out a concerted campaign to annihilate
17 all remaining Chams in Kampong Cham province, which was then part
18 of the Central and East Zones.

19 [14.06.50]

20 The implementation of this plan was systematically coordinated by
21 senior CPK cadres, who reported to the Party Centre, including Ke
22 Pauk, secretary of the Central Zone. Some of the massacres were
23 carried out by a special intervention unit of the Party Centre
24 which reported directly to Son Sen, the minister of defence.

25 The secretary of Sector 41 and deputy secretary of the Central

1 Zone took active part in the execution of this plan. A witness
2 describes a meeting in Kang Meas district at which the CPK
3 official said that the Cham should be gathered up and taken to
4 their local bases.

5 [14.07.43]

6 In CPK language, this was an order to execute the victims. Ten
7 days after the meeting, Chams were removed from the work sites
8 and taken to security centres in their respective districts.

9 A witness who disguised his Cham identity in order to survive has
10 described a CPK meeting in Chamkar Leu district in 1977, which
11 discussed the plan to smash the enemy. The chairman of that
12 meeting declared:

13 [14.08.20]

14 "The enemies of the revolution are many, but our biggest enemy
15 are Cham."

16 So the plan calls for the destruction of all the Cham people
17 before 1980. The same witness secretly read an official CPK
18 publication entitled "The plan for progressive cooperatives",
19 which stated that:

20 "Cham is the biggest enemy who must be totally smashed before
21 1980."

22 Yet another witness who lived in Kroch Chhmar district in 1977
23 was told by a security cadre who did not realize that he was
24 speaking to Cham individual that the remaining Cham people would
25 soon be killed. The case file contains other evidence of

1 organized targeting of the Chams in Kampong Cham province.

2 [14.09.19]

3 In Kang Meas district, the upper echelon ordered that the names
4 of Cham within various work sites be recorded. Only months later,
5 all Chams were removed from these work sites.

6 Chams were clearly targeted only because of their ethnicity and
7 not because they were otherwise suspected of being enemies of the
8 regime. A former member of the Long Sword militia, which was
9 formed by Southwest Zone cadres and was operating in Kang Meas
10 district, states:

11 "The old people like me were not arrested. The new people were
12 the same. Only the Cham people were arrested."

13 [14.10.06]

14 Within the Kang Meas and Kroch Chhmar districts, Chams were
15 systematically rounded up and transported to the two district
16 security centres. The Wat O Trau Kuon Security Centre in Kang
17 Meas district and the Kroch Chhmar Security Centre on a single
18 day in September in 1977, all 300 members of the Cham community
19 in the Peam Chikang commune were arrested and taken to Wat O Trau
20 Kuon.

21 [14.10.43]

22 This mass arrest was ordered by the district secretary. A witness
23 who has recruited to conduct the arrest describes the event as
24 follows:

25 "All those villagers were afraid. Some cried, but no one dared to

1 run away. I felt very sorry for all those villagers because most
2 were people I knew, and we had gone fishing together."

3 The victims were subsequently executed in a plantation adjacent
4 to the prison. Young children were smashed against trees and the
5 executioners had competitions to see who could kill people the
6 quickest.

7 [14.11.27]

8 The chief of security for the commune from which these victims
9 were arrested explained that Cham people were a different race
10 and, therefore, had to be smashed.

11 A Cham witness escaped while being escorted to Wat O Trau Kuon
12 with other members of his community and then evaded arrested by
13 hiding in the marshes. He recalls the torturous night following
14 his escape:

15 [14.11.56]

16 "I did not see it with my own eyes, but I heard the screams. I
17 heard my little brother scream. I knew it was him because being
18 killed, the people screamed out to Allah for help, screamed for
19 their mothers. All of this in Cham. And there were screams of
20 pain. My mother and little brother were among those killed. Just
21 before dawn, the killing was over."

22 [14.12.27]

23 Mass arrests and killings of Chams in the Kroch Chhmar district
24 were equally systematic. A Cham woman who was a young girl
25 working in the mobile unit in Kroch Chhmar district in 1977 has

84

1 described how some 35 unmarried Cham girls were taken to an
2 abandoned house for execution.

3 [14.12.48]

4 While they sat and waited, they could hear the sharpening of a
5 knife, the CPK cadre saying: "Hone that knife sharp because the
6 pigs are very big today." The girls were then questioned as to
7 whether they were Cham, Khmer or mixed race and divided
8 accordingly.

9 This is her description of what followed:

10 "Then a cadre shouted the order: 'Cham to one side, Khmer to the
11 other, and mixed race to another.' I had already lied and said I
12 was Khmer, so I had to go to the Khmer side. In fact, all 36
13 girls were good friends of mine and we were all pure Cham. The
14 lying was done for the sake of survival."

15 [14.13.37]

16 Those who had declared themselves either mixed-race or Cham were
17 taken from the house and made to lie on a plank across a pit.
18 Each girl was laid facedown on a board, had her throat cut from
19 behind, and was then dropped into a pit. As the pit was not deep,
20 the witness could see the girls' hands and feet twitching. She
21 says:

22 "One after another, they died. No one dared scream or cry. Some
23 girls were stripped naked and raped before they were killed.
24 Those girls who had falsely claimed to be Khmer were spared, and
25 given bowls of pork soup to eat, to see if they had been lying".

1 [14.14.27]

2 We will put before you evidence which demonstrates that mass
3 executions of Chams in the Kroch Chhmar district continued into
4 1978. A Cham man who managed to escape a mass killing of Chams
5 from Trea Village has described how CPK cadres tied and drowned
6 groups of Cham men in the Mekong River. In his statement, he
7 recalls:

8 [14.14.58]

9 "I was completely terrified as I watched the men, some crying,
10 some screaming, as they fell to the ground and rolled as the boat
11 pulled away toward the middle of the river. At midstream, one
12 Khmer Rouge loosened the end of the rope that was tied to the
13 boat. The boat kept repeating this over and over throughout
14 entire day".

15 In addition to this massacre, numerous other executions took
16 place in Trea village, in Kroch Chhmar district. Witnesses will
17 testify how, upon returning to the area in 1979, they discovered
18 numerous pits containing corpses of Cham victims. The impact of
19 the genocide campaign in Kroch Chhmar district was devastating,
20 as one witness put it:

21 [14.15.58]

22 They searched out the Chams so they could wipe out every last one
23 of us. The eight members of my family were all killed. I was the
24 sole exception, because I disguised myself as being another race.
25 The Defense will tell you that those at the centre had very

1 little power over -- or knowledge of these mass executions. They
2 will tell you that they did not intend the destruction of the
3 Cham as a group, but only wished for the implementation of new
4 rules that banned religion.

5 [14.16.36]

6 But these positions are fundamentally unsustainable. The
7 massacres were planned by, and reported to, the highest echelons
8 of the CPK. The level of organization of the killings and the
9 destruction of entire communities in Kampong Cham demonstrate
10 that these were not random crimes, but part of the systematic
11 attempt -- or rather, a systematic attempt to destroy each and
12 every Cham in Kroch Chhmar district and Kang Meas district of
13 Kampong Cham province.

14 During these massacres, the Cham people were not investigated for
15 any offences against the regime. Any interrogation extended no
16 further than to establish that the victims were Cham. Once their
17 ethnicity was established, the victims were inevitably executed.
18 All members of the community were targeted -- men, women,
19 children and the elderly.

20 [14.17.44]

21 Your Honors, the campaign to annihilate the Chams in Kampong Cham
22 province had a devastating impact on this community. The end
23 result was the elimination of the substantial part of the Cham
24 population of the province. For example, of the Cham people who
25 lived in the four known Cham villages of Kang Meas district, only

1 two survived.

2 [14.18.12]

3 As many as 10,000 Cham were executed at Wat O Trau Kuon Security
4 Centre alone. Approximately 90 per cent of the Chams who had
5 lived in Koh Phal and Svay Khleang villages in Kroch Chhmar
6 district were dead by the end of the DK regime. The evidence will
7 be put before you -- will improve - or will prove beyond a
8 reasonable doubt that these were acts of genocide for which the
9 accused are criminally responsible.

10 Genocide of the Vietnamese.

11 I will now turn to deal with the charge of genocide of the
12 Vietnamese. Like Chams, the Vietnamese are a separate ethnic
13 group in Cambodia, distinguished from the general population by
14 traits such as physical features, language, and culture. They
15 identify themselves as Vietnamese, and are recognized as such by
16 the Khmer population.

17 [14.19.24]

18 Prior to CPK's rise to power, Vietnamese communities were
19 predominantly concentrated in villages around the Tonlé Sap Lake,
20 and in the areas bordering Vietnam, such as Prey Veng and Svay
21 Rieng. In 1970, the ethnic Vietnamese population in Cambodia was
22 estimated to be around 400,000- 450,000. Almost half of them were
23 deported to Vietnam by the Khmer Republic regime, and many were
24 killed.

25 [14.19.59]

1 When Pol Pot and the accused came to power, they instituted their
2 own policy to rid Cambodia of the Vietnamese minority. The
3 initial manifestation of this plan was a removal of some
4 150,000–200,000 Vietnamese people from Cambodia in 1975. The
5 Vietnamese were deported mainly to Vietnam, where in many cases
6 they were exchanged for salt and rice.

7 Around 20,000 Vietnamese remained in the country in late 1975,
8 many of them members of the ethnically mixed families. The drive
9 to annihilate all of them began in 1977, and this campaign was so
10 systematic and methodical that by January 1979, almost all
11 remaining Vietnamese people had been wiped out.

12 From 1977 onwards, the CPK called on all Cambodians to foster
13 deep hatred toward their Vietnamese neighbours. By April 1977,
14 the Party leadership openly employed the language of genocide in
15 relation to the Vietnamese. It proclaimed that it was imperative
16 to wipe out the people, to sweep more of them, and make things
17 permanently clean. By April 1978, issue of its publication,
18 *Revolutionary Flag*, the Party leadership proudly claimed that:

19 [14.21.43]

20 "Though there used to be nearly 1 million of them, now there is
21 not one seed".

22 You will hear how, in pursuing this genocidal plan, the CPK
23 leadership imposed a view of the Vietnamese as a lower race and
24 sought their extermination as a form of racial purification. The
25 accused sought to radicalize the direct perpetrators by inventing

1 or exploiting cultural myth and racist stereotypes associated
2 with the Vietnamese.

3 From 1977 onward, official CPK correspondence and statements
4 referred to Vietnamese as "Yuon", describing them as a savages
5 who were intent on taking over Cambodian land. In the eyes of the
6 regime, the very existence of these savages represented a threat
7 to the survival of the Khmer ways.

8 [14.22.44]

9 In fact, so extreme was the intent to destroy any trace of the
10 Vietnamese ethnicity in Cambodia that the regime even targeted
11 members of the Khmer Krom group, due to their association with
12 Vietnam. Arrest and executions of the Vietnamese were carried in
13 a methodical and systematic fashion. Vietnamese people were first
14 required to register themselves with their village leaders so
15 that they could be accounted for. Arrests and executions were
16 carried out on the basis of pre-prepared lists.

17 [14.23.27]

18 As the implementation of the genocidal campaign began in 1977 and
19 1978, Vietnamese villagers in Prey Veng and Svay Rieng was
20 systematically sought out, taken away, and executed. Victims were
21 sometimes taken away under the pretext of study, cutting rattan
22 vines or transplanting rice. None ever returned.

23 The evidence of genocide in Prey Veng and Svay Rieng include
24 numerous cases of execution of members of mixed families. This is
25 how one witness describes the CPK policy which was implemented

1 throughout these provinces:

2 "If the mother was Vietnamese and the father was Cambodian, both
3 mother and children would be taken to be killed. Exception was
4 made only to the father. If the mother was Cambodian and the
5 father was Vietnamese, only the father was taken to be killed.
6 Exception was made to the mother and her children".

7 [14.24.39]

8 One witness overheard cadres saying that the reason for this
9 policy was because children suck the milk from the mother. In
10 other words, being born to a Vietnamese mother was enough to
11 justify the death sentence of a young child. The environment in
12 Prey Veng was so merciless that Khmer people were afraid to
13 express any emotion when their Vietnamese family members were
14 taken away. Khmer people who showed sadness and remorse at
15 following the execution of their Vietnamese relatives were sent
16 to be re-fashioned.

17 [14.25.20]

18 Neighbours were required to turn on neighbours, with whom they
19 had lived peacefully for years. One witness has lived in the same
20 village as the man who took away his wife and children to be
21 executed. He has not harmed this man. He waits for justice rather
22 than vengeance.

23 [14.25.45]

24 The intent of the CPK leadership to annihilate the ethnic
25 Vietnamese group in Prey Veng and Svay Rieng is reinforced by

1 numerous accounts of massacres of the Vietnamese in several parts
2 of the country. One witness observed a massacre at Wat Khsach, in
3 Siem Reap province. He will describe, for the Court, the
4 slaughter of Vietnamese men, women and children where the adults
5 were beaten to death with bamboo clubs and the children swung
6 against the trunk of a coconut tree and the Khmer Rouge cadres
7 asked: "Are all of you 'Yuon'?", before commencing this
8 execution. One woman was spared because she was able to convince
9 the cadres that she was Chinese rather than Vietnamese.

10 [14.26.42]

11 The country-wide implementation of this genocidal policy over the
12 same temporal period indicates that these were not unauthorized,
13 random crimes, but they were meant -- sorry -- centrally
14 directed. The near-complete destruction of the 20,000 remaining
15 Vietnamese people in the country is compelling evidence of the
16 coordinated plan to destroy this minority in its entirety. Like
17 the Chams, the Vietnamese people were targeted for execution
18 purely on the basis of their ethnicity. The evidence will show
19 not only that the accused ordered and orchestrated this
20 systematic campaign of executions, but that they did so with the
21 intent to destroy the Vietnamese minority in Cambodia as a whole.

22 [14.24.41]

23 The crimes coincided with speeches and orders issued by the Party
24 leadership calling for the destruction of the Vietnamese people.
25 Pol Pot confirmed the CPK's intention. He stated:

1 "We, the men and women of Kampuchea, will continue to chop them
2 up. And, in the final phase, we will enter their territory and
3 kill their women and children, boys, girls, and infants. That
4 way, the evil 'Yvon' race will be wiped off the face of the
5 earth".

6 Your Honors, there is no doubt that the accused shared this
7 intent. And we will prove so at trial. The evidence will
8 establish that the systematic destruction of the Vietnamese
9 people in Prey Veng and Svay Rieng amounted to genocide, for
10 which the accused are criminally responsible.

11 MR PRESIDENT:

12 The time is now appropriate for a break. We will have a 20
13 minutes break, and we shall resume after that.

14 (Court recesses from 1429H to 1451H)

15 MR PRESIDENT:

16 Please be seated. The Court is now back in session, and we would
17 like to give, again, the floor to the National Co-Prosecutor to
18 continue her opening statement. You may now proceed.

19 MS. CHEA LEANG:

20 I'd like now to resume my opening statement.

21 War crimes committed during the armed conflict with Vietnam.

22 [14.52.23]

23 The Accused are also charged with great breaches of the Geneva
24 Conventions committed by the forces under their command during an
25 armed conflict between the forces of Democratic Kampuchea and the

1 Socialist Republic of Vietnam. In Case 001, Your Honors
2 determined that armed hostilities existed between Cambodia and
3 Vietnam from 17 April 1975 through to 6 January 1979. We will
4 show that an international armed conflict was afoot during this
5 period, and that the laws of war were therefore applicable to
6 conduct of both sides.

7 Between May 1975 and March 1978, the DK forces engaged in
8 incursions into Vietnamese territory, carrying out attacks on
9 villages in Tay Ninh, Dong Thap, An Giang, and Kien Giang
10 provinces. These incursions were accompanied by acts of mass
11 murder, pillage and senseless destruction directed at the
12 civilian population.

13 [14.53.56]

14 They resulted in the deaths or disappearance of more than 30,000
15 people and the displacement of 400,000 more. Hundreds of
16 Vietnamese civilians and soldiers were captured by DK forces
17 during these raids, as can be seen in this video clip.

18 (Audio-visual presentation)

19 [14.54.50]

20 They were transferred to S-21 for interrogation and execution.
21 Their confessions were used as propaganda by the leadership of
22 the CPK, who had them broadcast on Phnom Penh Radio as supposed
23 evidence of Vietnam's aggression against Cambodia.

24 Of the 345 recorded Vietnamese victims at S-21, 122 were
25 registered as prisoners of war, and 70 as civilians. These

1 arrests were reported back to the upper-echelon by Son Sen and
2 others, keeping the accused apprised of the crimes.

3 Nayan Chanda, a war correspondent working in Vietnam, describes
4 the aftermath of an attack on Ha Tien:

5 "Next to a completely gutted house lay 15 bodies -- men, women
6 and children. Some of the staves with which they had been beaten
7 to death still lay around. One staff was stuck between the legs
8 of a spread-eagled naked woman. Her two children had been cut to
9 pieces. A few bodies were headless, some were missing bowel and
10 covered with blue flies. House after house presented the same
11 gory sight."

12 [14.56.35]

13 A former DK soldier will describe being sent to Vietnam with
14 orders to "burn up and destroy everything". Under these orders,
15 the troops destroyed homes, hospitals, and factories. His unit
16 also sent their Vietnamese captives, many women, to S-21 to be
17 tortured and killed.

18 [14.57.03]

19 Another combatant has described orders given through his unit to
20 kill every Vietnamese it could, military or civilian. Yet another
21 witness overheard Khmer Rouge soldiers discussing incursions into
22 Vietnamese territory and boasting about how they grabbed
23 children, threw them in the air, and stuck them with bayonets.
24 The evidence we put -- we will put before the Chamber will show
25 that these crimes were committed in accordance with the orders of

1 the CPK Party Centre. The accused either participated in the
2 giving of these orders, or were fully aware of the crimes. They
3 failed to act in their capacity as superiors to prevent the
4 crimes or to punish the perpetrators.

5 [14.58.05]

6 Third forced transfer and purge of the East Zone.

7 One of the final criminal episodes which took place prior to the
8 toppling of the CPK was a massive purge of the East Zone and the
9 forced transfer of nearly its entire population to other parts of
10 the country. This is the last series of crimes with which the
11 accused have been charged and which I will now discuss.

12 As my fellow Co-Prosecutor will describe in more detail, a series
13 of unexplained events led the CPK leadership to suspect, in early
14 1976, that it was under the threat of a coup d'état. These events
15 led to the arrest and interrogation of individuals who implicated
16 several senior East Zone cadres as traitors. By 1977, Sao Phim,
17 the East Zone secretary who was a member of the CPK Standing
18 Committee, and Khieu Samphan's deputy on the State Presidium, was
19 himself implicated.

20 The other leaders of the CPK, including the accused, determined
21 that the East Zone was riddled with traitors and that Sao Phim
22 himself was disloyal. In their eyes, this was only confirmed by
23 the successful incursions of the Vietnamese forces into the East
24 Zone in December 1977.

25 [15.00.00]

1 The resulting purge, which was initiated by the Party Centre,
2 encompassed the entire East Zone and resulted in the death of
3 somewhere between 100,000 and 250,000 lives. This was likely the
4 single largest killing operation orchestrated by the CPK. The
5 operation was executed by senior leader -- senior Khmer Rouge
6 cadres such as Son Sen, Ke Pauk, and Ta Mok.

7 [15.00.40]

8 The accused were immediately involved in the process of -- and
9 had full knowledge of -- the murderous events that took place
10 under their orders. Nuon Chea assumed a leading role in the
11 planning of the purge, and instructed military cadres, who were
12 sent to participate in the purge. The operation resulted in the
13 large scale and systematic arrest of Eastern Zone troops.
14 Lower-level soldiers were removed and sent to the Kampong Chhnang
15 airport construction site, where eventually a large number of
16 them were killed, while senior cadres were sent to S-21.
17 In fact, so many senior officials were being sent to Phnom Penh
18 that Nuon Chea instructed Duch to execute 300 of them without
19 conducting the standard interrogations. Many lower-level cadres
20 were executed summarily on the outskirts of their villages, often
21 with their wives and children.

22 [15.01.52]

23 Bos village in Ponhea Krek district, Kampong Cham province, was
24 particularly targeted in the East Zone purge due to its
25 longstanding connecting to Sao Phim. The village was a

1 traditional base area and had sheltered senior CPK leaders, such
2 as Pol Pot, Nuon Chea, and Yun Yat in the 1960's.

3 [15.02.20]

4 It was seen as a model village, suitable for exhibition to
5 visiting dignitaries. This model village of base-people who had
6 proven their loyalty to the Khmer Rouge was now to be wiped out
7 for the crime of perceived association with Sao Phim.

8 The evidence will show on -- or about -- 4 June 1978, the Bos
9 villagers were gathered and instructed to depart under the
10 pretenses of being reallocated to another village. They were
11 loaded into trucks and driven east towards the dense forest known
12 Steung Tauch. Upon arrival, they were surrounded by soldiers and
13 tied up. They were accused of being CIA operatives and "the
14 contemptible Phim's children".

15 [15.03.19]

16 Starting with the males, the villagers were gathered in groups of
17 five to eight, tied together with rope, and marched into the
18 forest to previously-dug pits, where they executed.

19 One of the surviving witnesses describes the mass execution:

20 "The soldiers simultaneously hit each individual with wooden
21 poles into the pit. Regarding the pit where I was struck, it had
22 just been dug, and it was about 60 metres from the road. There
23 were eight dead bodies already there which were covered with
24 blood, and I was hit into the pit over the eight corpses. Around
25 7 p.m. on the same day, I got out of the pit and ran to seek a

1 hiding place in the forest near there. I heard the victims who
2 were being taken there by the military pleading that they had
3 done nothing wrong, and they wondered why they were going to be
4 killed. In response, the military said they all belonged to the
5 CIA, and it was useless to beg"

6 [15.04.36]

7 Another villager managed to save herself and her children by
8 convincing the Central Zone cadres who carried out the executions
9 that her son was a soldier in the Central Zone. However, she
10 describes watching her husband being sent off with the rest of
11 the men to be executed. Her grief is such that she cannot hear --
12 rather, she cannot bear to return to the look at the grave or
13 exhume her husband's body.

14 [15.05.15]

15 One question your Honors may be asking is why an entire village
16 was sent to their deaths in such a fashion? The Bos villagers had
17 proven since the early 1960s that they were loyal to the Khmer
18 Rouge revolution. They had been considered to be model citizens.
19 The answer is that, in the midst of the accused -- rather, in the
20 minds of the accused and other CPK leaders, the mere association
21 of these villagers with a perceived traitor was enough to condemn
22 them to death.

23 [15.05.57]

24 Following mass executions in the East Zone, the final phase of
25 the purge was implemented by a removal of the entire civilian

1 population from the zone to other parts of the country, including
2 the Northwest, Central, Northeast, and North zones. The majority
3 of the Eastern Zone population was transferred to Sectors 2 and 7
4 of Pursat province in the Northwest Zone.

5 You will hear how the evacuees were described as having Khmer
6 bodies but Vietnamese heads, and were said to have betrayed
7 Angkar. You will hear how those who resisted the evacuation were
8 shot on the spot. The evidence will prove that, by the time this
9 purge was complete, the East Zone was almost completely empty of
10 civilians.

11 [15.05.56]

12 East Zone evacuees were given blue kramas during their transport
13 out of the East Zone. This distinctive cloth was used for
14 identifying the victims.

15 Ben Kiernan has reproduced the following witness account:

16 "Angkar began to distribute clothes to us, in particular scarves
17 and blankets. They were only blue-and-white and green-and-white
18 scarves. Everybody got a scarf. There was some shortage of
19 blankets. One per family only, but as for scarves, there was one
20 for each person. I saw several truckloads. A truck would come and
21 be emptied, and then another would arrive. There were many
22 scarves. No one was allowed not to have one".

23 The evidence will show that these blue scarves were used as
24 markers to identify the East Zone evacuees for persecution and
25 execution. East Zone evacuees were routinely slaughtered,

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1 regardless of which zone they were sent to. This is how Philip

2 Short describes these events:

3 [15.08.24]

4 "Hundreds of thousands were deported to the Central Zone, the
5 North and the Northwest, where many were also killed. The death
6 toll will never be known. Certainly more than 100,000, perhaps as
7 many as a quarter of a million. Whatever the figure, it was the
8 bloodiest single episode under Pol Pot's rule".

9 [15.09.00]

10 East Zone evacuees who were sent to the Northwest Zone and lived
11 to arrive in Pursat were sent to the cooperatives and worksites,
12 where they were forced to dig canals and work in the rice fields.
13 Their biographies were screened to identify former village
14 chiefs, commune chiefs, deputies, teachers, policemen, and
15 soldiers. If discovered, such people were subject to immediate
16 arrest and execution.

17 Shortly before the arrival of the Vietnamese in 1979, thousands
18 of the remaining East Zone evacuees were rounded up and executed.

19 A CPK platoon chief describes transporting the victims to Veal
20 Bak Chun Ching, where thousands were killed. He states:

21 [15.10.07]

22 "We gathered about 30 oxcarts for transporting the people. It
23 took three to four days to transport them. There was so many
24 people -- in thousands, I guess, rather. When we arrived in Veal
25 Bak Chun Ching, we saw the Khmer Rouge soldiers were already

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1 hiding in the reed bushes nearby -- or, rather, the Khmer Rouge
2 soldiers were already hiding in the reed bushes nearby. My group
3 unloaded the people and their belongings nearby. Then I saw the
4 Khmer Rouge soldiers walk people away and shot them dead at a
5 place about 100 metres away. Those people had been transported by
6 the Khmer Rouge from all cooperatives to be killed in the pond of
7 Veal Bak Chun Ching".

8 [15.11.04]

9 Those people included children and adults, women and men. We will
10 also present evidence of the massacres of some 300 East Zone
11 evacuees at the Chanreangsei pagoda in Rumlech commune. This is
12 how a witness describes his observations of the scene of the
13 massacre in 1979:

14 "The bodies were decomposed, and clothing was scattered all over
15 the rice fields. There were blue scarves remaining, which had not
16 yet decomposed, from which it could be recognized that these
17 people had come from Prey Veng and Svay Rieng provinces. The
18 grave pits at Kaun Thnot village still exist today.

19 Your Honors, the purge of the East Zone represented the
20 culmination of the CPK leadership's obsession with destruction of
21 its enemies. We will show that these senseless crimes arose from
22 nothing more than paranoia of the leadership, including the
23 accused.

24 [15.12.15]

25 That enemies had infiltrated their ranks. The sheer scale of the

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1 operation reflects the fact that it is was ordered and organized
2 by the Party's leadership. Numerous high-ranking CPK cadres, who
3 were answerable to the Party Centre, were present on the ground
4 and directing the operations against the East Zone populations.
5 As I indicated earlier, witness testimony confirms that Nuon Chea
6 took direct part in instructing the military.

7 [15.12.55]

8 The purge of the Eastern zone was a final tragic episode in the
9 implementation of CPK's criminal policies, which tore apart
10 hundreds of thousands of lives. We will show that the accused
11 took active part in the criminal plan which led to these crimes,
12 and that they must be held responsible for them.

13 Legal characterization and conclusion;

14 Your Honour, I will conclude my remarks with a brief legal
15 characterization of the crimes with which the accused have been
16 charged.

17 [15.13.40]

18 Each of the accused is charged individually with genocide, crimes
19 against humanity, and war crimes pursuant to Articles 4, 5 and 6
20 of the ECCC Law.

21 The destruction of Vietnamese and Cham minorities amounted to
22 genocide under Article 4 of the ECCC Law. The accused contributed
23 significantly to the criminal plan which led to the commission of
24 this crime and did so with the intent of destroying the two
25 ethnic groups.

1 The evidence will show beyond a reasonable doubt that the direct
2 perpetrators of the executions acted under the orders of the CPK
3 Party Centre; orders whose purpose was the complete annihilation
4 of these groups and the creation of an ethnically pure society.

5 [15.14.47]

6 The evidence will also show that the jurisdictional elements
7 required under Article 5 of the ECCC Law for crimes against
8 humanity have been fulfilled. The crimes committed against
9 Cambodians were part of a wide-spread and systematic attack
10 against the country's entire civilian population, which, as at
11 April 1975, was between 7.8 and 8.1 million people. The attack
12 was wide-spread by reason of its large-scale nature, extended
13 duration, vast geographic area, and the number of victims.

14 [15.15.32]

15 This attack lasted over three years and eight months and took
16 place across the entire territory of Cambodia. It involved
17 thousands of military troops and CPK cadres throughout the
18 country. The CPK's attack against the Cambodian population
19 involved the forced movement of more than 2 million civilians
20 from the urban centres and the enslavement of the entire
21 population in cooperatives and work sites.

22 More than 200 security centres functioned as an integral part of
23 the attack on the civilian population. Hundreds of thousands of
24 individuals were imprisoned, tortured, and executed. The number
25 of death caused by the attack has been estimated as being between

1 1.7 and 2.2 million people including some 800,000 to 1.3 million
2 violent deaths.

3 The attack on the civilian population in Cambodia was also
4 systematic. It was carried out pursuant to a centrally devised
5 and coordinated policy to perpetrate violence on a country-wide
6 scale. It was highly planned and organized and followed the
7 directives issued by the CPK leadership including the accused.

8 [15.17.13]

9 It occurred in highly consistent patterns throughout the country.
10 CPK officials took part in the crimes at all levels and reported
11 on their actions to the Party Centre.

12 The wide-spread and systematic attack on the Cambodian population
13 was discriminatory on political grounds as it was driven by a
14 radical, political revolution. The CPK leadership sought to break
15 up any political opposition to its rule. It considered all
16 members of the civilian population as potential enemies and
17 discriminated against them on this basis.

18 The attack was also based on religious grounds as it entailed the
19 abolition of all religions.

20 [15.18.18]

21 Finally, it was based on ethnic grounds insofar as it involved
22 the persecution and destruction of minorities including the Cham
23 and the Vietnamese.

24 The prosecutor will prove that the accused are responsible for
25 crimes against humanity of murder, extermination, enslavement,

1 imprisonment, torture, rape, persecutions on political, racial
2 and religious grounds, and other inhumane acts. These crimes were
3 committed throughout the period covered by the Closing Order as I
4 have indicated in dealing with each group of events.

5 As my fellow Co-Prosecutor will set out, these crimes under
6 international law were committed pursuant to a common criminal
7 plan to which the accused agree and significantly contributed.
8 According to the Closing Order, this common purpose entailed the
9 following policies: the repeated movements of the population, the
10 establishment and operation of cooperatives and work sites, the
11 re-education of bad elements and killing of enemies; both inside
12 and outside the party ranks, the targeting of specific groups
13 including the Cham, Vietnamese, and Buddhists, the use of forced
14 marriage.

15 [15.20.00]

16 The accused together developed and implemented these policies
17 with full appreciation of their consequences. They put in place a
18 system of strict reporting to ensure that CPK cadres at all
19 levels kept them informed about the implementation of their
20 policies. They were thus continuously informed about the
21 commission of crimes throughout the country including the crimes
22 covered by the Closing Order.

23 There can be no doubt that these accused were the driving force
24 behind this criminal enterprise and its active and willing
25 participants. As such, they must bear criminal responsibility for

1 each and every crime with which the Closing Order charges them.

2 [15.20.55]

3 The accused are also responsible for grave breaches of the Geneva
4 Conventions under Article 6 of the ECCC Law. These crimes were
5 committed during an international armed conflict which lasted
6 between April 1975 and January 1979. They include wilful killing,
7 torture, inhumane treatment, and unlawful confinement. The
8 victims were Vietnamese civilians and prisoners of war who had
9 the status of protected persons under Geneva Conventions 3 and 4.
10 These crimes were committed by members of military forces and
11 security cadres acting under the orders of the accused.

12 [15.21.50]

13 Again, the evidence will establish that the accused took part in
14 the criminal plan which led to the commission of these crimes and
15 are, therefore, responsible for them.

16 Your Honours, the evidence you will hear will show that the
17 regime presided over by the accused was one of -- was one of the
18 most brutal and horrific in modern history. In the 3 years, 8
19 months, and 20 days that followed the 17th of April 1975, the CPK
20 enslaved the entire Cambodian nation. It caused the death of one
21 in every four people living under its rule.

22 To be forced to leave one's home; to lose one's family; to be
23 denied the freedoms of movement, speech, and religion; to be
24 subjected to forced labour, starvation, torture, and abuse; to
25 live in the constant fear of execution; in short, to be stripped

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1 of any semblance of human dignity, this nightmare became the
2 reality for millions of ordinary Cambodians from the 17th of
3 April 1975 to the 6th of January 1979. Every Cambodian who lived
4 through the regime was affected by the CPK's policies.

5 [15.23.42]

6 The crimes charged in this case are representative of this
7 suffering. Even within the specific crime size covered by the
8 Closing Order, the suffering and pain inflicted on the victims is
9 nothing short of staggering. The scars that this country bears
10 will take generations to heal.

11 One of the tragic consequences of the crimes committed by the CPK
12 regime is the fact that hundreds of thousands of victims remain
13 buried in unidentified locations, having never been exhumed,
14 identified and given a proper burial by their loved ones.
15 To this day, thousands of people grieve even without the
16 knowledge of the final resting place of their relatives and
17 friends.

18 [15.24.55]

19 However, this trial is not about revenge. It is about the
20 ascertainment of the truth and the determination of guilt.
21 In this process, the accused are entitled to a fair trial. They
22 are entitled to be presumed innocent and to be present their
23 defense--rather, to present their defense unlike the millions of
24 Cambodians who suffered at the hands of the Communist Party of
25 Kampuchea. We will prove the accused guilty in this court of law

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1 in which Cambodians and the international community have come
2 together to secure a small measure of justice for the millions
3 who have suffered.

4 We will provide a small but indispensable contribution to the
5 healing of this nation. To the despots and perpetrators of
6 atrocities around the world we will send this message: Justice
7 never forgets.

8 [15.26.13]

9 Most importantly, we will ensure that the truth is told and that
10 justice prevails.

11 In the words of Buddha, "Overcome the angry by non-anger.
12 Overcome the wicked by goodness. Overcome the miser by
13 generosity. Overcome the liar by truth."

14 Thank you, Your Honours. I will now give the floor to my
15 colleague, Co-Prosecutor, Mr. Andrew Cayley.

16 MR. PRESIDENT:

17 Thank you, National Co-Prosecutor. We next hand over to the
18 International Co-Prosecutor.

19 [15.27.06]

20 MR. CAYLEY:

21 May it please the Court, and, Your honours, I anticipate in the
22 final time available today that I will probably complete my
23 introductory remarks. And before I begin, let me explain to you
24 what I will discuss in my part of the opening statement.

25 Principally, the division between Madam Chea Leang and I is that

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1 she has been addressing what is commonly referred to as the crime
2 base, and I will be concentrating on the roles and
3 responsibilities of the accused. So I will be dealing with the
4 roles and relations of the accused prior to 1975, the roles and
5 the relations of the accused between 1975 and 1979, the
6 organizational structure of the CPK and Democratic Kampuchea, and
7 then the implementation of the five policies covered within the
8 joint criminal enterprise that the Closing Order alleges.

9 [15.28.17]

10 And that essentially covers paragraph 1 of your order of the 27th
11 of June of 2011 in which you set out what you wish to be
12 addressed in this opening statement.

13 So let me begin. The case that you are about to hear and must
14 determine rests very firmly on a self-evident principle of law
15 and morality, that individual human beings, men, women and
16 children everywhere are the touchstone of value and that
17 societies and states must exist for their benefit and not for the
18 benefit of those who govern. Also, that the people's rights to
19 life, liberty and the security of person come not from the
20 largess or generosity of the state but are firmly rooted in law.

21 [15.29.22]

22 More than anything, this case will demonstrate and remind the
23 world of the utter human folly and human pity of uplifting and
24 exalting the state, its needs, its plans, its goals, ultimately,
25 it's self-consuming madness over and above the needs and rights

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1 of individual human beings.

2 The three accused before you in this case are elderly people.

3 Their advanced years may tempt in you feelings of sympathy or

4 compassion, but let us not for one moment forget the catastrophic

5 legacy that these three elders represent.

6 In the space of less than four years, they took from the

7 Cambodian people all those dignities and freedoms that we hold as

8 natural and inalienable rights in every human being. They

9 murdered, tortured and terrorized their own people. They

10 unleashed a radical social reform process diverting and

11 exploiting the human and material capital of this nation to

12 create a living nightmare for all Khmers.

13 [15.30.49]

14 They took from the people everything that makes life worth

15 living, family, faith, education, a place to rear one's children,

16 a place to rest one's head. They enslaved and starved their own

17 people. They sought out perceived enemies of their fledgling

18 state everywhere. Intellectuals, capitalists, the middle classes,

19 members of the former regime, so-called traitors, the Cham and

20 the Vietnamese were all targeted for annihilation.

21 [15.31.28]

22 They even banned love between human beings, that one noble

23 quality that comes to the human heart more naturally than any

24 other.

25 Let us never for one moment forget in this trial that these are

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1 the malignant forces and this is the tragic legacy that these
2 three elderly people represent.

3 Before addressing the subject matter in this case, I want to set
4 out to you and for the public the broad legal basis for this
5 Court.

6 The Court is, of course, a creature of domestic Cambodian
7 legislation and in agreement with the United Nations. The Court
8 applies the code of criminal procedure of this country, at the
9 same time applying a number of provisions of international
10 humanitarian law and what has come to be called in the modern era
11 international criminal law.

12 What is the origin of these international provisions?

13 [15.32.42]

14 In the year 1941, at the height of the Second World War, a
15 meeting took place on a warship off the coast of Newfoundland, in
16 Canada. At that meeting was the President of the United States of
17 America, Franklin Delano Roosevelt and the British Prime
18 Minister, Sir Winston Churchill.

19 Amongst other matters, these two giants drafted a one-page
20 document it came to be known as the Atlantic Charter, recognizing
21 at this time that states were largely unconstrained by law and
22 could wage war and murder and torture their own population with
23 impunity. These two men committed to paper, visionary ideas of
24 common principles for a new world order.

25 [15.33.43]

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1 The Charter consisting of three pillars placed at its heart, the
2 commitment to human rights and the maintenance of the inherent
3 dignity and to the equal and inalienable rights of all members of
4 the human family.

5 Between 1941 and 1949, the Atlantic Charter would be recast into:
6 the United Nations Charter of 1945; the United Nations Universal
7 Declaration of Human Rights of 1948; the Genocide Convention of
8 1948; the Geneva Conventions of 1949; the Nuremburg Charter of
9 1945 and the International Military Tribunal, also of 1945, which
10 would try the major Nazis war criminals.

11 [15.34.43]

12 All of these instruments and acts affirmed the fundamental rights
13 of human beings, the prevention and punishment of the crime of
14 genocide, limitations on the means and the methods of warfare and
15 ultimately that individual criminal responsibility would lie for
16 war crimes and crimes against humanity.

17 So, let us not for one moment, fall prey to the assertion that
18 there is a fragile legal basis for this trial. We are embarking
19 on an unprecedented legal journey. In most respects,
20 unprecedented in scale but, more importantly, unprecedented by
21 the fact that the victims, the people of this kingdom and country
22 have patiently waited for more than an entire generation, for the
23 wheels of justice to turn.

24 [15.35.46]

25 This will be, without question, one of the largest and most

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1 important series of criminal trials the world has seen in the
2 modern age. There are perhaps, only three sets of trials in the
3 annals of international jurisprudence that can compare in
4 magnitude to the cases that now lie before you.

5 The trial of the leaders of the Nazi regime between 1945 and
6 1946; the trials of those responsible for the genocide of 900,000
7 of the Tutsi people in Rwanda in 1994, which are still ongoing;
8 and the trial of Slobodan Milosevic, the former president of
9 Yugoslavia, between 2002 and 2006.

10 [15.36.40]

11 The series of trials in which you must adjudicate involved
12 between 1.7 and 2 million victims. The charges against these
13 accused are supported by a case file that comprises of hundreds
14 of thousands of pages of documents, witness statements and other
15 evidence.

16 One in four Cambodians perished under the Democratic Kampuchea,
17 as my colleague has already stated. A loss of life unknown to any
18 nation since the slaughter of all adult men and the enslavement
19 of the women and children of the Island of Milos by the Athenian
20 state 2,400 years ago.

21 [15.37.26]

22 When judged, in relative terms, by the proportion of a national
23 population who died or were murdered, the scope of the human
24 catastrophe unleashed by these accused on this country has no
25 parallel in the modern era.

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1 Let us also be absolutely clear from the outset of this trial
2 that the criminality that took place in those three years, eight
3 months, and 20 days was not accidental, nor did it just happen.

4 [15.37.58]

5 The plans that lead to the death of two million people and the
6 ruination of this country were prepared and deliberated long in
7 advance of 1975. The forced movement, the enslavement, the murder
8 and violence unleashed on minorities and so-called enemies of the
9 CPK and the practice of forced marriage, were all a result of
10 cold calculation by these three elders before you, of perfectly
11 conscious methods of pre-existing doctrine.

12 The essence of the case against the accused is simple and clear.
13 As senior leaders of the Communist Party of Kampuchea, Nuon Chea,
14 Ieng Sary and Khieu Samphan conceived and implemented criminal
15 policies that enslaved an entire nation, caused the death of two
16 million people and subjected the remainder of the Cambodian
17 people to condition of the most degrading in humanity.

18 The accused developed their criminals plans together, in
19 relations that go back to the 1950s and 1960s. During the period
20 of Democratic Kampuchea, from 17 April 1975 to 7 January 1979, at
21 the height of their power, the accused lived and worked together,
22 implementing their criminal policies through a hierarchical
23 structure in which they received daily reports from all key
24 organizations and provided direct instructions in response.

25 [15.39.43]

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1 Here you -- the photographs that you have just seen is of the
2 three of them, entering the Borei Keila rally.

3 Two things will resonate across this trial: first, the exacting,
4 minute and obsessive control of the accused over all aspects of
5 life in Democratic Kampuchea; and second, their knowledge of the
6 ongoing crimes being committed on their instructions and in their
7 names. The Co-Prosecutors have described the organized brutality
8 of the Democratic Kampuchea regime as a joint criminal enterprise
9 comprising of five core policies.

10 [15.40.29]

11 These are: first, the forced movement of the Cambodian population
12 from cities and towns to rural areas; second, the enslavement of
13 the Cambodian people in work sites and agricultural
14 co-operatives; third, the use of violence to eliminate or smash
15 enemies of the CPK through a nationwide network of re-education
16 or security offices.; fourth, the targeting or persecution of
17 specific groups including Buddhists and the Cham and Vietnamese
18 minorities; and fifth, the practice of forced marriage as a means
19 to achieve population growth. It is quite certain, in my view,
20 that one or all three of the accused will claim that there was no
21 joint criminal enterprise to commit these crimes, or if there
22 were, they were not a part of it. The evidence will show
23 otherwise of this fact, I assure you.

24 But let us for one moment look at the beautifully crafted words
25 of Robert Jackson at Nuremberg in July 1946, because those words

1 resonate down the years and are instructive in this instance.

2 [15.42.19]

3 I quote:

4 "The last stand of each defendant is even if there was a
5 conspiracy, he was not in it. It is therefore important, in
6 examining their attempts at avoidance of responsibility to know,
7 first of all, just what it is that a conspiracy charge
8 comprehends and punishes. In conspiracy, we do not punish one man
9 for another man's crime. We seek to punish each for his own crime
10 of joining a common criminal plan in which others also
11 participated.

12 [15.42.57]

13 "The measure of the criminality of the plan, and therefore, of
14 the guilt of each participant is, of course, the sum total of
15 crimes committed by all in executing the plan. But the gist of
16 the offence is participation in the formulation or execution of
17 the plan. These are the rules which every society has found
18 necessary in order to reach men like these defendants who never
19 get blood on their own hands but who lay plans that result in the
20 shedding of blood." End of quote.

21 None of the accused here ever soiled his own hands with blood,
22 but each of them either alone or together and with others now
23 long dead, set in motion strictly enforced plans and policies
24 which unleashed an ocean of blood in this country.

25 [15.43.57]

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1 I would also hasten to venture in this case that the defence will
2 direct blame for what took place at the feet of the dead, in
3 particular the prosecution anticipate that the defence will
4 assert that much of the terror that took place in these years
5 will be laid at the grave of Saloth Sar or Pol Pot.

6 Robert Jackson can also assist us here. I quote:

7 "No matter how hard we have pressed the defendants on the stand,
8 they have never pointed the finger at a living man as guilty. It
9 is a temptation to ponder the wondrous workings of a fate which
10 has only left the guilty dead and only the innocent alive.

11 [15.44.44]

12 "It is almost too remarkable, the chief villain on whom blame is
13 placed, some of the defendants vie with each other in producing
14 appropriate epithets, is Hitler.

15 He is the man at whom nearly every defendant has pointed an
16 accusing finger.

17 I shall not dissent from this consensus, nor do I deny that all
18 these dead and missing men share the guilt in crimes so
19 reprehensible that degrees of guilt have lost their significance.
20 They may have played the most evil parts but their guilt cannot
21 exculpate the defendants.

22 [15.45.17]

23 "Hitler did not carry all responsibility to the grave with him.
24 All the guilt is not wrapped in Himmler's shroud. It was these
25 dead men whom these living chose to be their partners in this

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1 great conspiratorial brotherhood and the crimes that they did
2 together, they must pay for one by one."

3 And so the prosecution agree in this case that, yes, Pol Pot and
4 others now longed past are also responsible for the two million
5 dead. But to suggest that this exonerates or can acquit the three
6 living accused before you is an utter absurdity.

7 [15.46.00]

8 These three men here were actors with Pol Pot. They planned and
9 schemed for years with Pol Pot as to what would take place when
10 they seized power in this country. The evidence will show their
11 degrees of personal involvement in hideous plans and the
12 implementation of those plans that lead to these terrible crimes.
13 You will not hear a contemporaneous word of public dissent from
14 anyone of them as to the terror that was unfolding before them
15 between 1975 and 1979.

16 [15.46.36]

17 Remember this, when anyone of them seeks to claim that the
18 centres of power are either closed or half open to them or that
19 they knew nothing of the destruction of the quarter of their own
20 people.

21 Let me stress now, Your Honours, that this trial must be fair.

22 The burden of proof is on the prosecution. We must prove the
23 events that the Closing Order asserts took place.

24 All three accused are presumed innocent until proven guilty. The
25 accused are entitled to be well defended, which we know they are.

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1 They can challenge the evidence brought against them and none can
2 be compelled to give evidence, either against themselves or each
3 other.

4 [15.47.30]

5 Many in this country may ponder why in the face of this human
6 tragedy they caused, that the three accused should be given any
7 rights at all.

8 But just imagine if we were to try and convict these three men
9 under the same conditions they imposed on their own people, that
10 we tortured and murdered witnesses to bring complaints against
11 these three elderly men.

12 It is a very great tribute indeed to the Cambodian people that
13 they have chosen to submit these three men to the rigours of law,
14 and give them all of the rights which they gave to no one during
15 their years of strength.

16 Having stressed the importance of fairness, let us now go to 1979
17 to see what the Cambodian people found on their return to their
18 homes after the Khmer Rouge were driven from power.

19 [15.48.32]

20 The capital city and other metropolitan centres deserted and
21 devoid of life; the S-21 security camp in Phnom Penh evidencing
22 the handy work of the Khmer Rouge secret police; hideously
23 mutilated corpses of those tortured and murdered by the regime;
24 the destruction of sites dedicated to religion and worship; the
25 human remains of loved ones and neighbours buried and scattered

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1 throughout the country.

2 These are just some of the bitter and terrible fruits that Nuon
3 Chea, Ieng Sary and Khieu Samphan bequeathed to their own people.
4 I will now briefly begin addressing the roles and relationships
5 of the three accused prior to 1975.

6 [15.49.43]

7 The close working relationship between these accused goes back to
8 the 1950s when Ieng Sary, Khieu Samphan and Pol Pot, then known
9 as Saloth Sar, were students in Paris and formed a
10 Marxist-Leninist students' association to promote communist
11 revolution as a means of achieving independence for Cambodia.
12 Pol Pot and Ieng Sary would soon become brothers-in-law, marrying
13 sisters Khieu Ponnary and Khieu Thirith, now Ieng Thirith.
14 After their return from France, they would join forces with Nuon
15 Chea, who had first joined the Communist Party while living in
16 Thailand in the 1940s where he studied law and worked at the Thai
17 Ministry of Foreign Affairs.

18 [15.50.38]

19 Nuon Chea remained active in the communist movement following his
20 return to Cambodia and in 1955 he was appointed Secretary of the
21 Phnom Penh Committee of the Khmer People's Revolutionary Party.
22 One of the other members of that committee, under Nuon Chea, was
23 Pol Pot and they were later joined by Ieng Sary. Together, they
24 began to make plans to establish a new Communist Party in
25 Cambodia.

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1 On 30th of September 1960, Pol Pot, Nuon Chea and Ieng Sary were
2 part of a small group meeting in the living quarters of a railway
3 work in Phnom Penh to establish the Workers Party of Kampuchea,
4 the precursor of the CPK.

5 [15.51.30]

6 At that first party conference, Nuon Chea was elected Deputy
7 Secretary Number Two, a position he would continue to hold over
8 the next three decades. Below Nuon Chea were Pol Pot, an elected
9 member of the Party Standing Committee, and Ieng Sary appointed
10 as a member of the Central Committee and alternate member of the
11 Standing Committee.

12 Your Honours, I described this event, 15 years before the forced
13 evacuation of Phnom Penh, because of the fateful decision taken
14 by the accused at that very meeting, to adopt a core party line
15 authorizing the use of armed violence to eliminate so called
16 feudalism, capitalist and other enemies of CPK.

17 [15.52.20]

18 The plan remained in effect after the accused seized power in
19 April 1975. This murderous policy, designed by these accused in a
20 non-descript room in this very city more than 50 years ago, would
21 result in the slaughter of hundreds of thousands of their fellow
22 Cambodians, enemies of the Party, one and all.

23 Your Honours, from September 1960 until April 1975, the accused
24 continued to work together towards their common goal of
25 revolution in Cambodia. By the Second Party Congress, in February

1 1963, the Party Secretary Tou Samuth had been arrested.

2 Nuon Chea himself proposed that Pol Pot should become the new
3 Party Secretary or Brother Number One.

4 Nuon Chea remained Deputy Secretary and Ieng Sary became a
5 full-rights member of the Standing Committee, the third-highest
6 ranking member of the party.

7 [15.53.26]

8 A few months later, Ieng Sary, Pol Pot, Son Sen, and other party
9 leaders found their names published on a list of known leftists.

10 They fled to the jungle, first to a Vietnamese military base on
11 the border, and later a remote corner of Rattanakiri province.

12 Their new Party base was called Office 100.

13 From these beginnings a spider web of Party structures would
14 spread across Cambodia.

15 Nuon Chea, whose identity as a Party leader remained secret
16 during these years, stayed in Phnom Penh and was responsible for
17 the Party's operations throughout the country.

18 The accused would meet throughout these years to take key
19 decisions through the Party's Central and Standing Committees.

20 In mid-1967, CPK leaders decided to launch an open-armed struggle

21 the following year, and in January 1968 it was Nuon Chea who

22 conveyed the orders for the initial guerrilla attacks by CPK

23 forces against a government army post south of the city of

24 Battambang. That day would later be celebrated by the CPK as the

25 birth of the Revolutionary Army of Kampuchea, the RAK.

1 [15.54.51]

2 Accused Khieu Samphan is believed to have joined the party during
3 the 1950s, while in France, but he concealed his true allegiances
4 upon his return to Cambodia in 1959, assuming an active role in
5 the public affairs of this country.

6 In 1962, he joined the ruling Sangkum Reastr Niyum Party, was
7 elected to the National Assembly, and appointed Secretary of
8 State for Commerce. As a suspected leftist, however, Khieu
9 Samphan was eventually forced to resign from his position and
10 under constant threat of arrest. Having been targeted for his own
11 political beliefs, Khieu Samphan was well aware of the
12 consequences of the CPK's plan to pursue the arrest, detention,
13 and execution of political enemies.

14 [15.55.47]

15 In April 1967, facing blame for student riots and a summons to
16 appear before a military tribunal, Khieu Samphan and two others
17 fled Phnom Penh for the jungle, under the protection of the CPK
18 Central Committee member, Ta Mok.

19 Vanished from view, and widely presumed to be dead, Khieu
20 Samphan, Hu Nim, and Hou Yuon would reappear three years later as
21 the three ghosts of the Khmer Rouge.

22 [15.56.16]

23 On 18 March 1970, a day etched in the memory of a generation, his
24 Royal Highness Prince Norodom Sihanouk, the King Father, as he
25 then was, was overthrown in a coup d'état by General Lon Nol and

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1 Prince Sirik Matak. The Khmer Republic had arrived. History had
2 opened a path to power for the CPK which the accused did not
3 hesitate to seize. The Party formed an alliance with Prince
4 Norodom Sihanouk that consisted of a resistance movement, The
5 National United Front of Kampuchea, or FUNK, and a government in
6 exile based in Beijing, the Royal Government of National Union of
7 Kampuchea, or GRUNK as it came to be known.

8 [15.57.11]

9 From 1970 to 1975, in the throes of resistance and revolution,
10 the accused took on additional roles extending both their circles
11 of influence and structures of control.

12 Nuon Chea finally left Phnom Penh and joined his comrades at the
13 Party Headquarters in Rattanakiri. The Headquarters was moved
14 again to the border between the provinces of Kampong Cham and
15 Kampong Thom.

16 By May 1970, Khieu Samphan took on senior positions in the
17 civilian and military structures of the Resistance as Deputy
18 Prime Minister of GRUNK and Commander-in-Chief of the National
19 Liberation Armed Forces. He had evidently served the party well
20 and, at the third party congress in 1970, was rewarded with a
21 promotion to Candidate Member of the Central Committee.

22 By December 1970, Ieng Sary was in Hanoi and had established a
23 radio station speaking for the Resistance.

24 By April 1971, he had moved to Beijing, the seat of the
25 government in exile, to raise foreign support for the CPK, and

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1 monitored and controlled the activities of the Resistance
2 Movement on behalf of the Party. He would return to Cambodia to
3 join meetings of the Party Central and Standing Committees.

4 [15.58.44]

5 At one of these meetings, in June 1974, Party leaders first
6 agreed on the strategy to evacuate Phnom Penh after its supposed
7 liberation.

8 Mr. President, I can take a pause at that point because I am
9 moving to a new part of my opening. So if you wish to conclude at
10 this point, I can finish for the day here.

11 MR. PRESIDENT:

12 The International Co-Prosecutor, you have another 15 minutes to
13 continue with your opening statement

14 MR. CAYLEY:

15 If I could now turn to the period from April 1975 to January 1979
16 to explore the roles of the three accused?

17 [15.59.46]

18 So now I turn to 17 April 1975. On this day, the CPK seized power
19 in Cambodia and the accused began their implementation of the
20 Party's criminal policies. Pol Pot, Nuon Chea, and Khieu Samphan
21 travelled to Phnom Penh together, arriving on the 20th of April
22 1975. Ieng Sary would arrive from China a few days later, on 24
23 April 1975.

24 For the next month, the accused and other CPK leaders worked
25 together, initially at the Phnom Penh Railway Station and later

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1 at the Silver Pagoda finalizing policies and plans for
2 implementation.

3 [16.00.35]

4 The vast network of Party structures stood at the ready. The
5 plans drawn up by the accused at the Party Centre were channelled
6 to zone, sector, district, and military representatives during a
7 six-day mass meeting presided over by Pol Pot and Nuon Chea, who
8 himself dictated the Party line to the audience.

9 The first day of that meeting, the 20th of May 1975, is now a
10 national day of mourning in Cambodia, known as the Day of Hatred,
11 in recognition of the criminal policies put into effect by the
12 accused at that time. Your Honours, those very policies, raw and
13 tragic for every victim of the DK Regime, have been put before
14 you and will be discussed in some detail tomorrow.

15 [16.01.31]

16 Within months the accused moved into permanent offices and living
17 quarters from which they broadened and deepened their exacting
18 control of the country. A site known as K-1, which you can see on
19 the screens in front of you, was the primary office and residence
20 of Brother Number One, Pol Pot, and was located on the Tonle
21 Bassac riverfront, just south of the current location of the
22 National Assembly. It was a large two-storey building surrounded
23 by a wall of planks and wire, with four towers around the
24 perimeter, manned on each side by a team of 50 to 60 guards.

25 [16.02.18]

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1 Next you will see appear on the map K-3. K-3 consisted of an
2 entire block of houses west of the Royal Palace, at rue Pasteur,
3 that was barricaded with corrugated iron sheeting and barbed wire
4 and also patrolled by guards. A number of the guards, messengers,
5 and drivers worked for the accused at K-1 and K-3. They will
6 describe for Your Honours how Nuon Chea, Ieng Sary, and Khieu
7 Samphan lived together at K-3, working most days at K-1, and
8 returning to K-3 at night. Each of the accused also had other
9 offices and positions during the DK period.

10 [16.03.01]

11 In addition to their high-ranking positions within the Party, all
12 three accused were appointed to top positions in the Democratic
13 Kampuchea government that was formed in April 1976 to replace
14 GRUNK, as illustrated here.

15 Nuon Chea, as President of the People's Representative Assembly,
16 the state legislative body; Ieng Sary as Deputy Prime Minister
17 responsible for Foreign Affairs; and Khieu Samphan as President
18 of the State Presidium, the Head of State.

19 Your Honours, while their appointments to these state positions
20 no doubt reflected their senior status as leaders of the CPK and
21 conferred some power, privileges and responsibilities, the facts
22 will establish that the true power held by each of the accused
23 was derived from their positions within the Party.

24 [16.04.01]

25 Nuon Chea, as Deputy Secretary of the CPK Standing Committee

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1 charged with responsibility for Party affairs and the political
2 education and training of its cadres.

3 Ieng Sary as one of only five full-rights members of the Standing
4 Committee and the person entrusted to represent the regime in its
5 international affairs.

6 Khieu Samphan, as a member of the Central Committee, a de facto
7 member of the Standing Committee, the political Chairman of
8 Office 870 and responsible for overseeing commerce matters
9 throughout the country.

10 [16.04.39]

11 As Ieng Sary himself said in a May 1977 interview:

12 "Democratic Kampuchea, democratic Cambodia is governed by Angkar.
13 The Angkar is the only Party and the state. The state is the
14 Party and the Party is the state. State and Party are one. There
15 is only Angkar."

16 Your Honours, this was the consistent basis of the totalitarian
17 system of social control designed and implemented by the three
18 accused before you.

19 Allow me to illustrate, and in doing so to address directly the
20 distinctive roles of the accused in the party.

21 [16.05.25]

22 In his statements made to the Co-Investigating judges and the
23 recent books he has written, Khieu Samphan has made a regular
24 point to assert that he did not have real power in his position
25 as President of the State Presidium.

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1 What that assertion overlooks, however, is the power and
2 authority that Khieu Samphan held as a senior leader of the CPK,
3 where he was both a member of the Party's Central Committee and a
4 regular attendee at meetings of the Standing Committee.

5 [16.06.00]

6 The Central and Standing Committee were the highest ranking and
7 most powerful bodies of the CPK and Democratic Kampuchea. All
8 Democratic Kampuchea organizations, including the zones, centre
9 military divisions and government ministries reported to the
10 Party's upper echelon.

11 Under the Party's own governing statute, the Central Committee
12 was the highest operational unit throughout the country,
13 responsible to implement the party political line and statute,
14 instruct all zone, sector and party organizations to carry out
15 activities according to the political line and to govern and
16 arrange cadres and party members.

17 Khieu Samphan has admitted that he was one of the 30 full-rights
18 members of the Central Committee which met every six months.

19 [16.07.57]

20 Because the Central Committee was comprised of members located
21 throughout the country and met only every six months, the
22 day-to-day exercise of its powers was wielded by a Standing
23 Committee, which you see here, comprised of five full-rights
24 members: Secretary Pol Pot, Deputy Secretary Nuon Chea, Ieng
25 Sary, Sao Phim and Ta Mok; and two alternate members, Son Sen,

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1 and Vorn Vet.

2 Khieu Samphan has stated that the Standing Committee met at least
3 once a week and often more frequently.

4 Because of the CPK's obsession with secrecy and the widespread
5 destruction of documents, we do not have all the minutes of this
6 body's meetings, but fortunately we have enough of a sample to
7 understand how the Standing Committee worked, what subjects it
8 discussed, and who attended its meetings.

9 [16.08.01]

10 The chart you see in front of you on the screen reflects the
11 attendance of various individuals at the 17 Standing Committee
12 meetings for which we do have minutes identifying the persons
13 present.

14 As you can see, Khieu Samphan is listed as present for 14 of the
15 17 meetings, a fact that he has admitted to the Co-Investigating
16 Judges. Indeed, Khieu Samphan was present at more of those
17 Standing Committee meetings than Ieng Sary, who was sometimes
18 absent travelling abroad.

19 Full rights members Ta Mok and Sao Phim and alternate members,
20 Son Sen and Vorn Vet. Only Pol Pot and Nuon Chea attended
21 Standing Committee meetings more frequently than Khieu Samphan.

22 [16.08.46)

23 The minutes also reflect that Khieu Samphan presented and
24 discussed a variety of issues at Standing Committee meetings,
25 contrary to his assertion to the Co-Investigating Judges that he

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1 never had a speaking role at any such meetings.

2 Another reason it is important to understand the relationship
3 between state and Party in Democratic Kampuchea is the claim made
4 by Nuon Chea to the co-investigating judges that he was busy with
5 the legislative work of the People's Representative Assembly of
6 which he was President and hence not involved with the Executive.

7 [16.09.24]

8 In reality, Nuon Chea's Assembly never met, never held a vote,
9 never adopted a single law, and was not even elected, contrary to
10 the propaganda broadcast on the DK State Radio. The truth about
11 the People's Representative Assembly is reflected in the minutes
12 of an 8 March 1976 Standing Committee meeting attended by Nuon
13 Chea and Khieu Samphan at which the CPK senior leaders discussed
14 how they should not speak playfully about the Assembly in front
15 of the people, to let them see that we are deceptive and our
16 Assembly is worthless."

17 [16.10.21]

18 And here you see the minutes of that particular Standing
19 Committee.

20 What work then did Nuon Chea actually do when he was at his
21 Assembly office? The Chamber will hear testimony on this question
22 from S-21 Chairman, Kaing Guek Eav, alias Duch, who met with Nuon
23 Chea every three to five days between September 1977 and January
24 1979, usually at his Assembly office. At these meetings Nuon Chea
25 gave Duch instructions regarding who was to be arrested and who

1 was to be smashed.

2 Thus, even at his Assembly office, the only work Nuon Chea did,
3 as far as we can tell, was to plan who was going to be murdered
4 next and in some cases to call those persons to meetings where
5 they were promptly arrested and taken to S-21.

6 [16.11.24]

7 The People's Assembly was a faux institution designed to give the
8 external appearance of democratic activity in what was in fact a
9 totalitarian state controlled by the Standing and Central
10 Committees of the CPK, and Nuon Chea's Assembly office was simply
11 another part of the killing apparatus.

12 Ieng Sary's responsibilities included dealing with diplomatic
13 personnel and other Cambodians located abroad. During the early
14 part of the regime he oversaw the closing of most Cambodian
15 embassies and ordered the return of those diplomats to Democratic
16 Kampuchea. He also spoke to groups of Cambodian nationals located
17 in France and other countries, portraying a rosy picture of life
18 under the CPK and encouraging them to return home.

19 [16.12.21]

20 Your Honours will hear testimony from some of the students and
21 intellectuals who returned to Cambodia after April 1975, based on
22 the representations of Ieng Sary. When they landed at Pochentong
23 Airport, they were met by Ministry of Foreign Affairs cadres.
24 Their passports were taken, and all of their possessions seized.
25 They were imprisoned in re-education camps under the control of

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1 Ieng Sary at Chrang Chamreh, and Boeng Trabaek, where they were
2 subjected to political indoctrination and forced labour.

3 Those who were determined to be at odds with the party were taken
4 to S-21 and killed. Ieng Sary has admitted his critical role in
5 the return of Cambodian ex-patriots stating, I quote:

6 "I am very regretful for the deaths of the intellectuals because
7 I was the one who gathered them to come to help build the
8 country."

9 [16.13.20]

10 Mr. President, that is an appropriate point for me to pause, if
11 you wish to finish for the day now.

12 MR. PRESIDENT:

13 Thank you, International Co-Prosecutor.

14 It is now appropriate for today's adjournment. We will now
15 adjourn and resume tomorrow morning, starting from 9 a.m.

16 The security guard, you are instructed to bring the three accused
17 back to the detention facility and bring them back to the
18 courtroom tomorrow morning, before 9 a.m.

19 (Court adjourns at 1614H)

20 (Judges exit courtroom)

21 (Charged persons exit courtroom)

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