



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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CMS/CFO: Uch Arun

TRANSCRIPT OF TRIAL PROCEEDINGS  
PUBLIC  
Case File N° 002/19-09-2007-ECCC/TC

22 November 2011  
Trial Day 2

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

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For Court Management Section:  
UCH Arun

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. CAYLEY	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
THE PRESIDENT (Nil Nonn, Presiding)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 (Judges enter courtroom)

4 MR. PRESIDENT:

5 Please be seated.

6 The Trial Chamber is now back in session.

7 We would again like to give the floor to the Co-Prosecutor to  
8 continue with his brief opening statement.

9 MR. KARNAVAS:

10 Excuse me, Mr. President, Your Honours, I have an application to  
11 make. We attempted to make it yesterday, I will make it again --  
12 I will try to make it today.

13 It concerns my clients and it concerns you, Mr. President,  
14 violating his human rights by forcing him to be here yesterday  
15 when he was unable to participate. He had a headache all  
16 afternoon, he took off the headsets, he was unable to listen, he  
17 was in pain, he waived his presence, yet you forced him to be  
18 here claiming that this is an indispensable part of the  
19 proceedings.

20 Opening statements are not evidence, never have been, never will  
21 be, however theatrical they -- opening statements may be. So it  
22 is not an indispensable part of the proceedings. What is  
23 indispensable, I would say, are the rights of every accused as  
24 well as the rights of all other parties.

25 [09.02.40]

2

1 Mr. Ieng Sary wishes to participate but he cannot do so if he  
2 cannot listen to the proceedings here in Court. He wishes to  
3 participate downstairs. He's willing to do that, but he -- to  
4 force him to be here, where he has to take off the headsets,  
5 effectively turns this trial into a sham trial, a show trial, and  
6 nothing more. His presence here becomes a mockery; he cannot  
7 participate and he cannot advise his lawyers.

8 Therefore, I would urge you, Mr. President, along with your  
9 colleagues, to deliberate on this issue and come to a resolution,  
10 because this is going to be a continuing problem.

11 If you wish for the world to see that this is a model tribunal  
12 and that this is a court that is going to dispense justice as the  
13 Prosecution yesterday suggested, invoking Justice Jackson's  
14 words, then I suggest that we do everything that we can to ensure  
15 that the proceedings go as smoothly as possible and that the  
16 Accused can participate in their defence.

17 [09.03.52]

18 In none -- in none of the international tribunals or  
19 internationalized tribunals are accused forced to be in Court -  
20 none: The International Criminal Court for the Former Yugoslavia,  
21 or for Rwanda, or Sierra Leone, or Lebanon, or the ICC. We  
22 briefed the issue, we filed observations because we were  
23 concerned that some members of the Bench were not fully aware of  
24 or appreciated the fair trial rights of the Accused, one of which  
25 is to waive his presence. That's why we did so.

3

1 So we urge you, Mr. President, with the deepest respect, to  
2 please consider -- or reconsider your decision, allow Mr. Ieng  
3 Sary to go downstairs and watch the proceedings so later on he  
4 can advise his clients and give instructions to his clients. He  
5 is not withdrawing from this proceeding, he is participating, he  
6 wishes to participate. Please allow him to participate, by  
7 ensuring that his fair trial rights are respected throughout the  
8 proceedings.

9 Thank you.

10 [09.05.15]

11 MR. PRESIDENT:

12 The prosecutor, you may proceed.

13 MR. CAYLEY:

14 (Microphone not activated) - could I just make some brief  
15 observations on what Mr. Karnavas has said?

16 Ieng Sary's defence briefed the Court on this issue. I think  
17 those observations were rejected.

18 [09.05.35]

19 Our position, which we didn't file in the end because the Ieng  
20 Sary observations were not considered by the Court, is that  
21 fundamentally -- allow me to finish, Mr. Karnavas, allow me to  
22 finish -- fundamentally, our position is that the Accused should  
23 be present in Court for the proceedings. That is the bottom line  
24 for the prosecution.

25 However, however, if the Court is minded -- if the Court is

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1 minded to allow Mr. Ieng Sary to follow the proceedings  
2 downstairs -- and frankly, I find it extraordinary, Mr. Karnavas  
3 is saying his client can't give him instructions in Court; how on  
4 earth his client can give him instructions from downstairs defies  
5 belief. Nevertheless, if -- if you were minded to allow Mr. Ieng  
6 Sary to follow the proceedings from downstairs, then we would  
7 require exactly what Mr. Karnavas has said himself, which is a  
8 written waiver, a written waiver signed by the Accused.  
9 And the reason that we say that is because what we don't want is,  
10 in appeal proceedings, that the Accused essentially says: Well,  
11 actually, I wasn't present during the proceedings, so the trial  
12 proceedings were defective. So we would agree with Mr. Karnavas  
13 that, if the Court were minded to allow Mr. Ieng Sary to follow  
14 the proceedings from downstairs, then he execute a written waiver  
15 in accordance with what Mr. Karnavas has advised the Court  
16 himself.

17 [09.07.01]

18 MR. KARNAVAS:

19 Let me just correct the record, Mr. President, because there are  
20 some half-truths here.  
21 First of all, our observations were not rejected. Second of all,  
22 the prosecution did indeed file something; perhaps Mr. Cayley was  
23 not in country at the time, but they did file something, and if  
24 you look at it very carefully, their position is slightly  
25 different than the one that he takes today.

1 [09.07.25]

2 Second of all, when we filed our observations those observations  
3 were filed on the basis of what happened during the initial  
4 hearing. Along with the observations, we filed a model waiver to  
5 be executed by the -- by Mr. Ieng Sary or any accused who wished  
6 not to be present. So this is not something novel.

7 Secondly, I should say, now it appears that the prosecution is  
8 saying that, if the Accused is not present, he certainly cannot  
9 really participate downstairs, after spending all of the millions  
10 of dollars of taxpayers' money to ensure that they can monitor  
11 the proceedings from down there. It is a ridiculous suggestion.

12 Thirdly, even if Mr. Ieng Sary wanted to stay in his cell, he has  
13 a fundamental right to do so. That is -- those are the  
14 international standards. We've always said that he would waive by  
15 signing a waiver, we have never backed down from that. In fact,  
16 it was our suggestion.

17 So for Mr. Cayley to sit here today and make these demands when  
18 in fact we've offered them already, to me, you know, seems  
19 somewhat short and economical with the truth.

20 We are prepared to participate, and the Trial Chamber tested  
21 those cells down there so that the Accused can monitor, and then  
22 we could go and get instructions.

23 [09.08.56]

24 The Accused are not going to be giving instructions moment to  
25 moment. Even in The Hague or ICTY, the Accused are far away from

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1 the lawyers and they don't have access to the clients in Court.  
2 The instructions are going to be given during the breaks, after  
3 hours. But the client cannot give instructions if he cannot  
4 participate. Yesterday, he sat for an hour and a half, basically  
5 watching the prosecutor, listening but not being able to hear or  
6 understand what exactly was being said, because he couldn't  
7 follow the proceedings.

8 And what we're saying is we have mechanisms, because of their  
9 advanced age, to cure that.

10 [09.09.38]

11 We're not suggesting that you show sympathy. Because the  
12 prosecutor, yesterday, when he was saying "make sure not to show  
13 sympathy", if I understood him correctly, it wasn't, when it  
14 comes to these individuals, as far as assessing the facts. That's  
15 what he was warning you: assess the facts as any court would do,  
16 anywhere in the world, honestly, fairly. And that's what --  
17 exactly what we want you to do.

18 But an accused is not participating if he's present but his mind  
19 is not involved, is not engaged. That is a fact and that's one of  
20 the reasons why one of the accused is not here today.

21 Thank you.

22 MR. PRESIDENT:

23 It seems like now they are taking turns to take a stand. It's  
24 submit that you request to take the floor only after the  
25 conclusion of the observation by the prosecutor and, finally, by



7

1 the defence counsel. If you now would like to take the floor,  
2 then there is a need for the defence counsel to respond.

3 [09.11.02]

4 If the exchange is going to be like this for this whole morning,  
5 it's a waste of time for the actual proceedings, and it's going  
6 to take months in order to go into the substantive.

7 I would therefore advise all parties: you take your stand only  
8 after the observation is made by the prosecutor, so that the  
9 defence counsel can take the final stands to respond to both, to  
10 the lead co-lawyer and the prosecutor.

11 You may now proceed.

12 MR. PICH ANG:

13 Thank you, Mr. President.

14 Actually, I wanted to make my observation after the conclusion of  
15 the remark made by the International Co-Prosecutor, but then,  
16 just after his observation is finished, Mr. Karnavas interrupted,  
17 so I did not have the opportunity to make my observation.

18 [09.12.12]

19 It is not my intention to delay the proceeding, Mr. President. We  
20 just wish to express the intention of the civil parties. It is  
21 absolutely necessary for the civil parties to have Mr. Ieng Sary  
22 present in the courtroom. They have been waiting for more than 30  
23 years to see the happening in this Court, and for them it is  
24 important and imperative for Mr. Ieng Sary to hear the charges  
25 against him for those crimes and it also show -- to indicate Mr.

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1 Ieng Sary's willingness to participate and listen to the charges,  
2 and it's also show his attempt to participate.

3 That is all our intention, Mr. President. Thank you.

4 (Judges deliberate)

5 [09.14.06]

6 MR. PRESIDENT:

7 After having heard the request made by the Accused through his  
8 counsel not to directly participate in the hearing and to follow  
9 the proceedings downstairs through audiovisual communication and  
10 also after having heard the observation made by the prosecution  
11 as well as the lead co-lawyer for civil parties, the Trial  
12 Chamber is of the opinion that, at this stage, it is the opening  
13 statement presenting the charges against the Accused and also to  
14 show to the parties and the public and that the Accused shall  
15 hear all the charges against them.

16 For the above reasons, the Trial Chamber rejects the request made  
17 by the Accused. The Accused is therefore required to be in this  
18 courtroom to follow the proceedings.

19 The floor is now given to the international Co-Prosecutor.

20 [09.15.34]

21 MR. CAYLEY:

22 May it please the Court, just one observation about time, Your  
23 Honours.

24 I think we've used, over the last two days, 45 minutes yesterday  
25 and then 15 minutes today concerning procedural matters so I'd

1 like that to be taken into consideration in terms of the time  
2 available to me for the rest of today.

3 Next, I will move to an issue identified in your Order of June of  
4 this year that you wished to be addressed in the opening  
5 statements, and that is the organizational structure of the  
6 Communist Party of Kampuchea and Democratic Kampuchea.

7 If the next chart can be shown?

8 The organizational chart that you see in front of you  
9 demonstrates that the leaders of the CPK exercised control  
10 through three key sets of entities: first of all, regional  
11 organizations; second, military divisions that formed the RAK;  
12 and thirdly, government ministries, each of which reported up to  
13 the Standing Committee, or Central Committee.

14 [09.17.05]

15 Regionally, Democratic Kampuchea was divided into seven zones and  
16 two autonomous sectors, each of which reported directly to the  
17 Standing Committee. And as shown in this map from the DK period,  
18 the seven zones were the Northwest, the West, the Southwest,  
19 East, Northeast, Central and North zones, and the two autonomous  
20 sectors were Mondolkiri Province, known as Sector 105, and Kratie  
21 Province, known as Sector 505.

22 The Central and North zones were originally one region, but in  
23 mid-1977, Preah Vihear and Siem Reap provinces, known as Sectors  
24 103 and 106, became the new North Zone, while Kompong Thom and  
25 the western half of Kompong Cham province became the central

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1 zone.

2 Each zone was divided into a number of sectors and each sector  
3 into a number of districts. The districts were divided into  
4 communes or sub-districts and as shown in this chart these  
5 entities formed a hierarchical organization through which  
6 information was reported from the bottom to the top, and orders  
7 and policies were sent down from the top to the cadres on the  
8 ground.

9 Each zone, sector, district and commune was overseen by a party  
10 committee consisting of a secretary, deputy and member, two zone  
11 leaders, Southwest Zone Secretary Ta Mok, and East Zone Secretary  
12 Sou Phim were on the CPK Standing Committee and each zone or  
13 autonomous sector usually had at least two representatives on the  
14 Central Committee.

15 [09.19.07]

16 As you will hear from the guards and drivers who worked for the  
17 party leaders at K-1 and K-3, the Accused had regular meetings in  
18 Phnom Penh with zone and sector leaders and also travelled to the  
19 provinces for conferences with regional cadres. Every year  
20 district leaders were required to come to Phnom Penh for a month  
21 of political education conducted by Nuon Chea and Khieu Samphan.  
22 The evidence will show that the Accused and other party leaders  
23 in Phnom Penh were fully informed on the implementation of CPK  
24 policy in the provinces. A compulsory system mandating regular  
25 reporting by the regions was put in place in early 1976 and that

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1 policy you will find set forth in the CPK statute. That statute  
2 required each echelon in the organizational hierarchy to report  
3 to the echelon above on its situation and the implementation of  
4 party plans.

5 In 8 March 1976, standing committee meeting, the proposed weekly  
6 reporting from the zones and sectors, so that the standing  
7 committee knows the situation in order to provide timely  
8 instructions.

9 [09.20.35]

10 And lastly, the policy on this is set forth in a 30th March 1976,  
11 decision of the central committee that established a regime of  
12 weekly reporting to Office 870.

13 The Chamber will hear from telegram operators who worked in zone  
14 or sector offices who will describe sending daily telegrams to  
15 the leaders in Phnom Penh and receiving responses in return.

16 Witnesses from the Sector 105 office will testify that telegrams  
17 relating to enemy situations were to be sent to Nuon Chea, and  
18 the former sector secretary has confirmed that the telegrams he  
19 sent were always responded to, usually by Pol Pot or Nuon Chea.

20 Your Honours will also hear from a cadre responsible for the  
21 office in Phnom Penh at which telegrams were received, translated  
22 from code, and then sent to the party leaders at K-1. He will  
23 explain how the distribution lists for these telegrams were added  
24 by the heads of that office pursuant to instructions received by  
25 the party leaders.

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1 [09.21.54]

2 This example before you reflects the standard distribution list,  
3 which included each member of the standing committee located in  
4 Phnom Penh. Pol Pot, usually simply referred to as Uncle, Nuon  
5 Chea, usually listed as Uncle Nuon, Ieng Sary referred to his  
6 alias Van, Son Sen listed by his alias Khieu and Vorn Vet or  
7 Brother Vorn.

8 As part of their standard practice, copies of these telegrams  
9 were also routinely sent to office and documentation.

10 The same witness will explain that the office copy was delivered  
11 to Khieu Samphan at Office 870, while the documentation or  
12 archived copy was kept and filed at the telegram office. Carbon  
13 paper was used to type multiple copies of each telegram, and  
14 telegrams were delivered to K-1 two or three times a day.

15 [09.22.56]

16 The reports received from zones followed a standard format. They  
17 would typically report first on the enemy situation, both  
18 external and internal.

19 The external section would describe problems at the borders with  
20 Thailand and Vietnam and incidents of armed conflict. The  
21 internal enemy section would describe problems with cadres and  
22 new or base people, seek instructions from the party centre on  
23 measures to be taken, and report on arrests, interrogations and  
24 executions of enemies.

25 A 15 June 1977 telegram from the Northeast Zone secretary copied

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1 to Nuon Chea, Ieng Sary and Khieu Samphan through Office 870,  
2 detailed how Division 801 had captured and detained 209 Jarai  
3 soldiers from Vietnam and requested orders on what action to take  
4 after the prisoners were interrogated.

5 [09.24.00]

6 In the period following the telegram, a large group of Jarai  
7 prisoners captured from Vietnam were executed at Au Kanseng  
8 security centre in Ratanakiri pursuant to orders conveyed from  
9 the Northeast Zone office, as you will hear from the prison  
10 chief, deputy and surviving prisoners.

11 [09.24.21]

12 A 10 January 1978 telegram from North Zone secretary Kang Chap,  
13 alias Se, copied to Nuon Chea, Ieng Sary and Khieu Samphan  
14 through Office 870, states that enemies had infiltrated from the  
15 sector district to the commune and indicates that Se planned to  
16 go to Sector 103 to search for enemies and send more crocodiles  
17 to the organization.

18 Two months later, the same zone secretary reported that they had  
19 systematically purged enemies associated with former policemen,  
20 soldiers and government officials and new people and that they  
21 planned to arrest more people.

22 The regular reports sent to Phnom Penh also included sections  
23 describing the status of agricultural production, the  
24 construction of dams and canals and the health of the local  
25 people, specifically informing the party leaders of the existence

14

1 of food shortages and outbreaks of disease.

2 [09.25.28]

3 This diagram in front of you demonstrates the reporting  
4 structures within the RAK. There were nine military divisions and  
5 a number of independent regiments that reported to the party  
6 leaders through the general staff office in Phnom Penh.

7 The military forces under the control of the party centre  
8 included Naval Division 164 based in Kompong Som, Air Force  
9 Division 502, a number of divisions based in or around Phnom Penh  
10 responsible for defending and protecting the CPK leadership and  
11 divisions based in Mondolkiri, 920, and Ratanakiri, 801.

12 [09.26.14]

13 Division leaders participated in regular meetings with general  
14 staff chairman Son Sen, a member of the standing committee who  
15 lived with the accused at K-3 and worked with them on a daily  
16 basis at K-1. Minutes of those division meetings reveal how CPK  
17 policy was implemented in military organizations, particularly in  
18 regards to the identification and elimination or smashing of  
19 enemies within the ranks.

20 Military divisions were subject to the same reporting  
21 requirements as zones and submitted regular reports to Son Sen  
22 describing the enemy situation and status of agricultural  
23 production and work sites.

24 [09.27.05]

25 Your Honours will hear testimony from the communications officer



15

1 at the general staff, who has stated that the information  
2 received from the divisions was reported by Son Sen to other  
3 party leaders.

4 You will also see a number of examples of division reports that  
5 contain handwritten notes from Son Sen forwarding reports to  
6 Angkar or Office 870. Government ministries also reported  
7 regularly and directly to the CPK leaders.

8 [09.27.39]

9 As the various ministries were located in Phnom Penh, their  
10 reports were often made in person, either at standing committee  
11 meetings or at monthly meetings of the Council of Ministers  
12 attended by Pol Pot.

13 Thus, Your Honours, the accused cannot credibly claim that they  
14 did not know and had no control over the crimes that occurred  
15 throughout Democratic Kampuchea between April 1975 and January  
16 1979. Quite to the contrary. The control exercised by CPK leaders  
17 over all aspects of Cambodian society was frightening, pervasive  
18 and complete.

19 [09.28.17]

20 Your Honours can see this knowledge and control simply by reading  
21 the detailed reports and telegrams that were regularly sent to  
22 the party leaders in Phnom Penh. If a villager in Ratanakiri had  
23 an affair, his moral offense would be included in the weekly  
24 reports sent to the party leaders.

25 The accused were informed of everything, from the number of

16

1 couples married each month, to how much it rained, to the  
2 identity of persons who complained about the party's cooperative  
3 program and lack of food.

4 If the accused wanted an orange from Pursat, it would be picked  
5 and delivered to them. But if a parent sought to pick some fruit  
6 or catch a fish for a starving child, they would be arrested,  
7 reported to Angkar and sent for re-education.

8 [09.29.12]

9 Death might come swiftly, but not swiftly enough to spare the  
10 torture. In Democratic Kampuchea, every act of disobedience was  
11 viewed as a threat and treated as enemy subversion to be reported  
12 to the organization and dealt with by appropriate measures.

13 Your Honours, as I have emphasized throughout my opening remarks,  
14 the crimes that occurred during the Democratic Kampuchea regime  
15 were not random events attributable to rogue cadres. They also  
16 cannot be blamed solely on Pol Pot, as some of the accused may  
17 try in this trial.

18 [09.29.56]

19 These crimes were the result of organized plans developed by the  
20 accused and other CPK leaders and systematically implemented  
21 through the regional, military and government bodies they  
22 controlled.

23 The sad truth is that it took hundreds, even thousands of willing  
24 participants fully in agreement with the CPK agenda to run a  
25 regime that lasted over three years, enslaved an entire nation

1 and killed over a million people.

2 Such atrocities, Your Honours, cannot possibly be the  
3 responsibility of one man acting alone. Rather, in this trial the  
4 Co-Prosecutors will prove beyond reasonable doubt that the crimes  
5 for which the Accused have been indicted were committed pursuant  
6 to a common criminal plan or joint criminal enterprise in which  
7 Nuon Chea, Ieng Sary and Khieu Samphan were knowing and wilful  
8 participants.

9 And now I will address each one of those criminal policies within  
10 the joint criminal enterprise, starting first with the forcible  
11 movement of the population from cities and rural areas.

12 Millions of people were forced to abandon their homes in Phnom  
13 Penh and other towns and cities throughout the country. Their  
14 schools, temples and markets were closed. Whatever you were on  
15 the 16th of April, whether a teacher or a student, a lawyer or a  
16 doctor or a Monk or a policemen or the owner of a family  
17 business, on the 17th of April your life now belongs to the  
18 Communist Party of Kampuchea.

19 [09.31.53]

20 What happened in Phnom Penh and other cities on the 17th of April  
21 1975 was not a novel or new policy of the CPK, nor was it a  
22 response to immediate events or circumstances, rather, it was a  
23 carefully planned policy that had been developed and implemented  
24 by the Accused and other CPK leaders for years in the previous  
25 territories they occupied and controlled.

1 It was, in 1971, during the Chenla 2 battle that the CPK  
2 pioneered a tactic they called "Seizing the People". This  
3 involved capturing and evacuating the population of entire  
4 cities, then killing anyone amongst the population deemed to be a  
5 class enemy.

6 This tactic was implemented in Kratie, in Banam, in Kompong Cham  
7 during 1973. In Kompong Cham the CPK evacuated 15,000 people  
8 after temporarily overrunning the city and then killed 10,000  
9 enemies. The same tactic was executed by the Accused in Oudong in  
10 1974.

11 This is Philip Short's description of events that followed the  
12 capture of the town of Oudong in late March 1974 and I quote:  
13 "The population of the town, some 20,000 people was rounded up  
14 and marched through the forests of Palhel before being resettled  
15 in cooperatives in the special zone and southwest. Officials and  
16 uniformed soldiers were separated from the rest, led away and  
17 killed."

18 [09.33.48]

19 As commander-in-chief of the National Liberation on Forces, Khieu  
20 Samphan was one of the CPK leaders actively directing the  
21 strategy. In a speech given in North Korea in April 1974, also  
22 attended by Ieng Sary and Ieng Thirith he bragged how one month  
23 earlier Khmer Rouge troops had annihilated Oudong, eliminating  
24 5,000 enemies.

25 About two weeks before the fall of Phnom Penh in 1975, a meeting

1 was held at Pol Pot's headquarters near Oudong to give the final  
2 orders to the military, relating to the evacuation of Cambodia  
3 cities.

4 A guard present at that meeting who later became the Security  
5 Chairman of the Ministry of Foreign Affairs will testify that  
6 both Nuon Chea and Khieu Samphan attended that meeting and agreed  
7 with the plan to evacuate Cambodia's cities. Khieu Samphan admits  
8 that he was at this location with the other CPK leaders during  
9 this period.

10 Ieng Sary was in Beijing when the final orders were given to the  
11 military but was part of the CPK leadership that developed the  
12 evacuation strategy during the 1970s. In particular, Ieng Sary  
13 attended the party's central committee meeting in June 1974 that  
14 planned the liberation of Phnom Penh and admits having discussed  
15 the evacuation plan with Pol Pot.

16 The purpose of the evacuations of Phnom Penh and other Cambodian  
17 cities in 1973, 1974 and 1975 was not to protect the people. It  
18 was not a reaction to food supply problems, it was not, as was  
19 announced to the residents of Phnom Penh when they were ordered  
20 to leave the city on 17 April 1975, to move civilians from areas  
21 that faced threats to bombing by the U.S. military, none of this.  
22 The evacuations were a strategy derived from the CPK leader's  
23 belief that urban areas were the nerve centre of the party's  
24 class enemies. It was designed to remove those enemies from their  
25 base so that they could be identified, separated and killed.

1 The criminal intent or purpose behind the evacuations is  
2 reflected in a number of statements made by the Accused and other  
3 party leaders.

4 [09.36.21]

5 In a January 1977 speech to CPK cadres Nuon Chea described the  
6 1973 and 1974 evacuations as a very important strategic line of  
7 the party that cut off the heads and the tail of the enemy by  
8 controlling and seizing the people.

9 In July 1978 Nuon Chea described how in the pre-liberation period  
10 there were few enemies in rural areas but many enemies in the  
11 cities and that the evacuation of the cities was done in order to  
12 move to the countryside and smash enemy agents.

13 [09.37.03]

14 Khieu Samphan has acknowledged that the evacuation of Phnom Penh  
15 was the result of the collective decision in which he  
16 participated and defended that decision quoting the party line  
17 that the countryside is an important foundation for the  
18 revolution, whilst the city is the apparatus of the power-holding  
19 classes and the imperialists, the location where the enemies of  
20 the revolution may assemble their forces to smash us.

21 Revolutionary Flag, the publication of the CPK leadership,  
22 distributed only to party members, described the evacuation of  
23 the cities as "class struggle".

24 And during a press conference in Beijing on 3 October 1977, with  
25 Ieng Sary standing by his side, Pol Pot admitted that the

21

1 evacuation of city residents to the countryside was done in order  
2 to scatter the enemy into cooperatives where they could be  
3 crushed.

4 You have heard yesterday from Madam Chea Leang about the horrific  
5 crimes that took place on 17 April 1975 and the ensuing days as  
6 the city of Phnom Penh was cleared out, millions of people forced  
7 to abandon, not only their homes and belongings, but their entire  
8 lives, their job or their business, their place of worship, and  
9 in many cases their families and loved ones.

10 [09.38.36]

11 The crime sights for which the Accused have been indicted also  
12 include Tuol Po Chrey, a killing site in Pursat province where  
13 thousands of soldiers and officials from the Lon Nol government  
14 were gathered and executed over a one-week period. And a district  
15 in Kampong Chhang that was a long-time base of the CPK where  
16 evacuees who arrived from Phnom Penh and other locations --

17 MR. KONG SAM ONN:

18 Mr. President, could you advise the Co-Prosecutor to slow down a  
19 bit for record.

20 MR. PRESIDENT:

21 Thank you, Counsel.

22 Co-Prosecutor, could you slow down a bit?

23 Thank you.

24 MR. CAYLEY:

25 Thank you, Mr. President.

1 [09.39.32]

2 Let me just repeat, if that was lost.

3 The crime sites for which the Accused have been indicted also  
4 include Tuol Po Chrey, a killing site in Pursat province where  
5 thousands of soldiers and officials from the Lon Nol government  
6 were gathered and executed over a one-week period and a district  
7 in Kompong Chhang that was a long-time base of the CPK where  
8 evacuees who arrived from Phnom Penh and other locations were  
9 screened and persons who were identified as Lon Nol soldiers or  
10 officials, landowners, business owners or other class enemies  
11 were taken away and executed.

12 The accused directly decided and ordered the mass killings of  
13 officials and soldiers from the Lon Nol government. A resolution  
14 of the Second National Fund Congress signed by Khieu Samphan in  
15 late February 1975 expressly called for the execution of seven  
16 leaders of the Lon Nol regime, who the Khmer Rouge called the  
17 "super traitors".

18 Two of those seven individuals, Prime Minister Long Boret and  
19 Prince Sirik Matak chose not to flee the country as Khmer Rouge  
20 forces approached and took over Phnom Penh.

21 [09.41.22]

22 Long Boret surrendered himself to the CPK on 17 April 1975. Sirik  
23 Matak sought refuge at the French embassy in Phnom Penh, but with  
24 CPK forces surrounding and threatening to attack the embassy, he  
25 and hundreds of other Khmer nationals were forced to leave the



1 embassy grounds on 20 April 1975 and he was taken into custody by  
2 CPK military leaders.

3 The execution of Sirik Matak and Long Boret were officially  
4 announced to the world by Ieng Sary at a press conference in  
5 Bangkok in early November 1975.

6 [09.42.15]

7 These crimes committed by the CPK at the very outset of their  
8 regime were just the beginning.

9 I'll now turn to the second policy that was part of the joint  
10 criminal enterprise of which the accused had been charged, which  
11 is the establishment of cooperatives and work sites at which the  
12 Cambodian population was enslaved.

13 Once the inhabitants of cities had been evacuated, those who  
14 survived were moved into rural cooperatives and forced to work  
15 under grueling conditions with starvation rations. As was the  
16 case with forced movements, the establishment of cooperatives was  
17 a CPK policy that was initially developed by the leaders of the  
18 party prior to April '75.

19 In May 1972, the CPK central committee approved plans for the  
20 collectivization of agriculture. Cooperatives were officially  
21 imposed in the regions controlled by the Khmer Rouge one year  
22 later, on 20 May 1973, a day commemorated by the CPK as the birth  
23 of the peasant cooperative organization.

24 The collectivization of Cambodian society meant the elimination  
25 of markets, currency and private property and the dismantling of

24

1 the existing means of agricultural production. Peasants who had  
2 been low-paid workers for feudalist landowners became unpaid  
3 slaves, working for the CPK leaders.

4 [09.44.25]

5 When implemented throughout the entire country after the CPK took  
6 power on 17 April 1975, all of Cambodia would become a prison  
7 without walls. As proclaimed by Ieng Sary in early 1976, the  
8 entire country was now a vast work site.

9 The accused and other party leaders provided instructions to  
10 cadre on how to organize cooperatives, both through written  
11 publications such as "Revolutionary Flag" and political education  
12 and training conducted by the leaders in person.

13 The Chamber will hear testimony from a former commune secretary  
14 from Kratie describing a speech given by Nuon Chea to sector,  
15 district and commune cadres in 1973 or 1974 explaining how to set  
16 up cooperatives.

17 [09.45.36]

18 The implementation of agricultural cooperatives was not optional.  
19 You are not free to opt out of party cooperatives and grow your  
20 own fruit and vegetables. You are not even free to criticize the  
21 party's policy. This was made very clear in a speech given by  
22 Nuon Chea at the annual West Zone Conference in July 1977 and  
23 published the following month in "Revolutionary Flag".

24 In that speech, Nuon Chea describes how one West Zone cadre,  
25 later discovered to be an enemy embedded inside our party, had

1 criticized collectivization in his presence at the prior zone  
2 conference, claiming that private property cattle are fatter than  
3 collective property cattle. That cadre was Ou Pin, alias Ham, the  
4 deputy secretary of Sector 32 of the West Zone.

5 [09.46.52]

6 Earlier, in 1977, he had been arrested, taken to S-21, and  
7 interrogated for months until he signed multiple, lengthy  
8 confessions. He served as a clear example of the consequences for  
9 those who questioned the party's policies.

10 Your Honours, the Co-Prosecutors will prove that all aspects of  
11 the cooperative program were determined by the CPK leaders on the  
12 standing and central committees, from the quotas establishing the  
13 amount of rice to be produced to the rations that each person was  
14 allowed to consume, to the number of people allocated to work in  
15 each region.

16 In August 1975, the standing committee visited the Northwest Zone  
17 and concluded that the zone required an additional 400,000 to  
18 500,000 workers in order to fully exploit the fertile farmland in  
19 that region. By the following month, the party leaders had  
20 decided to forcibly transfer an additional half million people  
21 from other zones to the Northwest, which decision was  
22 communicated in a party circular dated 19 September 1975.

23 [09.48.33]

24 This decision was made despite the CPK leaders knowing, as  
25 reflected in their own documents, that the previous evacuees (or

1 new people) who had been sent to the Northwest Zone from Phnom  
2 Penh and other cities earlier that year lacked both food and  
3 medicine. For the evacuees who survived this second forced  
4 transfer of the DK regime, a worse fate awaited them. Half a  
5 million Cambodians were moved to a region that did not have the  
6 necessary food and shelter to support them. Over the next two  
7 years, tens of thousands of people would die from starvation in  
8 the Northwest Zone.

9 As reported by Sector 5 of the Northwest Zone, in one district  
10 alone in 1976, 20,000 people died of starvation.

11 It was the accused and other party leaders who determined both  
12 the amount of rice rationed for each person to eat and the amount  
13 of rice that was expected to be produced. These issues were  
14 discussed by the leaders at party conferences on economic issues,  
15 and their decisions incorporated into planning documents and  
16 communicated to cadres throughout the country.

17 [09.50.16]

18 At the first nationwide party economic conference held in  
19 November 1975, the party centre approved a three tonnes per  
20 hectare quota for rice harvesting in 1976, which was published  
21 and communicated to cadre parties in that month's issue of  
22 "Revolutionary Flag".

23 Three tonnes per hectare became a slogan that was endlessly  
24 repeated by CPK leaders in meetings and in speeches and in  
25 publications like "Revolutionary Flag" and stressed as essential

1 to both national defence and the ongoing class struggle.

2 The fact that in many places the soils of Cambodia were not rich  
3 enough to yield three tonnes was irrelevant. The fact that the  
4 rains may have failed to come in some places was irrelevant. The  
5 fact that there may have been rats or insects or plough disease  
6 or not enough seed was totally irrelevant.

7 [09.51.40]

8 The fact that the people may have been too exhausted from  
9 overwork, too weak from lack of food, too sick from disease to  
10 work in the fields was irrelevant. The fact that the new people  
11 had absolutely no idea how to cultivate rice was irrelevant.

12 If you did not achieve the three tonnes policy, you risked being  
13 accused of failure or treason and branded an enemy of the party.

14 [09.52.18]

15 As part of this same policy of the establishment of cooperatives  
16 and work sites, the accused also decreed that massive waterworks  
17 projects were to be built across the nation.

18 In May 1975, Nuon Chea informed party cadres of the decision to  
19 build irrigation dams and canals throughout the country, starting  
20 in 1976.

21 The four-year plan of the party prepared in 1976 called for a  
22 network of dykes and canals, and the second nationwide economic  
23 conference in November 1976 emphasized the need to increase water  
24 supply by being two to three times stronger in comparison to 1976  
25 and building more dams, canals and reservoirs.

1 Two of the party's biggest irrigation projects were the first  
2 January dam in Kompong Thom province and the Trapeang Thma dam in  
3 Banteay Meanchey.

4 [09.53.44]

5 These were massive work sites at which tens of thousands of  
6 workers were assigned.

7 The first January dam was so large that it can be seen from outer  
8 space, as shown by this satellite photograph from Google Earth.

9 While the size of these projects was enormous, the time periods  
10 established by the party leaders for their completion were  
11 irrationally short. For example, the chairman of the first  
12 January dam worksite was told that the party leadership was  
13 expected to complete the 60-kilometre long dam in no more than  
14 one year.

15 The unrealistic directives set by the CPK leaders as part of  
16 their great leap forward resulted in the workers at these sites  
17 having to work night and day under the worst conditions  
18 imaginable.

19 They were often expected to work from 5:00 in the morning until  
20 10:00 at night. The food that they were provided was  
21 insufficient, the medical care substandard, and many workers  
22 became sick and died of overwork, starvation or disease.

23 The construction of these massive dams was done primarily by  
24 hand, as you can see in this CPK propaganda film.

25 (Short pause)

1 [09.55.50]

2 MR. CAYLEY:

3 The accused were well aware of the inhumane conditions at these  
4 work sites to which they were subjecting the Cambodian people. In  
5 1976, the standing committee determined to spend as much as  
6 one-half of their time inspecting the bases and overseeing the  
7 implementation of their production policies.

8 The accused thus frequently travelled to the provinces to inspect  
9 the dams and other major work sites, as you will hear from both  
10 their drivers and the workers located at those sites.

11 One of those drivers has described taking Nuon Chea, Ieng Sary  
12 and Khieu Samphan to visit such sites, noting the hardship of the  
13 people and destitute conditions were readily apparent and could  
14 easily be observed by the accused.

15 [09.56.46]

16 That same driver states that he went to all of the provinces and  
17 that Nuon Chea went down to see the dam sites very often, about  
18 five to six times per month, during which trips he would meet  
19 with local cadres to discuss increase of the production and dam  
20 buildings.

21 Some of the visits by the accused were reported in DK state radio  
22 broadcasts that were monitored, transcribed and published in the  
23 foreign broadcast information service, or BBC summary of world  
24 broadcasts, such as Ieng Sary's March 1976 tour of work sites in  
25 Siem Reap province, at which 20 to 25,000 people worked.

1 Witnesses recall Ieng Sary, Khieu Samphan and Nuon Chea visiting  
2 the first January dam, and the following film clip shows one of  
3 Nuon Chea's visits during the inauguration ceremony for that dam.  
4 (Audio-visual presentation)

5 [09.58.19]

6 The Accused also visited Trapeang Thma dam and Kompong Cham  
7 airport construction site, a work site that was established in  
8 1976 standing committee meetings attended by Nuon Chea, Ieng Sary  
9 and Khieu Samphan and used for punishment by Ieng Sary for  
10 Ministry of Foreign Affairs workers who committed minor  
11 wrongdoing, such as being sick too much or not working hard  
12 enough.

13 In addition to their visits in person, the accused also received  
14 regular reports from the zones on the status and conditions of  
15 these projects.

16 At an 8 March 1976 meeting of the standing committee attended by  
17 Nuon Chea and Khieu Samphan, the Secretary of the Siem Reap  
18 Sector 106 reported that many people were sick and that there had  
19 been outbreaks of cholera and chickenpox, resulting in a loss of  
20 40 percent of the labour force.

21 On 2nd April 1976, Central Zone Secretary, Ke Pauk, reported that  
22 people were vigorously on the offensive, building the new rice  
23 field dyke system according to the goals set by Angkar, though  
24 there was widespread fever and diarrhoea due to people working  
25 and overheating.



1 [09.59.51]

2 You will hear statements made by the accused themselves which  
3 reflects their knowledge of the conditions that prevailed at  
4 worksites and cooperatives in Democratic Kampuchea.

5 Despite their knowledge of the suffering of the Cambodian people,  
6 the Accused continued to push the rapid construction of more dams  
7 and canals, and in 1978 increased rice-production quotas to the  
8 3.5 tonnes per hectare and directed that two-crop land be  
9 doubled.

10 Even worse, knowing that people were dying from starvation in  
11 many areas, the accused directed that large amounts of rice and  
12 other foodstuffs be taken from the people's cooperatives and used  
13 for export.

14 [10.00.51]

15 In the cruellest of ironies, the leaders of the CPK found that  
16 although they had rid the country of capitalism and capitalists,  
17 they still needed capital. And because they had abolished  
18 currency, the only thing they could use to pay for capital was  
19 rice and other foodstuffs. And so in their four-year plan, they  
20 calculated for every 100,000 tonnes of rice they exported, they  
21 could get \$20 million in cash. And based on their capital needs,  
22 they determined how much rice they needed from each region.

23 Each year, pursuant to this plan, rice was taken out of the  
24 hands of starving workers and peasants and used by the party  
25 leaders to buy machines, gasoline, and other supplies.

1 This, Your Honours, was the final legacy of the CPK's  
2 collectivization policy. Lives of exploited workers, human  
3 beings traded for capital.

4 [10.02.24]

5 I'll now move to the third policy of the joint criminal  
6 enterprise; the re-education of so-called bad elements and  
7 killing of enemies.

8 Of all the crimes committed by the CPK none will be remembered  
9 and mourned more so in this country than the unlawful arrest,  
10 detention, torture, and execution of hundreds of thousands of  
11 Cambodians at a nationwide network of security or re-education  
12 offices.

13 Earlier today I submitted how Nuon Chea, Ieng Sary, and the other  
14 founders of the CPK adopted a policy or party line in September  
15 1960 to use armed violence to defeat the feudalists, capitalists,  
16 and reactionaries they considered their enemies. This political  
17 line was fundamental to the accused's agenda and something to  
18 which all individuals who joined the CPK had to confirm their  
19 agreement.

20 As Khieu Samphan has written:

21 "All members were required to resubmit their applications to join  
22 the party following the adoption of these new party lines in  
23 1960."

24 The CPK leaders believed that they had discovered the secret to  
25 waging a communist revolution; a secret that had eluded the grasp

1 of their communist forbearers. The accused believed that previous  
2 communist revolutions had failed because class enemies had  
3 infiltrated and corrupted those revolutions. The solution the  
4 accused seized upon was simply to liquidate all class enemies in  
5 their entirety. And while the decision to use violence against  
6 political enemies may have started in the 1960s as a means to win  
7 power in a civil insurgency, that policy continued after the  
8 accused came into power in April 1975, at which time it became a  
9 means to protect the power now held by CPK leaders against all  
10 Cambodians who actually or potentially opposed, disagreed or  
11 failed to comply with their political agenda.

12 [10.05.42]

13 To this day, Nuon Chea insists that the people they murdered  
14 during the DK regime were all enemies or traitors.

15 (Audio-visual presentation)

16 [10.07.43]

17 One might ask: Who were all of these purported traitors? Who were  
18 the accused talking about when they instructed party cadres to  
19 smash or sweep cleanly away all enemies? The truth, Your Honours,  
20 is that the persons the Accused considered to be enemies of the  
21 CPK were an ever-evolving and ever-expanding group.

22 [10.08.15]

23 Initially, the enemies to be eliminated were the feudalists,  
24 capitalists, and reactionaries. In secret publications provided  
25 only to party members, the CPK leaders specified who was included

1 in these groups of class enemies.

2 Feudalists included landowners, as well as the King, and  
3 high-ranking officials, such as ministers, provincial and  
4 district governors, down to the commune chief.

5 Capitalists were principally those who used the national, natural  
6 resources, means, and labour forces, meaning workers for  
7 production, and those who collect or other crops to sell to other  
8 countries.

9 However, this group was extended by the CPK leaders to also  
10 include intellectual capitalists defined as students and civil  
11 servants who mainly used their intelligence for a living. As a  
12 result of this decision, students, teachers, doctors, lawyers,  
13 and other professionals became class enemies targeted for  
14 execution by the CPK.

15 [10.09.41]

16 The list of enemies to be killed by the CPK grew to include the  
17 soldiers and officials of the prior regimes whom the Khmer Rouge  
18 had fought; both the Lon Nol or Khmer Republic government and the  
19 Sangkum Reastr Niyum.

20 Also suspect were the residents of Phnom Penh and other cities  
21 who'd been evacuated to the countryside when the CPK took power;  
22 persons who became referred to as 17 April or 'new people'.

23 And as the DK regime progressed and the paranoid leaders of the  
24 CPK convinced themselves that their failures must be due to the  
25 CIA, KGB, or Vietnamese agents, the focus of their enemy

1 witch-hunt shifted from class enemies to internal enemies who had  
2 infiltrated the ranks of the party.

3 [10.10.45]

4 These purges started with the arrests of a few soldiers following  
5 a grenade explosion at the Royal Palace, but quickly spread to  
6 the commanders of their divisions and, eventually, to the cadres  
7 in all zones, ministries, and military divisions throughout the  
8 country implicated in confessions obtained at the Standing  
9 Committee's Security Office which you now know as S-21.

10 In the final year of the regime with the escalation of the armed  
11 conflict between Vietnam and Democratic Kampuchea, it was the  
12 Vietnamese who became the number one enemy focussed on by CPK  
13 leaders.

14 This wave of killings extended to anyone with a connection to, or  
15 relation, in Vietnam, including the residents of the East Zone  
16 who were guilty of living too close to the Vietnam border, and  
17 the Khmer Krom community, ethnic Khmers whose ancestors had lived  
18 in Vietnamese territory. Such persons were accused of having a  
19 Khmer body with a Vietnamese head.

20 [10.12.09]

21 The CPK leadership also determined that the Cham people were  
22 enemies of the state and carried out mass executions of the  
23 remaining Cham population in their historic base along the Mekong  
24 River in Kompong Cham province.

25 And it was not just the persons who fell into one of these

1 targeted groups whom the party leaders declared to be traitors or  
2 enemies, but also anyone related or connected to them. "Pull out  
3 the grass by the roots" was the CPK slogan. Guilt in the Khmer  
4 Rouge world view was somehow genetic, so they did not merely kill  
5 enemies, they often exterminated the entire family of anyone  
6 defined as the enemy; wives, children and, in many cases, parents  
7 and siblings, all either arrested or considered suspect and  
8 closely monitored for signs of enemy activity.

9 [10.13.26]

10 The party lines regarding enemies established by the accused and  
11 other CPK leaders were communicated to party cadre by a number of  
12 means. Regular political education or training of cadre was  
13 conducted by Nuon Chea, Khieu Samphan, and Ieng Sary at locations  
14 in Phnom Penh such as this: Borei Keila, or the Olympic Stadium  
15 which would be attended by cadres from districts, sectors, zones,  
16 and military divisions across the country.

17 This shows, that photo that you just -- shown, shows one of the  
18 conferences led by Khieu Samphan, Ieng Sary, Son Sen, and Hu Nim;  
19 and this video that you're about to see shows Pol Pot and Nuon  
20 Chea leading a mass meeting of cadres.

21 (Audio-visual presentation)

22 [10.14.38]

23 Ieng Sary also provided political education at the Ministry of  
24 Foreign Affairs and the Boeung Trabek re-education site used for  
25 returning intellectuals or students and former diplomats as you

1 will hear from a number of witnesses from those sites.

2 A document from the Ministry of Foreign Affairs records one  
3 example of such instruction. At a 10 July 1976 Ministry Congress,  
4 cadres were told that 1 to 5 percent of the country were traitors  
5 boaring from within, and instructed to investigate biographies,  
6 carry out self-criticism, monitor all activities of personnel,  
7 and handle pests buried deep inside, so that spies cannot  
8 infiltrate into "our Ministry".

9 [10.15.41]

10 The other principal means by which party lines were transmitted  
11 to cadre was through circulars from Office 870 and the monthly  
12 party journal "Revolutionary Flag", which was distributed  
13 throughout the country and required reading for all party  
14 members.

15 In those publications, one consistent message was repeated again  
16 and again, month after month. That message was the necessity to  
17 identify and smash enemies of the party.

18 Your Honours, the second annex of the Co-Prosecutor's Trial  
19 Document List identifies 86 such publications, circulars, and  
20 directives that were issued by the CPK leadership to their cadres  
21 primarily between April 1975 and January 1979. In those 86 CPK  
22 publications the word "enemy", "enemies", or "traitor" appear at  
23 least 4,707 times; on average, twice every page.

24 The consequences of these incessant instructions to cleanse the  
25 country of enemies was the arrest, detention, interrogation,

1 torture, and execution of hundreds of thousands of Cambodians at  
2 S-21 and at 200 other security offices spread throughout this  
3 country.

4 [10.17.44]

5 This can be directly seen in the telegrams or reports sent from  
6 the zones to the party centre from which it's clear beyond any  
7 doubt that it was the Accuseds' enemy policy that was responsible  
8 for the widespread arrests and executions that plagued Democratic  
9 Kampuchea that my fellow Co-Prosecutor described to you  
10 yesterday.

11 In addition to their roles forming the CPK enemy policy, as  
12 members of the Standing and Central Committee, each of the  
13 accused also directly participated in the implementation of this  
14 plan, both collectively as a group and as individuals.

15 [10.18.47]

16 Collectively, Nuon Chea, Ieng Sary, and Khieu Samphan  
17 participated in decisions on arrests at the Standing Committee  
18 meetings they attended. For example, at a meeting held on 8 March  
19 1976 the deputy secretary of the North Zone reported on enemy  
20 activities and the arrests of various persons in his region, and  
21 requested instructions on what to do with a group of people who  
22 had attempted to flee to Vietnam. In response, the Standing  
23 Committee instructed that those persons were to be detained and  
24 interrogated and the results reported to upper echelon along with  
25 a case file.



1 A key witness in these proceedings regarding the role of the  
2 Standing Committee, an individual accused in the arrests of  
3 high-level cadre, will be S-21 chairman Comrade Duch.  
4 One such cadre whose fate was decided by the accused was Central  
5 Committee Member, Suos Neou, alias Chhouk, the Secretary of  
6 Sector 24 of the East Zone. Chhouk had been implicated as an  
7 enemy by Division 170 Secretary Chan Chakrei, and other cadres  
8 arrested and interrogated at S-21 in mid-1976. Duch will describe  
9 how he was requested to provide seven copies of the confession  
10 excerpts implicating Chhouk, one for each member of the Standing  
11 Committee. He will also testify how the committee decided to  
12 arrest Chhouk in August 1976.

13 [10.21.05]

14 Nuon Chea personally went to the K-7 messenger office on the  
15 riverside to observe Chhouk's arrest.

16 Another high-ranking cadre under the suspicion at this time was  
17 Koy Thuon, alias Thuch, a long-time member of the Central  
18 Committee, who had originally served as Secretary of the North  
19 Zone and later as the Minister of Commerce.

20 Here you see a photograph of Koy Thuon at S-21. After his arrest  
21 was ordered by the Standing Committee in April 1976, Koy Thuon  
22 was held in a house on the grounds of K-1 for over nine months; a  
23 site visited by each of the accused on an almost daily basis.  
24 You will hear testimony from one of the guards who worked at K-1  
25 and delivered food to Koy Thuon at that house. The facts

1 regarding Koy Thuon's arrest have also been confirmed by Khieu  
2 Samphan in one of his books.

3 [10.22.24]

4 Koy Thuon was transferred from K-1 to S-21 on 25 January 1977  
5 where he was personally interrogated by Duch. Later, he was  
6 subjected to severe torture on orders provided by Standing  
7 Committee Member Son Sen.

8 The confessions of Koy Thuon and Chhouk would shake the party to  
9 its core. Each implicated a vast network of traitors in an  
10 anti-party conspiracy that included leading cadres from zones,  
11 military divisions, and ministries across all of Democratic  
12 Kampuchea. The internal purges that ensued spread across the  
13 entire apparatus of the CPK and would result in the arrest and  
14 execution of tens of thousands of party cadre as reflected in the  
15 chart you are about to see.

16 Minister of Propaganda, Hu Nim, was number 13 on Koy Thuon's list  
17 of purported traitors. On 10 April 1977 he was arrested and taken  
18 to S-21. Hu Nim's immediate response was to write a letter to the  
19 people responsible for his arrest denying any betrayal of the  
20 party. As a government Minister and part of the leadership  
21 located in Phnom Penh, Hu Nim certainly understood who the party  
22 leaders were who controlled and would decide his fate.

23 So it is very telling indeed, Your Honours, that his plea of  
24 innocence was addressed to Pol Pot, Nuon Chea, Ieng Sary, Vorn  
25 Vet, Son Sen, and Khieu Samphan. Moreover, as members of the CPK

41

1 Central Committee, Nuon Chea, Ieng Sary, and Khieu Samphan  
2 authorized killings inside and outside the ranks of the CPK in a  
3 30 March 1976 decision.

4 [10.25.21]

5 In this decision the accused provided authority to the zone  
6 committees to conduct executions in the bases. The Central Office  
7 Committee, a reference to Office 870, was authorized to smash  
8 surrounding the centre office. Executions in independent or  
9 autonomous sectors were to be decided by the Standing Committee  
10 and the general staff, the Central Military Headquarters led by  
11 Son Sen was given authority to smash within the party's centre  
12 military.

13 The decision of the accused to provide broad authority to CPK  
14 leaders to carry out the party policy on enemies resulted in  
15 countless deaths and is clear evidence, in my submission, of  
16 their intent to kill.

17 [10.26.25]

18 In addition to their collective actions and intent as members of  
19 the Standing and Central Committees, the Co-Prosecutors will also  
20 prove beyond a reasonable doubt the individual participation,  
21 knowledge, and intent of each of the accused.

22 I'll briefly set out the specific roles of each of the accused in  
23 relation to the arrest, detention, and execution of perceived  
24 enemies.

25 I don't know whether you wish to take a break at this point, Mr.

42

1 President, I'm being indicated that it may be appropriate. I can  
2 continue if you wish.

3 MR. PRESIDENT:

4 Thank you, International Co-Prosecutor.

5 The time right now is now appropriate for a break. We shall have  
6 a 20-minute break, and we shall resume after that.

7 (Court recesses from 1027H to 1054H)

8 THE GREFFIER:

9 All rise.

10 (Judges enter courtroom)

11 MR. PRESIDENT:

12 Please be seated. The Court is now back in session.

13 The international Co-Prosecutor, you may now continue with your  
14 brief opening statement.

15 MR. CAYLEY:

16 Thank you, Mr. President.

17 [10.54.45]

18 Before the break, I indicated that I would set out briefly the  
19 roles of each of the three Accused in relation to the arrest,  
20 detention, interrogation and execution of perceived enemies.

21 First of all, dealing with Ieng Sary. Ieng Sary, as Minister of  
22 Foreign Affairs, was responsible for identifying enemies within  
23 that organization and determining the Ministry cadres who would  
24 be sent to worksites for tempering and those who would be  
25 arrested and sent to S-21.

1 [10.55.38]

2 His participation in these matters will be proven by both witness  
3 testimony and documentary evidence.

4 As S-21 Chairman, Duch has explained each organization head was  
5 involved when cadre from their organization were implicated as  
6 potential traitors in confessions obtained by S-21 interrogators.  
7 Duch would first send such confessions to Son Sen or Nuon Chea  
8 and they would forward a copy of the confession or list of the  
9 implicated cadre to the relevant organization heads.

10 [10.56.39]

11 A joint decision on the persons to be arrested would then be made  
12 by Nuon Chea, Son Sen and the standing committee together with  
13 the respective organization head.

14 Pursuant to this standing operating procedure, confessions that  
15 implicated Ministry of Foreign Affairs cadre, former diplomats or  
16 other persons that fell under Ieng Sary's responsibility such as  
17 returning intellectuals were routinely sent to Ieng Sary for his  
18 review and advice.

19 Ieng Sary's receipt of S-21 confessions has been confirmed by  
20 trial witness TCW-564.

21 [10.57.36]

22 This testimony is corroborated by a number of S-21 confessions  
23 that contain handwritten annotations indicating they were sent to  
24 Comrade Van, Ieng Sary's alias, such as this confession of the  
25 former DK ambassador to Laos, Meak Touch. He entered S-21 on 20

1 November 1977 and was executed four months later, on 31st March  
2 1978.

3 Other former cadre from the Ministry of Foreign Affairs will also  
4 implicate Ieng Sary in this process.

5 The Chamber will hear from at least two such witnesses who were  
6 accused of being traitors and directed by Ieng Sary to write  
7 biographies. The biography of one of those cadres, trial witness  
8 TCW-724, starts with the statement:

9 "Our comrade in charge has reported that our class enemy has  
10 brought accusations on me."

11 The Co-Prosecutors will offer into evidence a copy of that  
12 biography as tangible evidence of Ieng Sary's participation in  
13 matters that determined life or death of his cadre.

14 [10.59.23]

15 You will also hear how in a few select cases Ieng Sary protected  
16 members of his staff from arrest, persons who were his friends or  
17 whom he had known since his days as a student in France. If you  
18 accept that Ieng Sary tried to save lives, that is a matter for  
19 which he should be given credit, but ultimately, the real  
20 significance of this evidence is that it proves that Ieng Sary  
21 did have authority and the power to control who could be arrested  
22 and who would not be arrested. This fact removes any doubt that  
23 he bears criminal responsibility for the 200 other former  
24 employees, diplomats, returning intellectuals and family members  
25 who were arrested and smashed at S-21.

1 [11.00.36]

2 Ieng Sary's implementation of the CPK enemy policy at his  
3 Ministry also included political education meetings where he  
4 instructed his cadre that internal purges were needed because  
5 secret agents of the enemy were inside, and monthly lifestyle  
6 meetings and self-criticism sessions that he led and which were  
7 used to identify suspect cadre within the Ministry.

8 An internal document from September 1977 Ministry Conference  
9 notes that they had smashed and swept cleanly away the enemies  
10 who were CIA, KGB and Yuon territory swallows and calls for  
11 continued efforts to sweep cleanly away the remaining enemies  
12 within the Ministry.

13 Your Honours will also hear how Ieng Sary's responsibility  
14 extended to suspect cadres throughout the country who were  
15 reassigned to work at the Foreign Ministry as a way station en  
16 route to S-21.

17 [11.02.07]

18 Ieng Sary has admitted that he was aware the Ministry was used as  
19 a holding centre for suspect cadre. Because of this role, the  
20 Ministry of Foreign Affairs was called the anti-chamber of death  
21 by one former cadre. And as you will hear from Duch, this  
22 practice was sufficiently prevalent that Nuon Chea used the  
23 expression "to be sent as a diplomat" to signify the arrest and  
24 execution of a cadre.

25 Ieng Sary's knowledge of arrests and execution is also reflected

1 in a number of other statements. For example, during a speech for  
2 members of the diplomatic community on 17 April 1977, he  
3 announced that the Cambodian people and revolutionary army have  
4 smashed all the enemies' tricks and crushed their spy network.  
5 And in an April 1978 interview with a representative of the US  
6 Communist movement, Ieng Sary described how Vietnamese and KGB  
7 agents in Phnom Penh had been arrested in April and September  
8 1976 who were plotting to organize a coup d'état against us and  
9 how CIA agents disguised as revolutionaries had been arrested in  
10 1977.

11 [11.03.54]

12 Your Honours, you will also hear how the CPK's highest  
13 representative to the international community would repeatedly  
14 defend and deny the killings and mass human rights abuses when  
15 they were directly brought to his attention through official  
16 international meetings and official correspondence.

17 One of those reports, issued on the 14th of August 1978 pursuant  
18 to the 31st Session of the Human Rights Council Sub-Commission on  
19 the Prevention of Discrimination and Protection of Minorities (of  
20 the United Nations, of course) contained a request from the  
21 Canadian government for the Human Rights Council to investigate  
22 crimes occurring in Cambodia. They, the Canadians, said, I quote:

23 [11.05.12]

24 "Since the Khmer Rouge took absolute control of Cambodia, called  
25 today the Democratic Republic of Kampuchea, the entire world has



1 been horrified on learning from many concurrent sources about the  
2 terrible genocide committed on two million babies, children,  
3 women and men, about the deportation of all living souls from the  
4 capital of Phnom Penh and every other city, with no exception  
5 made for dying persons confined to hospitals, and about the fact  
6 that the government, calling itself the Communist Party of  
7 Democratic Kampuchea, has used children to shoot those who were  
8 executed.

9 For these reasons, all members of the Canadian Parliament  
10 express their horror at that genocide, which is one of the worst  
11 crimes in the history of mankind, and urge the Government of  
12 Democratic Kampuchea to stop that inconceivable bloodbath and the  
13 Prime Minister, Pol Pot, to accede immediately to the resolutions  
14 voted with the support of Canada on March 8th 1978 at the fifth  
15 session of the United Nations Commission on Human Rights sitting  
16 in Geneva and, finally, ask all Parliamentarians and governments  
17 which maintain relations with our country to protest against that  
18 slaughter, which has astounded the entire world."

19 [11.07.12]

20 In response, a month after this report was produced on 16  
21 September 1978, Ieng Sary sent an official telegram stating, I  
22 quote:

23 "We reject the Sub-Commission decision as impudent interference  
24 in internal affairs of Democratic Kampuchea. By that decision,  
25 Sub-Commission supports the activities of traitors to their

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1 country and the manoeuvres of American imperialists and their  
2 partisans who, after committing immeasurable crimes against the  
3 people of Kampuchea, more than a million inhabitants of Kampuchea  
4 and destroying 80 percent of Kampuchea, continue to defame  
5 Democratic Kampuchea to whitewash their crimes. As in the past,  
6 people and government of Democratic Kampuchea will make mincemeat  
7 of any criminal manoeuvres of the imperialists and their  
8 partisans. They will not tolerate any affront to the sovereignty  
9 of Kampuchea."

10 [11.08.42]

11 Earlier on, 13 June 1978, Ieng Sary responded to similar damning  
12 reports tabled at the 31st Session of the Human Rights Council of  
13 the United Nations regarding human rights abuses in Cambodia.

14 In a note which Ieng Sary sent to the United Nations Secretary  
15 General, which was disseminated to the UN and all member states,  
16 he stated, I quote:

17 "The propaganda machine of the imperialists, expansionists and  
18 annexationists has raised what it calls the human rights issue in  
19 its slander and denigration of Democratic Kampuchea. The infamous  
20 calumny against the people of Kampuchea is no new development and  
21 did not take by surprise the people and government of Democratic  
22 Kampuchea."

23 [11.09.46]

24 Your Honours, by this and many other statements made by Ieng Sary  
25 to the international community during the period of Democratic

1 Kampuchea, it is clear that he was well aware of the crimes that  
2 were being committed in this country. Next I will move on to  
3 specifically address Khieu Samphan.

4 While virtually every other person who lived in Democratic  
5 Kampuchea was aware of the constant arrests and disappearance of  
6 people around them, Khieu Samphan has claimed in his statements  
7 to the Co-Investigating Judges that he was not aware of any  
8 arrests during the Democratic Kampuchea period and only learned  
9 of such matters after January 1979.

10 This, Your Honours, is a falsehood and it defies belief, and it's  
11 refuted by overwhelming evidence to the contrary. Much of that  
12 evidence I have already discussed. There are minutes of the 8  
13 March 1976 standing committee meeting that record Khieu Samphan's  
14 presence through a discussion regarding arrests of enemies in the  
15 North Zone and the measures to be taken against those persons.  
16 There are numerous telegrams and reports that were sent to Khieu  
17 Samphan at Office 870 describing arrests, interrogations and  
18 executions. But there is more.

19 Khieu Samphan has admitted that he and Sua Vasi, alias Doeun,  
20 were the sole members of the political office of 870 also called  
21 the Office 870 committee.

22 [11.12.00]

23 Like Khieu Samphan, Doeun was a regular attendee at standing  
24 committee meetings. Their office's responsibility included  
25 monitoring the implementation of CPK policy and the distribution

1 of goods and supplies to DK organizations throughout the country.  
2 The central committee's 30th March 1976 decision also delegated  
3 to this central office committee the authority to smash people  
4 surrounding the centre office.

5 [11.12.45]

6 While Doeun was the original chairman of this office, he was  
7 arrested in late 1976 or early 1977, leaving Khieu Samphan in  
8 sole control.

9 Your Honours, it is absolutely inconceivable that Khieu Samphan  
10 was not aware of the arrest and execution of his office mate,  
11 Doeun.

12 When asked by the Co-Investigating Judges to account for Doeun's  
13 disappearance during the final two years of the DK regime, the  
14 only explanation Khieu Samphan could offer was that Doeun travels  
15 quite a lot. And while Khieu Samphan suggests that Doeun's  
16 replacement may have been a senior cadre named Chhim Sam Aok,  
17 alias Pang, the evidence shows that Pang himself was arrested and  
18 killed at S-21 as part of the internal purges ordered by the  
19 party centre.

20 Your Honours, not only was Khieu Samphan aware of these arrests,  
21 but a witness has described how he informed cadre during a  
22 political indoctrination session that Pang had been arrested for  
23 being a Vietnamese spy.

24 [11.14.17]

25 Upon Doeun's removal, Khieu Samphan assumed a supervisory role in

1 relation to the Ministry of Commerce, an organization that was  
2 severely purged, with hundreds of cadre sent to S-21. Khieu  
3 Samphan's involvement and knowledge of such arrests is beyond  
4 doubt. You will see evidence of his active supervision of the  
5 Ministry of Commerce and his regular visits to Ministry sites.  
6 A Ministry of Commerce cadre who worked at the Tuol Tumpung  
7 warehouse in Phnom Penh has stated that, in January 1979, Khieu  
8 Samphan, Nuon Chea and Minister of Commerce Van Rith came to his  
9 warehouse and announced the cessation of calls for study sessions  
10 which were known by all to be the primary method by which cadre  
11 were called away for arrest.

12 As evidence of Khieu Samphan's active involvement in the  
13 implementation of CPK enemy policies, the Chamber will also hear  
14 evidence from trial witness TCW-428, who will describe being  
15 instructed to report directly to Khieu Samphan regarding the  
16 security situation in his sector, including arrests and  
17 imprisonment of enemies.

18 On one occasion, that witness informed Khieu Samphan that his  
19 brother and sister-in-law had been arrested and detained at the  
20 North Zone security office. Khieu Samphan not only had knowledge  
21 of the arrests, but also of his own relatives. He also had the  
22 power and authority to intervene and procure their release.

23 [11.16.31]

24 Khieu Samphan publicly endorsed and disseminated the CPK's enemy  
25 policy on numerous occasions. As early as September 1976, at the

1 Conference of Non-Aligned Countries in Colombo, when questioned  
2 by journalists regarding the evidence of deaths of hundreds of  
3 thousands of people in Cambodia, he confirmed the executions of  
4 traitors, adding, "It's incredible how concerned you Westerners  
5 are about war criminals".

6 In a 1980 interview, Khieu Samphan expressed his full support for  
7 the decision to purge members of the standing committee and the  
8 central committee, stating that there were Khmer people who were  
9 Yuon undercover agents in our authority lines and held important  
10 positions, adding that they had dealt with those people  
11 completely in 1977 and 1978. And in a 1977 speech to a mass rally  
12 celebrating the second anniversary of the 17 April victory, Khieu  
13 Samphan implored the listeners to continue.

14 [11.18.04]

15 I quote, "Resolutely suppressing all categories of enemies,  
16 preventing them from committing aggression, interference or  
17 subversion against us. We must wipe out the enemy in our  
18 capacities as masters of the situation. Everything must be done  
19 neatly and thoroughly."

20 "We must wipe out the enemy", insisted Khieu Samphan. Neatly and  
21 thoroughly.

22 Like his fellow party leaders, he saw those enemies everywhere,  
23 even amongst long-term friends like Hu Nim who, only a few days  
24 earlier, had been sent to S-21 as a traitor.

25 Next I will address Nuon Chea.

1 [11.19.01]

2 Nuon Chea's participation in the arrests and executions of  
3 enemies is also established beyond any question from an abundance  
4 of evidence that will be presented to this Chamber.

5 As the CPK leader responsible for party affairs, Nuon Chea was  
6 directly involved in the discipline and purges of party cadres.

7 As a member of the party's military committee, he was involved in  
8 security issues throughout the country. The role played by Nuon  
9 Chea at S-21 will be central to this case.

10 Ieng Thirith has made clear in statements to this Court who she  
11 considered responsible for the torture and execution of students  
12 from her Ministry.

13 (Audio-visual presentation)

14 [11.21.14]

15 And just to be clear, this statement, Your Honours, was made in  
16 February 2009. Eight months later, she was declared fit by the  
17 two experts, Dr. Brinded and Dr. Ka.

18 Nuon Chea's role at S-21 will be testified to in-depth by its  
19 former Chairman, Duch. He will describe orders provided by Nuon  
20 Chea relating to arrests, interrogations and executions at S-21.  
21 Specific orders from Nuon Chea that Duch recalls include the mass  
22 execution of 300 prisoners from the east side. The execution of  
23 fellow Standing Committee Member, Vorn Vet, and the execution of  
24 a group of foreigners held at S-21 whom Nuon Chea ordered to be  
25 burned to death using car tires.

1 Duch operated pursuant to a general order that all persons sent  
2 to S-21 were to be killed after they had been interrogated and  
3 confessed.

4 [11.22.40]

5 Duch will also testify as to how Nuon Chea became the immediate  
6 superior to whom he reported in the latter part of 1977, after  
7 Son Sen had been assigned to the battlefield in the escalating  
8 military conflict with Vietnam.

9 From that date until the end of the DK regime Duch would meet  
10 with Nuon Chea every three to five days to report on S-21  
11 operations and receive orders.

12 Duch has described how the most significant function of S-21 was  
13 to provide confessions to the Standing Committee, which were then  
14 used to make decisions on the arrests of persons implicated in  
15 those documents.

16 Duch will testify that he would send such confessions to Nuon  
17 Chea who in turn would forward them to the heads of the  
18 organization of the implicated cadres, after which a joint  
19 decision would be made on who was to be arrested.

20 Duch's testimony regarding these procedures will be corroborated  
21 by the testimony of other witnesses, as well as by the  
22 confessions themselves.

23 Trial witness TCW-617 has confirmed to the Co-Investigating  
24 Judges that he came to Duch's house to receive S-21 confessions  
25 and would then deliver those documents to Nuon Chea.



1 [11.24.35]

2 The Co-Prosecutors will introduce into evidence a total of over  
3 50 confessions that contain an annotation by Son Sen or Duch,  
4 indicating that the document had been sent to Nuon Chea or that  
5 contained Nuon Chea's handwriting.

6 As you will hear in the following video clip, the accused himself  
7 has admitted receiving so many confessions that he was unable to  
8 read them all.

9 (Audio-visual presentation)

10 [11.27.00]

11 Your Honours will also see on the cover pages of the confessions  
12 to which I've referred, annotations reflecting how copies were  
13 sent to the heads of the organizations of the cadre who'd been  
14 implicated in the confession.

15 Those annotations will show such confessions being sent to zones,  
16 sectors, military divisions and ministries throughout the  
17 country. And you will hear testimony from a number of the  
18 regional cadre who confirmed that they received confessions from  
19 the party centre and that they were used to arrest local cadre in  
20 their areas.

21 Nuon Chea's knowledge and intent relating to the CPK enemy policy  
22 is evidenced by many statements he's made during and since the DK  
23 period. For example, in a July 1978 speech to a visiting  
24 delegation from the Communist Party of Denmark, Nuon Chea  
25 revealed the efforts of the CPK leaders to deal with internal

1 enemies, and I quote:

2 "Since liberation our experience relates to anti-party activities  
3 organized inside our party. They usually involve CIA, Vietnamese  
4 and KGB agents. Our experiences in this area are very recent but  
5 it appears from what we've been able to learn that CIA,  
6 Vietnamese, and KGB agents have been working inside the party for  
7 a long time. Although we say plans have been crushed, we do not  
8 mean the enemy has given up. We have to continue to build and to  
9 defend our party and our leadership and to apprehend the people  
10 who have infiltrated our party."

11 [11.29.08]

12 In a 2005 interview Nuon Chea stated that, I quote: "We killed  
13 only the bad people", end quote. And that the reason the purge  
14 you started was that some of the people in charge of districts  
15 and provinces were our enemies, these traitors didn't follow our  
16 policies.

17 (Audio-visual presentation)

18 [11.30.00]

19 And at his initial appearance before this Court, Nuon Chea stated  
20 that "there were American CIA and Soviet KGB agents, the Free  
21 Khmers and Vietnamese secret agents who were hiding within the  
22 party, among the population, and in our cooperatives, and it was  
23 these persons that caused the party line to be raw and burnt and  
24 then destroyed the country, party, and people".

25 Thus, Your Honours, you can see that each of the accused played

1 an integral role in the misguided and tragic policy of the CPK  
2 towards perceived enemies that resulted in the execution of  
3 hundreds of thousands of Cambodians, and this of course is the  
4 principle reason that this Court was formed and why we are here  
5 today.

6 If I could now move to the next policy, Policy Number 4 within  
7 the Joint Criminal Enterprise: the targeting of the Cham,  
8 Vietnamese and Buddhists. At the beginning of 1975, Your Honours,  
9 Cambodian society was complex and culturally rich and diverse.  
10 According to the CPK analysis, Cambodia was comprised of  
11 different classes of people including feudalists, bourgeoisies,  
12 capitalists, civil servants, Buddhist Monks, intellectuals such  
13 as teachers and students, Lon Nol military officers and soldiers,  
14 workers, rich peasants, middle peasants, poor peasants and  
15 national minorities such as the Hill Tribes, Lao, Thai, Chinese,  
16 Chams and Vietnamese.

17 [11.32.17]

18 The accused decided that they would bring this rich diversity to  
19 a sudden end. Their perfect, pure society would have only one  
20 kind of person, the worker peasants. The CPK's initial policies  
21 on religion and ethnic minorities were developed by the accused  
22 and other senior party leaders in intensive meetings held  
23 following their arrival in Phnom Penh in April and May 1975 at  
24 locations such as the railway station and the Preah Kev Temple,  
25 also known as the Silver Pagoda. Nuon Chea, Ieng Sary and Khieu

1 Samphan, were each present for those policy meetings, with Nuon  
2 Chea serving as the leader of the discussion groups.

3 [11.33.26]

4 As Madame Chea Leang stated yesterday, the decisions made by the  
5 accused at those meetings were communicated to zone, sector,  
6 district and military leaders from throughout the country at a  
7 mass meeting that started on the 20th of May 1975 and continued  
8 for six days. Pol Pot and Nuon Chea presented the party policies  
9 that were to be implemented, with Nuon Chea doing most of the  
10 presentations.

11 In addition to the policies on cooperatives and enemies that I've  
12 already discussed, the CPK leaders provided specific  
13 instructions, both on religion and the treatment of the  
14 minorities in this country.

15 With respect to the Buddhist religion, Pol Pot and Nuon Chea  
16 instructed the party cadre that they were to close all Pagodas  
17 and defrock all Monks. They stated that Monks were a special  
18 class that were to be wiped out and that warts would not be  
19 allowed. Following the meeting, district and sector secretaries  
20 returned to their respective regions and informed local cadre and  
21 Monks of the party policy requiring the Monks to disrobe and  
22 leave their Pagodas.

23 [11.35.10]

24 Your Honours, those Monks who refused were killed. Buddhism was  
25 reviewed by CPK leaders as archaic superstition, contrary to

1 party ideology and policies. The CPK branded Buddhist Monks as  
2 leeches, blood sucking parasitic worms and feudalists who sucked  
3 the blood of the people.

4 And to ensure that there was no doubt that Buddhism was to be  
5 eradicated from Cambodia, the CPK leaders converted temples,  
6 places of peace and worship and contemplation to security offices  
7 used for torture and execution.

8 For many centuries, Buddhism has been the foundation of Cambodian  
9 society, providing everything from the ethical rules by which the  
10 Cambodian people live, together with the temples at which they  
11 gather for religious and family celebration. As you've heard from  
12 my colleague, the CPK leaders destroyed this unifying threat in  
13 Khmer culture, yet another victim of their programme to erase and  
14 eliminate the old society.

15 [11.37.00]

16 At the 20th to the 25th May 1975 mass meeting, the party leaders  
17 also provided instruction on the treatment of ethnic minorities.

18 CPK cadre were instructed that all Vietnamese were to be  
19 deported, including Vietnamese wives of Khmer husbands.

20 As a direct result of this directive from the CPK leaders, an  
21 estimated 150,000 to 200,000 Vietnamese were deported from  
22 Cambodia by September 1975.

23 Also, at the May 1975 or later meetings, Pol Pot told the cadre  
24 that the Cham were to be barred from their religion, forced to  
25 raise pigs and eat pork and that anyone who resisted was to be

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1 killed.

2 You have already heard from Madame Chea Leang regarding the  
3 horrific crimes that ensued against the Cham and Vietnamese  
4 during the DK period and the evidence that this was part of a  
5 systematic plan of genocide formed by the CPK leaders. Incitement  
6 used by the party leaders in issues, in 1978 issues of  
7 "Revolutionary Flag" to direct the elimination of the remaining  
8 Vietnamese in the country, commending the quick burning flames of  
9 national and class hatred that had been transformed into a great  
10 mass movement. To smash and sweep cleanly away Yuon enemies who  
11 stink to high heaven and are degradingly despised as nothing.

12 [11.39.14]

13 I will add some further remarks here regarding these crimes of  
14 genocide.

15 First, I would direct Your Honours' attention to two  
16 contemporaneous documents from the DK period that prove beyond  
17 any doubt that it was the party centre leaders who controlled and  
18 directed the actions taken against the Cham and Vietnamese  
19 groups.

20 [11.39.46]

21 First is the 30 November 1975 telegram sent by the secretary of  
22 the East Zone to Pol Pot, copied to Nuon Chea regarding the  
23 removal of 50,000 Cham from the East Zone. It specifically  
24 references the instructions of the organization that had been  
25 provided at a previous meeting.

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1 Let me quote:

2 "The view decided at the meeting stipulated that Islamic brothers  
3 and sisters were not to be sent into Kratie whereas the Northwest  
4 and the North had to accept them in order to split up Islamic  
5 people and separate them from the length of the Mekong River so  
6 as to ameliorate the atmosphere some. In principle, their removal  
7 was to break them up in accordance with your views in your  
8 discussions with us already." End quote.

9 Similarly, in this 17 May 1978 report to Office 870, the  
10 secretary of the Northwest Zone asks what Angkor 870 has decided  
11 to do with Yuon elements who have Cambodian husbands, the  
12 Cambodians who have Yuon wives, and the mixed race Yuon children.  
13 [11.41.25]

14 You heard earlier today about the implementation of a specific  
15 CPK policy in Svay Rieng and Prey Veng provinces in relation to  
16 the executions of ethnically mixed families.

17 Also, in 1978 the CPK leaders began to incite RAK troops with a  
18 30 Against One slogan. At first, this policy was disseminated in  
19 private, directly to RAK soldiers, then the CPK began to  
20 broadcast it publically on their national radio station. The  
21 following is a quote from one of those broadcasts, and I quote:

22 [11.42.15]

23 "In terms of numbers, one of us had to kill 30 Vietnamese. For  
24 this reason, two million troops should be more than enough to  
25 fight the Vietnamese because Vietnam only has 50 million

1 inhabitants. We do not need eight million people. We need only  
2 two million troops to crush 50 million Vietnamese."

3 Simply put, Your Honours, that statement was a public declaration  
4 of the CPK plan to exterminate all the Vietnamese people.

5 Khieu Samphan also used his speeches to incite genocide against  
6 the Vietnamese, describing them as ruthless, savage  
7 internationalized enemies and calling for national hatred.

8 [11.43.14]

9 Some have questioned whether the mass executions of the  
10 Vietnamese and Cham communities were genocide or part of the  
11 broader plan of the CPK leaders to eliminate all enemies. The  
12 answer, Your Honours, is that they were both. For example, the  
13 mass execution of the remaining Cham people in Kang Meas district  
14 in 1977 occurred as part of the purge of the entire Central Zone  
15 by CPK forces from the Southwest.

16 The following year, when Southwest forces moved on to purge and  
17 cleanse the East Zone of its enemies, the Cham people in Kroch  
18 Chhmar district were subject to mass killings.

19 Central Zone cadre have described how those executions were  
20 carried out, in part by a special Intervention unit of the Party  
21 Centre under the command of Standing Committee Member Son Sen.

22 But there can be no question that during these purges the Cham  
23 were not treated the same as other potential enemies. The CPK did  
24 not check biographies of the Cham to determine if they were part  
25 of the wrong class. They did not limit their arrests to Cham



1 who'd been implicated as possible traitors in confessions of  
2 others.

3 [11.44.59]

4 When Cham were arrested they were not subject to interrogation to  
5 determine whether they were enemies of the CPK or to uncover  
6 networks of traitors with whom they associated. The Cham, all of  
7 them, were simply rounded up, taken to sites like Wat Au Trakuon  
8 and immediately executed because the directive from the CPK  
9 leaders was that if you were Cham you were an enemy.

10 When you hear the testimony of the survivors and other witnesses  
11 there will be no question; this was genocide.

12 [11.45.53]

13 The last policy, Policy Number 5, was the regulation of marriage.  
14 The assault of the CPK leaders upon the personal dignity and  
15 freedom of Cambodians went so far as to include the power to  
16 decide who would marry whom.

17 A woman named Thuch Sithan was a pharmacy manager for the  
18 Ministry of Social Affairs. The Deputy Minister of Social  
19 Affairs, Sin Phal Kun, alias Sou, directed that Sithan was to  
20 marry a man named Pen Vasai. Sithan did not want to marry Vasai,  
21 but Ieng Thirith pushed her into doing it. Sithan tried her best  
22 to make the marriage work, and soon came to love her husband.  
23 Then, in late March 1978, Nuon Chea called for the arrest of  
24 Sithan's husband. Ieng Thirith agreed with Nuon Chea that he was  
25 an enemy and should be taken away.

1 Two weeks later, leng Thirith summoned Sithan and read to her  
2 from Vasai's S-21 confession. When Sithan protested that she did  
3 not believe the accusations against her husband, leng Thirith  
4 responded angrily, asking her "Don't you trust Angkar".

5 [11.47.29]

6 This was the impossible dilemma presented again and again to  
7 Cambodians in the CPK's utopian nightmare. Who do you trust, your  
8 loved one or the party? The real answer to that question was  
9 invariably fatal.

10 The photograph that you see in front of you on the screen now is  
11 of a young woman named Huot Bophana. This photograph has come to  
12 exemplify around the world the human pity of the victims of the  
13 Khmer Rouge.

14 [11.48.14]

15 Bophana was executed at S-21. The acclaimed Cambodian filmmaker,  
16 Rithy Panh, made a film about her story entitled "Bophana, A  
17 Cambodian Tragedy". That film now shows twice daily at the Tuol  
18 Sleng Museum.

19 The renowned journalist, Elizabeth Becker, has also written a  
20 book about Huot Bophana entitled "Finding Bophana". What was the  
21 treasonous act committed by Bophana for which she was  
22 interrogated and tortured for months at S-21, and then bludgeoned  
23 to death by CPK cadres?

24 Your Honours, Bophana's crime was to fall in love without  
25 receiving the permission of the accused. For the CPK, love that

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1 was unauthorized by Angkar was a waste of time and a betrayal of  
2 the mandatory love for the party and it was punishable by death.  
3 Your Honours heard yesterday from Madam Chea Leang about forced  
4 marriage during the DK regime. It is plain from the systematic  
5 implementation of forced marriages by CPK cadres, in all DK  
6 organizations, in every part of the country, that this was a  
7 policy centrally directed by the accused and other CPK leaders.  
8 This will also be proven to Your Honours by witness testimony and  
9 documentary evidence.

10 [11.50.08]

11 My concluding remarks, Your Honour.

12 Your Honours, this Court was principally established to bring  
13 some small measure of justice many years on to the victims of the  
14 Khmer Rouge, but I would also ask you, respectfully, to see your  
15 role here in a much wider context.

16 [11.50.40]

17 The 20th century was one of the bloodiest in the book of years.  
18 Over 150 men, women and children perished across the globe. Most  
19 of these victims of war and terror remain unvindicated. But here  
20 in Cambodia a unique opportunity has been given to address this  
21 issue of impunity 30 years on, to set a powerful example and to  
22 send a strong warning from the past to the future so that human  
23 beings everywhere can rightfully expect to live in peace under  
24 the law.

25 Moreover, that this trial is a reaffirmation of our absolute

1 refusal as human beings to accept the cynical inevitability of  
2 destroying each other from age to age.

3 This Court is by no means a perfect institution. It has struggled  
4 under its own burdens, but it is the only instrument we have to  
5 address crimes of shocking magnitude that threaten the fragile  
6 bonds that unite all of humanity.

7 [11.52.12]

8 In seeking to apply the sanctions of the law to these three men  
9 we do not dispute that states and individuals outside Cambodia  
10 contributed to what took place here, both before and during those  
11 fateful years of 1975 to 1979. But that does not exonerate these  
12 three accused before you. It is not a defence for what they did.  
13 Just east of Siem Reap Town in Rulous commune of Prasat Bakong  
14 District, a new institution of higher learning is rising from the  
15 mud on the shores of the Great Lake. Classrooms, dormitories, a  
16 meeting hall, library, computer centre are all under construction  
17 and will soon give poor children in Siem Reap the education they  
18 need, affording them the opportunities that we all deserve as  
19 human beings.

20 This place, Bakong Technical College, is the vision of a man  
21 named Ranachith Yimsut - Ronnie to many of his friends. Yimsut  
22 has a particular attachment to Siem Reap. On the 31st of December  
23 1977, his entire extended family, men, women, children,  
24 grandparents, aunts, uncles, and cousins, was among a group of 79  
25 new people who were herded to the shore of the Great Lake by CPK

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1 cadres and clubbed to death in a muddy ditch in one of the  
2 countless massacres during the DK Regime.

3 Yimsut was the only survivor of that massacre. And today on those  
4 same shores he's building what will be a university, a place of  
5 learning, something decent and honourable and lasting. Between  
6 1.7 million and 2.2 million human beings died premature deaths in  
7 the three years, eight months and 20 days that these three  
8 accused ruled Cambodia.

9 [11.55.06]

10 The magnitude of lost human spirit, talent, and potential,  
11 scholars, doctors, builders, surgeons, teachers, men and women of  
12 commerce, religious and civic leaders, this endless role of the  
13 dead. How many schools, universities, and hospitals are unbuilt?  
14 How many lives have not been saved? How many children not  
15 educated? How much has been lost?

16 It does not escape the sight of anyone who lives in this country  
17 how it still struggles today. And why? Because the accused who  
18 are before you are thieves of time and common murderers of an  
19 entire generation of Cambodians.

20 [11.56.03]

21 They robbed decades of development and prosperity from this  
22 country. They left gaping holes in every Cambodian family. They  
23 removed all breath from notions such as law and civilized  
24 behaviour. No one in this country is left unhurt or unaffected by  
25 what these three elderly men have done.

1 Mr. President, Your Honours, your judgement must be inscribed as  
2 a decisive act in the history of this country and the mandate of  
3 this Court. The evils that these three men set in motion must be  
4 determined.

5 The Office of the Co-Prosecutors is absolutely confident that the  
6 guilt of each will be proven beyond reasonable doubt. The need  
7 for justice of two million people will be satisfied, and their  
8 suffering and death will not have been useless to the progress of  
9 mankind.

10 [11.57.12]

11 Thank you Mr. President, thank you, Your Honours.

12 MR. PRESIDENT:

13 Thank you, Mr. Co-Prosecutor.

14 Counsel for the Civil Parties, you may now proceed.

15 MR. PICH ANG:

16 Mr. President, Your Honours, I have two points to make at this  
17 moment. First we would like the President to clarify to us when  
18 the lead co-lawyer for the civil party is allowed to introduce  
19 the three foreign lawyers so that they can be recognized before  
20 this Chamber, and so that they can enjoy their full rights as  
21 counsels.

22 And number two, with regard to the opening statement, it is  
23 really the best opportunity for the civil parties and other  
24 victims of the regime, and for this we refer to the internal  
25 rules of the ECCC that victims and civil parties are allowed to

1 participate in the proceedings.

2 [11.58.44]

3 Unfortunately, they are not allowed to make any comments or  
4 observations during these hearings. May we ask that the Bench  
5 reconsider allowing civil party lawyers 15 minutes or 30 minutes  
6 to make opening -- or make some statements? We know that the time  
7 is not very long or commit so much time of the Court, but it is  
8 really important for the civil parties and the victims to have a  
9 say during this opening statement session, the session they have  
10 been waiting for more than 30 years. Please reconsider this.

11 Thank you very much, Your Honours.

12 MR. PRESIDENT:

13 Thank you.

14 [11.59.46]

15 With regard to the first point and due to time limitation, and  
16 indeed yesterday there was a technical glitch with regard to the  
17 sound system, and that the Co-Prosecutors had to make their  
18 opening statements and the Chamber noted that it was not yet  
19 necessary to grant such permission for the recognition for the  
20 foreign lawyers and we know that we could really do this at a  
21 later stage and as we already indicated, they could be recognized  
22 at the end of this session.

23 [12.00.40]

24 With regard to the second request by the lead co-lawyer asking  
25 orally to the Chamber to grant permission for the civil parties

1 to make the statement, this request was not different from that  
2 one that was put before the Chamber earlier. With regard to  
3 Internal Rule 89.2 bis which states that the Co-Prosecutors may  
4 make brief statement -- opening statement about the charges  
5 against the accused person, this Rule 89 bis does not indicate  
6 the rights of the lead co-lawyers for the civil parties to make  
7 such observation or statement.

8 Secondly, the Chamber has already made it clearly on its Document  
9 E131 dated on the 18th of November on the scheduling order and  
10 the Chamber notes very clearly that the opening statement or  
11 observations by the lead co-lawyers shall not be allowed or  
12 considered during the proceedings.

13 And according to another written notice, a request by the civil  
14 party for -- lawyers for the civil -- the lawyers for the civil  
15 party, Document E131/1/4 -- or rather E131/4/1, which indicates  
16 in our ruling that such a request shall not be granted. The  
17 Chamber, therefore, rejects the request made by the lead  
18 co-lawyer to make any observation.

19 [12.03.35]

20 Since it is now appropriate time for the lunch adjournment, we  
21 will take the adjournment. The session will be resumed by one  
22 thirty.

23 Parties to the proceeding and the public are advised to return to  
24 the courtroom by that time so that we can proceed with the  
25 remaining of the sessions. The Court security personnels are now



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1 instructed to take the accused back to the detention facility and  
2 bring them to the courtroom by that time.

3 (Judges exit courtroom)

4 (Court recesses from 1204H to 1330H)

5 (Judges enter courtroom)

6 MR. PRESIDENT:

7 Please be seated. The Trial Chamber is now back in session.

8 The brief opening statement made by the prosecution came to its  
9 conclusion already. The Chamber would like to give the floor to  
10 each accused and their counsels to respond briefly to the  
11 Co-Prosecutors' opening statement.

12 [13.31.59]

13 The Chamber would like to remind each accused and his lawyers, in  
14 pursuant to Rule 89 bis, the accused or his lawyers shall make a  
15 brief response to the opening statements made by the  
16 Co-Prosecutors. Half a day is allocated to each accused and his  
17 lawyers for this brief respond and we shall start from the  
18 accused, Nuon Chea, and his lawyers and then the accused, Ieng  
19 Sary, and his lawyers followed by accused, Khieu Samphan, and his  
20 lawyers.

21 For that reason, the Chamber would like now to give the floor to  
22 accused, Nuon Chea, and his lawyers.

23 We also would like to inform that if the accused, Nuon Chea,  
24 would like to make a brief response, he may do so while sitting  
25 due to his senior age. You may now proceed.

1 MR. PESTMAN:

2 Your Honours, I hope you allow me to make some introductory  
3 remarks; first of all, to explain what we had envisaged.

4 [13.34.03]

5 The short opening statement has taken us a little bit by surprise  
6 and I would, first of all, suggest to you, or ask the Court  
7 whether it is possible to cut our response into two parts.

8 First of all -- and I suggest that we do that today -- I would  
9 like to give my client the opportunity to respond. I envisage  
10 this will take approximately two hours, but I think that halfway  
11 we will need a break for my client to recover -- a 20-minute  
12 break -- reading is quite difficult for him.

13 And if possible, my colleague Son and me would like to continue  
14 tomorrow morning. We will not speak for more than 45 minutes  
15 together, but I would like to do it tomorrow. Also, because we  
16 have not been able to discuss the opening statement yet with our  
17 client, we would like to incorporate his comments in what we are  
18 going to say.

19 And more technical matter, I would also like to give the  
20 interpreters a version of my response so that they can prepare  
21 themselves.

22 (Short pause)

23 MR. PRESIDENT:

24 [13.36.57]

25 To us, it seems that it's a big surprise by the defence counsel.

1 The Chamber would like to remind again in order to clarify the  
2 matter that the defence counsel together with the accused, Nuon  
3 Chea, is allocated a half-day time to make a brief response to  
4 the opening statements made by the Co-Prosecutors pursuant to  
5 Rule 89 bis 2 of the Internal Rules.

6 Secondly, we also like to remind you, again, that in the  
7 scheduling order for the opening statements, Document E131 dated  
8 18 October 2011, the Chamber clearly determined the proceeding.  
9 For that reason, based on Rule 89 bis of the Internal Rules, each  
10 accused and his lawyers is given an opportunity to respond to the  
11 opening statements and a time allocated for each accused and his  
12 lawyers is half a day and if the accused wishes to make a brief  
13 response, it is considered as part of the half-a-day allocation  
14 allocated for him and for his team.

15 It is clearly stated in that scheduling order so you should be  
16 well aware of the time allocated for your team. Your team can  
17 proceed.

18 [13.39.22]

19 MR. PESTMAN:

20 Maybe I was not clear. I'm not asking for extra time, I'm only  
21 asking for permission to continue with the second part of our  
22 response tomorrow morning.

23 I'm not asking for extra time and we were led to believe that we  
24 were supposed to respond on Wednesday and not today. That's how I  
25 understood the schedule as I received it.

1 MR. PRESIDENT:

2 Defence counsel, do you have any evidence to indicate that your  
3 group is allocated for tomorrow morning?

4 MR. PESTMAN:

5 I'm entirely in your hands, of course. I'm just asking for your  
6 understanding. And, as I said, I would like to discuss the  
7 opening statement which is, of course, is new. I would like to  
8 discuss it with my client before I respond and the only  
9 opportunity there is, is after this hearing. So I would like -- I  
10 would really appreciate and so would my colleague -- to be  
11 allowed to do that.

12 (Short pause)

13 [13.41.48]

14 MR. PRESIDENT:

15 For the accused Nuon Chea and his lawyers, the Chamber cannot  
16 entertain the request made by the defence counsel. For that  
17 reason, the accused and his defence counsel shall use the time  
18 this afternoon allocated for your team if you wish to make such a  
19 brief response to the opening statements by the Co-Prosecutors.

20 MR. PESTMAN:

21 We are currently looking -- we are currently looking for the  
22 document which, I believe, said that we were supposed to answer  
23 on Wednesday, but let me introduce, very briefly, the response my  
24 client would like to make.

25 [13.42.49]

1 I've noticed that there is a misunderstanding outside about the  
2 scope of the trial and that understanding is to a large extent  
3 due, I believe, to the instructions which the Trial Chamber gave  
4 to the prosecution to present in their closing argument all the  
5 charges contained in the closing order and this is confusing, to  
6 say the least, for the public and the media and they are left  
7 with the impression that all the charges are going to be  
8 discussed in this trial and that is not the case.

9 The scope of the trial -- the first trial, as we know, it is very  
10 limited; it is roughly limited to the history of the party, the  
11 historical context, the pre-1975 period, the role of our client  
12 in the party and in the history of the party, the evacuation of  
13 Phnom Penh, and what is referred to in the closing order as phase  
14 II of the movement of the population. And for that reason - and I  
15 think it's important to understand - my client and we will limit  
16 our response to those issues and we trust that we will be allowed  
17 to re-visit the other issues, the other charges when - or maybe  
18 better if - we are going to continue with a second trial.

19 [13.44.32]

20 So no S-21, no grave breaches, no genocide, no work camps; we  
21 will cross that bridge when we get there. The time is also too  
22 short to address all these issues for our client.

23 My client will start - and he's very grateful that he's allowed  
24 to stay where he is because moving is not easy.

25 Just for the record, we have now filed, again, the motion for

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1 application for disqualification half an hour ago. It has been  
2 filed in both English and Khmer; Khmer being the problem. We will  
3 give you the opportunity to read it and we will re-visit, as  
4 said, the issue later when we are all ready, but I would like to  
5 repeat that we have asked for Judge Cartwright to step down  
6 pending the resolution of the issue.

7 [13.45.30]

8 Then one last remark, although we rarely agree with what they  
9 have to say, the civil parties in this trial, we think --  
10 although we realize the decision on this issue has been taken --  
11 we think that there should have been the opportunity or should  
12 have been given the opportunity to speak even for a couple of  
13 minutes.

14 Thank you.

15 (Short pause)

16 [13.48.03]

17 MR. PRESIDENT:

18 Security guards, you are instructed to bring Nuon Chea to the  
19 dock.

20 (Short pause)

21 [13.49.55]

22 MR. PRESIDENT:

23 Mr. Nuon Chea, you may now proceed.

24 MR. NUON CHEA:

25 Introduction; my respect to venerable mens, to my beloved

1 Cambodian people, all expatriates and nationalists, and my  
2 respect to Your Honours. I would also like to pay my respect to  
3 our ancestors who sacrificed their flesh, blood, bones, and life  
4 to defend our motherland for so many years to be as it is today  
5 and in the future; in particular, who escaped from the policy of  
6 incursion, annexation, land grabbing, racial extermination from  
7 Vietnamese Socialist Republic and other neighbouring countries.

8 [13.51.17]

9 I, Nuon Chea, have been given an opportunity today which I have  
10 been waiting for so long. That is, to explain to my beloved  
11 Cambodian people and the Khmer children on the facts occurred in  
12 the Cambodian history. As I clarified, if my health is fine, I  
13 will try to explain and to provide resolutions to all the  
14 problems in order for our history which is a proper history, not  
15 for the purpose of serving any particular tendency.

16 I am of the opinion that this Court is unfair to me since the  
17 beginning because only certain facts are to be adjudicated by  
18 this Court. I must say only the body of the crocodile is to be  
19 discussed, not its head or the tails which are the important  
20 parts of its daily activities. All it means, the root cause and  
21 its consequence are those that happened pre-1975 and post-1979  
22 are ignored by this Court.

23 In order for us to obtain justice as declared by this Court, I  
24 hope that I am given this opportunity so that I can express what  
25 I wanted to say in order to ascertaining the truth and to serve

1 justice. Today, I will not respond to all the charges against me;  
2 I will respond to the first segment of the trial; that is for  
3 trial one and for other charges, I will respond in due course. I  
4 would like now touch upon what I want to say.

5 The division of the Indochina's Communist Party into three  
6 parties; in 1930, Vietnam appointed China's Communist Party led  
7 by Vietnam. In the statute of the Chinese Communist Party written  
8 by Vietnam, there is a provision that after the three countries;  
9 Vietnam, Kampuchea, and Laos gained independence then the  
10 Indochinese Federation shall be established.

11 [13.54.42]

12 This Indochinese Party until 1950 was not participate by any  
13 Khmer person. The main reason is that Khmer disliked Vietnamese.  
14 By 1951, the Chinese Communist Party under the strategy of the  
15 Vietnamese was split into three parties pursuant to the actual  
16 situation in each country. In Kampuchea, People Revolutionary  
17 Party was appointed. In Laos, it was called the Laos  
18 Revolutionary Party. In Vietnam, it was the Labour Party called  
19 Lao Dong.

20 Despite the three parties' establishment, the People  
21 Revolutionary Party of Kampuchea and the Laos People  
22 Revolutionary Party were not independent. Everything was under  
23 the older leadership of the Vietnamese Labour Party.

24 [13.56.01]

25 In Vietnam, Vietnam secretly organized another party. It was



1 called Kampuchea People's Party, and members of these parties are  
2 those Khmers Viet Minh who were educated by Vietnam in Hanoi from  
3 1954 that is after the Geneva Convention. They were educated in  
4 the schools established by the Vietnamese Communist Party which  
5 was called Nguyen Ai Quoc; that is the name of Ho Chi Minh.  
6 They lived in Vietnam for 16 years and they were influenced by  
7 the views, standpoints, political line, organizational line from  
8 the Vietnamese Communist Party and they were to disseminate and  
9 implement those in Cambodia. In addition, they even attacked the  
10 political line, organizational line, the strategy and the tactics  
11 of the Communist Party of Kampuchea continually since 1960.

12 During the period from 1960 to 1979, Vietnamese employed every  
13 trick available to destroy the revolution of the Kampuchean  
14 people and the development in Cambodia and its democracy  
15 including the organization of their members in the party members  
16 from the upper echelon downward secretly in order to prepare  
17 themselves for the overt opposition against CPK at the present  
18 time and they also organized their secret neighbour in the  
19 Communist Party of Kampuchea for the future.

20 [13.57.58]

21 They also attacked on the Communist Party of Kampuchea. They  
22 instigated, break up, and persuaded Kampuchea and revolutionary  
23 army to cause conflicts to become the enemies of the party in  
24 order to cause confusion and chaos to break up solidarity and to  
25 destroy the political line and the developing of the country

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1 through the means of burn it to a crisp or leave it raw.  
2 Through their activities in the international stage including  
3 their reliance and close cooperation with the Soviet Union  
4 through their economic and military and diplomatic ties, they  
5 tried to liaise and persuade the U.S. to -- not to interfere in  
6 the activities of Kampuchea. They tried to intimidate and  
7 persuade the neutrality of the Asian countries and non-alliance  
8 countries. They opposed China to an extent; however, they tried  
9 to persuade China as well.  
10 They attacked Democratic Kampuchea with their big force of  
11 250,000 people through the strategy of lightning attack,  
12 immediate victory, and long-term control. They implemented the  
13 policy of impoverishment and enticement people into a (inaudible)  
14 so that Kampuchea would not have enough strength to liberate its  
15 country.  
16 [13.59.43]  
17 What are the main factors for the Vietnamese to have such an evil  
18 ambition to control Kampuchea and Laos? There are certain factors  
19 as follow: Vietnam is of the idea of expansionism; that is, to  
20 have the doctrine, to be the boss to the smaller country, to the  
21 weaker country.  
22 Vietnam had the view of the doctrine of invasion, expansion, land  
23 grabbing and racial extermination. Vietnam was greedy of power  
24 for their own interest and economics or, in short, they were  
25 egoism.

1 [14.00.50]

2 They organized the Indo-Chinese Federation under its own control  
3 through their form of special friendship. They also wanted to be  
4 senior member in the Asian countries to fulfil its ambition.

5 Therefore, the Vietnamese factor is the main factor that caused  
6 confusion in Democratic Kampuchea from 1975 through April 1979.

7 [14.01.20]

8 On the organization of the party and the building of the people's  
9 forces, from 1956 to 1957 we had rebuilt the party and built our  
10 organization of force for the masses to largely expand. At the  
11 same time, the party did not have or agree on strategic tactical  
12 critical line. We had to draft our strategic and tactical policy.  
13 We had to analyze the situation, both internal and external, in  
14 order to propose the political, strategic and tactical lines and  
15 in order to be independent.

16 I, Nuon Chea, and Pol Pot agreed to the recommendations by Tou  
17 Samuth that we as the party shall have the strategic line, to  
18 have the statute, and they all had to be clearly stated and not  
19 too involved with Vietnam.

20 On the strategic line of the party, in June 1956, the South  
21 Vietnamese army -- that is the Teeoki (phonetic) -- invaded  
22 Cambodia shamelessly.

23 On the Thai side, they raised the issue of we are here for  
24 negotiations in order to cause incidents along the Kampuchean  
25 border and there were critical comments, exchanges against each

1 other through newspaper and radio.

2 [14.03.12]

3 From 28 to the 30 of September 1960, the People Revolutionary  
4 Party convenes its first general assembly in order to adopt the  
5 strategic tactical line and the statute of the party and to  
6 appoint the leadership committee. Members of the party at the  
7 time were representatives of the Southwest Zone, the east,  
8 Kompong Chhnang, Oddar, north, northwest and representative of  
9 Phnom Penh.

10 The general assembly agrees to appoint Tou Samuth as secretary,  
11 Nuon Chea as deputy secretary, Pol Pot and other comrades as  
12 members of the standing and central committees.

13 [14.04.05]

14 The strategic and tactical lines or, in short, the political line  
15 of the front, contained fundamentally the following.

16 (1) To analyze the true nature of the Kampuchean society. The  
17 Kampuchean society at the time was half feudalism and half  
18 colonialism, with interference from foreign countries.

19 In particular, at that time, the United States attempted to  
20 persuade Cambodia to join the Asean.

21 (2) On the true nature of the Kampuchean revolution, Kampuchean  
22 society has the same true nature as mentioned above. What shall  
23 the Kampuchea do for its revolution?

24 The true nature of the Kampuchean revolution is for the true  
25 people's democratic revolution, that is, to oppose the invasion

1 of foreign countries, the interference of the internal affairs  
2 from outside and to eliminate the half feudalism. For example,  
3 demand for the reduction of the rental for the farm land, taxes,  
4 interest so that persons would have lands to farm by themselves.

5 [14.05.43]

6 It means to eliminate the economic depression against the  
7 patient(sic), to transform the livelihood of the patient so that  
8 they would have food to eat, clothes to wear and have freedom and  
9 democracy.

10 (3) Who are the enemies of the people's democratic revolution?

11 They were the foreign invaders who interfered in the internal  
12 affairs of Kampuchea and their clique.

13 (4) How shall we organize the attack force?

14 We shall gather all the forces of the Khmer people available as  
15 well as those ethnic minorities who have the spirit of patriotism  
16 based on the basis of the farmer workers' alliance.

17 [15.06.39]

18 (5) What form of struggle shall we adopt?

19 We shall adopt the legitimate form of struggle, half legitimate  
20 and illegitimate form of struggle, and if it is necessary, we  
21 shall implement the end political form as we use the policy as  
22 the best, but we would use arms if necessary in order to protect  
23 our forces.

24 (6) The process of struggle is to start from the outskirts area  
25 through to the urban areas gradually.

1 (7) Who shall lead?

2 The answer is the Kampuchean people revolution, which was then  
3 changed to the Kampuchean People's Party.

4 (8) What would be the direction of the national democratic  
5 revolution?

6 That is for Cambodia to have peace, independence, sovereignty,  
7 integrity, neutrality, non-alliance and the prohibition of any  
8 foreign country to build their military base in Cambodia.

9 (9) The slogan of the people Democratic Kampuchea is long  
10 struggle, self reliance. One determines its own fate and the fate  
11 of the nation and to liaise with any country that allows peace  
12 and equality and mutual understanding and benefit.

13 [14.08.25]

14 The amendment to these strategic lines could only be adopted by  
15 the general assembly. On the strategic line and the line of the  
16 national united front for the people democratic revolution, in  
17 the strategic line, Tou Samuth gave clear instructions as  
18 follows.

19 (1) We shall stand on the basis of the strategic line. We shall  
20 grab hold firmly of the strategic line and we shall clearly  
21 understand its details for its concrete implementation based on  
22 the practical situation in the country.

23 (2) To gather all the additional forces, regardless of tendency,  
24 political tendency of parties, religion or their previous  
25 background.

1 [14.09.20]

2 (3) To isolate to the most extent possible the enemies of the  
3 nation and their colleagues who could not be awakened who were  
4 still stubborn to serve the enemy and destroy its own country and  
5 nation.

6 In July 1962, Tou Samuth, the party secretary, suddenly  
7 disappeared. Through the organization of military line who were  
8 sympathizers to the party, we were informed that Tou Samuth was  
9 ambushed and arrested by the secret police -- by the secret  
10 soldiers of Lon Nol in front of Tuol Tumpung pagoda and he was  
11 tortured at Lon Nol residence.

12 However, he did not even confess a word.

13 Two or three days later, he was taken and killed at the Steung  
14 Meanchey pagoda.

15 This event is the most severe blow to the Kampuchea's party;  
16 however, it also ignites the anger internally inside the party  
17 and that would promote the activities.

18 Also, in the same year, the United States sent its military to  
19 Thailand and also to build an airport as their military air base.

20 [14.11.01]

21 The objective of the United States is to suppress the movement or  
22 struggle of the Indo-Chinese people, in particular the movement  
23 or struggle of the Vietnamese people which was -- at that time  
24 became more intensified.

25 In May 1962, the Kampuchea People Party convinced its second

1 general assembly to appoint Pol Pot as secretary, Nuon Chea as  
2 deputy and to change the name of Kampuchean People Party to the  
3 Communist Party of Kampuchea, or CPK.

4 [14.11.42]

5 In August, the Royal Government of Cambodia, headed by the King  
6 Sihanouk, protested to the South Vietnam to stop invading  
7 Cambodia. However, this demand did not result in anything because  
8 the Royal Government of Cambodia already cut their diplomatic  
9 ties with the South Vietnam.

10 The party made resolution to conduct armed political struggle. In  
11 1968, the Communist Party of Kampuchea was divided into two. One  
12 was early support based in Ratanakiri with Pol Pot as secretary,  
13 which is called the Northeast Zone, and another part is in Phnom  
14 Penh, including the northwest, southwest, east, north and the  
15 Phnom Penh party with Nuon Chea the deputy secretary in charge,  
16 which is referred to as the Central Zone.

17 On the 1st of January 1968, the Central Zone party convened all  
18 the secretaries of the East, Northwest, Southwest and North in  
19 order to examine the deteriorating situation in order to propose  
20 new struggle mechanism in order to respond to the actual  
21 situation.

22 The meeting agreed that the events of suppression, persecution,  
23 arrest and arbitrary execution by those in power, that is, the  
24 reactionary Lon Nol (inaudible), became more intensified and that  
25 would even cause for the destruction of the Kampuchean Communist



1 Party.

2 So we still conduct our political struggle until our party  
3 completely destroyed as the Indo-Chinese party and, for that  
4 reason, the meeting agreed that we shall conduct armed political  
5 struggle by still relying on the policy as best, but use arms in  
6 case of necessity. For the regions where the situations are  
7 deteriorating, the struggles shall commence there in order to  
8 protect the forces.

9 [14.14.19]

10 Importantly, the party's people shall be protected in that region  
11 and not to allow the reactionary group to do whatever they want.  
12 The CPK declared 12 January 1968 as the date of the commencement  
13 of the armed political struggle, which is also coincide with the  
14 date of the birth of the revolutionary army of Kampuchea.

15 [14.14.53]

16 In 1969, the United States President Nixon, based on the request  
17 by Lutheran General Abraham, the commander in Vietnam, ordered  
18 the bombardment on the location of Viet Cong and on the North  
19 Vietnamese armies, who secretly used Kampuchean territory as  
20 their base.

21 B-52 planes of the United States severely bombarded the areas  
22 occupied by the Vietnamese Communists inside the Cambodian  
23 territory, which caused a lot of damages to the Kampuchean  
24 people, the destruction of their farmlands, crops. People had to  
25 be evacuated from the villages; pagodas were destroyed. Monks had

1 to flee to stay in other locations.

2 [14.15.52]

3 In December 1969, Pol Pot made a delegation by walking through  
4 the Ho Chi Minh Trail to Hanoi. In Hanoi, a meeting was held  
5 between the delegation of the CPK and the Communist Party of  
6 Vietnamese, with Le Jun (phonetic) as the secretary-general and  
7 members of the Politburo, Le Duc Tho, Vo Nguyen Giap and Nguyen  
8 Duy Trinh, and on the Cambodia side, besides Pol Pot, the  
9 Secretary, we also had Seng Muthman (phonetic).

10 [14.16.33]

11 Based on the report by Pol Pot, the atmosphere in the meeting was  
12 very tense and there were no major agreements because each party  
13 stood by its own point of view.

14 The main purpose of the meeting of the Vietnamese Communist Party  
15 was for the CPK to cease its armed political struggle and return  
16 to only political struggle. That would benefit the Vietnamese  
17 Communist Party.

18 Vietnam used to say that "You, comrade, do not need to conduct  
19 any armed struggle. Once Vietnam is fully liberated, Vietnam will  
20 liberate Phnom Penh in under 24 hours. You only need to guide the  
21 Vietnamese soldiers to go there".

22 [14.17.29]

23 This view of the Vietnamese party was explained to the party  
24 cadres by Pol Pot that you reap what you sow.

25 In February, Vietnamese Communist Party in Kampuchea were

1 totalling about 50,000. Sihanouk at that time declared that he  
2 planned to protest in Moscow and in Beijing for the withdrawal of  
3 all the Vietnamese Communist soldiers from Kampuchean territory.  
4 In February, I went to join the conference for the inauguration  
5 of the training sessions in the East Zone in order to inspect the  
6 situation on the possibility of conducting the coup d'état by the  
7 Lon Nol group and to put a mechanism in place to prevent such  
8 coup d'état.

9 Lon Nol's soldiers, with the close collaboration with Sisowath  
10 Sirik Matak, successfully conducted the coup d'état in the sense  
11 that the national assembly, under the control of Lon Nol,  
12 withdrew their confidence in Sihanouk as head of state.

13 [14.18.51]

14 Once informed of the news, the conference of the CPK in the East  
15 Zone concluded and plans were put in motion to attack the police  
16 post, small soldier barracks along Khmer-Vietnam borders, in  
17 order to confiscate their weapons and arm ourselves. And as for  
18 the soldiers and police of the Lon Nol regime were allowed to go  
19 back to their families.

20 In addition, we were instructed to stir up the people to engage  
21 in riots against the regime in order to support Sihanouk.

22 In the northwest, many police posts were disbanded and a number  
23 of weapons and ammunitions were confiscated and introduced for  
24 our future fighting.

25 [1.19.50]

1 At that time, the Vietnamese Communist soldiers, including those  
2 from the north, the South Vietnamese Liberation Front soldiers  
3 incurred into Cambodia in large amount. They came in and they  
4 appoint the local authority of the villages, communes and to  
5 appoint their Vietnamese migrants to be in charge of the  
6 authorities in charge of politics, economies.

7 In Kompong Thom, the Vietnamese Communist soldiers appointed one  
8 Kampuchean battalion led by Khut Oddom Vong Ratana.

9 The Vietnamese Communist soldiers who entered Cambodia were under  
10 the pretext of using the symbol of the King Sihanouk as they told  
11 people that they were the soldiers of the King. Their actions of  
12 violating the state authority, the sovereignty of Kampuchea were  
13 categorically opposed by the Kampuchean people and, gradually,  
14 they disappeared because Kampuchean people opposed such  
15 organization conducted and led by the Vietnamese Communist Party.

16 [14.21.14]

17 It shall be reminded that, based on the appeal of King Sihanouk  
18 for people to enter the forests in order to oppose the coup  
19 d'état by Lon Nol (inaudible) there were many youths and people  
20 ran into the forest, including both bad and good elements,  
21 opportunists, vagabonds, joblessness, unemployed, robbers,  
22 thieves, et cetera, and the revolutionary cadres or known as the  
23 Khmer Rouge accepted them without even reviewing the details of  
24 their backgrounds and biographies.

25 These bad elements that, at a later stage, caused chaos and

1 complication to the revolutionary movement, some went back to  
2 confess to the Lon Nol clique. Some caused disturbances in the  
3 cooperatives. Some did conduct improper activities.

4 The CPK often educated them to become nationalists, but not  
5 everyone could be educated. For those who could not be educated  
6 were mainly spies infiltrating in the cooperatives or the  
7 vagabonds who used only to drink and eat and fight. They  
8 infiltrated into the army in order to destroy the cooperatives  
9 and the army from within.

10 [14.22.56]

11 In 1972, that is, in February, based on the report by the refugee  
12 commission of the United States Senate, it was estimated that  
13 about two million people were homeless and there was the issue of  
14 insufficient food.

15 In addition, the Vietnamese party informed the Kampuchean party  
16 that Kissinger threatened that if Kampuchea's party did not cease  
17 fire, America will destroy Kampuchea in under 72 hours by B-52  
18 planes.

19 At that time, besides the bombardment by B-52 day and night,  
20 there were also F-5 planes flying in reconnaissance day and  
21 night.

22 In Phnom Penh city, the issue of rice, food, medical supplies  
23 became even worse. There were robberies, stealings. Insecurity  
24 became an issue in Phnom Penh at the time.

25 The Lon Nol clique could not control this situation at all.

1 Also in May, the United States Senate convened a meeting with the  
2 majority voice to suspend the aid to Cambodia, but after the  
3 negotiations, the bombardment still continued until mid August  
4 1973.

5 [14.24.53]

6 Mr. President, I would like to take a break now, if you permit.

7 MR. PRESIDENT:

8 It is now time appropriate for the break. We will have a  
9 20-minute break and we shall resume after that.

10 Security guards, you're instructed to take the accused back to  
11 his usual seat and bring him to the dock when the Court resumes.

12 (Judges exit courtroom)

13 (Court recesses from 1425H to 1446H)

14 (Judges enter courtroom)

15 MR. PRESIDENT:

16 Please be seated. The Court is now back in session.

17 The floor is now given to Nuon Chea to continue his brief  
18 response to the opening statements by the prosecution. You may  
19 now proceed.

20 MR. NUON CHEA:

21 Strong patriotism of King Sihanouk.

22 April 1973, the United States still continue its bombardment by  
23 B-52 bombers on the territory of Kampuchea.

24 [14.48.15]

25 At that time, the King Sihanouk was still in Beijing, that is in

1 China. He liaised with the Kampuchean United Government so that  
2 the King and the Queen would be able to visit his motherland and  
3 to visit Angkor Wat and the Cambodian people. Pol Pot, in the  
4 name of the party secretary and the prime minister, held a secret  
5 meeting with major leaders to decide on the issue.

6 There was one important issue at the time, that is, Vietnam did  
7 not agree to the Chinese proposal to escort the King in the  
8 pretext that the Ho Chi Minh Trail would be revealed. In fact,  
9 Vietnam wanted to gain influence by allowing its general and  
10 Vietnam soldiers to escort the King.

11 [14.49.36]

12 As a result, Vietnam was assigned the task to escort the King via  
13 the Ho Chi Minh Trail to Kampuchea through the Mekong River and  
14 Stung Treng province. The Kampuchean delegation went to greet him  
15 in Stung Treng. Pol Pot was in charge of this affair.

16 When the King arrived in Preah Vihear province, the provincial  
17 party secretary and the Kampuchean Revolutionary Army were tasked  
18 to provide strict protection for the King.

19 Pol Pot, the Secretary, assigned me, Nuon Chea, to prepare the  
20 road from Kompong Krom, Preah Vihear to Angkor Wat. There were  
21 monks, cadres, revolutionary armies and people who came to greet  
22 the King in the thousands as they missed the King very much. The  
23 monks cried and blessed the King and the Queen.

24 [14.50.56]

25 Regardless if there were reconnaissance or the B-52 bombers, the

1 process of welcoming the King was not interrupted. The CPK, the  
2 national united government, had sufficient ability to provide  
3 security to the King during his night on top of the mountain  
4 until he went back to China to continue his activities to  
5 liberate the nation.

6 From February 1973 until mid-August 1973, the United States  
7 bombarded B-52 bombs for 20 days and 20 nights continuously in  
8 the Cambodian territory and that was never happened before. We  
9 could not calculate the number of tons of these bombs due to the  
10 sheer size of this bombardment by the United States.

11 How could we estimate the damages caused to the Khmer people, the  
12 villages, pagodas, schools, Kampuchean economics. Although we  
13 could not estimate the damages, Kampuchean people still held on  
14 to their solidarity, rose up to continue their struggle  
15 bravely until they subsequently gained the victories from one  
16 battle to the next.

17 [14.53.01]

18 At that time, the Kampuchean Revolutionary Army was advancing  
19 toward the Phnom Penh centre. They were about 60 kilometres from  
20 the Pochentong Airport to the southwest.

21 In late 1974, the Central Committee held an extraordinary  
22 meeting. The purpose is to decide on the day to attack Phnom Penh  
23 in 1975. The meeting adopted the 1st of January 1975 as the day  
24 of commencing its final attack.

25 Pol Pot and Nuon Chea were determined by the party to negotiate



1 with Nguyen Van Linh to tell them about the plan to attack to  
2 liberate Phnom Penh in 1975, and asked that the Communist Party  
3 of Vietnam help transport the 13 truckloads of weapons by Tong  
4 Phen (phonetic), a Chinese aide, as soon as possible since the  
5 weapons were docked in Vietnam and the Communist Party of Vietnam  
6 had not delivered them to us.

7 [14.54.35]

8 Unfortunately, the enemy aircraft dropped bombs on those tracks  
9 and annihilated the tracks and the weapons. The shrapnel and the  
10 debris from the bombs further caused the destruction of a factory  
11 producing papers in Chhlong.

12 To ensure an effective and ultimate success with the attack to  
13 liberate Phnom Penh, Pol Pot and the Party Secretary had to move  
14 to a base near Phnom Penh, in Boeung Ta Long, Khang Tbong  
15 village, Chrak Sdech Peam Commune, Kompong Tralach District. When  
16 the revolutionary army was nearing Phnom Penh, Pol Pot moved to  
17 Kraing Daung Commune, also known as B-5, which was adjacent to  
18 Peam Commune, Kompong Tralach District, in Chan Tey village.

19 The Phnom Penh battle cadres continued to make a daily report.

20 At that time I, myself, Nuon Chea, was at the back, near Chinit  
21 River, offering the regular educational sessions for zone cadres.  
22 These sessions were conducted during the time when Phnom Penh  
23 when was being liberated and after the party needed more cadres  
24 to deal issues -- to deal with issues including the management of  
25 the people.

1 [14.56.09]

2 On the 17th of April 1975, the Revolutionary Army of Kampuchea  
3 liberated Phnom Penh at 9.30 a.m. This news was broadcast by the  
4 National United Front of Kampuchea in the afternoon of that same  
5 day. It was through this radio that Phnom Penh was completely  
6 liberated at 9.30 a.m.

7 In the meantime, in the immediate aftermath of the liberation of  
8 Phnom Penh, some Lon Nol soldiers under the command of Chan  
9 Raingsey fled to Thai/Cambodian border where they regrouped and  
10 stirred chaos in Battambang. Some soldiers fled to South  
11 Vietnam-Cambodian border to be received by Son Ngoc Thanh, who  
12 had been there for two months already. Other soldiers were hiding  
13 at houses in Phnom Penh with sandbags used as shields.

14 [14.57.20]

15 Some Lon Nol soldiers disguised themselves as ones of the  
16 Revolutionary Army of Kampuchea by wearing black clothes. They  
17 did so to arrest officials of the former Lon Nol regime -- civil  
18 servants, soldiers -- and deceived them into believing that they  
19 would be brought to meet King Sihanouk instead. They took them to  
20 be killed.

21 Furthermore, they disguised themselves as members of the  
22 Revolutionary Army of Kampuchea for a purpose of searching for  
23 people whose relatives had been revolutionary leadership cadres.  
24 They deceived them into believing that they could bring them to  
25 meet those cadres. Eventually, the people believed them by

1 telling them all their details. Upon having learned the details,  
2 they took measures to execute those people including their entire  
3 families.

4 In Hanoi, the Communist Party of Vietnam did not believe that  
5 Phnom Penh had been liberated. Comrade Ieng Sary himself at that  
6 time remained in Hanoi, told Vietnam that Phnom Penh had been  
7 liberated, but they did not make Vietnam believe him.

8 [14.59.00]

9 Vietnam did not want to believe this news because Phnom Penh  
10 being liberated before liberating Prey Nokor first would ruin its  
11 hope to achieve its plan to conquer Cambodia.

12 Most importantly, that was a painful attack to the dignity of  
13 Vietnam. The leaders of Vietnam in Hanoi at that time were very  
14 angry because since May to December 1975, the Revolutionary Army  
15 and the army of the Communist Party of Vietnam had had frequent  
16 conflicts on some lands and border areas between Vietnam and  
17 Cambodia.

18 The relationship between Cambodia and Vietnam did not go about  
19 normally.

20 In June 1975, the Central Committee of the Communist Party of  
21 Kampuchea sent senior delegates to Hanoi. The Central Committee  
22 of the Communist Party of Kampuchea knew in advance that there  
23 had been several complicated issues to be discussed during the  
24 negotiation with the Communist Party of Vietnam.

25 However, the Cambodian side had to remain patient and keep the

1 good solidarity and friendship.

2 [15.00.54]

3 When the delegate was staying at the guest house they were  
4 visited by the Prime Minister Pham Van Dong and the Commander of  
5 the People's Army of Vietnam, Võ Nguyên Giáp.

6 At that time, Pham Van Dong said that the victory of Cambodia was  
7 terrific. He asked Pol Pot how much of the Cambodia's land could  
8 be used to harvest crops. In response, Pol Pot said an area of  
9 eight million hectares of land could be used to harvest crops.  
10 However, only three million hectares was of rich land to which Võ  
11 Nguyên Giáp commented in Vietnamese that "rất ngon", which means  
12 very delicious. I traded a few words expressed by Võ Nguyên Giáp  
13 as being embedded with deep meaning.

14 [15.01.52]

15 During the negotiation with Vietnam, the CPK's delegates asked  
16 that Vietnam and Cambodia sign a treaty on unusual friendship and  
17 non-aggression in order to ensure each independence, sovereignty,  
18 and territorial integrity, non-interference into each other's  
19 internal affairs and for the interest of both peoples.

20 Such treaty could bring about some solutions to problems.

21 However, the Vietnamese counterpart did not say anything with  
22 regard to their request Cambodia made. The negotiation was  
23 fruitless.

24 The reason that Vietnam did not respond to Cambodia's request was  
25 because Vietnam wanted only a so-called special friendship with

1 Cambodia, the real meaning of which was the Federation of  
2 Indo-China, per se.

3 [15.03.17]

4 On August 1975, Le Duan, the Secretary of the Communist Party of  
5 Vietnam lead a group of delegation including Le Duc Tho, Sun  
6 Thuy, who was a member of the official -- rather Political  
7 Office, and Nguyen Van Linh to visit Cambodia.

8 Nonetheless, the negotiation yielded no good results as Vietnam  
9 still demanded for the special friendship, while Cambodia still  
10 maintained her position for unusual independence, cell mastery  
11 and respect.

12 On May 1976 the meeting between the DK's and the Vietnam's  
13 delegates was convened. Vietnam did not accept that the brevier  
14 line marked by France when it took over Cambodia. Yet the meeting  
15 failed to achieve any significant result and deferred to a later  
16 date.

17 The fighting between the Royal Army of Kampuchea and -- rather  
18 the Revolutionary Army of Kampuchea and the Army of the Communist  
19 Party of Vietnam still continued, in particular, at the border  
20 areas in Rattanakiri and Mondolkiri.

21 [15.04.50]

22 Meetings were convened in the East and the Southwest Zones each  
23 time the fighting broke out, however, no final solution was ever  
24 made as both parties firmly stood by their position. Vietnam  
25 maintained its ambition to invade, occupy and swallow Cambodia

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1 while Cambodia preserved her position of independence, cell  
2 mastery and will not accept to be a satellite state.

3 On February 1977 Vietnam for yet another time tried to stage a  
4 coup d'état to topple the DK, however that plan was not  
5 successful.

6 On December 1997 Vietnam launched a light scale attack to invade  
7 the DK. Fourteen divisions, including five special divisions,  
8 were deployed for that attack. They were received by  
9 counter-attack from the DK's army.

10 However, some DK soldiers in the East Zone had deserted after  
11 some traitors had infiltrated within the army. Those traitors  
12 followed the Vietnamese's evil political tactics. On November  
13 1978 the Communist Party of Vietnam, along with Vorn Vet  
14 attempted another failed coup d'état.

15 [15.06.32]

16 On the 7th of January 1979, 250,000 soldiers of the Aggressive  
17 Communist Party of Vietnam entered Phnom Penh and several  
18 provinces of the DK. Vietnam's bad behaviour remains unchanged  
19 for centuries.

20 The question is on what ground did Vietnam base to justify its  
21 incursion of Cambodia as an act of liberating and protecting  
22 Cambodia, protecting the human rights? Was Vietnam's incursion of  
23 Cambodia legal under the international law? Vietnam claimed that  
24 their invading Cambodia was legally justified.

25 [15.07.26]

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1 In any event, Vietnam's invasion into Cambodia on 7 of January  
2 1979, was in violation of the International Law because its act  
3 did not fall in the context of Article 51 of the United Nation  
4 Charter which states with regard to the inherent right of  
5 individuals or collective self-defence. Countries in the world  
6 were against Vietnam when it invaded Cambodia.

7 Ten years later members of the UN General Assembly asked that  
8 Vietnam withdraw all its troops from Cambodia. International  
9 communities also opposed Vietnam's act of aggression and asked  
10 that the army of the Communist Party of Vietnam withdraw from  
11 Cambodia entirely.

12 The Army of the Communist Party of Vietnam and Vietnam's cadres  
13 still continued to remain discreetly on Cambodia soil in order to  
14 conquer this country in accordance with ambition to occupy,  
15 annex, swallow Cambodia, and rid Cambodia of her race and  
16 ethnicity and bring further Vietnamese illegal immigrants to live  
17 in Cambodia until these days.

18 [15.08.57]

19 Additionally, the People's Republic of Vietnam has established  
20 Vietnamese associations all across Cambodia. The real image of  
21 such association is to enable the Secretary of the Communist  
22 Party of Vietnam to maintain its political, economics,  
23 ideological activities over these provinces of Cambodia.

24 This is part of a python suffocating a young deer strategy. A  
25 python would only swallow its prey after it is suffocated. In the

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1 Srey Hitopadesa book there is a phrase; "Never trust a foreigner,  
2 never trust a person who abandons all his property and becomes a  
3 Monk, never trust commons."

4 I would like to quote the speech by Le Duc Tho, the member of the  
5 Political Office of the Communist Party of Vietnam, talking to  
6 Mr. Pen Sovan, the former Minister of Khmer Republic when he was  
7 detained in Hanoi.

8 At 9 a.m. on the 13 of December 1981, Mr. Le Duc Tho, the member  
9 of the political Central Office of the Communist Party of Vietnam  
10 entered the detention facility with a surprise visit. Mr. Pen  
11 Sovan was at the desk. And there was a bang, knock on the door  
12 which woke Mr. Pen Sovan. Mr. Le Duc Tho pointed to Pen Sovan and  
13 said loudly that, "I didn't believe that you dare oppose us.  
14 Didn't you know that there were 18,000 Vietnamese troops in your  
15 country? Don't even think that you can solve the issue of the  
16 fate of your country arbitrarily. Even though you have organized  
17 a party structure and the state, things are still in our hands.  
18 Look, in the future, although there will be no presence of our  
19 troops in your country, and if anyone tries to free themselves  
20 from our control, they will be crushed into bits long before they  
21 could do so. You have learned the theories, but when you took  
22 power, you built your country and national economy in the way  
23 that is straying from the socialism and abandoning the socialist  
24 principles. We have sent experts to help you, but those experts  
25 could not dare follow your idea because you did not follow the



1 principle of the socialist economy."

2 [15.12.36]

3 "For that reason, your party expelled and stopped you from  
4 leading your party and the government. They did this to you to  
5 make you realize that you deserve to be treated as such.

6 For that mistake, I now declare that you remain to live here but  
7 with no rights and freedom for the rest of your life."

8 The reasons why the Communist Party of Kampuchea had to evacuate  
9 people from Phnom Penh and other provincial cities.

10 May 1973, the Upper House of the American Congress with majority  
11 opinion asked that American government stop dropping bombs on  
12 Cambodia commencing from mid-August 1973.

13 [15.13.45]

14 The Standing Committee of the Communist Party of Kampuchea noted  
15 very clearly that without military support or air support from  
16 the American government, the fight to liberate Cambodia would be  
17 nearing -- would be successful in the very near future because  
18 Lon Nol soldiers had been very weak already.

19 The conflicts within the government of Lon Nol have not been  
20 resolved internally. Cambodian people who lived during Lon Nol  
21 started to act against the Republican government more and more  
22 each day.

23 The Standing Committee of the Communist Party of Kampuchea  
24 followed cautiously the situation during the extraordinary  
25 session of the Standing Committee in mid-1974.

1 [15.14.55]

2 The meeting raised several important issues for discussion in  
3 order to take measures to liberate Phnom Penh and other areas in  
4 the country. The main items of the agendas in the meeting  
5 included:

6 One, ambition of Vietnam to manage Indochina Federation under the  
7 supervision of Vietnam.

8 Two, how will the Americans react to the Vietnam aggression when  
9 Cambodia is liberated?

10 Three, the destruction and sabotage acted by Lon Nol soldiers in  
11 Phnom Penh and the defeated soldiers who fled to hide at  
12 Thai-Cambodia border and Vietnam.

13 Four, the situation of starvation in Phnom Penh since 1974, what  
14 would it be?

15 Five, the situation concerning crop reduction at country sides  
16 and properties, what was it like?

17 Six, the estimation of the destructive actions by the traitors  
18 who infiltrated in the party and properties.

19 Seven, what would be the impact of no currency? What would be the  
20 outcome?

21 Eight, other issues.

22 [15.16.34]

23 During such a discussion, time and again, the meeting was of  
24 higher responsibility because everyone was bearing great  
25 responsibility for the nation and for the people for the present

1 time and for the future.

2 The meeting agreed on the following things:

3 Item 1: Vietnam never abandoned its ambition to manage Indochina  
4 for the duration or the special friendship even though Cambodia  
5 would be liberated before Vietnam or not. Cambodia will have to  
6 really do its best to fight to retreat before Vietnam liberated  
7 Prey Nokor in 1976.

8 If Vietnam liberated Prey Nokor before Cambodia, before Phnom  
9 Penh is liberated, Vietnam would use the pretext to attack  
10 Cambodia to liberate it.

11 [15.17.41]

12 Vietnam, time and again, told people in the leadership of the  
13 Communist Party of Kampuchea that, "Comrades, you do not need to  
14 fight. You only prepare guys to lead the Vietnamese troops and  
15 that Vietnamese troops will fight and liberate Phnom Penh in 24  
16 hours."

17 This idea or this comment was well shared in the Communist Party  
18 of Kampuchea. Pol Pot educated the Party that whoever said that  
19 would manage it. We, therefore, would have to fight to retreat  
20 before Vietnam liberates Prey Nokor.

21 Not only did Vietnam have the ambition to manage Indochina  
22 Federation, according to some foreign documents and at school,  
23 Nguyen Hai Cuo (phonetic) of Vietnam talked a lot about their  
24 purpose to manage the Federation of the Republic of Southeast  
25 Asia as well.

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1 Le Duc Tho, member of Politburo of the Communist Party of  
2 Vietnam, during the negotiation with Kissinger in Paris 1968–1977  
3 stated that:

4 "It is the destiny of Vietnam who has the power not only to  
5 control Indochina but also Southeast Asia."

6 [15.19.29]

7 In 1973, Pham Van Dong, Prime Minister of The People's Republic  
8 of Vietnam, when talking about the status and roles of Vietnam in  
9 Southeast Asia, Pham Van Dong referred to Thai, Philippines and  
10 Malau, that they would be united with Vietnam as we, Vietnam, are  
11 more courageous and powerful and smarter.

12 [15.20.07]

13 The UN's--rather the Vietnam's ambition to manage Indochina  
14 Federation was not -- the -- or was not taken for granted. It's  
15 the truth that Vietnam shall do anything to achieve it.

16 Item 2 about America; the meeting analyzed based on the conflicts  
17 between America, Vietnam, and Cambodia. The meeting agreed that  
18 if Communist Party of Kampuchea led the liberation to liberate --  
19 led the fight to liberate people and the country, it means a  
20 significant people revolution and democratic step has been made.  
21 It means we can solve party conflicts with America and Lon Nol  
22 clique. America will be no longer an opposing party. The  
23 situation will change. Who is the party opponent then?

24 [15.21.19]

25 The meeting agreed that it was Vietnam. Vietnam was regarded as

1 friend in conflict, now becomes the party in conflict. The reason  
2 was that the Vietnam Communist Party did not -- rather the  
3 Communist Party of Kampuchea did not want to accept to be a  
4 satellite state and that when the Vietnam claim independence and  
5 they would really live up to their dream to invade Cambodia and  
6 to conquer Cambodia.

7 When all failed; for example, political means failed, then  
8 Vietnam would use force to attack Cambodia. And the Communist  
9 Party of Kampuchea had to do its best to educate among its ranks;  
10 the military, the people to realize clearly that Vietnam would be  
11 the big actor in this conflict between parties, the life and  
12 death conflict, and that the Communist Party of Kampuchea was  
13 trying its best to do -- to negotiate through peaceful means and  
14 that we had to maintain our position that negotiation had to be  
15 done peacefully and that we have to remain patient.

16 [15.22.57]

17 Item 3; the meeting discussed that if Phnom Penh is liberated,  
18 the Lon Nol soldiers -- majority of whom were free Khmers --  
19 would desert the army; some would remain hiding in Phnom Penh or  
20 city while the others would be fleeing to the border areas. These  
21 deserted soldiers had nothing to support them. They have no more  
22 supplies in short. They would start stealing, robbing, burning  
23 down people homes, and so on and so forth. And we had not enough  
24 people to protect our people if these things happened. They would  
25 start fighting; attacking our people through means of guerrilla

1 war and they would drag us to follow them and that there will be  
2 no peace. We could never transplant rice or go about our daily  
3 life.

4 [15.24.03]

5 Item number 4; this item is very important because it relating to  
6 rice foods for people -- for million people in Phnom Penh and in  
7 provinces. The meeting noted the situation of rice foods in Phnom  
8 Penh and in provinces under the provisional control of Lon Nol.  
9 In Phnom Penh there were roughly 3 million people, 90 percent of  
10 whom did not have enough food to eat. Some people were starving.  
11 Lon Nol clique rely heavily on the food supply from foreign  
12 country. Other assistance was not enough either. There was news  
13 that people died of hunger; in particular, young children who  
14 died the most.

15 Item 5; the meeting noted that in the liberated zone and at  
16 cooperatives difficulties occurred because the American  
17 bombardments destroyed paddy fields, plantations, crops. Things  
18 that can be used as food have already been destroyed  
19 significantly. Cooperatives liked labour force because youth have  
20 already been drafted in the soldier; two thirds of them already  
21 been in the soldiers, the remaining forces are of old age and  
22 they could not really work. However, the life of people at the  
23 liberated zone is better than those who lived in the enemy  
24 control zone.

25 [15.26.27]

1 Item 6; it is an estimation of the destructive activities by the  
2 traitors who infiltrated in the party in the cooperatives. The  
3 meeting agreed that if we liberated Phnom Penh before Vietnam  
4 liberates Prey Nokor, Vietnam would do it best to encourage more  
5 traitors to infiltrate in all cooperatives to destroy discreetly  
6 and overtly all and when they lacked support from the American,  
7 they would resort to the Vietnam as their final support. So we  
8 need to really have some measures to really convince these people  
9 to abandon their destructive activities and ask them to come to  
10 live with the people. This appeal reflects the position of  
11 solidarity, national solidarity among our people, internal  
12 solidarity and to make sure that people who are confused, who  
13 have been tricked; turn to believe in the party's line.

14 [15.28.03]

15 Item number 7; if there is no currency, what would be the  
16 consequence? In this item, the meeting noted that currency was a  
17 very powerful weapon and effective one for the enemy. Through  
18 experience without money in the liberated zone, we could manage  
19 the zone extensively. The enemy could not attack us or grab this  
20 zone from us. In the contrary, we could increase the --expand; in  
21 other words, the liberated zone. The spies could not use money to  
22 buy our cadres or soldiers or people and we believed that without  
23 currency we could turn other areas that have not yet been  
24 liberated into liberated zones more extensively. So the method of  
25 no currency would only impact a few people, not the whole

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1 population, because farmers did not need money.

2 As mentioned above, the meeting made the following decision  
3 unanimously: one, in case Phnom Penh is liberated, we have to  
4 evacuate the people from Phnom Penh and from city centres  
5 temporarily in order to analyze the situation for a period of  
6 time; in particular to analyze the actual attitude of Vietnam.

7 [15.30.10]

8 Two, hold the use of currency and wait to see what happen with  
9 the crop productions or the production in general; rice  
10 transplanting, whether it is good or not. When this production is  
11 good, then we can look on to producing currency.

12 Three, all matters in the agenda shall be explained, educated and  
13 mainstreamed during study sessions, so that people and our cadres  
14 could be well informed.

15 In particular, we need to increase the sense of solidarity among  
16 the old people or the base people and the new people and we need  
17 to educate them not to discriminate against the old or the new  
18 people. And that people at all levels, district or commune  
19 levels, had to go down to meet their people to educate them on  
20 this, personally.

21 Final item of the agenda is that the meeting ask that members who  
22 are -- were members of the Central Committee need to conduct  
23 meetings with the Zone Committee secretaries or Sector  
24 secretaries or District secretaries to see how many people will  
25 be evacuated and in each co-operative, how many peoples are



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1 needed to manage those people or how many people can be  
2 accommodated in one co-operative.

3 [15.32.12]

4 From now on, we have to enforce the co-operatives by encouraging  
5 production, to grow more crops for food, and the meeting notes  
6 that we will face several difficulties for the short period of  
7 time. For example, we will face the lack of food, medicine, and  
8 health issue would be prominent because there will be more people  
9 who have to be moved to the countryside.

10 Having noted these difficulties, the party could organize cadres  
11 of all level and military of all units to pay the minimum --  
12 rather the maximum -- attention for this issue to be resolved.  
13 Conclusion, whatever been indicated in the opening statements are  
14 not true. My position in the revolution is, as already indicated,  
15 is to serve the interest of the nation and the people. May I be  
16 heard that oppression, injustice had compelled me to devote  
17 myself to fight for my country. I had to leave my family behind  
18 to liberate my motherland from colonialism and aggression and  
19 oppression by the forces, by the thieves who wished to steal our  
20 land and wipe Cambodia off the face of the world.

21 [15.34.13]

22 We want to free Cambodia from being the servants of other  
23 countries and from -- we want to build Cambodia a society that is  
24 clean, independent without any killing of people or genocide.  
25 This is only my statement. It is only a tip of the iceberg in

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1 explaining the fact or the truth.

2 Last, but not least, I'd like to stress that Cambodians are the  
3 lovers of peace, independence, sovereignty, territorial  
4 integrity. Cambodians have built friendship with all countries  
5 based on the principle of independence, equality, mutual  
6 interests.

7 But for Vietnam, Cambodia would like to propose that Vietnam  
8 abandon its wishing to be the elder brother and start to live  
9 peacefully ever after. Cambodian people had to abandon vengeance,  
10 hatred towards Vietnam and that the spilling of the (inaudible)  
11 culture or story should be forgotten.

12 Each country prospers through its own political line. She should  
13 be able to determine her fate by herself. She should be able to  
14 support one another and help each other in one capacity as a  
15 peaceful neighbour and shall exercise mutual respect.

16 Thank you, Mr. President.

17 [15.36.17]

18 MR. PRESIDENT:

19 Thank you, Mr. Nuon Chea.

20 Security personnel are now instructed to take Nuon Chea back to  
21 his seat.

22 (The charged person is led to his seat)

23 MR. PRESIDENT:

24 [15.37.15]

25 We still have some time for this afternoon session and the Trial

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1 Chamber would like give the floor now to the defence team of Nuon  
2 Chea to continue with the brief response.

3 MR. PESTMAN:

4 Earlier today, when I asked Your Honours to continue tomorrow  
5 with the second half of our response, you said: "Show me a  
6 document which says that you were supposed to speak on Wednesday  
7 or which led you to believe that you were not to speak today, but  
8 tomorrow."

9 [15.38.00]

10 I would like to, first of all, point at document E131, the  
11 Scheduling Order, which was issued on 18th of October and which  
12 says that the Co-Prosecutor should -- the Co-Prosecutors shall be  
13 allocated a total of two days and that, subsequently, the defence  
14 will speak for -- each defence team will speak for half a day.  
15 Shortly after that scheduling order, on the 25th of October, a  
16 slightly different scheduling order was published on the website  
17 and that website says -- or that Order, Scheduling Order, says,  
18 and I quote:

19 "The Trial Chamber of the ECCC has announced that the opening  
20 statement in Case 2 against Khieu Samphan, Nuon Chea, and Ieng  
21 Sary and Ieng Thirith will commence on Monday the 21st at 9  
22 o'clock with the following schedule: Monday, opening statements  
23 by the Co-Prosecutors; Tuesday [today], opening statements by the  
24 Co-Prosecutors continues; and on Wednesday, response to opening  
25 statements by the defence teams."

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1 [15.39.16]

2 This was published on the website on 25 October and a similar  
3 schedule was published on the 7th of November on the website, and  
4 it was also hung up in Court. There's various copies of this  
5 schedule hanging in the corridors, and we took the liberty to  
6 take both the Khmer version and the English version so that you  
7 can have a look. It is on the basis of these documents that we  
8 were led to believe that we were going to speak tomorrow, but  
9 much more importantly, not only we were led to believe that we  
10 were going to speak tomorrow but also the public and the media.

11 [15.39.58]

12 People outside this Court believe -- and I think with reason --  
13 that we are going to speak tomorrow and not today. I think we  
14 should give these people to come -- the opportunity to come  
15 tomorrow and to listen to the remainder of our opening  
16 statements.

17 So I repeat my request to continue tomorrow.

18 [15.40.20]

19 MR. PRESIDENT:

20 It is regrettable that defence counsel raised an argument that he  
21 could not have sufficient time to make a brief response to the  
22 Co-Prosecutor's opening statements this afternoon.

23 On the contrary, Nuon Chea, the accused himself, had the  
24 sufficient time and ability to delay his brief response  
25 appropriately as a brief response to the opening statements of

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1 the Co-Prosecutors.

2 The Trial Chamber has already allocated the time to the defence  
3 team and if you do not wish to use that time, it is at your own  
4 decision.

5 We put aside the recognition of certain civil party lawyers,  
6 international civil party lawyers, and allowed to ask the lead  
7 co-lawyers, in particular the international lead co-lawyer, if  
8 you still have the presence of those international civil party  
9 lawyers to be recognized.

10 [15.42.59]

11 MR. PICH ANG:

12 But, Mr. President, the three international civil party lawyers  
13 are present, and, with your permission, I would like to seek  
14 their recognition before the Trial Chamber?

15 MR. PRESIDENT:

16 In order to complete this process and as requested by the  
17 international lead co-lawyer on the first stage, but it was due  
18 to the technical issue it was postponed, but now we seem to have  
19 the sufficient time to revisit that issue.

20 And pursuant to Rule 22.2(a), I'd like Mr. Pich Ang, the national  
21 lead co-lawyer, to once again, be on your feet to proceed with  
22 the request for the recognitions of a foreign lawyers who are not  
23 previously recognized by the Chamber.

24 [15.43.58]

25 MR. PICH ANG:

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1 Your Honours, also good afternoon to the prosecutors, lawyers and  
2 the general public.

3 Today there are three foreign international civil party lawyers.  
4 They have already taken the Oath before the Court of Appeals of  
5 the Kingdom of Cambodia, and today may I request that the Trial  
6 Chamber recognize the lawyers so that they can appear before this  
7 Chamber.

8 The three foreign lawyers are, Mr. Barnabé Nekuie. He is  
9 Cameroon. He is a member of the ASF and he is here as the  
10 international civil party lawyer as part of the ASF team.

11 Second lawyer is Patrick Baudouin. He is from France, from the  
12 French International Federation of Human Rights.

13 And the third lawyer is Ms. Marie Guiraud. She is also from  
14 France and from that same association.

15 [15.46.09]

16 As the international lead co-lawyer, I'd like to request to the  
17 Trial Chamber to recognize these three lawyers so that they can  
18 appear before this Chamber to present their clients.

19 Thank you, Your Honour.

20 [15.46.31]

21 MR. PRESIDENT:

22 Thank you, Mr. Pich Ang.

23 Mr. Barnabé Nekuie, Mr. Patrick Baudouin and Ms. Marie Guiraud,  
24 you are hereby recognized by this Trial Chamber as co-lawyers for  
25 the civil parties for the purposes of the trial proceedings

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1 before this Chamber.

2 Pursuant to this recognition, you enjoy the same rights and  
3 privileges as an international lawyer for civil party.

4 [15.47.10]

5 Mr. Ang Udom, you may proceed.

6 MR. ANG UDOM:

7 Good afternoon, Mr. President. Good afternoon, Your Honours. Good  
8 afternoon to everyone in the courtroom and my respect to the  
9 venerable persons in the public gallery.

10 As the time is almost about the conclusion of the afternoon  
11 session, but in order to say at that time I'd like to take this  
12 opportunity to commence my session with the President's  
13 permission?

14 [15.48.09]

15 Regarding the opening statements on the charges against Mr. Ieng  
16 Sary, the co-counsel for Mr. Ieng Sary -- that is, Michael  
17 Karnavas and myself -- will not proceed with any response or  
18 observation as proceeded by the Co-Prosecutors.

19 Let us all be reminded that the opening statements are not the  
20 evidence. Mr. Ieng Sary and the defence team strongly believe  
21 that the Trial Chamber will not rely only on the arguments raised  
22 by the prosecution in their opening statements in these two days.  
23 The reason that we decided not to make our opening statement in  
24 this proceeding does not mean we concur or agree with the  
25 arguments raised by the prosecution. That is the first point I

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1 would like to make.

2 In addition, the arguments raised in the opening statements  
3 during these two days. Are those several arguments with no facts  
4 to support or to prove them? Of course we know that the  
5 protective measure is a mechanism not to reveal the identity of a  
6 witness; however, a pseudonym or a code can be used.

7 [15.51.08]

8 We do not have the knowledge of all the documents raised in the  
9 opening statements by the prosecution and yesterday -- that is  
10 the 21st -- we sent a letter to the prosecution to tell us which  
11 documents, which witnesses, which facts, and evidence they used  
12 as arguments in their opening statements.

13 Today, the Co-Prosecutors responded in a memorandum to the  
14 defence team of Ieng Sary that those documents are in the case  
15 file and they are confident that those documents are related to  
16 the facts before us. So we can assume that those documents are  
17 already in the hands of the Co-Prosecutors so we should be  
18 allowed to know of those documents or at least to give us  
19 instructions to obtain those documents in the case file as we  
20 would not be in the position to conduct research on all those  
21 sheer volume of the documents.

22 [15.52.59]

23 In addition, those documents and witnesses rest by the  
24 Co-Prosecutors have already been recognized.

25 For the aforementioned reasons, we'd like to seek permission of



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1 the Trial Chamber to instruct the Co-Prosecutors to provide  
2 details of those documents they used in their opening statements.  
3 It cannot assume that all documents in the case file have been  
4 accepted.

5 The co-defence counsel also have no obligation to research on all  
6 those large numbers of documents in the case file and it is just  
7 a piece of cake for the prosecution to tell us the details of  
8 those documents and that would help us a great deal. And, of  
9 course, we should also look at the cooperation that we have had  
10 so far with the co-prosecutions.

11 [15.54.38]

12 That is our observation, Mr. President: that we initially do not  
13 wish to make any big response to the opening statements and,  
14 secondly, we wish to obtain the details of all those documents or  
15 witnesses that they use to support their arguments in the opening  
16 statements.

17 Thank you, Mr. President.

18 MR. PRESIDENT:

19 Thank you for allowing the Chamber to know your position and your  
20 discretion not to respond to the Co-Prosecutor's opening  
21 statements which is pursuant to Rule 89 bis 2. In that rule, it  
22 clearly states that the Accused or the defence counsel is  
23 entitled to make a brief response, which mean it is not  
24 compulsory; it is an option and it is now clear that the defence  
25 team of Ieng Sary decides not to respond.

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1 [15.56.07]

2 Also, to clarify the matter further for tomorrow proceeding, I'd  
3 like to get a clarification if Mr. Ieng Sary would like to take  
4 the floor tomorrow.

5 MR. ANG UDOM:

6 Mr. President, Mr. Ieng Sary will also not make a brief response;  
7 however, he is still of the intention to seek permission from Mr.  
8 President to read a statement that he was intending to read since  
9 the first day of the hearing, but he was denied by Mr. President,  
10 so I still seek your permission for my client to read his  
11 statement, either now or tomorrow morning; that's in place of his  
12 brief response to the opening statements.

13 MR. PRESIDENT:

14 Thank you for your clarification, Defence Counsel. The reason  
15 that the request was not entertained is for the management of the  
16 proceedings of this huge scale. The proceeding need to be  
17 strictly followed; in particular, time consumption.

18 [15.57.54]

19 The time is now right for Mr. Ieng Sary within the allocated time  
20 for your team. As per the scheduling order, there is after Nuon  
21 Chea and Nuon Chea's team, then it comes the term -- the turn --  
22 for Mr. Ieng Sary and his defence team and whatever he said when  
23 he would like to make that is his own discretion. However, the  
24 time is now almost the end of the session, and if the statement  
25 is long, then the Chamber would prefer to give him the time

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1 tomorrow morning at the commencement of the hearing.

2 Judge Cartwright would like to make some clarifications and you  
3 may proceed.

4 MR. ANG UDOM:

5 My apologies, Your Honour, for interrupting.

6 The statement intended to be read by Mr. Ieng Sary is not that  
7 long; it's about one and a half page. It may take like two or  
8 three minutes. If the President permits, it can be done at this  
9 time.

10 MR. PRESIDENT:

11 We have already decided on this issue so there is no need to rush  
12 the issue. He will have his chance tomorrow morning.

13 [15.59.33]

14 Judge Cartwright, you may proceed with clarification.

15 JUDGE CARTWRIGHT:

16 Thank you, President.

17 It was clear that -- well, it seems that the English translation  
18 of the President's comments before about the Nuon Chea defence  
19 team's wish to defer its response to tomorrow morning might have  
20 been a little clearer and I just want to clarify that the Trial  
21 Chamber has decided...has inferred that the Defence team did not  
22 wish to take the remaining part of this afternoon to respond to  
23 the Prosecutor's opening and that tomorrow the Trial Chamber will  
24 move on to Ieng Sary's statement and then Khieu Samphan's  
25 response, should he choose to make one.

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1 [16.00.44]

2 So the Nuon Chea team will no longer have any further opportunity  
3 to respond at this point. There will be other opportunities to  
4 comment at later stages in the trial.

5 Thank you.

6 MR. PESTMAN:

7 Can I just respond very quickly to that observation?

8 JUDGE CARTWRIGHT:

9 It wasn't an observation. It was a ruling.

10 Thank you.

11 MR. PRESIDENT:

12 The time is now appropriate for the adjournment for today's  
13 hearing. Therefore, the Chamber is now adjourned and it will  
14 resume tomorrow morning, starting from 9 a.m.

15 All parties and those who wish to attend, I remind you to attend  
16 before that time.

17 Security guards, you are instructed to take the accused back to  
18 the detention facility and bring them back tomorrow morning  
19 before 9 a.m.

20 The hearing is now adjourned.

21 (Charged Persons exit courtroom)

22 (Judges exit courtroom)

23 (Court adjourns at 1602H)

24

25